

**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 April 8, 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:** Judy Gilmour, Matt Kellogg (Vice-Chairman), John Purcell (arrived at 6:38 p.m. and left at 7:17 p.m.), and Matthew Prochaska (Chairman)

**Committee Members Absent:** Elizabeth Flowers

**Also Present:** Matt Asselmeier (Senior Planner), Todd Milliron, Mark Perle, Priscilla Gruber, Greg Petersen, Dan Kramer, David Lombardo, Chris Paluch, Peter Pasteris, Laurie Pasteris, Karen Anderson, and Mike Hoffman

**APPROVAL OF AGENDA**

Member Gilmour made a motion, seconded by Member Kellogg, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried unanimously.

**APPROVAL OF MINUTES**

Member Gilmour made a motion, seconded by Member Kellogg, to approve the minutes of the March 11, 2019, meeting. With a voice vote of three (3) ayes, the motion carried unanimously.

**PUBLIC COMMENT:**

Todd Milliron stated that many members of the public at the Zoning Board of Appeals hearing felt that Petition 17-28 had improved since the last time it was heard. Mr. Milliron suggested that a bond requirement should be added to the proposal to cover remediation to a gun range site. He discussed a case involving the Aurora Sportsman's Club.

Mark Perle thanked the Committee for the changes to Petition 17-28. He favors the recommendations of the Zoning Board of Appeals.

Greg Petersen would like the measurement of shooting ranges to be measured from property lines instead of residential dwellings. He would like to see adequate regulations related to roadways so that first responders can access sites. Mr. Petersen expressed concerns about noise at the distances proposed; he favored increasing the one thousand foot (1,000) distance.

Member Purcell arrived at this time (6:38 p.m.).

David Lombardo, President of Aurora Sportsman's Club, summarized the case against the Club by the Illinois Attorney General. The Club completed the requirements imposed by the State.

Priscilla Gruber echoed Mark Perle's comments regarding improvements to the proposal. She requested that the distance from firing lines to homes be measured from lot lines instead of the dwelling. Ms. Gruber discussed the three thousand foot (3,000') requirement in State law regarding noise. She also requested that the forest preserve and State parks exemption be removed if State law already granted the exemption.

Chris Paluch requested that the grandfathering provision should be rewritten as "legal, existing gun ranges". If a gun range has no records of existence, that gun range should not be grandfathered.

## **PETITIONS**

### **Amended Petition 17-28 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request. Township review of the proposal ends May 1, 2019.

The Committee reviewed the recommendations of the Zoning Board of Appeals.

1. Bonds for site remediation should be required; specific amounts set by the County Board. Member Kellogg expressed concerns regarding setting a bond and the impact of inflation. The consensus of the Committee was to add this requirement to Section a.
2. In Section b, the National Rifle Association Standards should be the 2012 standards. The consensus of the Committee was to make this change.
3. In Section c, greater clarification of shooting angles in relation to downrange safety areas should be clarified. Members expressed concerns on the method used calculating shooting angles. The consensus of the Committee was not to include this amendment.
4. In final point under Section d.5., the downrange safety area requirement should be modified and not waived if baffling and berming is provided. The consensus of the Committee was to change the requirement to "may" instead of "shall".
5. In Section f, the firing line should be one thousand five hundred feet (1,500') instead of one thousand feet (1,000') from residential dwellings and property lines of schools, daycares, places of worship and airstrips. The difference in measurement exists because the regulation has always been that way. Discussion occurred regarding applying the measurement in rural areas with large parcels and few houses. Proposals will be reviewed on a case-by-case basis based on the neighborhood and layout of the area. The consensus of the Committee was to measure from the property line in cases of residential zoning districts; one thousand feet (1,000') from residentially zoned property.
6. In Section h, the range safety officer should be present during operational hours instead of at all times. The consensus of the Committee was to require a range safety officer be present during operational hours when discharging of firearms is taking place.
7. Any required signs should be bilingual. The consensus of the Committee was not to include this change.
8. The hours of operation should be set by the County Board. However, gun ranges should

not be operational after thirty (30) minutes from sunset.

Member Kellogg did not favor the sunset measurement. Member Purcell did not favor early morning shooting on weekends. Members Gilmour and Kellogg favored letting the County Board determine hours of operation. Discussion occurred regarding the noise regulations in relation to hours of operation. The consensus of the Committee was to keep the noise regulations unchanged and remove the thirty (30) minutes from sunset provision.

9. In Section n, the requirement that berming could be substituted for fencing was deleted. Discussion occurred regarding berming requirements. The consensus of the Committee was to allow fencing to substitute for berming.
10. Typos in Sections v and x were corrected.  
The consensus of the Committee was that typos should be corrected.
11. The consensus of the Zoning Board of Appeals was that Section x was not needed.  
The consensus of the Committee was to remove this section.

In Section a, two (2) copies of the 2012 NRA Range Source Book should be available in the Planning, Building and Zoning Department. One (1) book would remain in the office and one (1) book could be checked-out by members of the public. The consensus of the Committee was to make this change.

All references to the NRA Range Source Book shall specify the 2012 edition of the NRA Range Source Book. The consensus of the Committee was to make this change.

The exemption granted to the Forest Preserve District and State parks should be removed. The consensus of the Committee was to make this change.

Marijuana will not be allowed in shooting ranges.

Mr. Lombardo discussed the proposed flagpole, flag, and sign dimensions. The consensus of the Committee was to remove the dimensions of flagpoles, flags, and signs in Section i.

Member Kellogg made a motion, seconded by Member Gilmour, to forward the amended proposal to the Committee of the Whole and County Board. The amendments were as follows:

1. All references to the exemption of the Forest Preserve District and State of Illinois lands used for parks shall be removed.
2. In Section a, two (2) copies of the 2012 National Rifle Association Range Source Book shall be kept in the Planning, Building and Zoning Department office. One (1) of these books shall be made available to rent to the public.
3. All references to the National Rifle Association Range Source Book shall specific the 2012 edition of the book.
4. In Section a, a requirement that a bond be established for site remediation with the County Board specifying the amount shall be added.

5. In the last section under Section d.5, the downrange safety area requirement for handgun and rifle may be waived instead of shall be waived.
6. Section f shall read, "The firing line must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, airstrips, and residentially zoned property.
7. In Section h, the range safety officer must present during operational hours when discharging of firearms is taking place.
8. In Section i, all references to the dimensions of flagpoles, flags, and signs shall be removed.
9. Section x shall be deleted in its entirety.
10. All typographical errors mentioned by Staff shall be remedied.

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

The motion carried. This matter will go to Committee of the Whole on April 11<sup>th</sup> and the Kendall County Board on May 7<sup>th</sup>.

**NEW BUSINESS**

Request from Dan Kramer Regarding Minor Amendments to a Special Use Permit for a Banquet Center at 1998 Johnson Road-Request to Have Porta Johns and Other Temporary Bathroom Facilities Remain for the Duration of the Season Instead of Removal Within Two (2) Business Days After Each Event

Mr. Asselmeier read the memo on the subject.

Request from Dan Kramer Regarding Minor Amendments to a Special Use Permit for a Banquet Center at 1998 Johnson Road-Request to Erect the Temporary Tent Prior to May 1<sup>st</sup>.

Mr. Asselmeier read the memo on the subject.

Mr. Kramer and Member Kellogg provided information on the trailer.

Member Kellogg made a motion, seconded by Member Purcell, to allow the temporary bathroom trailer and not porta-potties to be placed on the property for the season and to allow the tent to be erected on or after April 15<sup>th</sup>.

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

The motion carried. Mr. Kramer shall submit an application for minor amendment.

Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2019 NPDES – MS4 Requirements in an Amount of \$1,800 Plus Reimbursable Costs (Costs + 10%)

Mr. Asselmeier read the memo on the subject. The base fee increased from One Thousand Seven Hundred Dollars (\$1,700) to One Thousand Eight Hundred Dollars (\$1,800).

Member Purcell made a motion, seconded by Member Kellogg, to approve the contract as presented.

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

The motion carried. The proposal will go to the County Board on April 16<sup>th</sup>.

Member Purcell left at this time (7:17 p.m.)

Discussion of Alleged Planning, Building and Zoning Department Related Violations at 508 W. Route 126 (Anderson Tree Farm)

Mr. Asselmeier presented Brian Holdiman's email on the subject.

Karen Anderson explained that they have a fundraising event in February. They no longer have parties even though renting the space is still on the website. The fish dinner was not a charity event. They would need a special use permit for a banquet center if they have events more than one (1) time per year. Mr. Asselmeier will supply Ms. Anderson with a copy of the special use permit application.

Ms. Anderson said that some of the trucks paid to park at the property and some are used for storage.

No shooting has occurred on the property in the last four (4) years . Any shooting that occurred on the property was private shooting.

Approval of Setting a Date and Time for a Second Meeting of the Planning, Building and Zoning Committee in the Month of April 2019

Chairman Prochaska suggested April 30<sup>th</sup> at 8:00 a.m. The consensus of the Committee was to have the second meeting at the above date and time.

**OLD BUSINESS**

Request from Teska Associates, Inc. to Extend the Contract for Completing the Zoning Ordinance Project Update from March 29, 2019 until June 28, 2019

Mr. Hoffman stated removing duplicative sections is the only part of the project that remains unfinished. He hoped to finish his review by April 19<sup>th</sup>. A draft will be provided to the County by the end of April.

Member Kellogg made a motion, seconded by Member Gilmour, to approve the contract amendment as requested.

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

The motion carried. The proposal will go to the County Board on April 16<sup>th</sup>.

Update on 45 Cheyenne Court

Mr. Asselmeier provided pictures of the property. The property owner has the siding ordered. The property owner will provide the Committee pictures by June 1<sup>st</sup> and hopes to complete the project August 1<sup>st</sup>. The consensus of the Committee was to set August 1<sup>st</sup> as the completion deadline provided that the property owner provides a copy of his siding order by April 30<sup>th</sup>. If proof is not provided by April 30<sup>th</sup>, the matter will be on the May 13<sup>th</sup> Planning, Building and Zoning Committee agenda.

Update on Zoning Violation at 790 Eldamain Road

Mr. Asselmeier provided pictures of the property. The majority of the Committee was to grant the property owner a one (1) month extension.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION**

Approval of Proclamation Declaring May Historic Preservation Month in Kendall County

Member Kellogg made a motion, seconded by Member Gilmour, to approve the proclamation.

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

The motion carried. The proposal will go to the County Board on May 7<sup>th</sup>.

**CORRESPONDENCE**

March 21, 2019 Email from Pete Wallers Regarding Drinking Water 1-2-3 Academy

Mr. Asselmeier read the correspondence.

March 27, 2019 Email from Dee Weinert Regarding United City of Yorkville 2018 Building Code Update

Mr. Asselmeier read the correspondence.

**PUBLIC COMMENT**

None

**COMMENTS FROM THE PRESS:**

None

## **EXECUTIVE SESSION**

None

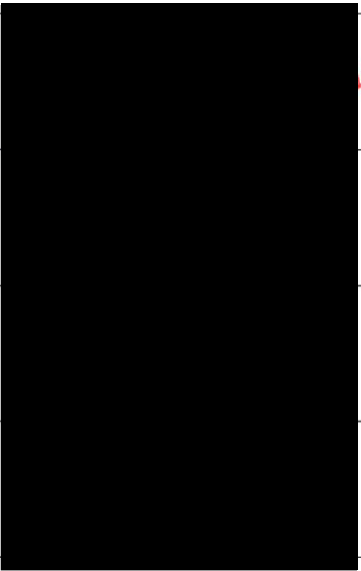
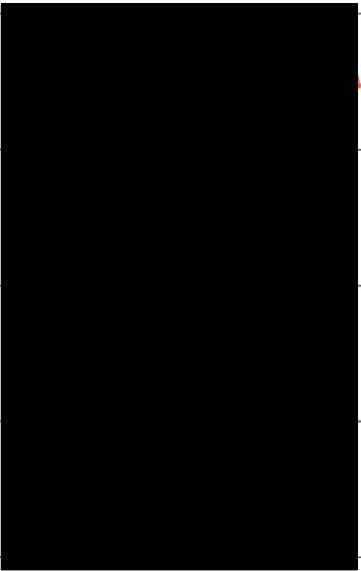
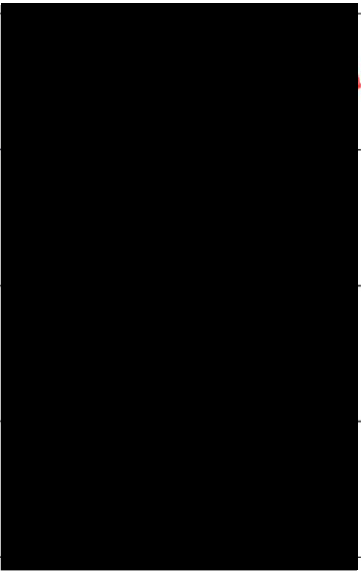
## **ADJOURNMENT**

Motion by Member Gilmour, seconded by Member Kellogg, to adjourn. With a voice vote of three (3) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 8:09 p.m.

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

**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
APRIL 8, 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)
Mark Peole		
Phisella Gruber		
Dan KRAMER		
Paula Lombardo		
Chris Paluch		
Greg Peterson	