SPECIAL PLANNING & ZONING COMMISSION

City Council Chambers 800 Game Farm Road, Yorkville, Il Wednesday, January 18, 2017 7:00pm

<u>Planning & Zoning Commission Members in Attendance:</u>

Reagan Goins Jeff Olson
Deb Horaz Bill Gockman
Richard Vinyard Randy Harker

Absent: Don Marcum

Other City Staff

Krysti Barksdale-Noble, Community Development Director Jason Engberg, Senior Planner

Other Guests

Christine Vitosh, Court Reporter

Meeting Called to Order

Planning and Zoning Commission 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 November 9, 2016

The minutes of the meeting were approved on a motion and second by Commissioners Vinyard and Goins, respectively.

Roll call: Harker-yes, Goins-yes, Horaz-yes, Vinyard-yes, Olson-yes, Gockman-yes. Passed 6-0.

Citizen's Comments None

Public Hearings

The following two Public Hearings were opened at 7:03pm on a motion by Ms. Horaz and second by Mr. Vinyard. Roll call: Horaz-yes, Vinyard-yes, Olson-yes, Gockman-yes, Harker-yes, Goins-yes. Passed 6-0.

1. PZC 2016-04 The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amedment to Chapter 13: Manufacturing Districts, to revise the performance standards section to reference the building regulations as the new noise ordinance standards.

2. PZC 2016-05 The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to several Chapters of the United City of Yorkville Zoning Ordinance including Chapter 2: Definitions; Chapter 6: Permitted and Special Uses; and Chapter 15: Nonconforming Buildings, Structures, and Uses. The amendments to Chapter 2 define a semi-truck, semi-truck repair, and clarify the commercial school/trade school definition. The Chapter 6 amendment will provide that semi-truck repair is only allowed as a permitted use in the M-1 Manufacturing District and M-2 Manufacturing District. The Chapter 15 amendment will provide clarification for nonconforming land uses within the City.

(See Court Reporter's Transcripts)

The Hearings concluded at 7:22pm on a motion by Commissioners Vinyard and Goins. Roll call: Vinyard-yes, Olson-yes, Gockman-yes, Harker-yes, Goins-yes, Horaz-yes. Passed 6-0.

Old Business None

New Business

1. PZC 2016-04 Text Amendment (see description above)

Action Item

Text Amendment

A motion was made by Mr. Vinyard as follows: "In consideration of testimony presented during a Public Hearing on January 18, 2017, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the performance standards regarding noise contained in Section 10-13C-2 of the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated January 11, 2017." Motion seconded by Ms. Horaz.

Roll call: Olson-yes, Gockman-yes, Harker-yes, Goins-yes, Horaz-yes, Vinyard-yes. Motion approved 6-0.

2. PZC 2016-05 Text Amendment (see description above)

Action Item

Text Amendment

A motion was made by Mr. Vinyard as follows: "In consideration of testimony presented during a Public Hearing on January 18, 2017, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated January 11, 2017." Motion seconded by Mr. Gockman.

Roll call: Gockman-yes, Harker-yes, Goins-yes, Horaz-yes, Vinyard-yes, Olson-yes. Motion passed 6-0.

Additional Business

- 1. Year in Review
- a. Comprehensive Plan Updates

In a memo and verbal update to the Planning and Zoning Commission, Ms. Noble presented a summary of departmental actions in 2016 and information about the

Comprehensive Plan and implementation strategies. She also noted that Mr. Engberg and a part-time building inspector had been hired during the year. Ms. Noble will present an annual report at the start of each new year.

Adjournment

There was no further business and the meeting was adjourned at 7:43pm on a motion by Mr. Olson.

Respectfully submitted by Marlys Young, Minute Taker

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(The following
proceedings were had in
public hearing:)

CHAIRMAN HARKER: Moving down to the public hearing portion, tonight there are two public hearings scheduled for tonight's Planning and Zoning Commission meeting.

The purpose of the hearings are to invite testimony from members of the public regarding proposed requests that are being considered before the Planning and Zoning Commission tonight.

The public testimony from persons present who wish to speak may be in favor or against the request, or have questions for the petitioners regarding the requests being heard.

Those people wishing to testify are asked to speak clearly, one at a time, state your name, who you represent, if anyone. You are also asked to sign in at the podium, and if you are planning to speak tonight as a petitioner or member of the public, please stand and raise your right hand and repeat after me.

Nobody is here. Nobody is present.

1 Okay.

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So moving on now, we're going to hear the petitioner, staff, and move on, so can I get a motion to open the public hearing on petition number PZC 2016-04 and PZC 2016-05?

MS. HORAZ: So moved.

MR. VINYARD: Second.

CHAIRMAN HARKER: Awesome. Roll call

vote on the motion.

MS. YOUNG: Horaz.

MS. HORAZ: Yes.

MS. YOUNG: Vinyard.

MR. VINYARD: Yes.

MS. YOUNG: Olson.

MR. OLSON: Yes.

MS. YOUNG: Gockman.

MR. GOCKMAN: Yes.

MS. YOUNG: Harker.

CHAIRMAN HARKER: Yes.

MS. YOUNG: And Goins.

MS. GOINS: Yes.

CHAIRMAN HARKER: Okay. PZC 2016-04,

23 the United City of Yorkville, Kendall County,

24 Illinois, petitioner, is requesting a text

amendment to Chapter 13, Manufacturing Districts, to revise the performance standards section to reference the building regulations as the new noise ordinance standards.

MR. ENGBERG: All right. I'll give a little quick summary of what's been going on. So the City's noise ordinance is getting updated. This is not -- The actual noise ordinance is not in the Zoning Ordinance, it's in the Public Health and Safety Code, but -- So overall in 2014 the City took it upon ourself to update some of the standards. It was rewritten based on just staff and surrounding municipalities due to there was a proposed downtown amphitheater, so it was in preparation to make sure there wasn't too much noise there.

In 2015 there had been some complaints by nearby residents from Pinheadz bar about excessive noise and vibration. Staff tried to work with Pinheadz and the neighbors with site visits, trying to see what the problem was, and the readings outside of the area were within the City's noise ordinance, so -- but there was still clearly lots of vibration and noise, so it didn't

really seem right that everybody was kind of getting affected by this, so the City then searched to retain a city consultant, Soundscape Engineering, which is -- they provide noise ordinance, things like that. They are consultants basically that look into noise.

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So Soundscape Engineering was retained to do a full study on that certain issue at Pinheadz bar and to help us rewrite the noise ordinance.

Attached to the memo is their complete report, if you want to read it. proposed several different changes to the noise ordinance.

I won't go in detail on all of them, but it kind of changes decibel level for uses, added a table and additions and subtractions to certain types of noise, so that pounding, pulsating noise, it has to be lower than sometimes just other noise, and your next door resident, there is modifiers. So basically this is kind of the story of that ordinance.

What we're requesting here is in our performance standards in the Manufacturing

District there are regulations regarding noise, so we have amended them to reference the new incoming noise ordinance, so that's what we're requesting as a change, is to -- everything in that performance standard regarding noise and vibration, a lot of it was changed just to reference the new noise ordinance so that we would be consistent between zoning and public health and safety.

MR. OLSON: Is the change in this affect anything that Pinheadz has to do currently, do they have to come into compliance?

MS. NOBLE: Well, this amendment is the precursor to one we are going to adopt for those changes, so once those changes are adopted, because it's in the public -- Public Health and Safety Code, which is administered through the police department, the Public Safety Committee has to review it at committee level and then it will go to City Council, so once it's approved by City Council, then they --

 $$\operatorname{MR}.$ OLSON: Then Pinheadz has to do something.

MS. NOBLE: Yes. But in the interim

what the City has done, we did engage Soundscape Engineering to put a proposal together to do a specific sound study on that site, not just to change our complete ordinance.

We engaged Pinheadz to see if they wanted to cost share in that, so we're working through that. They have made some interior modifications to address some of the noise from the machinery, which is in a metal portion of the building, which is like maybe 10 or 15 feet from the adjoining residential property lines.

CHAIRMAN HARKER: That's very close.

MS. NOBLE: It's very close. It's very close. We explored maybe heightening the fence, but there are some other building -- probably more sound walls can -- you know, possibilities, heightened parapet wall that can be done, but we won't know until the sound study comes back because we're not quite sure if it's the DJ component of the facility, because they do have DJ and live bands there, or if it's the actual machinery, so we're kind of at a loss.

I was at the site and they had the DJ going and, I mean, he was playing some very

loud thumping bass and I could not hear it on the outside, but the adjacent homes could feel the vibration, so that's where the issue is.

Our noise meters go out there and they're not hitting the mark, but yet the homes next to it are feeling the vibration.

There was also -- Jeff Olson brought up a good point prior to the meeting about the vibration and sound. There are exemptions that we are proposing, not in this section that you guys are looking at, but just as an FYI, when we adopt the new sound ordinance, there are exemptions, and one of them is for construction activity because you're going to hit that vibration, and if you see on your guides, Jeff can explain a little bit more what this is about.

MR. OLSON: So I'm in demolition and we get hollered at all the time for causing vibrations on neighboring structures, so this form that's printed out on all your tables is the seismic email I get every day every time one of my guys trips a sensor on a site, and looking at the data from the old ordinance, the limits that they were setting, if you look at, for instance,

right in the center of the page is a peak vector sum, 0.343 inches per second on there.

I'm no scientist, I can't tell you what that means, but what I do know is that is just me running a machine, Caterpillar excavator, across the back of my site, just driving and I tripped this vibration monitor 25, 30 feet away, so what I was trying to explain to Krysti was if we adopt these standards in Table 15, which are .10, .12, .20, .24, just by driving equipment adjacent to these areas, we're already exceeding. Doesn't make sense.

So if in the future someone were want to wreck a building in downtown Yorkville where you do have buildings sitting right up against adjacent buildings, you're going to trip that monitor by even coming on the site, and so it would make it cost prohibitive to actually wreck anything in downtown Yorkville.

Conventionally you'd have to pay -instead of a \$200,000 job, it would be a million
dollar job. That doesn't help anybody who is
building in downtown.

MS. NOBLE: So how we plan to address

this is in the exemption, we will make sure that we note not just noise, but vibration.

CHAIRMAN HARKER: Let's go to public hearing number two, which is PZC 2016-05, the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to several chapters of the United City of Yorkville Zoning Ordinance, including Chapter 2, Definitions; Chapter 6, Permitted and Special Uses; and Chapter 15, Non-Conforming Buildings, Structures and Uses.

The amendments to Chapter 2 define a semi truck, semi truck repair, and clarify the commercial school/trade school definition.

The Chapter 6 amendment will provide that semi truck repair is only allowed as a permitted use in the M-1 Manufacturing District and M-2 Manufacturing District.

The Chapter 15 amendment will provide clarification for non-conforming land uses within the City.

MR. ENGBERG: All right. And me and Krysti are going to give you an update and just kind of quickly go over what we're doing here.

So over the course of, you know, the time of the year, several little things will come up that could use clarification, a little more clarity, in the Zoning Ordinance, so things that are ambiguous, you know, we try and make a little more clear.

The first, semi truck and semi truck repair, we're proposing to add a definition for semi truck and semi truck repair. Currently we do not have a definition for an automobile, we have a definition for motor vehicle, which includes basically anything that's pulled by a motor, and then there is automobile repair, talking about engine main things being repaired, cars, things like that, but it doesn't specifically call out semi truck.

So automobile repair is allowed in the Business Districts, you know, your Tuffy's, your oil change places, things like that. It's automobile repair.

What we were having is a possibility of a semi truck repair being done in a business district, and it doesn't really -- it's not really very consistent with what that district's

for, for large semis to be in business districts, so what we were proposing is to define what a semi truck is, define semi truck repair, and then allow it in the M-1 and M-2 districts where semi trucks typically go. So that is our first proposal for that.

MS. NOBLE: Historically, semi truck repair has occurred in Manufacturing Districts and we haven't had an incident where semi truck repair was occurring in a Business District until we came upon a business that had not come to the City to get an occupancy permit. We got a complaint and we went out and we investigated.

What was unclear looking at that current definition of automobile repair, adding the -- having determined there were trailers, there was some discussion that that could be misinterpreted by an individual to say well, it's a semi trailer repair business, so that's why we're looking to clarify this and make sure that these larger sized repairs happen in the appropriate Manufacturing District.

MR. OLSON: The company is currently in Yorkville that repair semis and semi trailers,

1 Illinois Truck Maintenance, on 71 and 47. I know 2 there is another guy down --3 MS. NOBLE: On 126. MR. OLSON: Yes. None of them are 4 5 affected by this because they're outside, right? 6 MS. NOBLE: They're in the M-1. They 7 are actually in the M-1. 8 CHAIRMAN HARKER: What about the one 9 that's... No, no, that's different. 10 MS. NOBLE: 11 CHAIRMAN HARKER: That's a different 12 business that shouldn't be in there, right? MS. NOBLE: That one was out in the 13 14 county, so that was our county review. 15 CHAIRMAN HARKER: Oh, okay. 16 MS. NOBLE: But that is something that's in our mile-and-a-half planning area, so if we 17 18 ever were to annex that property or our 19 boundaries expand, we want to make sure those 20 types of uses don't occur in areas. 21 And that was an ag use, but what 22 prompted this was actually a user that had an 23 accessory building on the lot, and it was very

close again to residential, and with these semi

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truck repairs, it brought about a lot of complaints, so we went out there and that's when we discovered, (A), you don't have an occupancy permit, and (B), you wouldn't be allowed here anyway.

MS. HORAZ: So are we changing this for that situation?

MS. NOBLE: We're just clarifying it, making it more clear, that if anyone in the future -- say I'm gone or Jason is gone, that they know our Zoning Ordinance, the reference to trailers is not to semi truck repair in the Business District, it's only allowed in Manufacturing.

CHAIRMAN HARKER: Excellent.

MR. ENGBERG: Do you want to cover trade schools?

MS. NOBLE: Sure. So if you recall,
last year we approved a special use for an
alternative holistic school to go in the
Manufacturing District, so it was very clear at
that time that the user was using the space for
classroom instructional type of use and not
including the traditional type of amenities that

you would find in a school, a typically zoned school, like a gymnasium or a cafeteria, so they were just renting space to do the structured classroom activities.

What we've come across is the way that that definition was written originally is that the inclusion of the word "academic" opens the door for traditional schools now to reside in a Manufacturing District or a Commercial District, so we wanted to clarify that and then make a distinction by the type of activities or amenities that you would find.

So say if there is a small homeschool-based group of parents that want to rent out space in a Manufacturing District or in a Business District, an office or two, to do classroom instruction, they can do that under this definition, but if a traditional school finds a business building and then wants to occupy it as a school, then they can't do that.

The impetus behind this is that commercial areas should be maintained for commercial uses, tax-paying uses -- tax-generating uses rather, than to be used by a

school that could then be exempt from that and take valuable land off the tax rolls. So that was the clarification.

MR. OLSON: The only question I had was in the Zoning Ordinance, the use of the word "auditorium". I wondered about that.

If you had a commercial trade school, what's the difference between a large group instruction room, where you're actually teaching them, and an auditorium, trying to exempt certain things? Make sure it's not -- I can clearly see gymnasium used for recreational activities, but I wondered about the word "auditorium".

MS. NOBLE: Sure. So auditorium was called out for two reasons. Outside of the Zoning Ordinance, in the Building Code, you have uses. If you are in construction, you understand that.

You have A-use groups, which are your assembly-type uses, and then you have your B-type uses, which are businesses. Auditoriums typically fall under that A class.

Where you have a high capacity of

individuals in an area like this, it would add a certain threshold, require sprinkling, egress and ingress changes, whereas if it was a classroom setting --

MR. OLSON: It's a different one.

MS. NOBLE: Yeah. The capacity isn't as large, and then you have different regulations for that. But I will look up if we define it in our Zoning Ordinance.

MR. OLSON: The way you described it makes sense.

MS. NOBLE: And we do not have a definition, so when we don't have a definition, our Zoning Ordinance tells us to then fall back on the most current version of the Webster's dictionary for that word.

CHAIRMAN HARKER: Awesome. Anything else?

MR. ENGBERG: For non-conforming land uses, this will be our final recommendation.

Currently the situation is there are a lot of agricultural lands which may be subject to elimination upon the expiration of an annexation agreement, so we have several annexation — many

annexation agreements within the City that were agricultural land, it was a plan that was approved, but then nothing happened, so that agricultural land is a legal non-conforming use.

Now, in some of these annexation agreements there is language saying well, if it's still agricultural, that's fine, you know, it's okay, but there are some that aren't, so upon the expiration of an annexation agreement, which is typically 20 years, it's possible that that agricultural land then would have to conform to whatever the zoning was, so we just wanted to add this exemption to say okay, 20 years comes down the road and you've been a farm for 50 years, you don't have to all of a sudden stop work. That's pretty much the purpose behind that recommendation.

MS. NOBLE: And what will happen, say we didn't have this clause on a property that didn't have in their annexation agreement that language, we would then say all right, you're zoned residential, you have to stop farming and utilize this land for residential use only or you can be fined, or then you can come back and request an

extension, but you only get two years, so every 1 2 two years you have to keep coming back, so it 3 becomes an administrative issue, and it's not clear to any future buyer that they would have to 4 5 do that. CHAIRMAN HARKER: Since all the public 6 testimony regarding these requests have been 7 taken, may I have a motion to close the taking of 8 9 testimony in this public hearing? 10 MR. VINYARD: So moved. 11 MS. GOINS: Second. 12 MR. OLSON: Second. 13 CHAIRMAN HARKER: Awesome. Roll call 14 vote on the motion to close, please. 15 MS. YOUNG: Vinyard. 16 MR. VINYARD: Yes. MS. YOUNG: 17 Olson. 18 MR. OLSON: Yes. 19 MS. YOUNG: Gockman. MR. GOCKMAN: 20 Yes. 21 MS. YOUNG: Harker. 22 CHAIRMAN HARKER: Yes. 23 MS. YOUNG: Goins. 24 MS. GOINS: Yes.

STATE OF ILLINOIS)) SS. COUNTY OF LASALLE)

I, Christine M. Vitosh, a Certified Shorthand Reporter, do hereby certify that I transcribed the proceedings had at the pubic hearing and that the foregoing, Pages 1 through 22, inclusive, is a true, correct and complete computer-generated transcript of the proceedings had at the time and place aforesaid.

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

As certification thereof, I have hereunto set my hand this 31st day of January, A.D., 2017.

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Christine M. Vitosh, CSR Illinois CSR No. 084-002883

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