

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 September 11, 2017

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 (arrived at 6:55 p.m.) and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Bill Kunke, Patrick Cook, Robert Schneider, Tom McNelis, Nick Wills, Amber Wills, Ken Hostert, William Page, Mark Page, Brian Davis, Daniel Hickey, Tom Schnabel, Matt Ivory, Thomas Barone, Peter Pasteris, Jackie Kowalski, Tom Tanner and Dan Kramer

APPROVAL OF AGENDA

Motion by Member Kellogg, seconded by Member Cullick, to approve the agenda as amended by moving Petition 17-16 to after the second item under Old Business. With a voice vote of four ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Gilmour, seconded by Member Kellogg, to approve the minutes from the August 7, 2017 meeting. With a voice vote of four ayes, the motion carried.

EXPENDITURE REPORT

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

Mr. Asselmeier reported that Scott Koeppel wanted to know if the Committee still desired to receive the expenditure report because the bills listed in the report have already been paid. The consensus of the Committee was to continue receiving the expenditure report.

PUBLIC COMMENT

Bill Kunke, Minooka, discussed the August 7, 2017 letter to Carlos and Tracy Davis RE: Potential Stormwater Management Ordinance Violation at 15875 Ridge Road. Mr. Kunke is a neighbor and he is concerned about the quality of the dirt dumped at the site. He is also concerned that the dirt will get into the Aux Sable Creek and cause flooding problems to his farm, house and well downstream of the site and the drainage area in general. Mr. Davidson asked if the property is a wetland. Mr. Kunke said the land was a drainage flow area. Mr. Davidson said that the Committee will see if the property is a wetland and amount of dirt dumped at the site.

PETITIONS

Petition 17-19-Pulte Group Representing Dave Hamman Requested a Renewal of the Special Use Permit Granted by Ordinance 2004-43 Allowing the Placement of a Commercial Off-Premise Advertising Structure (Billboard) on the Parcel Identified as 03-01-127-006 and Revoking the Special Use Permit for the Placement of a Commercial Off-Premise Advertising Structure (Billboard) on the Parcel Identified as 03-01-127-004 and Located in the 600 Block of Route 34 on the East Side of the Street at the Corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

Mr. Asselmeier summarized the request. The Pulte Group would like to renew the special use permit for a billboard at the property identified by parcel identification number 03-01-127-006 and revoke the special use permit for a billboard on the property identified by parcel identification number 03-01-127-004. This proposal applies to the sign advertising the Pulte Development. The proposal does not include the big billboard on the property 03-01-127-004. Staff is still searching for the ordinance that allowed that billboard. The existing special use permit required the sign to be renewed every three (3) years. The sign was moved to get into compliance with the Kendall County signage regulations; the Pulte Group is required to get a building permit because the sign was relocated.

Oswego Township expressed no opposition to this proposal. The City of Aurora has not submitted comments on this proposal. ZPAC unanimously recommended approval of the proposal provided that the placement requirements of the Zoning Ordinance were met. The Kendall County Regional Planning Commission unanimously recommended approval at their meeting. The Special Use Hearing Officer recommended approval of the proposal with Staff's recommended restrictions.

Mr. Asselmeier listed the recommended conditions proposed by Staff:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
6. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
7. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.

8. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Patrick Cook, representing Pulte Group, stated that he was in attendance to answer questions.

Motion by Member Cullick, seconded by Member Kellogg, to recommended approval of the special use permit with the conditions proposed by Staff.

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

The motion passed. This matter will go before the County Board on September 19th.

Petition 17-21-Tom McNelis Requested a Map Amendment Rezoning Property in the 14000 Block of Budd Road on the North Side of Budd Road and Identified by Parcel Identification Number 04-15-200-023 in Fox Township. Petitioner also Requested a Conditional Use Permit for a House on Less than Forty (40) Acres on Property Zoned A-1 if the Map Amendment is Denied

Mr. Asselmeier summarized the request. The petitioner desires to rezone the property from A-1 to R-1 in order to be able to construct a house on the property in the future. No timeline exists for constructing a house and the property is for sale. The property is less than forty (40) acres and does not have a housing allocation; a house cannot be constructed on the property at the present time.

Fox Township expressed no opposition to the proposal. The Village of Millbrook expressed no opposition to the proposal. The United City of Yorkville expressed no opposition to the proposal. ZPAC unanimously recommended approval of the proposal. The Kendall County Regional Planning Commission suggested that the petitioner obtain a conditional use permit instead of a map amendment. Commissioners did not express object to the construction of a home on the property, but they had concerns about having one (1) R-1 zoned property surrounded by A-1 zoned property. The Planning, Building and Zoning Committee could award a conditional use permit instead of issuing a recommendation on the map amendment. The Zoning Board of Appeals unanimously recommended approval of the map amendment. The consensus was the map amendment was better option than the Conditional Use Permit.

Motion by Member Gilmour, seconded by Member Cullick, to recommended approval of the map amendment.

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

The motion passed. This matter will go before the County Board on September 19th.

Petition 17-22-Stor Mor, Inc. Requested a Major Amendment to the Special Use Permit Granted by Ordinance 2016-15 Allowing an Enclosed Self Storage Facility and Outdoor Storage Facility at 1317 Route 31 and Identified by Parcel Identification Numbers 03-07-278-011, 03-07-278-010 and 03-07-278-009

Mr. Asselmeier summarized the request. Stor Mor, Inc., represented by Robert Schneider, requested four (4) amendments to their special use permit. The petitioner would like to construct one (1) 1,650 square foot building, one (1) 4,300 square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed 4,300 square foot building. In addition the restrictions listed in the proposal, Staff requested that a condition be added to the special use permit revoking the special use permit portion of Ordinance 76-6 which granted a special use permit for storage on the northern portion of the property.

Scott Gryder arrived at this time (6:55 p.m.)

Oswego Township had no objections to the proposal. The Village of Montgomery has not submitted any comments on the proposal. ZPAC requested that the petitioner confirm with the Oswego Fire Protection District that sprinklers would not be required in the new building; ZPAC unanimously recommended approval of the proposal. The Kendall County Regional Planning Commission unanimously recommended approval of the proposal.

Mr. Asselmeier listed the proposed conditions on the special use permit:

1. Ordinance 2016-15 is hereby repealed.
2. The special use provisions of Ordinance 76-6 for parcel 03-07-278-010 are hereby repealed. The property will remain zoned B-2.
3. The property will be developed in accordance with the site plan.
4. A building permit shall be secured prior to construction of the proposed storage buildings.
5. Prior to the issuance of a building permit, the Oswego Fire Protection District should approve that the dead end access drive will not require a turnaround for emergency vehicles.
6. Prior to the issuance of a building permit, the Oswego Fire Protection District should confirm whether or not the proposed structures require sprinklers.
7. A stormwater management permit shall be secured prior to the development of the property.
8. The outdoor storage and expansion of the enclosed self-service storage facility shall be effectively screened from adjacent properties as proposed by the applicant.
9. Office hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Mondays through Saturdays and gate hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. every day.
10. No more than sixteen (16) vehicles may be stored on site at a time.

11. All vehicles stored on site shall be located within a designated stall.
12. All lighting shall comply with Section 11 of the Kendall County Zoning Ordinance. The lighting installed on the 4,300 square foot building shall face north and the lighting installed on the 1,650 square foot building shall face east.
13. The business allowed by this special use permit shall follow all applicable Federal, State and Local laws related to the operation of this type of business.
14. Failure to comply with the above restrictions and conditions shall be interpreted as a violation of the Zoning Ordinance of Kendall County and could result in the revocation of the special use permit or other legal actions.
15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid (New Restriction).

Mr. Asselmeier noted that Mr. Schneider owned the property to the south area screened by vegetation.

Discussion occurred regarding setting the size of the pine trees at five feet (5') at the time of planting.

Motion by Member Kellogg, seconded by Member Gryder, to recommended approval of the special use permit with the conditions proposed by Staff and the additional condition that the evergreen trees be a minimum five feet (5') feet in height at the time of planting. The petitioner may substitute evergreens and spruce trees for hawthorn, crabapple and dogwood trees. Mr. Schneider agreed to this amendment.

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 September 19th.

Petition 17-24-City of Plano, Illinois Requested a Variance to the Kendall County Stormwater Management Ordinance for Improvements at Foli Park (Parcel Identification Number 01-27-276-002)

Mr. Asselmeier summarized the memo on the subject. The City of Plano desires to create a multi-use path, pavilion and other Americans with Disabilities Act compliant amenities at Foli Park. The proposed project will create approximately 0.62 acres of impervious surface; a total of approximately 1.26 acres of impervious surface would be located at the site if the variance is approved and the project is developed as proposed.

Mr. Gryder noted that a public hearing on this proposal had been held on September 5th and no comments were received.

Motion by Member Kellogg, seconded by Member Gryder, to recommended approval of the variance to Section 203.1 of the Kendall County Stormwater Management Ordinance with the conditions proposed by Staff.

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 September 19th.

Petition 17-25-Nick and Amber Wills Requested a Conditional Use Permit to Allow a Mobile Home for ECHO Housing at 14281 Anderson Road (Parcel Identification Number 07-16-200-019) in Big Grove Township

Mr. Asselmeier summarized the request. The petitioners wish to place a mobile home to care for their elderly grandparents on their property which is zoned A-1. The application meets the requirements of the Kendall County Zoning Ordinance and will not interfere with Anderson Road or neighboring properties.

Motion by Member Cullick, seconded by Member Gilmour, to approve the conditional use permit with the conditions proposed by Staff.

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

The motion passed.

Petition 17-26-Charles and Carol Allen Requested the Revocation of a Special Use Permit Awarded by Ordinance 2007-18 Allowing Agricultural Labor Housing (Mobile Home) at 3875 Van Dyke Road (Parcel Identification Number 09-04-300-016) in Seward Township

Mr. Asselmeier summarized the request. The property owners no longer want the agricultural labor housing on their property.

Motion by Member Cullick, seconded by Member Gilmour, to recommended revocation of the special use permit as requested by the property owners.

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 September 19th.

Petition 17-27-Brian Davis and Brooke Davis Requested a Conditional Use Permit for a Single-Family Dwelling on Property Less than Forty (40) Acres in Size in the A-1 District at 8025 Route 126, Yorkville (Parcel Identification Number 05-10-200-002)

Mr. Asselmeier summarized the application. The petitioners are working on divorce settlement and both parties wish to divide the property. Mr. Davis wishes to construct a home on Parcel 1.

The property is zoned A-1 and meets the requirements of the Zoning Ordinance for having a home on less than forty (40) acres because of the trees and slopes.

Mr. Kramer explained that the his client believes that they have a lawful parcel, per the Illinois Plat Act, and that the conditional use permit should not have a restriction tying the size and frontage of Parcel 2 to the conditional use permit. Mr. Kramer indicated that the property owners will seek a variance for the size and frontage of Parcel 2.

Motion by Member Cullick, seconded by Member Gryder, to approve the conditional use permit with the conditions proposed by Staff except for the condition requiring Parcel 2 to obtain variances prior to the issuance of a building permit for a house on Parcel 1.

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

The motion passed.

NEW BUSINESS

Renewal of Mobile Home Permits: 13443 Fennel Road (Lillian Schallhorn/Cindy Harney)

Mr. Asselmeier reported mobile home permits are required to be renewed and approved annually by the County and this permit meets all applicable requirements.

Motion by Member Cullick, seconded by Member Gryder, 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.

Renewal of Mobile Home Permits: Request for Guidance RE: Mobile Home at 1072 Tyler Road

Mr. Asselmeier reported that all of the mobile homes requiring permits have secured their permits or are working their way through the process except for the mobile home at 1072 Tyler Road. Staff sent the applicant two (2) letters, one (1) certified, return receipt and the other one (1) by regular mail. Staff has received no correspondence from the owner. Staff requests guidance on the matter.

The consensus of the Committee was to place sending the issue to the State's Attorney's Office on the next Planning, Building and Zoning Committee agenda and informing the property owner that the item will be on the agenda for that meeting.

Discussion of Banquet Facility at 1998 Johnson Road

Staff provided a copy of the special use permit and two (2) complaints regarding the banquet facility at 1998 Johnson Road.

Thomas Barone, Johnson Road, expressed his opposition to the noise and increased traffic caused by the banquet facility. His family was not notified of the hearings because they lived further than five hundred feet (500') from 1998 Johnson Road.

Daniel Hickey, Johnson Road, stated that Johnson Road is fairly quiet road. Traffic and noise from the wedding venue have increased and can be heard from the front porch and inside his house. Bass travels through the house. He asked that the notification range for special use permits be extended. He requested that noise measure equipment be installed near the venues.

Matt Ivory, Johnson Road, agreed with Mr. Barone and Mr. Hickey.

Tom Schnabel, Ashley Road, said banquet facilities are detrimental to neighborhoods and create noise.

Dan Kramer stated that the owners of 1998 Johnson Road followed the notification requirements and test the noise levels frequently. The noise readings met the requirements of the special use permit. He stated that the owners installed air conditioning. They installed their own sound systems to control noise levels. He also stated that neighbors closer to 1998 Johnson Road have not expressed objections to the facility.

Pete Pasteris, owner 1998 Johnson Road, stated they installed a sound system that disc jocks must plug into so that he, as owner, can control the noise level. When he tested noise during the weekend, he did not hear music at the end of the property.

Mr. Kellogg asked about his two hundred (200) people maximum capacity. He stated that several wedding websites list the maximum capacity as four hundred (400). Mr. Pasteris responded that a tent can hold four hundred (400) people, but they never have that many people at their property on Johnson Road. Mr. Kellogg advised Mr. Pasteris to contact the wedding websites and get that figure corrected. Mr. Pasteris said that he would look into the matter and get it corrected.

Ms. Gilmour asked how many events they have at the venue for the coming season. Mr. Pasteris responded that they have approximately forty (40) events scheduled for next year. Events are held on Fridays, Saturdays and Sundays on holiday weekends. The first event is scheduled for the last Saturday in April and the last event is scheduled at the end of October. Mr. Kellogg pointed out that the special use permit stated that events cannot start until May 1st. Mr. Asselmeier will send Mr. Pasteris a copy of the special use permit.

The consensus of the Committee was to have Staff review the special use permit for 1998 Johnson Road. The Committee will also give the owner thirty (30) to sixty (60) days to see if the new sound system quiets the music.

Request for Guidance RE: Southfield Estates Flooding Issue

Mr. Asselmeier summarized the issue. According to WBK the estimated cost to investigate the issue is Seven Thousand Dollars (\$7,000).

Mark Page, Winchester Court, explained his concerns and presented the history of the area. The area is receiving more water than previously received. Water is now approaching his basement and it is difficult to mow after a rain. Discussion occurred regarding drainage districts cleaning out culverts.

Ken Hostert, Na-Au-Say Township Road Commissioner, said that the Township is working on water issues by cleaning out some of the drainage easements and fixing drainage tiles. He questioned the elevations shown on the site plans and the actual elevations in existence today. He wants the County to require as-builts and grading plans when the houses are built.

Discussion occurred about the maintenance of the pond. The homeowners' association should be responsible, but the homeowners' association in Southfield Estates is defunct. The pond is privately owned. Mr. Page gave the County verbal permission to enter his property.

The consensus of the Committee was that Highway Department should evaluate the elevation of the overflow. This matter was referred to the Highway Committee.

By consensus, the Committee amended the agenda to move the Village of Millbrook related items and the Hideaway Lakes related items to this point in the meeting.

OLD BUSINESS

Village of Millbrook Related Items

Mr. Asselmeier read the language proposed by the Village of Millbrook.

The Village of Millbrook would like a continuation of the agreement dated October 20, 2015 with the following changes (RMA is Illinois Risk Management Risk Management Association):

1. Zoning Issues: these are a normal exposure for a municipality and while we would not typically agree to do so, in this case, we are willing to assume the risk if the county performs the duties on behalf of Millbrook.
2. Auto Liability: The coverage typically follows the vehicle owner and we do not want to get into a position where we are insuring the County's drivers, vehicles, or auto liability. RMA is not willing to provide auto liability coverage to the County.
3. Defend/hold harmless/additional insured: RMA is willing to defend, hold harmless, and additional insure the County, only with respect to zoning (not auto liability). However, it is important to note that the coverage we are providing is subject to our normal terms, conditions, and exclusions and we do have exclusions related to zoning as follows:
 - a. Exclusion L in RMA 3 (Liability Exclusions) excludes liability arising out of zoning or land use determinations.
 - b. Exclusion 4 in RMA 4 (Public Officials/Employees Liability) excludes "claims, demands, or actions seeking relief or redress in any form other than money damages"
 - c. Exclusion 7 in RMA 4 (Public Officials/Employees Liability) also excludes liability arising out of zoning or land use determinations.
4. Choice of Counsel: RMA is not willing to allow the County their choice of counsel. If we name them additional insured and it becomes necessary to defend them in a covered suit, we will pick the counsel.

Mayor Kowalski proposed changing paragraph 6 and adding the language in the previous paragraph.

Ms. Cullick stated that she does not favor the amendment; she does not believe that the County should be primary coverage for auto liability.

Ms. Cullick asked what the additional insurance cost is. This information was not provided in the meeting and will be supplied in the future.

Mr. Kellogg asked if the Committee favored the continuation of providing this service in Millbrook. Mr. Kellogg was in favor of doing inspection; Ms. Cullick was not in favor under the current proposal. Ms. Gilmour and Mr. Davidson were in favor of doing inspections. Mr. Gryder was not in favor of doing inspections.

Mr. Asselmeier will provide Mayor Kowalski the contact information for Teska. The suggestion was made to allow Brian Holdiman to do the inspections outside of his work with the County.

The Committee requested Rich Ryan to attend the next Admin/HR Committee meeting. This matter will be forwarded to the Admin/HR Committee. The Committee also requested that the proposal be forwarded to the State's Attorney's Office for review.

CORRESPONDENCE

September 5, 2017 Emails from Scott Gryder to Matt Asselmeier RE: Students Transported to School from Hideaway Lakes and Final Total from Hideaway Lakes

Mr. Asselmeier summarized the emails. Mr. Tanner indicated that only one (1) student was living in Hideaway Lakes; their parents are getting an apartment after living at Hideaway Lakes for a few weeks. Mr. Tanner said that no law existed to prevent having registered voters at the property. He also said that people use Hideaway Lakes as for cheaper automobile insurance and to get out of emissions tests.

Undated Letter from Tom Tanner to All County Board Members and State's Attorney Eric Weis RE: Hideaway Lakes

Mr. Asselmeier summarized the letter.

NEW BUSINESS

Request for Guidance RE: ANR Pipeline and Special Use Permit at 6650 Sandy Bluff Road

Mr. Asselmeier reported that the ANR Pipeline facilities at 6650 Sandy Bluff Road will be expanding. The attorney representing ANR said that the company did not have to comply with local zoning regulations because the expansion was regulated by the Federal Energy Regulatory Commission. The previous work at the site was not regulated by the federal government and required a special use permit. The State's Attorney's Office reviewed the matter and concurred with ANR. The Committee concurred with the opinion of the State's Attorney's Office.

Request for Guidance RE: 45 Cheyenne Court

The PBZ Department received a complaint regarding the subject property. The property lacks siding. The consensus of the Committee was to send the owner a letter directing him to make progress on the siding, but not to pursue the matter.

Review of Violation Report

Mr. Asselmeier presented a list from Brian Holdiman showing all of the active violations. A list of closed violations was also discussed.

Discussion of Zoning Administrator and Zoning Administrator Deputies

Mr. Asselmeier provided minutes from a 2010 County Board meeting naming the Chairman of the PBZ Committee as Zoning Administrator and Angela Zubko and John Sterrett as Deputy Zoning Administrators. Mr. Asselmeier also provided the duties of the Zoning Administrator as defined by the Zoning Ordinance. The consensus of the Committee was to keep the Chairman of the Planning, Building and Zoning Committee as the Zoning Administrator and to appoint the Senior Planner as a Zoning Administrator Deputy.

Discussion of Medical Cannabis Regulations

Mr. Asselmeier reported that Kendall County's medical cannabis regulations in the Zoning Ordinance will expire January 1, 2018. The State law governing medical cannabis expires July 1, 2020. The consensus of the Committee was to initiate a text amendment to the Zoning Ordinance extending the expiration date to July 1, 2020.

Consideration of Increasing the Notification Distance Requirements for Variance, Map Amendment and Special Use Permit Requests

Mr. Asselmeier stated that property owners within five hundred feet (500') of A-1 zoned property must be notified for variance, map amendment and special use permit requests. Adjacent property owners must be notified if the property is not zoned A-1. The State's Attorney's Office believes that the County can increase these notification requirements.

Motion by Member Gilmour, seconded by Member Cullick, to increase the notification requirements for A-1 special use applications to two thousand, six hundred feet (2,600') as measured from property line to property line.

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

The motion passed.

Staff also presented one (1) of the notification signs posted onsite. The consensus of the Committee was that the signs should be yellow. Mr. Asselmeier will contact the Highway Department to investigate available options.

Kendall County Regional Planning Commission 2018 Annual Meeting

Mr. Asselmeier stated that the Land Resource Management Plan recommended an annual meeting of the Kendall County Regional Planning Commission, Kendall County Zoning Board of Appeals and the County Board. Historically, only the Planning Commission has attended this event. The consensus of the Committee that the Senior Planner should represent the Committee at the meeting.

OLD BUSINESS

Approval to Initiate Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Outdoor Target Practice and Shooting Ranges

Mr. Asselmeier said the State's Attorney's Office reviewed the proposal and suggested changes to language exempting State parks and Forest Preserve Property, clarifying the berming requirements for guns with equal or less power than .22 long rifle and clarify the required distance as both parallel and perpendicular to the firing line.

Motion by Member Kellogg, seconded by Member Cullick, to initiate text amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance pertaining to outdoor target practice and shooting ranges.

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

The motion passed.

PETITION

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 and the County Zoning Ordinance since the County Board approved an amendment to Section 13.01.B.11 at the August 15th Board meeting.

Motion by Member Gryder, seconded by Member Kellogg, to recommend approval of the proposed amendment.

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

The motion passed. This matter will go before the County Board on September 19th.

OLD BUSINESS

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

Mr. Asselmeier read his memo on the subject. There are one hundred sixty (160) special use permits issued in the A-1 zoned areas. Of the fifty-two (52) special uses, no permits exist for eighteen (18) uses and ten (10) uses have one (1) special use permit issued.

Mr. Gryder asked if it was possible to find the location of each ordinance. Mr. Asselmeier said that ordinance from 1998 to present were on the County's website. Older ordinances are on file.

Mr. Kellogg suggested examining regulations related to commercial wind turbines.

Approval to Start the Process of Amending the Land Resource Management Plan by Changing the Proposed Land Uses Along Route 47 in Lisbon Township from Agricultural to Different Uses

Mr. Asselmeier read his memo regarding the topic. The consensus of the Committee was to proceed with this project.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission will be holding a meeting with other historic preservation groups in the County on February 21st at 7:00 p.m. at the Historic Courthouse. The purpose of the meeting is to discuss the activities of these groups.

REVIEW PERMIT REPORT

The Committee reviewed the permit report. Nine (9) homes were permitted in the unincorporated areas in August.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report. Revenues are higher from this time last year.

CORRESPONDENCE

August 7, 2017 Letter to Carlos and Tracy Davis RE: Potential Stormwater Management Ordinance Violation at 15875 Ridge Road

Mr. Asselmeier reported that Staff has met with the property owners and are attempting to see if a violation occurred.

August 9, 2017 Email to Brian Holdiman RE: Grading Permit at Sandy Bluff and Frazier Road (Art Hrvatin Property)

Mr. Asselmeier stated that Mr. Hrvatin did not disturb more than one (1) acre. No violation occurred.

PUBLIC COMMENT

Tom Schnabel,

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 9:44 p.m.

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