

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 May 8, 2017

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 7:25 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), Dan Kramer (Representing Robert Delaney and the John and Sharon Pagel Living Trust), Glenn Faus, Greg Peterson, and Marla Kunke

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion by Member Gryder, seconded by Member Kellogg, to approve the minutes from the April 10, 2017 meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

Committee reviewed the claims report. Motion by Member Gryder, seconded by Member Kellogg to approve the claims report. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

None

PETITIONS

16-14 Robert Delaney (Petitioner Requests a Layover Until June 12, 2017 Meeting)

Request: Special Use Permit to Operate an Outdoor Shooting Range

Location: 16502 Church Road, Lisbon Township

Motion by Member Gryder, seconded by Member Gilmour, to layover the petition until the June 12, 2017 meeting.

The Committee is waiting on the petitioner to submit a lead management plan. If the petitioner does not submit a lead management plan before the June meeting, the petition will be laid over again at the June meeting.

Ayes: Cullick, Gilmour, Gryder, Kellogg, and Davidson (5)

Nays: None (0)

Absent: None (0)

The motion to layover the petition carried.

16-26 John and Sharon Pagel Living Trust

Request: Rezone Property from R-1 to R-3

Location: 2380 Douglas Road (PIN: 03-15-251-009), Oswego Township

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of a map amendment rezoning 2380 Douglas Road from R-1 to R-3.

Mr. Asselmeier explained that the petitioner desires the rezoning in order to subdivide the parcel and construct an additional home on the eastern part of the property. The Kendall County Regional Planning Commission unanimously recommended denial of this request because of stormwater drainage concerns and inconsistency with development in the area because this parcel would be the only parcel on the east side of Douglas Road in this area zoned R-3. At the Zoning Board of Appeals public hearing, the petitioner invited a stormwater engineer that testified that the proposed house and yard would cause a reduction of stormwater from leaving the property. Also, the petitioner argued that any stormwater concerns about the property were site development issues and not zoning issues. The Zoning Board of Appeals recommended approval of this map amendment by a vote of 6-1. One member said that they voted in favor of the request because of the testimony of the engineer. The member that voted no said that he did not agree with having one parcel zoned R-3 while the rest of the subdivision was zoned R-1. The minimum lot size in the R-1 is 130,000 square feet; the minimum lot size in the R-3 is 45,000 square feet. Mr. Asselmeier read the findings of fact.

Mr. Kramer, representing the petitioner, discussed the stormwater drainage in the area. The location of the proposed house is the highest point on the proposed lot. The western lot would be approximately 1.7 acres and the eastern parcel would be approximately 1.2 acres. The immediate neighbors to the east and west did not object to the request. The Village of Oswego did not object to the proposal and the Township of Oswego recommended approval. The driveway will be hard surfaced. Mr. Kramer stated that two homes in the area were demolished, but the stormwater was not the only cause for the demolitions. Wolf Road is maintained by the Village and Township of Oswego.

Mr. Faus explained that he was concerned about the new home specifically; he would like the County to enforce stormwater regulations.

Ayes: Cullick, Gilmour, Gryder, Kellogg, and Davidson (5)

Nays: None (0)

Absent: None (0)

The motion carried. The proposed map amendment will be forwarded to the County Board for their May 16th meeting.

17-10 Samantha Dippold

Request: Revocation of a Special Use Permit

Location: Northwest Corner of Fox River Drive and Crimmin Road (PINs: 04-30-200-003 and 04-29-100-007), Fox Township

Motion by Member Cullick, seconded by Member Kellogg, to recommend approval of a map amendment rezoning 2380 Douglas Road from R-1 to R-3.

Mr. Asselmeier read the memo on this proposal. A special use permit was granted for the subject property in 1986. The special use permit allowed for the creation of a 42 lot residential subdivision with lot sizes smaller than normally allowed in a R-2 district. The lot sizes varied from less than one acre to 24.1 acres. Instead of granting variances, the County Board approved the entire development as a special use. The planned development did not occur and the petitioner desires to build a house on a portion of the property. Staff expressed no concerns regarding her request, but did advise that the other individuals owning property in the development seek a revocation of the special use permit.

Ayes: Cullick, Gilmour, Kellogg, and Davidson (4)

Nays: None (0)

Present: Gryder (1)

The motion carried. The proposed special use permit revocation will be forwarded to the County Board for their May 16th meeting.

NEW BUSINESS

Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2017 NPDES-MS4 Requirements

Motion by Member Kellogg, seconded by Member Cullick, to recommend approval the agreement between WBK Engineering and Kendall County for Work Related to the Submittal of the Annual Report for the 2017 NPDES-MS4 requirements.

Mr. Asselmeier read his memo regarding the proposal. The proposal is the same as the 2016 proposal with the same fee of \$1,700.

Ayes: Cullick, Gilmour, Gryder, Kellogg, and Davidson (5)

Nays: None (0)

Absent: None (0)

The motion carried. The proposal will be forwarded to the County Board for their May 16th meeting following legal review by the State's Attorney's Office.

OLD BUSINESS

Update on Billboards

Mr. Asselmeier presented the memo regarding billboards. At the December 16, 2013 PBZ meeting, discussion occurred regarding regulatory takings and the removal of billboards. Mr. Asselmeier stated that the billboard located at Hafenrichter and Route 34 was governed by a special use permit that contained a timeline. The owner has been notified and given until May 22nd to respond by either renewing the special use permit or starting the process of removing the billboard.

Update on Screening at 9111 Ashley Road

Mr. Asselmeier presented pictures of the Colorado blue spruce trees and lilac hedges planted at 9111 Ashley Road. Member Gilmour questioned the placement of lilac hedges because of concerns that they would lose their leaves and not block car lights. Member Gilmour also requested more details about the berm. Mr. Asselmeier reported that the owners have met the requirements of the special use permit. Chairman Davidson said that the owners could be invited to a future PBZ Committee meeting.

Authorize Jensen in the Amount of \$3,800 to Remove Brush Piles and Related Work in the Tanglewood Trails Subdivision

Motion by Member Gryder, seconded by Member Cullick, to recommend approval of the proposal by Jensen in the amount of \$3,800 to remove brush piles and related work in the Tanglewood Trails Subdivision.

Staff will check to see the amount of money in this fund.

Ayes: Cullick, Gilmour, Gryder, Kellogg, and Davidson (5)

Nays: None (0)

Absent: None (0)

The motion carried. The bid will be forwarded to the County Board for their May 16th meeting.

Request for Guidance Regarding Outdoor Shooting Range Regulations

Mr. Asselmeier provided information on outdoor shooting range regulations from McHenry County, Kane County, DeKalb County, Grundy County, Will County, and Lake County. Member Kellogg thanked Mr. Asselmeier for his research on the subject. Member Kellogg liked the specificity of the regulations from McHenry County; he would like to see setback regulations included. Member Kellogg also liked that Lake County included archery ranges in their regulations. Discussion occurred regarding recent court decisions related to outdoor shooting ranges. Chairman Davidson requested Committee members to review the information and the Committee will start the process of amending the ordinance at a future meeting.

Approval of Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County and the Village of Plattville and Kendall County

Mr. Asselmeier informed the Committee that the Village of Millbrook would like to amend Section 6 of the proposed Intergovernmental Agreement. They would like the Village's auto liability and general liability to be secondary coverage. The Village of Plattville will be considering the proposal at their May 15th meeting. The Committee requested that the proposal be forwarded to the State's Attorney's Office for review.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission will have a booth at PrairieFest on the Saturday of the event this summer. May is Historic Preservation month.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

Committee reviewed the revenue report.

CORRESPONDENCE

None

PUBLIC COMMENT

Greg Peterson, 16502 Church Road, asked about the Delaney gun range special use petition. The layovers will continue until they provide a lead management plan. Mr. Peterson requested clarification on the definition of expert testimony. Citizen objections to shooting ranges will require expert testimony based on recent court decisions.

Marla Kunke, 15665 Church Road, requested the County not drop the ball on the proposed gun range and make sure the regulations are specific.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Gryder motioned to adjourn, seconded by Member Cullick. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:25 p.m.

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