

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Meeting Minutes of October 25, 2017

Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley and Angela Zubko

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Allison Hartman and Bob (?) Shooter at Knollwood Gun Club

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Mr. Shaw, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Shaw made a motion, seconded by Ms. Wilson, to approve the August 23, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. To date, no township or existing gun range has submitted comments. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment.

ZPAC unanimously recommended approval of this proposed text amendment.

The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks.

Ms. Zubko asked if the berming regulations were the same as the National Rifle Association's standards. Mr. Asselmeier responded that the berming requirements were copied from McHenry County's regulations. Mr. Nelson asked how the Planning, Building and Zoning Committee knew that these standards were appropriate. Mr. Asselmeier stated that he did not know how McHenry County calculated their regulations.

Discussion occurred regarding the exclusion of property owned by the Kendall County Forest Preserve. The consensus of the Commission was that, if the Forest Preserve was required to follow local zoning regulations, the Forest Preserve should not receive special treatment.

The proposed regulations shall not apply to private property owners' shooting on their own property and not operating a gun range as a business.

Regarding letter a, the word "with" shall be added between the words "capacity" and "a". This was a typographical error.

Discussion occurred regarding the requirements that properties be a minimum forty (40) acres in size and that the firing line must be at least one thousand five hundred feet (1,500') from property lines. The Commission believed that very few properties would meet this requirement and that the proposed language would effectively prevent any outdoor gun range from opening in the unincorporated areas.

Ms. Zubko asked why the amendment was proposed. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to tighten outdoor gun range restrictions.

The Commission expressed concerns that the proposal contradicted the National Rifle Association Handbook.

Mr. Wormley expressed objections to the insurance requirement of Ten Million Dollars (\$10,000,000).

Discussion occurred regarding the downrange safety area. The Commission felt that finding an area that met that requirement would be difficult. The Commission also expressed concerns that new houses could be constructed in the safety area after a special use permit was issued.

Ms. Zubko agreed gun ranges should have direct access to a public road.

Allison Hartman, Chicago, asked that the regulations exempt existing ranges. The Commission said that the proposal shall not apply to existing gun ranges.

Bob (?), shooter at Knollwood Gun Club, asked that the Commission adopt the National Rifle Association Standards. The County's regulations already incorporate the National Rifle Association Standards.

Mr. Davidson said that the intention of the proposal was to address noise and safety issues.

Ms. Zubko made a motion to ask that the Kendall County Planning, Building and Zoning Committee reconsider these proposed text amendments with 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.

Commissioners also expressed a desire to have a joint meeting with the Planning, Building and Zoning Committee to resolve these concerns.

The motion was seconded by Mr. Shaw.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on November 13, 2017 at 6:30 p.m.

17-30 Kendall County Planning, Building and Zoning

Mr. Asselmeier summarized the request. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

This proposal was mailed to each township on September 25th. To date, no response or comments have been received.

ZPAC unanimously recommended approval of the request.

Mr. Nelson asked, if the County did not have these regulations, could the medical cannabis facilities go anywhere. Mr. Asselmeier stated that Mr. Nelson was correct.

There have been no requests for these types of uses in the County.

Ms. Zubko made a motion to recommend approval of the text amendment as proposed, seconded by Mr. Nelson.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on October 30, 2017 at 7:00 p.m.

OLD BUSINESS

Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier read his memo on the subject, presented the draft maps discussed the timeline for the amendment and presented a draft agenda for a meeting in Lisbon Township.

Discussion occurred about studying the entire Route 47 corridor from Yorkville to the Grundy County Line.

Mr. Nelson would like greater examination of specific intersections along the corridor.

Chairman Ashton suggested showing mixed use business along Route 52 for half (1/2) mile east of the intersection of Route 47.

Discussion occurred regarding improvements to Sherrill and Brisbin Roads.

Commissioners requested data from the Illinois Department of Transportation, the Kendall County Highway Department, Economic Development Committee, Grundy County and Morris.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

NEW BUSINESS

Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject. He explained that the Planning, Building and Zoning Committee was considering whether or not this proposal should be included in the Zoning Ordinance.

Discussion occurred about the number of cases sent to the State's Attorney's Office. Mr. Asselmeier will research that information and provide it to the Commission at the November meeting.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

Correspondence-August 16, 2017 Letter from Anna R. Kuperstein to Matthew Asselmeier RE: Sandwich Compressor (ANR Pipeline and Special Use Permit at 6650 Sandy Bluff Road (Ordinance 2002-06))

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Approval of Fiscal Year 2017-2018 Meeting Calendar

Mr. Asselmeier presented the meeting calendar. The November meeting date is the Wednesday after Thanksgiving.

Mr. Wormley made a motion to approve the fiscal year 2017-2018 meeting calendar, seconded by Ms. Zubko. With a voice vote of all ayes the motion carried.

Recommendation of Ad-Hoc Zoning Ordinance Committee Members

Mr. Asselmeier explained that Chairman Gryder would like input from the Commission on members for the Ad-Hoc Zoning Ordinance Committee.

Mr. Nelson provided a history of the Committee. The Committee was created to update and implement the Land Resource Management Plan and to conduct zoning regulation related research. Membership included representatives from the Planning Commission, Zoning Board of Appeals, Soil and Water Conservation District, County Board, Planning, Building and Zoning Committee and past County Board Chairman, among

other people.

The consensus of the Commission was that Chairman Gryder should choose which Planning Commission members should serve on the Ad-Hoc Zoning Ordinance Committee.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Ms. Wilson expressed concerns regarding the Forest Preserve Business awarding agricultural related work without a bid. The consensus was that Ms. Wilson should investigate this matter as a concerned citizen.

Discussion occurred regarding a bridge over Aux Sable Creek owned by Mark Antos. Ms. Zubko suggested that Mr. Asselmeier should check his files for a history of this project.

Discussion occurred regarding another stormwater violation on Wildy Road; the address was not given. Mr. Asselmeier will investigate the matter.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 9:16 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner