

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 August 7, 2017

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:37 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), Scott Koeppel (Acting County Administrator), Matthew Prochaska (County Board Member), Jeff Neisler, Tom Schnabel and Jim Moyer

APPROVAL OF AGENDA

Motion by Member Cullick, seconded by Member Gilmour, to approve the agenda with amendments moving the July 11, 2017 Email from Joe Phillips RE: Kendall County Gunrange Regulations, the July 11, 2017 Letter from Donna McDonald RE: Alleged Zoning Violation at 14207 Church Road and the July 13, 2017 Emails RE: Ordinance Regulating the Discharge of Firearms in Unincorporated Kendall County to before Petitions. With a voice vote of five ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Cullick, seconded by Member Gilmour, to approve the minutes from the July 10, 2017 meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

Committee reviewed the claims report. Member Gryder requested an update on the Joliet Park Project. Mr. Asselmeier stated that the project continues to progress. Motion by Member Cullick, seconded by Member Gryder, to approve the claims report. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

None

CORRESPONDENCE

July 11, 2017 Letter from Joe Phillips RE: Kendall County Gun Range Regulations

Mr. Phillips expressed concerns related to distance requirements of gun ranges from homes, the type of roadways where gun ranges could locate, stating in the special use permit the types of firearms allowed at the gun range and providing a statement regarding the revocation of a special use permit if the restrictions were not followed.

July 11, 2017 Letter from Donna McDonald RE: Alleged Zoning Violation at 14207 Church Road

Mr. Asselmeier reported that the County Board members previously received an email on June 18, 2017 regarding this issue. Mr. Asselmeier stated that the classes have been removed from the website.

July 13, 2017 Emails RE: Ordinance Regulating the Discharge of Firearms in Unincorporated Kendall County

Mr. Asselmeier reported that the Court Board members previously received an email on July 13th regarding this issue. The senders requested that Kendall County adopt similar language as McHenry County as allowed by State law. Member Gryder asked about the definition of residential area. Mr. Asselmeier stated that the term was not defined by zoning, but rather by State law.

Chairman Davidson requested the distance requirements for hunting near a residential area.

PETITIONS

Petition 17-14-Kendall County Zoning Board of Appeals Requested a Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance Amending the Guidelines for the Calling of Meetings on Items that Require a Public Hearing and for the Calling of Meetings on Items that do not Require a Public Hearing as Defined by State Law

Mr. Asselmeier read his memo regarding the topic. To date, no members of the public or townships expressed an opinion on this proposal. All of the advisory boards unanimously recommended approval of the proposal. The State's Attorney's Office offered several minor changes to the proposal and recommended that the County amend the notification requirements of hearings in the near future.

Member Cullick stated that she did not believe the proposal was necessary.

Member Gryder stated that he did recall a situation where reduced notice was necessary.

Mr. Koeppel asked if the Zoning Board of Appeals members needed to be paid if no hearing occurred. Mr. Asselmeier said yes, the Zoning Board of Appeals members would be paid for meetings.

Member Gilmour expressed concerns that members of the public were unaware of meetings.

Member Kellogg echoed Member Gilmour's concerns.

Motion by Member Cullick, seconded by Member Davidson, to recommended approval of the text amendment as proposed.

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

This matter will go before the Committee of the Whole on August 10th.

Petition 17-15-Kendall County Zoning Board of Appeals Requested a Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance Reducing the Number of Votes Required for the Zoning Board of Appeals to Reverse any Order, Requirement, Decision or Determination of the Zoning Administrator, or to Decide in Favor of the Applicant any Matter upon which It Is Authorized by the Ordinance to Render Decisions from Four to Three on Boards Consisting of Five Members and From Five to Four on Boards Consisting of Seven Members

Mr. Asselmeier read his memo regarding the topic. The proposed amendment brings the Zoning Ordinance in line with State law. All of the advisory boards unanimously recommended approval of the proposal. To date, no members of the public or any township expressed an opinion on this proposal.

Member Gilmour asked if State law allows the County to have a different number. Mr. Asselmeier said that State law states four (4), the law does not say a minimum of four (4).

Member Gilmour asked how frequently the Zoning Board did not have enough members to vote. Mr. Asselmeier said that it is rare for the Zoning Board not to have five (5) members present.

Member Gryder suggested merger the Planning Commission and Zoning Board of Appeals.

Mr. Koeppel said that the County has to pay to public notice pay the Zoning Board of Appeals members to attend meetings.

Motion by Member Kellogg, seconded by Member Gryder, to recommended approval of the text amendment as proposed.

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

The motion passed. This matter will go before the Committee of the Whole on August 10th.

Petition 17-16-Kendall County Zoning Board of Appeals Requested a Text Amendment to Section 13.06.D of the Kendall County Zoning Ordinance Reducing the Number of Votes Required for the Zoning Board of Appeals to Reverse or Affirm, Wholly or Partly, or May Modify the Order, Requirement, Decision or Determination of the Zoning Administrator from Four to Three on Boards Consisting of Five Members and From Five to Four on Boards Consisting of Seven Members

Mr. Asselmeier read his memo regarding the topic. The proposed amendment brings the Zoning Ordinance in line with State law. To date, no members of the public or any township expressed an opinion on this proposal. All of the advisory boards unanimously recommended approval of the proposal.

Chairman Davidson suggested eliminating this section. The Committee cannot take action to eliminate the section; Chairman Davidson suggested tabling the matter until September.

Motion by Member Gryder, seconded by Member Cullick, to table the proposal until the September meeting. With a voice vote of five ayes, the motion passed unanimously.

Petition 17-20-CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner)
Requested a Special Use Permit to Operate a Grain Storage Operation at 14676 Route 47,
Newark (PIN: 08-16-400-007); Southeast Corner of Illinois Route 47 and U.S. 52 In Lisbon
Township

Mr. Asselmeier read his memo regarding the topic. The proposed special use permit would allow the prospective lessee to operate grain storage business at the subject property. Mr. Asselmeier read the proposed restrictions and mentioned that the Kendall County Regional Planning Commission recommended the special use permit expire in one (1) year and recommended a waiver of the application fee of One Thousand, One Hundred Fifty-Five Dollars (\$1,155) because the site plan would change after the completion of the Route 47 widening project. Mr. Asselmeier also expressed the Kendall County Regional Planning Commission's concerns regarding traffic circulation near the property.

Jeff Neisler stated that they desire to create a container business at this location. Mr. Neisler said that the traffic concerns will be addressed upon completion of the Route 47 widening project.

Chairman Davidson and Member Kellogg expressed objections to the one (1) year renewal requirement.

Member Gilmour asked the nature of Mr. Neisler relationship to the project. Mr. Neisler said that he would be the manager of the site. CHS-Elburn desires to lease the property from NGH Farms, LLC, which owns the property.

Member Gryder asked if the special use ran with the land, regardless of the lease. Mr. Asselmeier said that whoever owns the land will inherit the special use.

Member Gryder asked if there will be an entrance on U.S. 52. Mr. Neisler said that there will not be an entrance on U.S. 52.

Member Gryder asked why the restriction regarding occupancy permits was proposed. Mr. Asselmeier stated that the building permits for existing structure were for the Hamman's personal use and not for a larger agricultural use. In addition, the other businesses that possess similar special use permits were required to obtain occupancy inspection and were not considered agriculturally exempt.

Member Kellogg suggested that the twenty-four (24) hour requirement for the breakdown of equipment needed to be changed to two (2) business days to allow time to get parts and fix equipment.

Member Kellogg asked if signage was adequate. Mr. Neisler said that he would like to see an illuminated sign and have a six foot by seventeen foot (6'X17') sign in addition to the signage allowed in the ordinance.

Motion by Member Cullick, seconded by Member Kellogg, to recommended approval of the special use permit with the following changes:

1. The timeframe to remove impacted containers shall be within two (2) business days.
2. The timeframe when containers can be separated from chassis shall be no longer than two (2) business days.
3. The requirement that the special use permit shall last for one (1) year was removed.
4. The owner of the business allowed by this special use permit may install a thirty-two (32) square foot illuminated sign on the property.
5. The owner of the business allowed by this special use permit may install an illuminated sign six foot by seventeen foot (6'X17') on the leg tower.

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

The motion passed. This matter will go before the County Board on August 15th.

NEW BUSINESS

Renewal of Mobile Home Permits: 10825B Corneils Road

Mr. Asselmeier reported mobile home permits are required to be renewed and approved annually by the County.

Motion by Member Gryder, seconded by Member Kellogg, to approve of the mobile permit as proposed.

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

The motion passed.

Mr. Asselmeier reported that today (August 7th) was the deadline for receiving mobile home application renewals. Those mobile homeowners that have not renewed will be sent a follow-up letter.

Discussion of Reviewing Special Uses in the A-1 Agricultural Zoning District

Mr. Asselmeier read his memo on the subject. Chairman Davidson suggested that the list of special use permits in the A-1 District should be evaluated and that the land along Route 47 should be evaluated for use. Member Kellogg requested that Staff prepare a table showing the number of issued permits for each special use.

OLD BUSINESS

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. Discussion occurred regarding including archery ranges in the regulations; the consensus of the Committee was to remove archery ranges from the proposal. The downrange safety area for ranges with unfixed targets was clarified. The firing line must be at least one thousand five hundred feet (1,500') from adjoining property lines. The insurance amount was set at Ten Million Dollars (\$10,000,000).

Motion by Member Kellogg, seconded by Member Cullick, to start the adoption process of the proposal after review by the State's Attorney's Office. With a voice vote of five ayes, the motion passed unanimously.

Approval to Sign and Send Letter RE: Illinois Noxious Weed Law to Mayors and Township Supervisors

Mr. Asselmeier read his memo on the subject. The Committee suggested that the letter should come from County Board Chairman Gryder.

Motion by Member Gryder, seconded by Member Cullick, to recommend sending the letter to the Committee of the Whole with Chairman Gryder listed as the signatory. With a voice vote five ayes, the motion carried.

This matter shall go to the Committee of the Whole on August 10th.

Village of Millbrook Related Items

Mr. Asselmeier read his memo on the subject. 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." Mr. Asselmeier outlined the other options related to this proposal. The consensus of the Committee was to cease providing services in Millbrook. The Planning, Building and Zoning Department shall close-out the open permit applications in Millbrook.

Approval of Memo from PBZ Chairman to County Board Chairman Regarding 55 ILCS 5/5-12014 (c) Pertaining to Objections by Townships on Map Amendments and Text Amendments

Mr. Asselmeier read his memo regarding the topic. The Committee did not express a formal opinion on the matter.

Review of Memo Regarding Gaming Machines in Gas Stations in Neighboring Counties

Mr. Asselmeier read his memo on the subject.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

At the August 1st County Board meeting, the Board approved changing the permanent meeting date of the Historic Preservation Commission from the third Wednesday of the month at 7:00 p.m. to the third Monday of the month at 6:30 p.m. starting in August 2017.

REVIEW PERMIT REPORT

The Committee reviewed the permit report. Nineteen (19) 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. Revenues are down from this time last year.

Mr. Koepfel reported that the draft PBZ Department budget will be reviewed by the Finance Committee at an upcoming meeting.

CORRESPONDENCE

July 14, 2017 Letter to Arthur A. Hrvatin, Jr. RE: Potential Stormwater Management Ordinance Violation at the Southwest Corner of the Intersection of Frazier Road and Sandy Bluff Road

Mr. Asselmeier stated that he met with Mr. Hrvatin during the previous week. Mr. Hrvatin stated that he stopped bringing in dirt. The Kendall County Stormwater Consultant is reviewing the information to see if further action is necessary.

July 17, 2017 Letter to Patrick Benes from the Village of Oswego RE: Stormwater at 2575 Wolf's Crossing (Adjacent to Churchill Club Subdivision)

Mr. Asselmeier summarized the letter. He noted that the forty-five (45) day response deadline would be near Labor Day weekend. Also, the residents that spoke to the County Board on this matter requested and were forwarded a copy of the letter.

July 25, 2017 Letter to Kendall County Regional Planning Commission from State's Attorney Eric Weis RE: Kendall County Forest Preserve District Compliance

Mr. Asselmeier summarized the letter.

Notice of Stormwater Management Oversight Committee Meeting RE: City of Plano Variance Request for Foli Park Project

Mr. Asselmeier read the notice.

PUBLIC COMMENT

Tom Schnabel, Ashley Road, discussed the banquet facility 9111 Ashley Road. He stated that the owners of the banquet facility installed a small berm and several trees, some of which are dying. The facility produces noise from music and people talking late into the evening. The facility also produces bass. The berm and trees are not blocking noise. The noise disturbs the peace of his family during the weekends and they are trying to sell their house. Mr. Schnabel would like to see the County improve enforcement of the special use permit.

Jim Williams, Boulder Hill, expressed concerns about the decline of Boulder Hill. He talked about the Boulder Hill Civic Association's powers and the decline of that organization. Mr. Williams mentioned a house with several derelict vehicles; there are four (4) homes for sale in the vicinity of that house. He asked if a ride-along program existed in the Planning, Building and Zoning Department. Member Gryder asked if the County could do anything to address Mr. Williams' concerns. Mr. Asselmeier said that the County could adopt a property maintenance code or landlord licensing.

COMMENTS FROM THE PRESS

None

Member Kellogg left the room at this time (8:49 p.m.)

EXECUTIVE SESSION

Motion by Member Cullick, seconded by Member Gilmour, to enter into executive session to discuss Planning, Building and Zoning Department personnel matters as allowed by 5 ILCS 120/2 (c)(1).

Ayes (4): Cullick, Davidson, Gilmour and Gryder
Nays (0): None
Absent (1): Kellogg

The motion passed at 8:50 p.m.

Motion by Member Cullick, seconded by Member Gryder, to return into open session

Ayes (4): Cullick, Davidson, Gilmour and Gryder
Nays (0): None
Absent (1): Kellogg

The motion passed at 9:00 p.m.

ADJOURNMENT

Member Cullick motioned to adjourn, seconded by Member Gryder. With a voice vote of four ayes, Chairman Davidson adjourned the meeting at 9:00 p.m.

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