

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
(October 28, 2015)**

The Planning and Zoning Committee of the DeKalb County Board met on October 28, 2015 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members John Emerson, Kevin Bunge, Frank O'Barski, Tim Bagby, Tracy Jones, Steven Faivre, and Anita Jo Turner. Also, in attendance were many members of the public, attorney Scott Larson, applicant Doug Massier, and staff members Pete Stefan, Paul Miller and Rebecca Von Drasek.

Mr. Emerson, Planning and Zoning Committee Chairman, called the meeting to order and noted that Tim Bagby was absent.

APPROVAL OF AGENDA

Mr. Faivre moved to amend the agenda to move the Public Comment to follow approval of the minutes, seconded by Ms. Turner, and the motion carried unanimously.

Mr. Faivre moved to approve the agenda as amended, seconded by Ms. Turner, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Jones moved to approve the minutes of September 23, 2015 meeting of the Planning and Zoning Committee, seconded by Mr. O'Barski, and the motion carried unanimously.

PUBLIC COMMENTS

No comments were offered.

SPECIAL USE PERMIT

Mr. Bagby arrived at 7:04 p.m.

Mr. Miller 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 9.01.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. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that he is a certified firearms instructor and teaches classes in concealed-carry from the subject property. Recreational shooting also occurs at the range. The petitioner asserted that safety is the primary concern, and that there is a need for concealed-carry training. The existing building is used as a gathering place associated with the classes. Three members of the public spoke in favor of the request. A number of persons spoke in opposition to the request, citing concerns over safety, caliber of weapons allowed at the range, numbers of users at the site, hours of shooting, noise, potential negative effect on surrounding property values, and nuisance. In total, ten members of the public spoke in opposition. The Hearing Officer also received numerous letters and e-mails, both in support and in opposition to the request. Mr. Miller concluded by noting that the Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit with conditions.

Mr. Emerson suggested that the Committee review each of the Hearing Officer's seven conditions. He read the first condition; "*Class sizes should be limited to the number stated in Petitioner's application, i.e. no more than 18 students at any one time*".

Mr. Jones questioned if the parking was adequate for 18 students. Mr. Miller responded that as a public facility the petitioner would be required to make certain improvements to the site and building. He explained that this review would be completed following approval by the County Board. He encouraged Mr. Massier to contact the Building Inspector to discuss what building revisions will be required.

The Committee briefly discussed their desire to strike a balance between the complaints of the neighbors and the use of the property. Mr. Miller stated that, if the Special Use Permit is granted, it cannot have regulations related to other permitted uses, including the recreational firing of guns on the property, as this is a right that is not under the control of the County Board. Committee members observed that even with oversight of the concealed-carry classes, the recreational shooting on the property might not be curtailed to the satisfaction of the neighbors.

Mr. Emerson read the second and third conditions suggested by the Hearing Officer for review; "*The shooting portion of the conceal-carry classes should 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,*" and "*The permit should be conditioned on the Petitioner complying with set hours of operation for the conceal-carry classes, and I suggest that they commence no earlier than 9:00 a.m. and conclude no later than 9:00 p.m.*"

The Committee members inquired of the applicant the time dedicated to class instruction and shooting. Mr. Massier responded that the classes occur over a two-day period beginning at 8:00 am and concluding around 4 :00 pm. Mr. Massier also noted that the students generally only shoot in the last few hours of training and that to receive the license they must fire 60 rounds.

Mr. Emerson read the fourth condition, *“During the conceal-carry class instruction dates and times, no other recreational shooting should occur at the site”*.

The Committee discussed the hours of operation for the classes but noted the difficulty of enforcement because all shooting sounds the same.

Mr. O’Barski inquired if growth of the operation would be monitored. Mr. Miller responded that the Zoning Ordinance includes regulations of what constitutes a change to a Special Use Permit and when the County Board has the right to review the use.

The Committee also briefly discussed the nature of the Special Use Permit observing that the Permit will run with the land in perpetuity unless the use ceases for one year or more.

Mr. Emerson read the fifth condition, *“That a large dirt berm be constructed behind the existing bullet trap, as recommended by the County Sheriff following the conclusion of its 2003 inspection. The construction of this berm would serve to provide an additional level of safety, and would allay many of the valid concerns of the neighbors of the subject property expressed at hearing.”*

The Committee discussed the berm and other safety features at length. Mr. Jones highlighted the need for something to shield the residence north of the range for safety and sound. The Committee allowed Mr. Massier to offer his opinion that an additional steel backstop would be better than a berm. The Committee concluded the discussion by suggesting that the condition be rewritten to include: *“Upon staff approval of an enhanced safety feature with specific attention to the northside of the range”*.

Mr. Emerson read the sixth condition, *“Classes occur only at the two-acre portion of the subject property identified in the application”*. The Committee agreed.

Mr. Emerson read the seventh condition, *“The Petitioner is to be required to confer with County and address Section 4, ‘Site Plan’, as contained in County Staff’s report”* (dated 9-10-15). Mr. Miller noted that this condition would require the Petitioner to have their parking area reviewed by staff and should address the Committee’s concerns about parking. The Committee agreed to the condition.

The Committee had a brief discussion about setting a set time for class shooting and concluded that the condition should state the hours of class shooting should be restricted to noon till sunset. Mr. Bunge asked that the time be specific and that the hours be noon to 6:00 p.m.

The Committee regretted the fact there are no State inspections or standards for firing ranges. Members noted the difficulty in determining which safety features may be appropriate or necessary for some caliber weapons. Mr. Massier stated that nothing larger than a .45 caliber would be fired on site.

The Committee returned to the issue of the recreational uses of the property versus the professional uses. Mr. Jones asked Mr. Massier if he would be willing to agree to limit the recreational use, Mr. Massier refused.

The Committee discussed the harvest and farm equipment in proximity to the firing range. Mr. Massier stated that prior to shooting he checks from the second-story balcony for farm equipment.

Mr. Emerson recognized a neighbor who stated that they farm a neighboring property and have heard gun fire while on farm equipment in the area.

Mr. Miller highlighted that any conditions of approval such as the berm will add a measure of safety.

Mr. Emerson asked the Committee for a motion to recommend approval of the Permit with the conditions as discussed. None was offered.

Mr. Emerson moved to recommend approval of the Special Use Permit with the revised conditions, seconded by Mr. Jones, following a roll call vote Mr. Emerson and Mr. O'Barski voted in favor, all others were opposed. The motion failed, two to five.

Mr. Jones suggested a motion to deny the application. A motion to deny was made and seconded, but then withdrawn. Mr. Faivre suggested that the community should have additional opportunity to weigh in on the proposal and conditions as proposed. Ms. Turner agreed, stating that some opinions might be changed if there are additional safety measures built into the plan.

Mr. Faivre made a motion to send the application back to the Hearing Officer to further define the conditions of approval and take additional testimony, seconded by Mr. O'Barski, and the motion carried unanimously.

[The Public Hearing is scheduled for December 3, 2015 at 7:00 pm in the Gathertorium, of the DeKalb County Legislative Center.]

Mr. Emerson called for a five-minute adjournment.

PZ&B FY15 BUDGET REVIEW

Mr. Miller explained to the Committee that at its meeting of September 23, 2015, the draft FY 16 Budget for the Planning, Zoning, and Building Department was reviewed. A feature of that budget was a proposal to increase the salary of the Chief Building Inspector, the increase to be paid for by changing the fee schedules related to Building, Zoning, and Site Development Permits. Mr. Miller also pointed out that this request was denied by the County Administrator and Finance Director, and that he had filed an Appeal to allow the request to remain part of the FY16 Budget. Following discussion at the September 23rd meeting, the Committee directed staff to consider changes to these fee schedules to cover the cost of raising the Chief Building Inspector's compensation by \$3.50/hour, at a cost of \$8,652 for one year (includes FICA and IMRF).

that he had filed an Appeal to allow the request to remain part of the FY16 Budget. Following discussion at the September 23rd meeting, the Committee directed staff to consider changes to these fee schedules to cover the cost of raising the Chief Building Inspector's compensation by \$3.50/hour, at a cost of \$8,652 for one year (includes FICA and IMRF).

Mr. Miller stated that his October 15, 2015 staff report detailed the proposed fee increases. He emphasized that Building Permit fees had not been increased since 2000.

Following a brief discussion about the importance of the Building Inspector position and the expertise of Dave Reynolds, the Committee requested additional information about the fee schedule but did not object to the pay increase provided fees are increased to cover the expense.

Mr. Jones moved to approve the budget appeal to increase the Building Inspector's pay by \$3.50, in lieu of the one percent increase for exempt employees that is in the draft FY 16 Budget, and provided the changes to the fee schedules for permits administered by the Planning, Zoning and Building Department are approved, seconded by Mr. O'Barski, and the motion passed with six in favor and Mr. Bagby opposed.

EVERGREEN VILLAGE MITIGATION PROJECT

Mr. Miller reported that the project was complete.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet Tuesday, December 8, 2015 at 7:00 p.m. in the Conference Room East.

Ms. Turner moved to adjourn, seconded by Mr. O'Barski, and the motion carried unanimously.

Respectfully submitted,



~~John Emerson~~ FRANK F. O'BARSKI
Planning and Zoning Committee Chairman