

**KENDALL COUNTY AD HOC ZONING
ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of March 22, 2017*

Present: Larry Nelson (Chairman), Robert Davidson, Judy Gilmour, John Shaw, and Jeff Wehrli
Others Present: Mike Hoffman from Teska Associates, Inc., Greg Chismark from WBK Engineering, LLC, Greg Peterson, Sherman Tweed, and Matt Asselmeier, Senior Planner

Chairman Larry Nelson called the meeting to order at 5:00 p.m.

1. **APPROVAL OF AGENDA**

Mr. Wehrli made a motion to approve the agenda with an amendment moving the Plano Stormwater issue ahead of the Hearing Officer/Code Hearing Unit item. Mr. Shaw seconded the motion. All agreed and the agenda was approved as amended.

2. **APPROVAL OF MINUTES**

Mr. Wehrli made a motion to approve the minutes from the November 30, 2016, meeting. Mr. Shaw seconded the motion. All agreed and the meeting minutes were approved.

3. **STORMWATER ORDINANCE AMENDMENT RELATED TO PLANO'S PROJECT IN FOLI PARK**

Plano Mayor Bob Hausler explained Plano's situation. The City of Plano received an OSLAD Grant from the State in the amount of \$202,000 for improvements at Foli Park. Plano must provide a \$202,000 match. Based on their engineer's calculations, this project needs approximately 0.33 acres for detention or \$58,000 of a fee-in-lieu contribution. The subject property is in a floodplain. Mayor Hausler believes that this situation was not discussed when the County considered the Stormwater Ordinance. Accordingly, he would like a variance and possibly an amendment excluding five (5) acre public projects.

Mr. Nelson noted that Big Rock Creek overruns the area in flood events.

Mr. Davidson asked how the pond discharges. There is no overflow; the level rises and falls as needed.

Mayor Hausler stated the creel previously went through this area and was diverted at some point in the past. The area was a gravel pit. Plano acquired the property in the late 1960s or 1970s.

Mr. Wehrli suggested a variance would be more appropriate than an amendment.

Mr. Chismark indicated the variance process was in the Stormwater Ordinance.

Mr. Asselmeier read the criteria for applying for a variance and the criteria of the findings of fact for granting a variance. The Oversight Committee is the Committee of the Whole, per the Stormwater Ordinance.

Mr. Nelson stated that he did not see any negatives with the variance proposal and that Plano could justify the variance using the criteria in the Stormwater Ordinance.

Mr. Wehrli made a motion to send this variance request to the PBZ Committee with a favorable recommendation, seconded by Mr. Shaw. With a voice vote of five (5) ayes, the motion passed unanimously.

4. **HEARING OFFICER/CODE HEARING UNIT**

Mr. Asselmeier read a memo drafted by PBZ Department Intern Michael Goers regarding his research on the subject. The memo outlined the reasons and potential ordinance changes required to implement the program. The memo also stated the methods local municipalities used in relation to hearing officers.

Mr. Nelson explained that the Special Use Hearing Officer was originally intended to hear code violations because the States Attorney's Office had other cases.

Mayor Hausler stated that Plano has a hearing weekly and they use the Illinois Debt Recovery Program. By using this program, the fine goes with the person; the State pulls the fine out of tax refunds. Plano uses the hearing officer for police issues and zoning issues. Most zoning issues, like property maintenance issues, are resolved before adjudication.

Mr. Wehrli stated that residents, in addition to property owners, should be notified as well.

Mr. Hoffman noted that the Special Use Hearing Officer has not met for several months and he likes the idea of units of government working together.

Mr. Wehrli asked for the definition of hearsay evidence. Mr. Asselmeier stated that, in zoning hearings, letters and emails were considered hearsay evidence if the person that wrote the letter or email did not personally read the letter or email into the record.

Mr. Wehrli also suggested that the County inform Plattville and Millbrook of the proposal.

Mr. Wehrli made a motion to forward this issue to the PBZ Committee, seconded by Mr. Shaw. With a voice vote of five (5) ayes, the motion passed unanimously.

5. **SHOOTING RANGE ORDINANCE UPDATE INCLUDING A POTENTIAL MORATORIUM ON OUTDOOR SHOOTING RANGES DURING THE REVIEW PERIOD**

Mr. Nelson stated that he had some concerns regarding the present outdoor shooting range regulations in the Zoning Ordinance. Any revisions, amendments, or moratorium would not impact the Delaney proposal that is currently making its way through the process.

Noise was mentioned as a major concern.

Mr. Asselmeier stated that the Illinois Association of County Zoning Officials would be discussing outdoor shooting range regulations at their meeting in April.

Ms. Gilmour asked for an update on the Delaney case. Mr. Asselmeier stated that Staff requested additional information from the petitioner. The proposal is currently scheduled to go before the Special Use Hearing Officer on April 3, 2017.

Mr. Wehrli suggested that a specific time period, like six (6) months, be placed on the moratorium.

Greg Peterson, neighbor to the Delaney property, expressed concerns of gun ranges containing thirty-six (36) lanes. He would like to see further discussion making guns ranges a zoning issue instead of a special use issue. Mr. Davidson invited Mr. Peterson to the April Planning, Building and Zoning Committee meeting.

Mr. Davidson made a motion to recommend to the PBZ Committee that a moratorium of six (6) months be placed on special use permit applications for outdoor shooting ranges, seconded by Ms. Gilmour. With a voice vote of five (5) ayes, the motion passed unanimously.

Mr. Davidson left at this point in the meeting (6:02).

Mr. Asselmeier will report back to the Committee regarding the Illinois Association of County Zoning Officials meeting.

Sherman Tweed, Brisbin Road, expressed concerns that the Plattville Fire Chief could make it to the Delaney property in five (5) minutes. Mr. Nelson advised Mr. Tweed to inform the Hearing Officer of his concerns during the special use hearing.

6. **ITEMS FOR FUTURE CONSIDERATION**

Mr. Asselmeier provided a memo on the differences between Plano's proposed Comprehensive Plan Future Land Use Map and the County's Land Resource Management Plan.

Discussion occurred regarding comparing Yorkville's new plan with the Land Resource Management Plan.

Discussion also occurred regarding studying noise regulations in the future. Mr. Wehrli mentioned that the cost of barriers is approximately \$150/linear foot; this material and cost are cheaper than what the State pays.

There were no additional comments from the public or press.

Adjournment:

The next meeting will be April 26, 2017. Ms. Gilmour made a motion to adjourn the meeting. Mr. Wehrli seconded the motion. With a voice vote of four (4) ayes, the motion passed unanimously and the meeting adjourned at 6:22 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner