



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLAN COMMISSION

AGENDA

Wednesday, February 10, 2016

Yorkville City Hall Council Chambers

800 Game Farm Road

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: January 13, 2016

Citizen's Comments

Public Hearings

1. **PC 2016-02** The Law Office Corporation, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a proposed tavern – nightclub or lounge in an existing building zoned within the B-2 Retail Commerce Business District pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The real property is located at 226 South Bridge Street in Yorkville, Illinois.
2. **PC 2016-03** Unified Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.

Old Business

New Business

1. **PC 2016-02** The Law Office Corporation, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a proposed tavern – nightclub or lounge in an existing building zoned within the B-2 Retail Commerce Business District pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The real property is located at 226 South Bridge Street in Yorkville, Illinois.

- Action Item

Special Use

2. **PC 2016-03** Unified Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for

a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.

- Action Item

Special Use

Additional Business

1. City Council Action Updates

The following items were presented to the City Council on January 26, 2016.

- a. **PC 2015-16** GC Housing Development LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-1, Single-Family Suburban Residence District to R-4, General Multi-Family Residence District. The real property is located near the northeast corner of Walnut Street and Freemont Street in Yorkville, Illinois.
- b. **PC 2015-17** Kevin Calder, petitioner, has filed an application with Kendall County seeking an A-1 Special Use to allow the operation of a landscape business with five employees. The property is located at 9923 Walker Road in Kendall Township.

2. Year in Review - 2015

Adjournment

DRAFT

UNITED CITY OF YORKVILLE PLAN COMMISSION

City Council Chambers

Wednesday, January 13, 2016 7:00pm

Meeting Called to Order

Chairman Randy Harker called the meeting to order at 7:25pm.

Roll Call

Roll call was taken and a quorum was established.

Reagan Flavin-Goins-yes, Charles Kraupner-yes, Michael Crouch-yes, Deborah Horaz-yes, Randy Harker-yes

Absent: Chuck Galmarini, Richard Vinyard

City Staff

Krysti Barksdale-Noble, Community Development Director

Mr. Chris Heinen, City Planner

Brad Sanderson, City Engineer

Larry Kot, Alderman

Chris Funkhouser, Alderman

Ken Koch, Alderman

Lynn Dubajic, Economic Development Consultant

Jim Binninger, City Attorney

Other Guests

Chris Vitosh, Court Reporter

Mr. Tracy Kasson, Attorney

Brendan Goss, GC Residential

Bob Weaver, HDS Architects

Barb Nielson, Walnut St.

Nycole Woody, Correct Electric

Tom Stout, Heartland

Hartley Pearson, Longford Lakes

Regina Moe, Walnut St.

Richard Motyka, Dalton St.

Alexandrea Ayers, Landmark St.

Sandra Taylor, Walnut St.

William Woodward, KLOA

Jeff Crane, GC Residential Development

Dawn Camp, GC Residential Development

Jim D'Alexander, Manhard Consulting

Darin Peterson, Longford Lakes HOA President

Jason Merkel

Earl Peterson, Longford Lakes

John Bennett

Karylin Clevenger, Senior Services

John Schneider, Walnut St.

Jennifer Johnson, Landmark St.

Kelly Helland, Attorney

Andrew Block, GC Housing

Previous Meeting Minutes October 14, 2015 and November 18, 2015

Commissioners Crouch and Kraupner moved and seconded, respectively, to approve both sets of minutes as presented.

Roll Call: Goins-yes, Kraupner-yes, Crouch-yes, Horaz-yes, Harker-yes. Passed 5-0

Citizen's Comments None

Public Hearings

Chairman Harker explained the process for the Public Hearing and swore in those who would presented testimony.

Mr. Crouch moved and Ms. Goins seconded the motion at approximately 7:29pm to open the Public Hearing.

Roll call: Kraupner-yes, Crouch-yes, Horaz-yes, Goins-yes, Harker-yes. Passed 5-0

- 1. PC 2015-16 GC Housing Development LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-1, Single-Family Suburban Residence District to R-4, General Multi-Family Residence District. The real property is located near the northeast corner of Walnut Street and Freemont Street in Yorkville, Illinois.**

(See Court Reporter's Transcript for a record of the proceedings)

The following documents introduced during the Hearing, were requested to become a permanent part of the official record.

Slide Presentation from GC Housing

Traffic Study

Letter from VAC/Paul LaLonde

Photos/Exhibits from Attorney Kelly Helland

Following all testimony, a motion was made by Mr. Kraupner at approximately 9:31pm and seconded by Ms. Horaz to close the Public Hearing.

Roll call: Kraupner-yes, Crouch-yes, Horaz-yes, Goins-yes, Harker-yes. Passed 5-0

Old Business None

New Business

Mr. Heinen said 3 conditions were placed on the petitioner and outlined in the staff memo. He also said staff had noticed the discrepancy with the Comp Plan in terms on usage of the property.

Commissioner Crouch commented the location was not appropriate, but he acknowledged the need for senior housing.

The Commission then examined existing uses and zoning criteria. They examined the appropriateness of this site, whether or not it would diminish the property values of existing structures, the health/safety/welfare, hardship on the homeowners, suitability of the zoning for that property, community need and care taken by the community for planning land use.

Action Item

Rezoning

Mr. Crouch moved to approve PC 2015-16 Housing Development LLC, Petitioner requesting re-zoning approval from R-1 Single Family Suburban Residence District to R-4, General Multi-Family Residence District subject to staff comments and additions.

Ms. Goins seconded the motion.

Roll call: Crouch-no, Horaz-no, Goins-no, Kraupner-present, Harker-yes.

Motion failed: 3-no, 1-present, 1-yes

2. PC 2015-17 Kevin Calder, petitioner, has filed an application with Kendall County seeking an A-1 Special Use to allow the operation of a landscape business with five employees. The property is located at 9923 Walker Road in Kendall Township.

Mr. Heinen said the Comp Plan allows for this use and it's far from the City's planning area.

Action Item

1-1/2 Mile Review (Special Use)

Staff had no concerns with this and the Commission approved by general consensus.

Additional Business

Mr. Heinen stated that James Weaver has resigned from the Plan Commission.

January 28th is the next Comp Plan Steering Committee and the Plan will be presented in June or July.

Attorney Binnerger asked the Commissioners to consider a 7-member Commission and give input to the staff. Ms. Noble added that a notice has been placed on the website to generate interest. She also said that this meeting had to be cancelled on a couple occasions due to lack of a quorum and that the ZBA only has 7 members.

Adjournment

There was no further business and the meeting was adjourned at 9:51pm on a motion by Crouch and second by Horaz.

Transcribed by

Marlys Young, Minute Taker

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5 UNITED CITY OF YORKVILLE

6 YORKVILLE, ILLINOIS

7
8 PLAN COMMISSION MEETING

9 PUBLIC HEARING

10
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12
13
14 800 Game Farm Road

15 Yorkville, Illinois

16
17
18 Wednesday, January 13, 2016

19 7:00 p.m.

PRESENT:

Mr. Randy Harker, Chairman,

Mr. Michael Crouch,

Mr. Charles Kraupner,

Ms. Deborah Horaz,

Ms. Reagan Flavin Goins.

ALSO PRESENT:

Mr. James W. Binninger, City Attorney.

Ms. Krysti Noble, Community Development
Director,

Mr. Chris Heinen, City Planner,

Mr. Brad Sanderson, City Engineer,

Ms. Marlys Young, Minute Taker.

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(The following
proceedings were had in
public hearing:)

CHAIRMAN HARKER: We're going to move
into the public hearing portion of the meeting.
There is one public hearing tonight, it's PC
2015-16, from GC Housing Development, LLC.
That's what's going to be on tonight's agenda.

The purpose of this hearing is to
invite testimony from the members of the public
regarding the proposed request that's being
considered before the Commission tonight.

Public testimony from persons
present who wish to speak may be for or against
or to ask questions of the petitioner regarding
the request being heard.

Those persons wishing to testify are
asked to please speak clearly, one at a time,
state your name and who you represent, if anyone.

Also, you are asked to sign in at
the podium if you have not already done so.

Those of you that are here that are
wishing to speak tonight, whether you are the
petitioner or members of the public, please

1 stand, raise your right hand, and repeat after
2 me.

3 (The witnesses were
4 thereupon duly sworn.)

5 CHAIRMAN HARKER: Okay. So the order
6 for tonight, we will be receiving and listening
7 to the testimony as follows: First, the
8 petitioner is going to give his position first
9 and then all of those who are in favor of the
10 request will go next, and then those that are
11 opposing it will follow, and then questions from
12 the Commission will go out to the petitioner.
13 Okay?

14 May I have a motion to open the
15 public hearing on petition number 2015-16?

16 MR. CROUCH: So moved.

17 MS. GOINS: Second.

18 CHAIRMAN HARKER: Roll call, please.

19 MS. YOUNG: Kraupner.

20 MR. KRAUPNER: Yes.

21 MS. YOUNG: Crouch.

22 MR. CROUCH: Yes.

23 MS. YOUNG: Horaz.

24 MS. HORAZ: Yes.

1 MS. YOUNG: Goins.

2 MS. GOINS: Yes.

3 MS. YOUNG: And Harker.

4 CHAIRMAN HARKER: Yes.

5 MS. YOUNG: Thank you.

6 CHAIRMAN HARKER: Tonight I'm going to
7 go ahead and read through this, but just to be
8 clear on why we're here, we're here to vote on
9 the rezoning of the property. Okay.

10 PC 2015-16, GC Housing Development,
11 LLC, petitioner, has filed an application with
12 the United City of Yorkville, Kendall County,
13 Illinois, requesting rezoning approval from R-1
14 Single-Family Suburban Residence District to R-4,
15 General Multi-Family Residence District.

16 The real property is located near
17 the northeast corner of Walnut Street and
18 Freemont Street in Yorkville, Illinois.

19 Is the petitioner present?

20 TRACY KASSON,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. KASSON: Yes. Good evening. My
24 name is Tracy Kasson, and I am an attorney with

1 the law firm of Rathje & Woodward, here
2 representing the applicant, GC Development, LLC.

3 As the chairman noted, we are here
4 to seek a rezoning of the property from R-1 to
5 R-4 in order to construct an independent living
6 age-restricted community.

7 Jeff Crane with GC Housing
8 Development is one of the members and will --
9 I'll introduce him to present the presentation.

10 Thank you.

11 MR. CRANE: Mr. Chairman, members of the
12 Commission, city staff, thank you for the
13 opportunity to present to you this evening.

14 My name is Jeffrey Crane with GC
15 Housing Development and Crane Construction
16 Company, and on behalf of myself and my partner,
17 Ralph Grande, I'm pleased to be here tonight.

18 I'd like to introduce our team to
19 start. First of all, from GC Housing Development
20 we have Andy Block, Brendan Goss and Dawn Camp.

21 Bob Weaver is here representing our
22 architect, Hooker DeJong; Jim D'Alexander is here
23 representing our civil engineer, Manhard
24 Engineering; and Bill Woodward is here

1 representing the firm that did our traffic study,
2 KLOA.

3 Before I start I'd like to at least
4 pass around to each of the members of the
5 Commission and staff sitting at the dais hard
6 copies of the slides which we will be presenting
7 tonight, as I know that it may be quite difficult
8 given the lighting in here and location of the
9 screen for you to see specifically what it is we
10 are doing.

11 CHAIRMAN HARKER: Would you like that
12 entered into the record?

13 MR. CRANE: Yes, please. We intend on
14 delivering also a copy of the hard drive with all
15 of this information on it also as part of the
16 record.

17 Crane Construction Company is a
18 third generation construction and a fourth
19 generation real estate development firm that has
20 been building and developing throughout the state
21 of Illinois for over 60 years.

22 Six years ago we made a decision to
23 focus our development efforts on developing,
24 building and owning high quality, affordable,

1 independent senior living residences for those
2 55 years and older.

3 Most recently we built an 81-unit
4 affordable senior community in Glendale Heights,
5 and we were also part of a development effort for
6 the second phase of a 122-unit affordable senior
7 community in the Chatham neighborhood of Chicago.

8 In these communities we've gotten to
9 know many of our residents. It gives me great
10 pride in, one, knowing that we were able to
11 provide seniors the opportunity to remain
12 included in their communities and provide them a
13 lifestyle that allows them to stay close to their
14 children, friends and churches, and, two, knowing
15 that we have built for them a home that is of top
16 quality, a home that seniors are proud to live
17 in, and have constructed a building that will
18 provide homes for seniors for years to come.

19 Yorkville and Kendall County seniors
20 deserve a similar lifestyle community to enjoy
21 and be proud of.

22 What we are proposing to develop in
23 Yorkville is a 75-unit, four-story affordable,
24 independent senior living community that allows

1 eligible seniors the lifestyle they deserve.

2 Our first floor consists of one
3 indoor parking spot for each unit in the
4 building, and common areas on that first floor
5 will include TV, billiard and computer rooms.

6 Floors 2 through 4 will consist of
7 one and two-bedroom units, as well as a common
8 room for each floor. Our architect, Bob Weaver
9 of HDJ, will tell you more about the building
10 later.

11 Tonight I'd like to outline how each
12 of the eight criteria used in the city zoning
13 ordinances have been met.

14 Why Yorkville? When performing our
15 due diligence, we have a set of specific
16 characteristics we look for in a potential
17 affordable senior development.

18 Affordable housing developments are
19 most often funded using federal tax credits
20 administered by the Illinois Housing Development
21 Authority, or IHDA. That is the source of
22 funding that provides 75 to 80 percent of the
23 capital necessary to complete this project.

24 The remaining capital comes from a

1 mortgage loan, various grants and developer
2 equity.

3 Twice a year IHDA has a competition
4 to determine which developments receive these tax
5 credits.

6 There are six separate set-asides
7 that IHDA allocates tax credits to. Over 60
8 projects applied in IHDA's first competition of
9 this year. We are presently competing amongst 11
10 different developments for tax credits in what
11 IHDA calls the non-metro set-aside.

12 Our project is the only project with
13 an application in from Kendall County, which we
14 believe IHDA will see as a positive for our
15 development.

16 The criteria for IHDA and the
17 marketability necessitates that these
18 developments be as close to the amenities seniors
19 utilize most often.

20 IHDA uses a hundred point scoring
21 system to determine which developments will
22 receive these tax credits. It is an extremely
23 competitive process where the difference between
24 a project receiving the valuable tax credits and

1 a project not getting funded is often separated
2 by a few points.

3 As you will see in this slide, our
4 site is at the corner of Walnut and Freemont.
5 The Yorkville Marketplace Jewel-Osco is around
6 the corner. Yorkville Library, Walgreen's,
7 Rush-Copley Medical, and the Beecher Senior
8 Center are all close, and St. Patrick's Church is
9 directly across the street.

10 It is not often that we see a site
11 that offers so many amenities within a one-mile
12 radius. That is why this site scores extremely
13 well with IHDA.

14 As you all undoubtedly know, there
15 is a tremendous need for high quality, affordable
16 senior living options. We found this site in
17 your community that we immediately fell in love
18 with.

19 We began our conversation with the
20 Community Development staff back in June of last
21 year before we commenced our pursual of this
22 property from the Diocese of Joliet.

23 After receiving feedback from city
24 staff, we negotiated and entered into a contract

1 with the Diocese to purchase this property
2 contingent upon our obtaining the necessary tax
3 credits, securing proper zoning, and closing on
4 the financing.

5 Working closely with city staff
6 since late -- since late summer, we fine-tuned
7 the initial conceptual plan, shown here, to the
8 site plan as it currently stands, shown here.
9 You can see those side-by-side.

10 We have reached out to many
11 stakeholders throughout Yorkville and Kendall
12 County to solicit feedback on our project. Our
13 desire to develop in Yorkville has only
14 strengthened.

15 The people we've had the pleasure
16 meeting have all been gracious, sincere,
17 encouraging, and show incredible pride in the
18 United City of Yorkville.

19 Let's begin with criteria number
20 seven, the community need for the proposed use.
21 We know there is a great demand for independent
22 living options for seniors, not only here, but
23 across our entire country.

24 Specifically, by 2019, more than

1 20 percent of Yorkville residents are expected to
2 be 55 years and older. Similarly, age-restricted
3 independent living -- independent housing for
4 those 55 years and older is lacking.

5 Currently the only independent
6 living option is the recently approved Heartland
7 Meadows development, which will build 47
8 age-targeted single-family homes to the area.

9 While Heartland Meadows fills a
10 desperate need, it only puts a small dent in
11 addressing a housing issue that will grow
12 exponentially in the coming years.

13 Like many communities throughout the
14 country, Yorkville has a desperate need for this
15 type of housing.

16 Some of you may be familiar with the
17 Diamond Senior Apartments in Oswego. Phase II of
18 that development was recently completed, bringing
19 the project to 130 units on approximately
20 five-plus acres. That's the closest comparable
21 property to what we are looking to develop. They
22 are fully occupied.

23 Our 81-unit property in Glendale
24 Heights, also for independent seniors 55 years

1 and older, has a waiting list today of over 200
2 people.

3 Anecdotaly, over 90 percent of the
4 residents at Glendale Heights come from within a
5 three-mile radius of that property.

6 The demand in Yorkville far exceeds
7 the existing supply. The 2015 State of City
8 report that we understand Yorkville is using to
9 update the 2008 Comprehensive Plan stresses that
10 50 percent of renter households within the city
11 may be hard pressed to afford their current
12 rents.

13 Based on the most recent census
14 data, more than 39 percent of the homeowners in
15 this community spend 30 percent or more of their
16 income on their mortgage.

17 Yorkville residents are hard
18 pressed, both as homeowners and renters, to
19 afford their rent or mortgage payments. Our
20 project directly addresses that need.

21 We all have a moral responsibility
22 to ensure that our seniors have an opportunity to
23 live in quality, affordable homes that allows
24 them to age in place, remaining in their

1 communities, close to everything they have become
2 accustomed to, and not move into different
3 communities or into a different county to seek a
4 home that they can afford.

5 Criteria number one: The existing
6 uses and zoning of nearby property; criteria two,
7 the extent to which property values are
8 diminished by the particular zoning restrictions;
9 criteria number eight, the care to which the
10 community has undertaken to plan its land use
11 development.

12 We've got a slide up now that shows
13 the current zoning of this property. Given the
14 surrounding land uses in the area, the size of
15 this parcel and the trend of development in the
16 area, the property's highest and best use is for
17 a multi-family use rather than a single-family
18 residential or a school or a church, all of which
19 are presently allowed under the R-1 zoning.

20 Up on the screen you'll see zoning
21 for property surrounding our development. The
22 development trend is surely not R-1 residential.

23 Aside from our neighbors to the
24 east, the vast majority of the area includes

1 multi-family use, institutional use and
2 commercial use. Our building would follow this
3 trend in the area. We simply need to increase
4 the density in order to make our development
5 feasible.

6 In the memo which staff has provided
7 for this Commission, they noted the majority of
8 these land uses are located in or around the
9 downtown area.

10 They go on to note that the city is
11 currently updating the Comprehensive Plan and
12 this area may be reconsidered for a different
13 land use than the R-1 it's currently zoned.

14 At last week's ZBA hearing, we heard
15 testimony from Senior Services Associates about
16 the struggle they have finding affordable homes
17 for Yorkville's senior community.

18 They talked about how they are
19 needing to place Yorkville residents in far away
20 communities due to the lack of an affordable
21 housing option here at home.

22 Criteria three: The extent to which
23 the destruction of property values of plaintiff
24 promotes the health, safety, morals or general

1 welfare of the public.

2 Housing for seniors serves a vital
3 need for the community. With the aging
4 population, there is an increasing need to
5 provide affordable, high quality senior living.

6 According to the draft Comprehensive
7 Plan update, the 55-to-74 population group has
8 increased 287 percent from the year 2000 to 2014,
9 while only 21 percent of Yorkville's housing
10 stock is multi-family.

11 Also, as previously noted, the trend
12 of development in this area has been for
13 multi-family, institutional and commercial uses.
14 Regardless of whether it is us or another
15 developer down the road, this land will be
16 developed and traffic will be generated.

17 Every study shows that this type of
18 development generates limited impact and the
19 adjoining roads are more than sufficient to
20 accommodate the traffic generated.

21 Maintaining R-1 zoning will not
22 promote the health, safety, morals and general
23 welfare of the public. There is not a current
24 demand for single-family housing. This site will

1 ultimately develop, and it will not be
2 single-family homes.

3 Criteria number four: The relative
4 gain to the public as compared to the hardship
5 imposed upon the individual property owner.

6 We are purchasing this property from
7 the Diocese of Joliet. The church certainly
8 could have expanded their parish across the
9 street by building a second chapel or a school
10 all within the existing zoning.

11 I'd like to highlight what we or the
12 Diocese could legally build by right within this
13 property based on its current R-1 zoning.

14 The property's current zoning would
15 allow building a school or a special use, a
16 church, or a handful of other institutional uses.

17 If the church had expanded their
18 parish, here is a rendering of how that property
19 could have looked that preceded a plan that
20 mirrored their R-1 institutional use allowed
21 across the street.

22 We are offering a project that
23 strictly meets land use, but for the increase of
24 our density.

1 Now, throughout our entire process
2 of gathering feedback, the only opposition that
3 we have heard has come from residential neighbors
4 to the east.

5 According to a letter submitted by
6 the counsel for Mr. and Mrs. Moe at last week's
7 ZBA hearing, our neighbors to the east don't
8 necessarily object to senior housing on this
9 site; their objection is to the density and the
10 height.

11 While supporting affordable housing
12 options for seniors, they would like to see this
13 built in a different location.

14 I can tell you that we have spent
15 many hours researching sites throughout
16 Yorkville. We chose this site because of a
17 confluence of factors made this the best site we
18 looked at by a wide margin.

19 We love this location and the layout
20 of the property. We believe it fits in -- it
21 fits in well with the surrounding area.

22 The economics of the land fit the
23 financial model to make this deal work. The site
24 sits close to amenities that make this such an

1 attractive property in the super competitive
2 application process at IHDA.

3 We have had multiple conversations
4 with our neighbors to the east, one meeting with
5 Mr. and Mrs. Moe and one meeting just with
6 Mr. Moe, in an effort to try to find common
7 ground.

8 We listened to their concerns and
9 accordingly made significant changes to our
10 original development plan.

11 When we first met with Mr. and
12 Mrs. Moe, we were under contract to purchase the
13 3.125 acres of land as seen in our original
14 concept plan.

15 We left that meeting knowing that
16 while we could certainly make the development
17 work as the conceptual plan showed, there could
18 be a much better development more in line with
19 the Moes' objections with some changes.

20 If you look at this aerial view of
21 the property, you see that there is a one-acre
22 piece of vacant land to our immediate west. That
23 land is owned by the Longford Lakes Condo
24 Association and was originally slated to be built

1 as townhomes.

2 We decided that while our property
3 does not need to include this undeveloped land,
4 it would become a better property, allow us to
5 make changes that would benefit the neighbors
6 on -- make changes that benefit the neighbors on
7 Walnut.

8 We initiated a conversation with the
9 board of Longford Lakes Condo Association to
10 acquire the property. We have entered into an
11 option for a 99-year ground lease with the
12 Longford Lakes Condo Association for this
13 one-acre piece of land to our immediate west.

14 By adding this piece of land, we are
15 now able to do the following from -- make the
16 following changes really from our initial plan:
17 Number one, it allows us to shift our building as
18 far west as possible; number two, it allows us
19 to change the angle of the building from five
20 angle -- from five degrees to 15 degrees.

21 That brings the building setbacks to
22 the east to 48 feet from the property line at the
23 southeast tip of our building and up to 106 feet
24 from the property line at the northeast tip of

1 the building. All of our setbacks well exceed
2 the minimum standard laid out by city code.

3 Number three, it allows us to shift
4 our entrance and exit to Freemont Street directly
5 across from Dalton Avenue and away from the
6 residents of Walnut Street.

7 In a recent letter sent to Alderman
8 Funkhouser by Mr. and Mrs. Moe, it states, and I
9 quote, Despite the incorrect representations of
10 the developer, this building will shade our
11 property two-and-a-half to four-and-a-half hours
12 every day year round, preventing us from ever
13 viewing another sunset from our home.

14 Members of this Commission, their
15 claim is not entirely correct. I'd like to call
16 your attention to data pulled directly from the
17 National Oceanic & Atmospheric Administration,
18 known as NOAA.

19 NOAA technology allows architects
20 and developers to plug in exact locations based
21 on longitude and latitude, input site and
22 building plans, and NOAA's data then produces an
23 illustration of the solar shadow.

24 What you'll see if you can page

1 through these first slides, will show
2 December twenty -- December 21st at both
3 2:00 p.m., the next one would show it at
4 4:00 p.m. You can then look at both March and
5 September 21st, which would be the same, both at
6 4:00 p.m. and 6:00 p.m., and then you can see
7 June 21st at 4:00 p.m. and 6:00 p.m.

8 On the longest day of the year,
9 June 21st, the shadows do not begin to approach
10 on their property until approximately 4:00 p.m.

11 As you will see here, comparable
12 shadows would occur if this was developed as an
13 R-1 institutional use such as a church or school.

14 Mr. and Mrs. Moe have been extremely
15 gracious, warm and kind throughout all of our
16 conversations. We have made continuous efforts
17 to address all of their concerns and we remain
18 open to do so.

19 Here is a computer-generated image
20 showing the view of our building from the Moes'
21 back patio. Since our initial meeting with
22 Mr. and Mrs. Moe, here are the changes which we
23 have made: We obtained the extra acre of land
24 from Longford Lakes; we shifted our building to

1 the west as much as possible; we tilted our
2 building from a five-degree angle to a 15-degree
3 angle; we moved our entrance to Freemont, which
4 puts the minimal traffic from our property away
5 from their home; and, number five, we plan to
6 berm up the east side of the property with mounds
7 ranging from two feet to eight feet and provide
8 landscaping well exceeding Yorkville's appearance
9 code.

10 Members of the Commission, I think
11 that we can all agree this land will never be
12 developed as single-family homes. The cost of
13 this land due to its proximity to downtown
14 Yorkville and commercial use is too great for
15 that use.

16 At some point a multi-family
17 development or a school or a church will be built
18 there. When that happens, as it inevitably will,
19 this island of R-1 zoning surrounded by progress
20 in all four directions and any new development
21 will be in the way of the westerly view our
22 neighbors have grown accustomed to.

23 We have been and continue to be
24 sympathetic to the Moes' concerns by making

1 changes to our development.

2 With all that said, we do not
3 believe that we will ever reach a point where our
4 neighbors to the east will be in favor of this
5 project.

6 Criteria five: The suitability of
7 the subject property for the zoned purposes. As
8 previously stated, given the trend of development
9 in this area and surrounding uses, together with
10 the size of this parcel, this property is no
11 longer suited for R-1 single-family purposes, but
12 rather R-3 or R-4, both of which would allow
13 multi-family.

14 The trend of development in what is
15 around there is that this property will not be
16 developed as single-family. The only R-1
17 single-family occurs to our east. These homes
18 were constructed before all the surrounding
19 non-single-family uses, which has changed the
20 general character of this area.

21 Criteria six: The length of time
22 the property has been vacant, zoned considered in
23 the context of land development in the area -- in
24 the vicinity of the subject property.

1 The fact of the matter remains that
2 this property has never been developed. Since
3 the dawn of time, this island of vacant land has
4 remained undeveloped while progress has occurred
5 around it in all four directions. It's time for
6 this property to get developed.

7 There is no better use nor greater
8 need for this property than what we are
9 proposing. The population of Yorkville is aging.

10 Regardless of whether it is us or
11 another developer down the road, this land will
12 be developed. Wouldn't you prefer a development
13 that addresses a dire need within the community
14 and with developers who have a proven track
15 record in delivering high quality, affordable
16 housing for those who need it now?

17 The positives that this project
18 brings to the community far outweigh any
19 negatives.

20 If we are rewarded with your
21 approval to proceed and IHDA provides us with the
22 necessary funding, we plan on working closely
23 with city staff, our neighbors to the east and
24 other stakeholders throughout the community to

1 ensure that Yorkville gets everything we have
2 promised and more.

3 We hope that after looking at all
4 the facts, the Plan Commission will recommend to
5 the City Council that our development be granted
6 our rezoning request.

7 Thank you for your consideration.

8 I'd like to now ask Bob Weaver from
9 our architect, Hooker DeJong Architects, to speak
10 briefly about the building.

11 Thank you.

12 BOB WEAVER,
13 having been first duly sworn, testified from the
14 podium as follows:

15 MR. WEAVER: Thank you, Jeff. My name
16 is Bob Weaver. I am a designer and a project
17 specialist for Hooker DeJong Architects. We are
18 approximately a 40-person firm.

19 We specialize in senior housing, all
20 the way from the very high end of skilled care
21 all the way through independent assisted living
22 and affordable senior housing.

23 At any one time we have
24 approximately a hundred projects in all different

1 phases, three to four-year projects, so we take
2 on 35 to 40 projects a year, and I can tell you
3 in my experience the quality of the project that
4 GC Development wants to bring to you is among the
5 top two or three percent of projects I work on as
6 far as quality and amenities going into this.

7 We have -- We work in 19 states, all
8 east of the Mississippi. The only project that I
9 have that even comes in close to the quality of
10 this is way down in Norfolk, Virginia, right now,
11 so out of all those hundreds, just to give you
12 this idea.

13 I think this is a very unique
14 opportunity for the city of Yorkville to bring a
15 high quality senior housing product, and it might
16 be the only opportunity.

17 Not to play down any of my other
18 clients, I am very happy to have them, but a lot
19 of those are publicly held entities and the
20 number one thing they're looking for is
21 profitability, and I would give you probably a 95
22 to 97 percent chance that the next developer that
23 comes in here will basically go to your bare
24 minimum requirements for amenities, for parking,

1 for architectural materials.

2 The irony of this project right here
3 is the fact that -- I looked at your ordinance,
4 and what the Crane Company has me working on,
5 it's not even comparable. This is 100 percent
6 premier exterior materials.

7 When I get into your ordinance, you
8 look for 50 percent masonry on the front face,
9 front elevation of the building. This project is
10 100 percent masonry on the entire main floor.

11 If you can also look -- sorry. Some
12 of the other amenities we bring in here as far as
13 architectural quality, we have a drop-off canopy.
14 Each one of the one to two-bedroom units has its
15 own individual exterior balconies.

16 Everything is trimmed out in premier
17 materials. We brought a material sample board
18 here, and where your ordinance allows for up to
19 50 percent vinyl cladding, this entire project is
20 either brick masonry veneer or it's 100
21 percent -- like this is a James Hardie cement
22 board. It has a 20-year color warranty and it's
23 basically a lifetime material.

24 All of -- we are planning on putting

1 a 5-12 roof on this building, two reasons. We're
2 finding two things: Number one, we want to
3 minimize the impact of the height of the
4 building. This is a four-story building. We
5 will get into it a little bit more. We use a
6 5-12 on roofs like this for our temperate
7 climates where we have winters such as we are
8 having now.

9 We want to minimize any potential
10 maintenance on the roofs. We do have vents,
11 penetrations. It is a, you know, 78-unit
12 facility, so we have a lot of penetrations
13 through the roof.

14 We can't go down to a 3-12, it's
15 just going to lead to problems down the road, so
16 what we have is a premium grade shingle on a 5-12
17 and all premier materials.

18 Next slide as we go through, as you
19 can see, all sides are treated equally. There is
20 not a front and a back to this building. It
21 basically carries the quality of the architecture
22 throughout the entire structure.

23 What you'll see -- and stay right
24 here -- the peak of the roof is at 61 feet, eight

1 inches. The lowest eave on here, which is at the
2 balconies, is at 45 feet, which gives us I
3 believe a 52 before mid-roof height.

4 And you can also see here, it's a
5 little -- it's a little difficult with the light
6 on, but on this elevation, we're looking at the
7 east elevation, and you can start to see how the
8 berm effect that we have on the project with the
9 eight-foot berm directly up to the side of the
10 building begins to make this more of a
11 three-story building up on a hill than a
12 four-story building at the same elevation as the
13 neighbors.

14 Again, everything we're trying to do
15 on this project is to minimize impact to the
16 neighbors and be good neighbors.

17 The next slide. As Jeff stated, we
18 started off originally with a five-degree twist
19 or rotation of the building and over time because
20 of the purchase of the land we are able to go
21 from a five to a 15, and pushing the limits of
22 what we need is a 30-foot buffer to -- the
23 minimum that we have, again, is a 48 feet and
24 some-odd-inch minimum distance, and then well

1 over a hundred foot distance at the north.

2 That entire wall on the east is
3 going to have to be upgraded from just a masonry
4 backing to a reinforced concrete retaining wall
5 in order to carry an eight-foot berm up to it,
6 but, again, these are all things we are trying to
7 do to be good neighbors here.

8 The other amenities around the site,
9 the only traffic that will come off of Walnut
10 Street will be emergency egress access with crash
11 gates, so virtually that path hopefully will
12 never end up being used. It will be more of a
13 parkway, landscaped parkway, and berm along the
14 east side.

15 The reason that we set this project
16 up the way we did is because we were trying to
17 make a minimum impact on the adjacent R-1.

18 Typically when I come into hearings
19 like this, the biggest problem we have is
20 lighting -- two things, lighting and parking lot
21 traffic and the lighting at night, so what we
22 tried to do is use this building to screen both
23 those issues, and we've done the very best we
24 could at that.

1 We have -- Inside the building on
2 the main floor we have all of the garage parking
3 for the individual units, plus we have an
4 additional 37 spaces, which actually meets the
5 entire criteria for this housing development,
6 spaces outside for staff and for guest parking.

7 Again, all of that will be accessed
8 to the west and will make a minimum impact on
9 both traffic and the neighbors in the R-1 to the
10 east.

11 The other amenities that we have on
12 the main floor will be community space. Let's go
13 back to that main floor again. We have community
14 space in there. We also have the management
15 offices, we have a large patio space that is
16 actually open up to the west and not to the east,
17 which is the neighbors, we're still trying to
18 preserve their privacy, and again the canopy,
19 drop-off canopy, is at the east end, so all
20 traffic, all commotion, all lights that are
21 required for minimum lighting at night, it's all
22 happening to the west. We're using the building
23 to screen the residents to the east.

24 And also the trash enclosure -- you

1 can see it up there -- it's to the far north
2 where you access into the garage. Right there is
3 where our trash enclosure is, so, again, the
4 garbage trucks coming in, recycling trucks coming
5 in, are -- there will be no impact whatsoever to
6 the neighbors to the east.

7 Next slide. Again, floors two
8 through floor -- four will be the residential.
9 They are a combination of both one unit and two
10 unit. The two units are approximately
11 1050 square feet and the one units are around
12 750 square feet.

13 We also are putting in double
14 elevators -- I'm getting into little minutia --
15 but we're putting in double elevators in this
16 type facility, not required, but still to a
17 building of this caliber and it being a facility
18 that is for 55 and older, you don't want them
19 using the stairs ever, so we always want to
20 ensure that we have one elevator working at all
21 times.

22 Next slide. Now, some of the
23 amenities that go in here in the interior, you
24 can see the community spaces, you can see the

1 level of detail.

2 One of the things that we try to
3 do -- and this is a big push in senior housing --
4 is to go from an institutional feel to start
5 creating homes again and places where people can
6 take pride and take a sense of home, and that is
7 exactly what GC Development is doing in this
8 project.

9 They have a very -- Within the about
10 4,000 square feet of community space on the main
11 floor we'll have a gymnasium, a library slash
12 reading area, multiple areas where you can just
13 kind of get away, but still be in a public area.

14 Billiards, TV space, many
15 opportunities to keep socializing with the
16 public.

17 Next slide. The individual
18 houses -- the individual units, sorry, that are
19 going in here, the one to the left is a typical
20 one-bedroom unit, that's about 750 square feet.

21 You can see that we have an
22 economy-type kitchen to the upper right corner,
23 and it's all open space feel where you have a
24 dining room space right off the kitchen, which

1 leads into the public area, which is the living
2 room space.

3 In all of these you'll see a couple
4 very unique things also in this building design.
5 To the bottom is where the balcony is, okay? So
6 that six to eight-foot balcony space does serve
7 as a buffer also along that entire east elevation
8 to the Moes' property, and probably the most
9 important thing that goes on here, typically what
10 happens, we end up creating a large bank of air
11 coil units, fan coil units. They call them
12 farms.

13 This solution actually is much more
14 expensive early on because each one of these has
15 their own enclosure.

16 You can see off to the side of the
17 balcony, to the right there, is an enclosure
18 where all the mechanical goes so that visually
19 and from sound it's as good of a solution as you
20 guys, you know, are ever going to see in senior
21 housing, being affordable housing at that.

22 The unit to the right is basically a
23 derivation of the one unit where we add on a
24 suite for a second bedroom, and other than that,

1 has its own walk-in closet, which is something
2 that is very unique in affordable housing also.

3 So that in there is the reason that
4 I really do believe this is one of the top two or
5 three percent quality-type buildings that you are
6 going to see for affordable senior housing, and I
7 just hope the city takes that into account when
8 you vote.

9 At this time I want to turn this
10 over for a traffic study to Mr. Woodward.

11 WILLIAM WOODWARD,
12 having been first duly sworn, testified from the
13 podium as follows:

14 MR. WOODWARD: Good evening. My name is
15 William Woodward. I am a traffic engineer with
16 KLOA out of Rosemont, Illinois.

17 We prepared a site access and
18 parking summary evaluation for this proposed
19 development. I am here tonight just to walk
20 through our findings.

21 The proposed development will have a
22 low traffic impact on the surrounding roadway
23 network given the low volume of traffic it is
24 projected to generate.

1 No roadway improvements are
2 recommended or needed on Freemont Street or
3 Walnut Street in conjunction with the proposed
4 development.

5 The main access driveway on Freemont
6 Street in alignment with Dalton Avenue will
7 provide one lane inbound and one lane outbound,
8 and that outbound lane will be under stop sign
9 control.

10 This access will be adequate to
11 accommodate the proposed low volume turning
12 movement traffic during peak hours.

13 The proposed access driveway on
14 Walnut Street will be gated and restricted to
15 emergency access only.

16 We recommend high visibility
17 crosswalks across Dalton Avenue and across the
18 proposed access driveway to better connect the
19 existing sidewalk system and further enhance
20 pedestrian mobility within the residential
21 neighborhood.

22 And, finally, the proposed 115
23 off-street parking spaces are more than adequate
24 to satisfy the Yorkville zoning code.

1 Further, ITE parking information, or
2 Institute of Transportation Engineers, shows that
3 the 115 parking spaces are adequate to satisfy
4 peak parking demands.

5 Thank you.

6 MR. KASSON: I believe Mr. Woodward's
7 traffic report is part of your staff report,
8 isn't it, Krysti?

9 MS. NOBLE: Yes, it's in the packet.

10 MR. KASSON: So we would like to
11 introduce that into the record as well.

12 I will just summarize the standards
13 that you will consider, much of which -- or all
14 of which were touched upon in fairly good detail
15 by Mr. Crane to consider here as part of your
16 rezoning of this property.

17 The first is the existing zoning
18 classification and uses of the property within
19 the general area of the proposed rezoning.

20 As you had gone through with
21 Mr. Crane, the property currently obviously is
22 zoned R-1. All around the adjoining property to
23 the west and north is zoned R-3, multiple family,
24 with the townhomes and detention ponds.

1 Further to the north is your
2 commercial shopping center, across Landmark
3 Avenue, which is zoned B-2 and R-4. You've got
4 the Yorkville Marketplace shopping center there
5 and the Fox River Apartments.

6 Further west, one block away, is
7 some more commercial zoning with Route 47.

8 Adjoining property to the south,
9 even though it's zoned R-1, contains
10 St. Patrick's Catholic Church, which is an
11 institutional use, and then to the east is the
12 R-1 zoning with the single-family home.

13 Next is the trend of development, if
14 any, of the property in question, including any
15 changes which have taken place since the property
16 in question was placed in its zoning
17 classification.

18 As we have discussed, the trend of
19 development has been for multiple family and
20 commercial to the north and west and
21 institutional with St. Patrick's Church to the
22 south.

23 I think this church I believe is
24 around a 1200-seat sanctuary and, as you know,

1 churches are a seven-day-a-week activity with use
2 not only on Sundays.

3 The next, the extent to which
4 property values are diminished and the particular
5 zoning restrictions. Given the surrounding uses
6 in the area, the size of this parcel over three
7 acres, and the trend of development in this area,
8 the highest and best use here is not for an R-1
9 single-family use, but for a multiple family use
10 similar to what is proposed. To keep this zoned
11 R-1 for a single-family use would significantly
12 diminish its property value.

13 The next, the extent to which the
14 destruction of property values of the applicant
15 promotes the health, safety, morals and general
16 welfare.

17 As Mr. Crane had summarized, the R-1
18 use would not promote the health, safety and
19 welfare. This use, first of all, as he went
20 through, serves a vital need to this community.

21 With the aging population, there is
22 just such a great need to allow people to age in
23 place. That also can obviously help your
24 single-family districts as well by allowing

1 people with aging parents to be able to stay in
2 the community and live close to them. It will be
3 a benefit, not a detriment, to the health, safety
4 and welfare.

5 As was noted in your comprehensive
6 plan update, the population from 55 to 74, in
7 that age group, has increased 287 percent here
8 from 2000 to 2014, and only 21 percent of your
9 housing stock is multiple family. That's in your
10 State of the City address which is part of your
11 draft comprehensive plan update.

12 Next is the relative gain to the
13 public as compared to the hardship imposed on the
14 individual property owner.

15 As Mr. Crane had gone through, there
16 is this tremendous need for this type of use.
17 The proposed use meets all of your height,
18 setback and lot coverage requirements in the
19 R-4 District.

20 Its 61 feet at its very highest
21 versus 80 feet, which would be allowed in your
22 R-4 District.

23 As was shown on the site plan, at
24 its narrowest it's 46 feet, from the -- the

1 property line to the east, which is on the
2 southern end, up to 106 feet on the northern end.

3 About the midpoint, which is about
4 where the patio to the adjoining property to the
5 east is, is approximately 60 feet, and, again,
6 your setback requirements are only 30, so it
7 greatly exceeds any of your setback requirements.

8 Its lot coverage is 58 percent
9 instead of 70 percent, which is allowed in the
10 R-4, so as you can see, there is a lot more green
11 space being provided here than what the
12 requirement is in the R-4 District, and we're
13 going to have, as was noted, buffers of two to
14 eight feet on the eastern end, well in excess of
15 any of your requirements.

16 As far as the density, you heard how
17 density of something similar is needed for these
18 type of proposals. The development in Oswego I
19 believe would average out about 26 units per
20 acre; the Thomas Place in Glendale Heights, which
21 Mr. Crane alluded to, is something similar as
22 well. Also, your assisted living facility is
23 approximately that as well, which is noted in
24 your staff report.

1 A lot of density is used to look at
2 parking and traffic impacts as well as just total
3 landscaped area, and here those aren't issues.
4 Most of the parking, as you have seen here, is
5 enclosed within the building, it's not all
6 outside at grade.

7 The traffic report confirms this is
8 not a high intensity use given it's for
9 independent restricted -- age-restricted living,
10 and the roads are more than adequate to handle
11 that.

12 So I think for all those reasons it
13 certainly is appropriate at this location.

14 It was also noted what could be
15 developed here under R-1. Schools are permitted
16 use, religious institutions and hospitals are
17 special uses. Those I think by all accounts
18 everyone would agree would be more intense-type
19 of uses.

20 Next, the suitability of the subject
21 property for the zoned purposes. Given the trend
22 of development in the area, as noted by
23 Mr. Crane, it's not suited for R-1 single-family.

24 The single-family use to the east

1 was developed before everything else around here
2 was developed.

3 As you were shown on that one screen
4 showing the zoning of this area, this parcel is
5 basically an island there surrounded by R-4 and
6 institutional -- I'm sorry, and R-3, and then
7 further north, your commercial developments.

8 Also, this type of use can only be
9 allowed or permitted in your R-4 District because
10 of the multiple family being permitted uses.

11 R-3 are traditionally for multiple
12 family, so that's why in order to locate a use
13 such as this in R-4 zoning is needed and
14 appropriate.

15 The length of time, the next
16 standard, the property has been vacant in context
17 of ever developed, it has never been developed,
18 and as you've seen, everything else around here
19 has been developed.

20 The community need for the proposed
21 use I think was gone into in great detail by
22 Mr. Crane and is very evident. There is a vital
23 need in this town for affordable, high quality,
24 senior living.

1 We went through the statistics of
2 how in your comprehensive draft plan update that
3 age group is increasing.

4 According to that as well, the only
5 55 and older development here is -- with age
6 restriction is Heritage Meadows and that's a
7 47-unit I think single-family development. This
8 is obviously something that is needed and is a
9 different type of amenity.

10 It also notes a lack of affordable
11 options, with 50 percent of renter households
12 hard pressed to afford their rents. Just a
13 great, great need for this type of use.

14 Also, as Mr. Crane noted, with the
15 purchase of the additional -- not purchase, but
16 the long-term lease of the property to the west,
17 it basically brings our effective density down to
18 about 18.25 units per acre, because that property
19 would never be developed or will not be developed
20 under our lease. It will be for the entrance off
21 of Fremont Street.

22 Next, with respect to the subject
23 property, the care which the community has
24 undertaken to plan its land use development, as

1 noted, the plan is currently being updated.

2 In the land use section of the
3 current plan, it designates this parcel as mixed
4 use, which would include age-restricted
5 development and also, again, reiterates the need
6 for this type of use in this community.

7 The last is the impact the
8 classification has on traffic and traffic
9 conditions on existing roads and the impact of
10 additional accesses as requested by the
11 petitioner.

12 Again, the issue is not whether this
13 use generates any traffic. Any development is
14 going to generate some traffic. The question is
15 will it have a detrimental effect on the
16 adjoining roads, and the traffic study here
17 confirms it will not, they are more than
18 adequate, and this is a low generated use.

19 There are other uses allowed in the
20 R-1 that would generate similar traffic, if not
21 more, and we kind of addressed how there are
22 schools as permitted uses and churches as special
23 uses.

24 Those conclude the standards.

1 Jeff, do you want anything else to
2 conclude?

3 MR. CRANE: Again, I'd like to thank
4 the -- thank you for allowing us to make our
5 presentation tonight, and we will be available to
6 answer questions.

7 CHAIRMAN HARKER: Okay. Anybody that
8 would like to speak now that is in favor of the
9 proposed request, please come up to the podium.
10 Have you gentlemen already signed
11 in?

12 MR. PETERSON: Yes, I have.

13 CHAIRMAN HARKER: If you haven't, when
14 you come up, if you would do that as well,
15 please.

16 DARIN PETERSON,
17 having been first duly sworn, testified from the
18 podium as follows:

19 MR. PETERSON: My name is Darin
20 Peterson. Just so you all know, I am terrified
21 of public speaking, so you will have to forgive
22 me. If I stumble or stutter over my words, I'm
23 not good at it, don't like to do it, so...

24 I come here basically wearing three

1 different hats. I come here as a life-long
2 resident of Yorkville, I've grown up here since I
3 was two years old, 45 now. I've grown up in
4 Bristol, went to Yorkville schools.

5 I've seen pretty much all of my
6 mentors if you would come and go and leave
7 Yorkville. All my baseball coaches, my teachers,
8 my Cub Scout coaches, pretty much everybody I
9 grew up looking up to, who has taught me to be
10 the gentleman that I am, or try to be, I've seen
11 them all leave, for one reason: There is no
12 affordable housing for seniors. That is a
13 problem. It's a problem not just here in
14 Yorkville, it's a nationwide problem.

15 But we have an opportunity to make
16 some sort of change to let some of our
17 residents, not all of them obviously -- I've seen
18 it grow from 3,000 people to 17 plus I believe is
19 where we're at now. It's terrible. It's
20 something that we need -- we as a community need
21 to address.

22 My second hat that I wear, I am the
23 president of Longford Lakes. I have sat down
24 with the developers. First I was fairly opposed

1 to the thought of someone developing the property
2 behind us, I was fairly against leasing the land
3 or selling the property to anybody just because
4 of the impact it would cause on our small
5 community.

6 We have 62 units. Out of those
7 62 units, at any normal meeting I might get six
8 or seven members to show up to our homeowner's
9 association.

10 I took over the presidency I believe
11 in 2008. At that time our association was
12 ailing, if you would. We were a new association,
13 but we were not by any means a wealthy
14 association.

15 As everybody did with the economy,
16 we had our serious hardships. We had
17 underfunding of our -- of our reserves, we had
18 some issues with buildings that were slapped up
19 or put up together very quickly in the time when
20 building was going like crazy, and we had some
21 impact with the surrounding area growing around
22 us.

23 All of these were problems with us
24 at Longford Lakes. We addressed them, we

1 maintained throughout the downfall in our
2 economy. The economy is eeking back up a little
3 bit, but I don't see it being that great yet and
4 we're still having our financial problems, so as
5 the president I said I have to do my due
6 diligence, I have to sit down and I have to
7 listen to this group that's going to try and
8 develop around us.

9 In doing so I met some fantastic
10 individuals. Sitting here in front of me,
11 everybody that was just standing up talking,
12 eased all of my concerns.

13 I think I surprised them a little
14 bit because I don't think they were expecting to
15 talk to, you know, a local here that had as much
16 information as I have.

17 I work for a municipality, not this
18 municipality, much larger municipality, a much
19 richer municipality. Worked there for 25 years.
20 I've seen growth in that community. I've seen
21 this exact type of growth in our community. I've
22 heard all the comments. I've sat through the
23 meetings, I've listened to them, how is it going
24 to impact our community.

1 I was very impressed with this group
2 of individuals who came to us and said this is
3 what we want to build.

4 My fear was we were going to get a
5 school, an emergency room, church, something that
6 is going to give us a lot of traffic, not give
7 the city much revenue at all, and basically be a
8 hindrance to our neighbor.

9 After a few meetings I found exactly
10 the opposite. What I found was R-4 construction,
11 our community is R-3. Not a huge difference.

12 I believe back in 2007 there was a
13 proposed R-3 construction for that zoning -- or
14 for that lot. It fell through, it's been sitting
15 vacant for that long, for sale for that long.
16 Many developers could have bought that piece of
17 property.

18 I met with the Moes before I met
19 with -- Before I met with the development group,
20 I met with the neighbors, the Moes, who are
21 actually fantastic people. I have nothing bad to
22 say about them.

23 I met with them and I appreciate
24 their time. I explained to them my concerns on

1 this development, the potential development.

2 As a resident I think it's a
3 fantastic -- fantastic thing for our community.
4 As the president of our association, I'm all for
5 it. I think it's a wonderful thing.

6 Now, I'm not going to try and slide
7 anything under, yes, there is a financial gain
8 for us in Longford Lakes. We are leasing the
9 property to them. Can't hide that. Nothing to
10 hide. If you have a piece of property you want
11 to lease or you want to sell, you try to make
12 gains. That has -- that lease will solidify our
13 homeowner's association.

14 All of those years that we couldn't
15 put into the reserves, this is solidifying it.
16 This is giving us the opportunity where the
17 residents of our association are not going to be
18 taxed out of their property. They're not going
19 to get special assessments like we've had to do
20 for the last two years. This will help hold that
21 off. It will keep people from moving out of our
22 62 units.

23 My third hat that I wear, I am an
24 investor. I own a property there. I don't live

1 there, but I do own a townhouse. One of those
2 62 units is my investment property.

3 I live in Yorkville right behind
4 this building. I live on Sunset Avenue at the
5 dead end. I bought that house knowing that
6 nothing could be built back there. It was all
7 open field.

8 Shortly after I bought it, it
9 completely changed. I have a park behind my
10 house now. I have soccer every morning during
11 the summer, I have baseball every afternoon and
12 every evening. Completely changed my back yard.
13 My back yard was my oasis. It was my pool. It
14 was everything I needed. I had nothing behind
15 me, now I literally have thousands of children
16 running around back there.

17 It was a change. I got used to it.
18 I didn't like it at first. Had hundreds --
19 literally hundreds of soccer balls and baseballs,
20 softballs, in my yard every day -- or, I'm sorry,
21 throughout the year, and I always brought them
22 back, gave them to the city or gave them to the
23 park district. Talked to them, they moved their
24 goals. They worked with me.

1 What I see in front of me here is an
2 investment group that is doing exactly that for
3 us at Longford Lakes. They addressed every issue
4 I had with parking, worried about vandalism. Do
5 you have parking outside? They have interior
6 parking.

7 I worried about lighting; they told
8 me they were going to give us low level lighting,
9 they weren't going to be intrusive with that.

10 I worried about landscaping. I
11 worried about the encroachment of the traffic
12 going down our street.

13 Not to be silly here, but I know if
14 the entrance was on Walnut, we would still have
15 the traffic coming down Freemont. Everybody
16 that's going to go there is going to drive to the
17 Jewel store, to Sunfield restaurant, to Ace
18 Hardware, to all the local businesses that would
19 love to have these extra patrons.

20 Seniors, they love -- they don't --
21 if they're not working, they love to wander,
22 okay? We're all familiar with that. They love
23 to go shopping, they love to be part of the
24 community. We can't ask for better neighbors.

1 I have nothing else to say except
2 for the fact that I do understand that the Moes
3 and everybody to the east of us are going to have
4 a hardship, and for that I have nothing that I
5 can do.

6 I've talked to you and I appreciate
7 every -- I appreciate our conversation and I
8 completely understand everything that they're
9 going through. I personally have dealt with it.

10 On those three topics, those three
11 hats that I wear, I can honestly say in front of
12 this committee, in front of this whole group,
13 that there is no better neighbor that we can have
14 than this development.

15 I fear if this development doesn't
16 go through, another one will that may not be as
17 nice as this. They may not be as congenial as
18 they are. They may not help out as much as
19 they're going to.

20 Thank you.

21 TOM STOUT,
22 having been first duly sworn, testified from the
23 podium as follows:

24 MR. STOUT: Hi. My name is Tom Stout.

1 I live at Heartland subdivision. I moved to
2 Yorkville in 2013. We moved to Yorkville because
3 of all the wonderful things that your city had to
4 offer, and I love that it was growing, a
5 beautiful place to raise a family, it was safe.

6 I also like that it was going
7 places, that there was new things coming to it.
8 My wife and my two daughters frequently walk and
9 ride our bikes through that neighborhood. It
10 would be nice to see something there that's
11 positive, and I think you can never put a price
12 tag on something that's positive to a
13 neighborhood.

14 As someone who has seen the Glendale
15 Heights facility firsthand, it was a top quality
16 building facility. It's not going to diminish
17 that area at all, and I think it would be a big
18 mistake to say no to it.

19 Thank you.

20 JASON MERKLE,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. MERKLE: My name is Jason Merkle. I
24 am a resident of Yorkville. I have lived here

1 since 2003. My family has been in this town for
2 generations.

3 I think this development would be a
4 good idea. I come from the trades as an
5 electrician, I think the work would be good for
6 us and for everybody. It's a working class town,
7 we could use the work in our town.

8 It's also a development that's not
9 going to add to our burdens on our schools, but
10 will bring in the tax revenue for the property
11 taxes.

12 Another multi-family use could bring
13 more kids into the school and overcrowding and
14 cost taxpayers. More consumers to come here
15 would be good for local businesses, and I see it
16 as a win for -- for everybody.

17 I understand there are some
18 concerns, but I hope they'll address them the way
19 that they say they will, and it would be nice to
20 see a development that's not just growing up some
21 single-family houses again that are going to be
22 turned over or repossessed or something after a
23 few years.

24 Thank you.

1 KARYLIN CLEVANGER,
2 having been first duly sworn, testified from the
3 podium as follows:

4 MS. CLEVANGER: My name is Karylin
5 Clevenger. I am with Senior Services Associates
6 here in Kendall County. I think most of you are
7 familiar with me, I spoke last meeting.

8 Just a few facts about Kendall
9 County. I was born and raised here. I have
10 since moved to Sandwich. Born and raised in
11 Kendall County. I recognize several last names
12 of people that I've helped, family members of
13 clients.

14 The seniors in our community are
15 usually born and bred here. They were born in
16 this area, they've stayed in this area their
17 whole lives. They are now being forced to move.

18 I just in the past three days have
19 moved a senior to Waterman because there is no
20 affordable housing in Kendall County.

21 We have nine buildings in Kendall
22 County that house our seniors; seven of them are
23 subsidized and offer rental assistance. Two of
24 them are not, they're a private pay.

1 Of those buildings, the unsubsidized
2 run anywhere from 800 a month to a thousand a
3 month, depending on the amenities and how big the
4 apartment is, and the subsidized apartments run
5 30 percent of their monthly income after
6 allowable expenses, including anything that is
7 medically necessary.

8 The waiting lists at all these
9 housing facilities right now are a year on
10 average. You are put on a waiting list, and in
11 order to be called, someone either has to pass on
12 or be moved into an assisted living community or
13 a skilled nursing facility.

14 Newark is the shortest wait, and I
15 can tell you why: Because there is nothing in
16 Newark. People don't want to go to Newark
17 because they don't drive anymore, they have to
18 rely on their daughter or their son to come and
19 pick them up and take them to the doctor, take
20 them to the -- to the local grocery store. They
21 don't have anything but libraries and a gas
22 station with a Subway, so seniors don't want to
23 move to Newark for that reason.

24 They jokingly call it the wrinkle

1 farm because the people in Newark that were
2 farmers and have lived there their whole life,
3 they want to stay in Newark, so they end up at
4 the Newark Senior Center.

5 Only two of those facilities in
6 Kendall County out of the nine offer parking and
7 offer a spot for every single resident, and offer
8 indoor parking, but at an additional cost.

9 This is not -- they're not proposing
10 that there would be an additional cost for every
11 person that lives there to have a parking spot.

12 In order for these people to have
13 parking spots at these buildings runs anywhere
14 from 30 to \$50 a month to guarantee them a spot,
15 for an indoor parking spot especially.

16 There is an extreme need for
17 housing. I mean, the closest facilities that
18 have no wait at this point are Mt. Morris,
19 Illinois; Oregon, Illinois; Rochelle; Waterman;
20 and Earlville.

21 All of them, if you think of it for
22 one second, if you picture each one of these
23 communities, the access to available resources is
24 nil.

1 There may be a doctor in town or a
2 veterinarian. There may be a grocery store, if
3 that. In Earlville they have a Dollar General
4 that has a couple of freezers and has frozen
5 goods and refrigerated goods. That's all they
6 have access to.

7 When that happens, the senior then
8 has more trouble with their activities of daily
9 living, they are not getting out and getting the
10 nutrition they need, they're becoming more
11 dependent on their families.

12 This lands them in a skilled nursing
13 facility or an assisted living, producing an
14 additional taxpayer burden to the people of
15 Illinois in general because those people then end
16 up on Medicaid.

17 Medicaid then becomes what pays
18 their rent because it subsidizes what they're
19 getting in every month and they go on a Medicaid
20 waiver and the waiver then pays for them to live
21 wherever they're living, so it creates an
22 additional taxpayer burden on top of it.

23 We currently have three to five
24 inquiries a week coming over the telephone or

1 coming through the -- through the emails to us
2 looking for affordable housing.

3 I had a lady on the phone just
4 yesterday that was in tears because I had to tell
5 her that every single place within a 10 to
6 15-mile radius is a one-year waiting list at the
7 minimum.

8 She is going to have to probably
9 live with her daughter, which I guess is not a
10 good situation, and she was very upset about it
11 because she is losing her home because she can't
12 pay her taxes.

13 This is a burden. Kendall County
14 has a large amount of tax on homes. Even with
15 the senior freeze they average anywhere from
16 three to \$5,000 a year.

17 Seniors can't afford that on top of
18 all the other expenses, including maintenance and
19 upkeep of their home and so on and so forth.

20 When they're moving into a site like
21 this, then they're moving into someplace that
22 they don't have to worry about that. They don't
23 have to worry if the furnace goes out, they don't
24 have to worry if the shingles come off the roof

1 in a big storm or having to carry homeowner's
2 insurance that has went from 500 to \$800 in the
3 past three years.

4 They're also creating a safety net
5 that in these buildings there is typically
6 someone on every floor that makes sure that
7 everyone on that floor is well for the day. It's
8 a well-being check, usually either hang a hanger
9 on their door that's a yellow or a red or a
10 green, lets everybody know that they're okay. It
11 creates the daily well-being that families don't
12 have time to do.

13 If your family member grew up here
14 and you were born and raised in Kendall County
15 and you have to send your mother to -- or father
16 to Mt. Morris, Illinois, or to Oregon because
17 that's the only affordable housing for them, how
18 are you going to check on them daily? How are
19 you going to make sure that they're okay or help
20 them with their activities of daily living?

21 We currently have a PADS population
22 also that is growing. I find it disgraceful that
23 a seemingly affluent community that has prided
24 themselves in taking care of their own and making

1 sure that the people of this community are cared
2 for and looked after are living on the streets or
3 in their cars.

4 When I'm talking to seniors that are
5 too embarrassed to tell their daughter that they
6 have lost their apartment that they were living
7 in or that they couldn't afford their rent so
8 they're now living in their car and they're
9 afraid to go to PADS because they know everybody
10 in the community and they're afraid that going to
11 PADS, one person might say, Why is your mom
12 living at the homeless shelter in Kendall County,
13 I find that disgraceful, that we have seniors
14 that are living on the streets.

15 PADS only operates in the extreme
16 months, the cold months, so then in the
17 summertime we're going to have a beautiful
18 community like Yorkville where seniors are
19 sleeping on park benches? I just -- I have a
20 really hard time...

21 My job is not just a career for me,
22 it's a passion, and these seniors that I take
23 care of become an extended family of grandparents
24 and great aunts and uncles that I look after

1 because their own families don't look after them.
2 And they're going without housing, which is basic
3 need? We're a first world country, not a third
4 world country.

5 I feel that turning our -- turning
6 our backs to a need like senior housing, that --
7 you know, you can't pick your neighbors, but
8 these are the best neighbors to pick. They are
9 in bed way before we are, they don't leave their
10 porch lights on because they're wasting
11 electricity.

12 You know, they're not the wasteful
13 generation. They turn off lights when they leave
14 the room. They don't leave garbage on the floor.
15 They bend over to pick up the penny on the
16 street. They're the ones that keep our community
17 as alive and beautiful as it is.

18 If you go over to 407 West Kendall
19 Drive or 5001 West Kendall Drive where
20 Countryside Villages Apartments are located, on
21 the edge of a one single-family -- on the edge of
22 a single-family community with apartments on the
23 edge, but they are right on the edge of that,
24 it's a beautiful community and those apartment

1 buildings blend right in.

2 If you ask the neighbors in that
3 community, they will tell you that those are the
4 best neighbors they could ask for. They're
5 planting flowers in the summer, they walk down
6 the street, they say hi, they walk their dogs and
7 they say hi to everyone. They look out for
8 people in their community.

9 We're not looking at a Section 8
10 housing facility, we're not looking at low income
11 housing for just everyone, but we're looking at
12 the 55 and up club, which is the most respectful
13 generation, the cleanest, the most prideful.
14 They will -- they can -- they can polish any
15 penny.

16 It doesn't matter how -- how low
17 they are in the income bracket, they won't ever
18 come off to you as one of the lower class
19 citizens.

20 Just placed -- I'm sorry. There is
21 no issues of disturbances ever. I don't ever
22 get -- out of the nine buildings that I am a
23 liaison for with Senior Services, I don't get
24 phone calls about disturbances, I don't get phone

1 calls about garbage being strewn in the yard
2 or -- I get those about the people that aren't
3 living in those communities that aren't seniors.

4 Section 8 is not even an issue in
5 Kendall County. You're not going to be welcoming
6 Section 8 because there's no vouchers. The
7 waiting list has been open for a total of
8 around -- I believe it -- and I don't quote me, I
9 believe it was 13 days that the wait list was
10 open, and that's just the wait list.

11 Those people then go on a wait list
12 waiting for somebody that is on a current voucher
13 to die because that's the only reason they can
14 get one because people don't just go off of
15 Section 8. A person has to die for someone to be
16 available for a Section 8 voucher in Kendall
17 County.

18 The wait list was open for a total
19 of 13 days, I believe there were 52 spots filled
20 on the wait list. The people that are on the
21 wait list have still not seen housing.

22 So you're not looking at bringing in
23 low income, troublesome people that may be on
24 Section 8 or may have a background that's an

1 issue into a community like that.

2 Also, the screening for a community
3 like this is so intensive that if you have bad
4 credit or if you have any misdemeanors, felonies,
5 anything that is on your record, you're not
6 allowed in a community like that.

7 Anything that is grounded to HUD
8 or -- an IHDA tax credit building, I'm sorry, an
9 IHDA tax credit building, or USDA tax credit
10 building, which is like what Newark is, if you
11 have any bad background whatsoever, you're not
12 allowed to live there.

13 So you're not looking at bringing in
14 anyone that is a sex offender, you're not looking
15 at bringing in anyone that has had a criminal
16 history of any drugs or anything like that
17 because those people aren't even looked at.

18 One sex thing on their record,
19 that's a box they have to check, with anywhere on
20 their background check. If anything comes up,
21 their application is not even considered.

22 So you're looking at people with
23 good backgrounds, people from the community,
24 possibly your parents, your grandparents, your

1 aunts and uncles, that are being displaced
2 because we're not welcoming them here.

3 I have to give kudos to them for
4 even offering to come to Kendall County. We
5 desperately need it, and I know that I have a lot
6 of seniors that are in full support of this, and
7 I'll tell you the one reason that I can't get a
8 lot of my seniors to come with me, is because
9 it's dark. I can't get them to come out of their
10 house because it's after hours, it's dark,
11 they're going to bed right now. They've already
12 had their dinner.

13 They don't -- they're not coming out
14 to the meetings, and I'm hoping I can get some to
15 the City Council meeting. They don't want to
16 come to the meeting because it's just too late
17 for them.

18 So for thinking that they're going
19 to cause a disturbance or heavy traffic volume
20 when they carpool to everything -- even grocery
21 shopping, they don't go out unless it's
22 absolutely necessary.

23 Even when they drive they'll ask me
24 to come over for a home visit instead of coming

1 to the center because the traffic on Beecher Road
2 or -- on Beecher Road or the construction that
3 was going on terrifies them, so they're not out
4 just driving the streets like the kids do in the
5 summer from the Tastee Freeze to the Marathon.
6 They're not driving their car unless they
7 absolutely have to.

8 So we're not looking at an increased
9 traffic that's going to be detrimental to any
10 community.

11 I welcome them to Yorkville. I hope
12 that you guys think with your heart along with
13 your head because it's something that I
14 passionately feel about.

15 Although some may feel it's not the
16 right area or not the right position for the
17 building, if we're going to shoot down everybody
18 that comes, people are going to stop coming, and
19 we need to think with an open heart and an open
20 head when we're asking people to come join our
21 community and asking people to invest in our
22 community.

23 Thank you for your time.

24 CHAIRMAN HARKER: Thank you.

1 Do we have anybody else that would
2 like to speak in favor of the proposed request
3 right now?

4 (No response.)

5 CHAIRMAN HARKER: Seeing no one, we did
6 receive a couple letters here late, I want to get
7 them in the -- want to make sure they were in the
8 record here.

9 The Voluntary Action Center, Kendall
10 County Area Transit, they sent a letter in in
11 favor of the proposed request, and also the
12 Oswegoland Seniors, Inc., they also signed in
13 favor of. Make that part of the record, please.
14 Thank you.

15 Those people that are opposed to
16 the -- I'm sorry. Okay, okay. Is there any
17 interested parties that would like to have any
18 questions for the petitioners?

19 (No response.)

20 CHAIRMAN HARKER: Okay. All right.
21 Then those parties that would like to be -- talk
22 that are opposed to the proposed request, please
23 come up to the podium, make sure you have signed
24 in, state your name.

1 JOHN BENNETT,
2 having been first duly sworn, testified from the
3 podium as follows:

4 MR. BENNETT: Good evening. I want to
5 thank you all for being here tonight. I
6 appreciate the service that you do provide to our
7 community, and I just had a few key points I
8 wanted to go over with you and why I don't feel
9 that --

10 CHAIRMAN HARKER: Excuse me, sir. Real
11 quick, state your name.

12 MR. BENNETT: Oh, my name is John
13 Bennett. Thank you. And I'll just go over a few
14 key points why I don't feel this fits.

15 The first is -- the thing I wanted
16 to do is paint a picture for you what I saw when
17 the real estate agent walked me into the townhome
18 that I currently live in.

19 I looked out the back window, I saw
20 mature trees, I saw a barn, a pond. I saw lots
21 of green space. There was a family of foxes that
22 lived out in this very spot that they're looking
23 to build on this summer, you know.

24 There's kids playing there. It's

1 not uncommon to see a volleyball net up there or
2 kids playing baseball, you know. This -- this
3 land is already in use by our community.

4 What I didn't see is a building the
5 size of the Hampton Inn, all right? It's
6 something if you look at it, it just doesn't fit
7 the scenery.

8 I think as citizens of Yorkville we
9 all share certain values, certain things that
10 brought us here: Open spaces, trees, wildlife.
11 These are all things that Yorkville has that
12 makes our city unique and special.

13 Guys, we're not Glendale Heights,
14 all right? If you have ever driven through
15 there, it doesn't have what we have here.

16 This area was zoned for a specific
17 reason. I think our city has done a fantastic
18 job in its planning. You guys have laid out
19 some -- some areas for buildings like this and
20 set aside others where they don't belong. I
21 think we should stick to the plan. I think
22 that's in our best interests as our -- as
23 Yorkville citizens.

24 And while I'm on the subject of

1 land, another key point I would like to make is
2 that there is no shortage of land here, all
3 right?

4 This is not the last parcel of land
5 that could ever be developed for senior living.
6 There's plenty of -- there's plenty of area,
7 including look no further than the previously
8 mentioned Hampton Inn.

9 We've got these big fields there
10 that are zoned for that specific reason, so it
11 brings me to my next point is why are they
12 putting this there, you know.

13 It's because of the value that I
14 described. They are looking to reach in
15 basically to the owners that live there, our
16 pockets, pull out a little bit of the value and
17 add it to their building, so they will be taking
18 away from some of the scenery and kind of
19 just -- kind of dipping into our pockets just a
20 little bit for the gain of the developers, you
21 know.

22 I also don't really see why it's in
23 the best interest of a senior citizen to get
24 involved with a lease where you've got these

1 payments that are going on forever.

2 Is this -- you know, this building
3 could never be paid off and -- and lower costs.
4 This is -- this is going to be in perpetuity.
5 It's a short-term gain for the developer to lease
6 the land, but long-term for the residents it
7 actually is to their detriment.

8 And, you know, so just to reiterate,
9 I like what we're doing with the town, it's why
10 we live here, it's beautiful place to live, and I
11 think we should continue with the plan that's
12 already been set out and not change it for a
13 developer's gain, you know.

14 I've also learned kind of a painful
15 lesson here, guys, is that unlike you, I have not
16 gotten involved in community service, I've not
17 been willing to put my time, you know.

18 I come home from my job, I've got
19 three screaming kids, you know, and -- you know,
20 coming here to these meetings like this at night
21 I understand is a hardship for you guys, and I
22 appreciate and value what you're doing, and I can
23 tell Darin, I will be running against you for
24 president of the Longford Lakes Association the

1 next time it's up.

2 MR. PETERSON: I welcome that.

3 MR. BENNETT: Thank you.

4 HARTLEY PIERSON,
5 having been first duly sworn, testified from the
6 podium as follows:

7 MR. PIERSON: Greetings. My name is
8 Hartley Pierson. I have lived in Yorkville for
9 12 years. I moved here because of the type of
10 atmosphere that it provided, much like my
11 predecessor who lives in the townhomes, as do I.
12 I live at 422 Landmark. I'm in Longford Lakes
13 development. I am right on the pond. It's a
14 beautiful setting.

15 I do appreciate all the hard work
16 that you people do because you've certainly got a
17 lot of challenges to face and some hard decisions
18 to make.

19 As far as the senior citizen's
20 development is concerned, I think the idea for a
21 senior citizen development in this area is
22 needed, I have no argument against that.

23 I think they have beautiful
24 buildings, and I think they probably are a good

1 company and they ought to find a good place to
2 put it, but I think the spot they picked is too
3 close to other one and two-story residences to
4 put a four-story building in the midst of it.

5 It's certainly going to affect the
6 value of the homes around it. I know it's going
7 to affect the value of the townhomes over what
8 it's been.

9 I do believe that eventually, yes,
10 they're going to develop that property over
11 there, that lot, that the Catholic church did
12 own, does own. It's actually the Diocese that
13 owns it. But I think it needs to be kept within
14 the character of the neighborhood.

15 To me this kind of a building that
16 they are proposing, which is really too big for
17 the space that they're using, that it can't
18 really get enough space around it, open space, so
19 it's going to be like a monolith in the midst of
20 the homes that are there.

21 They're trying to make you believe
22 in their presentation that they talked to the
23 homeowners and, you know, they're trying to
24 address their concerns. There is no way they can

1 address those concerns. You build a four-story
2 structure, it does not meet anybody's desire.

3 In contrast to the president of our
4 association, most of the people in our
5 development -- I've talked to at least half of
6 them personally, one-on-one in the last several
7 days, I've gone to visit with them, and they
8 realize what's happening there and nobody,
9 nobody, has expressed an interest in having this
10 in that location.

11 They feel it will be a detriment to
12 their homes, where they are, and it's certainly
13 going to have a negative impact on the
14 neighborhood.

15 So I think you need to keep the
16 character. You've got a beautiful neighborhood
17 here, individual homes and individual townhomes.
18 The townhomes are individually owned, and we've
19 lived there for 12 years, we love it, but I
20 certainly hate to see this kind of a structure go
21 up.

22 I think it's great for lower
23 buildings, but not a four-story building, and
24 particularly they are wanting to build such a big

1 one because they want so many units. They've got
2 to be right near the lot line.

3 They try to tell you all this is
4 set back and how far it is. You know, 48 feet is
5 only about the distance of your room here. It's
6 not a good idea at all.

7 So I hope you will not approve their
8 zoning because that's what they need in order to
9 build a four-story building, so -- and I do feel
10 the board of our association has not consulted
11 with the members and given them an opportunity to
12 really voice their feelings about it or they
13 wouldn't be in favor of it at all.

14 CHAIRMAN HARKER: Thank you.

15 RICHARD MOTICKA,
16 having been first duly sworn, testified from the
17 podium as follows:

18 MR. MOTICKA: Thank you for having a
19 public meeting. My name is Richard Moticka. I
20 am a very new resident to Yorkville. I just
21 moved into the Longford Lakes Association less
22 than a month ago.

23 My biggest concern here is I feel
24 like it was presented as R-1 or R-4, but all the

1 surrounding areas are mostly R-2 and R-3 for
2 townhomes and smaller multi-family homes.

3 They've made a lot of concessions to
4 their one neighbor to the east, but I'm on the
5 other side of them where the road will be. It's
6 going to impact several of the townhomes in the
7 community.

8 Even on their own map I believe the
9 red line was a one-mile circle where all the
10 amenities for the seniors should be in place, and
11 the hospital that they highlighted on there is
12 outside the red area. I know my concern for
13 seniors and senior living would be how close are
14 you to the hospital.

15 I have no idea what the zoning rules
16 are or where the other R-4's are available in
17 Yorkville, but I think closer to the hospital.

18 Also, for the low income senior, I
19 think that a more reasonable grocery store would
20 be the Aldi. I'm not sure if that strip mall
21 that they're trying to force them into or put
22 them nearby is necessarily the best place for the
23 seniors, also for the children in that immediate
24 area, and just from the static purpose, the

1 reason I moved there was because it was all
2 single-family homes, a place that I wanted to
3 raise my children in, where I felt beautiful to
4 look at, lots of small homes, where I wanted to
5 live.

6 The other thing with the senior
7 population increasing by 200 percent, I
8 understand that's since 2000. I believe -- and
9 I'm not 100 percent on this -- the population in
10 Yorkville was 6,000 in 2000 and now it's 17,000,
11 which is just about a 200 percent increase, so it
12 increased at about the same rate as everybody
13 else, and if it's supposed to be for the people
14 that lived in Yorkville their whole life and are
15 getting pushed out, there was only 6,000 people
16 here 15 years ago, so it can't possibly be that,
17 you know, all of them are the ones moving into
18 this.

19 There's got to be a better place in
20 Yorkville, there's got to be a better place in
21 Kendall County than here. We can do R-2 or R-3.

22 Thank you for your time, I
23 appreciate it, and good night.

24 CHAIRMAN HARKER: Richard?

1 MR. MOTICKA: Yes, sir.

2 CHAIRMAN HARKER: Did you sign in on the
3 sheet?

4 MR. MOTICKA: I signed in while it was
5 going around, I believe it's the second one.

6 CHAIRMAN HARKER: Okay. Great.

7 KELLY HELLAND,
8 having been first duly sworn, testified from the
9 podium as follows:

10 MS. HELLAND: I think a picture is worth
11 a thousand words and I would --

12 CHAIRMAN HARKER: Excuse me, ma'am.
13 Could you tell us your name, please?

14 MS. HELLAND: Kelly Helland on behalf of
15 Regina and Ben Moe. I am an attorney licensed to
16 practice law in the state of Illinois.

17 CHAIRMAN HARKER: Thank you.

18 MS. HELLAND: I think Mr. Bennett was
19 absolutely correct when he said imagine taking
20 the Hampton Inn or the Smith Engineering building
21 and dropping either of those structures into a
22 residential neighborhood.

23 Neither my clients nor I think the
24 community as a whole believe that senior housing

1 shouldn't be in Yorkville and in Kendall County.

2 My clients are the residents of the
3 single-family residence directly to the east of
4 the subject site, and on the current site plan,
5 it's the single-family residence directly --
6 that's outlined in black along the western
7 edge -- or, I'm sorry, eastern edge of the
8 subject site.

9 This subject site is currently zoned
10 R-1 and the developer is seeking to construct a
11 four-story, 75-unit structure on this particular
12 site.

13 The developers spend a great deal of
14 time telling what couldn't be built and what
15 could be built on the existing R-1 site and also
16 stating that another developer wouldn't build as
17 nice a project as they're building.

18 I essentially think this is a
19 smokescreen as you are here tonight to review
20 what this particular developer is proposing and
21 the rezoning request from R-1 single-family to
22 R-4 multi-family zoning.

23 In reviewing the request the
24 petitioner must support eight criteria.

1 Petitioner in this particular situation failed to
2 provide sufficient evidence to support the
3 amendment request rezoning the property from R-1
4 single-family to R-4 multi-family.

5 As you are well aware, the first
6 criteria -- and I believe the developer lumped
7 criterias number one, two and eight together --
8 is the existing use and neighboring uses.

9 I would ask the Plan Commission to
10 turn to the developer's handout that was labeled
11 Current Zoning Uses, and if you look at this
12 particular handout, to the north of the property
13 is R-3, followed by commercial. To the west of
14 the property is R-3.

15 The Longford Lakes development,
16 which is currently zoned R-3, was as a result of
17 1998 litigation between the City of Yorkville and
18 the original developer and subject to a court
19 ordered consent decree.

20 I don't believe the developer can
21 place credence on neither the rezoning of that
22 particular subdivision, nor the density that's
23 allowed in it because it is court ordered zoning
24 and was subject to the consent decree that is of

1 public record.

2 Same thing with the commercial site
3 of Jewel and the Tucker development, that was
4 also as a result of the same court ordered zoning
5 and litigation.

6 This particular case is a classic
7 example of spot zoning, which is clearly evident
8 by the example -- or by the handout that's right
9 in front of you.

10 There's R-2, R-3 and R-1 surrounding
11 the site, but this particular developer wants the
12 Plan Commission to recommend approval to rezone
13 the site R-4.

14 Spot zoning is defined as a change
15 in zoning applied to a small area that is out of
16 harmony with the comprehensive plan for the good
17 of the community or zoning that would violate the
18 zoning pattern.

19 My clients aren't opposed to
20 multi-family. As the individual who just spoke,
21 my clients would approve -- or would look at an
22 R-2 and R-3 zoning classification.

23 I believe the subject site is more
24 suitable for a lower density multi-family zoning

1 if it were to be rezoned.

2 In this particular case there isn't
3 a blending of the high density multi-family to
4 the lower density single-family. The petitioner
5 seeks to essentially rezone the property to the
6 highest density allowable in the residential
7 zoning classification.

8 As I stated earlier, I believe my
9 clients and the community as a whole would
10 acknowledge that there is a need for senior
11 communities -- or senior developments in Kendall
12 County and particularly Yorkville.

13 One of the individuals who spoke in
14 support of the project spoke of the Countryside
15 Senior Apartments. The Countryside Senior
16 Apartments, which we have pictures of here and
17 here, is a classic example of blending into a
18 neighborhood.

19 It's a two-story facility consisting
20 of two buildings, it's constructed of neutral
21 tones, and you wouldn't know that it was an
22 apartment complex if you drove by it as you are
23 driving through the Countryside subdivision.

24 As you can see from the picture that

1 I believe of Countryside Apartments -- I'll label
2 it Exhibit 1 -- the single-family residence isn't
3 dwarfed, there is sufficient spacing, and there
4 is essentially no impact on the neighboring
5 single-family structure.

6 Juxtapose that with the Glendale
7 Heights Senior apartments, which I will list as
8 Exhibit 2. The Glendale Heights Senior apartment
9 facility which was constructed by the petitioner
10 is a four-story structure located on North Avenue
11 as the east/west and then Bloomingdale Road.

12 Both North Avenue and Bloomingdale
13 Road are four lane, very busy highways, and this
14 structure is located right next to a commercial
15 development to the north and then apartment
16 buildings to the south, which consist of three
17 stories.

18 I think that's good planning. In
19 that particular case, there isn't a huge impact
20 on the neighboring property owners and residents.
21 You don't have a structure that dwarfs every
22 other structure in the neighborhood.

23 Similarly --

24 CHAIRMAN HARKER: Excuse me. Would you

1 like those exhibits entered into the record?

2 MS. HELLAND: If I could. Thank you.

3 The other refer -- or the other property that was
4 referenced by petitioner and the individual who
5 spoke on behalf of petitioner was the Three
6 Diamond development on Orchard Road.

7 This again is a three-story,
8 two-building senior housing complex located on a
9 busy highway and abutting a wooded area and a
10 large ravine, so it's completely screened to the
11 single-family subdivision to the east of it.

12 Same thing with the Countryside
13 development. The single-family residences to the
14 west of the Countryside development are buffered
15 by a wooded area and Blackberry Creek.

16 The other major deficiency in the
17 petitioner's proposal is criteria number five,
18 suitability of the site. Like I stated before,
19 the petitioner is seeking to construct a 61-foot
20 four-story structure on three acres of land.

21 As petitioner testified, there are
22 going to be balconies on the east side of the
23 property which are at approximately the
24 highest -- the highest balcony would be

1 approximately 40 feet up.

2 This allows -- or this causes an
3 increase -- or causes a loss of privacy to my
4 clients. It doesn't take a rocket scientist to
5 figure out that if you walk out and you look up
6 to the west and there is a four-story building
7 there, you're always going to have a visual
8 impediment to your property.

9 The developer spoke briefly of it,
10 but in order to develop this particular project
11 the developer would need a variance of the
12 density.

13 While I understand you are here
14 tonight just to review the rezoning request, the
15 developer is proposing to develop the subject
16 site with 24 dwelling units per acre.

17 Currently in R-4 the allowable
18 maximum density is eight dwelling units per acre,
19 so in order to construct this site in accordance
20 with this particular site plan, the developer
21 needs a variance of three times the allowable
22 density.

23 As far as criteria number six, the
24 length that the property has been vacant, the

1 property has been vacant for some semblance of
2 time.

3 I, too, moved to Yorkville when I
4 was approximately two years old and there was I
5 think just still stop signs at 34 and 47. The
6 entire area that the subject site is located
7 around was undeveloped up and through
8 approximately 2000 to 2002.

9 I believe the Longford Lakes
10 development wasn't developed until 2006, and
11 compared to the trend of development and the boom
12 that Yorkville has experienced, this particular
13 piece of property in the grand scheme of things
14 has not been vacant all that long.

15 Finally, as far as criteria number
16 eight, which is the care to which the community
17 has undertaken to plan land use development, I
18 believe the developer has failed to present any
19 evidence which would support this criteria.

20 If a community, whether it be a
21 municipality or a county, has a comprehensive
22 plan, which is essentially a guide to
23 development, it must follow it.

24 In this particular case, the

1 comprehensive plan calls for this subject site to
2 be developed as traditional neighborhood.
3 There's been talk here tonight and at other
4 things about the updated comprehensive plan that
5 has not been approved.

6 I believe that the Plan Commission
7 and City Council must look to the comprehensive
8 plan that's in existence at this time in
9 determining whether or not the requested rezoning
10 conforms with the comprehensive plan and the
11 trend of development in Yorkville.

12 My clients would contend that the
13 rezoning request from R-1 single-family
14 residential to R-4 multi-family residential fails
15 to comply with the City of Yorkville
16 Comprehensive Plan that's in place right now.

17 Essentially a developer found a
18 three-acre property for the right price and is
19 now trying to fit a square peg into a round hole.

20 As a result of the foregoing failure
21 of the developer to present evidence supporting
22 the criteria, my clients would request that the
23 Plan Commission recommend denial of the rezoning
24 request from R-1 single-family residential to R-4

1 multi-family to the City Council.

2 Thank you.

3 MR. BINNINGER: Counsel, can you provide
4 those two --

5 MS. HELLAND: Absolutely.

6 MR. BINNINGER: -- photos to
7 the members?

8 MS. HELLAND: Yes.

9 CHAIRMAN HARKER: Would anybody else
10 like to speak in opposition to the proposed
11 request?

12 MR. BINNINGER: We will have a response.
13 Do you have questions, too?

14 CHAIRMAN HARKER: Sir, have you signed
15 in?

16 MR. PETERSON: Yes.

17 CHAIRMAN HARKER: Okay.

18 EARL PETERSON,
19 having been first duly sworn, testified from the
20 podium as follows:

21 MR. PETERSON: I am Earl Peterson. I
22 bought a unit in Longford and my daughter lives
23 there with her grandkids.

24 I am concerned with the height of

1 the building. I enjoyed seeing an empty field
2 and the cornfield there.

3 I see plenty of vacant land north of
4 34 and I'm concerned with the volume of traffic
5 being dumped right on Longford, and why couldn't
6 it be facing the church or something or
7 redirected, and I'm just concerned with my
8 grandkids playing there and the volume of the
9 traffic.

10 Thank you.

11 MR. CROUCH: Thank you.

12 MR. BINNINGER: Thank you. Are you
13 going to rebut or just have a summation?

14 MR. KASSON: No, I'm just going to sum
15 up and maybe Mr. Crane. No rebuttal.

16 MR. BINNINGER: Okay. Then we just jump
17 right down.

18 CHAIRMAN HARKER: Okay. Go ahead,
19 Petitioner, do your summation, please.

20 MR. KASSON: In summary, I think there
21 is three issues to consider. The first global
22 issue is the need, is there a need for this use
23 in this community, first of all.

24 I think it's without dispute that

1 there is, not only in your comprehensive plan and
2 everything that has been cited from that and your
3 update to what you heard as part of some of the
4 testimony here from some of those people
5 supporting this, the desperate need in Yorkville
6 and in Kendall County, nothing like this exists
7 in this area and all the people that want to be
8 here to live close to their kids that have to go
9 far, far away, so I just don't think there is a
10 question about the need.

11 Secondly, and that's what you do
12 when you're looking to identify a site like this,
13 is there the need. Yes.

14 Secondly, where do you locate it?
15 In areas that would be either zoned or to be
16 rezoned R-4. You also look to locate them, as
17 Mr. Crane and others have said, near where there
18 is places to shop, where there is hospitals,
19 where there is other services, drug stores,
20 libraries, places you can walk to or in a short
21 distance drive to.

22 Some of these other communities as
23 you've heard are so far out there is nothing
24 there for them, so this is a perfect location

1 when you have some of those areas. Also, where
2 there is local churches. Here there is a church
3 right across the street.

4 Then you look at is it appropriate
5 to locate it at this particular facility, is it
6 appropriate to rezone it, and I think the answer
7 is yes.

8 You have the trend of development in
9 this area entirely for non-single-family, the R-3
10 to the west and to the north, and then the
11 commercial further to the north, and the R-4
12 apartments just to the northwest.

13 Counsel stated that those were court
14 ordered, and I think as your city attorney could
15 advise you, courts don't zone property. They
16 declare whether the restriction is constitutional
17 or not, and they order that that particular use
18 can be developed, and then later on it's up to
19 the municipality to rezone it if they so choose.

20 I've seen other cases where there is
21 commercial property that the court has determined
22 should be built and it remains R-1, they had
23 never rezoned it.

24 Here the property is zoned around us

1 R-3 and commercial further to the north, and that
2 really goes to not whether a court did it or not,
3 it's what the trend of development of the area is
4 and what exists around here, and so I think it's
5 a total red herring as to whether a court ordered
6 it or not. That is what the trend of development
7 is.

8 Across the street is really a
9 name-only R-1, it is a very active institutional
10 use with a large building, which I think could
11 probably be expanded upon because I believe the
12 church owns some of that land to the west as
13 well.

14 So for the trend of development in
15 this area, I think it is more than appropriate.
16 As we noted, it's less intense than other things
17 that can be located even in the R-1, such as a
18 school, a church.

19 Again, the church owns this property
20 now. I think it would be hard pressed to deny a
21 special use for some sort of church addition in
22 this area. Even hospitals and nursing homes are
23 special uses in the R-1.

24 Comprehensive plans are guides, your

1 city attorney I think could tell you, they're not
2 ordinances. This is what we do here, and when we
3 determine whether a rezoning is appropriate or
4 not, we don't just look to the comprehensive plan
5 and say that is the guide.

6 It's not the zoning ordinance, it's
7 something to be considered, but it certainly
8 isn't an ordinance and it doesn't look at each
9 particular property in great detail and determine
10 all of the factors. It's something that's taken
11 a look at globally here.

12 When we come down to it, we have
13 these hearings, we look specifically at whether
14 something is appropriate or not at this
15 particular location, and that's what we're here
16 tonight to do.

17 Your comp plan also notes it as
18 mixed use right now, which could include
19 something like age-restricted housing.

20 This isn't a Hampton Inn, it is a
21 residential community. As you've heard, people
22 there stayed for a long, long time until mostly
23 they become disabled and can't live there anymore
24 or they pass away.

1 These are your moms, your dads, your
2 aunts, your uncles, your friends, your neighbors.
3 As you heard from one person, a lot of his
4 mentors, whether they are his coaches or Cub
5 Scout leaders, et cetera. It's not a one-day
6 overnight or two-day overnight facility.

7 They're not appropriate in these
8 things, even if you take a look at some reference
9 to locating near the Hampton Inn. Those are
10 zoned commercial, and I think your staff would
11 tell you those wouldn't be allowed even if they
12 were appropriate in those areas. They are to be
13 in the R-3 and the R-4 District.

14 This isn't spot zoning. There is
15 always going to be transitions between
16 residential districts. Again, two sides of us
17 are R-3, across the street is a functional
18 institutional use, certainly not an R-1.

19 There has to be transitions made
20 somewhere, it's not like we're taking an R-3 or
21 an R-1 use and locating something commercial
22 where there is no commercial around it.

23 This is a residential district, it's
24 just a different residential district, so I don't

1 think it in any way is a spot zoning.

2 There is a need for this use, and
3 the appropriateness of locating at this location
4 I think far outweighs any perceived or real
5 impact to the adjoining owners to the east.

6 You've seen how we've made all of
7 these accommodations by shifting the building,
8 over-rotating it, changing the entrance location,
9 and leasing that additional land to the west.

10 We meet your height, setback and lot
11 coverage standards; we actually exceed those
12 things, and I went into detail how we do.

13 Those are the things that are there
14 in order to make sure there are appropriate
15 transitions between uses, when you go from R-3 or
16 R-4 to other uses. We are in great excess of all
17 of those, and those are your safeguards for the
18 transitions.

19 Any shadows or people looking into
20 their -- the adjoining property owners, the Moes,
21 to the east, that's going to happen if there is
22 any development.

23 If there's going to be shadows,
24 that's not a reason to deny a development. If

1 there is going to be other people that you want
2 to see next to you, that's not a reason to deny a
3 development.

4 I mean, that is an impact with any
5 development, whether it's a four-story
6 development, a multiple family development or a
7 single-family development.

8 And, lastly, as to the density,
9 again, I think that's more of a function of
10 traffic and lot coverage. Here we're not going
11 to have the traffic impact as what has been
12 demonstrated and, again, we have 54 percent lot
13 coverage versus 70 percent. I don't think the
14 density is an issue as well when you take a look
15 at the totality of the circumstances.

16 I think the use is more than
17 appropriate at this location. We've done a lot
18 of redevelopment to this plan, and I know these
19 developers are very anxious and excited to work
20 in this community and to serve the residents in
21 this area.

22 Jeff, do you have anything else?

23 MR. CRANE: No.

24 MR. KASSON: Thank you.

1 CHAIRMAN HARKER: Excuse me. Kelly?

2 MS. HELLAND: Yes.

3 CHAIRMAN HARKER: Would you like to do a
4 quick summation?

5 MS. HELLAND: I'm fine. Thanks, though.

6 CHAIRMAN HARKER: Okay. Do we have any
7 questions we want to present to the presenter?
8 Petitioner I should say. Feel free.

9 MR. CROUCH: I don't have any questions,
10 I have some comments.

11 CHAIRMAN HARKER: Let's hold that until
12 we are in deliberation.

13 MR. CROUCH: Okay.

14 CHAIRMAN HARKER: I have a question. In
15 the packet and when you were doing your initial
16 presentation, are you kind of selling it as, you
17 know, a senior community, active adult or a low
18 income?

19 MR. CRANE: This community is an
20 affordable, income-restricted community. I would
21 not by any means call this a low income facility.
22 Every tenant in this building pays rent. This is
23 not a Section 8 building.

24 The people that -- To qualify to

1 live in this building, people have to either be
2 at 60 percent of the median income, which in
3 Kendall County would mean an income of
4 approximately \$47,000 to live here, or there are
5 certain units which are available to those that
6 are earning less than 30 percent of the adjusted
7 median income, which in that case would be half
8 of the 47, approximately 23, 5.

9 Those are the standards in order to
10 qualify for the tax credits as to the residents
11 of this building.

12 CHAIRMAN HARKER: And just another
13 question I had, looking at the plan, when you
14 purchased or made the 99-year lease with Longford
15 Lakes and you moved your entrance there off --
16 you know, coming off of Freemont Street, which I
17 think -- I think it's fantastic, but do you have
18 any other plans for this portion of land north of
19 your entrance for beautification?

20 MR. CRANE: That area will -- will
21 remain with -- remain as a landscaped area and we
22 will work with staff to develop some additional
23 landscaping on that property if that's -- if
24 that's what staff would like, to meet obviously

1 Yorkville standards.

2 CHAIRMAN HARKER: Nobody else has any
3 questions?

4 MS. HORAZ: I do.

5 CHAIRMAN HARKER: Okay.

6 MS. HORAZ: Are the residents going to
7 be allowed to have their pets?

8 MS. CAMP: Yes. They are allowed to
9 have an animal -- pet or animal that's under
10 20 pounds.

11 MR. CRANE: So I'll say that because she
12 probably wasn't sworn in, but the residents will
13 be allowed pets that are 20 pounds or less.

14 CHAIRMAN HARKER: Anybody else?

15 (No response.)

16 MR. CRANE: Thank you again.

17 CHAIRMAN HARKER: Since all testimony
18 regarding the petition has been taken, may I get
19 a motion to close the taking of testimony in this
20 public hearing?

21 MR. KRAUPNER: So moved.

22 MS. HORAZ: Second.

23 CHAIRMAN HARKER: Roll call on the vote,
24 please.

1 MS. YOUNG: Yes. Kraupner.
2 MR. KRAUPNER: Yes.
3 MS. YOUNG: Crouch.
4 MR. CROUCH: Yes.
5 MS. YOUNG: Horaz.
6 MS. HORAZ: Yes.
7 MS. YOUNG: Goins.
8 MS. GOINS: Yes.
9 MS. YOUNG: And Harker.
10 CHAIRMAN HARKER: Yes.
11 (Which were all the
12 proceedings had in the
13 public hearing portion
14 of the meeting.)
15 ---o0o---

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I reported in
6 shorthand the proceedings had at the public
7 hearing and that the foregoing, Pages 1 through
8 106, inclusive, is a true, correct and complete
9 computer-generated transcript of my shorthand
notes so taken at the time and place aforesaid.

10 I further certify that my certificate annexed
11 hereto applies to the original transcript and
12 copies thereof, signed and certified under my
13 hand only. I assume no responsibility for the
14 accuracy of any reproduced copies not made under
15 my control or direction.

16 As certification thereof, I have hereunto set
17 my hand this 31st day of January, A.D., 2016.

18
19
20 _____
Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
22
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Memorandum

To: Plan Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: February 2, 2016
Subject: **Law Office – 226 South Bridge Street**
Proposed Special Use for a Bar/Tavern – Nightclub or Lounge

Background & Request:

The petitioner, The Law Office Corporation, has filed an application with the United City of Yorkville, Kendall County, Illinois requesting special use permit approval for the operation of a proposed bar/tavern with live music within an existing building zoned in the B-2 General Business District. The property is located at 226 South Bridge Street, the northeast corner of IL Route 47 and Van Emmon Street in downtown Yorkville. The building was formerly occupied as professional offices for attorneys.



Existing Conditions:

The existing zoning and land use for properties surrounding the subject property are as indicated below:

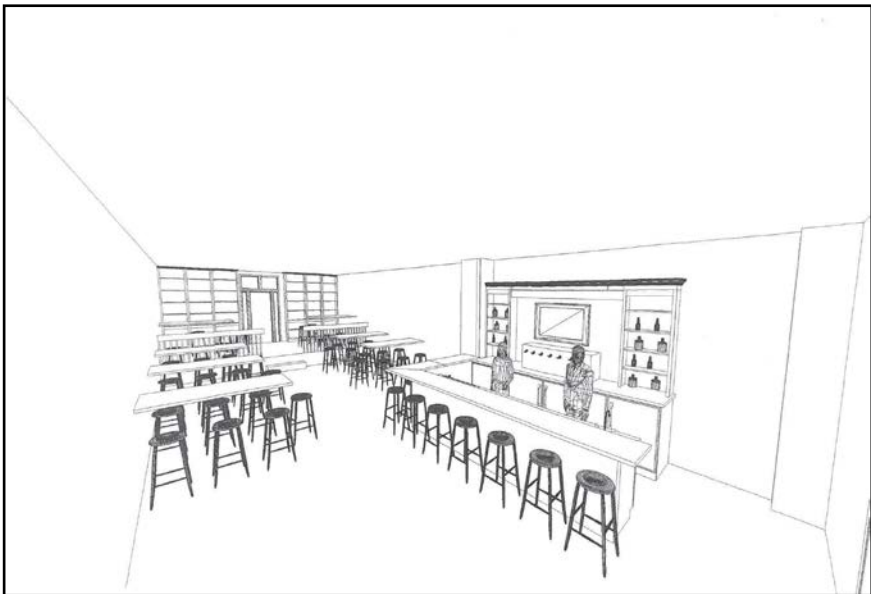
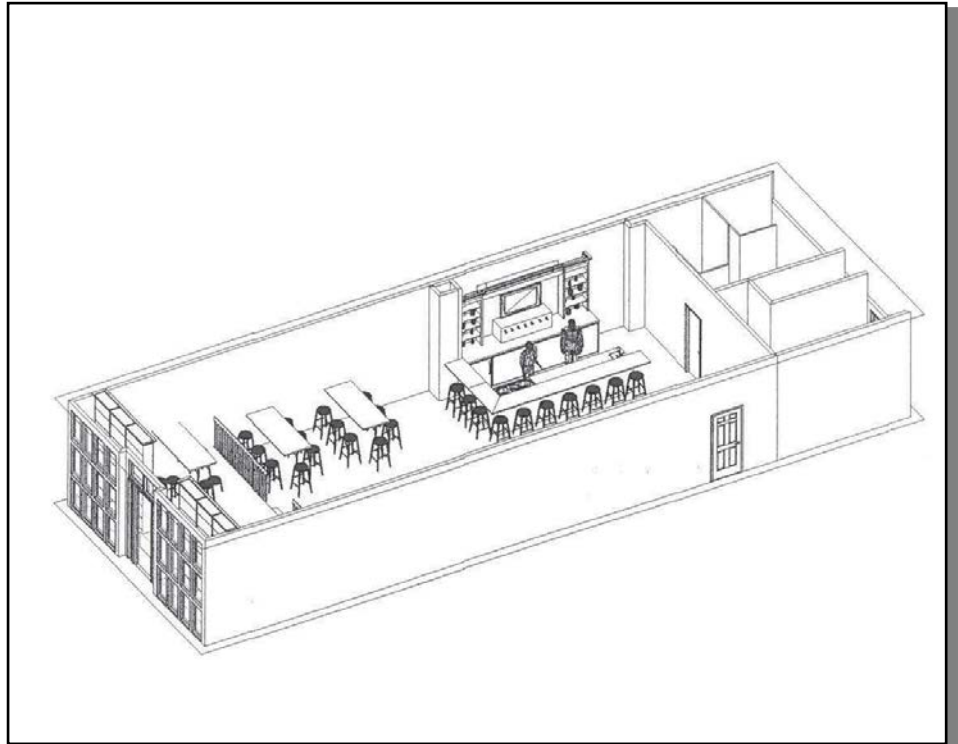
Table 1. Surrounding Zoning and Land Uses

	Zoning	Land Use
North	B-2, Retail Commerce Business District	Vacant (former Kendall County Record building)
East	B-2, Retail Commerce Business District	Kendall County Farm Bureau
South	B-2, Retail Commerce Business District	Fusion Gym (former Old Second Bank building)
West	B-2, Retail Commerce Business District	Vacant (former Cobblestone Restaurant)

Petitioner's Proposal:

The current owners of the property are in the process of remodeling the interior of the first floor in the existing 2-story building. The proposed plan called for the complete gutting of the approximately 1,500 square foot building's main level and renovating the space to feature a bar area, limited tables with seating, and a step-up platform area in the front of the building to be used as a stage for live performances. Restrooms for patrons and bar staff will be provided in the rear of the building. While the front of the existing building has a doorway entrance, the remodeled space will keep the appearance of a glass door on the façade facing IL Route 47, but main ingress and egress will occur from a side entry way off of Van Emmon Street.

The images to the right and below illustrate the concept design plan for the interior of the proposed bar/tavern. While the bar/tavern will offer patrons the ability to purchase and consume food on the premises, food will not be prepared onsite; nor are food preparation facilities proposed for the property at this time.



The petitioner has obtained the requisite building permit applications for the interior demolition and remodeling activities and will be required to obtain approvals from the Kendall County Health Department and Fire Department prior to conducting a final inspection. Special Use approval by the City will be required before the Building Department can issue the final occupancy permit for the proposed use. Additionally, a City issued

Liquor License will also be required prior to the proposed bar/tavern can open for business.

Parking/Traffic

Per Section 10-16-2-A-3 of the Zoning Ordinance, whenever the existing use of a building or structure changes, parking and loading facilities need to be provided as required by the current Zoning Ordinance. However, if the building or structure was erected prior to the effective date of the Zoning Ordinance (11-25-2014), additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

According to the Zoning Ordinance, the former office use would require two (2) parking spaces per 1,000 square foot of floor area of off-street parking and no off-street loading spaces. The current proposed use of a tavern (drinking establishment) would require three (3) parking spaces per 1,000 square feet of floor area of off-street parking and no off-street loading spaces. Based upon these requirements, the former office use would require three (3) off-street parking stalls and the current tavern use would require four (4) off-street parking stalls.

Due to the location of the property in the City's downtown, on street parking off of IL Route 47 was available which allowed the prior office use to meet the Zoning Ordinance standards. However, with the widening and reconstruction of IL Route 47 throughout the City downtown, which completed in 2015, businesses along both sides of Bridge Street in this area no longer have on street parking in front of their buildings available. As compensation for the removal of the street parking, the State of Illinois paid for the relocation of the approximately 20 on street parking spaces servicing those buildings to be consolidated into a single public parking lot located at the southeast corner of S. Main Street and W. Van Emmon Street. Approximately, 350 feet west of the subject property, within walking distance. In addition, there is a city-owned parking lot behind the subject property which provides off-street parking for all the businesses on the east side of IL Route 47, as illustrated in the aerial image below.



With regards to traffic, the Petitioner does not anticipate much in the way of substantially increased traffic for the proposed use, as most patrons will utilize either the rear parking lot or the parking facility on W. Van Emmon Street and walk to this establishment. Also, with the recent closure of the restaurants and bakery across the street on Bridge Street, this area of the downtown will not be overly burdened with significantly increased traffic than what already exists.

Adequate Utilities

Adequate public utilities already exist and are available to the subject property, as the building is serviced by City water and sewer. Since the property is not seeking to expand its building footprint onsite stormwater management is not a concern. The Yorkville Bristol Sanitary District (YBSD) will require review due to the change in use and a separate permit will be issued by them to the petitioner.

Noise

In consideration that the proposed use will have live music as entertainment, staff has reviewed the Noise Ordinance in Section 4-4-3 of the municipal code. Accordingly, commercial businesses must adhere to a maximum of 70 decibels (dB) during day time hours (7:00 am to 10:00 pm) and no more than 55 decibels (dB) to any receiving residential land during nighttime hours (10:01 pm to 6:59 am). The nearest residentially zoned and occupied property to this building is located approximately 350 feet to the east at the southwest corner of E. Van Emmon and Heustis Street.

The City is, however, in the process of reviewing and possibly revising its Noise Ordinance to take into consideration not only sound but vibration (typically produced by the bass in music). If those regulations are revised at anytime, the proposed business, if approved, would be required to meet those requirements. Staff is confident the petitioner is willing and capable of meeting the current and any future noise standards for the proposed use.

Comprehensive Plan

The 2008 Comprehensive Plan Update designates the future land use for this property as Commercial. The intent of the Commercial Land Use classification includes such uses as retail, service, restaurant and entertainment. Although the City is in the process of updating its Comprehensive Plan, it is still envisioned that this area of the City where the subject property is located will maintain a commercial land use designation.

Special Use Requirement

In order to determine if a proposed use will require Special Use authorization to operate as a tavern or restaurant, staff references the Zoning Ordinance. **Restaurants** are defined in the Zoning Ordinance as: *Any land, building or part thereof where meals are provided for compensation, including a café, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals, where permitted.* While **Tavern or Lounge** is defined in the Zoning Ordinance as: *A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.*

While the Zoning Ordinance does not currently have a definition for **“Bar”**, the Use Table in Section 10-6-0 of the Zoning Ordinance lists **“Tavern – nightclub or lounge”** as a Special Use in B-1, B-2, B-3, B-4, M-1 and M-2 Districts. However there is no definition in the ordinance for “nightclub”. Therefore, staff relied on Section 10-2-2-H which states “[w]ords or terms contained in this title which are not defined hereinafter, shall assume definitions as prescribed in the most current edition of the Merriam-Webster unabridged dictionary. Based upon that, the definitions used to classify a “bar” or “nightclub” in this context was *“a counter where food or especially alcoholic beverages are served”*¹ and *“a place that is open at night, has music, dancing, or a show, and usually serves alcoholic drinks and food”*.²

It has been staff’s interpretation that the distinction between a Tavern/Lounge and a Restaurant in the Zoning Ordinance has been the food component, particularly, the service of food. In our previous approvals of Zoning for uses where a “Bar or Tavern” Liquor License has been issued (see table below), the primary business was NOT a Tavern, but another explicitly permitted use.

Table 2. Businesses with Bar-Tavern Licenses

Business Name	Address	Video Gaming License/Liquor License	Use (As Classified by Zoning)	Zoning (Permitted Use Y/N)
Rowdy’s	210 S. Bridge Street	Yes/Class A-1	Restaurant	B-2 (Y)
Yorkville Bowl	1205 N. Bridge Street	Yes/ Class A-2	Bowling Alley	B-3 (Y)
Rosati’s Pizza	1985 Marketview Drive	Yes/ Class R-1	Restaurant	B-3 (Y)
Yorkville Moose Family Center	1502 N. Bridge Street	Yes/ Class C	Private Club or Lodge/Restaurant	B-3 (Y)
Mike & Denise Pizzeria & Pub	728 E. Veterans Pkwy	Yes/ Class BG	Restaurant	B-3 (Y)
Wings Etc. Grill & Pub	1447 Cannonball Trail	Yes/ Class BG	Restaurant	B-2 (Y)
Java Jills #3	2635 N. Bridge Street	Yes/Class A-2	Coffee Shop	B-3 (Y)
Millhurst Ale House	2075 Marketview Dr.	No (applied for gaming license 12-7-15)/Class A-1	Restaurant	B-3 (Y)
Java Jills #5	932 N. Bridge Street	No (expecting for them to apply when they receive State approval)/Class A-2	Coffee Shop	B-3 (Y)

¹ <http://www.merriam-webster.com/dictionary/bar>

² <http://www.merriam-webster.com/dictionary/nightclub>

It is staff's opinion that the definition of Bar/Tavern used for zoning purposes and what is used for liquor licensing is different, as zoning regulates the primary use and liquor licensing regulates a specific ancillary activity operating within the use. While other uses were issued "bar/tavern" liquor licenses, the use did not meet the zoning definition of a "tavern". In this instance, the petitioner's proposed use clearly meets the zoning definition of a tavern and nightclub, therefore requiring the Special Use authorization from the City.

Special Use Criteria:

Section 10-4-9F of the City's Zoning Ordinance establishes standards for special use requests. No special use shall be recommended by the plan commission unless said commission shall find that:

1. The establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.
3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The proposed special use is not contrary to the objectives of the official comprehensive plan of the City as amended.

The applicant has provided written responses to these special use standards as part of their application and requests inclusion of those responses into the public record at the February 10, 2016 Plan Commission meeting.

Staff Comments:

Staff feels that the proposed use is appropriate and similar to other drinking establishments in the immediate area to the subject property (e.g. Rowdy's and Barley Fork), with the exception that food preparation will not be provided on the premises. Additionally, the live music component in such an intimate setting adds a unique element to the proposed tavern use and is complementary to the entertainment intent of the commercial land use designation this property has in the current Comprehensive Plan. Staff is supportive of the proposed Special Use request.

PROPOSED MOTION:

In consideration of testimony presented during a Public Hearing on February 10, 2016 and discussion of the findings of fact, the Plan Commission recommends approval to the City Council a request for Special Use authorization for the operation of a proposed bar/tavern with live music

within an existing building zoned in the B-2 General Business District located at 226 South Bridge Street and further subject to {insert any additional conditions of the Plan Commission}...

Attachments:

1. Copy of Petitioner's Application w/exhibits.
2. Copy of Public Notice.

Application For Special Use

STAFF USE ONLY

Date of Submission PC#

Development Name

Applicant Information

Name of Applicant(s)

Business Address

City State ZIP

Business Phone Business Fax

Business Cell Business E-mail

Property Information

Name of Holder of Legal Title

If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:

Property Street Address

Description of Property's Physical Location

Zoning and Land Use of Surrounding Parcels

North	<input type="text" value="B-2"/>
East	<input type="text" value="B-2"/>
South	<input type="text" value="B-2"/>
West	<input type="text" value="B-2"/>

Current Zoning Classification

Kendall County Parcel Number(s) of Property

<input type="text" value="02-33-154-025"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Application For Special Use

Additional Contact Information

Attorney

Name
Address
City State ZIP
Phone Fax
E-mail

Engineer

Name
Address
City State ZIP
Phone Fax
E-mail

Land Planner/Surveyor

Name
Address
City State ZIP
Phone Fax
E-mail

Attachments

Applicant must attach a legal description of the property to this application and title it as "Exhibit A".

Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

Application For Special Use

Special Use Standards

Please state how the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare:

Use is a widely accpeted use serving alcohol. Food will be served on premises just not prepared on premises. The use is consistent with other uses in the immediate area.

Please state how the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood:

Use is consistent with other uses in the immediate vicinity.

Please state how the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

Use will not impede any development of surrounding properties because it is consistent with the uses of current businesses in area.

Please state how adequate utilities, access roads, drainage or other necessary facilities have been or are being provided:

All utilites are on-site and wouldn't be altered in anyway from the past use of the building

Application For Special Use

Special Use Standards

Please state how adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets:

The current roads and traffic control devices are more than adequate to prevent any traffic congestion.

Please state how 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 City Council pursuant to the recommendations of the Plan Commission:

Other than food preparation on-site the use will be consistent with regularly permitted uses within the zoning district.


Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

Date



12/21/15

THIS APPLICATION MUST BE NOTARIZED
PLEASE NOTARIZE IN THE SPACE BELOW:





United City of Yorkville
County Seat of Kendall County
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

Petitioner Deposit Account / Acknowledgment of Financial Responsibility

Development/Property Address: 226 S. Bridge St.	Project No.: FOR CITY USE ONLY	Fund Account No.: FOR CITY USE ONLY
---	---------------------------------------	--

Petition/Approval Type: *check appropriate box(es) of approval requested*

<input type="checkbox"/> Concept Plan Review	<input type="checkbox"/> Amendment (Text) (Annexation) (Plat)	<input type="checkbox"/> Annexation
<input type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Special Use	<input type="checkbox"/> Mile and 1/2 Review
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Final Plans
<input type="checkbox"/> P.U.D.	<input type="checkbox"/> Final Plat	

Petitioner Deposit Account Fund:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

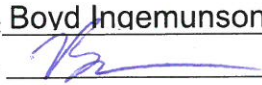
ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

Name/Company Name: Boyd Ingemunson	Address: 759 John St.	City: Yorkville IL 60560	State:	Zip Code:
Telephone: 630 553-5622	Mobile: 630 913-1950	Fax: 630 553-7958	E-mail: boydinemunson@i	

Financially Responsible Party:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

Print Name: Boyd Ingemunson Title: President

Signature*:  Date: 12/21/15

**The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

FOR CITY USE ONLY

ACCOUNT CLOSURE AUTHORIZATION:

Date Requested: _____ ☐ Completed ☐ Inactive

Print Name: _____ ☐ Withdrawn ☐ Collections

Signature: _____ ☐ Other

DEPARTMENT ROUTING FOR AUTHORIZATION: ☐ Comm Dev. ☐ Building ☐ Engineering ☐ Finance ☐ Admin.

**United City of Yorkville**

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

Fax: 630-553-7575

**INVOICE & WORKSHEET
PETITION APPLICATION**

CONTACT:

DEVELOPMENT/ PROPERTY:

Acreage: _____
Date: _____

Concept Plan Review: ☐ Yes ☐ No \$ _____
Engineering Plan Review Deposit of \$500 due

Amendment: ☐ Yes ☐ No \$ _____
\$500.00 Fee due for each: (Annexation) (Plan) (Plat) (PUD)

Annexation: ☐ Yes ☐ No \$ _____
\$250.00, plus \$10/acre for each acre over 5.
of acres: _____ - 5 = _____ x \$10 = _____ + \$250

Rezoning: ☐ Yes ☐ No \$ _____
\$200.00, plus \$10/acre for each acre over 5.
of acres: _____ - 5 = _____ x \$10 = _____ + \$200
If annexing and rezoning, charge only 1 per acre fee.
If rezoning to a PUD, charge PUD Development Fee- not Rezoning Fee.

Special Use: ☒ Yes ☐ No \$ 250.00
\$250.00, plus \$10/acre for each acre over 5.
of acres: _____ - 5 = _____ x \$10 = _____ + \$250

Zoning Variance: \$85.00 ☐ Yes ☐ No \$ _____
Outside Consultants deposit of \$500.00 due

Preliminary Plan Fee: \$500.00 ☐ Yes ☐ No \$ _____

P.U.D. Fee: \$500.00 ☐ Yes ☐ No \$ _____

Final Plat Fee: \$500.00 ☐ Yes ☐ No \$ _____

Engineering Plan Review Deposit: ☐ Yes ☐ No \$ _____
☐ Less than 1 acre = \$1,000 due
☐ Over 1 acre and less than 10 acres = \$2,500 due
☐ Over 10 acres and less than 40 acres = \$5,000 due
☐ Over 40 acres and less than 100 acres = \$10,000 due
☐ Over 100 acres = \$20,000 due

Outside Consultants Deposit: ☒ Yes ☐ No \$ 1000
Legal, Land Planner, Zoning Coordinator, Environmental Services
Annexation, Subdivision, Rezoning, and Special Use:
☒ Less than 2 acres = \$1,000 due
☐ Over 2 acres and less than 10 acres = \$2,500 due
☐ Over 10 acres = \$5,000 due

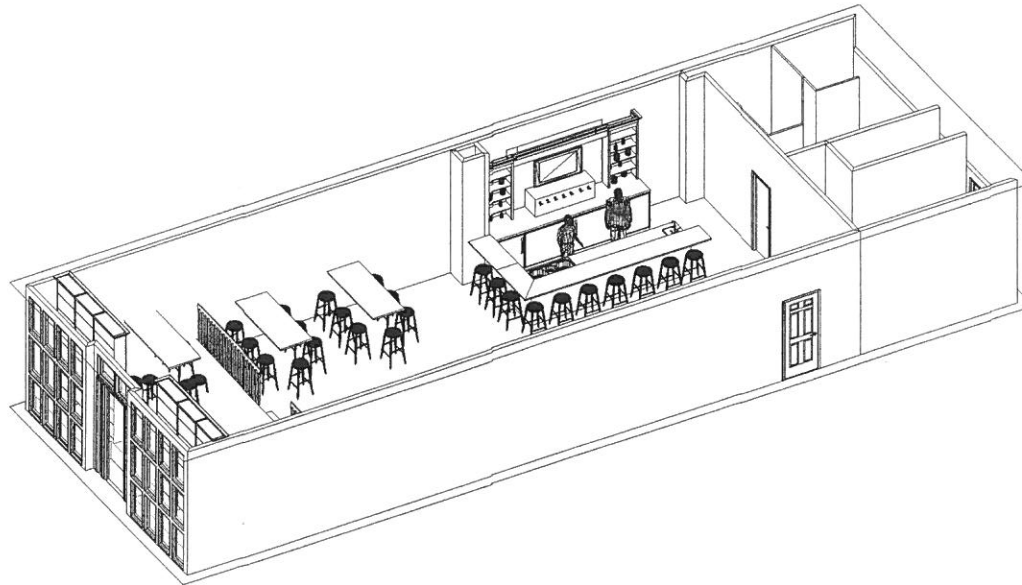
TOTAL AMOUNT DUE: \$ 1250.00
Word/ O Drive/ Dev. Dep. ARO/ Fee Sheet Wkst



Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.

20
TECHNOLOGIES

Designed: 4/7/2015
Printed: 4/15/2015



Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.

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TECHNOLOGIES

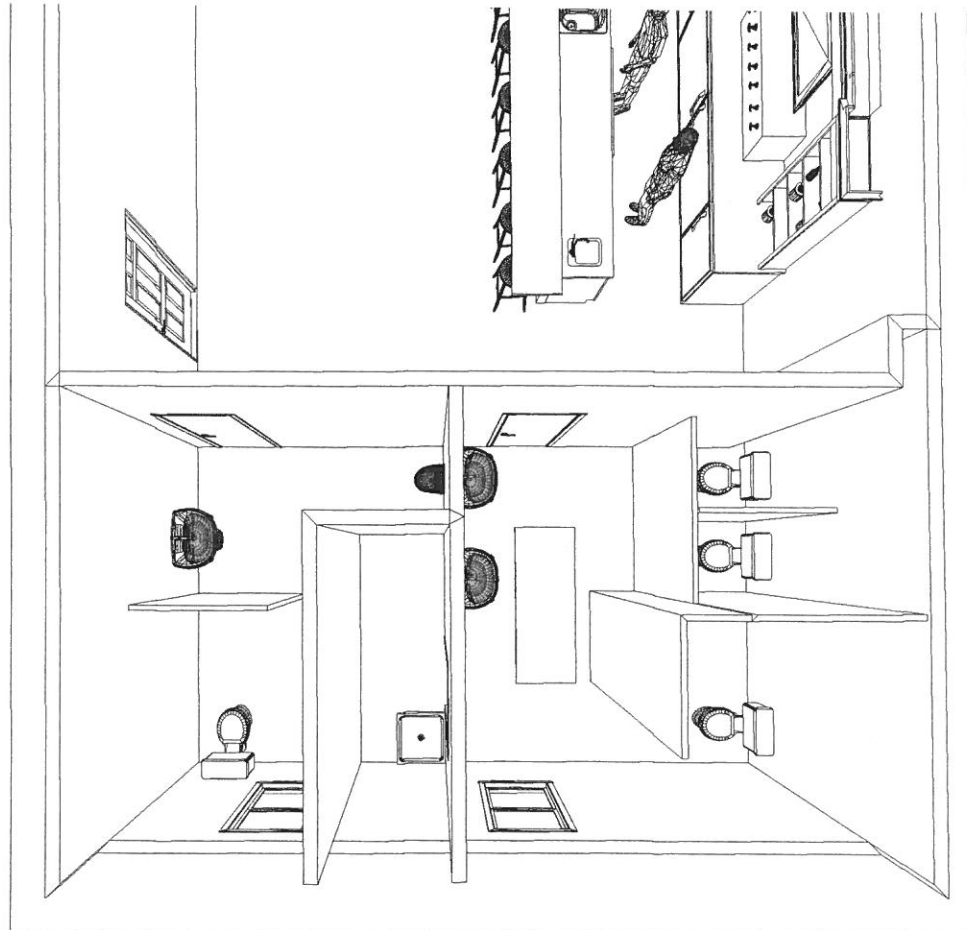
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Printed: 4/15/2015



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TECHNOLOGIES

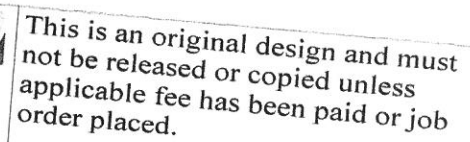
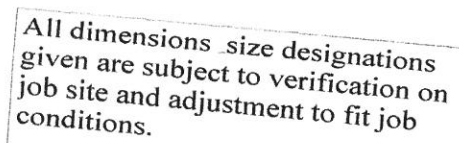
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Printed: 4/15/2015



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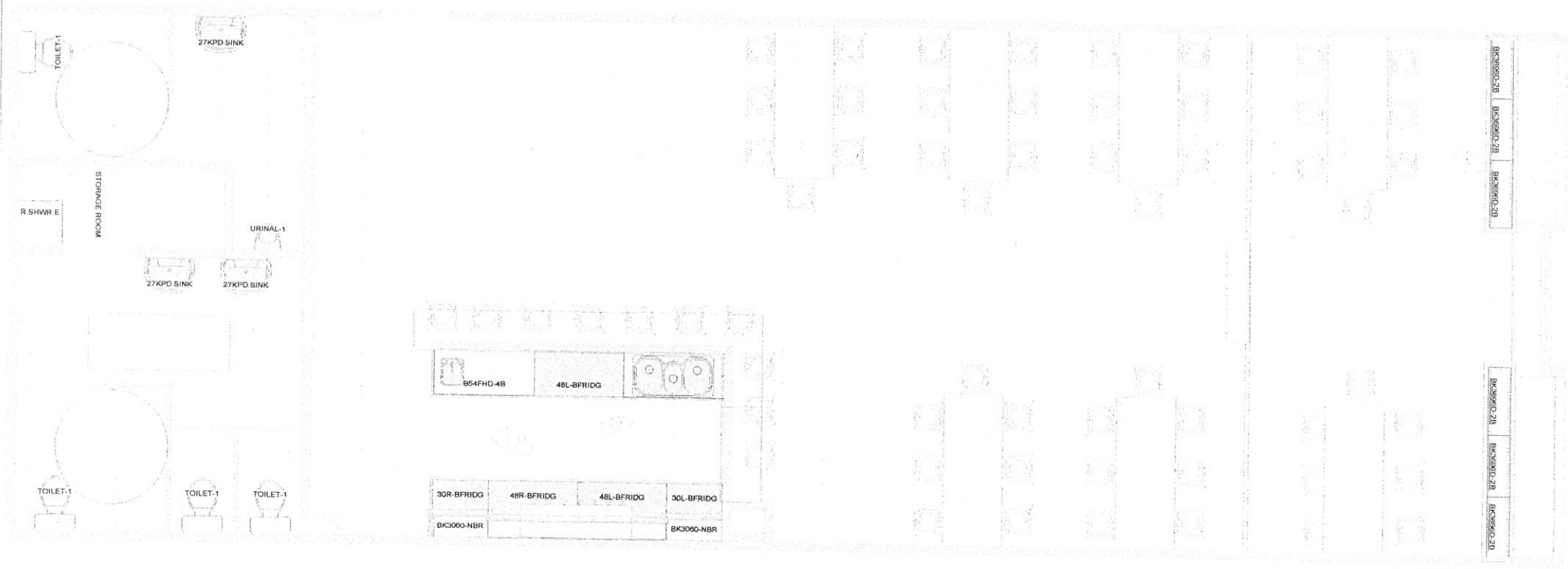
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TECHNOLOGIES

Designed: 4/7/2015
Printed: 4/15/2015



Designed: 4/7/2015
Printed: 4/15/2015

Law Office NEw Design



All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.



This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

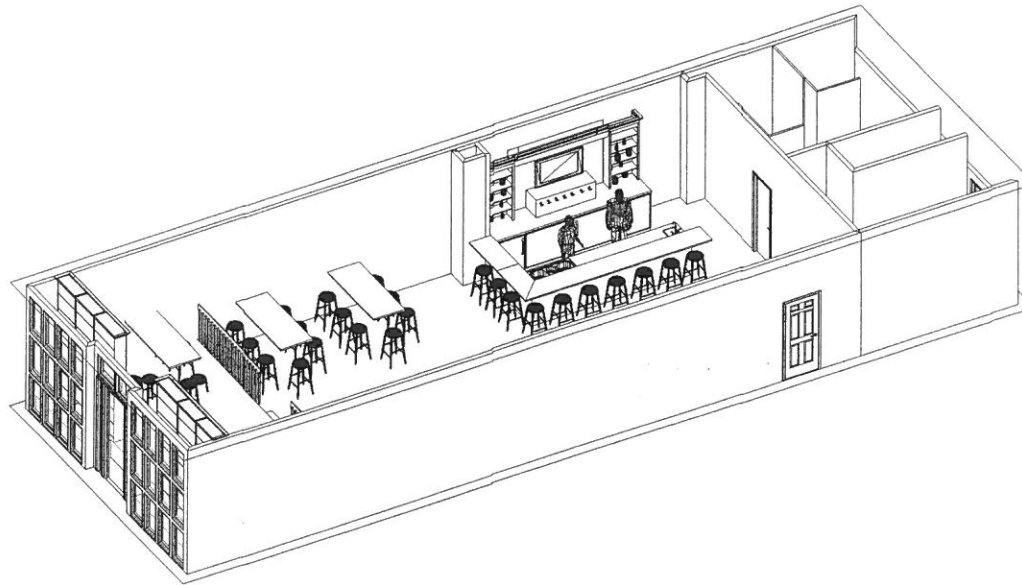
Designed: 4/7/2015
Printed: 4/15/2015



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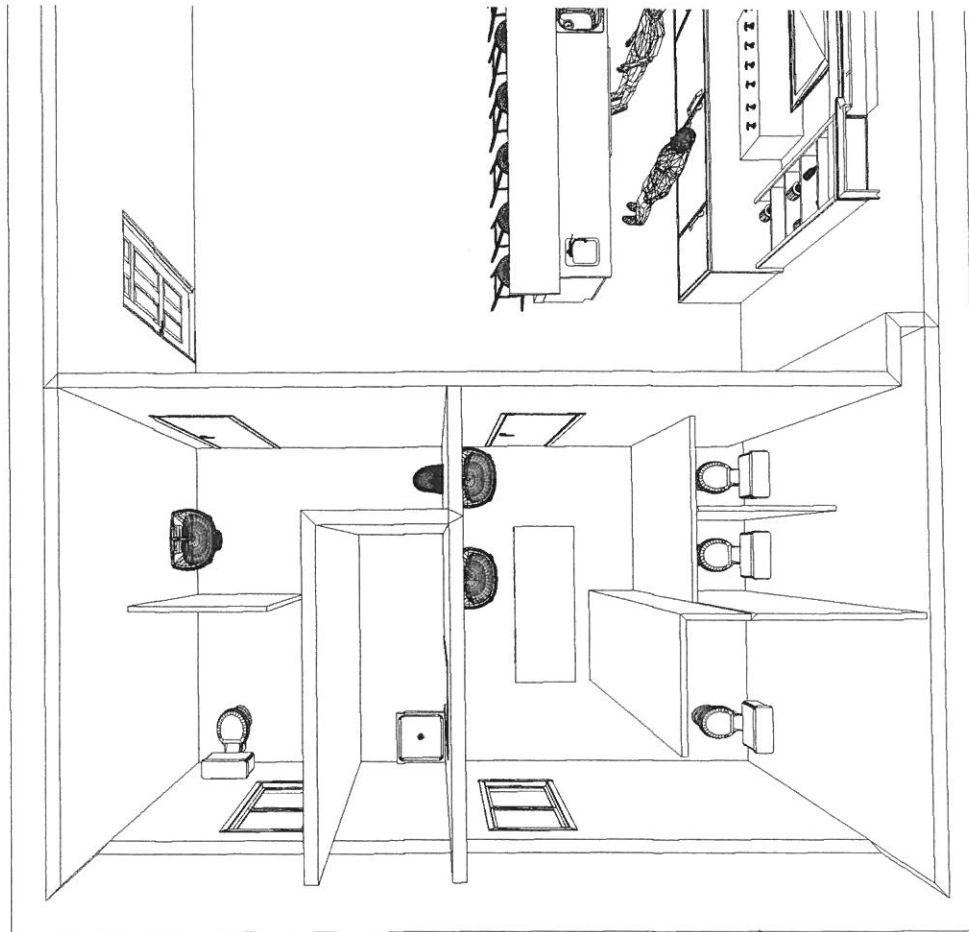
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TECHNOLOGIES

Designed: 4/7/2015
Printed: 4/15/2015

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY OF YORKVILLE
PLAN COMMISSION
PC 2016-02

NOTICE IS HEREWITH GIVEN THAT The Law Office Corporation, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a proposed tavern – nightclub or lounge in an existing building zoned within the B-2 Retail Commerce Business District pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The real property is located at 226 South Bridge Street in Yorkville, Illinois.

The legal description is as follows:

LOT 4-3 BLOCK 6 BLACKS ADDITION (ROW TAKEN 10-11538) CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

Permanent Index Number: 02-33-154-025

The application materials for the proposed Special Use are on file with the City Clerk.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, February 10, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN
City Clerk

BY: Lisa Pickering
Deputy Clerk



Memorandum

To: Plan Commission
From: Chris Heinen, Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: February 3, 2016
Subject: **PC 2016-03 – Unified Faith in Christ Church (Special Use) – 210 Beaver Street**

BACKGROUND & REQUEST:

The petitioner, Unified Faith in Christ Church, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.



The building is currently divided into four suites. Suite A is currently vacant and was the former home for a company called Nurture, a dog training and nutrition facility. Suites B, C & D are also vacant at this time. The petitioner is looking to build-out Suite A, which is approximately 2,400 square feet, of the building to facilitate a new church use. The current congregation is at 15 members with hopes to grow in the future. At this time, the church would only meet for Sunday services and will occasionally meet on an evening during the week for Bible study. On average, the Sunday service will host approximately 22 people, which includes children.

PARKING:

The current requirement for a religious institution is 1 space per 6 seats. According to the petitioner, they will be proposing 50 seats within the facility. Based on these numbers, the petitioner will be required to have a total of 9 parking stalls located on the property.

There are currently 5 striped parking stalls located at the front (North) of the building under a canopy. There appears to be room for an additional 14 parking stalls located along the western side of the building. They are currently not striped, but when staff observed past aerials, according to Kendall County GIS maps, it appeared to be striped in 2010 (as illustrated in the aerial image on page 1). As part of the approval for the special use, staff would require that these parking stalls be restriped according to the current City standards.

Shared Parking

The proposed church use would also fall within the appropriate shared parking regulations found in Section 10-16-4 of the zoning ordinance. Shared parking is the use of a parking space for two (2) or more individual land uses without conflict or encroachment. According to the regulations for shared parking, all uses within this structure, including the proposed church use and the currently vacant units, are to be accommodated by the existing parking stalls. Since churches typically are a nighttime and weekend use and manufacturing is primarily a daytime and weekday use, the uses would be considered complementary. Therefore, appropriate to permit shared parking.

It should be noted, however, that Section 10-16-4-C-3 of the zoning ordinance would require that a legal document between property owners outlining the shared parking requirements. Since the petitioner is looking to lease Unit A and there is only one property owner involved, staff would require that as part of the special use approval, the owner provide language in the lease that acknowledges the shared parking for the tenants of the building.

The proposed use at this location would not impact the traffic flow or increase the traffic in the area. The proposed hours are off peak to the surrounding businesses and will not alter or impede current traffic flow in the area for ingress and egress.

EXISTING CONDITIONS:

The existing zoning and land use for properties surrounding the subject property are as indicated below:

	Zoning	Land Use
North	M-1, Limited Manufacturing District	Industrial Buildings
East	M-1, Limited Manufacturing District	Industrial Buildings

South	M-1, Limited Manufacturing District	Industrial Buildings
West	M-1, Limited Manufacturing District	Industrial Buildings

COMPREHENSIVE PLAN:

The City's Comprehensive Plan Update 2008 had designated this parcel as "Industrial" which is intended to allow limited and general manufacturing, assembly, wholesale and warehouse uses in distinct areas that can be adequately served by transportation and other infrastructure. As part of the Comprehensive Plan Update, this area is intended to remain as an Industrial use category.

ADEQUATE UTILITIES:

The property is in the Fox Industrial subdivision and water and sewer utilities are located along Beaver Street. The proposed use will not impact the current water or sewer capacities. Stormwater management has already been accounted for with the development of the subdivision and no additional storage would be required as part of this special use.

SPECIAL USE CRITERIA:

Section 10-4-9F of the City's Zoning Ordinance establishes standards for special use requests. No special use shall be recommended by the plan commission unless said commission shall find that:

1. The establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.
3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The proposed special use is not contrary to the objectives of the official comprehensive plan of the city as amended.

The applicant has provided written responses to these special use standards as part of their application and requests inclusion of those responses into the public record at the February 10, 2016 Plan Commission meeting.

SPECIAL USE CONDITIONS:

Staff will seek the following recommended conditions as part of the final approval for the petition:

- That the parking stalls located along the western portion of the building be restriped according the current City of Yorkville standards.

- That the owner of the property provides language in the lease that acknowledges the shared parking for the tenants of the building.

STAFF COMMENTS:

This petition was discussed at the February 2, 2016 Economic Development Committee meeting. The only concern that came out of this meeting was regarding parking amongst the other potential users of the building. During this discussion, staff agreed to add a condition to the special use regarding language in the lease for shared parking. A recommendation from the Plan Commission will be forwarded to the City Council for consideration at the February 23, 2016 regularly scheduled meeting.

Staff will be available to answer any question the Plan Commission may have at Wednesday night's meeting.

PROPOSED MOTION FOR SPECIAL USE:

In consideration of testimony presented during a Public Hearing on February 10, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for Special Use approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance located at 210 Beaver Street, Unit A, subject to staff recommendations and conditions in a memo dated February 3, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

ATTACHMENTS:

1. Copy of Petitioner's Applications for Special Use w/exhibits.
2. Copy of Public Notice.

Application For Special Use

STAFF USE ONLY

Date of Submission PC#

Development Name

Applicant Information

Name of Applicant(s) Unified Faith in Christ Church

Business Address 867 Cloverdale Lane

City Bolingbrook State Illinois ZIP 60440

Business Phone 877-932-5664 Business Fax

Business Cell 630-854-3208 Business E-mail church-office@uficc.org

Property Information

Name of Holder of Legal Title Burr Ridge Bank

If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:

Property Street Address 210 Beaver St, Unit A, Yorkville, Illinois. 60560

Description of Property's Physical Location

Fox Industrial Park

Zoning and Land Use of Surrounding Parcels

North	M- 1 Limited Manufacturing
East	M- 1 Limited Manufacturing
South	M- 1 Limited Manufacturing
West	Special Use

Current Zoning Classification M- 1 Limited Manufacturing

Kendall County Parcel Number(s) of Property

P.I.N. 05-04-152-004	

Application For Special Use

Additional Contact Information

AttorneyName Address City State ZIP Phone Fax E-mail **Engineer**Name Address City State ZIP Phone Fax E-mail **Land Planner/Surveyor**Name Address City State ZIP Phone Fax E-mail

Attachments

Applicant must attach a legal description of the property to this application and title it as "Exhibit A".

Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

Application For Special Use

Special Use Standards

Please state how the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare:

The special use would be mainly take place on Sundays which will increase a presence in the area on a day when normal business activity is not taking place. This will reduce the possibility for criminal activity because of the community presence in the area.

Please state how the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood:

The special use will mainly operate on Sundays because it is a Church. It will not diminish the property values. It is also limited in its as it is utilizing a single unit within the building space. This will not hinder the growth of or hinder existing businesses from their daily operations.

Please state how the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

The The special use will be limited to a single unit within the building located at 210 Beaver Street and will therefore allow for further development within the confines of the space.

Please state how adequate utilities, access roads, drainage or other necessary facilities have been or are being provided:

No further or existing roads or utilities will require improvement. main use of roads will be on Sundays when the surrounding businesses are closed.

Application For Special Use

Special Use Standards

Please state how adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets:

No special measures are necessary. Special use would be mainly on Sundays between 9am and 2pm. Traffic will be no greater than normal traffic patterns during the business week.

Please state how 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 City Council pursuant to the recommendations of the Plan Commission:

Outside of the main gathering on Sundays, with limited use during the week, all applicable regulations will be adhered to. The property is adjacent to the Kendall County Food Pantry.

Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

William E Stone

Date

12-21-2015

Owner hereby authorizes the applicant to pursue the appropriate entitlements on the property.

Owner Signature

[Signature]

Date

12-21-2015

THIS APPLICATION MUST BE NOTARIZED

PLEASE NOTARIZE IN THE SPACE BELOW:

STATE OF ILLINOIS
COUNTY OF DUPAGE

[Signature] Crumpler (NOTARY)

"OFFICIAL SEAL"
Karen K Crumpler
Notary Public, State of Illinois
My Commission Expires 1/26/2017



United City of Yorkville
County Seat of Kendall County
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

Petitioner Deposit Account / Acknowledgment of Financial Responsibility

Development/Property Address: 210 Beaver Street, unit A	Project No.: FOR CITY USE ONLY	Fund Account No.: FOR CITY USE ONLY
--	--------------------------------	-------------------------------------

Petition/Approval Type: check appropriate box(es) of approval requested

- ☐ Concept Plan Review ☐ Amendment (Text) (Annexation) (Plat) ☐ Annexation
☐ Rezoning ☒ Special Use ☐ Mile and 1/2 Review
☐ Zoning Variance ☐ Preliminary Plan ☐ Final Plans
☐ P.U.D. ☐ Final Plat

Petitioner Deposit Account Fund:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

Name/Company Name: United Faith in Christ Church Address: 867 Cloverdale Ln. Bolingbrook City: IL State: IL Zip Code: 60440
Telephone: 877-432-5664 Mobile: 630-854-3208 Fax: _____ E-mail: Church-Office@Uffice.org

Financially Responsible Party:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

Print Name: Tammie A. Nelson Title: Treasurer
Signature*: Tammie Nelson Date: 12-21-15

***The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)**

FOR CITY USE ONLY

ACCOUNT CLOSURE AUTHORIZATION:

Date Requested: _____ ☐ Completed ☐ Inactive
Print Name: _____ ☐ Withdrawn ☐ Collections
Signature: _____ ☐ Other

DEPARTMENT ROUTING FOR AUTHORIZATION: ☐ Comm Dev. ☐ Building ☐ Engineering ☐ Finance ☐ Admin.

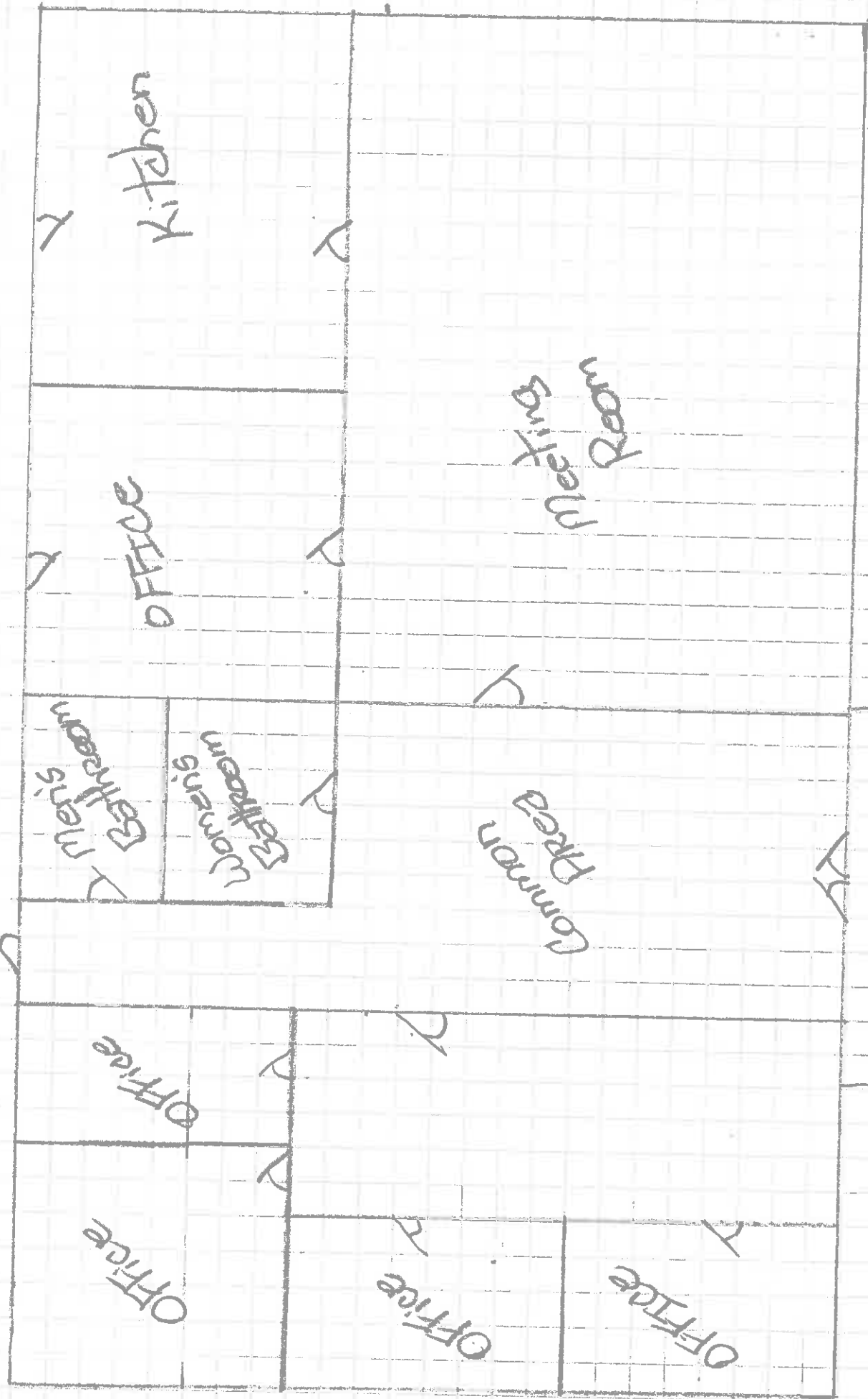
Exhibit

“ A ”

Information for Parcel 05-04-152-004, Tax Year 2014 Payable 2015

Property Information

Tax Year 2014 ▼	Tax Code KE003 - YORKVILLE,CITY
Township Kendall Township	Neighborhood
Property Class 0080-INDUSTRIAL	Land Use 2013-
Tax Status Taxable	Lot Size 125.59 X 346.84
Net Taxable Value 171,405	Tax Rate 11.568360
Site Address 210 BEAVER ST YORKVILLE, IL 60560	Total Tax \$19,828.76
Owner Name and Address 210 BEAVER ST LLC 1900 S HIGHLAND AVE STE 100 LOMBARD, IL 60148	Mailing Name and Address 210 BEAVER ST LLC 1900 S HIGHLAND AVE STE 100 LOMBARD, IL 60148
Legal Description LT 5 BLK 1 FOX INDUSTRIAL PARK UNIT 2 CITY OF YORKVILLE	
Legal Descriptions	
Legal Description LT 5 BLK 1 FOX INDUSTRIAL PARK UNIT 2 CITY OF YORKVILLE	Section/Township/Range Document



Exhibit

“ B ”

Properties that lie within 500' of the warehouse/office space at 210A Beaver Street Proposed for "Special Use":

The Kendall County Food Pantry

Fox Industrial Park

208 Beaver Street

Yorkville, Il. 60560













NURTURE

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY OF YORKVILLE
PLAN COMMISSION
PC 2016-03

NOTICE IS HEREWITH GIVEN THAT Unified Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.

The legal description is as follows:

LT 5 BLK 1 FOX INDUSTRIAL PARK UNIT 2 CITY OF YORKVILLE

Permanent Index Number: 05-04-152-004

The application materials for the proposed Special Use are on file with the City Clerk.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, February 10, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN
City Clerk

BY: Lisa Pickering
Deputy Clerk



Memorandum

To: Plan Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Chris Heinen, Planner
Date: February 3, 2016
Subject: **City Council Action Updates**

Purpose

The purpose of this memorandum is to provide the Plan Commission with an update on the action taken by the City Council on the items previously presented to and recommended by the Plan Commission at a prior meeting.

City Council Action:

The City Council reviewed the Plan Commission's recommendation regarding the following item during their meeting held on January 26, 2016 and made the following final determination as indicated in their vote below:

1. **PC 2015-16** GC Housing Development LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-1, Single-Family Suburban Residence District to R-4, General Multi-Family Residence District. The real property is located near the northeast corner of Walnut Street and Freemont Street in Yorkville, Illinois.
 - a. This petition was discussed and tabled for 2 weeks. This item will be heard at the February 9th City Council meeting. A verbal update will be given at the Plan Commission meeting.
2. **PC 2015-17** Kevin Calder, petitioner, has filed an application with Kendall County seeking an A-1 Special Use to allow the operation of a landscape business with five employees. The property is located at 9923 Walker Road in Kendall Township.
 - a. No additional comments were generated for this petition.



Memorandum

To: Plan Commission
From: Chris Heinen
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: February 3, 2016
Subject: **The Year in Review – Discussion of previous year’s petitions and suggestions for planning staff**

2015 Applications & Petitions

During the year of 2015, the United City of Yorkville’s Plan Commission reviewed a total of fourteen (14) applications for various planning and zoning related requests. Following is a summary list and outcomes of the petitions heard by the Plan Commission:

PC #	Project Name	Type of Request	Plan Commission Vote	City Council Final Action
2014-18	Wind Turbine - Yorkville Middle School	Special Use	7-yes/0-no	Approved
2014-21	711 Bridge Street	Special Use	7-yes/0-no	Approved
2014-22	2560 Cannonball Trail	Rezoning	7-yes/0-no	Approved
2014-23	Outdoor Music Venue (112 Van Emmon)	Special Use	Withdrawn	Withdrawn
2015-03	Microdistilleries and Microwineries	Text Amendment	7-yes/0-no	Approved
2015-05	KBL Community Center	Special Use	Withdrawn	Withdrawn
2015-07	Fence Heights for Corner Yards	Text Amendment	6-yes/1-no	Approved
2015-08	Fitness Clubs	Text Amendment	6-yes/1-no	Approved
2015-09 & 10	Lot 19 Commercial Drive	Rezoning & Special Use	6-yes/0-no	Approved
2015-11	Fountainview Plaza Development	Special Use	5-yes/0-no	Approved
2015-11	Fountainview Plaza Development	Special Use/PUD	4-yes/1-no	Approved
2015-12	Fountainview Plaza Development	Final Plat	5-yes/0-no	Approved
2015-15	Lot Coverage & FAR	Text Amendment	5-yes/0-no	Approved

Progress of 2015 Planning Direction

In last year’s “Year in Review” memo dated January 7, 2015 (attached), staff indicated that the zoning ordinance was approved and there may be changes that are needed. This, in fact, was the case. As you can see from the table above, there were four (4) text amendments that addressed areas of the zoning ordinance that needed to be updated.

Comprehensive Plan Update

Moving forward, staff anticipates with the adoption of the Comprehensive Plan Update in the summer of 2016, this will necessitate further refinements to the Zoning Ordinance in order to implement the recommendations for future development. These changes may occur on a case-by-case basis or may be presented all at once. In the meantime, staff will continue to monitor any

other incidental changes that will need to be addressed and bring them before the Plan Commission.

Plan Commission Membership

As a follow-up to the direction staff received at last month's Plan Commission meeting, we have drafted a request to the City Council recommending a reduction in the composition of the Plan Commission from nine (9) voting member to seven (7) voting members. This change will reflect the current membership of the commission after the two (2) recent resignations and hopefully ensure having a quorum for all scheduled meetings. A draft of the proposed ordinance is attached to this memo and the request will be considered at the February 9th City Council meeting. Staff will provide a verbal update of the action taken by the City Council on this matter at Wednesday's night meeting.



Memorandum

To: Plan Commission
From: Chris Heinen
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: January 7, 2015
Subject: **The Year in Review – Discussion of previous year’s petitions and suggestions for planning staff**

2014 Applications & Petitions

During the year of 2014, the United City of Yorkville’s Plan Commission reviewed a total of five (5) applications for various planning and zoning related requests. Following is a summary list and outcomes of the petitions heard by the Plan Commission:

PC #	Project Name	Type of Request	Plan Commission Vote	City Council Final Action
2014-05	Heartland Meadows	Special Use/PUD	1-yes/5-no	Approved
2014-10	Lighthouse Academy	Special Use	7-yes/0-no	Approved
2014-13	Kendall Crossing Sign	PUD Amendment	6-yes/1-no	Approved
2014-14	Heartland Meadows	Final Plat Approval	4-yes/5-no	Approved
2014-18	Wind Turbine - Yorkville Middle School	Special Use	<i>TBD</i>	<i>TBD</i>

In addition to the petitions listed above, the Plan Commission also reviewed the new Zoning Ordinance and provided feedback to staff. In November 2014, the City Council approved the new Zoning Ordinance by a vote of 7 – 1.

Progress of 2014 Planning Direction

In last year’s “Year in Review” memo dated February 4, 2014 (attached), staff made the following suggestions for proposed new zoning ordinance text amendments:

- Review and discussion of the appropriateness of the R-2 One-Family Residence Zoning District vs. the R-2D Duplex Two-Family Residence Zoning District for existing townhomes within the older areas of the City.
- Review and discussion of *Filling of Holes, Pits or Lowlands as Special Uses in R-1 and R-2 Residential Zoning Districts* (Section 10-6B-2 and Section 10-6C-2). This stems from the special use request from D. Construction to use clean soil to fill and grade property zoned R-2 in the City without having a proposed land plan. The Plan Commission recommended unanimously to deny the request and City Council upheld the recommendation. Although this activity typically requires a grading permit issued by the engineering department in all other districts, only the R-1 and R-2 Districts identifies filling and grading as a Special Use.
- Identification of and Special Use Regulations related to Outdoor Amphitheaters in the Business Districts regarding maximum noise (decibel) levels, hours, permitting, etc.

- Amendment to the Subdivision Control Ordinance related to authorized releases of subdivision security.

Since that time, all of the goals and direction given to staff by the Plan Commission on the above-mentioned items have been successfully completed or implemented.

Staff would also like to poll the Plan Commission members to see if they would like to see the meeting packets in digital form vs. a hard copy for the upcoming year.

Proposed New Zoning Ordinance Text Amendments

Since we have recently adopted the new zoning ordinance, no additional text amendments are proposed for 2015. However, there may be changes that are needed in the future and staff will adapt accordingly.

Ordinance No. _____

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, ILLINOIS AMENDING THE NUMBER OF MEMBERS
OF THE PLAN COMMISSION**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to section 11-12-4 of the Illinois Municipal Code (65 ILCS 5/11-12-4) the corporate authorities may establish a Plan commission for the City with the number of members to be determined by the corporate authorities.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Section 2-1-2 of the Yorkville City Code, as amended, be and is hereby amended to read as follows:

“2-1-2: MEMBERSHIP; APPOINTMENTS; DISMISSALS:

The plan commission shall consist of seven (7) voting members who shall be appointed by the mayor subject to confirmation by the city council, who must be either a resident of the city of Yorkville or reside within 1.5 miles of the corporate boundaries of the city of Yorkville and not within the boundaries of any other municipality at the time of appointment.

The mayor may dismiss any voting member of the plan commission, subject to city council approval, if that member has missed a majority of the scheduled plan commission meetings during the fiscal year.”

Section 2: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
SEAVER TARULIS	_____	DIANE TEELING	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
_____ day of _____ 2016.

MAYOR