

APPROVED 12/13/17

PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, October 18, 2017 7:00pm

Meeting Called to Order

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

Roll Call:

Deborah Horaz-present, Don Marcum-present, Jeff Olson-present, Bill Gockman-present, Reagan Goins-present, Randy Harker-present

Absent: Richard Vinyard

City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner
Lynn Dubajic, City Consultant
Tim Schultz, EEI

Other Guests

Christine Vitosh, Court Reporter, Vitosh Reporting
Also see guest lists

Previous Meeting Minutes August 9, 2017

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

Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Horaz-yes, Harker-yes
Carried 6-0

Citizen's Comments None

Public Hearings

Chairman Harker explained the procedure for the Hearings and swore in those who would present testimony. At approximately 7:04pm, a motion was made by Mr. Marcum and seconded by Mr. Gockman to open the Public Hearings.

Roll call: Olson-yes, Gockman-yes, Goins-yes, Horaz-yes, Marcum-yes, Harker-yes
Motion carried 6-0.

- 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.

(See Court Reporter's Transcript)

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.**

(See Court Reporter's Transcript)

Attorney Jeffrey Lewis also requested 'responses' be entered into the official record.

At approximately 8:56pm a motion was made and seconded by Commissioners Marcum and Horaz, respectively, to close the Public Hearings

Roll call: Gockman-yes, Goins-yes, Horaz-yes, Marcum-yes, Olson-yes, Harker-yes
Carried 6-0.

Old Business None

New Business

1. **PZC 2017-11 Text Amendment** (See description above)

Comments included that this use will provide charm and character to businesses in the downtown and other locations. This use will need a special liquor license with date restrictions. Language can be added now or later to consider requests on a case-by-case basis, said Ms. Noble. Mr. Horaz expressed concern about noise from loudspeakers, however, it will be governed under the noise ordinance.

Action Item

Text Amendment

A motion was made by Ms. Goins and seconded by Mr. Olson to approve the amendment. Mr. Olson read the motion as follows: 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.

Roll call: Gockman-yes, Goins-yes, Horaz-yes, Marcum-yes, Olson-yes, Harker-yes.
Carried 6-0.

2. **PZC 2017-12 Mark Southern (See description above)**

Commissioners discussed enhancement to the park, increased park usage, more parking and size and layout of the proposed building. Ms. Goins said it will be difficult to make a left turn onto Main St. for business patrons. Mr. Olson reviewed the eight criteria for rezoning and after all factors were considered, he said not enough information was provided to make a recommendation on either the rezoning or variance requests.

Action Item

Rezoning

A motion was made by Ms. Goins and seconded by Mr. Olson as follows: 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. Roll call: Goins-no, Horaz-no, Marcum-no, Olson-yes, Gockman-no, Harker-yes. Motion fails: 4 no and 2 yes

Action Item

Variance

A motion was made and seconded by Commissioners Horaz and Goins, respectively, as follows: 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 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. Roll call: Horaz-no, Marcum-no, Olson-no, Gockman-no, Goins-no, Harker-yes. Motion fails: 5 no and 1 yes

Additional Business

1. City Council Action Updates

PZC 2017-10 Tom MeNelis, rezoning A-1 to R-1: Motion approved by City Council and input forwarded to Kendall County.

2. 2018 Planning and Zoning Commission Meeting Schedule

Commissioner Gockman said he has another meeting at 6pm on the same night as PZC, however, he will try to attend both. The schedule was approved as presented.

3. Request for Proposal – Downtown Overlay District Streetscape Master Plan Form Based Code

Ms. Noble said staff is beginning to implement schedules as specified in the Comp Plan. Part of that focus will be on the downtown so an RFP has been

initiated for a consultant to present plans for an overlay district. Staff will be

interviewing consultants, make a recommendation and take it to EDC and City Council. Eventually they will meet with the various city commissions.

4. **Discussion of Annual Planning and Zoning Commission Training Session**

PZC has had annual training and will now move to every other year. Some items the commission would be interested in are: handling hostile crowds, time limits on speaking, Roberts Rules of Order/protocol, hypothetical situations. It will be conducted next year.

Adjournment

There was no further business and the meeting was adjourned at 9:31pm on a motion by Commissioners Marcum and Gockman, respectively.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, October 18, 2017

7:00 p.m.

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PRESENT:

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

ALSO PRESENT:

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

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1 (WHEREUPON, the following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN HARKER: Moving into the public
5 hearing section, there are two public hearings
6 scheduled for tonight's Planning and Zoning
7 Commission meeting.

8 The purpose of these hearings is to
9 invite testimony from members of the public
10 regarding the proposed requests that are being
11 considered before the Commission tonight.

12 The public testimony from persons
13 present may wish to speak for or against the
14 request or to ask questions to the petitioner
15 regarding the request being heard.

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

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

1 (Witnesses sworn.)

2 CHAIRMAN HARKER: Thank you. You may be
3 seated. So the order that we are going to be
4 receiving the testimony for the requests, we're
5 going to hear from the petitioner first and do
6 their presentation, then those who want to speak
7 in favor of the request, all those that are
8 opposing the request being heard, and any
9 questions from the Planning and Zoning Commission
10 to the petitioner.

11 May I have a roll -- I'm sorry. May
12 I have a motion to open the public hearing on
13 petition numbers PZC 2017-11 and PZC 2017-12?

14 MR. MARCUM: So moved.

15 MR. GOCKMAN: Second.

16 CHAIRMAN HARKER: Roll call vote on the
17 motion, please.

18 MS. YOUNG: Yes.

19 Olson.

20 MR. OLSON: Yes.

21 MS. YOUNG: Gockman.

22 MR. GOCKMAN: Yes.

23 MS. YOUNG: Goins.

24 MS. GOINS: Yes.

1 MS. YOUNG: Horaz.

2 MS. HORAZ: Yes.

3 MS. YOUNG: Marcum.

4 MR. MARCUM: Yes.

5 MS. YOUNG: Harker.

6 CHAIRMAN HARKER: Yes.

7 PZC 2017-11, the United City of
8 Yorkville, Kendall County, Illinois, petitioner,
9 is proposing a text amendment to Chapter 3,
10 General Zoning Provisions of the United City of
11 Yorkville Zoning Ordinance, to create a new
12 section regarding the temporary sidewalk and
13 parklet cafes.

14 The amendment will provide a guide
15 for businesses to offer outdoor seating and food
16 and beverage service adjacent to their
17 establishment within the public sidewalk and
18 right-of-way that are safe and attractive to
19 restaurant patrons and pedestrians.

20 Petitioner?

21 MS. NOBLE: That would be me --

22 CHAIRMAN HARKER: Okay.

23 MS. NOBLE: -- on behalf of the City.

24 Late last year Staff was approached by local

1 business owners seeking options to enhance their
2 patron experience with having outdoor seating, a
3 beverage service and possible food service, so
4 the City started doing a little research on other
5 communities that have this particular offering
6 for their business establishments.

7 We started looking primarily in the
8 downtown area, although we are proposing that
9 this would be available to all business districts
10 in the B-1 through B-4 Zoning District, and what
11 you have before you tonight is recommendations to
12 amend the text to allow for sidewalk cafes, which
13 are basically tables and chairs that have either
14 a barrier around them, if they protrude three
15 feet or more into the public way, or barrier-less
16 if they are less than three feet of protrusion.

17 There is also a request for parklet
18 cafes, and what these are are designated areas
19 within the public right-of-way, the roadway,
20 where we would or the petitioner or whoever would
21 apply would block off for patrons to eat, have
22 drinks and to enjoy the outdoors while they are
23 dining.

24 These regulations would limit the

1 time frame of when we would allow these temporary
2 structures, if the structures are in nature
3 temporary, but any affixed portions of it during
4 the time that it's allowed can remain on the
5 outside.

6 The months that these would be
7 operational are April 1st through October 31st,
8 and there are aesthetic regulations required for
9 preferred street furniture, materials and
10 signage.

11 There is a map in your packet that
12 shows potential locations within the downtown --
13 again, Staff just focused within the downtown --
14 and although there is one business that is
15 actively seeking these types of uses, there could
16 be a potential for approximately ten or 12
17 businesses that could benefit from this map -- or
18 text amendment.

19 We did not do any research on the
20 financial aspect of it, but we do anticipate that
21 with the permit fees, which would vary between 50
22 to \$100 per permit annually, that we would recoup
23 the revenue needed for Staff to administer the
24 permit, to do inspections and to do follow-up.

1 CHAIRMAN HARKER: Awesome. Thank you.
2 Is there anybody present who would like to speak
3 in favor?

4 BOYD INGEMUNSON,
5 testified from the podium as follows:

6 MR. INGEMUNSON: Good evening. My name
7 is Boyd Ingemunson. I am the owner of the Law
8 Office Pub and Music Hall.

9 This is -- I was the business owner
10 that approached the City about this opportunity
11 to utilize the public way, obviously next to 226
12 South Bridge Street.

13 Very wide sidewalk there, and we
14 discussed with the City about the opportunity to
15 do this to compete with neighboring communities
16 that have outdoor seating.

17 I think this is much needed in the
18 downtown area, it would definitely help my
19 business, so obviously I am in favor of the
20 passage of this.

21 Just a couple notes I wanted to make
22 regarding the draft of the ordinance, a couple of
23 the changes that I would like to see made.

24 Right now there is a window from

1 April 1st to October 31st. I think that the
2 intent of the ordinance is to allow businesses to
3 utilize that area to not only attract other
4 customers, but to benefit their business, and I
5 hate to see a restriction where if you have
6 70-degree weather in February like we did last
7 year or good weather in November that you don't
8 have the opportunity to utilize that space, if
9 it's a space where people will frequent, and I
10 don't see a reason why you shouldn't be allowed
11 to do it year round potentially if the weather
12 permits. That's just one section I think that's
13 a little bit of an onerous restriction.

14 Another restriction that I think in
15 a prohibition section is there is an absolute
16 prohibition to any loud speakers on the outdoor
17 section of these areas.

18 If you look at some of the existing
19 businesses that have beer gardens, they have
20 speakers that are -- In the Economic Development
21 Committee meeting we had a discussion regarding
22 this and there is already restrictions governing
23 liquor ordinances and a noise ordinance that the
24 City has, so to have an absolute prohibition to a

1 loudspeaker where you want to have some ambient
2 music outside I think is a little bit too much of
3 a restriction as long as it's within reason, and
4 like I said, there is other laws in place that
5 are already governing noise that could be
6 enforced to protect the public, so -- But other
7 than that, I appreciate the City's willingness to
8 move forward with this ordinance and I fully
9 support it.

10 CHAIRMAN HARKER: Thank you.

11 Is there anybody else in favor?

12 ROBYN SUTCLIFF,

13 testified from the podium as follows:

14 MS. SUTCLIFF: Hi. I'm Robyn Sutcliff.
15 I'm the owner of Foxy's Ice Cream, downtown
16 Yorkville, and I didn't even know about this, I
17 just kind of happened across this, so I am not
18 real versed on it, but the renderings I see and
19 the areas we want to put these in just seem great
20 to me, I think it will bring a lot of people to
21 the downtown.

22 We get a lot of traffic at Foxy's,
23 our little spot, but a lot of people want to know
24 where else they can go and what else they can do

1 and I don't have a lot of answers for them, so it
2 would be great if we had a more walkable city and
3 more things to do all over the entire downtown.

4 People really want to spend their
5 time downtown, so I appreciate Boyd bringing this
6 up to you and you guys following it up and I
7 think it's a great idea.

8 CHAIRMAN HARKER: Thank you. Anybody
9 else in favor?

10 (No response.)

11 CHAIRMAN HARKER: Anybody opposed to the
12 request here tonight, this first one?

13 (No response.)

14 CHAIRMAN HARKER: No? Okay.

15 Commissioners, do you have any
16 questions for Staff?

17 MR. OLSON: Yeah. Are the barriers in
18 the right-of-way, are these hard barriers, are
19 they movable barriers, are they safety barriers?
20 What are they intended to be?

21 MS. NOBLE: So when you have a big
22 barrier on the sidewalk itself, they can be soft
23 barriers or they can be hard barriers, they can
24 be plant materials, they can be fencing material

1 as long as it's appropriate and aesthetic to the
2 criteria listed.

3 Now, if it's in the right-of-way, it
4 has to be a hard barrier, so it can be flower
5 type, could be a platform with -- surrounding
6 area around it.

7 MR. OLSON: Parapet or something?

8 MS. NOBLE: Parapet, yes.

9 MR. OLSON: This is very well put
10 together, all of it is very clear to understand.

11 Bringing up Mr. Ingemunson's
12 comments about if you did eliminate an April 1st
13 to October 31st window, what's to -- maybe this
14 is a topic for another conversation, but what's
15 to keep people from leaving that stuff out?

16 How does the City enforce people
17 cleaning it up if there is no window for removal?

18 MS. NOBLE: Sure. So we have two
19 mechanisms of enforcement; if it's within the
20 parkway where the sidewalk is, then we have a
21 property maintenance inspector go out and issue a
22 citation.

23 If it's within the public way of the
24 street, we have our Public Works Department, they

1 can go by and issue the same as we can, the
2 citation, or remove it.

3 MR. OLSON: Right. The City could
4 remove it.

5 MS. NOBLE: We definitely could remove
6 it.

7 MR. OLSON: And the only other question
8 or comment I have is the speakers, beer gardens,
9 and outdoor restaurants, generally those speakers
10 are on private property, and we have a current
11 ordinance to govern noise in the property lines,
12 but I don't know if we have anything on speakers
13 in public spaces, and that's really one of my
14 only concerns, polluting public space.

15 MS. NOBLE: Right. That was Staff's
16 concern. That's why we expressly prohibited them
17 within the public way, we do not want standard
18 speakers within the roadway or within the
19 sidewalk.

20 We are not against them; you can
21 install outdoor sound along the building if you
22 need, but as long as it's not within that public
23 way to obstruct.

24 MR. OLSON: How would you monitor the

1 sound -- and we just got through approving all
2 the noise -- how would you -- since there is no
3 property line inside the right-of-way, how do you
4 do that?

5 MS. NOBLE: So there is an overall
6 sound --

7 MR. OLSON: Restriction?

8 MS. NOBLE: -- restriction. So it's not
9 from where necessarily the sound is coming from,
10 but where it's being heard.

11 The Police Department has been
12 trained and so has the Building staff, to go out
13 and regulate and take needed readings.

14 CHAIRMAN HARKER: Does the City as far
15 as like when it snows -- do it in the winter time
16 or something, does the City take care of the
17 sidewalks or is it the individual business
18 owners?

19 MS. NOBLE: We do not take care of the
20 sidewalks, but we do take care of plowing within
21 the street, and that's why we limited it to the
22 October 31st deadline, so it does not impede
23 brush pick-up or any other operations that we
24 have within the street.

1 We could amend this to give Staff
2 some ability, some administrative ability, to
3 extend if weather permits, but that would be done
4 administratively instead of coming back as a
5 request for an extension formally, as a variance
6 of some sort.

7 CHAIRMAN HARKER: Okay. All right.

8 MR. OLSON: Do you want to chase down
9 Krysti and extend it past April 1st, would that
10 be an amendment to this or --

11 MS. NOBLE: Yes. It would have to be an
12 amendment and subject to --

13 MR. OLSON: Today or --

14 MS. NOBLE: Today, yeah.

15 CHAIRMAN HARKER: But we will do that
16 not in the public hearing.

17 MR. OLSON: Okay.

18 CHAIRMAN HARKER: Okay? Awesome.

19 Anybody else?

20 MR. MARCUM: Have there been any other
21 business people spoken to to get a feel for what
22 their thoughts are?

23 MS. NOBLE: You know, we spoke with the
24 original requestor, the petitioner, who came

1 tonight. We have over the past talked to
2 developers in the downtown looking for ways to
3 spur economic development. This is something
4 that has been tried in other communities, it's a
5 common planning practice.

6 There is no requirement to do it if
7 they are opposed to it. You cannot encroach onto
8 your neighbor's property with your outdoor
9 display or seating area, so we make sure of that
10 in the plan review process, but again, it's one
11 of those privileges that you are allowed to do,
12 and if you don't want to engage in it, you don't
13 have to.

14 CHAIRMAN HARKER: Okay. We are going to
15 move on to the next public hearing item. This is
16 PZC 2017-12, Mark Southern, petitioner, on behalf
17 of Michael and Molly Schomer, property owners,
18 has filed applications with the United City of
19 Yorkville, Kendall County, Illinois, requesting a
20 rezoning classification and a variance to the
21 City's bulk regulations for a rear yard setback.

22 The petitioner is requesting
23 rezoning approval from R-1 Suburban Residential
24 District and R-2 Single-Family Traditional

1 Residence District, to B-2, Retail Commerce
2 Business District.

3 The petitioner is also requesting to
4 vary the requirement of City Code Section 10-7-1
5 requiring minimum required rear yard setbacks.
6 The proposed rear yard would be reduced from
7 20 feet to zero feet.

8 The real property is located east of
9 Illinois Route 47, North Bridge Street, south of
10 East Main Street, and immediately north of the
11 Fox River, commonly known as 104 North Bridge
12 Street, Yorkville, Illinois, 60560.

13 Is the petitioner ready?

14 JEFFREY LEWIS,

15 testified from the podium as follows:

16 MR. LEWIS: Good evening to the
17 Commission. My name is Jeffrey Lewis. I am the
18 attorney for Mark Southern.

19 I also have with me this evening
20 David Schultz from HR Green, who is our primary
21 engineer for this project, and he will speak
22 after me.

23 I'm also perfectly happy to answer
24 whatever questions come up as time goes on this

1 evening.

2 I was told by a speech teacher long
3 ago, don't read to an audience what you have
4 already handed them, so you've got in writing our
5 very detailed responses to the specific criteria
6 needed for the zoning request. I won't read them
7 verbatim, but I do want to highlight a few things
8 briefly.

9 Mr. Southern is the contract buyer
10 for this property. The Schomers have granted him
11 permission to go forward with this petition
12 before concluding with the sale primarily because
13 if the zoning relief can't be obtained, then the
14 property doesn't have the value that we have
15 assigned to it.

16 In other words, we don't want it as
17 a residence, and apparently based on the time
18 that the property has spent on the market, that's
19 a fairly common thought, that that's not the best
20 use for this property.

21 We've come up with a plan for what
22 we think would be a much better use and, hence,
23 we are before this commission asking that the use
24 be changed from residential to business so that

1 Mr. Southern can then construct a restaurant
2 operation.

3 We've modeled our petition and our
4 request based on what we think is sort of
5 maximizing that restaurant operation; in other
6 words, what's sort of the largest operation that
7 would make sense.

8 That plan is in flux and we continue
9 to talk with the City about what's going to be
10 the best way to actually finalize the footprint,
11 the layout, the design, but in order to keep as
12 many options open as possible, we want the
13 Commission to know this is what could be done
14 with the property and what we think would enhance
15 it.

16 As I understand it, the City of
17 Yorkville spent quite a bit of time working
18 through the Comprehensive Plan and the best use
19 for the various areas in the city, and for this
20 particular property, I believe that the City is
21 in agreement that a business type use would be
22 appropriate.

23 This is a unique property, there's
24 no question. Although it's a residence now, it

1 sits surrounded by park, highway and waterway, so
2 we're not asking to take a house that butts up
3 against all the other houses in the neighborhood
4 so to speak and suddenly make a dramatic change
5 to it.

6 We're trying to fit our project in
7 with what the City has already foreseen and what
8 we think would be appropriate given the flow of
9 the uses from the downtown business, the river,
10 up Bridge Street, Highway 47, et cetera.

11 A couple of comments just on some of
12 the specific criteria for the zoning from
13 residence to business. It's clear that as a
14 residence, this property, first of all, is not
15 being well used, it's been vacant for quite some
16 time, and with all of the changes that have been
17 made to the highway, there would be considerable
18 safety issues in trying to sort of resurrect this
19 as a viable residence.

20 You've got a driveway right there at
21 the bridge that comes out on 47, which now has a
22 curb down the middle of it, so your access is
23 going to be somewhat limited, and just the idea
24 of a residence within a few feet of that highway

1 clearly fits with what the City has already
2 foreseen as an improper use. In terms of -- That
3 speaks to health, safety, that type of thing.

4 In terms of adjoining and
5 neighboring properties, again, we think this
6 makes a good transition of -- from the
7 neighborhoods to the north, to the park that
8 surrounds the property, to the river and business
9 districts to the south.

10 This would be a use that's very
11 appropriate and flows well given what the City's
12 vision has demonstrated for the area.

13 On the other hand, leaving it as a
14 residential use we believe is going to just see
15 continued negligence on the property, it's not
16 going to be able to be used well, you're going to
17 see continued deterioration as it sits on the
18 market, and in order to get this back into a
19 viable and useful part of the community which
20 will, if all goes well, bring some good jobs,
21 bring a good opportunity for the community to
22 spend their dollars, and bring a nice, attractive
23 location to fit with what's around it, we think
24 that business zoning would be appropriate.

1 If there is any questions as we move
2 forward with regard to any of the other specific
3 criteria, I'm happy to address those, but I do
4 want to touch just on one or two items with
5 regard to the variance request as well.

6 The variance request that we're
7 asking for is simply to allow construction of the
8 structure all the way up to the rear yard line
9 rather than to impose the typical 20-foot
10 setback.

11 The purpose of the setback is to
12 provide open space between buildings. In this
13 case, the property is surrounded by open space,
14 the park goes all the way around it, and so the
15 need for that really doesn't exist in the way it
16 would traditionally exist in a business district
17 where you want to make sure that the buildings
18 are well spaced.

19 On the other hand, the property is
20 not only unique in its location, it's also unique
21 in its layout. It is a full acre, but it's a
22 very long, narrow acre, which makes construction
23 on this property very difficult.

24 It also -- that's exacerbated by the

1 fact that the property leads down to the river
2 and so there is a significant amount of the
3 southern edge that's in floodplain and can't be
4 built on at all, and so what you end up with is
5 you try to fit a footprint of a useable building
6 into a very narrow space, and so having that
7 extra 20 feet -- in order to put a useable
8 structure on the space, having that extra 20 feet
9 becomes very important.

10 How does that weigh against the
11 neighboring property? As I said, as a park and
12 as open green space, we don't have the same
13 concerns about putting structure up against
14 structure.

15 Adequate light is maintained,
16 adequate air space is maintained, all of the
17 things that you would normally expect to see that
18 are protected by setbacks, and so we think that
19 the variance is appropriate given the very unique
20 nature and the very unique location of where this
21 property is.

22 So with that, I'll ask Mr. Schultz
23 if he'd like to from an engineering perspective
24 add any thoughts, and then we're happy to

1 entertain any other questions.

2 DAVID SCHULTZ,

3 testified from the podium as follows:

4 MR. SCHULTZ: Good evening. David
5 Schultz, HR Green, licensed engineer, Yorkville
6 resident and Yorkville business.

7 Just to expand a little bit upon
8 what Jeff had said, in your packets, Concept 1 I
9 believe it's called is what I had prepared, and
10 the petitioner essentially asked me to prepare a
11 site plan what could he fit on this property, and
12 this is merely just a concept, it's not a final
13 plan. It's just a starting point.

14 So what we have there is a 12,000
15 square foot building, 8,000 square foot envelope
16 with 4,000 down on the lower floor.

17 By ordinance we are required to put
18 36 parking spaces. We have 38 shown total. 36
19 is regular, two ADA as required.

20 Also, the existing driveway off of
21 Route 47 is to be maintained, that is IDOT
22 controlled. We are looking to keep that as a
23 right in, right out, and it would be for
24 deliveries only, deliveries and essentially

1 garbage, and that's all that can be pretty much
2 done. Based on the topography of that access to
3 the main parking, the parking lot would be
4 off-site.

5 Also, you know, this -- to highlight
6 more on the site characteristics, it's really the
7 view corridor of this property and the proximity
8 to the water is what we're after and what this
9 petitioner is really seeking.

10 The topography, we drop about 40 to
11 50 feet, depending on what the set elevation is,
12 so that would enhance the view corridor up,
13 upstream or up river.

14 Also, there is community assets
15 relative to this piece of property. We have
16 parks, we have the church, we have the Route 47
17 corridor and sidewalks.

18 There is no other place available in
19 town that meets what this petitioner is seeking,
20 and hence why he's here.

21 If there is any other questions that
22 I have, we continue to work with Staff, and we're
23 not seeking any other ordinance -- or variances
24 from the ordinance than any typical developer

1 would do, would seek.

2 CHAIRMAN HARKER: Thank you. Excuse me,
3 Mr. Lewis. Would you like the responses entered
4 into the record?

5 MR. LEWIS: Yes, please.

6 CHAIRMAN HARKER: Okay. Thanks.

7 MR. LEWIS: Thank you.

8 CHAIRMAN HARKER: Anybody else who would
9 like to speak in favor of the request?

10 LYNN DUBAJIC,
11 testified from the podium as follows:

12 MS. DUBAJIC: Good evening, I'm Lynn
13 Dubajic.

14 As the economic development
15 consultant to the City of Yorkville, I'm always
16 looking for property that would allow for new
17 capital investment in the town, opportunity, job
18 creation, and to help on entrepreneurs succeed.

19 This property and home truly no
20 longer lends itself to residential use,
21 particularly due to its proximity to Route 47,
22 and personally I'd like to ask you to --
23 respectfully ask you to consider a favorable vote
24 on the rezoning and the variance as presented to

1 allow for all of these things to take place.

2 Thank you.

3 CHAIRMAN HARKER: Thank you. Anybody
4 else in favor and would like to come up and
5 speak?

6 (No response.)

7 CHAIRMAN HARKER: None, okay.

8 Those who are in opposition of the
9 request, please come up one at a time. One thing
10 I'd like to ask is that since we do have a lot of
11 people here and since there is only a -- you
12 know, a couple that were in favor, if the person
13 that went in front of you is saying virtually the
14 exact same thing, just for time constraints and
15 so we don't have to go through the repetition of
16 everybody, let's just make sure that, you know,
17 you wrote your name down on the list and that
18 will be put into the record. Thank you.

19 NATHAN SCHATTKE,

20 testified from the podium as follows:

21 MR. SCHATTKE: I'm Nathan Schattke, 308
22 Colton Street, Yorkville. I've been here since
23 1998.

24 I petition against this rezoning as

1 it will cost me money, it will lower the property
2 value that I have right now. In December of
3 2015, my property was assessed by a registered
4 assessor at \$120,000.

5 Yester -- this year, in the spring
6 of this year, the house next to me sold for
7 \$195,000, a very similar house, both very old
8 homes in the old part of Yorkville.

9 Yesterday the owner of that home
10 spoke in open record on the adjustments to the --
11 potential adjustments to the park that that park
12 was a material part of why she purchased that
13 house and why she spent so much on that house.

14 I will also be impacted by this due
15 to the mental health of my wife. She has
16 Huntington's disease and is in the mid stages of
17 it and cannot handle changes in her environment
18 very well, so we have to stay in this house.

19 Going for walks in the woods is
20 calming and peaceful for her. That disease
21 destroys the brain, creates a lot of anxiety, and
22 she has stopped work because of those kind of
23 anxiety things. That park is a material part of
24 her mental health. She takes her grandchildren

1 there on a regular basis. We know that area
2 very well.

3 The plans for this proposed zoning
4 change are contingent upon having access through
5 Main Street and not Route 47.

6 This is in direct violation of Ron
7 Clark's donation of a very -- well, almost
8 donation of that land to the City. That is a
9 business use of his park. That is against the
10 contract that the City signed.

11 The City is likely to incur --
12 encounter significant financial obligations due
13 to being sued for violating that agreement. That
14 will affect my taxes. I will be materially
15 affected by this.

16 I've heard mention that the property
17 is vacant and that it's worthless because it's
18 vac -- because it's residential. I contend that
19 the cost of the property is the reason it's
20 vacant, that the cost of the property, the cost
21 of the rent, is the reason it's vacant. If the
22 property were priced appropriately, a family
23 would move in there. They would access Route 47
24 on a regular basis a small amount.

1 As children are rolling down that
2 hill on Route 47 on the sidewalk, they would
3 encounter a car coming in or out of that
4 residence five, ten times a day. With a
5 business, unless you're coming through Main
6 Street, and even then you're going to have a lot
7 of turning in and out of that property.

8 I disagree with the change in zoning
9 to Business and that the amount of traffic
10 involved will be a direct risk to life and limb
11 of children riding bikes down Route 47 there with
12 the steep hill. It does get out of control
13 there.

14 The petitioner had mentioned that
15 light is not an issue because there is no
16 property on the other side. Currently that
17 property is a buffer of sound and light to the
18 park and to the next neighbor on the other side.

19 With property -- with a property
20 line variance of zero, that sound and light of
21 potentially 150 party-goers at a time will be
22 drifting all across the park, up into my
23 neighborhood.

24 I already hear it from the South

1 Branch Barbeque. I kind of like it sometimes,
2 but it's still there. There is a lot of noise
3 involved here.

4 There is an environmental aspect to
5 that noise and light. If you give a zero
6 setback, the environment of the park will
7 materially be impacted. There are
8 macroinvertebrates that live in that seat. The
9 macroinvertebrates last for years in their larval
10 stage and they are very rare now.

11 We used to have a lot more of them
12 as we had swamp, but a lot of swamp's been
13 drained.

14 That seat running along about
15 30 feet up from the river provides an environment
16 for these macroinvertebrates that lasts several
17 years, such as larger dobsonflies.

18 Currently the park rules are it
19 closes at dark. The proposed use of this would
20 be to go into that park after 4:00 p.m. and to
21 midnight. Animals and the environment will
22 suffer due to the increased traffic after dark.

23 I would not have an objection to a
24 single winding lane going through the park and

1 into this property from Main Street. I do
2 sincerely object to a double-wide 20-parking
3 space access through our public park for a
4 business purpose.

5 This guy has got to get his own act
6 together, figure out how he can live within the
7 zoning, like OMG and the doctor that set up the
8 home healthcare enactment further up the road.

9 They all got their 20-foot setbacks,
10 they match into the neighborhood, they don't
11 impact it that bad. OMG is a bit bad on the
12 light, but they're not too bad, but they do have
13 their 20-foot setback, and that is important for
14 our neighborhood.

15 Thank you.

16 (Applause.)

17 ROBYN SUTCLIFF,

18 testified from the podium as follows:

19 MS. SUTCLIFF: I'm Robyn Sutcliff, and I
20 am here today as a resident of the area, I live
21 in the neighborhood, and I was an alderman from
22 the years of 2007 to 2011.

23 Being an elected official or a
24 volunteer official isn't always easy and it's

1 often a thankless position that leaves 50 percent
2 of the public liking you and possibly 50 percent
3 hating you depending on how you vote.

4 I always tried to do my best to vote
5 for what was within the law and what was best for
6 the citizens of Yorkville.

7 There is a few things that I am
8 really proud of during my time as an alderman,
9 elected official. Second only to keeping a
10 landfill out of Yorkville was the work that I did
11 directly with Ron Clark and his family to provide
12 the one and only passive park to the residents of
13 Yorkville.

14 A passive park is one with no
15 swings, no slides, no things. It provides a much
16 needed natural space that people can sit, talk,
17 read, write and just enjoy.

18 We have many parks in our city, but
19 Ron Clark Park is the only passive park we have
20 here.

21 When I met Ron Clark, he had
22 congestive heart failure. Doctors told him there
23 was nothing they could do to help him, he could
24 die at any moment.

1 Despite his dire medical condition,
2 Ron was happy and jovial and active. He was at
3 every Yorkville event I ever went to looking like
4 a picture of health. I'm certain that anyone
5 that knew him would say the same thing.

6 I met Ron and his sister Sharon many
7 times. We discussed the importance of his
8 property and the history of Yorkville that was
9 attached to it.

10 He was very leery of selling the
11 property to Yorkville, but I, the mayor, the City
12 administrator, the City attorney, and his
13 attorney assured him that this contract was
14 ironclad and that his family's wishes for the
15 property would be held up no matter -- forever,
16 no matter who was sitting in the City Council
17 chairs.

18 Ron was never married and he had no
19 children. His family had owned the property for
20 generations since 1950 -- 1859 I believe. His
21 grandfather was Dr. Hopkins. He was the first
22 physician here in Yorkville.

23 He had a sister and a brother who
24 lived out of state and neither of them wanted the

1 property, but it was special to the family, so
2 they contacted Mayor Burd.

3 Their proposal was to sell the
4 property to the City for approximately a third of
5 the appraised price, \$550,000. In return for
6 this discounted price, Ron would be able to live
7 in the home until he passed.

8 Additionally, his family required
9 that the property would forever be open space and
10 park land. This is plainly spelled out in the
11 purchase contract and the deed, which I would
12 assume most everyone here has seen. If you
13 don't, I have it.

14 Upon Ron's passing, the City of
15 Yorkville took possession of the property, tore
16 down the home, and dug up the foundation per the
17 family's wishes.

18 Ron Clark Park is a beautiful space
19 on the Fox River that can be enjoyed by young and
20 old, residents and non-residents, forever.

21 The possibility of a private
22 business using this part of the park as a car
23 path and a parking lot is in direct opposition to
24 the sales document, the deed, and the wishes of

1 the Clark family. The City of Yorkville should
2 abide by its legal and ethical obligations.

3 In regards to the specific item
4 today, the zoning, this property is surrounded by
5 residential property on all sides except the
6 river.

7 There is no viable entrance to this
8 property. It was petitioned to IDOT twice to two
9 different spots to -- an entrance and exit to it.
10 Both were denied.

11 I'd have to say that we should agree
12 with IDOT, there is no viable entrance without
13 destroying part of Ron Clark Park, which really
14 shouldn't even be an option since legally this
15 isn't even possible.

16 It appears that since everything
17 around it is residential, this appears to be a
18 spot zoning. Spot zoning is changing a zoning on
19 one particular parcel regardless of everything
20 around it. This is not a good method of zoning.

21 I believe this poses a safety
22 hazard, which someone also said. I don't know
23 that it's been through the Public Safety
24 Department, the committee, or if it's had a

1 traffic study done or what the Police Department
2 of Yorkville think of this.

3 With the extreme amount of people
4 that are going to possibly be going in and out, I
5 don't know where they're all going to get on 47
6 without going down a very small Colton Drive,
7 down to Somonauk Street and exiting there, and it
8 just doesn't seem feasible.

9 Currently on our Comprehensive Plan
10 it's a traditional neighborhood center, which
11 means neighborhoods only. No businesses are on
12 the Comprehensive Plan at this point.

13 I ask you to look at all aspects of
14 this zoning before voting against it. Due
15 diligence is needed at this time. There is no
16 hurry. This is a very important decision. I
17 respect your time and efforts.

18 (Applause.)

19 CHAIRMAN HARKER: Ma'am, real quick
20 before we start, I, you know -- we see the -- you
21 know, the passion that we all have for this, you
22 know, for the town and this particular item on
23 the agenda, but, you know, what we're here --
24 what we're here to do tonight is to -- you know,

1 the request is for the rezoning classification
2 and the variance for the rear yard setback.
3 That's what we're ruling on; that's what we need
4 to talk about and focus on tonight, okay? Thank
5 you.

6 DARCY TELLONE,

7 testified from the podium as follows:

8 MS. TELLONE: That's what we are talking
9 about. Thank you.

10 Hi. My name is Darcy Tellone and I
11 am the individual that Mr. Nathan was talking
12 about. I recently moved into the area on Colton,
13 mainly for one of the facts was because it had
14 this beautiful park across the street from our
15 house where we can raise our two small children.

16 We love the area, we love the park,
17 we love the neighborhood. It has such a flare
18 for the historic homes and that's what we love.

19 I can't imagine what would happen if
20 this plan came to light. We don't want it. This
21 house is -- There is a house there, it's in a
22 residential area. If I were to move -- I moved
23 just in June. If this were already built, I
24 would not have bought my house, because I live in

1 a residential area and that house is in a
2 residential area.

3 I would not have purchased the house
4 on Colton knowing that there was going to be on
5 Friday and Saturday nights We Are Family pounding
6 all through the night where we can hear the most
7 annoying wedding songs over and over again for
8 the next 30 years of my mortgage.

9 Okay. So again, back to the zoning.
10 I'm sorry that this house is not the attraction.
11 Like Nathan said, if it was priced accordingly,
12 somebody would move into it, renters would move
13 into it.

14 They want to make some money,
15 changing it into a commercial land, that is not
16 what it was designed for. It is a house. They
17 can figure it out.

18 However, another genius idea: The
19 City can buy it, build a small nature center.

20 (Applause.)

21 MS. TELLONE: We can have walking field
22 trips with all the schools around. I am -- I
23 teach in Oswego. Walking field trips are an
24 amazing thing for the kids to do.

1 You have Parkview Christian School,
2 you have Yorkville Grade School, you have the
3 high school, you have all these institutions that
4 could walk through a nature center, walk through
5 the park and utilize it and learn from this park.
6 Use the park. Use it. Help like -- Build
7 something there that we can use. A banquet
8 center is not what we need right now.

9 You can have Park District classes
10 at this nature center, you can have yoga in the
11 park, you can have self-guided tours, you can
12 have guided tours.

13 The neighborhood wants this.
14 Yorkville would love this. Families would enjoy
15 this. Think -- Don't think, you know, this is
16 all about money here because it really shouldn't
17 be.

18 Ron Clark left a space for us to do
19 what he wanted us to do with it, enjoy nature,
20 enjoy animals, enjoy the park.

21 A parking lot, which is what we were
22 told yesterday, can be considered open space.
23 Well, next time you are out with your grandkids
24 or your kids, say, Let's go throw the frisbee in

1 the open space parking lot that's well lit, or
2 maybe we should go to a beautiful open park with
3 beautiful trees and grass.

4 Sometimes the things that we can do
5 we shouldn't do. So really sit on that. Just
6 because we can, should -- should we be doing
7 this? Thank you.

8 (Applause.)

9 AUDRA HENDRIX,
10 testified from the podium as follows:

11 MS. HENDRIX: Good evening. Audra
12 Hendrix, East Main Street, Yorkville, Kendall
13 County Board District 1 and chair of the Economic
14 Development Committee for same.

15 Petitioner would like us to believe
16 that this is an ideal place for his business to
17 go in and yet it requires a variance because, by
18 his own words, the property is too long and not
19 wide enough, which will require him to back up to
20 a park that the City is under contract to never
21 use for a commercial purpose.

22 Now, I don't know how many weddings
23 require a banquet hall that have only 90 people
24 at them, but I would estimate that to support a

1 12,000 square foot building, you're going to be
2 having a lot of large weddings there, and the
3 parking that you're proposing to put in in the
4 park, that you're not legally allowed to do, is
5 wholly inadequate for the number of people who we
6 should be expecting to frequent this banquet hall
7 in order to sustain it and make it profitable.
8 So where will they park?

9 UNIDENTIFIED AUDIENCE MEMBER: In my
10 yard.

11 UNIDENTIFIED AUDIENCE MEMBER: In the
12 street.

13 MS. HENDRIX: Yes. Up and down the
14 street and into Colton, and then when they go to
15 leave, will that be orderly?

16 There are so many other places that
17 we desperately need the development, like on the
18 south side of the river, and if that's not to
19 petitioner's taste, then perhaps he can look the
20 hundreds of miles of Fox River for another
21 location rather than encroach upon what is
22 clearly something that only petitioner -- he is
23 singular in his view that this is a good idea.

24 We have huge wildlife there that I'm

1 not sure you're all aware of, including bald
2 eagles.

3 Now, Miss Sutcliff elegantly stated
4 earlier that the sidewalk provision would be
5 nice, and it would be, but when people ask her
6 well, what is there to do, she has trouble
7 telling them, because we already have a lot of
8 restaurants and bars.

9 What we don't have are a lot of
10 places like a nature center or a little mini
11 preserve where all these people we are hoping are
12 going to come from Yorkville and the surrounding
13 area and hopefully well into the future even
14 farther out to visit our downtown area and linger
15 will probably want to be able to take a break
16 with their kids to some place natural, and I
17 cannot think of a more graceful transition from a
18 beautiful 150-plus-year-old residential
19 neighborhood to the downtown area than this sweet
20 transition of a park as it gracefully descends to
21 the river.

22 If you're having to make variances
23 for a project for whom clearly everyone who
24 managed to find out -- because the notification

1 that went out was paltry at best, who managed to
2 find out from word of mouth brought this many
3 people, do you honestly believe that you should
4 grant this variance?

5 What if it was at the end of your
6 street, next to the park your kids play at?
7 Would you vote yes? I wouldn't.

8 And if by chance somehow this zoning
9 issue does manage to come to the County Board, I
10 will vote an emphatic no and I will encourage the
11 other board members to do so as well, and they
12 will probably agree, not least of which because
13 we are redrawing the TIF District.

14 Having already paid for a lot of
15 infrastructure in areas that we want to develop
16 in that are currently zoned commercial, you are
17 now asking us for the privilege of a business we
18 don't want, to pay for it with our taxes.

19 Are you out of your mind?

20 (Applause.)

21 MS. HENDRIX: It is mind boggling to me
22 that we feel we have to be compelled to show up
23 in these numbers to shut -- to fight the shear
24 lack of logic.

1 Now, does Yorkville need more
2 business? Yes. Does Kendall County need more
3 business? Assuredly. Does it need to think hard
4 and long about where it puts them? Very much so.
5 And I will hope that you will in this instance
6 understand that for the overall development of
7 Yorkville and the beautiful residential
8 neighborhoods that keep people here and the
9 property values high that we will respect what is
10 clearly the wishes of the people who this touches
11 most.

12 Petitioner is free to find another
13 location of the many miles available along the
14 Fox River. He does not need to impede into our
15 neighborhood, one that by his own admittance
16 requires a variance because the shape of the lot
17 doesn't work for him. I would respectfully
18 request that you find a spot that works better
19 for you.

20 Thank you.

21 (Applause.)

22 CHAIRMAN HARKER: Sir, before you get
23 started, all the applause -- you know, we are
24 here, we need to respect everybody's wishes,

1 those of the petitioner, members of the board, so
2 we don't need to be applauding as we're going on
3 here. It's just not needed.

4 UNIDENTIFIED AUDIENCE MEMBER: Can I ask
5 you why not?

6 UNIDENTIFIED AUDIENCE MEMBER: Yeah, why
7 not?

8 CHAIRMAN HARKER: We are trying to have
9 some order, we are going through here, we're
10 letting the people speak.

11 UNIDENTIFIED AUDIENCE MEMBER: The
12 people are speaking what's on their mind. It's
13 serious.

14 CHAIRMAN HARKER: What's your name, sir?

15 UNIDENTIFIED AUDIENCE MEMBER: I think
16 we should all clap and maybe whistle.

17 CHAIRMAN HARKER: What's your name, sir?

18 (Applause.)

19 CHAIRMAN HARKER: Come on up.

20 MR. MILLIRON: My turn?

21 CHAIRMAN HARKER: Yes.

22 TODD MILLIRON,

23 testified from the podium as follows:

24 MR. MILLIRON: This zoning request is a

1 shoehorn fit --

2 MR. OLSON: What's your name? Sorry.

3 MR. MILLIRON: Oh. Todd Milliron. I'm
4 a -- I have a Yorkville address, but I am not a
5 city resident, but I am very interested in what
6 happens in Yorkville.

7 The zoning request is a shoehorn fit
8 at citizen expense. The elephant in the room is
9 this five-acre park which you don't want us to
10 talk about.

11 This park land was purchased with
12 City of Yorkville resident taxpayer dollars. It
13 is not the function of municipal local government
14 to subsidize a new business venture with city
15 land and at taxpayer expense and taxpayer funds.

16 IDOT has denied the driveway cut for
17 this one particular parcel. The designated use
18 of the adjoining land is a park, which was sold
19 to the City of Yorkville at a deep discount with
20 the specific designation that this land would be
21 open space and be a city park for all to use
22 forever in perpetuity.

23 We are being asked as a part of this
24 proposed agreement for you to limit citizen use

1 of this park on weekends so the petitioner can
2 have sole use of this park land during designated
3 time frames, to limit park use to the benefit of
4 one individual for a business venture, and that
5 is wrong.

6 This was not what was intended by
7 Ron Clark, the person who this park is named
8 after. To allow otherwise is a perversion of
9 this man's legacy as left to the citizens of
10 Yorkville.

11 It is wrong to turn this park into a
12 parking lot for 48 cars for the benefit of one
13 private venture and one entrepreneur.

14 Maybe the City should look at
15 acquiring this particular parcel and expand the
16 Clark Park. There may even be grant money
17 available for this particular idea.

18 Thank you.

19 (Applause.)

20 ALISON METZ,

21 testified from the podium as follows:

22 MS. METZ: Hi. My name is Alison Metz,
23 I live at 402 Colton Street. That's one block
24 north of Ron Clark Park. I want to put an

1 emphasis on the word "park".

2 I don't have a lot to say; I spoke
3 quite a long time and very passionately last
4 night about this, but you directed us to talk
5 about zoning, so here we go.

6 I am not a business person, I'm not
7 a developer, I'm not a zoning person. I don't
8 know very much about any of those things, but I'm
9 an intelligent, educated person who lives in
10 Yorkville, and what I heard on the description of
11 what's being asked in the zoning change for this
12 property is a square peg trying to be fit into a
13 round hole.

14 I'm all for development that is
15 thoughtful, respectful, appropriate and well
16 planned, and I am having problems with all four
17 of those words in regards to the zoning change
18 for this property.

19 I don't think it's thoughtful, it's
20 certainly not respectful, as we have heard in
21 regards to the covenant that was made between the
22 City and the individual who gave this land to the
23 people of this community, so it's certainly not
24 respectful. I don't think it's particularly

1 thoughtful. It's certainly not appropriate
2 because we've already heard that the lot is not
3 appropriate for the building that's being asked
4 to be put on it.

5 It doesn't have appropriate access
6 onto Route 47; therefore, we have to make a
7 zoning change that allows that an access road is
8 going to come through that park.

9 Now, I think that zoning has to be
10 thought about how it impacts the surrounding
11 neighborhood. I live on that street, so that --
12 that path as we want to call it, a path, even
13 though it's going to be a road, is going to
14 impact the traffic flow that comes down my
15 street.

16 My street is not particularly
17 well-lit. We have streetlights, not a lot of
18 them. We don't have curbs on that street, so
19 this overflow parking and this traffic -- because
20 if you have 150 people potentially at a banquet
21 hall, you know, 48 spots are not going to meet
22 the parking needs, so they are going to park down
23 our street, so that zoning change is going to
24 affect how my neighborhood is used.

1 So now you're going to have a lot of
2 people parking up and down either Main or Colton
3 Street where there are no curbs, so you are going
4 to have impact on your parkway, all right? So
5 just something to think about there.

6 I heard that there is swamp land on
7 the property, it's an odd-shaped lot. There's
8 not enough room for it, so you have to zone to
9 extend back, and I heard that, you know, it
10 wouldn't impact a neighbor to build back up
11 against the property line, but it certainly
12 impacts anybody that wants to use what's supposed
13 to be our public park.

14 If you're in that park and this
15 building is built right smack up against that
16 park, there is an impact to the people who go
17 into the park.

18 There is not existing space for the
19 amount of parking that needs to happen, there's
20 not appropriate access without impacting the
21 park, so I don't think it's an appropriate use of
22 well-planned economic business growth in our
23 area.

24 And that's about all I have to say

1 on that, so thank you for your time.

2 CHAIRMAN HARKER: Thank you.

3 (Applause.)

4 FRED GAEBLER,

5 testified from the podium as follows:

6 MR. GAEBLER: I'm Fred Gaebler. I live
7 at 202 East Main Street. That's right adjacent
8 to the Ron Clark Park. The Comprehensive Plan
9 had originally -- has listed the Schomer house as
10 residential.

11 By not sticking with this existing
12 plan and changing or rezoning the property to be
13 commercial, it will require a pathway through the
14 public park, and last night -- I was at last
15 night's meeting, and the City attorney -- and
16 I -- I would respectfully disagree with the City
17 attorney's definition of a park pathway.

18 I hope you guys may want to look
19 that up, by what most building people or most
20 economic development people call it, because a
21 park pathway I believe most commonly is meant to
22 be defined as a pathway within parks for use to
23 maintain access within the park, not through the
24 park for the benefit of an adjacent parcel.

1 Okay?

2 And that's -- that's a -- that's a
3 big difference because if you're going to use
4 your pathway, it should be in the park to help
5 pick up the garbage, maintain all the stuff and
6 allow people as public access, and I think that's
7 something else that I think was poorly defined
8 last night by the City attorney. She thinks
9 public access means -- I don't know what, but you
10 should get a good definition of that.

11 The commercial use also requires
12 more parking than the rezoned parcel would
13 accommodate. You know, unless you could put in
14 some covenants, you know, maybe there are, and I
15 don't know the zoning rules for the county, maybe
16 you could make the guy put in a vertical parking
17 lot. I mean, you know we're all thinking flat
18 ground, if you want to do it, you could
19 accommodate the cars, it just might be a little
20 expensive, you know, and I don't know how high
21 you let them build buildings in Kendall County.

22 So we have to accommodate
23 the -- we can't accommodate it all with
24 conventional parking, so that requires parking

1 space to be built at a cost to the developer and
2 to the City, and I'll also add to the environment
3 because you're going to have to remove trees to
4 build this parking lot, and, you know,
5 my -- this is -- this is supposed to be a
6 public-private partnership.

7 Well, everyone can have their own
8 vision of what a public-private partnership is.
9 Mine happens to be that it's -- when you have
10 this public land, you know, it's -- it should be
11 low impact and more reversible, such as the use
12 that we're using in the town square for our
13 farmer's market and craft fairs.

14 You know, I've heard of other cases
15 where they may allow beer gardens and things, but
16 it's closely controlled and stuff in other towns,
17 but this is going to forever change the park, so
18 the -- you know, the tree removal, the parking
19 space, you know, and the questionable pathway
20 leads me to think that this is a conflict with
21 the terms of the sale of the Clark family, no
22 matter -- and no matter what the legal opinion, I
23 know all the alderman are operating on the legal
24 opinion of the attorney that this was okay.

1 This is also the attorney that
2 signed off on the original agreement that came
3 in, you know, written by Dallas Ingemunson.

4 So this could lead to -- and I think
5 this may open up and lead to some legal action,
6 which would be another cost to be considered by
7 the City, and, you know, worst case, if there
8 would be a legal cost, if it went to court, the
9 City could actually lose the property I guess,
10 I'm not sure, I'm not a lawyer, if there --
11 because of the breach of agreement.

12 If it wasn't written in the
13 agreement, unfortunately, then it was probably a
14 mistake, but if they lost it, then the Clark
15 family could have a bonanza, they could then give
16 it to something like that -- let's say the -- you
17 know, the conservation foundation and maybe never
18 have to pay taxes again in their life.

19 And all of this could be avoided if
20 you just follow the original Comprehensive Plan
21 and stay with residential zoning. That's where
22 I'm at with that. I'd like to ask a few -- or
23 throw a few questions out there if this is okay.

24 You know, if the parking spaces that

1 are on this can be available -- and maybe this is
2 for another time -- but at all time and to all
3 people, and how is this going to be enforced?

4 You know, if I decide to have a
5 party, can I use those parking spaces, you know,
6 and if it is a conflict, are they going to come
7 and tow my friends?

8 During events when alcohol is
9 permitted for everyone at the park -- at the park
10 they're going to allow alcohol, there is going to
11 be a cost involved because is everyone going to
12 be able to do it or is it just going to be the
13 people at the event and how are you going to
14 police this and if you are, are you going to have
15 to have additional police force out there?

16 I have -- I never got an answer, I
17 tried to call the Historical Society. I happen
18 to live there and I've done some restoration of
19 my backyard to try to get rid of the honeysuckle
20 and the wild flowers, and in the process I've
21 found points, arrowheads, flint knappings, I
22 think even a fur trader's pipe.

23 I would not be surprised if they
24 start digging, they're going to -- they could run

1 into an archeological dig, and has there even
2 been a consideration about an archeological study
3 about this.

4 Other thing is weddings, you know,
5 come with high expectations. Everyone wants the
6 perfect wedding. If this -- if this -- you know,
7 and when these events happen, you're also going
8 to have people walking down that might want to go
9 fishing.

10 This is kind of a -- you know, a
11 conflict, and I would think at the very least the
12 utilization study of the park, I hear it's
13 underutilized, there was a better use for this
14 property, you know, I would like to know if a
15 utilization study has been done to know if this
16 park -- how much this park is being used by local
17 residents.

18 I was absolutely surprised when I
19 went out and started passing out papers that --
20 you know, how many people would show up, how many
21 people said I go there all the time.

22 We live there, we see people go in
23 and walking their dogs; I had no idea it was that
24 many people. I know it's kind of chasing a few

1 deer away, but we're gardeners and we appreciate
2 that, so it's good.

3 And I guess -- And about parking,
4 I'd like to just say, you know, if ever -- if I
5 have people come over on Friday, Saturday or
6 Sunday, where do I suggest my guests get to park?
7 There might not be a spot there.

8 And I guess it's also -- does
9 anyone care about the Clark family's intentions,
10 and, you know, it's -- I was thinking about what
11 that is the penalty when you break a contract.

12 You know, legally you can say what
13 was written in the contract, you should be
14 able -- you might be able to have something
15 determined in a court of law when you break a
16 contract, but there's another penalty, and that's
17 for those people that break the contract, and I
18 believe they no longer have the credibility,
19 their integrity is suspect, and it's just -- you
20 just get a bad feeling when you start dealing
21 with people that you know don't work on a good
22 agreement, and I think the agreement between Ron
23 Clark and the City concerning the use of this
24 property that became Ron Clark Park didn't have a

1 penalty written in it for a contract, and that
2 was probably a mistake, and as most documents can
3 be interpreted differently than how they were
4 originally intended, you know, and having, you
5 know, read, you know -- and after reading Ron's
6 sister's letter, I firmly believe the City's
7 proposed use is a breach of the contract, and I'm
8 willing to let the chips fall where they may,
9 but, you know, the longer I'm alive, the harder
10 it is for me to believe that the political
11 system represents the long-term interests of the
12 people, instead it tends to represent the
13 short-term interests, the money, and I think
14 that's -- that's my opinion.

15 (Applause.)

16 FRED DICKSON,

17 testified from the podium as follows:

18 MR. DICKSON: Good evening. My name is
19 Fred Dickson. I am a lawyer. Hello, Jeff. And
20 I've practiced law 53 years, I am the Methuselah
21 of the Bar. Ten years of my practice was spent
22 as City attorney and I grew up in this town as
23 well.

24 My position is I'd like to ask

1 number of questions and then perhaps afterwards
2 make a comment, but if I may, I'd like to ask
3 Jeff or Mr. Schultz a question.

4 The first question, the road that
5 you're going to put in, is that to be dedicated?
6 First of all, who is going to put the road in?

7 MR. LEWIS: I knew I was in trouble when
8 I saw Fred in line. Mr. Harker, would you like
9 me to simply stand and direct the answer on the
10 record so that you have recording of it?

11 CHAIRMAN HARKER: Yes.

12 MR. LEWIS: I know the hearing permits
13 for questions --

14 CHAIRMAN HARKER: Yeah, that would be
15 great.

16 MR. LEWIS: -- so however the Chair
17 likes me to proceed.

18 The road, parking path, drivable
19 space -- and I use those terms because they've
20 all been thrown out this evening -- is a part of
21 a concept plan that we have been working with the
22 City on to see if that would be a feasible way to
23 address the usage of -- of our property that
24 we're here about tonight.

1 There's been no decision, and at
2 this point it's all up for discussion and so I
3 can't tell you that this is going to be a
4 dedicated road, I can't tell you it's going to a
5 two-lane road, I can't tell you it's going to be
6 a walking path, I can't tell you if it will even
7 be here.

8 I can tell you that there's been a
9 plan submitted, and if it never comes to
10 fruition, then there will have to be some other
11 means of accommodating access to the property.

12 MR. DICKSON: Is it your intention then
13 that the developer build that road or are they
14 willing to build it?

15 MR. LEWIS: Well, again, you're asking
16 me to speculate about constructing something we
17 don't even know what it would be.

18 MR. DICKSON: Well, Jeff, the
19 question -- I can rephrase it this way. Is the
20 developer willing to build the road to the site?

21 MR. LEWIS: Well, that doesn't change
22 the substance of the question, Fred, but in our
23 original proposal --

24 MR. DICKSON: Yes.

1 MR. LEWIS: -- we talked with City Staff
2 about some sort of expense sharing, not just with
3 access, including access, but also things like
4 well, if there needs to be water and sewer there
5 or if there needs to be site improvements not
6 only to this property, but to adjacent property.

7 There are all sorts of things that
8 go into the cost of developing a piece of
9 property, and we're willing to share in those
10 costs to the extent that they need to be there
11 for us.

12 MR. DICKSON: Are you familiar with the
13 Subdivision Control Ordinance of the City?

14 MR. LEWIS: Well, probably not as
15 familiar as you are.

16 MR. DICKSON: Which requires all the
17 developers to put their own utilities in and
18 dedicate them, and you seem to be waffling a
19 little bit, is that a fair statement?

20 MR. LEWIS: You didn't ask me about any
21 utilities.

22 MR. DICKSON: Well, you brought up the
23 subject of sewer and water.

24 MR. LEWIS: Yeah.

1 MR. DICKSON: Are they willing to put
2 that in.

3 MR. LEWIS: Sure.

4 MR. DICKSON: And what size would they
5 use?

6 MR. LEWIS: I don't know if the
7 engineers have gotten that far. We don't even
8 know how big a building will be built.

9 MR. DICKSON: How wide a road would this
10 be? You don't know?

11 MR. LEWIS: No, I don't know.

12 MR. DICKSON: Well, I'm confused. You
13 come in and ask for a variance and rezoning.

14 Now, what I saw doesn't show any
15 entrance except the one we have been talking
16 about all night to 47.

17 I understand that at last night's
18 meeting a road was going to be put in now through
19 the Ron Clark Park. Is that the plan now?

20 MR. LEWIS: That was the plan that was
21 proposed. Nothing has been finalized, nothing
22 has been agreed upon.

23 MR. DICKSON: Well, what --

24 CHAIRMAN HARKER: Mr. Dickson, excuse

1 me.

2 MR. DICKSON: Yes?

3 CHAIRMAN HARKER: We need to get back on
4 topic here, back on point.

5 MR. DICKSON: Well, you don't think
6 that's on topic, Mr. Chairman?

7 CHAIRMAN HARKER: We are not talking
8 about the access there and what's in front of us
9 tonight is the request for rezoning
10 classification and a variance to the rear yard
11 setback.

12 MR. DICKSON: Well, I think it's got
13 everything to do with the zoning, as to what type
14 of entrance and access this property would have,
15 Mr. Chairman.

16 (Applause.)

17 CHAIRMAN HARKER: But those questions
18 are still not on this topic. We're not talking
19 about how we're going to get in and out, we are
20 talking about these two things.

21 MR. DICKSON: Mr. Chairman, I've sat in
22 zoning hearings --

23 CHAIRMAN HARKER: There's other
24 meetings --

1 MR. DICKSON: -- for 35 years at least,
2 and if you couldn't explain your access, you were
3 shot down.

4 UNIDENTIFIED AUDIENCE MEMBER: Amen.

5 CHAIRMAN HARKER: There is access shown
6 on the plan and --

7 MR. DICKSON: All right. I have some
8 more questions. Relative to this, what is the
9 area that's going to be in the parking lot?

10 MR. LEWIS: I can keep repeating the
11 same thing: We don't have a final plan. We have
12 a proposal that we've discussed, we've gone back
13 and forth, we've made changes, we've made
14 suggestions, we've received suggestions.

15 There isn't a final plan, so there
16 is no way for me to tell you what are dimensions,
17 what are areas, what are spaces, sizes, and so
18 forth.

19 MR. DICKSON: Are you attempting then to
20 request a special use zoning?

21 MR. LEWIS: We have not petitioned for
22 special use.

23 MR. DICKSON: Just a zoning
24 classification change.

1 MR. LEWIS: That's correct.

2 MR. DICKSON: Now, I've heard 48 parking
3 places. Is that the intent?

4 MR. LEWIS: No.

5 MR. DICKSON: How many parking spaces
6 are you going to put in?

7 MR. LEWIS: 38. The current proposed
8 plan has 38 spaces allowed.

9 MR. DICKSON: 38?

10 MR. LEWIS: Correct.

11 MR. DICKSON: And the rule of thumb for
12 a parking place is that it takes 400 square feet;
13 is that correct?

14 MR. LEWIS: I don't know.

15 MR. DICKSON: Well, let's do the math on
16 that.

17 CHAIRMAN HARKER: Excuse me, sir.

18 MR. DICKSON: Yes.

19 CHAIRMAN HARKER: All your questions are
20 valid and they're -- you know, it's right on;
21 however, they're not for this meeting. That's
22 what I'm trying to say.

23 MR. SCHATTKE: This is where we get our
24 hearing.

1 CHAIRMAN HARKER: This is part of it.

2 MR. SCHATTKE: This is for the

3 community. This is before --

4 MR. DICKSON: And is this or is this not
5 a zoning hearing?

6 CHAIRMAN HARKER: Yes, it is.

7 MR. DICKSON: And do we want to know
8 whether this conforms to the classification he is
9 requesting?

10 CHAIRMAN HARKER: You are also asking
11 him questions that aren't decided yet.

12 MR. DICKSON: Well, I think the Zoning
13 Ordinance, Mr. Chairman, does specify the number
14 of parking places you have to have.

15 MR. LEWIS: And I think it would be up
16 to the City to enforce that.

17 MS. NOBLE: The City code requires
18 3,000 -- three spaces per 1,000 square foot --

19 MR. DICKSON: All right.

20 MS. NOBLE: -- of building space.

21 MR. DICKSON: And may I ask what that
22 math is?

23 MS. NOBLE: That would lead to 38 spaces
24 required for this property, which they have

1 provided, so there are no variances allowed in
2 our ordinance regarding parking. You have to
3 meet your on-site parking. They have met their
4 on-site parking requirement.

5 MR. DICKSON: And that would take into
6 consideration the upper store, too?

7 MS. NOBLE: It takes care of all gross
8 floor area. Yes, it does.

9 MR. DICKSON: Well, unless -- and this
10 is a comment, unless you can put 25 people in a
11 vehicle, parking is not going to be adequate, is
12 it?

13 UNIDENTIFIED AUDIENCE MEMBER: That
14 doesn't work.

15 MR. DICKSON: Now, I have a comment,
16 too. There has been some misstatements here
17 about the contract.

18 Yes, there was a contract made
19 between the Clark family and the City. It
20 specified that the Ron Clark Park would forever
21 remain a park and an open space.

22 More importantly, the deed of grant
23 to the City did provide the same thing, and I
24 think that there are serious legal problems if

1 you start to accommodate a business interest by
2 allowing a winding road through the park.

3 CHAIRMAN HARKER: Sir.

4 MR. DICKSON: Yes.

5 CHAIRMAN HARKER: The Ron Clark Park is
6 not -- We are getting off topic here.

7 MR. DICKSON: All right. But it is a
8 consideration.

9 CHAIRMAN HARKER: I understand that and
10 I hear you fully.

11 MR. DICKSON: All right.

12 CHAIRMAN HARKER: But just not at this
13 meeting. Appreciate it.

14 MR. DICKSON: Well, we don't seem to be
15 concerned with much of anything tonight,
16 Mr. Chairman, so I will adjourn.

17 CHAIRMAN HARKER: Thank you for coming.

18 (Applause.)

19 JOSEPH RUNKLE,
20 testified from the podium as follows:

21 MR. RUNKLE: Hello. My name is Joseph
22 Runkle and I represent myself. I would just like
23 to express that I am extremely against this
24 ordinance.

1 I personally knew Ron Clark. He was
2 one of the most generous and caring people I
3 know, and I know he would be dismayed and would
4 never have agreed to giving his land to the City
5 of Yorkville if he knew something like this would
6 happen.

7 Ron Clark wanted this to be a place
8 for nature and he would be appalled if he knew we
9 were in any way commercializing his land.

10 Also, I heard there was discussion
11 the other day that this would somehow benefit Ron
12 Clark Park, and what I mean there is a 38-space
13 parking lot.

14 I don't agree with that at all, that
15 it will benefit the park, not because it's not
16 popular, but because people walk to this place,
17 people bike to this place and people run here.

18 If you look at the parking lot at
19 Ron Clark Park, usually there's not many cars in
20 there, there's maybe one or two, but most of the
21 people either biked in there, walked there or ran
22 there.

23 Parking is sufficient with the lot
24 that is currently there; adding 38 more spaces

1 mainly benefits the private business and not the
2 public.

3 I would also like to add that if the
4 City does this, then others may think twice
5 before donating their land to the City of
6 Yorkville.

7 UNIDENTIFIED AUDIENCE MEMBER: There you
8 go.

9 MR. RUNKLE: I urge you all to vote
10 against this ordinance. It is the legal and,
11 most importantly, it is the ethical thing to do.

12 I am positive that if Ron Clark was
13 at this meeting, he would be completely opposed
14 to this. A vote for this would -- would taint
15 the memory of Ron Clark and his land.

16 Thank you for your time.

17 (Applause.)

18 VALERIE BURD,
19 testified from the podium as follows:

20 MS. BURD: Good evening. My name is
21 Valerie Burd. I was the mayor of Yorkville from
22 2007 to 2011 and I was the alderman for Ward 2
23 from 1998 to 2007, so I spent 13 years on the
24 Yorkville City Council.

1 I'm here tonight to comment on
2 what's going on with the Ron Clark Park. I
3 understand the benefit that this development
4 would bring to the City economic-wise,
5 economically.

6 I would, if I was on the City
7 Council, be in favor of seeing these people come
8 to Yorkville, but having been the person that
9 Mr. Clark approached, I feel an obligation
10 tonight to come out and comment on this.

11 Mr. Clark was very strongly in favor
12 of keeping this all as open space. He wanted
13 this to be dedicated to the memory of his
14 grandfather.

15 He was so much wanting it to be open
16 space that he required us, the City, to tear down
17 his house. I would have loved to have kept the
18 house as a nature preserve center, but he did not
19 want that at all, and it was included in our
20 negotiations.

21 I feel strongly that I need to talk
22 about how the zoning change would impact this
23 park and how the variance would affect it. One
24 of the things I think we need to consider is any

1 building on the property line is going to impact
2 any trees adjacent to that spot.

3 Having some large trees on my own
4 property, I know that the roots, especially of
5 oak trees, are very sensitive to any kind of
6 impacting, and even though you don't tear down
7 that tree, it could end up dying because of that,
8 so you need to consider what the zoning could
9 do -- this variance, excuse me, could do to the
10 adjacent land on the park.

11 The other thing is having, like I
12 said, been on the City Council for a long time, I
13 would just like to point out that one of the
14 things we always considered was what the desires
15 were of the adjacent property owners.

16 If they who are the ones most
17 impacted by it were against it, then we usually
18 did not go ahead with whatever we were doing
19 because they're the ones that are going to really
20 have to face the negative sides of anything you
21 decide tonight, and so I hope you will consider
22 all of the things you've heard tonight.

23 I'm going to keep this short because
24 all of the talk about Ron Clark, you've already

1 heard all of that.

2 He was a great man, and he
3 desperately wanted this property to be kept the
4 way it is right now, so please, please, think
5 about his wishes and maybe we can find another
6 spot for this development, but thank you.

7 (Applause.)

8 CHAIRMAN HARKER: Thank you.

9 TERESA GREEN,

10 testified from the podium as follows:

11 MS. GREEN: Hi. My name is Teresa
12 Green. I am a citizen of Yorkville. I actually
13 have questions.

14 I would like to know, is spot zoning
15 illegal? Spot zoning.

16 MS. NOBLE: Spot zoning, it's -- that
17 would be determined by a court if it, in fact, is
18 spot zoning, and it's up to the purview of the
19 community to decide which zoning is appropriate
20 for its land within the community.

21 MS. GREEN: Okay. So then members of
22 the committee, can you explain to me why this is
23 not spot zoning? Would this be spot zoning?

24 CHAIRMAN HARKER: Not in my mind.

1 MS. GREEN: Mr. Chairman, could you
2 explain why -- why is this not spot zoning?

3 CHAIRMAN HARKER: Just the location of
4 it. Just the location of it on Route 47. It
5 wouldn't fall in the spot zoning in my mind
6 because of the location.

7 MS. GREEN: Okay. Does anyone have the
8 legal definition of spot zoning? I'm just
9 asking, I really -- I just know it's very
10 undesirable because it can lead to a lot of
11 negative development effects in the community, it
12 can lead to chaos, it can lead to uncertainty
13 when somebody purchases a home and they happen to
14 have a very desirable acre and a half lot right
15 on the Fox River right next to them that perhaps
16 this developer would be more interested in, not
17 quite as close to 47.

18 So I just want to make sure that --
19 because I thought spot zoning was illegal, as
20 Krysti kind of -- I'm sorry, Ms. Noble kind of
21 stated. It's considered to be undesirable, and
22 so I don't -- I mean, just because you don't
23 consider it because it's on 47, I mean, you're
24 not rezoning an entire stretch of businesses

1 along there.

2 CHAIRMAN HARKER: Correct.

3 MS. GREEN: So --

4 CHAIRMAN HARKER: But south it's B-2.

5 MS. GREEN: So when you are rezoning one
6 particular parcel, that does tend to meet the
7 definition of spot zoning.

8 (Applause.)

9 MS. GREEN: It can lead to very chaotic
10 development. It's very undesirable in
11 communities. It sends negative impressions all
12 around, for even businesses coming in.

13 Who is to say that at some point,
14 you know, you don't come in and put a nice horse
15 farm or something and then all of a sudden right
16 next door they're putting in a racetrack.

17 That's why we paid good money to
18 have this community development plan. There is
19 plenty of unused, undeveloped commercial space in
20 Yorkville, so I don't understand the need for
21 rezoning a residential area. I don't understand
22 the need to do a spot rezoning.

23 CHAIRMAN HARKER: Okay.

24 MS. GREEN: And I just wanted to say I

1 read in the Times an article that developers
2 90 percent of the time get what they're asking
3 for from the committees of small towns.

4 I'm hoping that we have better odds
5 in Yorkville because it's clear that the business
6 that wants to go in here, while it would be a
7 nice business, it doesn't have enough space, so
8 we're trying to pretend that we're going to
9 enhance a park with additional parking when
10 really we're just trying to create parking spaces
11 that I feel probably are still going to be very
12 inadequate for this business.

13 So again, the area, your job is to
14 determine if an area is of sufficient size and
15 dimension to accommodate a proposed development.

16 Clearly it's not or you wouldn't be
17 having this plan of pretending to enhance Clark
18 Park with parking spaces.

19 (Applause.)

20 MS. GREEN: Additionally, I haven't
21 heard any specific issues being addressed as far
22 as noise, light, the traffic impact on the
23 neighborhood.

24 Since IDOT came in and made the move

1 they made for River Road, closing that off,
2 getting out on Main Street is a nightmare.

3 Now you're talking about, you know,
4 zoning into a business that, you know, besides
5 driving through a park, they're going to be
6 trying to access 47.

7 I mean, most venues like that, if it
8 is an event venue, at a certain time a large
9 portion of the people leave at the same time.
10 How is that even going to be accommodated?

11 Was there a plan for a traffic light
12 to go in there to accommodate? You know, is
13 there a plan to have an officer to release this
14 100 people out onto 47 in 100 yard space?

15 I mean, you guys are the zoning
16 committee. I mean, don't you have to take that
17 into consideration?

18 Can somebody tell me what --
19 anybody? Can you tell me what you're thinking
20 about that, like how are those cars leaving that
21 venue going to line up on 47 and get out?

22 MR. OLSON: We're not building this
23 building. The petitioner is stating his case and
24 we are responding to it, but we're not building

1 this structure.

2 MS. GREEN: All right. Don't you have
3 to take these things into -- You said you had to
4 determine how many parking spaces were
5 reasonable.

6 MR. OLSON: We have criteria that we
7 have to ask ourselves and meet, and that's part
8 of this on the rezoning and variance, and that's
9 how we do it. We're not building the structure.

10 MS. GREEN: Okay. Well, I have
11 something I just want to talk about what zoning
12 in a community is supposed to be doing, which you
13 guys probably all know, you know, and again, I
14 trust that you're working for the community, the
15 good of the community.

16 Assist economic growth by helping to
17 reserve adequate and desirable sites for
18 industrial and commercial users.

19 I mean, I've been north of town,
20 I've been south of town; it seems to me like
21 there is adequate space for commercial and
22 industrial users in Yorkville already allocated
23 by a plan that we developed and paid good money
24 for.

1 To protect the property from
2 inconsistent or harmful use; again, spot
3 development. You don't want to buy your \$500,000
4 house and have a pig farm go up next to you when
5 it was zoned residential, so you expected to be
6 having two-legged neighbors, not four. Again,
7 that's why spot zoning is illegal and it's really
8 discouraged.

9 Secondly, to protect individual
10 property owners from harmful or undesirable uses
11 of adjacent property. See my previous example.

12 As residents of Yorkville, which
13 most of you are -- I'm assuming you are -- you
14 wouldn't like it either.

15 Provide orderly and systematic
16 transition in land use that benefits all land
17 uses through public hearings and local decisions.

18 Again, I appreciate the opportunity
19 for this public hearing. It's been a long night,
20 you've all listened very attentively, so I
21 appreciate that, but you also have to consider
22 not only do they have a right to petition, but we
23 have a right to be protected. Our residential
24 zoning has the right to be protected.

1 (Applause.)

2 MS. GREEN: To make a community more
3 attractive by assisting and preserving open
4 space, unique natural resources and natural
5 terrain features.

6 That is a very unique location. I
7 live on the Fox River and I agree, but in the
8 empty lot next to me, I wouldn't want to see it
9 spot zoned into, you know, a two-story venue
10 either, so...

11 And then to inform all residents
12 where industry will be allowed to develop in an
13 orderly fashion. Again, that was the plan, we
14 paid for it with our tax dollars, and that's what
15 everybody has been able to expect, and that's a
16 reasonable request.

17 None of this -- None of what we're
18 requesting is unreasonable, and as our
19 representatives, I mean, you are reasonable
20 looking people.

21 I mean, anybody sitting up here
22 saying oh, we're trying to enhance the parking in
23 Clark Park, I mean, come on, you are reasonable
24 people, you know better.

1 meeting.

2 MS. METZ: And that's Tuesday night?

3 CHAIRMAN HARKER: I'm not sure of the
4 exact date.

5 MS. METZ: Well, we should know that
6 because we have questions that need to be
7 answered.

8 CHAIRMAN HARKER: Okay.

9 MS. METZ: Because maybe I'm -- I may be
10 misunderstanding. What I understood is that your
11 job tonight was to decide on the zoning variance,
12 that you guys would vote on that and pass that on
13 to the City Council meeting that's going to be
14 Tuesday night, and that Tuesday night's decision
15 by the Council would determine whether or not
16 this would go through.

17 Is that a correct time frame?

18 MS. NOBLE: The recommendation from this
19 board would go to City Council, and when City
20 Council determines to hear the final petition,
21 that -- it could be on the 24th or it could be on
22 another date.

23 MS. METZ: When are we going to be
24 informed about when that would be?

1 MS. NOBLE: It would be posted just like
2 every other meeting, 48 hours in advance, or the
3 week before. We usually post it on Thursday.

4 MS. METZ: Well, we are a week before
5 Tuesday easily, so --

6 MS. NOBLE: The petitioner can address
7 if they are moving forward to the October 24th
8 meeting, but this recommending body would only
9 forward a recommendation, and when City Council
10 has it on its agenda is when it will be heard.

11 MS. METZ: Okay. Thank you.

12 DAMON ELLINGER,

13 testified from the podium as follows:

14 MR. ELLINGER: Hi, I'm Damon Ellinger.
15 I live at 206 East Main Street; that's a couple
16 properties down from the petitioner's requested
17 zoning change.

18 When I had first saw the signs for a
19 zoning change, I was a bit encouraged for the
20 growth of Yorkville. I like downtown Geneva and
21 I like downtown Oswego and there is a nice blend
22 of commercial and residential, Plainfield,
23 another example, but just something -- something
24 just seems a little cart before the horse, the

1 more I hear about this particular rezoning.

2 I work for a company who just
3 purchased a property in Mokena and it was
4 industrial agricultural. We had to rezone it to
5 Business 2 and we had to provide -- it was a
6 long, intense process and it was along the
7 corridor of I-80. We developed the whole route
8 in, took care of the whole expense.

9 We had to provide a Comprehensive
10 Plan on how we were going to do so, what we were
11 going to build, exactly everything, from, you
12 know, soup to nuts.

13 I'm not necessarily saying that the
14 property shouldn't be rezoned, but I just think
15 that an understanding of what's going to go there
16 should be in place before a decision is made
17 whether to rezone it to Business or not, because
18 once it's rezoned to Business, is it realistic to
19 think that well, let's rezone it back to
20 Residential?

21 No. It's rezoned to Business and
22 now it's manipulated the footprint to, you
23 know -- it's making a glass house for a
24 rhinoceros to sit in, and then -- I mean, it

1 sounds sarcastic, but the rhinoceros is not going
2 to stay within its glass house.

3 I live at 206 and to me the rezoning
4 for potentially what could be a banquet hall to
5 house a lot of people in the evening for a
6 wedding where not everyone behaves themselves to
7 the fullest at a wedding, that becomes a safety
8 concern for me and for my family living in close
9 proximity to the -- to the property.

10 There are no -- no lights on Main
11 Street. If you look out my front door at night,
12 it's dark. We have our porch light on. It took
13 my wife and I a while to get used to how dark it
14 is, but we moved here because it's peaceful and
15 it's calm and I want to raise my family.

16 If all these people are flooding out
17 of this event if it's rezoned to Business and
18 it's allowed to evolve after it's rezoned into
19 something that we currently all don't quite
20 understand at this point, so once it's already
21 rezoned, okay, we start bumping the edges of
22 what's allowed a little bit more and it houses
23 150 people, they flood out into the street, it's
24 a safety concern, not just for me and my family,

1 but for everybody that lives down Main Street,
2 down Colton, and for everybody that's leaving the
3 hall trying to turn out onto 47.

4 It's the rhinoceros in the glass
5 house. It's asking for problems by trying to fit
6 something into a footprint that doesn't quite
7 adequately allow for it, and to have to put the
8 variance on the 25-foot setback, well, how do you
9 build a structure with a zero footprint without
10 affecting what is a wooded area around it? Is it
11 going to be a pre -- Sir?

12 MR. LEWIS: I'm sorry, yes.

13 MR. ELLINGER: Could it considered to be
14 a precast building that everything is put up from
15 the inside to where it wouldn't -- You don't
16 know, right? We don't know. We couldn't tell
17 you. But it just seems -- it just seems like
18 there is too much question to move forward with
19 such a powerful point of the process to me.
20 That's all.

21 (Applause.)

22 DAVE WALKER,
23 testified from the podium as follows:

24 MR. WALKER: Hello there. My name is

1 Dave Walker. I've lived in this city for
2 48 years and I am a developer, and I only wish 90
3 percent of the time we did get our way, but --
4 but I do have some concerns with this property,
5 forget the financial, forget the commitment, the
6 word that one makes to another when a transaction
7 takes place and land is acquired. Forget all
8 that. You guys will mull that over and you'll
9 figure that out.

10 What you have here -- I'll go with
11 the logistics, let's just deal with that from a
12 developmental standpoint, and this is just some
13 good things to know and understand.

14 This piece of property is a little
15 bit of an anomaly, I agree, it's right on
16 Route 47. If it's not going to be commercial,
17 what's it going to be? I mean, what are you
18 going to do with that piece of property? That's
19 one question.

20 The other issue is unfortunately we
21 are dealing with a developer slash businessman
22 that has come forward to the City of Yorkville
23 and proposed -- it is -- Even if it's in its
24 proposal state, okay, I've got to say this, the

1 red flags -- this is a logistics nightmare from a
2 developmental standpoint.

3 The first red flag is when you ask
4 an individual, I've got an acre or so here, what
5 can -- this is what I'd like to do, what can we
6 do with it.

7 That in itself draws a -- should
8 draw attention to you in your decision making as
9 far as rezoning this commercially, B-2.

10 And then secondly, I've got a
11 comment in here that, you know, when you are
12 asking for a variance and all you really have is
13 a set of plans it appears -- now I only found out
14 about this yesterday, so I haven't done my due
15 diligence and homework, so bear with me a little
16 bit.

17 But when you are asking for a
18 variance and you really don't know -- a lot of
19 these questions can't even be answered when
20 they're asked by someone I respect a lot,
21 Mr. Fred Dickson, I've known that man for a long
22 time, but -- and the young man before me, the
23 cart before the horse.

24 Here is our concern, when this

1 thing, if it does -- I can't see this happening,
2 but if it did get rezoned with this particular
3 project in mind, I can't -- I can't see how
4 you're not putting the cart before the horse like
5 he says if you don't discuss the details that are
6 going to be impacting these neighbors based upon
7 the rezoning now that it's B-2.

8 That's -- that's another thing that
9 you're going to have to ponder and think about,
10 but when they have these questions that are
11 attached to what could be happening on this
12 property if rezoned for these folks, okay, I --
13 I think that they -- they have a legitimate
14 right because they -- they -- they're stuck once
15 this is rezoned. That's my concern,
16 Mr. Chairman.

17 And now from a logistics standpoint,
18 when I say as a developer I look at this piece of
19 property and I see many issues with it. Do I
20 call it a nightmare? That's my opinion.

21 But when I look at this, I do see
22 that -- and I believe I -- and unless I misheard
23 the gentleman here, the attorney, for the owner,
24 that this entrance and exit right in, right out,

1 isn't even suitable for residential coming in and
2 out of it, well, how is it ever going to be --
3 unless I misheard, how is it ever going to be
4 suitable for vehicles to come in and out of it.

5 I firsthand know trying to get a
6 beverage truck in and out onto that highway?
7 Really?

8 Garbage. It's conveniently put
9 where it has to go in order to make this plan
10 work, where it has to go. Can you imagine that
11 garbage truck trying to work his way out on
12 there, okay?

13 Your student athletes up here -- a
14 stoplight, it took an hour and a half for a
15 stoplight to be mentioned. Are you kidding me?

16 I can walk you through that
17 4:00 p.m., give me a day, Friday or Saturday,
18 I'll walk you through it. I know what it's like.

19 Without a stoplight, that convenient
20 left-hand turn lane is going to be filled because
21 this is -- when there are ceremonies, there is a
22 rush of people arriving. That turn lane is not
23 only going to be filled, but that left-hand lane
24 northbound going -- or going southbound is also

1 going to have traffic sitting at it, without a
2 stoplight.

3 I can't even believe this is even
4 being considered without a stoplight on the
5 table.

6 Now, when I'm leaving here -- That's
7 just trying to get there. Now, when I'm leaving
8 here, there's no stoplight, I'm trying to get out
9 onto Route 47 and where am I headed? I'm heading
10 into all their neighborhoods, I'm going past all
11 their houses, is what I'm doing.

12 That's what I'm doing, and those
13 points and those things I know aren't directly
14 related to what you're voting on, but they sure
15 do have an indirect relationship to what you're
16 voting on.

17 They're going to be leaving -- and
18 I -- I've lived here. You know me, I'm telling
19 you there will be people getting lost. There's
20 going to be people thinking, you know what, I
21 know how to get to 34 and I'm going to avoid all
22 this mess, and they're going to whittle their
23 way, wind all the way back around, and again,
24 we've been very blessed and fortunate, but will

1 there be consumption? Sure there will be.

2 Are they going to navigate their way
3 through those back streets? A lot of those
4 streets aren't lit. They're not lit.

5 All I'm saying, when you consider
6 this, is that you consider all of this, because
7 this is what's going to be discussed after the
8 fact.

9 I've known Lynn forever, I love
10 Lynn. I think she has a great heart for the City
11 of Yorkville. Trying to put this together is
12 just a passion of hers to do something for the
13 city that would be good for the community.

14 This is a tough one. This is a real
15 tough one to pass. I just -- again, and then the
16 parking, okay? I know what 300 people looks
17 like. Believe me. This isn't even close.

18 Your four to one ratio, Miss
19 Noble -- and I understand, I had to go through,
20 I've been told, this is what's required, that's
21 what's required, but I can also tell you, I've
22 stood out there at 11:30 at night directing
23 traffic, okay?

24 I know how difficult it is and how

1 many vehicles it takes. It isn't four to one,
2 it's more like 2.2 and a quarter to one.

3 We're not taking our kids to church
4 or taking our kids out to dinner. There aren't
5 four people in those vehicles. At best there is
6 two. At best. I know. I've experienced it for
7 a lot of years.

8 So you're talking a lot of cars and
9 a lot of parking. We put in a parking lot twice
10 this size and it cost us \$700,000.

11 Now, I heard something about \$75,000
12 to not exceed with a -- and I hate to go down
13 this road because that would be saying like this
14 would even be considered, and that's frustrating
15 for somebody like me who has took their time,
16 looked for the right piece of land.

17 There is no other land in the City
18 of Yorkville? Well, then you might as well --
19 all you guys, you might as well just give up your
20 jobs.

21 (Applause.)

22 MR. WALKER: This -- for 300 people and
23 for parking for this, you'd need -- and I'm going
24 to say you'd need twice the parking, and

1 forget -- I see oh, a generous two handicapped
2 spots. For 300 people? Not even close. And you
3 can percentage it out, I know -- I experienced
4 it. It's not going to happen. It's not going to
5 happen.

6 And the cost to the City, again, I
7 know you're not -- it just needs to be discussed
8 because a lot of these folks don't know some of
9 the nuts and bolts to what happens when the dust
10 settles and projects are done and the City's tax
11 dollars are spent.

12 Who is resurfacing this? It's got
13 to be striped when it's resurfaced. That's every
14 year. It should be if you do it right, if you
15 are diligent and you want it to last. Who is
16 paying for that?

17 This is a -- this is a gone -- here,
18 I'll go to \$75,000. This thing is going to be
19 300-plus in my opinion. In just my opinion. You
20 know what?

21 And I know it's late. I'm trying to
22 think logistically if there is any other issue.
23 The stoplight is huge. I'm telling you, without
24 a stoplight, this can't even be -- When you look

1 at this to someday develop this commercially or
2 B-2, there's going to have to be a stoplight
3 there if you're looking for anything more than a
4 hundred -- 150, 200 people, much less 300 people,
5 and I'm not even sure over here on this -- that's
6 not residentially viable entrance and exit, how
7 it's conveniently there that that automatically
8 is okay with IDOT under a B-2 for vehicles, large
9 vehicles, to come in and out of that.

10 It's neatly accessible for what
11 they're trying to accomplish on that property,
12 but is IDOT aware of that, or do you even have to
13 contact IDOT in order to discuss whether or not
14 from a B-2 standpoint, not an R-1, whether this
15 penetration is even still viable. I don't know.
16 I don't know.

17 And then -- I'm winding down. I've
18 got to wind down here. But where is the
19 retention? Where is the retention? There is no
20 retention on this property.

21 Forget the fact that you're trying
22 to put a 300-person facility on one-acre-plus,
23 okay, and then the City generously paying for
24 the -- kind of paying for the rest of it, one way

1 or another, when it's all said and done, the
2 impact to the taxpayer is huge with this kind of
3 project.

4 You need acres, you need money. You
5 need money. And I don't think the City should --
6 and the taxpayers should be paying for it.
7 That's just my opinion.

8 But where is the retention on this
9 parcel of land? I'm certain -- forget Friends of
10 the Fox, I don't even know what the law is on
11 water dispersing into the Fox River from a
12 commercial use.

13 I see no retention here. I know why
14 there is no retention here, though. I know.
15 There's no room for it. There is absolutely no
16 room for it.

17 Think hard about this. Thank you.

18 (Applause.)

19 CHAIRMAN HARKER: All right. Thank you
20 for all your comments, everybody.

21 MR. LEWIS: I'm sorry, Mr. Harker, I had
22 asked prior to the meeting if you wanted me to
23 address any of the things that got thrown out --

24 CHAIRMAN HARKER: Oh, yes. Absolutely.

1 Absolutely. Sure.

2 MR. LEWIS: -- that had been discussed.

3 There have been a few statements
4 made that just plain are misinformation, and I
5 understand how that happens when something like
6 this, you know, just passes around a neighborhood
7 by word of mouth and by -- Anyhow.

8 I got the impression sitting there
9 that we're going to take a wedding hall from Oak
10 Brook and plant it next to the river in
11 Yorkville. That was never the intention.

12 Just to remind the Commission of
13 what we're actually after here --

14 UNIDENTIFIED AUDIENCE MEMBER: You don't
15 know what you want to build, you said it
16 yourself, so how can you comment?

17 CHAIRMAN HARKER: He's up here. He has
18 the floor.

19 MR. LEWIS: Based on the petition and
20 the documents you've got in your packet, we're
21 looking to build a restaurant.

22 We're looking to build a restaurant
23 that would have features that would fit within
24 not only the property, but the infrastructure,

1 whether that's water and sewer, whether that's
2 the traffic patterns, whatever that is.

3 The biggest thing that I've gotten
4 out of this is my client is not interested in
5 cramming a project into a city that has no local
6 support.

7 The question was asked when is
8 this --

9 (Applause.)

10 MR. LEWIS: The question was asked when
11 is this going to go to Council. We can't
12 logistically continue to move forward with City
13 Staff unless the zoning will be made available to
14 do the project, which is why we're here tonight,
15 to ask this Commission to review our request for
16 the change in zoning for the variance.

17 That decision as you all know isn't
18 final until the Council approves it. It won't
19 happen next week. We will not ask the Council to
20 bring this forward next week.

21 We are hoping that we get your
22 approval and your recommendation in favor tonight
23 so that we know we can continue to discuss things
24 with the City and so that we can put a plan in

1 place that will work according to what not only
2 the larger city is expecting, but the people who
3 make use of the park are expecting, but we can't
4 do that without your recommendation tonight.

5 And so to those that want to know
6 when is this going to go to Council, the City has
7 a system in place for putting the notices out
8 there and so forth, we've -- they're going to
9 have to rely on that, but I don't want 50 people
10 showing up next week for the Council thinking
11 this is all going to be discussed, and I'm just
12 trying to be honest about that.

13 MR. SCHATTKE: I'll be here there.
14 That's official?

15 MR. LEWIS: You have it on the record,
16 we're not going to ask the Council to bring this
17 forward next week.

18 MR. SCHATTKE: I'll be there.

19 MR. LEWIS: We are asking the Commission
20 to approve it, provide a recommendation, so that
21 we can eventually go forward to the Council when
22 Staff is ready to go forward and we're ready to
23 go forward.

24 CHAIRMAN HARKER: Thank you.

1 MS. GAEBLER: Can I --

2 CHAIRMAN HARKER: This is it. Like
3 please -- please, please, please, be brief.
4 Please.

5 MS. GAEBLER: I will be. What I just
6 want to say is --

7 MR. OLSON: Your name, please?

8 GAIL GAEBLER,
9 testified from the podium as follows:

10 MS. GAEBLER: My name is Gail Gaebler.
11 I live on Main Street. And I just want to say we
12 keep saying don't talk about Clark Park because
13 this is about the zoning, but would you be zoning
14 this this way, you know, changing it to B-2 if
15 these guys weren't asking to do this?

16 And if they can't do it without
17 going through Clark Park and breaking the
18 agreement with the City, then it has to be kind
19 of intertwined, so please keep that in mind.

20 And, Randy, I am quite sure that you
21 received the letter from Sharon Gaskill, Clark
22 Gaskill. Did you see receive that?

23 CHAIRMAN HARKER: Yes, I did.

24 MS. GAEBLER: Okay. And how many of you

1 have seen that letter from her, from Miss Clark?
2 Okay. Because she states very clearly what the
3 agreement is. Okay? Thank you.

4 CHAIRMAN HARKER: Thank you.

5 LARRY FRANKLIN,
6 testified from the podium as follows:

7 MR. FRANKLIN: My name is Larry
8 Franklin. I live at 212 East Spring Street.
9 It's on the corner of Spring and Liberty, about
10 three blocks from this -- this project. I just
11 have a real couple of quick ones, notes here that
12 I have.

13 First, I want to talk about the
14 setback. They're asking for basically zero
15 setback, okay?

16 I had a -- I built a shed on my
17 property. I've been living in this house for
18 about 17 years, I've lived in Yorkville for oh,
19 about 37 years now, and we built this shed about
20 ten years ago, did all the proper buildings,
21 building permit, drew on the building permit --
22 not the permit, but my plat of survey, submitted
23 that to the building department, it was approved.
24 We built it.

1 I was not aware of the five-yard
2 setback. There were no public utilities in that
3 issue or anything like that. I was -- I had to
4 fight tooth and nail. I was denied the setback
5 variance that I was requesting from your
6 organization here, and without any types of
7 issues like this, so I mean, that's why I'm
8 asking, they're asking for a zero setback?

9 I had a 12-by-10 shed inside a fence
10 that was two feet in and I was declined my
11 variance that I was asking for, okay?

12 I'm done with that one, I just would
13 like that to be kept in consideration.

14 There was a couple of aldermen -- I
15 did win that with a six to two vote because I had
16 to take that to City Council to be granted that.
17 Two aldermen are -- at least two of them I've
18 noticed that are here that voted in favor of
19 that. Okay? I'm done with that one.

20 The attorney mentioned earlier about
21 his concern about the safety of that -- if that
22 continued to be a residence on Route 47, okay?

23 That's a consider -- a legitimate
24 consideration, but I did not hear any mention of

1 consideration for safety of us in that
2 neighborhood, of the 150-plus people -- actually
3 last night I heard something about, you know,
4 300. Let's just call it 100 people.

5 All those cars coming out after
6 midnight at a wedding when people have possibly
7 made bad decisions, you know.

8 We need to think about when we make
9 our decision here the safety of the community
10 before, you know, we think about the safety and
11 the benefit of a business. That's all I have.

12 (Applause.)

13 CHAIRMAN HARKER: Thank you. All right.
14 Since all the public testimony regarding this
15 petition has been taken, can I get a motion to
16 close the taking of testimony for this public
17 hearing?

18 MR. MARCUM: So moved.

19 MS. HORAZ: Second.

20 CHAIRMAN HARKER: Awesome. Okay.

21 Can I get a roll call vote on the
22 motion, please?

23 MS. YOUNG: Yes.

24 Gockman.

1 MR. GOCKMAN: Yes.
2 MS. YOUNG: Goins.
3 MS. GOINS: Yes.
4 MS. YOUNG: Horaz.
5 MS. HORAZ: Yes.
6 MS. YOUNG: Marcum.
7 MR. MARCUM: Yes.
8 MS. YOUNG: Olson.
9 MR. OLSON: Yes.
10 MS. YOUNG: Harker.
11 CHAIRMAN HARKER: Yes.

12 (Which were all the
13 proceedings had in the
14 public hearing portion
15 of the meeting.)

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24

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

3 I, Christine M. Vitosh, a Certified Shorthand
4 Reporter, do hereby certify that I transcribed
5 the proceedings had at the public hearing and that
6 the foregoing, Pages 1 through 107, inclusive, is
7 a true, correct and complete computer-generated
8 transcript of the proceedings had at the time and
9 place aforesaid.

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

16 As certification thereof, I have hereunto set
17 my hand this 2nd day of November, A.D., 2017.

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

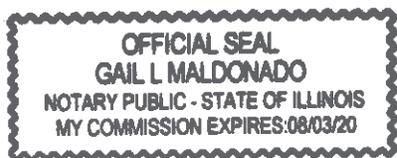
I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee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

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 its development because of the increased protection from adherence to the minimum setbacks requirements and the proposed development would be better able to utilize the parcel. It was not considered to be a 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

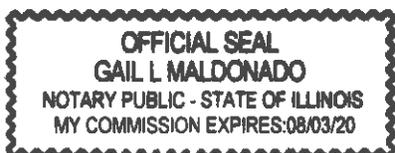
I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee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

[Signature]
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 *[Signature]*