



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

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PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, September 14, 2016

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

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

Roll Call:

Previous meeting minutes: August 10, 2016

Citizen's Comments

Public Hearings

1. **PZC 2016-03** Alexander Berman, Petitioner, on behalf of Kendall Holdings I, LLC, Owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to vary the requirements of City Code Section 10-20-6-C regarding Yard Requirements for signs to allow an existing multi-tenant business sign to be located less than five feet (5') from any driveway and lot line. The existing sign is located at the entrance to the Kendall Marketplace shopping center at US 34 and Isabel Drive.

Old Business

New Business

1. **PZC 2016-03** Alexander Berman, Petitioner, on behalf of Kendall Holdings I, LLC, Owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to vary the requirements of City Code Section 10-20-6-C regarding Yard Requirements for signs to allow an existing multi-tenant business sign to be located less than five feet (5') from any driveway and lot line. The existing sign is located at the entrance to the Kendall Marketplace shopping center at US 34 and Isabel Drive.

- Action Item

Sign Variance

Additional Business

1. City Council Action Updates

The following items were presented to the City Council on August 23, 2016.

- a. **PZC 2016-01** The United City of Yorkville will conduct a public hearing regarding the adoption of a proposed update to the Yorkville Comprehensive Plan, including a new future land use map, pursuant to section 11-12-7 of the Illinois Municipal Code (65 ILCS 5/11-12-7) and Section 9-1-1 of the Yorkville City Code.

- Action Item

Comprehensive Plan Adoption

- b. **PZC 2016-02** Jet's Towing and Services, petitioner, has filed an application with Kendall County requesting a Zoning Map Amendment (rezoning) from A-1 Agricultural to M-1 Limited Manufacturing. The property is located at 790 Eldamain Road in Bristol Township and is currently being used for a towing and truck storage area.

- Action Item

1½ Mile Review (Rezoning)

Adjournment

DRAFT

**UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION**

City Council Chambers

Wednesday, August 10, 2016 7:00pm

Commission Members in Attendance:

Chairman Randy Harker	Don Marcum
Jeff Olson	Richard Vinyard
Bill Gockman	Reagan Goins
Deborah Horaz	

Other City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Sr. Planner
Chris Funkhouser, Alderman

Other Guests

Christine Vitosh, Depo Court Megann Horstead, *Beacon News*
Nick Kalogeresis, Lakota Group

Meeting Called to Order

Chairman Randy Harker called the meeting to order at 7:00pm.

Roll Call

Roll call was taken and a quorum was established.

Previous Meeting Minutes None

(No minutes, this is the first meeting of this newly formed Commission).

Citizen's Comments None

Public Hearings

Chairman Harker explained the procedure for the Hearing and swore in those who would speak at the Public Hearing. A motion to open the Public Hearing was made and seconded by Commissioners Horaz and Goins, respectively, at approximately 7:03pm. Roll call: Goins-yes, Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Gockman-yes, Harker-yes. Passed 7-0.

- 1. PZC 2016-01 The United City of Yorkville will conduct a Public Hearing regarding the adoption of a proposed update to the Yorkville Comprehensive Plan, including a new future land use map, pursuant to section 11-12-7 of the Illinois Municipal Code (65 ILCS 5/11-12-7) and Section 9-1-1 of the Yorkville City Code.**

(See Court Reporter's Transcript of Hearing)

After the Comp Plan presentation was concluded at approximately 7:47pm, a motion was made by Vinyard and seconded by Horaz to close the Public Hearing.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Gockman-yes, Goins-yes, Harker-yes. Passed 7-0.

Old Business – None

New Business

1. PZC 2016-01 Comprehensive Plan (see #1 above)

Action Item

Comprehensive Plan Adoption

Chairman Harker commented that The Lakota Group did a fantastic job on the Plan. He asked for a motion of approval of the Finding of Fact and adoption of the Plan.

Commissioner Horaz made a motion as follows: In consideration of testimony presented during a Public Hearing on August 10, 2016 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request to adopt the proposed Comprehensive Plan Update as prepared and presented by The Lakota Group dated August 4, 2016 and summarized in a staff memorandum dated August 3, 2016. Seconded by Commissioner Goins.

Roll call: Marcum-Abstain, Olson-yes, Vinyard-yes, Gockman-yes, Goins-yes, Horaz-yes, Harker-yes. Passed: 6 yes, 1 abstain.

- 2. PZC 2016-02 Jet's Towing and Services, petitioner, has filed an application with Kendall County requesting a Zoning Map Amendment (rezoning) from A-1 Agricultural to M-1 Limited Manufacturing. The property is located at 790 Eldamain Road in Bristol Township and is currently being used for a towing and truck storage area.**

Action Item

1-1/2 Mile Review (Special Use)

Ms. Noble said this case was a compliance issue and the petitioner is operating illegally since it is not zoned for this use. It is a 9-acre parcel and the owner wants to rezone. The current Comp Plan shows this area as industrial and the owner is looking at a new use to be consistent with the Comp Plan. City staff has objections to the petition as outlined in the staff memo and the County objects also. The committee opposed the current use and noted the owner lives there also. Mr. Marcum made a motion to recommend a formal objection be made which will be filed with the County and to also approve staff recommendations. Ms. Goins seconded the motion.

Roll call: Olson-yes, Vinyard-yes, Gockman-yes, Goins-yes, Horaz-yes, Marcum-yes, Harker-yes. Passed 7-0.

Additional Business

Chairman Harker welcomed Jason Engberg, who is the new Sr. Planner for the City as of August 1st. He was previously a City intern 3-4 years ago.

1. 2016 Planning and Zoning Commission Meeting Schedule

The Commission will meet on the second Wednesday of the month at 7:00pm. Mr. Engberg said there may be training at either the October or November meeting and will be take about 2-2.5 hours. The training will be done by someone who conducts Planning and Zoning training all over the State.

2. Appointment of a Vice-Chairperson for the Planning and Zoning Commission

This is an appointment made each Fiscal Year. Chairman Harker nominated Reagan Goins in a motion and Mr. Marcum seconded the motion. No objections.

Adjournment

There was no further business and meeting adjourned at 8:04pm.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, August 10, 2016
7:00 p.m.

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PRESENT:

- Mr. Randy Harker, Chairman,
- Ms. Reagan Flavin Goins,
- Mr. Bill Gockman,
- Ms. Deborah Horaz,
- Mr. Don Marcum,
- Mr. Jeff Olson,
- Mr. Richard Vinyard.

ALSO PRESENT:

- Ms. Krysti Noble, Community Development
Director,
- Mr. Jason Engberg, Senior Planner,
- Ms. Marlys Young, Minute Taker.

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1 (The following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN HARKER: There is one public
5 hearing on tonight's agenda for the Planning and
6 Zoning Commission meeting.

7 The purpose of this hearing is to
8 invite testimony from the members of the public
9 regarding the proposed request that is being
10 considered before the board.

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

15 Those people or those persons
16 wishing to testify are asked to speak clearly,
17 one at a time, state your name and who you
18 represent, if anyone. You are also asked to sign
19 in at the podium if you haven't already done so.

20 If you plan to speak at tonight's
21 public hearing as a petitioner, member of the
22 public, please stand, raise your right hand and
23 repeat after me.

24 (Witness sworn.)

1 CHAIRMAN HARKER: Okay. So the order in
2 which we're going to go through this, the
3 petitioner will do his presentation and then
4 anyone wishing to speak in favor of the request,
5 those in opposition, and then any questions we
6 might have from the Planning and Zoning
7 commissioners to the petitioner.

8 May I have a motion to open the
9 public hearing on petition number PZC 2016-01?

10 COMMISSIONER HORAZ: Motion.

11 COMMISSIONER GOINS: Second.

12 CHAIRMAN HARKER: Can I get a roll call
13 on the vote, please?

14 MS. YOUNG: Yes.

15 Goins.

16 COMMISSIONER GOINS: Yes.

17 MS. YOUNG: Horaz.

18 COMMISSIONER HORAZ: Yes.

19 MS. YOUNG: Marcum.

20 COMMISSIONER MARCUM: Yes.

21 MS. YOUNG: Olson.

22 COMMISSIONER OLSON: Yes.

23 MS. YOUNG: Vinyard.

24 COMMISSIONER VINYARD: Yes.

1 MS. YOUNG: Gockman.

2 COMMISSIONER GOCKMAN: Yes.

3 MS. YOUNG: Harker.

4 CHAIRMAN HARKER: Yes.

5 All right. PZC 2016-01, United City
6 of Yorkville will conduct a public hearing
7 regarding the adoption of the proposed update to
8 the Yorkville Comprehensive Plan, including a new
9 future land use map, pursuant to Section 11-12-7
10 of the Illinois Municipal Code, 65 ILCS
11 5/11-12-7, and Section 9-1-1 of the Yorkville
12 City Code.

13 Is the petitioner ready?

14 MR. KALOGERESIS: Yes.

15 CHAIRMAN HARKER: Awesome.

16 NICK KALOGERESIS,
17 having been first duly sworn, testified as
18 follows:

19 MR. KALOGERESIS: Thank you. My name
20 is, as I've said, Nick Kalogeresis. I am with
21 the Lakota Group, and we are a planning and urban
22 design firm based in Chicago, Illinois.

23 As I'm sure some of you are aware,
24 we have been engaged with the City over the last

1 couple years to develop a comprehensive plan. It
2 is an update to the 2008 plan, and we are almost
3 to the finish line, and what we'll present
4 tonight is sort of an overview of the plan.

5 As you can see in front of you,
6 we've kind of killed the Siberian Forest by
7 printing out the plan, but -- It is a lengthy
8 plan, but we do have an executive summary that
9 kind of summarizes the major contents of the
10 plan, and my Power Point tonight will just go
11 over some of the major highlights of the plan,
12 and feel free to ask any questions as we go
13 through the Power Point. There is a lot within
14 the plan.

15 First of all I would like to say
16 that it has been a pleasure to work with the City
17 on this plan and with Krysti and her staff over
18 the last couple years. We've had a very good
19 process and we feel that this plan represents
20 what the community would like to see happen in
21 the future.

22 So hopefully -- I'm not sure if you
23 are going to be able to read all that, but I do
24 have a copy of the Power Point hand-out, so you

1 will be able to read it a little bit later on.

2 But why, updating the plan. I think
3 one of the first things that we recognized --
4 it's a little small -- but one of the things we
5 went on to recognize is that since 2008 a lot of
6 things have changed, especially in terms of the
7 economy.

8 I think a lot of communities before
9 2008 had a much different comprehensive plan
10 focus. Since 2008, with the economic recession,
11 a lot of communities are now re-examining their
12 comprehensive plans in that light, and obviously
13 it's always a good practice to update your
14 comprehensive plan every five to ten years.

15 One thing that this plan looks
16 towards is we are looking at another five to ten
17 years ahead, what are some of the major
18 strategies and major things that we need to look
19 at as a community in terms of the downtown, the
20 residential areas, city infrastructure, your
21 transportation network, and so we took a close
22 look at all of those things and provided sort of
23 high level strategies in which we can proceed
24 going forward.

1 As I said, we are almost at the
2 finish line, it has been a two-year process, and
3 the process started with an assessment of the
4 community and then we went into an envisioning
5 phase to really talk with the community about
6 what they would like to see happening going
7 forward, and we have spent since January refining
8 the strategies in this comprehensive plan. We
9 are almost ready for City adoption.

10 In a nutshell, the comprehensive
11 plan is organized in two parts. The first part
12 is really kind of a summary of existing
13 conditions, basically a summary of what we did
14 during the first phase of this process, and the
15 second part is the comprehensive plan, and as
16 I've said, we took a close look at several
17 different areas, your downtown, residential
18 areas, your transportation network, and some
19 implementation strategies, so there is two parts
20 to the comprehensive plan.

21 One of the things we did throughout
22 this process, as in any good comprehensive plan
23 process, is that we had a community engagement
24 program, and we did -- along during this process

1 we did a series of community workshops,
2 stakeholder interviews, and, most importantly, we
3 worked with a steering committee to help us craft
4 this plan. Some of you sat on that steering
5 committee.

6 I have to say it was one of the best
7 steering committees I have worked with on a
8 comprehensive plan. You seemed really engaged
9 and you really helped us craft a good plan going
10 forward. So we did get a chance to really talk
11 to the community during this process.

12 And first, to start off, I think --
13 as I've said, the first part of the plan is a
14 summary of the existing conditions, and I'm not
15 going to go over the first part in any great
16 detail tonight because I want to talk about the
17 comprehensive plan, but totally different
18 planning issues did come before.

19 We were looking at issues related to
20 your housing, your subdivisions, what to do with
21 the downtown district, looking at your
22 transportation network, not just the roads, but
23 looking at your bicycle and trail networks, your
24 green and open space, how do we enhance that, and

1 looking at your infrastructure issues, and so we
2 took a very close look at that, and it's all
3 summarized in Section 2 of the comprehensive
4 plan, and I think probably the big take-away in
5 the sections here is that we're definitely not
6 Yorkville pre-net 2008.

7 We're a different Yorkville in terms
8 of where our growth strategy is going to be, in
9 terms of how our neighborhoods are going to look
10 like, our commercial areas are going to look
11 like, and where is the emphasis in terms of our
12 energies as a community moving forward in terms
13 of enhancing areas like your downtown, and I
14 think we heard clearly from the community over
15 the process that downtown is very important. We
16 need to start focusing on that.

17 So we're not Yorkville, 2008. We
18 are probably going to grow a little bit slower, a
19 little bit more incrementally, but I think one
20 thing is it gives a chance to the community to
21 really take a look at not just your downtown, but
22 how does a community look and appear over time,
23 so we have a chance to manage that growth a
24 little bit better.

1 Now going into the comprehensive
2 plan -- and I'm just pointing out certain pages
3 within the document -- and the first thing that
4 we have in our comprehensive plan is an overall
5 vision statement and to sort of summarize where
6 we want to go as a community as the ultimate
7 benchmark, and it's also summarizing the
8 executive summary as well, so it just gives an
9 overview of where our -- what our ultimate goal
10 as a community is going to be in the future, and
11 the bulleted -- the points up on the Power Point
12 really summarize what we really want to
13 accomplish.

14 One is we want to encourage
15 diversity in our land use. We may not just want
16 to be a single-family suburb, suburban community
17 that has a \$200,000 home next to a housing
18 product that we offer.

19 We want to be able to diversify the
20 land use a little bit more so that we can
21 encourage a wide variety of people who can come
22 and live in Yorkville.

23 As I said, we want to revitalize the
24 downtown. Very big focus. We want to have

1 sustainable residential development, which means
2 we may want to think about really focusing in on
3 the residential areas we do want to fill in,
4 rather than encouraging development further out
5 on the fringe, so we really want to focus in
6 closer to the community.

7 We want to be able to have our
8 transportation system that is multi-modal, not
9 only cars, but completing the bicycle trail
10 network.

11 We also want to have more
12 recreational amenities, and I'll talk more about
13 that.

14 I think a big focus of the plan also
15 is, as you've probably read or heard in other
16 places, we want a place in Yorkville, we want
17 people to understand that when they live here,
18 they live in Yorkville, and we heard from a
19 variety -- a number of community residents who
20 kind of said they associate themselves living
21 with their subdivisions rather than associating
22 themselves living in the community of Yorkville,
23 so how do we better tie the growing areas of
24 Yorkville together to make it one cohesive place.

1 And last, but not least, we want to
2 have high quality community services.

3 So that's really kind of summarizing
4 the community vision statement.

5 I'm not going to go into all of
6 these in great detail; they are kind of
7 summarized on 78. Everything I kind of mentioned
8 summarizes a series of goals of what we want to
9 be able to do.

10 Again, sustainable growth,
11 revitalize downtown, be able to plan what happens
12 along your major corridors in terms of Illinois
13 Route 47, Eldamain Road, so looking at how do we,
14 you know, manage growth along those corridors and
15 encourage good community design along the way.

16 We want to be able to fill in our
17 residential neighborhoods, we want to have high
18 quality design. We want to be able to continue
19 to build the open space network that is here in
20 Yorkville, and I'm trying to -- complete the
21 transportation network, and then we want to have
22 a systematic approach to growth, and I'll talk
23 little bit more later on as to how we grow in the
24 future.

1 This is a future land use map, a
2 copy is in front of you in the executive summary,
3 it's also within the document on Page 80, and
4 I'll get a little bit more into this.

5 The future land use map does change,
6 has changed, since the 2008 plan in terms I think
7 of a couple of big things. One is we are not
8 expecting the Prairie Parkway to happen. We are
9 not expecting it to happen, so we have this large
10 planning area.

11 We still took it into account, that
12 we had this large planning area, but we are not
13 thinking the Prairie Parkway is going to happen
14 and, secondly, we think you are probably going to
15 grow at a more modest rate, maybe a hundred
16 housing units per year, maybe a little bit more,
17 a little bit less, so we also think your
18 commercial area is not going to grow as fast as
19 what the 2008 plan looked at, so we made some
20 changes in some areas where we thought in 2008 it
21 was going to grow commercial areas.

22 We are now going to turn some of
23 those areas to open space, but we can always
24 think of that as a temporary change because we

1 never know in the future when commercial growth
2 will start to happen again in Yorkville, but
3 we're mainly looking at areas north on 47 and the
4 areas south of 47 where we had some of those
5 commercial happen, but without Prairie Parkway,
6 slower residential growth, we don't think those
7 commercial areas are going to happen.

8 A couple of things that really --
9 I'll try to point them out a little bit more, but
10 we do take into account that METRA is still
11 looking at feasibility for a future train
12 station, storage yard, and we have two areas in
13 the land use plan that could potentially be the
14 location of that, and they are on north 47 as
15 well as -- I'm sorry, there is an area --

16 MS. NOBLE: You've got a pointer.

17 MR. KALOGERESIS: Is there?

18 MS. NOBLE: Yeah, it's at the top.

19 MR. KALOGERESIS: There we go. Thank
20 you.

21 So we are looking at potential --
22 you know, this is where METRA is currently
23 looking at in terms of the storage yard and the
24 linkage station.

1 Here is the area that the 2008 plan
2 called out. We left that in just in case, you
3 know, METRA may decide to look at a different
4 location, so we have those there.

5 As I said earlier about the
6 commercial areas, your 2008 plan had commercial
7 growth going up these spines along 47. We
8 actually have actually taken that out because
9 simply, as I say, we don't think the Prairie
10 Parkway is going to happen.

11 So those are really kind of the
12 major changes in the land use plan. The only
13 other major change that we're recommending is
14 that there is an area here near your shopping
15 cluster at 47 and 34 where we're actually
16 recommending some higher density residential in
17 that area simply because they could be closer.
18 This is an area we think is appropriate, it's
19 closer to shopping, closer to downtown, and there
20 is available land we could do some higher
21 density.

22 That's really kind of the major
23 changes -- not too many major changes -- in the
24 land use plan.

1 Again, I'm not going to go into any
2 great detail; these are the land use categories
3 that are depicted in the future land use map, so
4 we haven't changed -- we haven't changed the
5 terminology too much, the only exception being is
6 that we have added a mid-density residential
7 area, the area that I showed near 47 and 34. We
8 added that category in there. We also have a
9 transit-oriented development land use as well.
10 So that's really the only major changes in the
11 land use strategy.

12 Within the comp plan what we've done
13 is sort of explain this a little bit more. On
14 Page 85 we have what is called a land use matrix,
15 and within this matrix we take each of those
16 categories and we sort of describe in detail what
17 should be recommended in those areas in terms of
18 the use, in terms of the physical design, how
19 does it relate to nearby land uses, so this will
20 help the Planning and Zoning Commission be able
21 to make -- have a better understanding of what
22 happens in each of those land use areas in
23 Yorkville.

24 So this matrix describes with text

1 and pictures the ideal development and the design
2 of that development, so you can take a look at
3 all of those. We have illustrated all of those
4 land use areas within the comp plan, so that's
5 the land use strategy in a nutshell.

6 I wanted to get a little bit more in
7 depth in terms of specific recommendations within
8 the plan. We are starting at Section 5, we call
9 it prosperous city. This is where -- this is the
10 chapter that looks at downtown, it looks at your
11 other commercial areas, and it looks at your
12 industrial areas, and we have some simple goal
13 statements.

14 One is downtown should be a focus of
15 our community planning and development going
16 forward, and I will describe some more of those
17 strategies in a moment.

18 We took a look at your commercial
19 areas, and a lot of the strategy here is really
20 just focusing on your existing commercial areas,
21 try to fill those commercial areas in, and in
22 some cases there may be commercial areas where
23 you may want to change the zoning or land use a
24 little bit in order to fill those out, and then

1 we took a look at some of your two major -- or
2 three major industrial -- or two major industrial
3 areas, and took a closer look at those in terms
4 of the future.

5 Now, the downtown, we have several
6 different strategies for the downtown. We kind
7 of summarized it all in the strategy map, which
8 is on Page 99, and I will describe some of the
9 major concepts of the downtown.

10 Overall what we were thinking in
11 terms of the downtown obviously with the
12 expansion of Illinois 47, it's no longer the
13 downtown it used to be.

14 We now have basically a highway that
15 goes through your downtown, and we took a little
16 bit different tact I believe from the last
17 downtown plan.

18 Our focus in this plan is to
19 actually reorient downtown east and west rather
20 than making major vessels around 47, just looking
21 from east and west along Van Emmon and Hydraulic
22 Street to really make these areas kind of a more
23 production oriented, commercial oriented,
24 downtown.

1 Another big focus of the plan is
2 really expanding the riverfront park,
3 Bicentennial Riverfront Park. We think there are
4 opportunities both east and west to kind of
5 expand it a little bit more to make that a major
6 destination not only for the community, but for
7 tourists and visitors.

8 It really is a great asset to have
9 this park here and to be able to expand it a
10 little bit more, might make it a more attractive
11 amenity, so really kind of extending the park and
12 reorienting the downtown both east and west.

13 Now, you see this area in yellow?
14 These are your existing buildings. Really kind
15 of a focus here is to do some rehabilitation and
16 reuse of these buildings.

17 We recognize you're probably not
18 going to be able to keep all of them maybe, but
19 really kind of focus on keeping that small town
20 commercial character in downtown Yorkville as
21 much as possible, so trying to have a focus on
22 rehabilitation and reuse.

23 We looked at this site here really
24 kind of focusing people to that as temporary

1 parking for the short-term, and maybe long-term
2 encouraging some development to happen on this
3 parcel.

4 The parcel -- a development that
5 could be oriented towards Hydraulic Street and it
6 could be mixed use. Ideally it would be mixed
7 use, probably maybe three or four stories in
8 height. So really encouraging some development
9 here.

10 We call this the Legacy Block
11 because there is an older business there, you
12 have these grain elevators, and as a short-term
13 strategy we recommend actually trying to do a
14 clean and green of this block to make it more
15 visually appealing.

16 We've tried to detail it in the
17 plan, but just making it visually clean as long
18 as the business is there, just make it a walkable
19 area, just clean it up and maybe put some public
20 art on the elevator to make it -- give it a sense
21 of destination or a place to make the downtown a
22 little bit, but long-term you could redevelop the
23 entire block for a new development if you wanted
24 to.

1 We do look along here, long-term in
2 terms of you already have some light industrial
3 uses here, maybe long-term looking at in-fill
4 housing or a mixed use development to this area
5 to be able to strengthen that end of the downtown
6 and make it -- basically kind of expand your
7 downtown to the east a little bit.

8 We have two areas in the blue; one
9 is the county courthouse. We did have
10 discussions with Kendall County about their
11 facilities, and what they have told us is they
12 want to be able to potentially expand their
13 facilities in this location, and so one of the
14 recommendations we have is to work with the
15 county and make this a county -- Kendall County
16 complex, make it its own campus.

17 We know it's tight in there, there
18 is not a lot of land to work with, but they are
19 thinking about potential redevelopment or at
20 least adding one building as an administrative
21 center.

22 And then another long-term is maybe
23 relocating city hall in this area. One thing we
24 heard from residents is they would like to have

1 another anchor in the downtown, preferably city
2 hall, so there is probably some potential here to
3 maybe locate city hall at some point in the
4 future.

5 So that's really kind of the
6 downtown strategies overall. You see some --
7 These red lines, these are both -- Van Emmon,
8 Hydraulic and Main Street would be areas where
9 you could do some special streetscaping, again,
10 to make it a very pedestrian-oriented downtown, a
11 lot of effort -- or at least looking at trying to
12 make the pedestrian crossings across 47 a little
13 bit better than what they are right now. Some
14 streetscaping will help sort of unify the
15 downtown and make it more attractive. So that's
16 downtown in a nutshell.

17 We do -- Apart from downtown we do
18 look at some of the other commercial areas, and
19 this is outlined on Page 100.

20 As I've said before, a lot of our
21 recommendations are really focusing on in-fill,
22 the existing shopping areas. There is available
23 land, as I'm sure you are aware, so really
24 focusing economic development efforts on filling

1 out those areas, so we've outlined those.

2 We also outlined the two TOD zones
3 as two areas where you could potentially expand
4 some commercial in the future.

5 We did take a look at several sites
6 in the plan, just pointing out a couple here.
7 One thing we heard loud and clear, not only
8 downtown, but we want a grocery store in the
9 community, and so looking at the southern end of
10 47 near 71 and that intersection and taking a
11 look at several different parcels or land areas
12 where the grocery store could happen, and so
13 we've developed some concepts for how the grocery
14 store could be located and sited.

15 There were a couple parcels that we
16 think would really work well. This one is Site A
17 over here. This is Site A. We think that would
18 be a suitable area for a grocery store or outlet
19 or out-parcel development, so it would be a
20 substantial size, but then we looked at a couple
21 other sites.

22 This is Site C, further south, which
23 I think there is a grocery store looking at right
24 now, if I remember it correctly, so we did, you

1 know, develop a couple site options for how a
2 grocery store could be developed along 47.

3 Now going further north, we are
4 looking at parkway, a parkway development site.
5 This is just north of the Raging Waves water
6 park, and the reason why we took a look at this
7 area is we feel like this could potentially
8 happen in maybe the ten-year time frame of this
9 plan.

10 We think this would be the furthest
11 north that commercial development could happen in
12 Yorkville along 47, especially if some of the
13 subdivisions around it continue to build out.

14 We took a look at this site and we
15 developed a concept for some smaller commercial
16 sites and sort of making it sort of, you know,
17 restaurant oriented, especially if you have a
18 water park right here.

19 We did try to respond to some ideas
20 from the community about adding some park space,
21 so putting in an active park or recreation
22 facility on the other side might be something to
23 look at, whether they be future ball fields or
24 play fields or so forth.

1 A couple people asked us whether or
2 not a hotel could go on this site. We didn't
3 program one in there, but feasibly maybe a hotel
4 could locate in there.

5 One thing to note in this concept is
6 that you will see our corridor plans, and we
7 introduced this concept throughout the plan as
8 maybe trying to encourage a landscape buffer
9 along the road. It could be anywhere from ten to
10 50 feet, and we put that in there simply because
11 that could be a character defining element for
12 Yorkville.

13 We heard again from the community
14 that one of the reasons why they moved here, the
15 residents, is that they liked the small town
16 character of Yorkville and is there a way we can
17 maintain that feel of that environment, so we
18 incorporated that landscape buffer as part of it.

19 We do show pictures in the plan
20 where you -- and other communities have done
21 this, we're not just proposing it for Yorkville,
22 but other communities have done it, where they do
23 have some defining like fencing or gateways,
24 again, to be able to tie the community of

1 Yorkville together, so we've seen -- I guess
2 there are some horse farms nearby and there could
3 be some sort of tie-in to that rural feel.

4 The industrial areas, we took a look
5 at the two you have here. We did take a look at
6 potentials on Eldamain Road. Overall we don't
7 recommend a big expansion of industrial, but we
8 just took a look at what you have already.

9 So our plan kind of reemphasizes,
10 you know, filling out the available industrial
11 land that you have along 47. This may happen in
12 the future, we don't know, but if it does happen,
13 we would kind of limit the industrial expansion
14 to this area because we know we'd like to reserve
15 some of this land over here for residential or a
16 transient-oriented development.

17 So we did take a look at the Fox
18 Industrial Park, which is at Route 47 -- near
19 Route 47 along Illinois Route 71. The Fox
20 Industrial Park to the north, the existing area
21 here, could potentially also be re-developed, but
22 we took a look at the land south of there as a
23 potential expansion of the park.

24 We have an opportunity to add some

1 more industrial uses long-term and maybe sort of
2 design it in terms of a more modern industrial
3 park with the type of landscaping that you see in
4 the new industrial parks, so we looked at this
5 area as a potential expansion in the future.

6 Sorry, I didn't include the other
7 industrial areas, but anyway, we think this could
8 be a potential focus for development in the
9 long-term.

10 So we -- Now going into the
11 neighborhoods, the neighborhood policies, we
12 start on Page 112. We kind of divide the
13 residential areas in Yorkville in terms of the
14 areas around the downtown that were developed
15 when the downtown was developed, so we're looking
16 sort of like from the 1870's all the way to the
17 1940's, and then the rest of the community where
18 residential happened was after the 1950's, and so
19 we kind of divided the residential areas in that
20 time frame, and so we have the plan, we have a
21 traditional zone, traditional housing, where
22 really there is a focus of trying to maintain
23 that core as much as possible, try to encourage
24 compatible development in this area, encourage

1 physical improvements, capital improvements to
2 maintain these areas as much as possible, whether
3 they be sidewalks or so forth, so really kind of
4 focusing on maintaining this area, sort of a
5 historic, traditional core of Yorkville, and we
6 do have recommendations on branding, sort of
7 providing gateways into this area to sort of set
8 it apart a little bit.

9 We did take a long look at the other
10 areas besides the traditional core, looking at
11 the other residential areas in Yorkville, and we
12 sort of divided the residential areas according
13 to the typology in terms of what we would like to
14 see happen in the future, and I don't know why my
15 Power Point shows these light green areas as
16 yellow here, but what we see in the green is sort
17 of what we call estate residential, so if we were
18 to encourage residential in these areas, they
19 would be larger lot interior homes basically.

20 If you see in these light green
21 areas, or yellow areas, we call these suburban
22 improvements, and these are areas where your
23 typical subdivisions are occurring, and as I have
24 explained before, we do have an area over here

1 called mid-density residential where we could
2 encourage apartments and higher density
3 residential to happen, and then we have these two
4 zones, I'll call them the two transient
5 development zones, where we want to do probably a
6 mix of housing in order to have some density near
7 the potential transit station.

8 Now, throughout the uni-plan we also
9 took a look at the neighborhoods in terms of
10 where they're at in terms of their development,
11 and I'm sure as you know we have subdivisions
12 that are almost complete and then we have
13 subdivisions that haven't even gotten off the
14 ground, they're just what we call paper
15 subdivisions, and so we try to take a look at
16 what the strategy is for these areas, what do we
17 want to see happen, and basically we kind of
18 divide it into four tiers in terms of where is
19 the zoning or entitlements, whether they have
20 infrastructure in them and the level of
21 development, and so the first tier being the
22 active subdivisions, and these being subdivisions
23 we really want to focus our energies on
24 completing them, and then we have all the way to

1 tier four, which are the paper subdivisions.
2 They are not entitled and they're not platted,
3 and it's in these -- and it's in tier four where
4 we think we can do something a little bit
5 different in terms of the land use, and so I show
6 a map here in terms of the tier four
7 subdivisions.

8 These are the subdivisions that
9 haven't been worked on, so as you go forward,
10 these are areas where you may want to consider
11 changing the zoning or looking at something
12 different, or a different type of housing
13 project, and so in these areas it could go back
14 to agriculture, it can go to open space, it can
15 go to estate residential, so as a Plan
16 Commission, this is an area -- these are areas
17 where you may want to think what's going to
18 happen long-term.

19 Okay. A few more slides. We did
20 take a look at your transportation systems and
21 your infrastructure and tying that to growth a
22 little bit, and so we have sort of six major
23 goals.

24 One is to continue sort of

1 monitoring what happens to your transportation
2 system in terms of what IDOT is planning on
3 doing; building out your bicycle and trail
4 networks; managing the parking supply in downtown
5 Yorkville and updating some of your
6 infrastructure systems in terms of its planning
7 so you can have updated infrastructure systems,
8 and then adding to your open space and managing
9 community growth.

10 And just to highlight a few things
11 in the transportation section, we did take a look
12 at your bicycle trail network.

13 In the 2008 plan there was an
14 extensive bicycle trail plan, and a lot of that
15 was very reliant on subdivisions being built out
16 and having that trail network being all connected
17 to each other.

18 Well, now that there is a different
19 landscape out there in terms of the development
20 that's happening, there needs to be sort of a
21 better emphasis on maybe looking at on-street
22 connections to be able to connect the bicycle
23 trail network together.

24 Community systems and

1 infrastructure; one of the things that we were
2 looking at is sort of what your infrastructure
3 needs are, and a couple of things.

4 One is there needs to be an update
5 to the water supply and infrastructure plan
6 currently, and coordinating what the
7 Yorkville-Bristol Sanitary District does and the
8 overall plan of expansion of its treatment system
9 and then focusing an in-fill development on the
10 existing areas, so there is a major part of
11 community systems infrastructure planned.

12 We did look at your growth
13 management strategies, and taking a look at a
14 couple of things. One is making sure that all
15 your boundary agreements are updated.

16 There needs to be a boundary
17 agreement over here with Millbrook. I believe
18 that your boundary agreement with Joliet is going
19 to expire.

20 MS. NOBLE: We don't have one with --

21 MR. KALOGERESIS: Oh, you don't have one
22 with Joliet. I'm sorry. Don't have one with
23 Joliet, so it would be good going forward to have
24 some boundary agreements in place.

1 This map kind of shows in purple all
2 the unincorporated subdivisions that are new to
3 Yorkville, and the fact that you as one of the
4 communities within your extra-territorial
5 jurisdiction are allowed to kind of enforce your
6 subdivisions regulations on subdivisions that are
7 within your jurisdiction, and it's something you
8 may want to think about, is exercising that right
9 on subdivisions that are right next to your --
10 right within your planning area.

11 We have another map that's in the
12 plan that shows a few subdivisions that are less
13 than 60 acres, and those are subdivisions you may
14 want to think about annexing into Yorkville.

15 But, anyway, you do have a lot of
16 development that's happening in and around
17 Yorkville and you may want to think about really
18 working and making sure that those subdivisions
19 are designed and up-to-date with your
20 subdivisions.

21 We focused on parks, and we only
22 have a few recommendations on parks. I already
23 talked about Riverfront Bicentennial Park being a
24 major recommendation and expanding that.

1 Another thing is potentially looking
2 at developing a park district so that it can be
3 able to have the tools necessary to add parks,
4 park space, and maintain the amenities that are
5 located within those parks.

6 We did take a look, extensive look,
7 at your corridors. There is one chapter in
8 itself starting on Page 143, and then there is
9 really a major emphasis of the corridors, you
10 know, trying to maintain the community character
11 and trying to make sure that we have managed
12 growth in certain areas of the corridors, that
13 character buffer being a significant future along
14 the Eldamain corridor and certain parts of
15 Illinois Route 47.

16 So I am just showing one aspect of
17 the corridor plan there, Illinois 47 going south
18 of the Fox River and sort of highlighting ideally
19 where they should be located.

20 We do show how a character buffer
21 could work, you know, however big it is and
22 maintaining that character buffer especially at
23 its an entry points into Yorkville.

24 And then the last chapter, starting

1 on 169, is implementation, and we focus on
2 funding sources, we talk a little bit more about
3 placemaking, we talk about streetscape and we
4 talk about implementation priorities within that
5 chapter.

6 And, again, I'm not going to go into
7 any great detail; we do have several funding
8 sources that can be used to develop or at least
9 carry out some aspects of the plan whether or not
10 they include your capital improvements plan, tax
11 increment financing.

12 I'm sure you've heard of special
13 service areas in terms of the subdivisions, but
14 special service areas are used in communities
15 that are -- most predominantly in their
16 commercial districts, so that is a tool you can
17 potentially use.

18 In the plan we do recommend some
19 code changes; one taking a look at your
20 subdivision code and updating it in certain ways.
21 We also discuss a little bit more about zoning
22 and other tools that are available, such as a
23 form-based code, which is a different type of
24 zoning that could be used for implementing in

1 your downtown.

2 We do talk about placemaking in a
3 couple items. One way in which to sort of brand
4 Yorkville and to sort of tie the various parts of
5 the community together is to have a
6 community-wide wayfinding and gateway systems,
7 and we have -- you know, we've developed a
8 concept gateway finding over here and encouraging
9 public art in the community. Your downtown would
10 be a great location for public art.

11 We do have an illustration of the
12 potential streetscape project, how the
13 streetscape could look or new development could
14 look in downtown Yorkville, and again, we think
15 Van Emmon and Hydraulic Street would be great
16 candidates for certain streetscape improvements,
17 and we do recommend sort of taking a look at
18 developing more comprehensive streetscape
19 programs to make downtown Yorkville more
20 walkable. Obviously in this one we are showing
21 you the streetscape.

22 We like the idea of really kind of
23 branding Hydraulic Street, it's a really a cool
24 name for a street in downtown, so I was thinking

1 there could be a Hydraulic Street Brewery that
2 could open up at some point, so we think there is
3 a lot of potential for Hydraulic Street to really
4 become a nice active street especially because
5 it's near the Fox River.

6 And then last, but not least, we
7 have some recommendations on how to use the
8 comprehensive plan, sort of guide your work with
9 the Planning and Zoning Commission, guiding your
10 work with the City Council.

11 Our approach on comprehensive plans
12 is not to get too technical with them, we like to
13 have broad stroke strategies, that if you can,
14 you know, look at it and implement it. So, you
15 know, we think we were able to do that with this
16 comprehensive plan, so any questions. I know
17 there is a lot here.

18 COMMISSIONER VINYARD: How important do
19 you see a possible METRA annexation out here? It
20 is something that's kind of important.

21 I have seen other towns, how they
22 develop around that, how it actually brings
23 people from the more inner city area out this
24 way.

1 The key is jumping on the train and
2 getting to work, when you can live 20 minutes --
3 or 20 miles away from downtown and still have an
4 hour commute, so do you see that as being an area
5 where we should maybe put as much effort as we
6 can put into as a way of getting more people to
7 the community? More access to trains, the more
8 people coming out.

9 MR. KALOGERESIS: I think so. I think
10 it's the belief of our team that it's pretty
11 important. It would help the community for sure,
12 you know, because there are going to be people
13 who are going to take the train and not
14 necessarily go all the way to Chicago.

15 COMMISSIONER VINYARD: Right.

16 MR. KALOGERESIS: They may want to go
17 into Naperville.

18 COMMISSIONER VINYARD: Well, there is
19 going to be a fine line of being able to get
20 people to come out here to partially finance some
21 of these beautifications, and, you know, it kind
22 of goes hand-in-hand, you've got to put some
23 rooftops and businesses in here to pay for some
24 of it, so I think that's a great way.

1 You look at downtown Wheaton,
2 downtown Winfield, I mean, that's kind of the
3 look that you're giving here and it seemed to
4 work there, so...

5 MR. KALOGERESIS: Yeah, absolutely. I
6 mean, having a METRA station, it's just an added
7 amenity, attraction, for people, and there are
8 going to be people who want to move out here like
9 I said just because they like the small town
10 atmosphere, but may have a job somewhere else, so
11 a METRA station would help that mobility for
12 sure.

13 MS. NOBLE: Staff is actually meeting
14 with METRA in the next couple of weeks to talk
15 about a location north of Wrigley. They have
16 performed -- the funds are set aside to go
17 forward with their research and the plan for
18 feasibility.

19 COMMISSIONER VINYARD: That seems so
20 important especially to me, not that I'm going
21 to -- you know, not that I'm going to be relying
22 on it, but in the grand scheme of things, we need
23 to get people out here.

24 MS. NOBLE: Right, right.

1 COMMISSIONER VINYARD: We want our
2 business in Yorkville, not in Naperville or
3 Oswego, or -- you know, we want people to live
4 here, spend their money here and jump on a train
5 and get out of here.

6 MS. NOBLE: Right, and the natural
7 course revolved a train is retail and then
8 residential.

9 COMMISSIONER MARCUM: What's a realistic
10 timetable for METRA to make a decision like that?

11 MS. NOBLE: Well, right now they're
12 doing their feasibility study, so that can take
13 anywhere from six months to a year because they
14 have to do -- depends on how far they go with
15 their feasibility.

16 I think they're going to start over
17 with population calculations, because the last
18 time they did the feasibility study was early
19 2000's, 2001, right when the boom was still
20 taking off, hadn't crashed yet, so the numbers
21 have changed as far as population, so we'll see
22 where we are there, and then if they did decide
23 to go into the investment of engineering studies,
24 which they do have the funds for, we'll see how

1 long that may take.

2 CHAIRMAN HARKER: Thanks. You don't
3 have anything else right now, do you?

4 MR. KALOGERESIS: No.

5 CHAIRMAN HARKER: Okay. Thank you.

6 MS. NOBLE: And the staff just wants to
7 mention a few things. Just some of the
8 implementation strategies, we will be happy to
9 work on those, and so we are looking into parking
10 studies in the downtown, other aspects. Staff
11 will probably be taking on form-based code,
12 zoning layers, updating our subdivision control
13 ordinance, a lot of things that were pointed out.

14 CHAIRMAN HARKER: And that's going to
15 help everything get going.

16 MS. NOBLE: Correct.

17 CHAIRMAN HARKER: Awesome. Thank you.

18 Is there anybody here present that
19 would like to speak in favor of the request?

20 (No response.)

21 CHAIRMAN HARKER: Seeing none, is there
22 anybody here that would like to speak opposed to
23 the request?

24 (No response.)

1 CHAIRMAN LINDBLOM: Seeing none, good to
2 go. Okay.

3 Seeing that all of the public
4 testimony has been taken on this proposed request
5 at this public hearing, can I get a motion to
6 close out of our public hearing?

7 COMMISSIONER VINYARD: Motion.

8 CHAIRMAN HARKER: Second?

9 COMMISSIONER HORAZ: Second.

10 CHAIRMAN HARKER: Roll call vote on the
11 motion, please?

12 MS. YOUNG: Yes.

13 Horaz.

14 COMMISSIONER HORAZ: Yes.

15 MS. YOUNG: Marcum.

16 COMMISSIONER MARCUM: Yes.

17 MS. YOUNG: Olson.

18 COMMISSIONER OLSON: Yes.

19 MS. YOUNG: Vinyard.

20 COMMISSIONER VINYARD: Yes.

21 MS. YOUNG: Gockman.

22 COMMISSIONER GOCKMAN: Yes.

23 MS. YOUNG: Goins.

24 COMMISSIONER GOINS: Yes.

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MS. YOUNG: Harker.

CHAIRMAN HARKER: Yes. All right.

(Which were all the
proceedings had in the
public hearing portion
of the meeting.)

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

4 I, Christine M. Vitosh, a Certified Shorthand
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Christine M. Vitosh, CSR
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Memorandum

To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: September 7, 2016
Subject: **PZC 2016-03 Kendall Marketplace Sign Variance**

Summary:

On August 29, 2016 the petitioner, Alex Berman on behalf of Kendall Holdings I, LLC filed an application with the United City of Yorkville, Illinois requesting a sign variance. The sign for which the variance is being requested is an existing sign located at the northeast corner of Route 34 and Isabel Drive (see inset photograph). While the sign currently meets all Yorkville zoning standards, the planned widening of U.S. Route 34 by the Illinois Department of Transportation (IDOT) will expand the public right-of-way to within one (1) foot of the sign (see attached).

Request:

As planned, the expansion will result in the current monument sign for the Kendall Marketplace Commercial development being noncompliant with the Yorkville Zoning Ordinance *Section 10-20-6-C General Provisions: Yard Requirements* which states that signs shall be located at least five feet (5') from any driveway and lot line.



Existing Kendall Marketplace Sign

The new established lot line, once U.S. Route 34 is expanded, will be within the five foot (5') required setback and will make the sign a nonconforming structure. The Yorkville Zoning Ordinance *Section 10-15-4C Elimination of Nonconforming Buildings, Structures and Uses* states any nonconforming signs and any billboards and outdoor advertising structures shall be removed after five (5) years of their nonconformance. Therefore, the petitioner is requesting a variance to the five foot (5') setback regulations to ensure that the sign will stay in compliance and will not have to be removed within the next five (5) years. The petitioner has taken a proactive approach and is requesting the variance before the sign becomes a nonconforming structure. While the sign will be closer than five feet (5') to the new lot line, the existing walkway, proposed new bike trail, and landscaping will remain intact resulting in an approximate thirty foot (30') distance from the edge of street pavement to the actual sign.

Standards for Granting a Variance:

The Planning and Zoning Commission must base its decision to vary, or recommend varying, the Petitioner's request for relief of the Zoning Ordinance regulation upon the following standards (Section 10-4-7-C):

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
2. The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by this title and has not been created by any person presently having an interest in the property.
4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.
6. The proposed variation is consistent with the official comprehensive plan and other development standards and policies of the city.

The petitioner has provided written responses to these variance standards as part of their application and requests inclusion of those responses into the public record.

In addition to the procedures and standards listed in Section 10-4-7-C of the Zoning Code regarding variations from the requirements, the Planning and Zoning Commission also considered the following factors related to sign variance requests (Section 10-20-13: Sign Variations):

1. If the sign was erected legally with a sign permit.
2. If there are any unique physical characteristics of the property.
3. If there are limited available locations for signage on the property.
4. The cost to the applicant of complying with the requirements of this chapter.
5. If the sign is on or faces a street with a forty (40) mile per hour or higher speed limit.
6. If the sign is on a street with twenty thousand (20,000) or higher vehicle trips per day.
7. If the sign would be blocked by existing or required landscaping.
8. If it is a wall sign facing a public right of way without a public entrance.

Planning and Zoning Commission Action:

Upon closing the hearing, staff requests that the Planning and Zoning Commission make its findings for a sign variance based upon each of the standards listed above and evidence provided by the applicant during the public hearing. The purpose of the standards is to help guide you in making your decision. Municipal Code 10-4-7-D outlines occasions when the Planning and Zoning Commission may make a final determination. ***The Planning and Zoning Commission will make the final approval for this variance request since the variance is required due to an authorized governmental entity exercising eminent domain.***

After making your findings, an approval regarding the variance request is required. Your recommendation may be to approve the requested variance, recommend approval of the requested variance with condition(s), or recommend denial of the requested variance.

Staff Comments:

As stated above, this case will be reviewed and authorized by the Yorkville Planning and Zoning Commission and will not need City Council's approval. This is due to the regulation within the Yorkville Zoning Ordinance Section 10-4-7-D-1-h which states authorized variations from the regulations shall be granted by the Planning and Zoning Commission if a lot of record or a zoning lot is changed due to eminent domain by any authorized governmental domain (IDOT) proceeding.

This request was presented to the Yorkville Economic Development Committee on September 6, 2016 and received positive remarks and feedback from all committee members. This was due to the fact that the actual distance between the sign and actual street pavement will not change.

Recommendation:

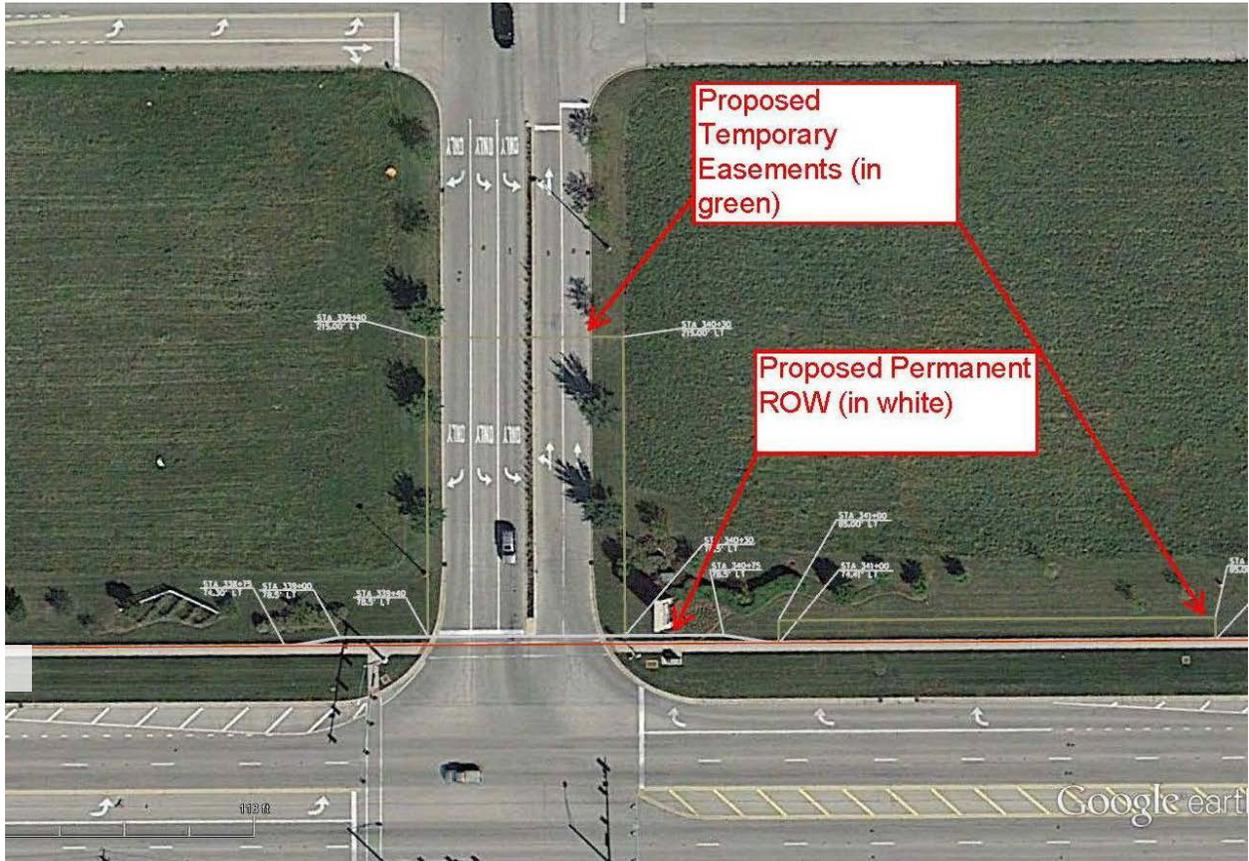
Once the new right-of-way line is designated, the existing monument sign for the Kendall Marketplace retail development will become a nonconforming sign per the Yorkville Zoning Ordinance. Since the sign will remain the same distance from the edge of the street pavement and not impede traffic or vision at the intersection, staff is recommending approval of this variance to the Planning and Zoning Commission.

Proposed Motion for Variance:

In consideration of testimony presented during a Public Hearing on September 14, 2016 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a request to vary the sign regulations contained in Section 10-20-6-C of the United City of Yorkville Zoning Ordinance to permit a free standing monument sign in a business district to be within five feet (5') of the from the property's lot line, as presented by staff in a memorandum dated September 7, 2016 and further subject to {insert any additional conditions of the Zoning Board of Appeals}...

Attachments:

1. Application
2. Public Hearing Notice



Kendall Marketplace Sign Location and Proposed Right-of-Way Designation

Application For Sign Variance Request

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	Residential R2 (PUD)
East	
South	D2-Retail
West	

Current Zoning Classification

Kendall County Parcel Number(s) of Property

see attached	
02-29-101-001	02-29-101-001
02-29-101-002	02-29-101-002
	02-29-131-001
	02-29-131-002

Application For Sign Variance Request

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".

see attached

Application For Sign Variance Request

Sign Standards

Was the sign erected legally with a sign permit?

Yes No

Are there limited available locations for signage on the property?

Yes No

Does the sign face a street with a forty (40) mile per hour or higher speed limit?

Yes No

Is the sign on a street with twenty thousand (20,000) or higher vehicle trips per day?

Yes No

Does the sign face a public right-of-way without a public entrance?

Yes No

Would the sign be blocked by existing or required landscaping?

Yes No

Please describe the cost to the applicant of complying with the sign ordinance requirements:

We have received an estimate from Doyle Signs, Inc. stating that the cost to move the sign would be at minimum \$31,600.

If there are any unique physical characteristics of the property, please describe them below:

This is a large retail center that is an important asset to Yorkville. The monument sign is critical so that drivers on Route 34 can locate the center.

Application For Sign Variance Request

Variance Standards

Please state the variance requested and the City Ordinance including the section numbers to be varied:

Upon completion of the IDOT road reconstruction, the monument sign will be non-conforming with Yorkville zoning because it will be approximately 5 feet away from the right of way. Section 10-15-4-C would require the monument sign to be moved within 5 years. We request that the City pass a variance allowing the monument sign to remain in place permanently once IDOT has completed their road reconstruction.

Please state how the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of regulations was carried out:

The need for this zoning variance comes from nothing caused by Owner; Instead, it comes as a result of IDOT needing to acquire property owned by Owner in order to perform road reconstruction on Route 34. Owner is working with IDOT to help them complete this road reconstruction but as a result, Owner's monument sign for Kendall Marketplace will be in violation of existing zoning and without a variance, would need to be removed within 5 years. As noted above, the cost to conform with existing zoning would be at least \$31,600. This is a huge financial burden that should not be imposed on Owner given the circumstances.

Please state how the conditions upon which the application for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification:

As stated above, the existing signage conforms with current zoning and will only violate zoning due to matters outside of Owner's control, specifically the road reconstruction to be performed by IDOT.

Please state how the alleged difficulty or hardship is caused by this Title and has not been created by any person presently having an interest in the property:

As noted above, this variance request is solely required because of a need by IDOT to acquire property currently owned by Owner.

Application For Sign Variance Request

Variance Standards

Please state how the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located:

After construction, this sign will still be far enough away from the actual roadway so it would not create any safety hazard. we are just trying to confirm we can keep the existing sign in place.

Please state how the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood:

The sign does not currently cause any of the above-described impairments and the widening of the road will not trigger such impairments to be caused by this sign.

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

[Handwritten Signature]

Date

8/29/16

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

Owner Signature

[Handwritten Signature]

Date

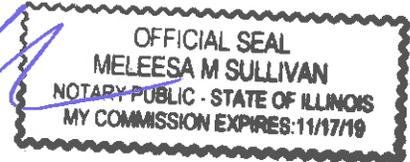
8/29/16

THIS APPLICATION MUST BE NOTARIZED

PLEASE NOTARIZE IN THE SPACE BELOW:

Alexander Berner,
as President
of Greenwood Global
Inc., Manager of
Kendall Holdings I, LLC (owner)

[Handwritten Signature]





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: Kendall Marketplex	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: Alex Berman / Kendall Holdings I, LLC Address: 707 Skokie Blvd, Northbrook, IL 60062 City: Northbrook State: IL Zip Code: 60062
 Telephone: 312 915 0690 Mobile: 312 376 5962 Fax: E-mail: aberman@gwdglobal.com

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: Alexander Berman Title: President of Greenwood Global Inc, the manager of Kendall Holdings I, LLC
 Signature*: *[Signature]* Date: 8/29/16

**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 ROUNTING FOR AUTHORIZATION: Comm Dev. Building Engineering Finance Admin.

**A MOTION OF THE PLANNING AND ZONING COMMISSION OF THE
UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, GRANTING
A SIGN VARIANCE FOR THE SIGN LOCATED AT THE NORTHEAST
CORNER OF ROUTE 34 AND ISABEL DRIVE
(Kendall Marketplace)**

WHEREAS, Section 10-4-7D of the United City of Yorkville Zoning Ordinance (“Zoning Code”) authorizes the Planning and Zoning Commission (“P&ZC”) to consider the approval of authorized variations in Section 10-4-7D.1 of the Zoning Code; and,

WHEREAS, application PZC 2016-03, filed by Kendall Holdings I, LLC (the Applicant”), requested variance from Section 10-20-6C to allow the existing conforming free-standing monument sign located at the northeast corner of Route 34 and Isabel Drive to be closer than five feet (5’) to the lot line after expansion of the Route 34 right-of-way by the State of Illinois with respect to the real property described in Section 1 herein (the “Subject Property”); and,

WHEREAS, the variance is requested by the Applicant to avoid the legal non-conforming status of the sign after the expansion of the right-of-way; and,

WHEREAS, Notice of a public hearing on said application was published and pursuant to said notice the P&ZC of the City conducted a public hearing on September 14, 2016, on said application in accordance with the State statutes and the ordinances of the City; and,

WHEREAS, the P&ZC made the required written Findings of Fact finding that the variation met the standards in Section 10-4-7C and Section 10-20-13 of the Zoning Code.

NOW, THEREFORE, the Planning and Zoning Commission hereby finds as follows:

Section 1: That this Motion shall apply to the Subject Property commonly known as the Kendall Marketplace development and legally described on Exhibit A attached hereto and made a part hereof by reference with Property Index Numbers of 02-29-101-001 and 002, and 02-29-131-001 and 002.

Section 2: That a variation pursuant to Section 10-4-7 and 10-20-13 of the Zoning Code to permit the existing free standing monument sign to be located closer than five feet from the lot is hereby granted for the Subject Property.

Section 3: That the sign shall continue to be constructed, operated and maintained in accordance with the requirements of the Yorkville City Code.

Section 5: That the approval of the variance shall be subject to the following conditions: _____

Approved by the Planning and Zoning Commission of the United City of Yorkville, Kendall County, Illinois this ___ day of _____, 2016.

Chairperson

Community Development Director

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2016-03

NOTICE IS HEREWITH GIVEN THAT Alexander Berman, Petitioner, on behalf of Kendall Holdings I, LLC, Owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to vary the requirements of City Code Section 10-20-6-C regarding Yard Requirements for signs to allow an existing multi-tenant business sign to be located less than five feet (5') from any driveway and lot line. The existing sign is located at the entrance to the Kendall Marketplace shopping center at US 34 and Isabel Drive. The request is a result of the pending widening and reconstruction of US 34 by the Illinois Department of Transportation.

The overall real property consists of approximately 193 acres, and is located at the northwest corner of U.S. Route 34 and Cannonball Trail in Yorkville, Illinois and is commonly known as Kendall Marketplace. The legal description and specific parcels affected by the proposed variances are as follows:

LEGAL DESCRIPTION OF DEVELOPER TRACT

PART OF LOTS 1 AND 5 IN KENDALL MARKETPLACE, ACCORDING TO THE PLAT RECORDED AS DOCUMENT NUMBER 200700014779 IN THE KENDALL COUNTY RECORDER'S OFFICE, DESCRIBED AS FOLLOWS, USING BEARINGS AND DISTANCES REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE (NAO 83, 2011 ADJ.): COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 85 DEGREES 32 MINUTES 16 SECONDS EAST 148.84 FEET ALONG THE SOUTH LINE OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE NORTH 84 DEGREES 56 MINUTES 58 SECONDS EAST 25.35 FEET; THENCE SOUTH 85 DEGREES 30 MINUTES 38 SECONDS EAST 175.00 FEET; THENCE SOUTH 76 DEGREES 12 MINUTES 34 SECONDS EAST 25.33 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 85 DEGREES 32 MINUTES 16 SECONDS WEST 225.00 FEET ALONG THE SOUTH LINES OF LOTS 1 AND 5 TO THE POINT OF BEGINNING, CONTAINING 0.019 ACRE (830 SQUARE FEET), MORE OR LESS, (AREA BASED ON GROUND MEASUREMENTS), SITUATED IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, STATE OF ILLINOIS.

P.I.N.: 02-29-101-001, 02-29-101-002, 02-29-131-001 and 02-29-131-002

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said variance request on Wednesday, September 14, 2016 at 7 p.m. at the Yorkville City Hall, 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
Jason Engberg, Senior Planner
Date: September 6, 2016
Subject: **City Council Action Updates**

Purpose

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

City Council Action:

The City Council reviewed the Planning and Zoning Commission's recommendation regarding the following items during their meeting held on August 23, 2016 and made the following final determination as indicated in their vote below:

1. **PZC 2016-01** The United City of Yorkville will conduct a public hearing regarding the adoption of a proposed update to the Yorkville Comprehensive Plan, including a new future land use map, pursuant to section 11-12-7 of the Illinois Municipal Code (65 ILCS 5/11-12-7) and Section 9-1-1 of the Yorkville City Code.

Item was presented as a 1st reading at the 8-23-16 meeting and a final determination will be made at the 09-13-16 meeting. Staff will provide a verbal update will be provided at the Planning and Zoning Commission meeting.

2. **PZC 2016-02** Jet's Towing and Services, petitioner, has filed an application with Kendall County requesting a Zoning Map Amendment (rezoning) from A-1 Agricultural to M-1 Limited Manufacturing. The property is located at 790 Eldamain Road in Bristol Township and is currently being used for a towing and truck storage area.

The City Council members voted unanimously to file a formal objection with the Kendall County Board urging denial of the petition for rezoning. The vote record is below and staff has attached the executed resolution provided to Jeff Wilkins, Kendall County City Administrator.

Colosimo-aye; Koch-aye; Kot-aye; Milschewski-aye; Funkhouser-aye; Frieders-aye; Tarulis-aye; Teeling-aye.

8 ayes; 0 nays.

Resolution No. 2016-28

**A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
RECOMMENDING DENIAL AND FILING OF A WRITTEN PROTEST TO THE PROPOSED
REZONING REQUEST IN PETITION NUMBER 16-22 FOR THE PROPERTY AT
790 ELDAMAIN ROAD IN BRISTOL TOWNSHIP**

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, J. A. Schleining LLC (the “Applicant”) has filed an application with the County of Kendall for the rezoning of its property at 790 Eldamain Road from A-1 Agricultural to M-1 Limited Manufacturing for a truck towing and truck storage business that is within 1.5 miles of the corporate limits of the City; and,

WHEREAS, the City has adopted a Comprehensive Plan that includes the Applicant’s property which update designated this property for estate/conservation residential uses; and,

WHEREAS, the City’s Planning and Zoning Commission considered the rezoning petition at its public meeting on August 15, 2016 and recommended by a 7 aye and 0 no vote to the City Council that such request be denied and a formal objection by written protest be filed by the City in that the proposed manufacturing use is currently being operated in violation of the existing Kendall County zoning regulations, that it was inappropriate when compared to the surrounding agricultural zoned uses and that it is inconsistent with the City’s Comprehensive Plan Update; and,

WHEREAS, the Mayor and City Council (the “Corporate Authorities”) have considered the recommendation of the Planning and Zoning Commission and agree that the rezoning does not meet the factors established by the Illinois Supreme Court in the *LaSalle National Bank* and *Sinclair Pipe Line* cases in that:

1. The existing uses and zoning of the nearby property are agricultural and the rezoning would create spot zoning of incompatible uses,
2. The property values of the adjacent property would be diminished by the rezoning allowing such dissimilar uses to be adjacent,
3. The reduction of adjacent property values would not promote the health, safety, morals and general welfare of the public,
4. There is no relative gain for such a business that is lawfully permitted in many other locations in the County compared to the potential hardships of adjoining property owners,
5. The suitability of the property for this use cannot be assumed because such a use is currently in violation of the county’s zoning regulations and rezoning will not change the reason that it is currently in violation,
6. The property has not been vacant considering the land use in the area,
7. There is no community need for such a use as such a use is permitted in many other locations in the County, and

8. The City has undertaken much review and care in the adoption of its Zoning Ordinance and Comprehensive Plan Update that makes the rezoning uses inconsistent with those regulations; and,

WHEREAS, the Corporate Authorities concur with the recommendation of the Planning and Zoning Commission for the denial of this rezoning and the filing of this written protest requiring the favorable vote of ¾ of all members of the County Board if such application was considered for approval pursuant to Section 5-12014 of the Counties Code (55 ILCS 5/5-12014).

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

Section 1: The above recitals are incorporated herein and made a part of this Resolution.

Section 2: That the Corporate Authorities hereby request that the Kendall County Board deny the rezoning application, Petition Number 16-22, for 790 Eldamain Road or in the alternative not approve without a ¾ vote of the County Board and require all business operations to be within enclosed buildings and not allow any storage on gravel surfaces.

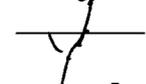
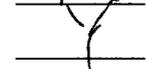
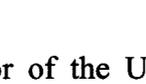
Section 3: That the City Clerk shall send a certified copy of this Resolution to the Kendall County Department of Planning, Building & Zoning and to the Kendall County Clerk. The City Clerk shall also send a copy by certified mail to the applicant and applicant's attorney.

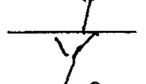
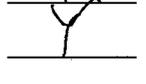
Section 4: This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this

23 day of August, 2016.


CITY CLERK

CARLO COLOSIMO 
JACKIE MILSCHEWSKI 
CHRIS FUNKHOUSER 
DIANE TEELING 

KEN KOCH 
LARRY KOT 
JOEL FRIEDERS 
SEAVER TARULIS 

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this

26 day of AUGUST, 2016.


MAYOR