

*Note: These minutes are not official until approved by the Planning and Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

DeKalb County Government  
Sycamore, Illinois

**Planning and Zoning Committee Minutes  
(January 27, 2016)**

The Planning and Zoning Committee of the DeKalb County Board met on January 27, 2016 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Kevin Bunge, John Emerson, Tim Bagby, Tracy Jones, Steven Faivre, and Anita Turner. Also in attendance were DeKalb County Board Chairman Mark Pietrowski, Greg Milburg of the DeKalb County Farm Bureau, staff members Paul Miller, Gary Hanson, and Rebecca Von Drasek, and many members of the public.

Mr. Emerson, Planning and Zoning Committee Chairman, called the meeting to order and noted that Frank O'Barski was absent.

**APPROVAL OF AGENDA**

*Ms. Turner moved to approve the agenda, seconded by Mr. Jones, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. Faivre moved to approve the minutes of December 8, 2015 meeting of the Planning and Zoning Committee, seconded by Mr. Bagby, and the motion carried unanimously.*

**PUBLIC COMMENTS**

No comments were offered.

**SPECIAL USE PERMIT**

Mr. Emerson explained that Douglas Massier, representing the property owner, the Marilyn J. Kirkus Trust, has filed an application for a Special Use Permit for a gun club to accommodate firearms classes. The request has been filed in accordance with the requirements of Section 9.02.B.2 of the DeKalb County Zoning Ordinance to allow the establishment and operation of a gun club on approximately two acres of a 45-acre parcel located on the west side of Anderland Road, south of Keslinger Road, in Milan Township. The property is zoned A-1, Agricultural District.

The required public hearing was held on September 24, 2015 by DeKalb County Hearing Officer Dale Clark. A number of persons spoke in favor of and in opposition the request, and many letters for and against the proposal were accepted as part of the record. The Hearing Officer submitted his findings and recommended approval of the Special Use Permit with conditions. The Planning and

Zoning Committee reviewed the application at its meeting of October 10, 2015 and directed that the matter be returned to the Hearing Officer for further testimony. The public hearing was re-opened on December 3, 2015. The petitioner provided additional testimony and exhibits, including proposals to improve safety by the construction of earthen berms. Numerous members of the public spoke in favor of and in opposition to the application.

Mr. Emerson read the proposed conditions suggested by the Hearing Officer as listed in the January 13, 2016 Staff Report;

1. Class sizes shall be limited to the number stated in Petitioner's application, i.e. no more than 18 students at any one time;
2. The shooting portion of the conceal-carry classes shall be conducted at a consistent daily time, so that the neighbors and others can expect and be prepared for the noise level and be confident of the cessation of that noise at the conclusion of that set time;
3. The Petitioner shall comply with set hours of operation for the conceal-carry classes, commencing no earlier than 9:00 a.m. and conclude no later than 9:00 p.m.;
4. During the conceal-carry class instruction dates and times, no other recreational shooting shall occur at the site;
5. A large dirt berm shall be constructed behind the existing bullet trap, as recommended by the County Sheriff following the conclusion of its 2003 inspection;
6. Classes shall occur only at the two-acre portion of the subject property identified in the application;
7. The Petitioner shall confer with County and address Section 4, "Site Plan", as contained in County Staff's report;
8. The Petitioner shall construct the steel overhead bullet retention discussed at the supplemental hearing;
9. The Petitioner shall construct side berms in the manner and locations described at the supplemental hearing;
10. The Petitioner shall consult with an NRA-certified range operator to review the site, and notify the County of any suggested improvements, and comply with any County requests in accordance with those suggested improvements, if any;
11. The Petitioner shall have present on the site at all times when shooting is occurring, a spotter to observe activities on adjacent properties, with the authority to authorize a cessation of shooting activities should safety require such action.

Mr. Emerson explained that the Planning & Zoning Committee is requested to review the entire record of the Special Use Permit request, and forward a recommendation to the full County Board on the requested Special Use in the form of an ordinance.

*Mr. Faivre made a motion to deny the Special Use application as proposed, seconded by Ms. Turner.*

Mr. Emerson asked for discussion of the motion.

Mr. Bagby inquired of the petitioner if the “spotter” is always present in the loft when shooting is to take place. The petitioner indicated that is the case. Mr. Bagby then asked what additional method could be used to signal to surrounding property owners that shooting is taking place. Scott Larson, attorney for the petitioner, stated that a red flag could be placed by the road to notify neighbors, if the Committee felt that this would be helpful. Doug Massier pointed out that the classes are only held Saturdays and Sundays and that the sound of shooting would notify the neighbors.

Mr. Faivre explained that he was in opposition to the request because he did not feel it was a good fit for the area, observing that the majority of neighboring property owners oppose the use.

Ms. Turner agreed that there was significant objection to the use and stated that she was concerned about permitting the land use in perpetuity.

Mr. Jones voiced his objections noting that the location was wrong; he did not think it should be located next to a creek, the property is too flat, there is a house within a 1/4 mile of the range, and numerous neighbors are in opposition.

Mr. Bunge stressed that denial of the Special Use Permit would not make the site safer. He noted that the recreational shooting will continue with or without approval. He stated that the proposed safety features would be required with approval of the Permit and would make the recreation shooting safer as well.

The Committee briefly discussed if the proposed conditions could be adequate to limiting the use sufficiently.

Mr. Jones expressed concern about future expansion if the Permit were approved. Mr. Miller explained that within the conditions the Committee could include a time limit requiring a future examination of the use. He noted that two- or three-year conditional approvals have been given in the past by the County Board.

Mr. Emerson added that he wanted to respect the neighbors opinions that the use was not a good fit for the area.

*The motion to recommend denial of the application was approved with five Committee members in favor, and Mr. Bunge in opposition.*

## **LEAF BURNING DISCUSSION**

Mr. Miller explained to the Committee that the County Code has no regulations related to the burning of leaves or yard waste on properties in unincorporated DeKalb County. This is due to the fact that many property owners burn yard waste as a matter of long practice, and this has been considered a typical activity. However, every year the County receives a handful of complaints from property owners regarding the smoke from burning leaves, particularly as it impacts asthmatics, those with allergies, and others with breathing problems. The County last discussed the issue of burning of waste of all kinds in September of 2009. At that time it was determined that the Sheriff Department would enforce State regulations. Title 35, Subtitle B, of the Illinois Environmental Protection regulations allows the burning of landscape waste on the property on which it is generated, unless within 1,000 feet of a municipality which prohibits landscape waste burning.

Mr. Miller reported that staff has discussed the State regulations with the DeKalb County Sheriff. The Sheriff concurs that officers can continue to respond to complaints about the burning of leaves and landscape waste occurring on properties in unincorporated DeKalb County that are within 1,000 feet of a municipality that bans leaf burning. In the event of such a complaint, an officer would be dispatched to the property to direct the fire be extinguished. Leaf burning is banned in Genoa, Hinckley, Maple Park, Sycamore, and Waterman. The Sheriff noted that there might need to be an annual reminder sent to property owners affected by a leaf-burning ban. There would also need to be a data base of properties that are within 1,000 feet of a municipality. The Sheriff's Department will enforce to the best of its ability any changes to policy or new regulations that the County adopts. Mr. Miller noted that any new regulations will require County resources for enforcement, including the costs of annual notification.

Mr. Faivre agree that notifying homeowners of the burning restrictions was a courtesy. He suggested that a postcard mailing to a few thousand households might be financed through a donation.

Mr. Hanson, DeKalb County Administrator, inquired if the mailing need to be annual or if an initial mailing to notify homeowners would be sufficient.

Mr. Bunge inquired if current enforcement was complaint based. Mr. Miller affirmed that is so.

The Committee briefly discussed encouraging the Sheriff's office to enforce the State regulations and researching a mailing to homeowners in late summer. The Committee also encouraged publication of the regulations on the County's web site and the creation of a mailing list to residents within a 1,000 feet of the municipalities which ban burning. Staff also explained that although burning is not banned in other municipalities it is often regulated.

Mr. Faivre requested that Mr. Milburg, DeKalb County Farm Bureau Representative, bring the issue back to the Farm Bureau to let that group know about the discussion. Mr. Milburg agreed.

within a 1,000 feet of the municipalities which ban burning. Staff also explained that although burning is not banned in other municipalities it is often regulated.

Mr. Faivre requested that Mr. Milburg, DeKalb County Farm Bureau Representative, bring the issue back to the Farm Bureau to let that group know about the discussion. Mr. Milburg agreed.

*Mr. Bunge moved to endorse the Sheriff's enforcement of the State statues and create a listing of property owners within 1,000 of the municipalities that ban leaf burning, seconded by Ms. Turner, and the motion carried unanimously.*

### **ANNUAL REPORT - YEAR 2015**

Mr. Miller brought the 2015 Year-End Report to the attention of the Committee Members. He highlighted the Department budget and emphasized that the office is fiscally responsible, coming in under budget for those items that are under the Department's control. In addition, he observed that the value of construction in DeKalb County within the last ten years exceeds a half billion dollars.

There were no questions regarding the Report. The Committee thanked Mr. Miller for the information.

### **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet Wednesday, February 24, 2016 at 7:00 p.m. in the Conference Room East.

*Ms. Turner moved to adjourn, seconded by Mr. Bunge, and the motion carried unanimously.*

**Respectfully submitted,**



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**John Emerson**  
**Planning and Zoning Committee Chairman**

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