

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 7, 2017 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:13 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Sgt Mark Bunting – Sheriff's Office
Aaron Rybski – Health Department
Don Clayton – GIS
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

David Guritz – Forest Preserve
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

Ms. Andrews made a motion, seconded by Mr. Klaas, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the October 3, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.19, 5.08, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Pertaining to Transferring the Powers and Duties to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Officer would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

Staff mailed this proposal to each township on October 25th. To date, no township has submitted comments.

Mr. Rybski asked about the net effect of this proposal. Mr. Asselmeier responded that the proposed text amendments would not, on the surface, increase or decrease the amount of time required to adopt a special use permit. The proposal would give the Zoning Board of Appeals the right to approve findings of fact. The Zoning Board of Appeals consists of seven (7) members and each member could state why they supported or opposed a proposal. In the case of the Hearing Officer, there is no one to debate his decision or interpretation of findings.

Ms. Andrews asked about the professional qualifications of the Hearing Officer. Mr. Asselmeier responded that the current Hearing Officer is an attorney. The Hearing Officer is appointed by the County Board Chairman with the approval of the County Board.

Mr. Klaas asked if PBZ supported the proposal. Mr. Asselmeier stated that the Planning, Building and Zoning Committee is the applicant.

Mr. Rybski expressed concerns regarding potential delays in issuing recommendations. Mr. Asselmeier responded that the Zoning Board of Appeals or Hearing Officer could delay a proposal if they felt that the information provided was not adequate to make a decision.

Mr. Klaas made a motion, seconded by Ms. Andrews, to recommend approval of the text amendment as proposed.

Ayes (6): Klaas, Rybski, Andrews, Bunting, Clayton and Asselmeier
Nays (0): None
Abstain (0): None
Absent: (4) Davidson, Chismark, Guritz and Holdiman

The motion passed. This matter will go before the Kendall County Regional Planning Commission on November 29th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Kendall County Planning, Building and Zoning Committee is evaluating each use listed as special use to see if a larger (2,600') notification is required. This matter will be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The Kendall County Regional Planning Commission requested that the PBZ Committee review the proposed outdoor shooting range regulations. This matter will also be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The proposed text amendments related to medical marijuana regulations has been sent to the townships and is expected to go to the County Board in December.

Midwest Materials may submit an amendment to their special use permit.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner