

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 November 13, 2017

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:34 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour, Scott Gryder (arrived at 6:35 p.m.) and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Dwain Friehe, Bill Hacker, Allison Hartman, Peter Pasteris and Ryan Leonard

APPROVAL OF AGENDA

Motion by Member Kellogg to amend the agenda by moving the discussion of the banquet facility at 1998 Johnson Road, the outdoor shooting range regulations, and the stormwater issue at 5586 Fields Drive to before Petitions, seconded by Member Cullick. With a voice vote of four ayes, the motion carried.

APPROVAL OF MINUTES

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

Scott Gryder arrived at this time (6:35 p.m.).

EXPENDITURE REPORT

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

PUBLIC COMMENT

None

OLD BUSINESS

Discussion of Banquet Facility at 1998 Johnson Road

Staff provided decibel readings taken the day before an event and while an event occurred. The new sound system did not appear to make a large difference on noise. The readings indicated that the special use permit holder was in compliance with the requirements of the special use permit.

Peter Pasteris, owner, discussed purchasing a governor to set a maximum sound level. Chairman Davidson commended Mr. Pasteris for his efforts. Mr. Pasteris also said that he has pointed the speakers down to the dance floor.

Member Kellogg asked Mr. Pasteris how much money he has invested in the sound system. Mr. Pasteris responded that he has invested One Thousand Eight Hundred Dollars (\$1,800) in the sound system. The governor will cost approximately Two Hundred Dollars (\$200).

Chairman Davidson expressed a desire to check the sound again in the spring. Mr. Pasteris expressed no opposition to this suggestion and was agreeable to allowing Planning, Building and Zoning Department Staff to forward his contact information to other banquet facility owners.

Request from the Kendall County Regional Planning Commission that the Planning, Building and Zoning Committee Amend Petition 17-28 RE: Text Amendment to Outdoor Shooting Range Regulations

Mr. Asselmeier read his memo on the subject. At the October Kendall County Regional Planning Commission meeting, the Commission requested that the Planning, Building and Zoning Department modify the proposed text amendment related to outdoor shooting ranges. The Commission offered the following concerns:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500') from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.
6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see "license" be grouped with easement regarding access to public roads.

The Commission favored the road frontage requirement.

The Commission also offered to have a joint meeting of the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee to resolve these issues.

Member Gryder stated that he had received several questions and comments from the existing gun ranges and how this proposal could impact their operations and prevent future expansions.

Member Kellogg expressed a desire to make c (4), which states “the downrange safety area requirement for handgun, rifle and archery ranges may be waived by the County Board if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association,” more prominent.

Member Gilmour asked if there were regulations governing discharging firearms in the unincorporated areas on private property for non-business purposes. Mr. Asselmeier said only civil penalties would apply.

The range design areas and downrange safety area were stricter than National Rifle Association standards. Mr. Asselmeier will bring the National Rifle Association numbers to a future meeting.

The suggestion was made to invite gun ranges to a future meeting.

The Forest Preserve is exempt from zoning if they are following the Downstate Forest Preserve Act.

The Committee will schedule a special meeting with the gun ranges in January at the December meeting.

Allison Hartman, Chicago, requested that the Committee consult with people and businesses that have set up gun ranges. She stated that David Lombardo offered to provide assistance on preparing the regulations.

CORRESPONDENCE

Correspondence Related to Stormwater Issue in Fields of Farm Colony Unit 4 (5586 Fields Drive)

Mr. Asselmeier read the correspondence and Fran Klaas’ opinion on the matter. Mr. Klaas stated that the County could review the issue, but is not bound to take action.

Ryan Leonard, property owner, provided pictures of the manhole filled with water. He explained that water pumped out of the basement was backing up onto his patio. He believed that two (2) of four (4) properties’ sump pumps drain to the same manhole and the manhole was full. The manhole at the road is not full of water. He believes that the pipe is crushed or blocked; the pipe in question is inside the easement between Mr. Leonard and his neighbor. The pipe is between lots 102 and 103 and the manhole is located at the southeast corner of lot 102.

Staff will contact Oswego Township and the Kendall County Highway Department and ask them to jet out the pipe. The bond for this subdivision has expired.

PETITIONS

Petition 17-31-Roger Schmidt and Nancy Heaton Requested the Revocation of a Special Use Permit Awarded by Ordinance 2001-26 Allowing the Operation of a Group Home at 1151 Simons Road in Oswego Township (Parcel Identification Number 03-26-400-009)

Mr. Asselmeier summarized the request. On October 11, 2017, Roger Schmidt and Nancy Heaton submitted a letter requesting the special use permit for a group home at 1151 Simons Road be revoked. The subject property is zoned A-1 Agricultural. If the special use permit is revoked, the subject property would retain the A-1 Agricultural zoning classification.

Petition 17-32-Carol Christian and Robert Toftoy Requested the Revocation of a Special Use Permit Awarded by Ordinance 72-12 Allowing the Operation of a Private Landing Air Strip in the

10000 Block of Walker Road on the North Side of Walker Road in Kendall Township and Identified by Parcel Identification Numbers 05-20-300-004 and 05-20-300-005

Mr. Asselmeier summarized the request. On September 26, 2017, Carol Christian submitted a request to revoke a special use permit for a private air landing strip on her property in the 10000 Block of Walker Road. In 2016, Ms. Christian sold a portion of her property to Robert Toftoy. On October 17, 2017, Mr. Toftoy submitted a request to revoke the special use permit for the portion of the private landing strip that is on his property. The subject properties are zoned A-1 Agricultural. If the special use permit is revoked, the subject properties would retain the A-1 Agricultural zoning classification.

Petition 17-34-Commonwealth Edison Requested the Revocation of a Special Use Permit Awarded by Ordinance 72-8 Allowing the Operation of a Gravel Mine in Sections 6 and 7 of Bristol Township and Identified by Parcel Identification Numbers 02-06-400-002 and 02-07-200-003

Mr. Asselmeier summarized the request. On October 20, 2017, Nadia Chomko, on behalf of Commonwealth Edison, submitted a request to revoke a special use permit for gravel mining on their property in Sections 6 and 7 of Bristol Township. Staff reached out to adjoining property owners to see if they wanted to keep their special use permit for gravel mining and we are still waiting a response from most of the adjoining property owners. The subject properties are zoned A-1 Agricultural. If the special use permit is revoked, the subject properties would retain the A-1 Agricultural zoning classification.

Petition 17-35-Donald and Colleen Zitt, Gene Revocable Living Trust 1 Whitfield and Joanne Whitfield and R W & K J Whitfield Requested the Revocation of a Special Use Permit Awarded by Ordinance 86-12 Allowing for a Planned Unit Development at the Northwest Corner of Crimmin Road and Fox River Drive, Including 10123 Fox River Drive, Newark, in Fox Township and Identified by Parcel Identification Numbers 04-29-100-005, 04-19-400-009, 04-30-200-002, 04-20-300-003, 04-29-200-001 and 04-20-300-002

Mr. Asselmeier summarized the request. On November 10, 1986, the Kendall County Board approved a special use permit allowing for the placement of a 42 lot residential subdivision near the corner of Crimmin Road and Fox River Drive (Ordinance 86-12). On May 16, 2017, the Kendall County Board approved a partial revocation of a special use permit for a residential subdivision at the corner of Crimmin Road and Fox River Drive (Ordinance 2017-08). At the time of that revocation, Staff stated they would contact other property owners impacted by the original special use permit to see if they want to retain or revoke the special use permit for a residential subdivision. As of November 1, 2017, all of the remaining property owners impacted by the special use awarded by Ordinance 86-12 have requested for the special use permit in question to be revoked because they do not believe that the subdivision originally proposed in 1986 will occur. The subject properties are zoned R-2. If the special use permit is revoked, the subject property would retain the R-2 zoning classification.

Motion by Member Kellogg, seconded by Member Gryder, to recommended approval of the revocation of the special use permits as requested in Petitions 17-31, 17-32, 17-34 and 17-35.

- 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 November 21st.

NEW BUSINESS

Recommendation on 2017 Noxious Weed Annual Report

Mr. Asselmeier summarized the report. Kendall County is required to submit an annual report to the State by December 1st of each year. The Planning, Building and Zoning Department did not receive any noxious weed complaints.

Motion by Member Gryder, seconded by Member Kellogg, to recommended approval of the 2017 Noxious Weed Annual Report.

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 November 21st.

Red Hawk Landing Stormwater Issue

Mr. Asselmeier summarized the issue. The property is experience drainage problems because the detention pond shown on the plans was not constructed tree roots plugged the drainage tile. The estimated costs to mitigate the problem was Three Thousand Six Hundred Forty Dollars (\$3,640) plus Eight Thousand Four Hundred Forty Dollars (\$8,440) plus Reimbursable Costs + 10%.

The Committee requested Staff to check with the State's Attorney's Office to determine the extent, if any, of the County's liability.

Review of the 2018 Application Timetables

Mr. Asselmeier presented the timetables for text amendments, map amendments, RPDs, special uses, major amendment to special uses, non-residential PUDs, traditional variances, site plans, preliminary plats, final plats and other plats.

Approval to Authorize David Jensen Construction to Remove Brush Piles and Overgrowth in the Retention Ponds in the Tanglewood Trails Subdivision in an Amount Not to Exceed \$8,900; Future Invoice(s) to Be Paid from the Tanglewood Trails Settlements Escrow Account (5902-000-0049)

Mr. Asselmeier summarized the request. The Kendall County Highway Department received an estimate and scope of work for removing overgrowth and brush in the retention ponds at Tanglewood Trails. The estimated cost for this work is Eight Thousand Nine Hundred Dollars (\$8,900). If this project is approved and if the contractor spends the maximum amount of money quoted for the work, Thirty-Two Thousand Five Hundred Eight-Two Dollars (\$32,582) would remain in the Tanglewood Trails escrow account.

Motion by Member Gilmour, seconded by Member Cullick, to recommended approval of the scope of work and cost as proposed.

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 November 21st.

OLD BUSINESS

Request for Guidance RE: Bridge at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)(Committee May Refer this Matter to the State's Attorney's Office)

Mr. Asselmeier summarized the situation. Mr. Antos previously stated that late spring or early summer he would move dirt and plant seed. He would like to pour the bridge before it gets too cold. Mr. Asselmeier requested a timeline for completion from Mr. Antos. To date, no timeline has been received. The low water crossing was built in 1998 and is two-three feet (2' - 3') higher than planned which is blocking water.

Motion by Member Gryder, seconded by Member Kellogg, to refer this matter to the State's Attorney's Office. The Committee would like a timeline for completing this project.

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

Nays (0): None

Absent (0): None

The motion passed.

Request for Guidance RE: Dumping at 15875 Ridge Road

Mr. Asselmeier read information on the subject. Because the owner disturbed less than one (1) acre of ground, the Kendall County Stormwater Management Ordinance was not applicable. Mr. Chismark indicated that he would be willing to conduct a tributary area review for Two Hundred Dollars (\$200). The consensus of the Committee at the October meeting was that Mr. Chismark should conduct this review and report the findings at the November Planning, Building and Zoning Committee meeting. Upon review Mr. Chismark again concluded that the Stormwater Management Ordinance was not applicable given the amount of area disturbed. Any damage to adjoining properties would be a civil matter.

Request from ZPAC that the Planning, Building and Zoning Committee Amend Petition 17-29 RE: Notification Requirement for Special Use Applications in the A-1 District to a Smaller Notification Distance

Mr. Asselmeier read his memo on the issue and listed the uses he thought warranted a larger notification requirement. The uses that he felt needed larger notification requirements included:

1. Airports and Heliports (Noise, Light and Vibrations)
2. Animal Feed Preparation, Grinding and Mixing (Noise, Smells and Vibrations)
3. Athletic Fields with Lights (Noise and Light)
4. Banquet Halls (Noise)
5. Cemeteries, Including Crematoriums and Mausoleums (Smells and Groundwater Concerns)
6. Child Daycare Facilities (Noise)
7. Communication Uses (Visual)
8. Composting of Landscape Waste and Food (Smells and Visual)
9. Correctional Facilities (Noise, Lights and General Safety)

10. Fertilizer Seed and Sales, Including Bulk Storage and Mixing (Smells and General Safety)
11. Grain Storage When Not Accessory to the Pursuit of Agriculture (Noise and Smells)
12. Kendall County Sheriff's Office Shooting Range (Noise, Lights, Vibrations and General Safety)
13. Kennels (Noise and Smells)
14. Landscaping Business (Noise and Visual)
15. Outdoor Commercial Sporting Activities Including Swimming Facilities and Motocross Sports (Noise, Lights and Vibrations)
16. Outdoor Target Practice and Shooting (Noise, Lights, Vibrations and General Safety)
17. Paintball Facilities (Noise and Light)
18. Performing Arts Centers (Noise and Light)
19. Public or Private Telecommunication Hubs, Filtration Plants, Sewage Treatment Plants, Electric Sub-Station and Similar Uses (Noise, Smells and Visual)
20. Recreational Camps and Recreation Vehicle Parks (Noise and Lights)
21. Small Poultry and Small Animal Processing Plants (Noise, Smells and Lights)
22. Storage Facilities for Motor Vehicles, Boats, Trailers and Other Recreational Vehicles (Lights and Visual)
23. Telecommunication Stations (Visual)
24. Wind Farm, Commercial (Noise and Visual)

Motion by Member Kellogg, seconded by Member Cullick, to amend Petition 17-29 by reducing the notification requirement to one thousand feet (1,000'). Member Gryder stated that he was not in favor of a large distance requirement, but that one thousand feet (1,000') was better than the previously proposed distance. Member Gilmour stated that one thousand feet (1,000') was better than five hundred feet (500').

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

The motion passed. This matter will go to ZPAC on December 5th.

Discussion of Property Maintenance Regulations

Staff provided an email from Brian Holdiman updating the Committee on the type and location of property maintenance complaints.

Request for Guidance RE: Conditional Use Permits

Mr. Asselmeier read his memo on the subject. The State's Attorney's Office believes that conditional uses should be either permitted or special uses because State law does not give Counties the authority to have conditional uses. The Committee requested Mr. Asselmeier to obtain the number of conditional use permits issued and issue recommendations on which uses should be permitted uses and which uses should be special uses.

Request for Guidance RE: Proposed Ordinance Amending the Code Hearing Unit Regulations (Should These Regulations be Part of the Zoning Ordinance?)

Mr. Asselmeier read his memo on the subject and expressed concerns about placing the Code Hearing Unit Regulations inside the Zoning Ordinance because of unforeseen consequences of the definitions section. The consensus of the Committee was to leave the regulations "as is"

because of the few number of cases sent to the State's Attorney's Office (zero (0) cases sent in last five (5) years) and because defendants can appeal the Hearing Officer's decision to the courts.

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.

REVIEW REVENUE REPORT

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

CORRESPONDENCE

October 13, 2017 Letter to Roger Smith from Matt Asselmeier RE: Mobile Home at 1072 Tyler Road

Mr. Asselmeier reported that the property is on a frost depth foundation and does not need to go through the renewal process per the special use permit.

Correspondence Related to Churchill Club Stormwater Issue

Mr. Asselmeier read the emails and letter on this matter. The Village of Oswego is leading the investigation of this issue and sent a violation letter to the owner. The Village of Oswego continues to gather water samples. The owner of the horse property was not happy about the stormwater runoff onto his property.

Correspondence Related to Drainage at 01-19-379-003 (South of Frazier Road Near City of Sandwich)

Mr. Asselmeier read the correspondence. According to Greg Chismark, this issue is not a County issue.

PUBLIC COMMENT

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

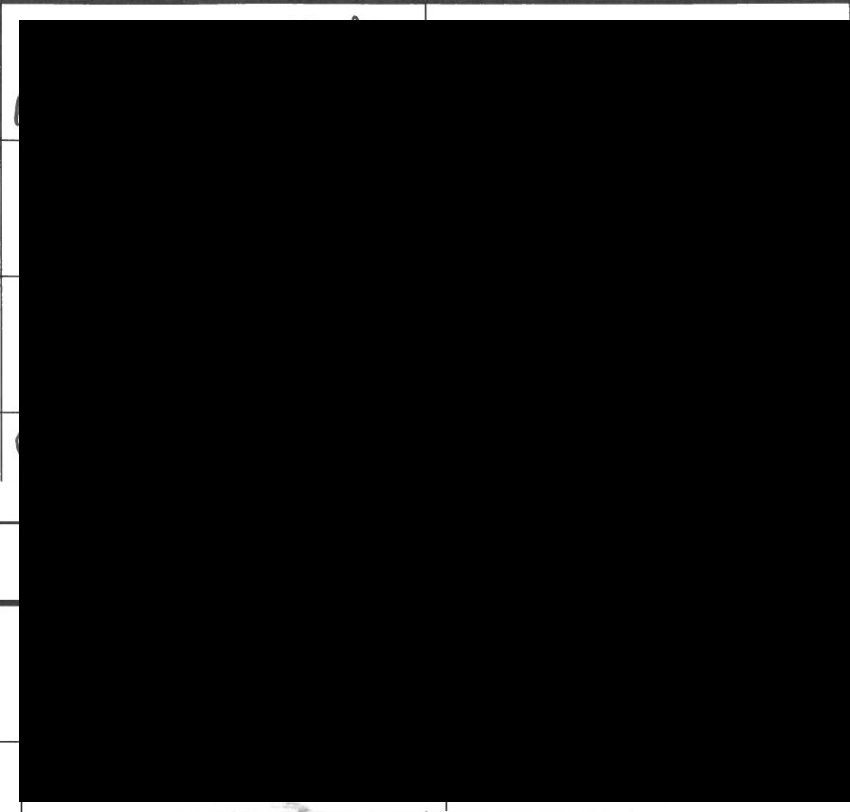
None

ADJOURNMENT

Member Cullick motioned to adjourn, seconded by Member Gryder. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:15 p.m.

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

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
NOVEMBER 13, 2017**

NAME	ADDRESS	EMAIL ADDRESS
Dwain Fojeh		
Bill HACKER		
ALLISON HARTMAN		
NAME		
Ryan Leonard		

