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 January 7, 2019

CALL TO ORDER
The meeting was called to order by Chairman Prochaska at 6:52 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, and Matthew Prochaska (Chairman)
Committee Members Absent: None
Also Present: Matt Asselmeier (Senior Planner), Ruth Ann Sikes (Part Time Administrative Assistant), Todd Vandermyde, David Lombardo, Zach Barnwell, Don Draper, Nate Howell, Richard Holman, Mark Perle, and Priscilla Gruber

APPROVAL OF AGENDA
Motion made by Member Gilmour, seconded by Member Kellogg, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried unanimously.

APPROVAL OF MINUTES
Motion by Member Gilmour, seconded by Member Flowers, to approve the minutes of the December 10, 2018, meeting with a correction to the spelling of Todd Vandermyde's last name. With a voice vote of five (5) ayes, the motion carried unanimously.

EXPENDITURE REPORT
The Committee reviewed the expenditure report.

PUBLIC COMMENT
Priscilla Gruber provided written comments regarding the proposed gun range zoning regulations. Her comments are attached to the minutes.

Mark Perle stated that he was surprised at the NRA responses. He went through the comments point by point and believed that common ground could be found on the issue. He stated that it was hard for the residents to comment until the committee provides direction on where the proposal is going.

PETITIONS
Amended Petition 18-04 -Request from the Kendall County Regional Planning Commission
Member Purcell made a motion, second by Member Flowers, to move to the next agenda item. With a voice vote of five (5) ayes, the motion carried unanimously.

NEW BUSINESS

Approval of Annual Renewal of Mobile Home Permit-10825 B Corneils Road

Mr. Asselmeier summarized the request and stated that all necessary paperwork was on file.

Member Kellogg made a motion, seconded by Member Purcell, to approve the renewal.

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

The motion carried unanimously.

Approval of Annual Renewal of Mobile Home Permit-13443 Fennel Road

Mr. Asselmeier summarized the request and stated that all necessary paperwork was on file.

Member Flowers made a motion, seconded by Member Gilmoour, to approve the renewal.

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

The motion carried unanimously.

Inoperable Vehicle Ordinance Update

Mr. Asselmeier presented the citation letter on the subject. Mr. Asselmeier said there would be a standard date at the courthouse. We are trying to cite the person who has the ability to move the car. Member Purcell requested that the term "violation" be replaced with the term "citation" at various spots in the letter. The suggestion was also made that the language requiring a letter from the Planning, Building and Zoning Department be sent to the vehicle owner prior to the closing of the citation be removed from the letter. The Planning, Building and Zoning Department has not implemented the new ordinance because the letter has not been finalized. The consensus of the Committee was to forward the revised letter to the Committee of the Whole for comment.

Yorkville Intergovernmental Agreement Update

Mr. Asselmeier read Mr. Holdiman's memo on the subject. Chairman Prochaska said he would like to get the process started and get it renewed before it expires. There were no objections to this suggestion.

Review of 2019 Planning, Building and Zoning Department Application Deadlines and Meeting Dates

The Committee reviewed the 2019 Planning, Building and Zoning Department Application Deadlines and Meeting Calendar.

OLD BUSINESS

Discussion of Amended Petition 17.28 Pertaining to Test Amendments to Sections 7.01.D.32 (Specials 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 invited Priscilla Gruber and Mark Perle to the podium to give additional comments on the proposal and to allow the Committee to ask questions of them. Mr. Perle stated that he provide written comments to the Committee.

Chairman Prochaska invited Todd Vandermyde to the podium to explain his position. Mr. Vandermyde stated that the County should avoid litigation, if possible.

Chairman Prochaska thanked Members Gilmour and Kellogg for updating new members on the proposal. Chairman Prochaska and Member Gilmour thanked the public for all their opinions and comments.

Member Kellogg left at this time (8:03 p.m.).

Chairman Prochaska stated that he would like the Committee to go through the proposal line-by-line at future meetings. If the Committee makes significant changes to the proposal, he would like to see the proposal be re-heard at the Zoning Board of Appeals. Hopefully, the proposed changes would cause Na-Au-Say Township to withdraw their formal objection and that a majority of the County Board would approve the proposal.

Discussion of 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 read his memo on the subject and stated that the Department favors abolishing the seventy-two (72) hour rule because the regulation is difficult to enforce with current staffing levels and because the rule is unfair to new residents of the County and to residents that have neighborhood disputes.

Member Purcell asked about the number of registered trailers. Mr. Asselmeier would research this number (there are five (5) registered trailers).

Discussion occurred regarding initiating a text amendment to the Zoning Ordinance based on Staff's recommendation. Member Purcell suggested the matter be referred to the Committee of the Whole. The consensus of the Committee was to place the initiation of the text amendment on the February Planning, Building and Zoning Committee agenda. Member Purcell requested that Mr. Asselmeier forward the information on this topic to County Administrator Scott Koeppel for placement on an upcoming Finance Committee agenda.

Discussion of Having a Second Planning, Building and Zoning Committee Meeting Each Month

Chairman Prochaska said the second meeting for the month of February would be on February 26th at 8:00 a.m.

Zoning Ordinance Project Update

Mr. Asselmeier read Mike Hoffman's email. Mr. Hoffman hopes to have a draft to the County Staff by January 25th. Staff and the Committee would review the draft before initiating text amendments to the Zoning Ordinance.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Update on Zoning Violation at 790 Eldamain Road

Mr. Asselmeier provided updated information on this case. The required fence has not been completed. The consensus of the Committee was to forward this item to the Committee of the Whole for consideration of starting the judicial enforcement process. Mr. Asselmeier will contact the attorney for the property owner and notify them of the Committee of the Whole meeting.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier stated the Historic Preservation Commission was accepting nominations for historic preservation awards and the Commission would hold a meeting with other historic preservation groups on February 13th at LaSalle Manor.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

PUBLIC COMMENT

Zach Barnwald suggested that the blue sky requirement be dropped for gun ranges.

Richard Holman was in attendance to listen. He was a long-time shooter and he discussed decibel readings.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Motion by Member Flowers, seconded by Member Gilmour, to adjourn. With a voice vote of Four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 8:55 p.m.

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

Encs.

KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JANUARY 7, 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)
Vandevnyde	[redacted]	
David Lombardo		
Zach Barnwell		
Don Draper		
Nate Howell		
Richard Holman		
[illegible]		
Priscilla Guiden		

Notes re PBZ 1/07/19

I have read the objections to our proposal posted in your packet. I hope they are not the official position of the Committee or its Chair. I understand county staff did not write them. The author is unidentified.

The objections to our suggestions all boil down to one idea: An assumption that we and the county are trying to make gun ranges impossible here.

You know you are not doing that and neither are we. The posted objections allow no consideration for safety of the citizens of this county or property rights of neighboring property owners.

Our county's job is to look out for the welfare of all county residents, not to promote commercial gun ranges or make them profitable. Especially not at the expense of other property owners home and land values and the safety and quality of life of our families.

The court case quoted was about Chicago indoor gun range regulations which is very different from what is proposed here, a very different situation so the ruling mostly does not apply. The main point of the decision was that the city may not effectively prevent <u>any</u> gun ranges in the city. This is clearly not what we are trying to do with our ordinance for <u>outdoor</u> gun range regulations. Again a different case.

Rifle bullets shot out in the open as happens in outdoor ranges can travel over two miles. Our county's job is to protect our people from the danger of stray or ricochet bullets for that whole area and from the war zone level noise and other detrimental effects on their neighborhoods. Would you buy a house you knew was next to a gun range like we are talking about? If one locates next door to your current home who would buy it from you? What price would you get? How much would it go down? That would be a taking of the value of

your home from you. That can affect every homeowner in this county if protections we are discussing are not clear now and reliably for future planning.

We need a balance of the rights of the neighbors to safety from being shot and losing value in their homes and quality of life and the rights of gun range promoters to make a profit and shooters to do target practice outdoors here. This county already has 5 or more outdoor gun ranges that are grandfathered in so not affected by this ordinance. This county also has several indoor gun ranges and allows for many more under minimal current regulations in business zones. Chicago had no gun ranges when their case was decided. Again very different here.

Our county population per our website is under 125,000 people. The City of Chicago's is 2,700,000 that is, 21 times more. They have no gun ranges in Chicago; we have at least seven here. Considering our population we are very welcoming to gun ranges, even if no more are established, indoors or out. Again, we are not the Chicago case and should not be intimidated by it.

If our county is going to make policy by responding to a threat of a lawsuit that somebody might bring someday based on a case of a very different situation, then the citizens of this county are being sacrificed to that somebody.

I ask this committee to consider the merits of our suggestions with regard to protecting the citizens of this county from the obvious dangers and detriments to quality of life posed by deadly weapons being fired frequently outdoors near our homes. The written responses to our suggestions in your packet do not reflect any such consideration. I certainly hope these responses are not the Committee or its Chair's position.

1) Pkt pg 4, 3rd para from bottom: Inaccurate statement! There is NOTHING concerning commercial gun ranges we have asked you for that isn't already in the current county or state laws....

2) Pkt pg 83,10.03.B.4: It IS specifically meant to cover commercial establishments inviting the public on their property for retail commercial business. For instance, a feed store selling agri-vitamins and collecting use tax on a product delivered on site at time of purchase would be subject to commercial range restrictions. A heavy equipment operator accepting a payment at his office for work performed at another location would not.

3) Pkt pg 83/84: Who is "THE AUTHOR"? Please attribute quotes in the future, and understand this is one person's OPINION, not documented fact. The Federal Government and DOE are certainly recognized authorities on firearms and ranges, with safety the overriding concern. Our use of SDZ's in our proposal specifically shows what a range operator needs to do to reduce his SDZ's to fit his specific location before bringing it to the county for review.

4) Pkt pg 84/85: Actually, virtually any retail establishment is required to supply the majority of this information specifically tailored to their proposed business. It's called BOCA codes, OSHA and EPA; on county, state and federal levels and every retail business in Kendall County has to deal with them to some extent at some point. Most retail businesses don't encourage the use of a potentially harmful product on their properties.

5) Pkt pg 85, 2nd "blue" objection: Far from an "onerous" requirement, DOE criteria is easily accessible to the public for

reference, and is a benefit to a potential range operator in determining feasibility. Again, an unattributed author's opinion is sighted as fact, when in reality it is only an opinion.

6) Pkt pg 85, 3rd "blue" objection: The argument is at best inaccurate. Again, SDZ's show the potential danger, and what CAN BE DONE to minimize it. Additionally, the "too expensive argument is simply trying to obfuscate the issue, and cost to an operator is far from the only issue. By Googling "What's it cost to build a No Blue Sky gun range, we found examples of ranges being built for as little as $250,000.00. While not insignificant, in today's retail environment, that is a relatively easy number to reach with proper pre-planning for a reasonably structured for-profit business. FINANCIAL VIABILITY IS NOT THIS BOARD'S RESPONSIBILITY.

7) Pkt pg 86, 1st "blue" statement: Again, simply the writer's opinion with no factual financial data to back the claim. We are not insensitive to costs, but safety remains the #1 priority.

8) Pkt pg 86, 2nd "blue" response: 20 acres required simply brings the guidelines in line with the requirement of 20 acres for paint ball ranges. How do paint ball ranges with a 20 acre deterrent operate profitably within this requirement yet a commercial gun range cannot?

9) Pkt pg 86, 3rd "blue" response: We would find this suggestion acceptable, conditional on the county approving the procedures and "d" (as printed in black and red) remains unchanged.

10)Pkt pg 86, 4th "blue" comment: We would agree that this paragraph can be simplified, but it must include a minimum insurance company rating and a better definition of "standard and customary", which is very vague.

11) Pkt pg 86, 5th "blue" comment: For an unlighted range, these hours make sense. For a lighted range, this can be addressed in the SUP. Again, this is not meant to make operation economically infeasible, but to protect residents from noise.

12) Pkt pg 87, "blue" fencing comment: No, berms are not fences. We expect the county to approve nothing less than a 10' chain fence. It's not cost, it's responsible safety.

13) Pkt pg 87/88, "blue" paragraph on siting: The 3000ft simply represents bringing the sighting requirements in line with current IL laws to protect the range operator from noise lawsuits and represents a defined benefit to the operator. To date, the NRA has not brought a suit against the state for this law, tho obviously it doesn't mean they would not. They can work in Springfield to have the law changed and county law can be adjusted if necessary. And yes, a farmer building a for-fee gun range behind his barn would be subject to all commercial range rules.

14)Pkt pg 88, 2nd "blue" comment: The presumption in the comment is the range operator lives on the commercial establishment, which is not a given. Since the SUP is designating a specific piece of land, a "private" residence is not part of the commercial operation.

15) Pkt pg 88, last "blue" question: A maximum coverage requirement seems reasonable. On any given 1 acre (44,000 sq ft) parcel, this is over 26,000 sq ft. The county does impose maximum square footage allowed

for building on other commercial properties depending on intended use.

16) Pkt pg89, 1st "blue" comment: This aligns range requirements with county noise regulations . Keep in mind the bark of a gun(s) is far more intrusive and potentially damaging to hearing than an irresponsible neighbor's mower droning on at 7am on a Sunday.

17) Pkt pg 89, 2nd "blue" comment: Low level training can be accomplished indoors as well as out. Law enforcement has a designated low light range already. Demonstrated needed variances could be dealt with in the SUP.