CALL TO ORDER
At 7:04 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

This will be a joint meeting due to the nature of the petitions.

ROLL CALL
Members present:  Randy Mohr (Chairman), Scott Cherry, Scott Cryder, Karen Clementi, Tom LeCuyer and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Donna McKay
In the audience: Commander Robert Wollwert and Sheriff Richard Randall

A quorum was present to conduct business.

CALL TO ORDER
At 7:05 p.m., Chairman Bill Ford called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present:  Bill Ford

MINUTES
Scott Cryder motioned to approve the December 3, 2012 ZBA meeting minutes.  Scott Cherry seconded the motion.  All were in favor and minutes were approved.

Chairman Mohr swore in Senior Planner Zubko, Commander Robert Wollwert and Sheriff Richard Randall.

PETITIONS
#13-01 Outdoor Commercial Sporting Activity
Planner Zubko stated this petition has to do with the Kendall County Sheriff’s Office.  They are looking into putting an outdoor shooting range out at the Central Limestone Quarry.  The petition first started off with using the same definition of an outdoor commercial sporting activity from the A-1 Agricultural district with conditions and now has morphed into a Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board.  The reasoning is the Plan Commission felt guns and ranges should be discussed more thoroughly at ad-hoc but this will keep the petition going for the Sheriff’s office.  With those changes staff suggests putting the following language in the M-2 and M-3 district as a special use:

Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.  We will discuss some conditions staff and the Plan Commission suggested on the next petition.
Mr. Cryder asked why we never hear from the townships anymore. Planner Zubko stated she is not sure and has also reached out to the townships to introduce herself and also let them know about the petition process and to please contact staff.

Mr. Randall talked about the new range with higher berms and a safer operation for their shooting range. They will be at this property for about 25 years.

The Zoning Board decided to also discuss the actual petition before recommending the text. See below for the vote for the text amendment.

**#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range**

Planner Zubko stated the petitioner would like to rezone a 17 acre property from M-2 to M-3 and also requests a special use for a Kendall County Governmental Agency and other law enforcement shooting range. Central Limestone has been at this site since the late 1800’s and the County Zoning regulations have changed so much that M-2 was for mining at one point. Staff suggested rezoning the portion of the property for the shooting range to M-3 so they can get a special use for the shooting range. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel on the west. The reason we are reasoning the whole pin number is because the petition is not sure exactly where the berms will be built and also this cleans up that whole parcel which will eventually be mined. There’s a lot of good information in the ZPAC meeting minutes from Commander Wollwert like the IL EPA does not control shooting ranges and does not get involved until the range is inactive and then the lead that remains in the backstop becomes hazardous waste that does have to be dealt with. The IL EPA directed Mr. Wollwert to a specific region of the federal EPA because even nationwide the federal EPA does not have a specific set of guidelines but they did direct him to Region 2 which has put together a best practices manual that is being evaluated now with regards to the construction plans. The manual has specific recommendations for which type of material is best. For example what type of materials to use for the backstop so you can sift out the bullets when needed for clean-up. The state recommends a berm of at least 30’ tall for the backstop for recruit training so their backstop on the south will be a minimum of 30’ tall. The berms will be constructed out of clean fill from Route 47 and Route 34 widening project and the backstop might be 50’ tall instead of 30’. The shooting range they use now is currently inspected yearly by the Law Enforcement Training and Standards Board and has never had a problem passing their inspections and would continue that process at the new site. The intent for the new range is to limit it to only the sheriff’s office at least at the beginning stages. Mr. Wollwert is in attendance for any questions.

The request to rezone to M-3 is consistent with the County’s Zoning Ordinance for mining and the LRMP and since the text amendment was moved forward by the Plan Commission staff would recommend approval with the following conditions:

1. Minimum of a 30’ backstop
2. Hours are limited from 7am to 8pm
3. Water and drainage plans must be approved by Kendall Counties Consulting engineer
4. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
5. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance
6. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance
7. All applicable State, Federal, County and EPA rules and regulations shall be adhered to.
8. No activity shall leave the boundaries of the site.
9. Shall contact and meet all requirements of the Kendall County Health Department.
10. The best practices manual provided from the Region 2 office of the EPA shall be used as a guide.
11. Gated entrance
12. The Sheriff’s office must keep a list of persons that want to be notified 48 hours in advance of shooting or training and notify them.
13. Appropriate signage as determined by the Zoning Office be secured around the perimeter of the property.

Ms. Clementi asked if the neighbors had any concern. Commander Wollwert stated some members attended the Plan Commission meeting last week and any concerns they had were met in added conditions.

Mr. Ford asked about the gated entrance. Commander Wollwert stated there will be berms along the front entrance, no fence but will have the gate and appropriate signage. Mr. Wollwert stated they also have field officers looking for people on the roadways. Mr. Ford asked about lighting, Commander Wollwert stated if they had night shooting it would be temporary lights. There was some discussion about notifying the public that wanted to be notified 48 hours in advance of shooting. The Sheriff’s office would know about 95% of the days they plan to shoot in January of each year that they could get out to the public. There was discussion how often the range would be used.

Mr. Randall would like to amend condition number 12 to write something along the lines to exempt gun testing or shooting more than 2 hours they will be notified 48 hours in advance. The special use hearing officer was fine with the exemption of gun testing.

#13-01 Kendall County Government Agency and other law enforcement Shooting Range
Hearing no testimony, Chairman Mohr closed the testimony.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the PBZ meeting next week.

#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range
With no further testimony, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a map amendment as follows:

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. Staff has answered as follows:

Existing uses of property within the general area of the property in question. The property to the east and west of this property is already being mined and someday this property will be mined as well.

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The Zoning classification of property within the general area of the property in question. The property to the north and south are shown on the LRMP as potential mining and to the east and west is already zoned for mining so the M-3 zoning is consistent with the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is currently zoned M-2 which was the zoning for mining back in the 70’s. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. This mine has been in existence since the late 1800’s and the trends of development in the area are potential mining districts or are already mines.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This land fits more with the purpose and objectives in the M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.

With no further suggestions or changes Karen Clementi made a motion, seconded by Tom LeCuyer to approve the map amendment with the above findings of fact. With a roll call vote all were in favor and the map amendment was approved and will be on the next PBZ Committee agenda.

Special Use Hearing Officer Ford reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. An outdoor shooting range should not be any more dangerous than weekly mine blastings and eventually this property will also be mined.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make...
adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. An outdoor shooting range noises will be consistent with the noises of a mine. The petitioner is making adequate provisions for appropriate buffers and the shooting with take place towards the south. The berm will be a minimum of 20’ tall and probably will be taller than that which will also help to block the noise.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A curb cut already exists to this piece of property and there will be no utilities on this property. Proper drainage is already being designed for and there will be a berm around the special use which will hold the water on their own site.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the M-3 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an outdoor shooting range. This specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons.

Bill Ford made a favorable recommendation with the above staff’s findings of fact except for the last finding of fact be amended to add ‘this specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons’ and the 13 conditions on the special use.

**ADJOURNMENT**

Chairman Bill Ford adjourned the Special Use Hearing Officer meeting at 7:45 p.m.

**#13-03 Other Plat Process (Vacation, Dedication, Etc.)**

Planner Zubko stated that back on January 18, 2011 County Board approved changes to the review process in the Zoning Ordinance and on March 15, 2011 County Board approved changes to the subdivision control ordinance including the preliminary and final plat process. During those changes a process for Other plats (Vacation, Dedication, etc.) was never created in the Subdivision Control Ordinance. Therefore staff would like to create a section for that process. The reason this has come up is because people are looking to buy 2 lots in a subdivision and combine the lots into 1 to build a house in the middle and there typically are easements down the middle of the lots and building setback lines. As you can see we made an exemption for County and Township roadways as they have a different process to go through.

Hearing no testimony, Chairman Mohr closed the testimony.
With no further suggestions or changes Scott Cryder made a motion, seconded by Scott Cherry to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the next PBZ meeting.

**#13-04 Micro-batch Distillery**

Planner Zubko stated this petition relates to a Petition for Three Angels Brewing LLC. The petition will only be heard from the special use hearing officer at a later date. They would like to amend their special use to also allow micro/craft distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 of the Zoning Ordinance and also allow it as a special use in the A-1 and B-3 district and allow as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with 6 following conditions:

a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.

b. Locally grown inputs shall be used to the greatest extent possible.

c. The number of hours permitted to operate shall be on the approving ordinance.

d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.

e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.

f. Shall contact & meet all requirements of the Kendall County Health Department.

The proposed definition is: MICRO DISTILLERY or CRAFT DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed fifteen thousand (15,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

Hearing no testimony, Chairman Mohr closed the testimony.

There was some discussion about the operation and how it would run. There was discussion about waste management plan. The ZBA would like to add a condition that a waste management plan should be submitted to the Kendall County Health Department.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment as approved. With a roll call vote all Scott Cherry voted no and the other 5 were in favor. Mr. Cherry does not feel comfortable and feels there are too many unanswered questions. The text amendment will go to the PBZ meeting next week.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**

None (there was only 1 variance at the last meeting)

**NEW BUSINESS**

None

**OLD BUSINESS**
Review and approval of the REVISED 2013 meeting dates - Planner Zubko stated some of the dates previously approved are not the week after the Plan Commission and therefore not in the correct sequence. Scott Cherry made a motion to approve the 2013 schedule as revised, Tom LeCuyer seconded the motion. All were in favor and the revised 2013 schedule was approved.

PUBLIC COMMENT-
There were no members in the audience to comment.

ADJOURNMENT
Karen Clementi made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:10 p.m. The next meeting will be on April 1st unless we need to hold a special meeting late in March as Planner Zubko will be absent March 4th.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary