

**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 July 10, 2017**

**CALL TO ORDER**

The meeting was called to order by Chairman Bob Davidson at 6:33 p.m.

**ROLL CALL**

Committee Members Present: Lynn Cullick (Arrived at 6:46 p.m.), Bob Davidson, Judy Gilmour, Scott Gryder and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Greg Peterson, Todd Milliron, Jackie Kowalski, Steve Moeller, Ron Walker, Dan Kramer, Tom Tanner, Aaron Rybski, Commander Michael Peters and Deputy Commander Jason Langston

**APPROVAL OF AGENDA**

Motion by Member Gryder, seconded by Member Gilmour to move the Village of Millbrook Related Items to the first agenda item under Old Business. With a voice vote of four ayes, the motion carried. Motion by Member Gryder, seconded by Member Gilmour to approve the agenda as amended. With a voice vote of four ayes, the motion carried.

**APPROVAL OF MINUTES**

Motion by Member Gilmour, seconded by Member Gryder, to approve the minutes from the June 12, 2017 meeting. With a voice vote of four ayes, the motion carried.

**EXPENDITURE REPORT**

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

**PUBLIC COMMENT**

Greg Peterson, Minooka, thanked the Committee for their work related to outdoor shooting range regulations. He would like to see stricter regulations related to outdoor shooting ranges.

Todd Milliron, Yorkville, echoed the comments of Mr. Peterson. He believed that outdoor shooting ranges should be located in quarries or other industrial areas.

**PETITIONS**

None

**NEW BUSINESS**

*Request for Guidance Regarding 55 ILCS 5/5-12014 (c) Pertaining to Objections by Townships on Map Amendments and Text Amendments*

Member Cullick arrived at this time (6:36 p.m.)

Mr. Asselmeier read his memo regarding the topic. Discussion occurred regarding unnecessarily delaying projects if a township chooses not to comment while still providing the townships an opportunity to comment. Mr. Asselmeier will draft a resolution for the Committee to consider at its next meeting requiring the Committee to wait thirty (30) days unless comments have been provided by the township(s) prior to the end of the thirty (30) day comment period.

#### Request for Guidance Regarding Gaming Machines in Gas Stations

Mr. Asselmeier reported that the County received a request for gaming machines in a gas station near Minooka. Presently, the County follows State regulations and does not have additional regulations related to gaming machines. Gaming machines are considered accessory uses in liquor license establishments allowed to have gaming machines. The Committee requested Staff to research the regulations of neighboring counties on the subject.

### **OLD BUSINESS**

#### Village of Millbrook Related Items

Village of Millbrook Mayor Jackie Kowalski and Village Trustee Steve Moeller explained that Illinois Municipal League Risk Management Association, the Village's insurance provider, did not want the Village to carry primary auto and liability insurance for County personnel when the County did inspections on behalf of the Village of Millbrook. Mayor Kowalski proposed language reading, "Each party will maintain their own auto liability and general liability with amounts not less than \$1 Million per occurrence/\$2 Million aggregate and each would name the other as additional insured." The County will contact their insurance provider and see if an agreement can occur.

#### 9111 Ashley Road Buffering Issue

Mr. Asselmeier explained that the County received complaints of noise coming from the banquet facility at 9111 Ashley Road. In addition, the Committee previously requested that the owner of the banquet facility attend a meeting to discuss the trees and berm.

Ron Walker, Yorkville, explained that they planted thirty (30) pine trees on the property and created a berm on the northeast corner of the open lot in front of the barn; the berm extends approximately fifty feet (50') east to west and fifty feet (50') north to south. Along the south exit, a one to two foot (1'-2') berm was placed with thirty (30) lilac bushes. He and his wife attended all but one (1) of the ten (10) weddings at the venue this year. The decibel levels are checked every half hour to hour. Noise levels remain below sixty (60) dBA at all times. Twenty (20) weddings are booked for 2017 and approximately twenty-five (25) weddings are booked for 2018. Mr. Walker stated that all work is completed by 11:45 p.m. No guests are at the venue after 11:00 p.m.

Member Kellogg stated that he thought a "berm" should be taller and wider. Mr. Walker stated the height of the berm and trees were never defined. He also said that the purpose of the berm and trees were to prevent lights and sound from leaving the property and the trees and berm are blocking light and sound.

#### Hideaway Lakes Campground Discussion

Mr. Asselmeier reported that the Law, Justice & Legislation Committee requested that the special use permit be revoked due to the criminal activity and public health and safety concerns at the property. Mr. Asselmeier reported that Code Inspector Brian Holdiman inspected the property earlier this year and discovered forty-three (43) violations of the Junk and Debris

Ordinance. The owner has fixed thirty (30) of these issues and requested an additional thirty (30) days to remedy the thirteen (13) remaining issues. The consensus of the Committee was that the PBZ Department should grant the thirty (30) day extension.

Aaron Rybski, of the Kendall County Health Department, discussed the violations to health related ordinances. The violations include a septic issue, public health nuisances (junk and backflow prevention issues) and drinking water regulations. The next inspection is July 27<sup>th</sup>.

Attorney Dan Kramer spoke on behalf of Tom Tanner and stated Mr. Tanner has replaced ninety percent (90%) of the anti-siphon devices on all water risers, replaced ninety percent (90%) of the caps on sewer openings, removed tires, caps and risers installed on septic tanks and pumped the septic system as requested. Mr. Tanner, Yorkville, explained that most the work is finished. Mr. Rybski will send Mr. Asselmeier a copy of the report following the July 27<sup>th</sup> inspection.

Commander Michael Peters of the Kendall County Sheriff's Department discussed the Pavlik Report on the activities at Hideaway Lakes. The calls for service included drug overdoses and domestic disputes. Approximately seventy-seven (77) vehicles are registered at the property. Some of the people at the campgrounds appear to be residing at the campground year-round. The Sheriff's Department is not informed of events and festivals at Hideaway Lakes.

Member Gryder asked if the special use permit allows events. Mr. Asselmeier responded that the special use permit allows for campgrounds.

Member Gilmour asked about arrests at the property. Commander Peters did not have arrest numbers.

Attorney Kramer explained the history of how the property became a campground. He requested the names of problem individuals. People cannot stay longer than four (4) months at a time. Mr. Tanner stated only one (1) overdose occurred in 2016. He expressed concerns regarding the Sheriff's Department patrolling the campground and counting those patrols as "service calls."

Chairman Davidson asked about street signs and numbering in the campground. Mr. Tanner installed street signs and is working on numbers at each trailer spot; he is approximately halfway finished with the numbers.

Mr. Tanner said he was allowed a maximum four thousand six hundred (4,600) people in the campground.

Mr. Tanner did not believe that seventy-seven (77) vehicles were registered at the property.

Member Kellogg asked about campers using the address for mail and vehicle registration. Mr. Tanner said they could register at that campground address, but not live there full-time.

Chairman Davidson asked about the school bus picking up kids. Mr. Tanner said that he restricts the number of people living in a trailer, but he cannot prevent kids from staying in the trailers.

#### Amendments to Outdoor Shoot Range Regulations

Mr. Asselmeier read his memo on the subject. He noted that no members of the County Board submitted comments to date; the Sheriff's Department submitted comments. Mr. Asselmeier noted that all of the existing ranges did not meet the requirements of the proposal. The State Park may also need to be exempted. The suggestion was made to lower the uninhabited downrange safety area for rifles with more or equal power to a .22 long rifle to seven thousand feet (7,000') and that baffles be constructed in such a way that bullets shot over the targets would not leave the site. The hours of operation need to be finalized. Noise regulations and road classification requirements are still required. Discussion occurred regarding whether ranges must be one thousand feet (1,000') from existing dwellings or one thousand feet (1,000') from setback lines. Clarification is needed related to down-range distances and including slugs in the definition of rifles. Discussion occurred regarding the distinction between tactical and stationary shooting; this portion of the regulations need to be finalized. The proposal will be back on the agenda at the August meeting.

#### Noxious Weed Related Procedures

Mr. Asselmeier read his memo on the subject. The State wants the County to designate someone as Noxious Weed Superintendent. The Thistle Commissioners for each township could be the County's Noxious Weed Superintendents. Mr. Asselmeier will send a letter to the townships on the subject. A list of noxious weeds will be provided at a future meeting.

#### **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

None

#### **REVIEW PERMIT REPORT**

The Committee reviewed the permit report. Fourteen (14) homes have been permitted in the unincorporated areas; there were eight (8) new homes built this time last year.

#### **REVIEW REVENUE REPORT**

The Committee reviewed the revenue report. Motion by Member Cullick, seconded by Member Gryder, to approve the Permit and Revenue Reports. With a voice vote of five ayes, the motion carried unanimously.

#### **CORRESPONDENCE**

June 20, 2017 Letter from Daniel J. Kramer RE: Delaney Public Hearing Shooting Range Petition 16-14

June 27, 2017 Email from Robert Velazquez RE: Petition Withdrawal Email

Mr. Asselmeier reported that Mr. Delaney and Mr. Velazquez withdrew their applications for their respective special use permits.

Correspondence Related to Banquet Facility at 1996 Johnson Road

Mr. Asselmeier stated that the Planning, Building and Zoning Department received a letter dated July 5, 2017, from Daniel J. Kramer and a police report from the Sheriff's Department regarding a call from a neighbor of the banquet facility at 1996 Johnson Road. No noise violations were found during the investigation.

Correspondence Related to Alleged Zoning Violation at 14207 Church Road

Mr. Asselmeier reported that the County Board members received an email on June 18, 2017. The address in question was found to be 14207 Church Road. The complaint stated that firearm classes were planned for the later in July at the site. Mr. Asselmeier stated that the classes have been removed from the website and that the owner is working with the class organizer to get the Groupon coupon removed from the Internet.

**PUBLIC COMMENT**

Todd Milliron, Yorkville, offered suggestions related to the insurance issue with Millbrook.

**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 8:10 p.m.

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