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, 2013

CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:30 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Vice-Chair Judy Gilmour, Amy Cesich, Lynn Cullick and Jeff Wehrli
Absent: None
Also present: Senior Planner Angela Zubko, Jeff Wilkins (Interim PBZ Director & Administrator) and Code Compliance Officer Brian Holdiman, Commander Robert Wollwert, Mary Ludemann- Fire Inspector for the Plainfield Fire Protection District, Lt. Alec J Keenum- Fire Marshal for the Oswego Fire Protection District, Chief Rick Neitzer- Oswego Fire Protection District, Chief Greg Witek- Little Rock Fox Fire Protection District, Gregg Williams-Fire Marshall for the Little Rock Fox Fire Protection District, Chief Michael Hitzemann- Bristol Kendall Fire Protection District, Mike Torrence- Fire Marshal for the Bristol Kendall Fire Protection District, Joe Casella-Fire Marshal for the Minooka Fire Protection District, Attorney Kelly Helland, Christina & David Demiduk (owners of Emerson Creek), Patty Lariviere- Village of Oswego, Kristin Jungles- realtor, Shawn Flaherty-attorney that represents some of the fire departments, County Board Chair John Shaw, County Board member Matt Prochaska and Kristine Heiman- realtors

APPROVAL OF AGENDA
Lynn Cullick made a motion to approve the agenda as written, Jeff Wehrli seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Lynn Cullick made a motion to approve the minutes from January 7, 2013. Amy Cesich seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT
Amy Cesich made a motion to approve the bills. Lynn Cullick seconded the motion. With a roll call vote, all agreed and the bills will be forwarded to the Budget and Finance Committee.

CITIZENS TO BE HEARD
There were no citizens to be heard at this time

OLD BUSINESS
Discussion on Resolution in Support of a change in legislation to grant counties the same ability as municipalities to adopt their own fire prevention codes- Mr. Gryder stated this is a topic we have been talking about for a little while and we’re looking for a little feedback with regards to sprinkler systems. Mr. Wehrli thanked everyone for coming and would like to get some information about what codes they’re using and seeing if maybe we can come up with a countywide code. Mr. Wilkins stated there was a handout showing all the fire protection districts and a handout showing what codes each district is. Shawn Flaherty,
attorney of some of the fire protection districts gave some background with regards to codes. He also stated there is a court case in Kane County with regards having a uniform code. Mr. Wehrli asked if the County adopted their own codes who would enforce them and Mr. Flaherty stated unless there is an intergovernmental agreement the County would. Chief Rick Neitzer came up and discussed that their codes have been in existence for 7 years. He also discussed about sprinkler systems and if they're in the village they have to pay tap on fees and extend the pipes and also put on a back-flow device, if they are in unincorporated areas they need to put in a tank with fees about the same as if they were incorporated. Chief Neitzer stated the Oswego Fire Protection District goes into Kane County as well and crosses a couple municipalities. The sprinklers also have to do with life safety. Ms. Cesich asked the Chief’s thought if the sprinkler system is hurting economic development. Chief Neitzer stated Kendall County was one of the fastest growing counties which did not stop economic growth. Lieutenant Keenum discussed the difference between sprinklers and water use and hoses and water use. Ms. Cesich asked if they think Kendall County should go along with this resolution and Chief Neitzer stated no they do not want the County to adopt this resolution being discussed. Mr. Wehrli asked when they adopt a fire code can they opt out of certain codes or adopt all the codes. Chief Neitzer stated they can exempt out things or add things to the code.

Mike Torrence from the Bristol-Kendall Fire Protection District wanted to mirror everything the chief from Oswego stated but said they have adopted the residential code from 2 homes and up. He also mirrored what Lieutenant Keenum stated about water coming out of a sprinkler vs. a hose. He also touched on the state adopted the 2009 life safety code which is a minimum and the state is looking to adopt the 2012 life safety code. There was some discussion on tents and Mr. Keenum stated it depends on the type of tent and the amount of time but all those items are addressed in the codes today.

David Demiduk stated he and his wife Chris wanted to express a little different view. He stated a new well is $30,000 and a water main tap does not cost $30,000. Also they were told if they added to their building the whole building needs to be retrofitted. They were also told any new buildings would have to be sprinkled as well. Mr. Holdiman stated it depends on the definition of retrofit. Chief Neitzer stated not only include tap on fees but include Fox Metro tap on fees. He also talked about change of occupancy with regards to pertaining to different codes.

Fire Chief Greg Witek from Little Rock Fox talked about how most of these districts were all volunteers until the growth came. Little Rock Fox has full time medics but everyone else are volunteers. The missions are life safety and property loss and time increases safety and decrease property damage. Most of these districts have a lot of square miles to get to these properties. Little Rock Fox has 59 square miles. Chief Witek also discussed the lack of coordination. They have been working in their department to work with everyone so there are no conflicts like with the City of Plano. They have been pushing towards more consistency. He stated if we’re looking to add another layer to these codes that is making it more difficult and inconsistent. Insurers reward property owners that have sprinklers.

Chris Demiduk from the Emerson Creek Pottery stated she’s owned the pottery barn for 12 years and have never seen the fire department in the last 2 years. They are a seasonal operation so do not heat the buildings in the winter therefore need a different system.

Chief Michael Hitzemann- Bristol Kendall Fire Protection District stated they had a year long discussion on what code to adopt and ended up adopting the same code as the City of Yorkville. Mr. Hitzemann stated he felt the resolution should have been the last effort and not the beginning of this discussion. He also mentioned they only have enforced he sprinkler system in 2 places so far, Whitetail and Helmar church.

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Hitzemann also stated having one cohesive code would be very difficult as they all have different views and different capability.

**PETITIONS**

**#13-01 Outdoor Commercial Sporting Activity & #13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range**

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.

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. Commander 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. Gun testing is exempt from notifying the neighbors as it will be on an as needed basis and for a short period of time.
13. Appropriate signage as determined by the Zoning Office be secured around the perimeter of the property.

Mr. Gryder had a question about the berm and asked about fencing around the berms. Commander Wollwert stated the berms will be quite significant and there will be a lot of signs about the perimeter of the ranges. Also there are range officers that will be watching out for safety hazards while shooting. There was discussion on a possible building for this site. Commander Wollwert stated they are looking to have access to the K-5 building for restroom use. Ms. Gilmour also was concerned about not having a fence on the property. Ms. Gilmour asked about plantings on the berm and Commander Wollwert stated the Sheriff’s office will be planting on the berms to keep them in place. Ms. Gilmour asked about the liability to the County for this range. Commander Wollwert stated the SAO has been working on liability agreements for this site and have liability agreements with the current site. Ms. Gilmour asked about the residents around the property. Mr. Wollwert stated they were required to notify 3 residents around the facility and they notified 19 residents which all their concerns were addressed or some conditions were added. Mr. Wehrli asked if the old range will still be in use. Commander Wollwert stated yes the other agencies will be using the site. Sometimes it is hard to get out there to even test a gun because it is in use by another agency. Ms. Cesich asked about indoor facilities and the Commander stated with indoor ranges they are typically shorter distances and are not suitable for rifle training. There was some discussion on costs.

With no further suggestions or changes Jeff Wehrli made a motion to approve petition 13-01, seconded by Judy Gilmour approve and forward the petition onto the next Committee of the Whole meeting. All were in favor.

With no further suggestions or changes Jeff Wehrli made a motion to approve petition 13-02, seconded by Lynn Cullick to approve and forward the petition onto the next County Board meeting. All were in favor.

**#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 from the State.
Mr. Gryder asked on letter E if we do not want to reference specific committees if the committees do not exist in the future. Planner Zubko stated specific committees are referenced in many sections for other items so it would not be worth changing just this one.

With no further suggestions or changes Amy Cesich made a motion to approve petition 13-03, seconded by Lynn Culluck to approve and forward the petition onto the next Committee of the Whole meeting. All were in favor.

**#13-06 Plat of Vacation**

Planner Zubko stated that the Planning, Building and Zoning Office has been receiving calls to ask if owners can purchase 2 lots in a subdivision and build a house in the middle of the two lots. This is possible as long as the lots are looked at to make sure it will not alter drainage, disturb an already existing utility or violate the planned unit development agreement.

The first two lots to look at consolidating are lots 11 and 12 of Shadow Creek. This was already discussed at the ZPAC Committee meeting and the text amendment for the process is Petition #13-05 which was just discussed. The petitioner is looking to vacate the east side drainage and utility easement and building setback line and vacate the west side drainage and utility easement and building setback of lot 12. The plat shows the petitioner will leave a small section of the utility easement in the front building setback line as there is already an existing utility box and will remain all easements around the consolidate property. After the granting of the plat of vacation the ultimate goal is to combine the two lots to make one large lot and build a house in the middle of the lots. Staff recommends approval of the plat of vacation. The Attorney was here on behalf of the petitioners.

With no further suggestions or changes Jeff Wehrli made a motion to approve petition 13-06, seconded by Judy Gilmour to approve and forward the petition onto the next County Board meeting. All were in favor.

**#13-04 Micro-batch/Craft 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 is as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with 7 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.
g. A waste management plan should be submitted to 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
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.

Mr. Wehrli wanted to make sure by adding this it does not change the micro-brewery definition and planner Zubko stated it would not affect anything the petitioners will have 2 special uses on the property. There was also discussion about special events and how it would not be held at the property and it could be looked at a case by case basis and put onto the approving ordinance as a condition.

There was some discussion on the state rules. Mr. Wilkins stated the liquor control commission will have to create a license for this type of facility and hold a public hearing.

With no further suggestions or changes Judy Gilmour made a motion to approve petition 13-04, seconded by Jeff Wehrli to approve and forward the petition onto the next Committee of the Whole meeting. All were in favor.

**#12-03 Land Cash Ordinance**

Planner Zubko stated this was discussed last month and she has brought back the specific pages in the packet with the requested changes so we’ll go page by page. On page 3 Planner Zubko read the draft language about waiving the school fees for age-restricted adult or senior citizen housing. Everyone was good with the language. Page 4: Planner Zubko crossed out the information since the PBZ decided last time to keep the population ratio for the forest preserve district at 10 acres per 1,000 population. On the bottom of page 4 planner Zubko added ‘or forest preserve district’ that was left out prior. Starting on page 11 it talks about fair market value. After some discussion the group liked ad-hoc’s suggestion the best to have the township assessor come up with a fair market value number every year and add the cost of construction to come up with the fair market value. Mr. Wilkins asked would that be based on average assessed values of residential and commercial or just residential or based on sales. The Committee decided based on the average of residential assessments. How many years is still up in the air but it sounded like 3 years was the best idea at this time. The Committee also decided at this time they would like to have the superintendants and assessors invited to the April PBZ meeting for discussion on the proposed changes with the proposed fair market value for a talking point. All agreed so Planner Zubko will invite all the superintendents and assessors to the next meeting for discussion.

**OLD BUSINESS**

**City of Yorkville Building Inspection Agreement**- Mr. Holdiman stated the States Attorney’s office drafted an agreement which we have sent to the City of Yorkville. Their administrator has looked at it, their attorney has looked at it and their insurance company has looked at it and all approve of the agreement. Our attorney agrees with it since they wrote it but we’re checking with our insurance company to make sure they agree with it. The next step is after everyone approves it we will send it to the City of Yorkville’s counsel first for approval and then come to the full County Board for approval.

**NEW BUSINESS**

**Refund to Bob Schneider of Stor-Mor in the amount of $75 (Scope of permit inspections changed)**- Planner Zubko stated in the packet Mr. Holdiman provided a memo regarding a refund to Bob Schneider. After the plans were submitted the scope of the project changed therefore changing the amount of inspections needed. Mr. Holdiman supports the refund. All refunds and waivers must be approved by the Planning, Building and Zoning Committee according to the Kendall County Building Code. Amy Cesich made a motion to approve the
refund in the amount of $75. Jeff Wehrli seconded the motion. A roll call vote was made and all were in favor of the refund.

**CMAP 2040 Plan** - In the packet are the proposed changes to the CMAP 2040 plan, the only changes are in red on the 2nd page. There was much discussion on the memo regarding the earmark funds to improve IL 47 from Caton Farm Road to I-80. Planner Zubko thinks that was the information they had at that time. After much discussion of where this came from and why the Board was not informed the Committee decided they should write a letter commenting on where the funds might go to and concern over such a short public comment period.

**Request and approval of obtaining a credit card for PBZ** - Planner Zubko stated this was discussed at the Administration/HR Committee and approved for a shared credit card with the Administration office in the amount of $3,000.

**American Planning Association National Planning Conference in Chicago - April 13th-17th** - Planner Zubko stated that the National Conference is going on in April. The cost just for the 5 day conference is $695 if I register before the 14th otherwise it goes up to $745. Planner Zubko was wondering if it would be okay to also get a hotel room for those 4 nights due to the timing of the sessions. There is a reduced rate of $220 if you stay at the hotel on site but Planner Zubko plans to look for a cheaper hotel nearby for around $180 a night without taxes. There is enough money in the budget but wanted to make sure the Committee is fine with those costs. Typically I would attend the state conference which is cheaper but this is the first time the national conference is being held in Chicago. Planner Zubko also had the session book to reference if anyone wanted to see what is offered. Judy Gilmour made a motion to approve Planner Zubko going to the conference and getting a hotel room at the Hyatt which is the hotel on site.

**PUBLIC COMMENT** – None

**UPDATE ON HISTORIC PRESERVATION** - Planner Zubko stated the presentation will be at the COW meeting on Thursday, February 14th.

**PROJECT STATUS REPORT** – Reviewed

**PERMIT REPORT** - Reviewed

**REVENUE REPORT** - Reviewed

**CORRESPONDENCE** – None

**EXECUTIVE SESSION** - None

There was discussion on when the next meeting will be as Planner Zubko will be absent on March 11th, the next scheduled PBZ meeting after that would be April 8th but we could hold a special meeting at the end of the month of everyone would like to.

**ADJOURNMENT** - Next meeting will be on April 8, 2013

Lynn Cullick made a motion to adjourn the meeting. Amy Cesich seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 9:03 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner

PBZ Meeting Minutes