

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 February 11, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:30 p.m.

Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Judy Gilmour, Matt Kellogg (Vice-Chairman), John Purcell (arrived at 6:37 p.m.) and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Ruth Ann Sikes (Part-Time Office Assistant Zoning), Dan Kramer, Rodolfo Nunez, Georgina Nunez, Beverly Horsley, Zach Barnwell, Scott Wallin, Kristin Friestad, Scott Friestad, Ed Gruber, Marissa Friestad, Todd Milliron, Clayton Childers, Chris Paluch, Jim Johnson, Priscilla Gruber, Deputy Commander Jason Langston, and Larry Nelson

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Gilmour, to approve the agenda as presented. Chairman Prochaska made a motion to amend the agenda by moving the update on the zoning violation at 790 Eldamain Road to between Petition 18-04 and Petition 19-04, seconded by Member Flowers. With a voice vote of four (4) ayes, the motion to amend the agenda carried unanimously. With a voice vote of four (4) ayes, the amended agenda was approved unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Flowers, to approve the minutes of the January 7, 2019, meeting. With a voice vote of four (4) ayes, the motion carried unanimously.

PUBLIC COMMENT

Scott Friestad, Lisbon Township, questioned which map was under consideration. Chairman Prochaska indicated it was the map reflecting the recorded version of the Village of Lisbon's future land use map. Mr. Friestad expressed concerns about increasing mining in the area and urged the Committee to wait with approving this proposal because he does not see a need for the amendment at this time.

Scott Wallin, Lisbon Township, agreed with Scott Friestad. Mr. Wallin wanted the area to stay agriculture because the agriculture designation would make it harder for someone to request a rezoning to a mining or other non-agricultural use.

Member Purcell arrived at this time (6:37 p.m.).

Ed Gruber, Plainfield, expressed his opinion that the County needed to tighten its outdoor shooting range regulations because of noise and concerns about physical safety.

Clayton Childers, Oswego, is a gun club member. He stated that the gun club where he is a member was in existence prior to many of the residential neighbors moving into the area. Homebuyers should do research prior to moving into an area. He questioned the locations of alleged violations of the law. He stated that gun ranges consider safety the primary priority. He hoped the County could middle ground with regulations.

Chris Paluch, Yorkville, stated that he did research on the location of gun ranges prior to purchasing his home and only found one (1) listed, Knollwood. He does not like the gun ranges that shoot everyday for most of the year. He questioned the frequency of shooting at the Kendall County Sheriff's Office shooting range and expressed opposition to the frequency of shooting. Noise was major concern. He also asked if the existing gun ranges needed to make changes to their operations because of the increased number of neighbors.

Todd Milliron, Yorkville, requested that a map be prepared to show the locations of existing gun ranges.

Jim Johnson, Knollwood Gun Club, stated that the problem was not gun clubs, but people hunting on their own property.

Marissa Friestad, Lisbon Township, expressed her concerns about preserving agricultural land. She believes that the proposed future land use map in Lisbon Township will disrupt good farmland.

Priscilla Gruber, Plainfield, expressed concerns about projectiles leaving sites and expressed concerns about public safety. She questioned the shooting of certain guns in close proximity to residential neighborhoods. She stated that shooting did not occur when she moved into the area forty (40) years ago. She believed that the current regulations were inadequate when dealing with commercial ranges. She argued that firing of guns diminishes property values and discourages commercial development and business attraction. She favored using the Department of Energy's standards for gun range design. She argued that the gun range lawsuits in Chicago were not applicable in Kendall County because of Chicago's regulations and the number of gun ranges in Chicago.

Kristin Friestad, Lisbon Township, discussed the new uses in Lisbon Township, including a gun range. She requested that the County wait a few years before amending the future land use map in Lisbon Township.

PETITIONS

Petition 18-04-Request from the Kendall County Regional Planning Commission

Chairman Prochaska made a motion, seconded by Member Flowers, to forward Petition 18-04 to the County Board with a neutral recommendation.

The different options were discussed.

Member Purcell stated his belief that, if a mining entity wanted to locate near the Village of Lisbon, the Village of Lisbon should determine whether or not location is a good idea. He expressed concerns that the County would not be able to turn down a rezoning request if the request is consistent with the future land use map.

Without objection, Chairman Prochaska invited Village of Lisbon President Paul Pope to the podium. President Pope confirmed the accuracy of the Village of Lisbon's future land use map. The Village of Lisbon has no objections to the County's proposal.

Member Gilmour stated that she did not see the need for the proposal and did not believe that the residents of Lisbon Township were not properly included in preparing this proposal.

The County is not aware of any requests for new mining operations in Lisbon Township.

The Village of Lisbon would not get any taxes or fees if a mining operation opened in the unincorporated area.

Yeas (2): Flowers and Prochaska
Nays (3): Gilmour, Kellogg, and Purcell
Abstain (0): None
Absent (0): None

The motion failed.

OLD BUSINESS

Update on Zoning Violation at 790 Eldamain Road

Mr. Asselmeier provided updated pictures of the property. Slats have been installed, but some areas where gates could be placed still remain unfenced.

The neighboring land uses are agriculture. The County's plan calls for manufacturing. Yorkville's plan calls for estate residential and Plano's plan calls for manufacturing.

Dan Kramer, attorney for the property owner, will email Mr. Asselmeier the completion date.

An update will be provided at the Committee of the Whole and at the March Planning, Building and Zoning Committee meeting.

PETITIONS

Petition 19-04-Request from Rodolfo and Georgina Nunez

Dan Kramer, attorney for the Petitioners, explained the proposed use and business operations. No opposition was expressed by Oswego Township, the Village of Oswego, or any advisory board.

Member Gilmour made a motion, seconded by Member Flowers, to forward this proposal to the County Board.

Yeas (5): Flowers, Gilmour, Kellogg, Purcell, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried unanimously. This matter will go to the County Board on February 19, 2019.

Petition 19-05-Specialty Oswego, LLC and Stuart and Paula Weihler (Prospective Buyers)
Member Kellogg excused himself from this petition because of a conflict of interest.

Dan Kramer, attorney for the Petitioners, explained the proposal.

Oswego Township expressed no opposition to the proposal. The Village of Oswego asked if the Petitioners desired to annexation. The Petitioners do not desire annexation at this time. None of the advisory boards expressed opposition.

Mr. Kramer requested an additional hour for cleanup of events. The consensus of the Committee was to grant the Petitioners' request for an additional one (1) hour for cleanup.

Music will originate indoors except during weddings. The speakers will be pointed towards the indoors of the building. Berming, landscaping, and distance to neighboring houses will prevent loud noise from impact neighbors.

The Petitioners were seeking a variance from the sprinkler requirement from the Oswego Fire Protection District.

The County generates revenue from this type business from sales tax, property tax, and new jobs.

Member Gilmour made a motion, seconded by Member Flowers, to forward this proposal to the County Board and discuss the proposal at the Committee of the Whole.

Yeas (4): Flowers, Gilmour, Purcell, and Prochaska
Nays (0): None
Abstain (1): Kellogg
Absent (0): None

The motion carried unanimously. This matter will go to the County Board on February 19, 2019, and could be discussed at the February 14, 2019, Committee of the Whole.

Member Kellogg returned to the meeting at this time.

NEW BUSINESS

Report from Regional Planning Commission

Larry Nelson, Kendall County Regional Planning Commission, expressed a desire to amend the Kendall County Zoning Ordinance to allow Kendall County Sheriff's Department shooting ranges as permitted uses in the A-1 Agricultural District.

Member Purcell questioned the number of shooting ranges needed by the Kendall County Sheriff's Department. Deputy Commander Jason Langston said that only one (1) range will be used at a time. Indoor shooting training occurs in Naperville. Member Purcell expressed concerns about grant the Sheriff's Department special conditions compared to other gun ranges.

The proposal will be placed on the February 27, 2019, Regional Planning Commission agenda for initiation of a text amendment.

RECESS

The Committee recessed from 8:00 p.m. to 8:05 p.m. All members of the Committee were present when the recess concluded.

OLD BUSINESS

Discussion of Amended Petition 17.28 Pertaining to Test Amendments to Sections 7.01.D.32 (Special Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Material Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not including Private Shooting in Your Own Yard)
Chairman Prochaska presented the revised proposal.

The use on Kendall County Forest Preserve District property will be defined by 70 ILCS 805/5.

The NRA Range Source Book referenced shall be the 2012 version of the NRA Range Source Book. A copy of this document shall be available for public access in the Planning, Building and Zoning Department. Discussion occurred about using the most current version of the NRA Range Source Book. The consensus of the Committee was to use the 2012 version.

The downrange safety area shall correspond with those regulations in McHenry County. Shotgun ranges will be one thousand five hundred feet (1,500'). Ranges for handguns and rifles not more powerful than .22 long rifle would be seven thousand feet (7,000'). Ranges for rifles more powerful than .22 long rifle would be thirteen thousand five hundred feet (13,500'). The requirement could be waived if "no blue sky" overhead baffling is installed or appropriate berming.

Firing lines must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, and airstrips.

The range safety officer must be present at all times and must be certified by the National Rifle Association's Range Safety Officer Program or equivalent state or nationally-recognized safety

officer certification program as approved by the County Board. The range safety officer shall enforce all range rules.

The flagpole shall be eighteen feet (18') high and the flag shall be bright red forty inches (40") long, twenty inches (20") wide at the pole, and six inches (6") wide at the free end. Signs shall be at least ten inches by twelve inches (10"X12") and placed at entrance to any areas where firing is taking place.

Without objection, Zach Barnwell was recognized. Mr. Barnwell, member of Barber Greene Hunting and Fishing Club, provided the dimensions of their signs and flags.

Everyone on the firing line is required to wear hearing protection and safety glasses.

The range shall have public bathrooms.

The minimum parcel size is twenty (20) acres.

Marijuana and other illicit drugs were added to the no alcohol prohibition.

The A+ insurance provider requirement was removed. The special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1st of each year.

Noise regulations were set at 60 dBa during the day and 55 dBa at night. The powered equipment exemption was added to the proposal. Hours of operation must be approved by the County Board.

The Zoning Board of Appeals may grant variances to this ordinance where doing so would not impact the health, safety, or welfare of the residents of Kendall County. In addition, when denying a variance request, the Zoning Board of Appeals shall show why the granting of the variance would harm the health, safety, or welfare of the residents of Kendall County.

Member Kellogg made a motion, seconded by Member Gilmour, to amend the proposal with the changes listed previously and to refer the proposal to the Kendall County Zoning Board of Appeals for rehearing.

Yeas (5): Flowers, Gilmour, Kellogg, Purcell, and Prochaska
Nays (0): None
Abstain (0): None

The motion carried unanimously. This matter will go to the Kendall County Zoning Board of Appeals.

Approval of Initiating a Test Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes.

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

Member Purcell made a motion, seconded by Member Flowers, to initiate the text amendment as proposed.

Yeas (5): Flowers, Gilmour, Kellogg, Purcell, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried unanimously.

Zoning Ordinance Project Update

Mr. Asselmeier read an email from Mike Hoffman stating that Mr. Hoffman planned to have an update to Mr. Asselmeier by February 15th.

CORRESPONDENCE

None

PUBLIC COMMENT

Todd Milliron, Yorkville, suggested that hours of operations for gun ranges include shooting and other activities. A gun range might have a party or some other event where shooting is not taking place.

COMMENTS FROM THE PRESS:

None

EXECUTIVE SESSION

None

ADJOURNMENT

Motion by Member Flowers, seconded by Member Kellogg, to adjourn. With a voice vote of five (5) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 8:50 p.m.

Minutes prepared by Ruth Ann Sikes, Part-Time Office Assistant (Zoning)

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
FEBRUARY 11, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Kramer	1107 N. S. Gault St Yorkville, Ill 62450	dkramer@dan kramer-law.com
Beverly Horsley		
ZACH BARNWELL		
Scott Wallin		
Ed Dube		
Marissa Friesed		
Kristin Friesed		
Add Friesed		