



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

SPECIAL PLANNING AND ZONING COMMISSION AGENDA

Wednesday, October 18, 2017

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 9, 2017

Citizen's Comments

Public Hearings

1. **PZC 2017-11** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 3: General Zoning Provisions of the United City of Yorkville Zoning Ordinance to create a new section regarding temporary sidewalk and parklet cafés. The amendment will provide a guide for businesses to offer outdoor seating and food/beverage service adjacent to their establishment within the public sidewalk and right-of-way that are safe and attractive to restaurant patrons and pedestrians.
2. **PZC 2017-12** Mark Southern, petitioner, on behalf of Michael and Molly Schomer, property owners, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and a variance to the City's bulk regulations for rear yard setback. The petitioner is requesting rezoning approval from R-1 Suburban Residential District and R-2 Single Family Traditional Residence District to B-2 Retail Commerce Business District. The petitioner is also requesting to vary the requirement of City Code Section 10-7-1 regarding minimum required rear yard setbacks. The proposed rear yard would be reduced from twenty feet (20') to zero feet (0'). The real property is located east of IL. Route 47 (N. Bridge Street), south of E. Main Street and immediately north of the Fox River, commonly known as 104 North Bridge Street, Yorkville, Illinois 60560.

Old Business

New Business

1. **PZC 2017-11** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 3: General Zoning Provisions of the United City of Yorkville Zoning Ordinance to create a new section regarding temporary sidewalk and parklet cafés. The amendment will provide a guide for businesses to offer outdoor seating and food/beverage

service adjacent to their establishment within the public sidewalk and right-of-way that are safe and attractive to restaurant patrons and pedestrians.

- **Action Item**

Text Amendment

2. **PZC 2017-12** Mark Southern, petitioner, on behalf of Michael and Molly Schomer, property owners, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and a variance to the City's bulk regulations for rear yard setback. The petitioner is requesting rezoning approval from R-1 Suburban Residential District and R-2 Single Family Traditional Residence District to B-2 Retail Commerce Business District. The petitioner is also requesting to vary the requirement of City Code Section 10-7-1 regarding minimum required rear yard setbacks. The proposed rear yard would be reduced from twenty feet (20') to zero feet (0'). The real property is located east of IL. Route 47 (N. Bridge Street), south of E. Main Street and immediately north of the Fox River, commonly known as 104 North Bridge Street, Yorkville, Illinois 60560.

- **Action Item**

Rezoning and Variance

Additional Business

1. City Council Action Updates

The following items were presented to the City Council on August 22, 2017.

- a. **PZC 2017-10** Tom McNelis, Petitioner, has filed an application with Kendall County requesting a map amendment to rezone his approximately 3.86-acre property from A-1 to R-1 to allow for the construction of a new residential home. The real property is located at 14000 Block of Budd Road, approximately 0.98 miles from Millbrook Road on the north side of Budd Road in unincorporated Fox Township

Action – Motion approved by City Council

2. 2018 Planning and Zoning Commission Meeting Schedule
3. Request for Proposal – Downtown Overlay District Streetscape Master Plan Form Based Code
4. Discussion of Annual Planning and Zoning Commission Training Session

Adjournment

DRAFT

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, August 9, 2017 7:00pm

Meeting Called to Order

Planning and Zoning Commission Chairman Randy Harker called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Bill Gockman-present, Deborah Horaz-present, Don Marcum-present, Jeff Olson-present, Richard Vinyard-present, Randy Harker-present

Absent: Reagan Goins

City Staff

Krysti Barksdale-Noble, Community Development Director

Other Guests None

Previous Meeting Minutes July 12, 2017

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

Roll call: Horaz-yes, Marcum-abstain, Olson-yes, Vinyard-yes, Gockman-yes, Harker-yes. Carried 5-yes and 1 abstain

Citizen's Comments None

Public Hearings None

Old Business None

New Business

1. PZC 2017-10 Tom McNelis, Petitioner, has filed an application with Kendall County requesting a map amendment to rezone his approximately 3.86-acre property from A-1 to R-1 to allow for the construction of a new residential home. The real property is located at 14000 block of Budd Road, approximately 0.98 miles from Millbrook Road on the north side of Budd Road in unincorporated Fox Township.

Ms. Noble said the surrounding property is all zoned ag, it is outside the boundaries of Yorkville's Comprehensive Plan and is on the Millbrook side. Ms. Noble said staff has no objections to the request and the Commission also had none.

Action Item

1-1/2 Mile Review (Map Amendment Rezoning)

No objections from the Commissioners.

Additional Business

1. City Council Action Updates: PZC 2017-09 Anthony Place, senior independent living facility plat was approved unanimously on July 25, 2017 and a groundbreaking has taken place.

Adjournment

There was no further business and the meeting was adjourned at 7:04pm on a motion by Commissioners Marcum and Gockman, respectively.

Respectfully submitted by
Marlys Young, Minute Taker



Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: September 20, 2017
Subject: **Side walk Café and Parklet Regulations – Public Hearing**
Text Amendment

Background/Proposed Request

Late last year, staff was approached by a downtown business owner seeking options to enhance the experience of their patrons by offering outdoor seating and food/beverage service adjacent to their establishment within the public sidewalk. Since the City currently offers outdoor patio liquor licenses for restaurants on private property, the ability to offer patio service within a public right-of-way was not allowed. Therefore, we are recommending a text amendment to the Zoning Ordinance to permit such uses within the public sidewalk and public right-of-way, as well as a future amendment to the City's Liquor Ordinance to identify outdoor café license as a separate liquor class category to complement the new use.

Staff Comments

It is staff's position, sidewalk cafés and parklet cafés contribute to a vibrant urban culture and enhance Yorkville's downtown streetscape into a more dynamic place to walk, socialize and dine. Sidewalk and parklet cafés are temporary dining areas that occupy part of the public right-of-way (sidewalk or on-street parking stall) during eating establishment hours. The attached proposed ordinance is a guide to creating temporary sidewalk and parklet cafés that are safe and attractive to restaurant patrons and pedestrians. The proposed ordinance provides acceptable dimensions for café access and for public right-of-ways, sidewalk café barriers, parklet design guidelines and the layout of these outdoor service areas.

Staff has researched over a dozen communities in Illinois and around the country for ideas and concepts related to regulating sidewalk cafés and parklets. The attached draft ordinance provides that permits would be issued for an annual fee by the Community Development Department. Applicants must submit a site plan, a diagram of the seating area, and provide indemnification and insurance to the City. Permit fees would vary based upon the size of the public right of way area being used, ranging from \$50.00 to \$100.00. Permits must be posted on the premises, and food cannot be prepared or stored in the public right of way area. These temporary uses are permitted between the months of April 1st to October 31st; provide for a minimum of five-foot area for walking aisles; and provides for specific aesthetic regulations of barriers, street furniture materials and signage.

At present, there is one (1) business seeking outdoor sidewalk café seating areas within the City's downtown public right of way, but there exists a potential for approximately 10-12 businesses to have either a sidewalk café or parklet (refer to attached map). Annual permit fees from these users would provide a revenue stream to allow for some of the necessary regulation and oversight of such operations, although the exact staff time needed or financial impact has yet to be determined.

Staff Recommendation

Based upon research used to prepare the the attached draft ordinance, staff is recommending approval of specific design guidelines and regulations for sidewalk and parklet café's within all

business districts of the City, which includes B-1 Local Business District, B-2 Retail Commerce Business District, B-3 General Business District and B-4 Service Business District. Staff will be available at Wednesday night's meeting to discuss this request in greater detail.

Proposed Motion for Amendment:

In consideration of testimony presented during a Public Hearing on October 18, 2017 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for a text amendment to Chapter 3: General Zoning Provisions of the United City of Yorkville Zoning Ordinance to create a new section regarding temporary sidewalk and parklet cafés in the Zoning Ordinance as recommended in a staff memo dated September 20, 2017, and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments:

1. Draft Text Amendment
2. Map of Proposed Sidewalk & Parklet Café' locations in the Downtown
3. Copy of Public Notice

TITLE 10: ZONING

CHAPTER 3: GENERAL ZONING PROVISIONS

SECTION 13: TEMPORARY AND SEASONAL USES

PURPOSE:

To further encourage the revitalization of the downtown and other areas within the City, these standards, guidelines and procedures are intended to provide a temporary but unique environment for relaxation, social interaction, and food or beverage consumption within the public right-of-ways and public sidewalks without impeding the free and safe flow of pedestrian or vehicular traffic.

DEFINITION:

SIDEWALK CAFÉ: A temporary outdoor dining area consisting of a group of tables, chairs or other seating fixtures and all related appurtenances located on a public sidewalk where patrons may consume food and/or beverages provided by an abutting business establishment having the same operator. Such establishments may either provide table service in the outdoor dining areas or sell takeout items to be consumed in the outdoor dining area. These regulations do not apply to outdoor dining on private property.

PARKLET CAFÉ: A temporary expansion of a business creating an outdoor dining facility on part of the public street right-of-way that immediately adjoins the licensed premises for the purpose of consuming food and/or beverages prepared at or provided by the business adjacent thereto.

GENERAL PROVISIONS:

- A. A sidewalk café or parklet café shall not be considered an “encroachment” so long as all outdoor facilities related thereto are temporary in nature, are not permanently affixed so as to extend below or above the sidewalk or public right-of-way, involve no penetration of the sidewalk surface or public right-of-way, are not attached to any building and are readily removable without damage to the surface of the sidewalk or public right-of-way.
- B. Sidewalk Cafés and Parklet Cafés shall be permitted from April 1st through October 31st. Parklet Cafés not removed after October 31st may be removed by the City at the owner’s expense.
- C. Permit Required: Outdoor dining on a public sidewalk or within the right-of-way may occur only pursuant to the issuance of permit issued to the business owner.
- D. Prohibited Locations: Outside dining will not be permitted on sidewalks or within the public right-of-way designated by the City Council as shared bicycle and pedestrian trails or paths.
- E. Seating in the sidewalk café or parklet café shall not be included to meet the required guest seating capacity for any license classification.
- F. Permit Transfer: A sidewalk café or parklet café permit is non-transferrable.
- G. Zoning Requirements: All sidewalk cafes and parklet cafes shall be located in all business zoned districts. Outdoor dining on a public sidewalk or public-right-of-way shall be subject to the

requirements and limitations set forth in this code and all applicable federal, state, county and local statutes, ordinances and regulations.

- H. Indemnification: The permittee shall defend, indemnify, and hold the city, and its employees harmless from and against any loss or damage arising from the use or existence of the improvements or encroachment authorized under the sidewalk café or parklet café permit.

DEVELOPMENT STANDARDS & DESIGN GUIDELINES:

- A. The following standards, criteria, conditions and restrictions shall apply to all sidewalk cafes and parklet cafes, provided, however, that the Community Development Director or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare to prevent a nuisance from developing or continuing, and to comply with all other City ordinances and applicable state and federal laws.

Example of Sidewalk Café



Example of Parklet Café



B. Design Guidelines

a. Sidewalk Café

- i. DESIGN ELEMENTS: Elements of a typical sidewalk café may include, but are not limited to, the following: barriers, planters, tables, chairs, umbrellas, menu display, heat lamps and ingress/egress access point. The design, material and colors used for the furniture and fixtures within the sidewalk café should complement the architectural style and colors of the building façade and public street furniture, if any, and withstand inclement weather.

ii. SETBACKS:

1. All sidewalk cafes must allow for a minimum five (5) foot unobstructed pedestrian passage way on the sidewalk. No element of the sidewalk café, as described above, may obstruct the pedestrian way. Light poles, tree wells, fire hydrants and other such items may fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk café.

2. Sidewalk Café shall not unreasonably obstruct the visibility of neighboring businesses. In such cases a sidewalk café operator may be required to adjust the layout of the outdoor dining area per the recommendation of the Community Development Director or designee.
3. Sidewalk cafes must have a minimum distance of one-hundred feet (100') from the nearest residential zoned district.
4. The width of the sidewalk café must not extend beyond the frontage of the business establishment unless written notarized consent of the adjacent business and property owner has been provided to the Community Development Director.
5. Sidewalk Cafes located at a street corner must maintain a ten foot (10') setback from the corner of the building along both frontages.
6. Sidewalk Cafes located adjacent to a driveway or an alley, setback distances will be at the discretion of the Community Development Director in locations where unusual circumstances exist or where public safety would be jeopardized.

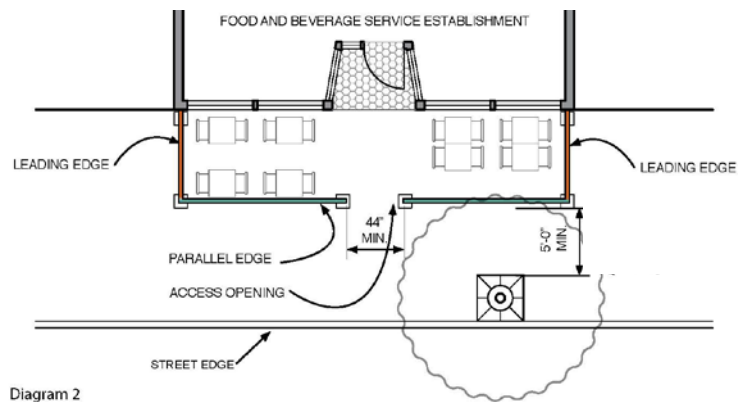


Figure 1: Sidewalk Café with barriers

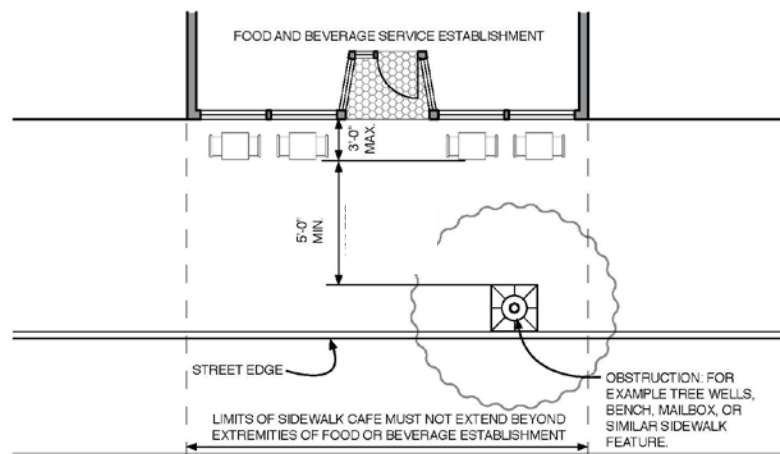


Figure 2: Sidewalk Café without barriers

iii. BARRIERS:

1. The perimeter of sidewalk cafes that extend more than three (3) feet into the public right-of-way shall be enclosed by barriers that are durable, removable and maintained in good condition.
2. Sidewalk cafes that extend three (3) feet or less into the public right-of-way and do not serve alcohol are not required to be enclosed by a barrier.
3. Sidewalk cafes that serve alcohol must be surrounded by a barrier in all cases. Barrier access point must be controlled by the sidewalk café operator/business establishment. Business establishment owners should maintain compliance with Yorkville's Liquor Control Ordinance standards for serving alcohol outside of enclosed businesses.
4. Moveable barriers and all furniture shall be removed at the end of each business day unless otherwise approved by the Community Development Director or designee. Moveable barriers shall be capable of being removed through the use of recessed sleeves and posts, wheels that can be locked in place and/or weighted bases. Barrier segment bases should be flat with tapered edges that are between ¼ and ½ inch thick.
5. The maximum height of any barrier shall not exceed three feet six inches (3'-6"). The lowest point in the barrier should be no more than six inches (6") in height above the ground to comply with ADA detectable warning regulations.
6. Rigid fence sections may be placed end-to-end to create the appearance of a single fence. Sectional fencing shall be composed of metal or wood and painted or finished in a complementary color to the building color or accent materials. Sectional fencing may be constructed from other materials such as aircraft cable, fabric, steel or iron elements.
7. Planters may also be used as a barrier or planter boxes as barrier components. Planters must be no more than three (3) feet in height and plant materials may be up to three (3) feet tall. Planters must be kept in clean condition, contain living plants and shall be removed at the end of each business day.
8. Access openings must be kept clear of all materials and should measure no less than 44 inches in width.

iv. AWNINGS AND UMBRELLAS

1. The use of awnings over the outdoor dining area and removable table umbrellas may be permitted provided they do not interfere with street trees. No portion of the awning shall be less than eight feet (8') above the

sidewalk and no portion of the umbrella shall be less than seven feet (7') above the sidewalk. Awnings may extend up to five feet (5') from the front of the building's façade or cover up to fifty percent (50%) of the outdoor dining area, whichever is less. Awnings shall have no support posts located within the public right-of-way. A separate building permit must be obtained prior to the installation of the awning.

2. Notwithstanding any provisions in this code, signs and logos shall be permitted on umbrellas or awnings in outdoor dining areas.

v. PROHIBITED ITEMS

1. Permanently affixed furniture to the public sidewalk is prohibited.
2. Shelves, serving stations, flimsy plastic tables and chairs, unfinished lumber or splintering wooden materials, rusted metal, loud speakers, sofas and televisions are prohibited.
3. It shall be prohibited to tie or otherwise secure sidewalk café elements to trees, lamp posts, street signs, street lights and hydrants.
4. Prohibited barrier materials include chain link, rope rails, chain rails, buckets, flag poles, and newspaper stands.
5. No alterations or coverings should be made to the sidewalks or placed over the sidewalk café space. Platforms, artificial turf, paint, or carpet in sidewalk café areas is prohibited.
6. If wait service is not provided in the sidewalk café area, the business establishment is required to supply a waste receptacle. If wait service is provided, the business establishment is not permitted to place a waste receptacle in the sidewalk café.

Examples of Sidewalk Café' Designs:



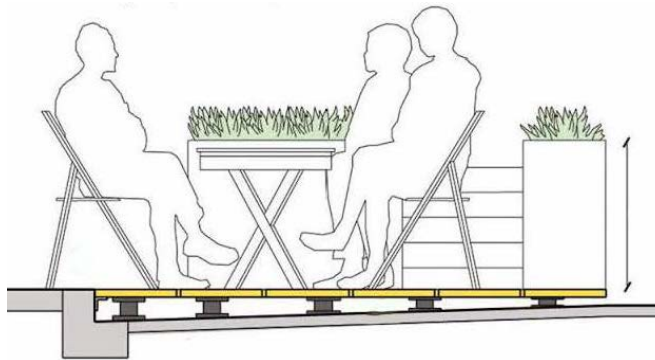


b. Parklet Café

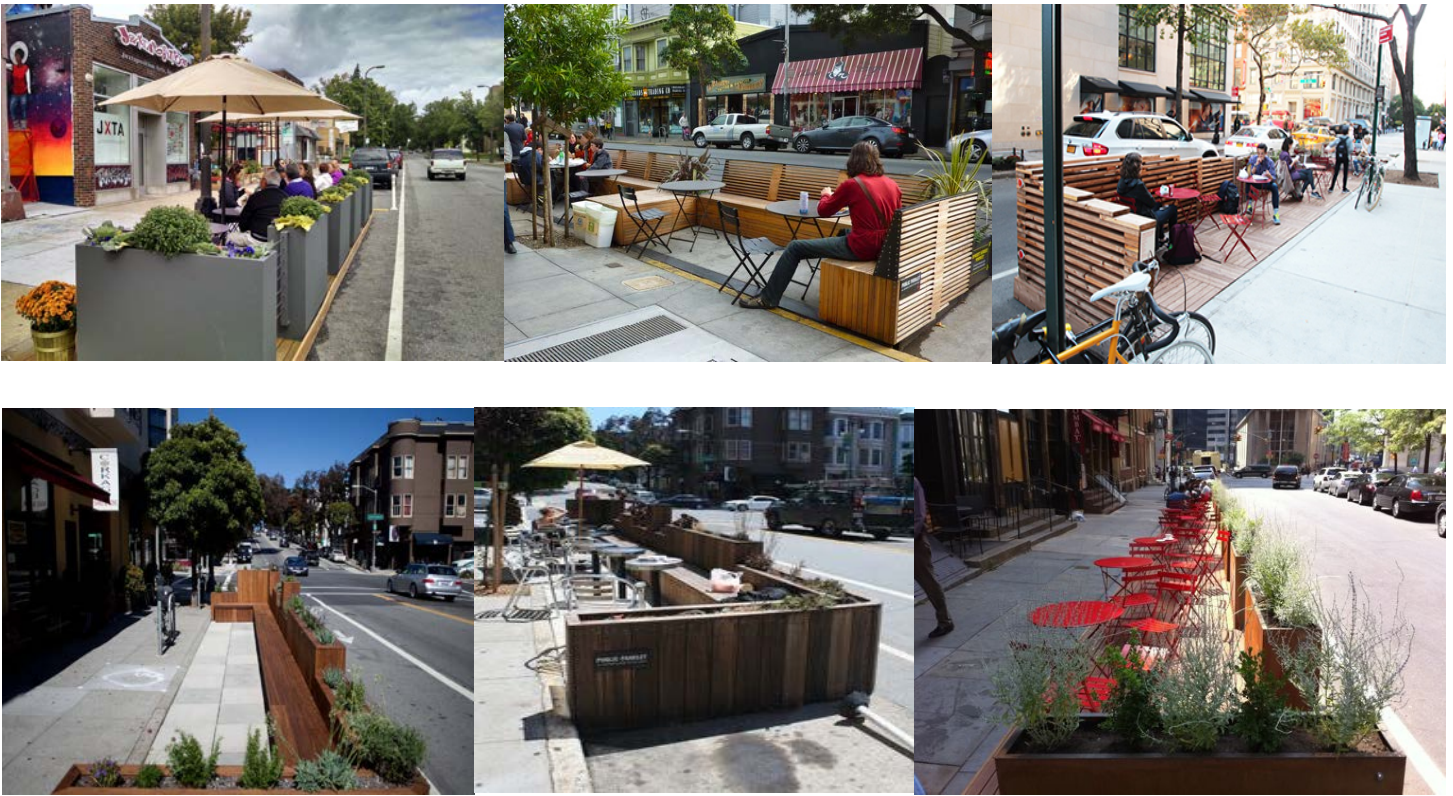
- i. The parklet café site shall be located on at least one (1) parking spot within the public way and appurtenances thereof shall be a minimum of two (2) feet from the nearest edge of traveled way. Parklet cafes are restricted to City of Yorkville public streets and shall not be permitted on any state, county or township roadways.
- ii. Tables, chairs, umbrellas or other fixtures in the parklet café:
 - a. Shall not be placed within five (5) feet of fire hydrants, alleys or bike racks.
 - b. Shall not be placed within five (5) feet of a pedestrian crosswalk.
 - c. Shall not block designated ingress, egress or fire exits from or to the business establishment or any other structures.
 - d. Shall not be physically attached, chained or in any manner affixed to any structure, tree, signpost or light pole.
 - e. May be removed by the City at owner's expense.
 - f. Shall be maintained in a clean, sanitary and safe manner.
 - g. Shall consist of commercial-grade furniture.
 - h. Shall not be placed outside or hang over the designated parklet café area.
- iii. The parklet café shall be located in such a manner that a distance of not less than four (4) feet maintained at all times as a clear and unobstructed pedestrian path. For the purpose of the minimum clear path, traffic signs, trees, light poles and all similar obstacles shall be considered obstructions.
- iv. The parklet café, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.

Maintenance details shall include access panels and how drainage will be provided along the existing drainage way.

- v. Parklet café decking must be flush with the curb and may not have more than a one-half inch (1/2") gap from the curb.
- vi. The parklet café platform shall allow for access underneath the platform and curbside drainage may not be impeded.



- vii. All rails around the parklet café must be capable of withstanding a 200 lb horizontal force.
- viii. The parklet café shall be required to have reflective tape, soft hit posts, wheel stops and, depending on the proposed location, may be required to have edging such as planters, railing or cables.
 - a. If cables are used, vertical spacing between cables may not exceed six inches (6").
- ix. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth or similar material that is manufactured to be fire resistant. No portion of an umbrella shall be less than six feet eight inches (6'-8") above the sidewalk. Umbrellas must be secured.
- x. Temporary signage such as menu boards or easels may be permitted in parklet cafes.
- xi. No food preparation, food or beverage storage, refrigeration apparatus or equipment shall be allowed in the parklet café unless authorized by the Community Development Director or designee as part of a special event.
- xii. No amplified entertainment shall be allowed in the parklet cafe unless authorized by the Community Development Director or designee as part of a special event.
- xiii. Patio heaters shall not be permitted in a parklet café.
- xiv. Parklet cafes shall meet the intersection visibility requirements in accordance with other standards in the City's Zoning Ordinance.



Examples of Parklet Café Designs

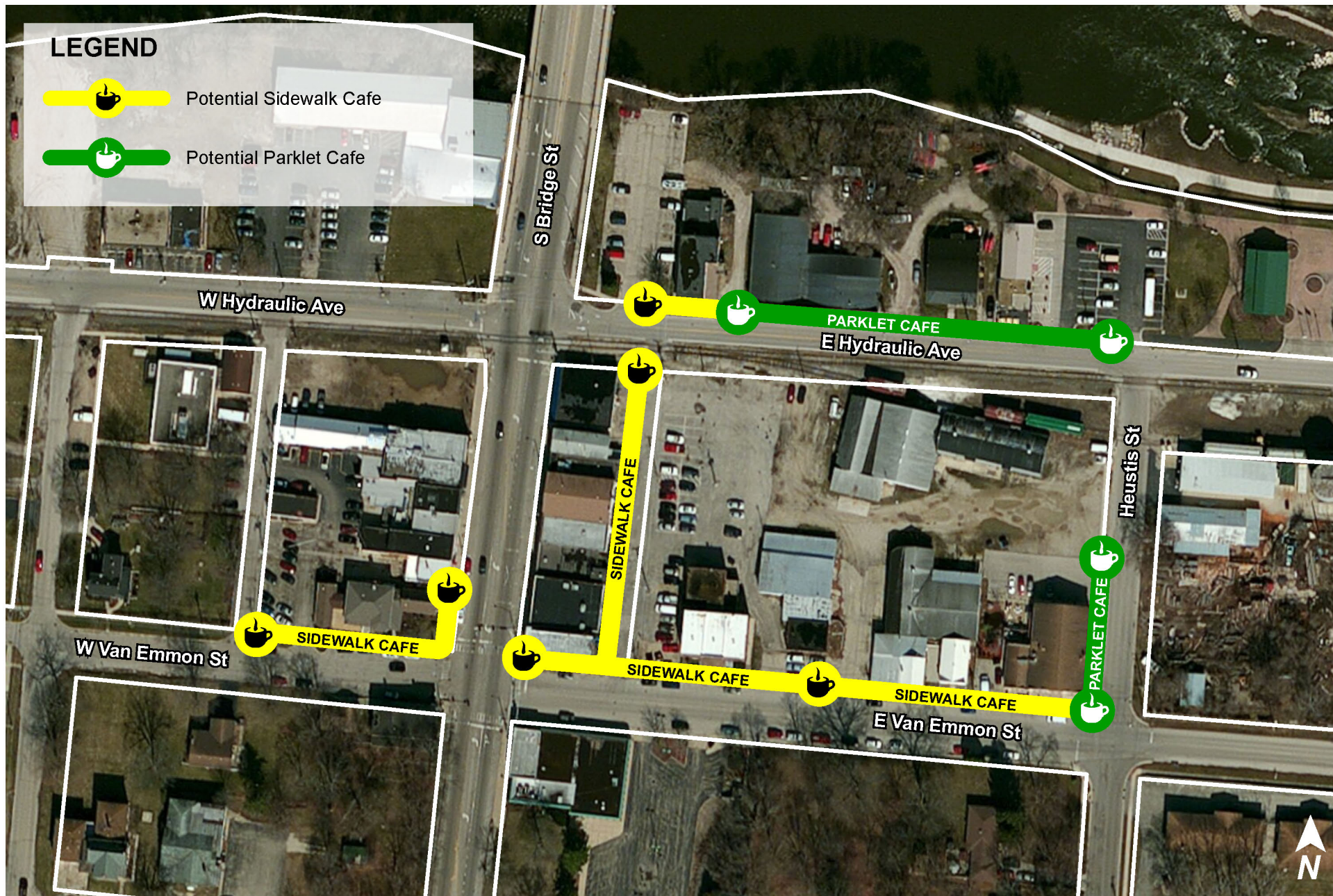
APPLICATION PROCEDURES: A permit shall be required for all encroaching furniture and improvements. The application shall be filed with the Community Development Department no less than thirty (30) days prior to intended date of operation on a form provided by the City. The application shall be signed by the owner of the property or an authorized agent. Authorized agents shall submit written authorization. The application shall be accompanied by the following:

- A. The name, address and phone number of the applicant.
- B. The identity of the business, the street address and names of any managers or agents of the proposed sidewalk café or parklet café.
- C. A detailed diagram and a written description of the premises for which a permit is sought. A description of the design, including a detailed scale drawing of the sidewalk café or the parklet café, its portable barriers and the placement of tables, chairs, planters, canopies, umbrellas, etc. with all existing fixed features such as trees, sign posts, fire hydrants, etc. within twenty feet (20') of the encroachment shall be depicted in the site plan.
- D. Dates and hours of operation requested during which the permit is to be effective.
- E. An executed indemnification agreement in favor of the City of Yorkville.
- F. The permittee shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate of at least one million dollars (\$1,000,000.00) covering the permittee's operations on the sidewalk or right-of-way. Such insurance shall name, on a special endorsement form, the City of Yorkville, its elected and appointed boards, commissions, officers, agents and employees as additional insurers. A certificate of insurance shall contain provisions that prohibit

cancellations, modifications, or lapse without thirty (30) days prior written notice to the city's Clerks Office.

- G. If the sidewalk area sought to be permitted is not owned by the applicant, then a certified copy of a document showing that the owner of the sidewalk area consents to the sale of food and/or beverages on such sidewalk(s).
- H. If an applicant contemplates the consumption of alcoholic beverages a separate liquor license application for the premises shall also be submitted to the City's Clerks Office.
- I. If the applicant contemplates the consumption of food, a copy of submitted permit application to the Kendall County Health Department for the premises.

PERMIT FEES: An application fee of fifty dollars (\$50.00) shall be required for all sidewalk cafés or parklet cafes with area one hundred (100) square feet or less. An application fee of one hundred dollars (\$100) shall be required for all sidewalk cafes or parklet cafes with an area greater than one hundred (100) square feet.



Potential Sites for Parklets & Sidewalk Cafes

PUBLIC NOTICE OF A HEARING BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 3: General Zoning Provisions of the United City of Yorkville Zoning Ordinance to create a new section regarding temporary sidewalk and parklet cafés. The amendment will provide a guide for businesses to offer outdoor seating and food/beverage service adjacent to their establishment within the public sidewalk and right-of-way that are safe and attractive to restaurant patrons and pedestrians.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing at a meeting on said amendments on **Wednesday, October 18, 2017 at 7 p.m.** at the Yorkville City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

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

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, 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



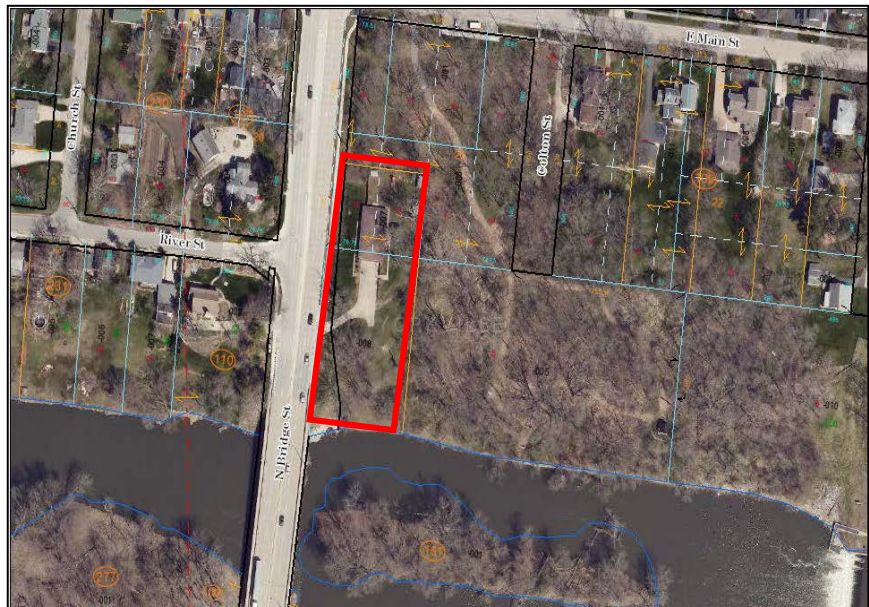
Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: September 26, 2017
Subject: **PZC 2017-12 – 104 N. Bridge Street – Rezoning and Variance**

BACKGROUND & REQUEST:

The petitioner, Mark Southern (contract purchaser), on behalf of Michael and Molly Schomer, property owners, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-1, Single-Family Suburban Residence District and R-2 Single Family Traditional Residence District to B-2 Retail Commerce Business District. A variance is also sought by the petitioner to reduce the minimum required rear yard setback in the B-2 zoning district from twenty feet (20') to zero feet (0'). The real property, comprised of two parcels, is approximately 1.05-acres and is located at 104 North Bridge Street, just east of Illinois Route 47, south of E. Main Street, immediately north of the Fox River, and west of Ron Clark Park in Yorkville, Illinois.

Currently, a single-family home is situated on the property which straddles two (2) parcels. As proposed, the petitioner will demolish the existing home and construct a two-story building with surface parking which will contain an approximately 12,000 square foot restaurant and banquet hall. The main floor of the building (~8,000 square feet) will house the food service and restaurant operations while the lower level, about 4,000 square feet, will be used as the banquet facility.



The building is planned to be constructed immediately adjacent to the eastern property line, thereby necessitating the zero foot setback due the unique constraints of the topography in the area. The site topography also dictates stairs be proposed along the western walkway around the building to access the delivery area and trash enclosure. The parking lot will be constructed to the north of the restaurant structure along the eastern and western property lines. The plan illustrates utilizing the existing right-in/right out access drive off of Illinois Route 47 for deliveries. However, the primary access point for this proposed project will be constructed north of the property off of East Main Street through Ron Clark Park via a public/private partnership between the petitioner and the City whereby additional parking for the recreational area will be provided. This public/private partnership will be memorialized under a separate development

agreement presented to the EDC and City Council at future meeting. The park will also serve as an intervening land use and densely screened landscape buffer between the proposed commercial use and the nearby existing residential homes.

Finally, the minimum off-street parking requirement for the proposed restaurant has been met on site via 38 parking stalls and bicycle racks. While no monument site signage has been illustrated on the plan, it is anticipated such signage will be incorporated into the final site design and signage details will be reviewed at time of building permit and will be required to adhere to the current sign ordinance regulations.

EXISTING CONDITIONS:

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

	Zoning	Land Use
North	OS-1, Open Space (Passive)	Ron Clark Park (City)
East	OS-1, Open Space (Passive)	Ron Clark Park (City)
South	Waterway	Fox River
West	Transportation Corridor	Illinois Route 47 (Bridge Street)

COMPREHENSIVE PLAN COMPLIANCE:

The City's Comprehensive Plan Update 2016 designated this parcel as "Traditional Neighborhood Residential" and "Parks and Open Space". In general, the Traditional Neighborhood Residential designation is intended primarily for single-family detached residences, "preserving and maintaining the...scale and design of the existing housing stock." While the Parks and Open Space land use designation is intended to preserve existing active centers for recreational activity through a well connected system of open spaces, trails and "green" infrastructure.

However, the Comprehensive Plan Update 2016 offered a more detailed analysis of areas within the City that abutted major thoroughfares as part of a corridor study, further defining the relationships and development pattern of future land uses and surrounding neighborhoods. In Section 8 – Corridors of the updated plan, the subject property is identified within Zone F (Walnut Street to Fox River), it is envisioned that the existing residential development pattern be preserved and branding elements, such as streetscape and gateway signage, be installed to promote this areas characteristic as one of the "Old Bristol" neighborhoods.

ZONE F - TRADITIONAL RESIDENTIAL (WALNUT STREET TO FOX RIVER)

This zone is characterized by single-family housing organized along a traditional gridded street network. Neighborhood oriented and small-scale office, retail and institutional uses are scattered throughout this zone, as well as civic spaces. The zone's mature landscape features should also be maintained. Strategies in this zone include:

- Maintain and enhance the traditional residential development pattern.
- Develop gateway signage and other branding elements related to the "Old Bristol" or "Yorkville" neighborhood.



Although the proposed commercial land use is not consistent with the future land use designation as “Traditional Neighborhood Residential”, the Zone F area identified in the Comprehensive Plan Update 2016 does recognize this location adjacent to a major arterial roadway as having small-scale office, retail and institutional uses scattered throughout. Since it is the intent of the petitioner to enhance the park and open space areas nearby and on their property to take full advantage of the mature landscaping and river front views, it is staff’s recommendation that the petitioner maintain the neighborhood scale, and incorporates high quality development design with a “nod” to the surrounding “Old Bristol” residential character.

AMENDMENT CRITERIA:

Section 10-4-10-B-3 of the City’s Zoning Ordinance establishes standards for proposed amendment requests. Where the purpose and effect of the proposed amendment are to change the zoning classification of a particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. The existing uses and zoning of nearby property.
2. The extent to which the property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values of plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purposes.
6. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
7. The community need for the purposed use.
8. The care to which the community has undertaken to plan its land use development.

The Petitioner has provided written responses to these amendment standards as part of their application and requests inclusion of those responses into the public record at the October 18, 2017 Planning and Zoning Commission meeting.

STANDARDS FOR GRANTING A VARIANCE:

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

1. Because 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.

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 at the October 18, 2017 Planning and Zoning Commission meeting.

PROPOSED MOTION FOR REZONING:

In consideration of testimony presented during a Public Hearing on October 18, 2017 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council for a request to rezone property from R-1, Single-Family Suburban Residence District and R-2, Single-Family Traditional Residence District to B-2, Retail Commerce Business District. The real property is located east of IL. Route 47 (N. Bridge Street), south of E. Main Street and immediately north of the Fox River in Yorkville, Illinois, as presented by staff in a memorandum dated September 26, 2017 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

PROPOSED MOTION FOR VARIANCE:

In consideration of testimony presented during a Public Hearing on October 18, 2017 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council for a request to to vary the requirement of City Code Section 10-7-1 regarding minimum required rear yard setbacks. The proposed rear yard would be reduced from twenty feet (20') to zero feet (0'). The real property is located east of IL. Route 47 (N. Bridge Street), south of E. Main Street and immediately north of the Fox River in Yorkville, Illinois, as presented by staff in a memorandum dated September 26, 2017 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments:

1. Copy of Petitioner's Applications for Rezoning and Variance w/exhibits.
2. Proposed Conceptual Site Plan prepared by HR Green dated 09/20/17.
3. Copy of Public Notice.

LETTER OF TRANSMITTAL



HRGreen

651 Prairie Pointe, Suite 201
Yorkville, Illinois 60560
630.553.7560

Date:	September 8, 2017
Job No.	171231
Subject	104 N. Bridge Street Property

VIA (as checked below):

- ☒ Messenger/Delivery ☐ Regular Mail
☐ UPS Ground ☐ UPS Next Day

To: Ms. Krysti Barksdale-Noble
Community Development Director
800 Game Farm Road
Yorkville, Illinois 60560

- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Survey ☐ Plat
☐ Specifications ☐ Copy of Letter ☐ Change Order ☒ See Below

Copies	Date	Description
2	09/08/17	Rezoning Request Application
2	09/08/17	Variance Request Application
2	09/08/17	Exhibit A – Legal Description
2	09/08/17	Exhibit B – Surrounding Parcels
1	09/07/17	Application Fee (Check)

- ☐ For Approval ☐ For Your Signature ☐ For Your Use ☐ As Requested
☒ For Review and Comment

Please review for completeness and provide any comment next week if you see any information we need to revise to provide with the compliance of the application. Thank you.

Copies to: Mark Southern, via email

Signed:

David W. Schultz, P.E., LEED AP
Project Manager



Exhibit A

HR Green Job #171231
104 N. Bridge Street (IL Route 47)
United City of Yorkville, IL

LEGAL DESCRIPTION

That part of Lots 5 and 6 in Block 21 of the Original Village of Bristol and that part of the Northwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian, all described as follows: Beginning at the Southeasterly corner of Lot 6 in said Block 21; thence North 6 degrees 11 minutes East along the Easterly line of said lot, 115 feet; thence North 83 degrees 00 minutes West, parallel with the Northerly line of said Block 21, 157.62 feet to the Westerly line of said block; thence South 6 degrees 11 minutes West along said Westerly line 115 feet to the Southwesterly corner of said Block, being along the Easterly line of Illinois Route 47; thence South 7 degrees 10 minutes West along said Easterly line to the Northerly bank of the Fox River; thence Easterly along said Northerly bank to a line drawn South 6 degrees 11 minutes West, being the extension Southerly of the Easterly line of Lot 6 in said Block 21, from the point of beginning; thence North 6 degrees 11 minutes East along said extended Easterly line to the point of beginning, in the Village of Yorkville, Kendall County, Illinois.

Excepting therefrom, that portion conveyed to the People of the State of Illinois, Department of Transportation by Warranty Deed, recorded as document 82-1167.

Also excepting therefrom, that portion described as Parcel 3KC0073 in condemnation case no. 2011 ED 3 in the Circuit Court for the 16th Judicial Circuit, Kendall County, Illinois, per Order Vesting Title, recorded as document 201100006923.

HRGreen.com

Phone 630.553.7560 Fax 630.553.7646 Toll Free 800.728.7805
651 Prairie Pointe Drive, Suite 201, Yorkville, Illinois 60560

Exhibit B

02-32-277-001
UNITED CITY OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL 60560

02-33-106-007
EDDY, GUY W
201 E MAIN ST
YORKVILLE, IL 60560

02-32-230-004
ERICKSON, BERT & HOLLY
102 RIVER RD
YORKVILLE, IL 60560

02-32-230-003
BERGER, CAROL
202 CHURCH ST
YORKVILLE, IL 60560

02-32-231-006
CHICAGO TITLE LAND TRUST COMPANY, %
PETER M SAHLAS
106 RIVER ST
YORKVILLE, IL 60560

02-33-107-001
COX, MICHAEL P
106 W MAIN ST
YORKVILLE, IL 60560

02-33-108-007
SCHOMER, MICHAEL & MOLLY
104 N BRIDGE ST
YORKVILLE, IL 60560

02-33-108-006
UNITED CITY OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL 60560

02-33-108-008
SCHOMER, MICHAEL & MOLLY
104 N BRIDGE ST
YORKVILLE, IL 60560

02-33-108-005
UNITED CITY OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL 60560

02-33-109-011
ELLINGER, DAMEN
206 E MAIN ST
YORKVILLE, IL 60560

02-33-109-001
GAEBLER, GAIL TR
202 E MAIN ST
YORKVILLE, IL 60560

02-32-231-007
SAHLAS, PETER N
208 RIVER RD UNIT 8
YORKVILLE, IL 60560

02-33-108-001
UNITED CITY OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL 60560

02-33-104-001
UNITED CITY OF YORKVILLE
(YORKVILLE PARK)
800 GAME FARM RD
YORKVILLE, IL 60560

02-33-107-003
PLOCHER, RONALD R & KELLY
102 W MAIN ST
YORKVILLE, IL 60560

02-33-107-002
GORGES, TIMOTHY A & SARAH M
104 W MAIN ST
YORKVILLE, IL 60560

02-32-230-002
TOSCHAK, JOHN E & VICKIE J
108 W MAIN ST
YORKVILLE, IL 60560

02-33-105-006
ORSBURN LEROY J & CONNIE R &, ORSBURN
AMANDA L
105 E MAIN ST
YORKVILLE, IL 60560

02-32-230-001
WALKER, WESLEY P
110 W MAIN ST
YORKVILLE, IL 60560

Exhibit B

02-33-105-010
OM & CHHAYA INC,
1493 BURBERRY LN
SCHAUMBURG, IL 60173

02-33-107-004
COVENY, VICTORIA K
201 N BRIDGE ST
YORKVILLE, IL 60560

02-33-105-008
BUSHMAN, LOIS TRUST
353 NELSON DR
GENEVA, IL 60134

02-33-105-007
KOTELES, JACK K & KATHLEEN
107 E MAIN ST
YORKVILLE, IL 60560

02-33-105-005
OM & CHHAYA INC,
1493 BURBERRY LN
SCHAUMBURG, IL 60173

02-33-110-002
ERICKSON, BERT & HOLLY
102 RIVER RD
YORKVILLE, IL 60560



United City of Yorkville

800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
Fax: 630-553-3436

APPLICATION FOR REZONING

Purpose of Application

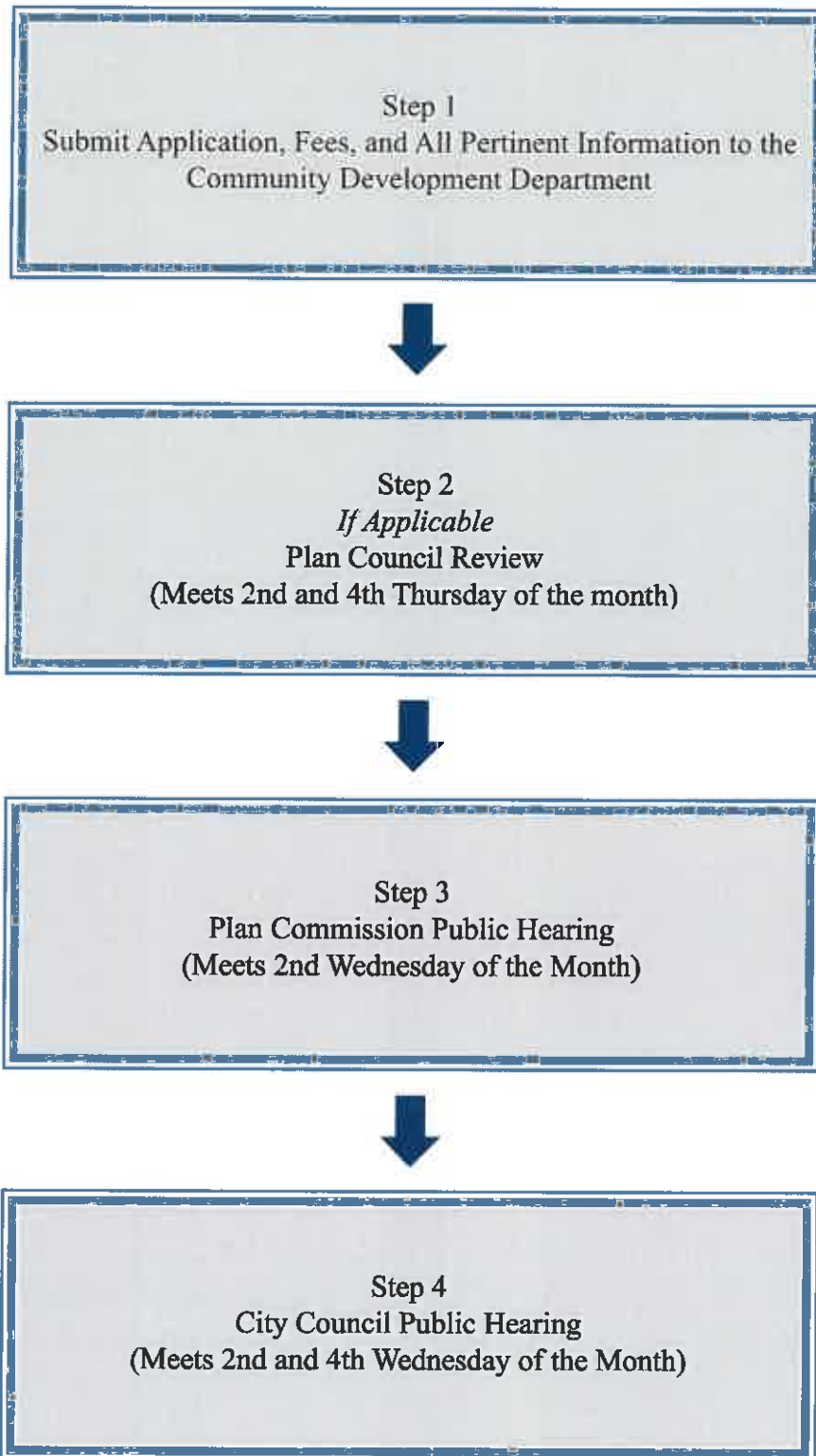
An application for Map Amendment, or commonly referred to as “rezoning”, is a request to reclassify a property from one zoning designation to within another zoning district. Requests for rezoning must not be merely arbitrary, but has to have validity as to the appropriate zoning classification for the existing or proposed land use in consideration of certain factors such as: the existing land use and zoning of the surrounding properties; suitability of the land use within the current zoning district; the trend of development in the general area; impact the proposed rezoning would have on traffic; the potential diminishment of property values due to the rezoning; and the promotion of public health, safety, morals or general welfare of the public as a result of the proposed rezoning.

This packet explains the process to successfully submit and complete an Application for Rezoning. It includes a detailed description of the process and the actual application itself (Pages 6 to 12). Please type the required information in the application on your computer. The application will need to be printed and signed by the applicant. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Rezoning Request process, please refer to “Title 10, Chapter 14, Section 7 Amendments” of the Yorkville, Illinois City Code.

Application Procedure

Procedure Flow Chart



Application Procedure

Step 1

Application Submittal

The following must be submitted to the Community Development Department:

- 2 original signed applications with legal description.
- 5 copies each of the application and exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee. (See attached Fee Sheet on page 5)
- 1 CD containing an electronic copy (pdf) of each of the signed application (complete with exhibit), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is required on the CD.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of 45 days prior to the targeted Plan Commission meeting. An incomplete submittal could delay the scheduling of the project.

Applicant will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The applicant will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgement of Financial Responsibility form is attached to this document and must be submitted with the application.

Step 2

Plan Council (If Applicable)

Applicant may present the proposed request to the Plan Council. The Plan Council meets on the 2nd and 4th Thursday of the month. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. Upon recommendation by the Plan Council, applicant will move forward to the Plan Commission hearing.

Step 3

Plan Commission

Applicant will attend a public hearing conducted by the Plan Commission. The Plan Commission meets on the 2nd Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The applicant is responsible for sending certified public hearing notices to adjacent property owners within 500 feet of the subject property no less than 15 days and no more than 30 days prior to the public hearing date. Twenty Four (24) hours prior to the public hearing, a certified affidavit must be filed by the applicant with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Plan Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council.

Application Procedure

Step 4

City Council

Applicant will attend the City Council meeting where the recommendation of the rezoning request will be considered. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. City Council will make the final approval of the rezoning request.

Dormant Applications

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)

**United City of Yorkville**

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

Fax: 630-553-7575

**INVOICE & WORKSHEET
PETITION APPLICATION****CONTACT:**

Mark Southern

DEVELOPMENT/ PROPERTY:

104 N. Bridge Street

Acreage: 1.06

Date: 8/31/17

Concept Plan Review: ☐ Yes ☐ No

Engineering Plan Review Deposit of \$500 due

\$ _____

Amendment: ☐ Yes ☐ No

\$500.00 Fee due for each: (Annexation) (Plan) (Plat) (PUD)

\$ _____

Annexation: ☐ Yes ☐ No

\$250.00, plus \$10/acre for each acre over 5.

of acres: _____ - 5 = _____ x \$10 = _____ + \$250

\$ _____

Rezoning: ☐ Yes ☐ No

\$200.00, plus \$10/acre for each acre over 5.

of acres: _____ - 5 = _____ x \$10 = _____ + \$200

If annexing and rezoning, charge only 1 per acre fee.

If rezoning to a PUD, charge PUD Development Fee- not Rezoning Fee.

\$200.00

Special Use: ☐ Yes ☐ No

\$250.00, plus \$10/acre for each acre over 5.

of acres: _____ - 5 = _____ x \$10 = _____ + \$250

\$ _____

Mile and 1/2 Review: \$250.00 ☐ Yes ☐ No

\$ _____

Zoning Variance: \$85.00 ☐ Yes ☐ No

Outside Consultants deposit of \$500.00 due

\$85.00

Preliminary Plan Fee: \$500.00 ☐ Yes ☐ No

\$ _____

P.U.D. Fee: \$500.00 ☐ Yes ☐ No

\$ _____

Final Plat Fee: \$500.00 ☐ Yes ☐ No

\$ _____

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

\$2,500.00

Outside Consultants Deposit: ☐ Yes ☐ No

Legal, Land Planner, Zoning Coordinator, Environmental Services

Annexation, subdivision and Special Use:☐ Less than 2 acres = \$1,000 due☐ Over 2 acres and less than 10 acres = \$2,500 due☐ Over 10 acres = \$5,000 due

\$1,000.00

TOTAL AMOUNT DUE:

\$3,785.00

Word/ O Drive/ Dev. Dep. ARO/ Fee Sheet Wkst

Application For Re-Zoning

STAFF USE ONLY

Date of Submission 09/08/2017

PC#

Development Name N Bridge St Redevelopment

Applicant Information

Name of Applicant(s) Mark Southern

Business Address 49 W 693 Hinckley Road

City Big Rock

State IL

ZIP 60511

Business Phone (815) 739-3552

Business Fax

Business Cell

Business E-mail

msouthern@encapinc.net

Property Information

Name of Holder of Legal Title Schomer, Michael & Nolly

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

Property Street Address 104 N. Bridge Street

Description of Property's Physical Location

Located on the E side of N Bridge St, between E Main St and the Fox River.

Zoning and Land Use of Surrounding Parcels

North	OS-1, Passive City Park (Ron Clark)
East	OS-1, Passive City Park (Ron Clark)
South	Waterway - Fox River
West	IL Route 47 (N Bridge St) ROW

Current Zoning Classification R-1 and R-2

Requested Zoning Classificaion B-2

Comprehensive Plan Future Land Use Designation R-1

Total Acreage 1.05

Kendall County Parcel Number(s) Within Proposed PUD

02-33-108-007	02-33-108-008

Application For Rezoning

Property Information

List all governmental entities or agencies required to receive notice under Illinois law:

United City of Yorkville
Illinois Department of Transportation (IDOT)
IEPA
IHPA
IDNR

Is the property within City limits? Yes ☒ No ☐

Does a floodplain exist on the property? Yes ☒ No ☐

Additional Contact Information

Attorney

Name
Address
City State ZIP
Phone Fax
E-mail

Engineer

Name
Address
City State ZIP
Phone Fax
E-mail

Planner

Name
Address
City State ZIP
Phone Fax
E-mail

Application For Rezoning

Rezoning Standards

Please state the existing zoning classification(s) and uses of the property within the general area of the proposed rezoned property:

North: OS-1, Passive City Park (Ron Clark) - Walking Paths, Benches and access to River.
East: OS-1, Passive City Park (Ron Clark) - Walking Paths, Benches and access to River.
South: Waterway - Fox River and Business District across River and Recreation Activity.
West: Roadway and Residential beyond to the West.

Please state the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification:

The trend of development along the southern bank of the Fox River is business and recreation. The trend of development along the Route 47 corridor is also business and recreation. The property immediately to the north and east of the subject property is open space/passive park.

Please state the extent to which property values are diminished by the particular zoning restrictions:

The existing zoning will not allow for a business to operate on the property. A business is the highest and best use for this subject property following the trend of development since it is located directly on Route 47 and the north bank of the Fox River.

The new zoning **will** not diminish the values of the surrounding properties.

Please state the extent to which the destruction of property values of plaintiff promotes the health, safety, morals, and general welfare of the public:

There is no Plaintiff and no property values are being destroyed.

The business will provide for local job opportunities, make a significant capitol investment in the community, and will reduce the real estate tax burden off of the residence of the community. Development will also take a vacant property which could be a hazard to the community and make it productive again.

Application For Rezoning

Rezoning Standards

Please state the relative gain to the public as compared to the hardship imposed upon the individual property owner:

The highest and best use of this property is business use open to the public. This complements the development trend in the area and promotes community gathering on the subject property and adjacent public property (Ron Clark Park).

The business use is also in agreement with the City's Comprehensive Plan.

Please state the suitability of the subject property for the zoned purposes:

The property in question is deemed suitable for the construction of a business due to its location adjacent a highly traveled Route 47, which has been recently improved, and along the Fox River.

Please state the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property:

The property has been used as a single family residence and currently has been vacant since the property has been on the market for sale.

Please state the community need for the proposed land use:

The community is seeking businesses to locate within the confines of the City. Businesses create job opportunities, make capitol investments, and lessen the real estate tax burden from the local residents. The additional new business generates visits from individuals who live and work outside of the City, and frequent the business and make purchases in the community.

Application For Rezoning

Rezoning Standards

With respect to the subject property, please state the care with which the community has undertaken to plan its land use development:

The United City of Yorkville has recently completed a revised comprehensive plan. The comprehensive plan process was a lengthy process that allowed for and encouraged input by all area stakeholders. This property was identified as business development property.

Please state the impact that such reclassification will have upon traffic and traffic conditions on said routes; the effect, if any, such reclassification and/or annexation would have upon existing accesses to said routes; and the impact of additional accesses as requested by the petitioner upon traffic and traffic conditions and flow on said routes (Ord. 1976-43, 11-4-1976):

The present use of the property as residential conflicts with the intended traffic flow and pattern along Route 47. Changing the use to business zoning will tend to promote a more fluid traffic flow similar to neighboring business properties.

Traffic and traffic conditions (level of service) has been recently upgraded based on the completion of the Route 47 improvements through the area to safety and effectively move vehicles and pedestrians.

Attachments

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

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

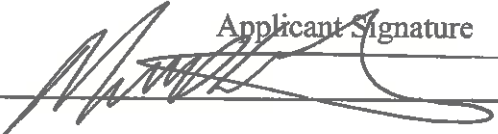
Application For Rezoning

Agreement

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

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

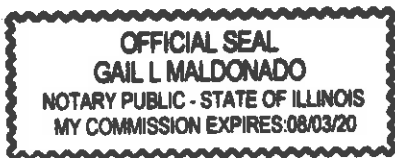
Applicant Signature



Date

09-08-2017

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



STATE IL COUNTY Kane

SIGNED BEFORE ME 8th DAY September, 2017

NOTARY PUBLIC





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:

104 N. Bridge Street

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 1/4 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 **VOICE & 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:	Address:	City:	State:	Zip Code:
Mark Southern	49 W 693 Hinckley Road	Big Rock	IL	60511
Telephone: (815) 739-3552	Mobile:	Fax:	E-mail: msouthern@encapinc.net	

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: Mark Southern Title: Owner
Signature*:  Date: 09-08-2017

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

FOR CITY USE ONLY

ACCOUNT CLOSURE AUTHORIZATION:

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

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



United City of Yorkville

800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
Fax: 630-553-3436

APPLICATION FOR VARIANCE REQUEST

Purpose of Application

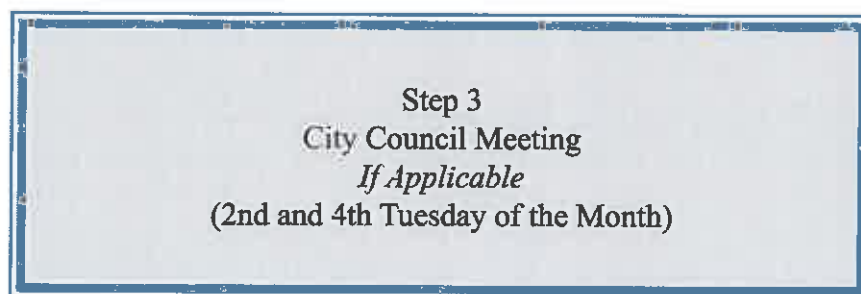
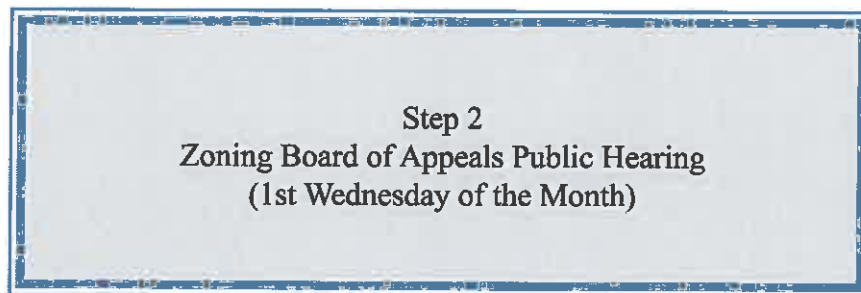
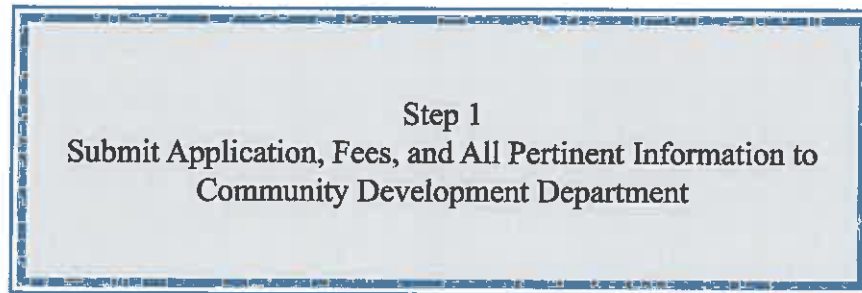
The purpose of a variance is to provide relief from certain regulations of the zoning ordinance to permit the use of land in a way that is not otherwise permitted under the ordinance. A variance is granted when the terms of the zoning ordinance, if literally applied, would create an unreasonable hardship on the landowner, making the property virtually useless.

This packet explains the process to successfully submit and complete an Application for a Variance Request. It includes a detailed description of the process and the actual application itself (Pages 7 to 11). Please type the required information in the application on your computer. The application will need to be printed and be signed by the applicant. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Variance Request process, please refer to "Title 10, Chapter 4, Section 7 Variations" of the Yorkville, Illinois City Code.

Application Procedure

Procedure Flow Chart



Application Procedure

Step 1

Application Submittal

The following must be submitted to the Community Development Department:

- 2 original signed applications with legal description.
- 5 copies each of the application and exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee. (See attached Fee Sheet on Page 6)
- 1 CD containing an electronic copy (pdf) of each of the signed application (complete with exhibit), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is required on the CD.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of 45 days prior to the targeted Zoning Board of Appeals meeting. An incomplete submittal could delay the scheduling of the project.

The Kendall County Soil and Water Conservation District requires Natural Resource Inventory (NRI) applications from applicants seeking variances. A copy of this application can be found on the District's website (www.KendallSWCD.org).

Applicant will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The applicant will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgement of Financial Responsibility form is attached to this document and must be submitted with the application.

Step 2

Zoning Board of Appeals

Applicant will attend a public hearing conducted by the Zoning Board of Appeals. The Zoning Board of Appeals meets on the 1st Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The applicant is responsible for sending certified public hearing notices to adjacent property owners within 500 feet of the subject property no less than 15 days and no more than 30 days prior to the public hearing date. Twenty Four (24) hours prior to the public hearing, a certified affidavit must be filed by the applicant with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified.

Application Procedure

Step 2 (cont.)

If the Zoning Board of Appeals decides that the requested variance adheres to the standards set forth by the Illinois municipal code (pages 9 and 10 of the application), then the variance may be granted under these instances and no others:

- To permit any yard or setback less than the yard or setback required by the applicable regulations, but by no more than twenty-five percent (25%).
- To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or widths of the lot or lots but in no event shall the respective area and width of the lot or lots be less than ninety percent (90%) of the required area and width. The percentage set forth in this subsection is not to be reduced by any other percentage for minimum lot width and area set forth in this title.
- To permit the same off street parking facility to qualify as required facilities for two (2) or more uses provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week.
- To reduce the applicable off street parking or loading facilities required by not more than one parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater.
- To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
- To allow for the deferment, or land banking, of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- To increase by not more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.
- To exceed any of the authorized variations allowed under this subsection when a lot of record or a zoning lot, vacant or legally used on the effective date hereof, is, by reason of the exercise of the right of eminent domain by any authorized governmental domain proceeding, reduced in size so that the remainder of said lot of record or zoning lot or structure on said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located.

If the Zoning Board of Appeals decides the requested variance follows the Illinois standards but is not included in the list of instances above, then the variance must be approved by City Council.

Step 3

City Council (If Applicable)

If necessary, the applicant will attend a City Council public hearing where the Zoning Board of Appeals decision will be discussed and reviewed. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. Variations other than those listed above may be granted by the City Council, but only after a public hearing for an authorized variation. The concurring vote of two-thirds (2/3) of all members of the City Council shall be necessary to reverse the recommendations of the Zoning Board of Appeals.

Application Procedure

Dormant Applications

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
Fax: 630-553-7575

**INVOICE & WORKSHEET
PETITION APPLICATION**

CONTACT:
Mark Southern

DEVELOPMENT/ PROPERTY:
104 N. Bridge Street

Acreage: 1.06

Date: 8/31/17

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

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

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

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

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

Mile and 1/2 Review: \$250.00 ☐ Yes ☐ No \$ _____

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

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

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

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

Engineering Plan Review Deposit: ☐ Yes ☐ No \$ 2,500.00
☐ Less than 1 acre = \$1,000 due
☐ Over 1 acre and less than 10 acres = \$2,500 due
☐ Over 10 acres and less than 40 acres = \$5,000 due
☐ Over 40 acres and less than 100 acres = \$10,000 due
☐ Over 100 acres = \$20,000 due

Outside Consultants Deposit: ☐ Yes ☐ No \$ 1,000.00
Legal, Land Planner, Zoning Coordinator, Environmental Services
Annexation, subdivision and Special Use:
☐ Less than 2 acres = \$1,000 due
☐ Over 2 acres and less than 10 acres = \$2,500 due
☐ Over 10 acres = \$5,000 due

TOTAL AMOUNT DUE: \$ 3,785.00

Application For Variance Request

STAFF USE ONLY

Date of Submission 09/08/2017

PC#

Development Name N Bridge St Redevelopment

Applicant Information

Name of Applicant(s) Mark Southern

Business Address 49 W 693 Hinckley Road

City Big Rock

State IL

ZIP 60511

Business Phone (815) 739-3552

Business Fax

Business Cell

Business E-mail msouthern@encapinc.net

Property Information

Name of Holder of Legal Title Schomer, Michael, & Nolly

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

Property Street Address 104 N. Bridge Street

Description of Property's Physical Location

Located on the E side of N Bridge St, between E Main St and the Fox River.

Zoning and Land Use of Surrounding Parcels

North	OS-1, Passive City Park (Ron Clark)
East	OS-1, Passive City Park (Ron Clark)
South	Waterway - Fox River
West	IL Route 47 (N Bridge St) ROW

Current Zoning Classification R-1 and R-2

Kendall County Parcel Number(s) of Property

02-33-108-007	02-33-108-008

Application For 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".

Application For Variance Request

Variance Standards

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

The variance requested is for the Rear Yard setback of the property to be reduced to zero (0) feet for the eastern property line or Rear Yard of the parcel.
Parking/Landscaping setback variance request reduced to no more than five (5') for the Front Yard along Route 47.

Title 10 - Zoning B-2
Chapter 7 Dimensional and Bulk Table
10-7-1 - Rear Yard Setback
(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-55, 10-27-2015)

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 property to the east of the site is City owned and zoned OS-1 to provide a view corridor to the Fox River corridor.

No adjacent landowners will be impacted by this variance being requested.

Existing Topography of the site is very limiting to the placement of a proposed building while also taking into account tree preservation for both the building and parking area.

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:

What makes this property unique and unlike any other property in the City with B-2 zoning is that the subject property is adjacent to property that is owned by the City (Ron Clark Park), and the north bank of the Fox River. The variation requested would take advantage of the unique open space adjacent the subject property and promote community connectivity.

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:

The difficulty is caused by the setback of the rear yard in the B-2 zoning classification of 20 feet, and has not been created by any person with an interest of the subject property. The ordinance allows for a Restaurant, but does not take into consideration the properties unique setting and connectivity to City Park and Fox River corridor to enhance the area.

Application For 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:

The granting of this exception will not negatively effect the public as the adjacent property to the east is public open space. Because of this, there is no practical gain from adhering to the required rear setback requirements and the proposed development would be better able to utilize the parcel if it was not constrained by this setback.

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 proposed variation will not impair an adequate supply of light or air to the adjacent property since all adjacent properties will remain open space/recreational. Adequate measures will be provide for ingress/egress of access road and parking area will be designed to accommodate traffic and vehicle parking on the site. This business will have a positive impact on the neighborhood and the City for years to come.

Agreement

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

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

Applicant Signature

Date

09/08/2017

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

Application For 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:

The granting of this exception will not negatively affect the public welfare or property to the neighborhood and undeveloped. Because of this, there is no need to adhere to the required setback requirements and the proposed development would be better able to utilize the parcel. It was not constrained by the setback.

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:

Agreement

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

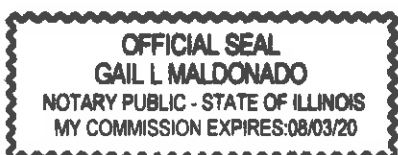
I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

Date

09/08/2017

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



STATE IL COUNTY Kane

SIGNED BEFORE ME 8th DAY September, 2017

NOTARY PUBLIC Gail L. Maldonado



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: 104 N. Bridge Street	Project No.: FOR CITY USE ONLY	Fund Account No.: FOR CITY USE ONLY												
Petition/Approval Type: <i>check appropriate box(es) of approval requested</i> <table style="width: 100%;"><tr><td><input checked="" type="checkbox"/> Concept Plan Review</td><td><input type="checkbox"/> Amendment (Text) (Annexation) (Plat)</td><td><input type="checkbox"/> Annexation</td></tr><tr><td><input checked="" type="checkbox"/> Rezoning</td><td><input type="checkbox"/> Special Use</td><td><input type="checkbox"/> Mile and 1/4 Review</td></tr><tr><td><input checked="" type="checkbox"/> Zoning Variance</td><td><input type="checkbox"/> Preliminary Plan</td><td><input type="checkbox"/> Final Plans</td></tr><tr><td><input type="checkbox"/> P.U.D.</td><td><input type="checkbox"/> Final Plat</td><td></td></tr></table>			<input checked="" type="checkbox"/> Concept Plan Review	<input type="checkbox"/> Amendment (Text) (Annexation) (Plat)	<input type="checkbox"/> Annexation	<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Special Use	<input type="checkbox"/> Mile and 1/4 Review	<input checked="" type="checkbox"/> Zoning Variance	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Final Plans	<input type="checkbox"/> P.U.D.	<input type="checkbox"/> Final Plat	
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<input type="checkbox"/> P.U.D.	<input type="checkbox"/> Final Plat													
Petitioner Deposit Account Fund: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15 th of the month in order for the refund check to be processed and distributed by the 15 th 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.														
<u>ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY</u>														
Name/Company Name: Mark Southern	Address: 49 W 693 Hinckley Road	City: Big Rock												
State: IL	Zip Code: 60511													
Telephone: (615) 739-3552	Mobile:	Fax:												
		E-mail: msouthern@encapinc.net												
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. <table style="width: 100%;"><tr><td>Print Name: Mark Southern</td><td>Title: Owner</td></tr><tr><td>Signature*: </td><td>Date: 09-08-2017</td></tr></table>			Print Name: Mark Southern	Title: Owner	Signature*:	Date: 09-08-2017								
Print Name: Mark Southern	Title: Owner													
Signature*:	Date: 09-08-2017													
*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)														
<u>FOR CITY USE ONLY</u>														
ACCOUNT CLOSURE AUTHORIZATION: <table style="width: 100%;"><tr><td>Date Requested: _____</td><td><input type="checkbox"/> Completed <input type="checkbox"/> Inactive</td></tr><tr><td>Print Name: _____</td><td><input type="checkbox"/> Withdrawn <input type="checkbox"/> Collections</td></tr><tr><td>Signature: _____</td><td><input type="checkbox"/> Other</td></tr></table>			Date Requested: _____	<input type="checkbox"/> Completed <input type="checkbox"/> Inactive	Print Name: _____	<input type="checkbox"/> Withdrawn <input type="checkbox"/> Collections	Signature: _____	<input type="checkbox"/> Other						
Date Requested: _____	<input type="checkbox"/> Completed <input type="checkbox"/> Inactive													
Print Name: _____	<input type="checkbox"/> Withdrawn <input type="checkbox"/> Collections													
Signature: _____	<input type="checkbox"/> Other													
DEPARTMENT ROUTING FOR AUTHORIZATION: <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Building <input type="checkbox"/> Engineering <input type="checkbox"/> Finance <input type="checkbox"/> Admin.														

CONSENT BY PROPERTY OWNERS

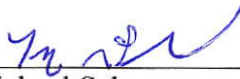
Property: **104 N. Bridge Street**
 Yorkville, Illinois

The undersigned hereby affirm that they are the owners of the property commonly known as 104 N. Bridge Street, Yorkville, Illinois, also referenced by Kendall County Parcel ID Nos. 02-33-108-007 and 02-33-108-008 (hereinafter, the "Property").

Pursuant to a Resident Real Estate Contract dated August 25, 2017, the Property is to be purchased by Mark Southern, subject to certain terms, conditions, and contingencies.

We hereby authorized Mark Southern to apply to the City of Yorkville for rezoning of the Property and for zoning variance(s) for the Property, and to engage in written applications, negotiations, private or public hearings, and to otherwise undertake such actions as are reasonably required by the City of Yorkville to accomplish such rezoning, variances, and related approvals for the uses he intends. For such limited purposes, we authorize Mark Southern to apply to the City of Yorkville as the "Owner" of the Property.

Executed this date: September 19, 2017



Michael Schomer



Molly Schomer

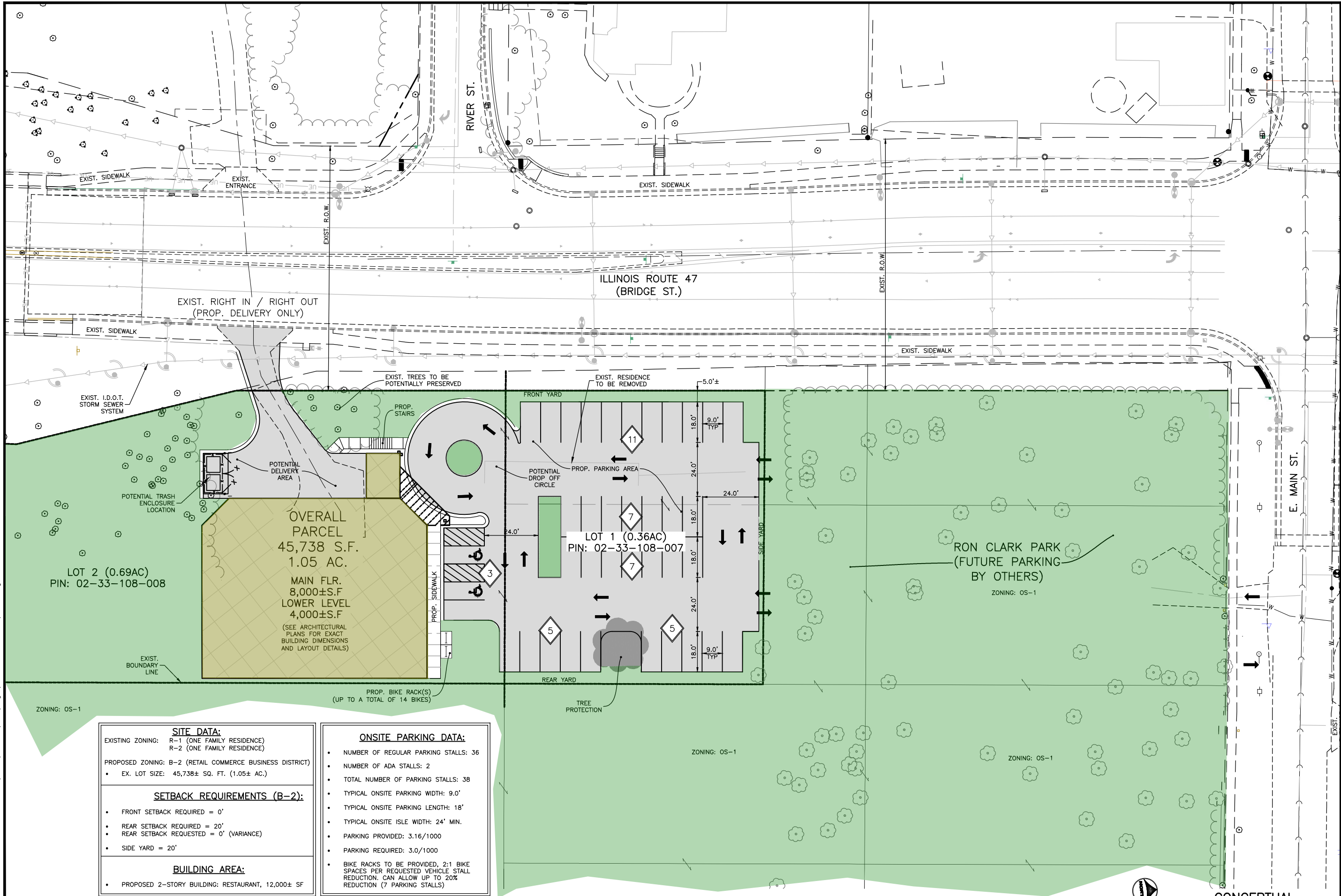


[Witness]



[Witness]

Xref: row_47; pin_47; extopo_47; 171231-xcs-05-13-16-171231-EXHIBIT; sgt-1-401
9/26/2017 5:16:05 PM J:\2017\171231\CAD\Drawings\171231-xcs-Concept-01.dwg



NO.	DATE	BY	REVISION DESCRIPTION

ILLINOIS DESIGN FIRM
184-001322
651 PRAIRIE POINTE,
SUITE 201
YORKVILLE, IL 60560
PHONE: 630.553.7560
FAX: 630.553.7646

HRGreen

104 N. BRIDGE ST.
CLIENT: MARK SOUTHERN
YORKVILLE, ILLINOIS
CONCEPT
CONCEPTUAL PLAN 01

BAR IS ONE INCH ON
OFFICIAL DRAWINGS
0" 1"
IF NOT ONE INCH,
ADJUST SCALE ACCORDINGLY

DRAWN BY: MPL
APPROVED: DWS
JOB DATE: 09/20/2017
JOB NO: 171231

DRAWING
CON-01

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2017-12**

NOTICE IS HEREBY GIVEN THAT Mark Southern, petitioner, on behalf of Michael and Molly Schomer, property owners, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and a variance to the City's bulk regulations for rear yard setback. The real property is located east of IL. Route 47 (N. Bridge Street), south of E. Main Street and immediately north of the Fox River. The petitioner is requesting rezoning approval from R-1 Suburban Residential District and R-2 Single Family Traditional Residence District to B-2 Retail Commerce Business District. The petitioner is also requesting to vary the requirement of City Code Section 10-7-1 regarding minimum required rear yard setbacks. The proposed rear yard would be reduced from twenty feet (20') to zero feet (0').

The legal description is as follows:

That part of Lots 5 and 6 in Block 21 of the Original Village of Bristol and that part of the Northwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian, all described as follows: Beginning at the Southeasterly corner of Lot 6 in said Block 21; thence North 6 degrees 11 minutes East along the Easterly line of said lot, 115 feet; thence North 83 degrees 00 minutes West, parallel with the Northerly line of said Block 21, 157.62 feet to the Westerly line 115 feet to the Southwesterly corner of said Block, being along the Easterly line of Illinois Route 47; thence South 7 degrees 10 minutes West along said Easterly line to the Northerly bank of the Fox River; thence Easterly along said Northerly bank to a line drawn South 6 degrees 11 minutes West, being the extension Southerly of the Easterly line of Lot 6 in said Block 21, from the point of beginning; thence North 6 degrees 11 minutes East along said extended Easterly line to the point of beginning, in the Village of Yorkville, Kendall County, Illinois.

Excepting therefrom, that portion conveyed to the People of the State of Illinois, Department of Transportation by Warranty Deed, recorded as document 82-1167.

Also excepting therefrom, that portion described as Parcel 3KC0073 in condemnation case no. 2011 ED 3 in the Circuit Court for the 16th Judicial Circuit, Kendall County, Illinois, per Oder Vesting Title, recorded as document 201100006923.

PIN# 02-33-108-007 and #02-33-108-008

Common Address: 104 N. Bridge Street, Yorkville, Illinois 60560

A copy of the application is available for review during normal City business hours at the office of the Community Development Director.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said applications on **Wednesday, October 11, 2017 at 7 p.m.** at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

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

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, 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: Planning and Zoning Commission
From: Lisa Pickering, Deputy Clerk
CC: Bart Olson, City Administrator
Date: September 18, 2017
Subject: Planning and Zoning Commission Meeting Schedule for 2018

Summary

Proposed 2018 meeting schedule for the Planning and Zoning Commission.

Meeting Schedule for 2018

For 2018, if the Planning and Zoning Commission would like to continue meeting the second Wednesday of the month at 7:00 p.m., the proposed meeting dates would be as follows:

- January 10, 2018
- February 14, 2018
- March 14, 2018
- April 11, 2018
- May 9, 2018
- June 13, 2018
- July 11, 2018
- August 8, 2018
- September 12, 2018
- October 10, 2018
- November 14, 2018
- December 12, 2018

Recommendation

Staff recommends review of the proposed meeting dates and time so that a meeting schedule can be finalized for 2018.



Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Date: September 26, 2017
Subject: **Downtown Overlay District – Request For Proposal (RFP)**

Summary

Information regarding a Request For Proposal (RFP) for the City's Downtown Overlay District for a Streetscape Master Plan with Formed Based Code Design elements.

Background

As the Planning and Zoning Commission will recall, the City approved an update to the Comprehensive Plan in September 2016. As part of the strategies toward implementing the identified planning goals in the adopted Comprehensive Plan, there was a recommendation that the City enhance the visual appearance, pedestrian environment and functionality of downtown Yorkville. The following strategies/initiatives were listed as actionable items that should be ongoing or accomplished within 2 years of the adoption of the plan:

- Enhance Streetscape appearance and improve walkability of Hydraulic, Main and Van Emmon Streets.
- Create Public Parking Areas.
- Facilitate building rehabilitation and façade improvements.
- Implement gateway finding, wayfinding, landscaping, and other placemaking treatments.
- Promote high quality development design.
- Consider zoning overlays, new design standards or other tools to promote desired corridor character.

The attached RFP was approved by the City Council and is intended to address the identified areas listed above and is a standard form for planning consultants. It asks each firm to explain why they are qualified for the project, what their organization looks like, which staff from their organization would be tasked with our project, how they plan on completing our project, and what their schedule for our project would be. We are also asking for three previous examples of comprehensive plans completed for other municipalities.

The proposed RFP was published and sent to prospective consultants on September 15, 2017 on the City's website and various planning related online venues such as the state and national chapters of the American Planning Association's website. Below is a tentative timeline for awarding the contract to a consultant.

MEETING/TASK	DATE/DEADLINE
Publication of RFP	September 15, 2017
Submittal Deadline	October 6, 2017
Review Deadline	October 20, 2017
Interviews	October 23 – 27, 2017
EDC recommendation of contract award	November 7, 2017
City Council contract award	November 14, 2017

THE UNITED CITY OF YORKVILLE

REQUEST FOR PROPOSALS



DOWNTOWN OVERLAY DISTRICT STREETSCAPE MASTER PLAN FORM BASED CODE

SUBMITTAL DEADLINE: FRIDAY, OCTOBER 6, 2017



UNITED CITY OF YORKVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

📍 800 Game Farm Road, Yorkville, Illinois

📶 www.yorkville.il.us

☎ 630.553.8573

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BACKGROUND

THE CITY OF YORKVILLE

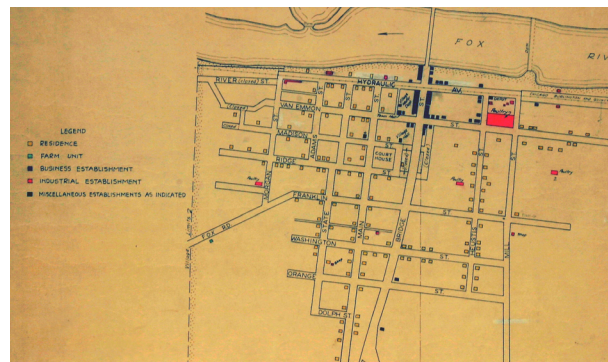
REGIONAL CONTEXT

Yorkville is one of 284 municipalities that comprise the Chicago metropolitan region, a region that extends geographically over eight counties and includes a population of approximately 8.3 million people. Yorkville is located 50 miles southwest of the City of Chicago, south of Interstate 88 (Ronald Reagan Memorial Highway) and Illinois Route 56, and north and west of Interstate 55 (Stevenson). Its corporate boundaries generally include Base Line Road (Illinois Route 30) to the north, Fairfax Way to the south, Galena Road to the northwest, Veterans Parkway and American Way Road to the east, Illinois Route 126 and Ashley Road to the southwest, West Fox Road and Popular Drive to the southwest, and Eldamain Road to the west. Yorkville is divided in two by the Fox River, which extends from Colgate, Wisconsin to the north to Ottawa, Illinois at the confluence of the Illinois River 31 miles to the southwest.

In addition to its relative proximity to the two Interstates and other arterials that connect Yorkville to adjacent and nearby suburbs and communities, the Chicago region's two airports, Midway International (44 miles) and O'Hare International (50 miles) are within one hour to 90 minute drive times. In addition, Yorkville is located near other small and mid-sized airports, including DuPage County, Joliet Regional, Cushing Airfield, the Aurora Municipal Airport, and the Hinckley Airport in DeKalb County. Yorkville is not currently served by Metra, the northeastern Illinois commuter rail system; the nearest station to Yorkville is 13 miles to the northeast located in the Aurora Transportation Center in downtown Aurora. Bus and other transit services are provided locally in Yorkville by Kendall Area Transit operated by Kendall County. Yorkville's transportation options and connections to other parts of Kendall County and Fox Valley region makes Yorkville fairly accessible and attractive for prospective businesses and residents to locate in the community.

HISTORIC CONTEXT

The Kendall County and Yorkville area was first settled around 1829 by pioneers and newcomers from the New York state and New England. Although the Blackhawk War of 1832 briefly slowed settlement, the prospect of cheap and fertile land for agriculture and navigable transportation along the Fox River and nearby trails continued to attract many to the area. The first reported permanent structure in Yorkville was built in 1833 by Earl Adams, located south of the Fox River, atop of the hill which is now home to the Kendall County Courthouse. During the same time, Lyman and Burr Bristol began to develop property north of the Fox River. During the years from 1834 to 1836 the community of Bristol, was platted north of the Fox River. In 1835, the Bristol brothers sold their claim on the south side of the Fox River to two cousins, Rulief Duryea and James Cornell, who were originally



1940 Downtown Zoning Map



Historic Photo of Downtown along Bridge Street



Sunset over waterfront along Riverfront Park

from New York. In the following year, Duryea laid out the village of Yorkville. In 1856, Captain F.M. Hobbs, laid out the village square in Bristol, which would later be incorporated in 1861 with Yorkville following in 1887. Yorkville's designation as the Kendall County seat in 1859 would guarantee the future growth and development of Yorkville and Bristol.

The advent of the railroad to Yorkville in the 1870's spurred the growth of downtown Yorkville with businesses that took advantage of the area's natural resources – businesses that included Squire Dingee's pickle factory, the Yorkville Ice Company, which sold the harvest from the Fox River, and the Renbehn Brothers button factory whose product was made from clam shell found in the Fox River. Several buildings in downtown Yorkville date from this period of development. These communities continued to grow as similar, but separate entities for over 100 years. The two entities merged as the United City of Yorkville in 1957. The Kendall County Courthouse was originally built in 1864 on the same location it is today. Despite a fire in 1887, the exterior walls of the courthouse are still the same ones built in 1864. Kendall County offices have expanded since the Courthouse was originally built in 1864. Additions were added to the courthouse in the 1950's along with satellite buildings/office space built in 1975 across the street and a new jail, at US 34 and Cannonball Trail, opening in 1992.

In 1997, a new courthouse was built to service Kendall County on US 34, and expansion plans are currently underway for the property on US 34 in 2008. The historic courthouse still remains in use serving as offices for other county departments.

Additional community and government information can be found about the United City of Yorkville on our website at <http://www.yorkville.il.us>.

PROJECT SUMMARY

The United City of Yorkville is soliciting sealed proposals from qualified firms with considerable experience in creating downtown overlay district development and façade design guidelines with an emphasis in streetscape master planning and form-based code criteria. Interested consultants must submit proposals as described herein no later than **4:00pm on Friday, October 6, 2017.**

SCOPE OF SERVICES

PROPOSAL REQUIREMENTS

Proposals will be considered only from qualified firms with a preference to firms that are based in Illinois and familiar with Illinois law. Each proposal will consist of a maximum of 25 pages (excluding appendices) and should include the following:

Letter of Transmittal - prepared on company letterhead identifying the name of the key contact, address, phone number and email address.

Executive Summary - succinct explanation of the Consultant's interest in the project and why the firm is uniquely qualified for this project.

Organizational Profile - brief description of the firm's structure and capabilities, length of time in business, and previous work experience.

Proposed Project Team - provide resumes of all personnel, including outside consultants that will be assigned to the project including specific experiences each team member will contribute to the project. Identify and define their individual roles.

Previous Project Summaries - list including reference contact information, for a minimum of three (3) projects which are similar in scope to the project described also identifying key personnel who worked on each project listed. The City reserves the right to contact any references provided herein or otherwise obtained.

Methodology - explanation of general technical approaches and processes to be employed for executing the requirements of the Project Components provided herein, which includes a detailed outline of the proposed services.

Project Schedule - the proposed amount of time presented in months and as a percentage of total workload. Indication of proposed milestones should also be included. The City reserves the right to negotiate work tasks and schedule prior to finalizing a contract with the selected firm.

Project Fees - provide a fee breakdown of the proposed fees of the research project, with appropriate explanatory detail justifying costs and calculations. Please submit hourly rates for each individual as well.

Signature/Certification - proposal must be signed by an official authorized to bind the offer and shall contain a statement that the proposal is a firm offer guaranteed for a ninety (90) day period from the submittal deadline. The proposal shall also provide the following information: name, title, address, telephone number and e-mail address of the person(s) with authority to contractually bind the company and also who may be contacted during the period of proposal evaluation for the purpose of clarifying submitted information.

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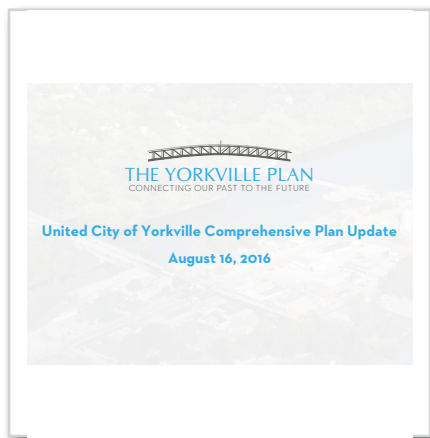
PROJECT COMPONENTS

The intent of the Yorkville Downtown Overlay District is to protect the scenic and natural qualities of the corridor that are valued by the community, as well as to promote the quality development and land use along the corridor. The guidelines are to allow flexibility for the aesthetics of the corridor and to encourage compatibility with the character of the area without stifling the creativity of designers.

The consultant shall assist the City in establishing goals, objectives, implementation strategies, design, and development guidelines to implement the vision. It is the intent that these documents, through their adoption and implementation, will allow for the establishment of consistent patterns of high-quality, efficient and economically successful development.

The following shall be addressed:

- Create a vision for the ultimate physical development of the corridor, including illustrated best practices for design standards that establish aesthetic guidelines. This shall include massing examples, pavement improvements, building orientation, parking availability, pedestrian improvements as well as other design standards that are visually appropriate.
- Develop design standards based on the adopted Comprehensive Plan.
- Develop a “Downtown IL Route 47 Corridor Overlay District” along with necessary amendments to the zoning ordinances and subdivision regulations.
- Identify opportunities for proposed enhancements to beautify the corridor and improve economic development while providing regulatory measures to protect the historic and scenic qualities of the corridor. This would include material recommendations, color palettes, public art, signage, and public spaces.
- Develop and build consensus by using key stakeholders throughout the process including citizen, businesses, property owners, elected and appointed officials. A web portal is preferred to solicit comments from those that are unable to attend meetings or events.



REFERENCE MATERIALS

- United City of Yorkville Comprehensive Plan Update 2016
www.yorkville.il.us/383/Comprehensive-Plan
- Downtown Parking Study (*provided upon request*)
- Downtown Landscape Hill Project (*provided upon request*)
- Yorkville GIS Mapping
www.yorkville.il.us/369/GIS-Mapping
- Integrated Transportation Plan
<http://www.yorkville.il.us/388/Integrated-Transportation-Plan>

DELIVERABLES

- The Consultant will be responsible for reproduction of the final plan document in hardcopy form for a total of twenty-five (25) copies.
- The Consultant will be responsible for providing the draft and final documents in both electronic formats (Microsoft Word and Adobe PDF) allowing reproduction, revision, and web posting by City staff.
- The Consultant will format the document in 8½" x 11" (vertically oriented) format. Maps shall be produced in ArcGIS™ format of 24" x 36", with the capability of being legibly reduced to 11"x17" format for inclusion into the final hardcopy form.
- Digitize new maps, input data and create new GIS layers, and incorporate selected maps from existing work products to produce new GIS Maps. The United City of Yorkville utilizes an engineering consulting firm for some of its GIS mapping services; however ESRI® ArcMap™ and ArcView™ platforms are used by internal department staff.
- Three dimensional (3D) digital models of massing examples and potential architectural details of the IL Route 47 corridor between Fox Street and the Fox River, utilizing either Trimble SketchUp™ or other 3D modeling software/platforms.
- All final maps and source data files will be provided to the City.
- Produce all materials for public presentations.
- Provide digital, web ready drafts of the Plan for posting on the City's website and other social media.
- Produce final copies for approval and adoption by the City Council.

PROJECT TIMELINE

The overall timeline for the development of the Yorkville Downtown Overlay District is anticipated to be 6-9 months, including the adoption process. As a submittal requirement, the applicant will provide a project schedule showing key task target dates, including public meetings and hearings with estimated task duration. Variations from the City's established timeline should be discussed in the RFP.

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PROPOSAL EVALUATION

REVIEW OF SUBMISSIONS

Selection criteria are outlined below and will be used to evaluate proposals for invitation to interview/presentation. This RFP does not commit the City to award a contract or to pay any costs incurred in the preparations or submission of proposals. The City reserves the right to reject any or all proposals received in response to this RFP.

Selection of the successful proposal for interview/presentation will be made based upon the following criteria:

- Responsiveness and proposed approach to work scope and project needs. Although City has identified a general nature of services to be provided, the consultant is given leeway toward the approach to the methodology to provide the requested services. Innovative strategies and creativity are desired.
- Demonstrated experience and technical competence in similar projects.
- Past record of performance of the firm with respect to such factors as working relationship with sub-consultants or peer consultants on the same project, control of costs, quality of work, and ability to meet schedules.
- Cost-effectiveness.
- Capacity and capability of the firm/team to perform the work in question, including specialized services.
- Quality of key personnel assigned: bios, qualifications.
- Understanding of local conditions related to the completion of the services.

SUBMISSION FORMAT

Interested firms/consultants should submit **four (4) paper copies** and **one (1) digital copy** (provided via USB drive, CD or email) of the proposal requirements by the deadline of Friday, October 6, 2017.

The hardcopy proposals shall be submitted in a sealed envelope marked **"REQUEST FOR PROPOSALS, YORKVILLE DOWNTOWN OVERLAY DISTRICT"** addressed to:

UNITED CITY OF YORKVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
800 GAME FARM ROAD
YORKVILLE, ILLINOIS 60560

Proposals submitted only by fax or e-mail will not be accepted. All submittals shall be retained by the City and will not be returned.

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PRE-PROPOSAL CONFERENCE

A pre-proposal conference is scheduled for Tuesday, September 26, 2017 beginning at 1:00 PM in the City Hall Council Chambers located at 800 Game Farm Road, Yorkville, Illinois 60560. The purpose of the pre-proposal conference is to assist prospective consultants with questions related to the RFP scope of services and submittal requirements. Attendance at the pre-proposal conference is not mandatory.

Attendees must register by Friday, September 22, 2017 to Krysti J. Barksdale-Noble, Community Development Director via e-mail at knoble@yorkville.il.us. If no firms register, the meeting will not be held.

GENERAL INFORMATION

PROFESSIONAL SERVICES CONTRACT

A Professional Service Contract is required.

SUBLETTING OF CONTRACT

The Consulting Firm will agree, after the contract is awarded, not to assign or sublet the whole or any part of the contract without the prior written consent of the City.

CHANGES IN SCOPE OF SERVICES & PERSONNEL

The Consulting Firm will agree that any change of scope in the work to be performed after the original contract has been signed shall be documented as a written change order, be accepted by all parties, and made a part of the original contract by addendum.

The personnel identified in the proposal shall work on the project until completion. Any substitution of personnel shall require the approval of the City in writing. Personnel changes shall only be considered for valid reasons, such as an employee leaving the firm, major illness or accident. Only persons determined by the City to be well qualified shall be approved.

RIGHT TO REJECT PROPOSALS AND WAIVE INFORMALITIES

The City reserves the right to reject any or all proposals, to waive any nonmaterial irregularities or information in any RFP, and to accept or reject any item or combination of items.

CONTACT INFORMATION

If you have any questions regarding this RFP, please contact Krysti J. Barksdale-Noble, Community Development Director:

United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560

knoble@yorkville.il.us
