

APPROVED W/ CORRECTIONS 2/13/19

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, January 9, 2019 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:

Reagan Goins-yes, Don Marcum-yes, Jeff Olson-yes, Richard Vinyard-yes, Randy Harker-yes

Absent: Deborah Horaz

City Staff

Krysti Barksdale-Noble, Community Development Director

Jason Engberg, Senior Planner

Other Guests

Christine Vitosh, Vitosh Reporting Service

Dan Kramer, Attorney

Dale Konicek, Towns of Windett

Richard Marciniak

Rick Murphy, Cal Atlantic

Previous Meeting Minutes November 14, 2018

The minutes were approved as presented on a motion and second by Commissioners Marcum and Goins, respectively.

Roll call vote: Goins-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes.

Motion carried: 5-yes, 0-no

Citizen's Comments None

Public Hearings

Chairman Harker explained the procedure for the Hearings and swore in those who would speak. At approximately 7:03pm a motion was made and seconded by Mr. Vinyard and Ms. Goins, respectively, to open the Hearing.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Goins-yes, Harker-yes. Passed 5-0.

The following Public Hearings were held:

1. **PZC 2018-14** Al Eriksson, on behalf of CalAtlantic Group, Inc., petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a fourth (4th) amendment to the Windett Ridge Planned Unit

Development Agreement to allow for the extension of an additional three (3) years to complete the construction of a lift station and public improvements in Unit 2 of the Windett Ridge subdivision until December 31, 2023. The real property is generally located south of IL Route 71 and immediately east of IL Route 47 in Yorkville, Illinois.

2. **PZC 2018-18** Marker, Inc. petitioner has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an amendment to the Heartland Subdivision Planned Unit Development to reduce the interior side yard setback from twenty (20) feet to ten (10) feet on Lot 187 of the subdivision. Additionally, the petitioner is requesting to increase the maximum allowable height of a permitted fence in a business district from six (6) feet to eight (8) feet. The real property is located at the southwest corner of the McHugh Road and Route 34 intersection in Yorkville.
3. **PZC 2018-19** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify “brewery” as a permitted use in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and as a special use in the B-1 Local Business, B-2 Retail Commerce Business, B-3 General Business, B-4 Service Business districts. This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts. Additionally, the definition for “microbreweries/brewpubs” will also be amended to allow the maximum production per calendar year of 155,000 gallons.
4. **PZC 2018-21** 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 subsection regarding mobile food and retail vendor vehicles. The amendment will provide location and operational standards after the required business registration of the vendor and vehicle for food trucks and similar mobile vendors conducting business within the public right-of-way and on private property.

(See Court Reporter Transcripts)

The Hearings were closed at approximately 7:39pm on a motion by Mr. Vinyard and second by Mr. Marcum.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Goins-yes, Harker-yes. Passed 5-0.

Chairman Harker announced to the Planning and Zoning Commission that Commissioner Bill Gockman resigned due to a new work commitment. The Chairman thanked Mr. Gockman for his service.

Unfinished Business None

New Business

1. PZC 2018-14 CalAtlantic (see #1 above)

Commissioner Vinyard inquired if the developer could keep asking for extensions. He said he had no objections and that it would be beneficial to keep building for tax purposes. Mr. Harker said for the record, that CalAtlantic is doing a great job in Windett Ridge and tremendous progress has been made in the last couple years.

Action Item

PUD Agreement Amendment

A motion was made and seconded by Commissioners Goins and Vinyard respectively, as follows: In consideration of testimony presented during a Public Hearing on January 9, 2019 and the standards for PUD approval and amendment, the Planning and Zoning Commission recommends approval of the fourth (4th) amendment to the Windett Ridge Planned Unit Development Agreement to allow for the extension of an additional three (3) years to complete the construction of a lift station and public improvements in Unit 2 of the Windett Ridge subdivision until December 31, 2023, as presented by staff in a memorandum dated December 4, 2018.

Roll call: Olson-yes, Vinyard-yes, Goins-yes, Marcum-yes, Harker-yes. Passed 5-0.

2. PZC 2018-18 Marker (see #2 above)

Mr. Engberg gave a staff review of the irregularly shaped property and said it is zoned B-3 and is part of the Heartland Subdivision. Staff had asked for 2 entry points or to connect to the Casey's driveway. Comments included that the drawing was not to scale, a 3-story building does not fit on the lot and the office use is not in line with the Comp Plan. Chairman Harker suggested reversing the parking lot and the proposed building in order to step the building back from Rt. 34. Staff and the petitioner have both attempted to contact Casey's numerous times regarding working with the petitioner and Casey's has not responded. The median and setback issues were discussed and the Commissioners also felt an office building was not appropriate on this lot.

Action Item

Special Use

Mr. Harker said the vote is going to be to postpone this matter until February. A motion was made by Mr. Marcum and seconded by Mr. Vinyard as follows: based upon information provided by staff in a memorandum dated December 6, 2018, and testimony provided at the January 9, 2019 Planning and Zoning Commission meeting, the Planning and Zoning Commission moves to continue the public hearing for PZC 2018-18 to the regularly scheduled February 13, 2019 Planning and Zoning Commission meeting.

Roll call: Vinyard-yes, Goins-yes, Marcum-yes, Olson-yes, Harker-yes. Carried 5-0.

3. PZC 2018-19 United City of Yorkville Text Amendment/Breweries (see #3 above)

Action Item

Text Amendment

A motion was made by Ms. Goins and seconded by Mr. Vinyard as follows: in consideration of testimony presented during a Public Hearing on January 9, 2019 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council of a request for text amendment to Chapter 6: Permitted Uses in the Zoning Ordinance to identify "brewery" as a permitted use in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and as a special

use in the B-1 Local Business, B-2 Retail Commerce Business, B-3 General Business, B-4 Service Business districts. This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts. Additionally, the definition for “microbreweries/brewpubs” will also be amended to allow the maximum production per calendar year of 155,000 gallons, as presented by staff in a memorandum dated December 4, 2018.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes. Carried 5-0.

4. PZC 2018-21 United City of Yorkville Text Amendment Mobile Food Vehicles
(see #4 above)

Action Item

Text Amendment

It was moved and seconded by Commissioners Marcum and Vinyard respectively, to approve this amendment as follows: in consideration of testimony presented during a Public Hearing on January 9, 2019 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 subsection regarding mobile food and retail vendor vehicles, as recommended in a staff memo dated December 5, 2018.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes. Carried 5-0.

5. PZC 2019-07 United City of Yorkville Neighborhood Design Manual

Mr. Engberg said this manual was developed as a Master's degree project and is for review. It presents guidelines for preservation/renovation of the historic homes in the city to maintain their character. Comments were encouraged and included: very nice, use the word “vintage” instead of “old” home. It was noted that “historic” connotes limitations on improvements. It will go before the City Council for approval in February.

Additional Business

1. City Council Action Updates

- a. PZC 2-18-07 GRNE Solar: was approved by the City Council

Adjournment

There was no further business and the meeting was adjourned at 8:09pm on a motion and second by Commissioners Vinyard and Marcum, respectively. Approved on voice vote.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, January 9, 2019

7:00 p.m.

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PRESENT:

Mr. Randy Harker, Chairman,
Mr. Jeff Olson, Deputy Chairman,
Mr. Richard Vinyard,
Ms. Reagan Flavin-Goins,
Mr. Donald Marcum.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director,
Mr. Jason Engberg, Senior 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: There are four public
5 hearings scheduled for tonight's Planning and
6 Zoning Commission meeting.

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

11 Public testimony from persons
12 present who wish to speak may be in favor of or
13 against the request, or have questions for the
14 petitioner of the request being heard.

15 Those persons wishing to testify are
16 asked to speak clearly, one at a time, state your
17 name and who you represent, if anyone. Also, you
18 are asked to sign in at the podium if you have
19 not already done so.

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

24 (Witnesses sworn.)

1 CHAIRMAN HARKER: So when we are going
2 through here -- When I open up the public hearing
3 we start going through, the order that we will
4 receive the testimony will be from the
5 petitioners, the petitioner will do their
6 presentation, then those people that are in favor
7 of the request that's being heard, then those
8 people that are opposed to the request that's
9 being heard, and then we'll move on to the next
10 agenda item. Okay?

11 May I have a motion to open public
12 hearing on petition numbers PZC 2018-14, PZC
13 2018-18, PZC 2018-19, PZC 2018-21?

14 MR. VINYARD: So moved.

15 MS. GOINS: Second.

16 CHAIRMAN HARKER: Okay. May I have a
17 roll call vote on the motion, please?

18 MS. YOUNG: Yes.

19 Marcum.

20 MR. MARCUM: Yes.

21 MS. YOUNG: Olson.

22 MR. OLSON: Yes.

23 MS. YOUNG: Vinyard.

24 MR. VINYARD: Yes.

1 MS. YOUNG: Goins.

2 MS. GOINS: Yes.

3 MS. YOUNG: Harker.

4 CHAIRMAN HARKER: Yes.

5 Okay. PZC 2018-14, Al Eriksson, on
6 behalf of CalAtlantic Group, Inc., petitioner,
7 has filed an application with the United City of
8 Yorkville, Kendall County, Illinois, requesting a
9 fourth amendment to the Windett Ridge Planned
10 Unit Development Agreement to allow for the
11 extension of an additional three years to
12 complete the construction of a lift station and
13 public improvements in Unit 2 of Windett Ridge
14 subdivision until December 31, 2023.

15 The real property is generally
16 located south of Route 71 and immediately east of
17 Route 47 in Yorkville, Illinois.

18 Is the petitioner present and
19 prepared to do the presentation?

20 MR. MURPHY: Yes.

21 RICK MURPHY,
22 called as a witness herein, having been first
23 duly sworn, testified from the podium as follows:

24 MR. MURPHY: Good evening. My name is

1 Rick Murphy. I'm presenting on behalf of Al
2 Eriksson and CalAtlantic Homes.

3 I've read the summary; it's
4 excellent summary prepared by staff. Thank you
5 for that, and thank you for hearing our case.

6 Ryland Homes was contract purchaser
7 of the Windett development I believe in 2013.

8 MS. NOBLE: '13.

9 MR. MURPHY: CalAtlantic Homes is the
10 successor by merger and acquisition on the
11 property.

12 CalAtlantic Homes developed Unit 1,
13 approximately 261 units, Unit 2 is 16 units.
14 Unit 1 is in the final stages of development and
15 build-out at this point, and we are working with
16 engineering for final approvals and subdivision
17 acceptance in Unit 1.

18 I believe punch list items are
19 completed. There might be -- I think there is
20 discussion -- So, anyway, we are working on final
21 improvements with land development and city
22 engineers.

23 So Windett Ridge Unit 2 has got some
24 physical constraints just due to topography, and

1 in order to develop that, it either needs
2 development to the south on adjoining property or
3 a lift station, or we could design the
4 development with the lift station improvement.

5 The additional cost that would be
6 subject to the 16 lots or so in the unit would
7 be -- it would render the lots non-competitive.
8 If we were to go to development, very likely
9 develop them and we couldn't sell them.

10 So we've been working with staff
11 over the past several months to come to an
12 extension on the agreement that we can, you know,
13 extend the development to 2023 and keep a fee
14 lock until the end of 2020 with the ability to
15 prepay the fees, and as part of that agreement
16 we've proposed a donation of \$10,000 to help
17 improve Unit 1 park.

18 And I think that's the summary. I
19 think I'm open to any questions if you have
20 them.

21 CHAIRMAN HARKER: What we're going to do
22 is -- What we were going to do is to hold all of
23 our questions until the end, you know.

24 MR. MURPHY: Okay. Very good. Thank

1 you.

2 CHAIRMAN HARKER: Thanks.

3 Okay. Well, thank you for that,
4 Mr. Murphy. Is anybody would like to speak in
5 favor of the request?

6 MR. KRAMER: Should I identify for the
7 record first?

8 CHAIRMAN HARKER: What's that?

9 MR. KRAMER: Should I identify for the
10 record first?

11 CHAIRMAN HARKER: Yes.

12 MR. KRAMER: Okay. Daniel J. Kramer. I
13 am an attorney. My address is 1107A South Bridge
14 Street, Yorkville, Illinois.

15 We've worked with Mr. Eriksson on
16 the project on behalf of Dale Klincek, who is
17 here in the audience tonight.

18 So we don't have an objection, and
19 we're really not speaking for, but we did notice
20 in some references to the staff report and some
21 news reports that we've heard in the media --
22 could be fake news -- that they are thinking
23 about moving ahead with the adjoining owner, and
24 we would love to work with them because the

1 original plan several owners ago was this was
2 going to be developed by Wiseman-Hughes, and what
3 Dale ended up buying.

4 Al has been real good at working
5 with us on a terrible drainage problem, and it's
6 for the most part solved, but there is owners to
7 the south, we would like to see more, so if you
8 could relay to Al that Dale and I would love to
9 talk with him, that would be great.

10 We just happen to be here by
11 happenstance on something else tonight. Thanks.

12 CHAIRMAN HARKER: Okay. Thank you.
13 Anybody else that's in favor that would like to
14 voice a -- or not a concern.

15 (No response.)

16 CHAIRMAN HARKER: Okay. Those --
17 Anybody here that would like to speak in
18 opposition of the request that's being heard?

19 (No response.)

20 CHAIRMAN HARKER: Okay. Seeing there is
21 none, we are going to move on to the next one,
22 next item on the agenda tonight, which is PZC
23 2018-18, Marker, Inc., petitioner, has filed an
24 application with the United City of Yorkville,

1 Kendall County, Illinois, requesting an amendment
2 to the Heartland Subdivision Planned Unit
3 Development to reduce the interior side yard
4 setback from 20 feet to ten feet on Lot 187 of
5 the subdivision.

6 Additionally, the petitioner is
7 requesting to increase the maximum allowable
8 height of a permitted fence in the business
9 district from six feet to eight feet.

10 The real property is located at the
11 southwest corner of McHugh Road and Route 34
12 intersection in Yorkville.

13 Is the petitioner present and ready
14 to present?

15 DANIEL J. KRAMER,
16 having been first duly sworn, testified from the
17 podium as follows:

18 MR. KRAMER: Again, Daniel J. Kramer.
19 My address is 1107A South Bridge Street,
20 Yorkville, Illinois. I am an attorney licensed
21 to practice law in the state of Illinois, and I
22 represent the petitioner.

23 On this one, neither Krysti, Jason
24 or I can take credit for the lot dimensions and

1 how it was laid out since none of us were
2 involved in the original, but Markers have done a
3 nice job and I think have been a great addition
4 to the city in the sense that the family
5 developed Heartland Subdivision, they developed
6 Heartland Circle, and then the commercial area
7 that's now Veteran's Way that's come along very,
8 very nicely.

9 This is the last parcel that they
10 hope to develop. There are a couple of other
11 lots just for point of interest behind the
12 Veteran's Way Center that Mr. Ratos and his group
13 that owns Veteran's Way owns.

14 The zoning is in place on the
15 property, so that's not an issue at all, but as
16 you can tell, with setbacks and the curve of the
17 road, it presents some real challenges, so we
18 filed a petition, it was originally set for
19 public hearing much earlier, and we met with the
20 EDC committee, who had wanted some elevations on
21 the building.

22 At the time the family still hadn't
23 decided exactly what type of building or who the
24 end user would be. They are a little bit further

1 along in the process now.

2 Their office building that they
3 still own, where the Gold Star Dance Academy and
4 Kay Hatcher's office were, they've put that on
5 the market to sell, so their intention is that
6 once that building sells to build the office
7 building here, to move their facility there, so
8 that would be their office, and they see, again,
9 because of the limited parking and the narrowness
10 of the lot, it being a destination-type business,
11 so they would have at least one, maybe two other
12 rental spaces.

13 They think perhaps a real estate
14 office, dentist's office, something that doesn't
15 need a ton of space or a ton of parking would be
16 complementary.

17 I wish I could tell you we could
18 bring retail, but unless we could bring back the
19 old Kodak drive-through booths, it would be
20 really tough there.

21 What we've tried to do -- and one of
22 the comments -- and it was a good one, from the
23 EDC committee, they asked us if we could get
24 together with Casey's and see if they would allow

1 us to do a joint driveway towards the southerly
2 end of our property and combine it with Casey's
3 rear entrance.

4 Greg Marker has tried to contact at
5 least a dozen times. We've talked to the station
6 manager, who really isn't management, and she's
7 indicated she's trying to go up the ladder.

8 Greg had worked with the engineer
9 who directed the installation of the project, and
10 actually they went to Markers and said could we
11 store equipment and so when they were building
12 Casey's, so they were very responsive then, we
13 hope we can get together with them, but so far
14 it's been six weeks with dead silence, so what
15 Greg did -- and I didn't realize it -- he is an
16 architect, as his father is, he did the
17 elevations and he did four different sets for
18 you.

19 He did two if we keep the driveway
20 where it is; one if we get the ten-foot inner
21 yard variance and one without of what he could
22 build; and he did two if Casey's agrees to the
23 rear entrance, and, again, one if you grant -- or
24 the city council does, the ten-yard -- ten-foot

1 rear or side yard variance next to Casey's, and
2 one without.

3 If we don't get the variance, then
4 really there is no amendment to the PUD, but we
5 think it is better scale and depth to the
6 building with the ten-foot variance.

7 The back that we're asking the
8 variance and the side yard is our common
9 boundary with Casey's, so we're not hurting a
10 view from, let's say, another office complex or a
11 nice retail center or anything.

12 We thought it might be wise to have
13 a fence separating something more solid, PVC,
14 board-on-board, something kind of nice like
15 that.

16 In all honesty, the drift we got
17 from EDC committee before we came to you is they
18 would rather see it open and not a fence, so we
19 said look, if that's the case, we're not going to
20 push that issue.

21 The only one that's really important
22 to us is the ten feet, then we think we can get a
23 lot better economy of scale.

24 So this is very informal tonight;

1 we've still got to go to public hearing. We did
2 serve the notices on the entire list that Jason
3 provided us by certified mail, we did do the
4 publication, and we indicated because of getting
5 a little gray hair between the original
6 publication and now, perhaps next meeting if we
7 have again a further response from EDC, we would
8 publish for next meeting and come back and do the
9 public hearing then, so we would suggest you
10 table it to the next meeting tonight, but we're
11 happy to answer any questions.

12 Greg would have been here in
13 person, but was suffering from a case of the flu
14 and did not want to infect anybody, or me. Thank
15 you.

16 CHAIRMAN HARKER: Thank you. Okay.

17 MR. KRAMER: So I don't know if you have
18 any other questions or I'll --

19 CHAIRMAN HARKER: Well, yeah. I think
20 what we want to do is close out -- get through
21 everything and then close out of the public
22 hearing and then we'll come back to you with
23 questions.

24 MR. KRAMER: Fair enough. Thank you.

1 CHAIRMAN HARKER: Okay. Moving on to
2 the next item on the agenda, PZC 2018-19, United
3 City of Yorkville, Kendall County, Illinois,
4 Petitioner, is proposing a text amendment to
5 Chapter 6, permitted and special uses in the
6 Zoning Ordinance to identify a brewery as a
7 permitted and -- I'm sorry, in the M-1 Limited
8 Manufacturing and M-2 General Manufacturing
9 Districts, and as a special use in the B-1 Local
10 Business, B-2 Retail Commerce Business, B-3
11 General Business, B-4 Service Business Districts.

12 This text amendment will provide
13 regulations for the establishment and operation
14 of such uses in these zoning districts.

15 Additionally, the definition for
16 microbreweries and brew pubs will also be amended
17 to allow the maximum production per calendar year
18 of 155,000 gallons.

19 MS. NOBLE: So this sounds more
20 complicated than what it is that we are
21 proposing. We are proposing two things.

22 The first is right now the city does
23 identify microbreweries and brew pubs as
24 permitted uses in our Business and M-1 districts;

1 however, we don't have just a category for a
2 brewery, which does not have to have a retail
3 component to it.

4 We do have that in the manufacturing
5 district, but we don't have it in our business
6 districts, and so what we've been seeing in other
7 communities is that these types of uses are kind
8 of implanting themselves in the downtown, they
9 are bringing some retail component to it, maybe a
10 little bit small, maybe a tasting room, but
11 doesn't rise to the occasion of a brew pub where
12 you have actual food and the brewing of the
13 alcohol, so we're trying to clean it up.

14 We keep trying to refine our code so
15 that we are keeping up with whatever the retail
16 and commercial market is doing, so we are going
17 to identify them, give them a class, identify
18 them as permitted uses in the M-1 and special
19 uses in B districts, and then we are also
20 refining our definition.

21 What we found is the definition --
22 We're not increasing the amount of alcohol that
23 can be produced by these types of uses, but we're
24 trying to be synergistic with how the state does

1 the measurement of how much they can produce.

2 We had it as not necessarily
3 gallons, but we had it listed per barrels, and so
4 when you do the comparison, we had like 55,000
5 barrels equivalent to 155,000 gallons, so we are
6 just trying to keep the language the same, so
7 nothing really complicated.

8 This will end up actually going to
9 another committee because they have to review it
10 for liquor licensing codes, but this will just go
11 here for the public hearing for the text
12 amendment. Any questions? Okay.

13 CHAIRMAN HARKER: All righty. So moving
14 on to the PZC 2018-21, United City of Yorkville,
15 Kendall County, Illinois, petitioner, is
16 proposing a text amendment to Chapter 3, general
17 zoning provisions of the United City of Yorkville
18 Zoning Ordinance to create a new subsection
19 regarding mobile food and retail vendor
20 vehicles.

21 The amendment will provide location
22 and operational standards after the required
23 business registration of the vendor and vehicle
24 for the food trucks and similar mobile vendors

1 conducting business within the public
2 right-of-way and on private property.

3 MS. NOBLE: Okay. So I'm going to
4 direct you straightaway to the end of the packet.
5 At the end of the packet there are three sheets
6 that were created and they talk about the three
7 different type of regulations that we are
8 proposing in this text amendment.

9 To give you a little bit of history,
10 food trucks have began to boon, you know, across
11 the nation actually as the start-up businesses
12 that people are venturing into, and they are not
13 just necessarily just food trucks, but they are
14 retail services as well.

15 So our current ordinance in zoning
16 is silent on these uses on private property, but
17 we do have some limited regulations in our
18 licensing section of our code that allow, you
19 know, for small vendors, be it push carts or ice
20 cream trucks, in the public way, but we've never
21 defined when people have, you know, parties or
22 events where they have these food trucks on
23 private property, so we tried to establish some
24 criteria for three different sets of

1 circumstances where you would see food trucks.

2 The first you would see is a food
3 truck in the public right-of-way, so parked on
4 the street or in a park. We do have some push
5 carts that, you know, sell hot dogs in the park,
6 but we also didn't have any specific regulations,
7 they'd go to the Park and Recreation department,
8 Planning wouldn't necessarily see it, we didn't
9 know what times they operated and set any
10 specific criteria aside from the health
11 department, so what we tried to do in the first
12 stab is for in the public right-of-way.

13 We created some standards like you
14 can't leave the food truck unattended, they have
15 to be parked in, you know, the regular way that
16 you would legally park the vehicle, they can't
17 operate within 500 feet of a K-12 school.

18 You don't want to run the risk of
19 having kids trying to get to an ice cream truck
20 or a food vendor, and that's since -- and that's
21 only between the hours of seven and four, during
22 the regular school day.

23 They cannot be parked within 25 feet
24 from a street intersection, so there is an

1 exhibit on the overhead that shows all of this in
2 graphic form.

3 And then food truck operators must
4 organize customers on the sidewalk side of the
5 street, so they can't be vending out of the
6 window to people in vehicles, and -- and they
7 have to clear a pathway, have a pathway, where
8 people can ill line up, provide a trash
9 receptacle because we don't want trash all over
10 the area.

11 And this is throughout the city, so
12 they can, you know, be parked within a business
13 area on a resi -- on a public street or they can
14 be parked in the downtown.

15 And then there is other regulations
16 I won't get too much into, but we do talk about
17 the length of the truck and how many parking
18 spaces they can take up and general information
19 related to that.

20 There is a fee component not
21 necessarily under your purview because this will
22 go to another committee for that, but we are
23 proposing a \$200 application fee, and then that
24 covers the first truck, and if they have more

1 under the same vendor, then it's \$100 an
2 additional truck, and that's for an entire year.

3 So the second bucket of regulations
4 that we created was if you were to have it on
5 private property, so say you want to throw a
6 birthday party and maybe you want to do, you
7 know, cupcakes or something like that, then we
8 had no regulations for that, so we established
9 some regulations which deals with how we would
10 define it in zoning terms, temporary use.

11 There is a maximum number of food
12 trucks you can have that we are proposing, as
13 Jason is showing on the overhead. Only one food
14 truck may operate on the site for every
15 525 square feet of paved area, so the trucks have
16 to be on a paved area.

17 Depending on the size, if they're
18 the smaller version, then they can, you know,
19 take up no more than two spaces of the parking
20 area; if they are a larger truck, probably
21 about -- no more than about four spaces.

22 There is areas, if they do want to
23 have seating, what the requirements would be, if
24 they wanted to offer some outdoor leisure space,

1 and then if they're on private property, they
2 have to get a notarized letter from the property
3 owner saying that they can operate, and that is
4 the sticking point because we don't want people
5 just showing up, you know, and not having an
6 owner's knowledge.

7 There was a question in EDC when we
8 brought this about restrooms, availability to,
9 you know, have people go to the restroom, if we
10 were going to require port-o-lets, and we said
11 with this ordinance we were not going to have
12 that requirement because if they are off-site on
13 private property, you would assume that they
14 would have the ability to use the rest facilities
15 of whatever location, house or the business that
16 they are in, but if you have different opinions,
17 let me know. We can always incorporate that into
18 the ordinance.

19 They do have to get the
20 certification from the city clerk's office
21 similar to the ones that operate in the
22 right-of-way, and then the application fee is
23 \$25, so we're not trying to overly burden, you
24 know, the private property owner, and that covers

1 the first truck, and then there is \$10 on every
2 additional truck.

3 And then with regards to parking, no
4 matter how many food trucks they have, they
5 cannot take -- occupy more than 40 percent of the
6 required parking spaces, so you can still have
7 business operations coming in and out without the
8 food trucks intruding on that.

9 And the final section, you have a
10 food truck rally, so this is when you have more
11 than three food trucks at a particular location,
12 whether it's in the right-of-way, public
13 right-of-way, or on private property, and so we
14 define that.

15 We talk about the review process,
16 that these have to go through not only myself,
17 public recreation, public works, and the police
18 chief.

19 We also will have the fire
20 department review it under my review as well
21 because they would like to know ingress/egress,
22 nearest location of a fire hydrant, and things of
23 that nature.

24 If you have a truck rally, there

1 will be required traffic control and pedestrian
2 safety measures that we would look for on your
3 plan because you will have to submit a plan.

4 There also will be an application
5 fee of \$50. Now, this \$50 is for the entire
6 event, so it's not per vehicle, so you would just
7 let us know all the vendors that you have.

8 And we ask that you as the applicant
9 would send that in at least 30 days prior to the
10 event, give us time to circulate that, and you
11 can have as many -- I think it's -- we're not
12 limiting the amount of truck rallies you can have
13 on the site, but it's just \$50 per event.

14 So if you have any questions, we can
15 take that later, but I tried to go through it as
16 quickly and as efficiently as possible.

17 CHAIRMAN HARKER: Okay. So do we have
18 to have a discussion prior to closing?

19 MS. NOBLE: Yeah, it would be best if
20 you have questions for the petitioner to do those
21 now while we are on the record and then you can
22 deliberate amongst yourselves after we close the
23 public hearings.

24 CHAIRMAN HARKER: Yeah, I apologize on

1 that. I tried to make a change to the order and
2 it didn't quite work so well, so I apologize.

3 So if we can go back to PZC 2018-14.
4 Mr. Murphy?

5 MR. MURPHY: Yes, sir.

6 CHAIRMAN HARKER: Do you want him to
7 come up to the podium or just stay there?

8 MS. NOBLE: He can stay there.

9 CHAIRMAN HARKER: Just a quick question
10 for you regarding that, with the Windett Ridge.

11 Do you think -- I mean, in your --
12 not that you have a crystal ball or anything, but
13 do you feel as if they are going to do -- What
14 are they going to do with this if they can't --
15 you know, 16 lots, you can't put, you know, a
16 quarter million dollar lift station in there for
17 that.

18 What's the long-term plan on that?

19 MR. MURPHY: Yeah, we have to be
20 optimistic, you know. Personally I'd like to see
21 a longer extension than the 2023 because you know
22 how time flies with the -- in what we've seen for
23 the last ten years or so, so that is definitely a
24 challenge, you know.

1 Does the property next door -- I
2 mean, there's -- There are so many developed lots
3 and home sites at this point in time that that
4 really needs to be plated, and it really is going
5 to depend on how vigorous the sales go for
6 everybody.

7 But nonetheless, yeah, if you're
8 adding that lift station, probably adds \$30,000
9 plus or minus us to every single home site and it
10 just -- you know, we wouldn't be able to sell
11 them at that point.

12 So whether it's, you know, working
13 with the neighbor or, you know, somehow
14 development happens next door or at some point
15 maybe it becomes worthwhile to do that, but
16 three years is going to go by quickly, we know
17 that.

18 CHAIRMAN HARKER: Yeah.

19 MR. MURPHY: Three extra years, 2023,
20 it's four plus.

21 CHAIRMAN HARKER: So the south -- the
22 neighbors to the south or adjoining neighbors
23 down there, they're going to be -- if they put in
24 a subdivision or something, that would flow to

1 your lift station then, it would make it more
2 cost effective to put it in to go, right,
3 something like that?

4 MR. MURPHY: From what I understand, it
5 think it becomes more of a gravity situation. I
6 think, you know, generally we try to avoid lift
7 stations. I think even the city tries to avoid
8 those where they can.

9 So it usually just takes -- it's
10 worthwhile to take advantage of gravity, and how
11 that plays out, again, depends on the market, how
12 hot the real estate market is over the next few
13 years, and, you know, even today there's recovery
14 to some extent, it's not what it was in 2004 or
15 2003, it just -- when I'm sure this was in the
16 planning.

17 MS. NOBLE: Can I add something to the
18 conversation?

19 CHAIRMAN HARKER: Yeah, absolutely.

20 MS. NOBLE: So originally the project
21 had two phases -- actually three, so it was the
22 single family, then there was the towns, which
23 would be the townhome development, then there was
24 a commercial piece to it.

1 After the property was lost through
2 foreclosure and it was purchased by CalAtlantic,
3 CalAtlantic purchased only the residential
4 portion, you don't have a commercial portion,
5 correct?

6 MR. MURPHY: I don't believe so.

7 MS. NOBLE: They don't have a commercial
8 portion and they did not do the unplatted, which
9 is the townhome portion.

10 So if the project would have
11 developed the original course, what would have
12 happened is the second phase, which is the towns,
13 would be developed and then they would have
14 addressed that gravity issue in some form or
15 fashion, but because they don't own that
16 property, in order to supply the sanitary sewer
17 to this location, they would probably have to
18 lose about three or four lots to do the lift
19 station on-site, and then --

20 MR. MURPHY: That's -- I think that's
21 accurate. So I was talking to Al Eriksson today
22 on the way here because he is infinitely more
23 knowledgeable about the site, but we were
24 projecting you might lose two or three home

1 sites, so even take that number on each home
2 site, it's even a bigger number.

3 CHAIRMAN HARKER: Sure.

4 MS. NOBLE: And we tried to work some --
5 they had gone through the process of getting a
6 fabricator to do the pump, lift station pump, we
7 worked with them a couple -- for about a year or
8 so to kind of get this going and we just realized
9 it just wasn't going to happen.

10 The reason why we are limiting it to
11 the 2023 date is because the city's practice has
12 been not to go beyond 20 years with contracts.

13 Legally we can't go beyond 20 years
14 for annexation agreements. We can go a little
15 bit further with PUD's, but we have tried to
16 stick with that policy of not going longer than
17 20 years.

18 The original development was
19 approved in June, 2000, and then when they added
20 more lots to create a larger subdivision, it was
21 approved in 2002, so we're trying to kind of be
22 mindful of that, that timeframe.

23 CHAIRMAN HARKER: Excellent. Anybody
24 else have any questions regarding that?

1 (No response.)

2 CHAIRMAN HARKER: No? Okay. Excellent.
3 Thank you.

4 MR. MURPHY: Thank you for listening.
5 Thank you.

6 CHAIRMAN HARKER: Okay. Mr. Kramer?
7 Going back to PZC 2018-18, anybody
8 have any questions regarding the -- So really
9 what you're requesting is just that -- or what
10 you are proposing is that we just go until
11 February with this?

12 MR. KRAMER: I think that makes the most
13 sense --

14 CHAIRMAN HARKER: Yes.

15 MR. KRAMER: -- because then we would
16 see if anyone is here from the audience and you
17 would have additional comments back from EDC.

18 I mean, I can't presuppose what the
19 EDC members are going to say about Casey's, if
20 they say gee, you know, 12 times and you've
21 really done what we've asked you to do, let's go
22 ahead the way the property sits, I mean, if
23 Casey's won't work with us -- and they're a fine
24 neighbor, we have no objection to them -- we

1 think we've got a right to go ahead.

2 Again, maybe on sober reflection it
3 should have been platted a little bit different
4 at the time, but if we couldn't build, it would
5 be an inverse condemnation, it would be a taking,
6 nobody wants that.

7 The city would rather have sales
8 tax, property taxes, so we're just hoping we can
9 work with Casey's and keep the city council
10 happy, and again, we don't think the ten foot
11 would hurt anybody, but, you know, that's up for
12 you and the city council to decide. You just get
13 a smaller building and we think a little bit
14 larger is more useful.

15 So I think February is fine.

16 MR. MARCUM: So are you contemplating a
17 two-story or three-story building?

18 MR. KRAMER: If we got the ten-foot
19 setback, they think two will do. If we didn't
20 get the ten-foot setback, they would probably in
21 all honesty do a three, Don.

22 MR. MARCUM: I see something in here
23 about remodeling spaces for parking doing a
24 three-story building, the paved area --

1 MR. KRAMER: Well, again, it would be
2 a --

3 MR. MARCUM: A smaller building.

4 MR. KRAMER: -- smaller building, so
5 they would still have square footage enough and
6 could probably meet the parking, so that's where
7 it ties in as well, the square footage building
8 to the parking ratio.

9 MR. MARCUM: I didn't even realize
10 there was enough space next to Casey's to do
11 anything. I was going to go by on the way here,
12 but I was a little tardy, so I didn't do that,
13 but...

14 MR. KRAMER: As I say, it's slim, but as
15 Greg worked out, and Krysti and Jason reviewed,
16 they can meet all the front and side setbacks,
17 the landscaping on 34, everything lays out there,
18 but they've got to be creative on the design of
19 the building.

20 MR. OLSON: I would prefer a full
21 comprehensive packet for the work on it.

22 CHAIRMAN HARKER: Yeah. Yeah.

23 MR. MARCUM: So not going to do
24 anything with that median on McHugh that's so

1 annoying?

2 MR. KRAMER: It was interesting. We
3 made some comments about that because all of us
4 here I think at one time or another, I would
5 hope, being local, have gone either to
6 Blackstone or maybe have kids at the day care
7 center or any of the businesses on Veteran's
8 Parkway, I think it's 's an absolute abominable
9 traffic flow, where you're directing traffic
10 around in front of a day care center with parents
11 and grandparents taking kids in and out, and
12 staff was good, they said gee, if you guys would
13 like to fund a traffic study to tell us how to do
14 it, we would listen.

15 MR. MARCUM: Well, I think that's a
16 splendid idea, Mr. Kramer. Why don't we go ahead
17 and do that?

18 Because I live at Park and McHugh, I
19 go down McHugh all the time. That irritating jog
20 and stuff, and then to get in and get out is just
21 annoying.

22 MR. KRAMER: Well, and have you ever
23 seen traffic backed up so far on McHugh that it's
24 sitting out in Route 34, and I know that was long

1 before this group was here, that was the fear of
2 the original city engineer at the time, and I
3 think it's come to pass, so I feel a little bit
4 like for the traffic study, we're paying somebody
5 \$10,000 to borrow my wristwatch and tell me what
6 time it is.

7 I mean, I think staff could go over,
8 somebody from the police department, and watch
9 the traffic, and there is enough space to stack
10 and cut that median so people can go right
11 into -- or left into Veteran's Parkway, but
12 again, along with that, I'm hoping our driveway
13 could be down by Casey's because then there's
14 never going to be, you know, a problem with
15 stacking, where if our driveway isn't with
16 Casey's, it's more in the middle, okay, then
17 maybe, you know, if there were three cars trying
18 to getting in ours at once, you could have a
19 little problem, but I'm with you, I think that
20 median should be cut or make a drive-over
21 median, but that's just an editorial comment.
22 Nobody has asked me to -- Well, yeah, they did.
23 They asked us to pay for a traffic study.

24 CHAIRMAN HARKER: Awesome. Okay. Thank

1 you, Mr. Kramer.

2 MR. KRAMER: So we'll see you in
3 February. And, again, if for whatever reason we
4 need more time with Casey's or EDC, we're going
5 to republish anyway, so it could even be March.

6 CHAIRMAN HARKER: Okay.

7 MR. KRAMER: You'll see us again. Thank
8 you very much.

9 CHAIRMAN HARKER: Thank you, Mr. Kramer.
10 Okay. Moving on to the brewery.

11 Any questions?

12 VICE-CHAIRMAN OLSON: How much field
13 work did you two do on this?

14 MS. NOBLE: Well, we knew it was
15 something that had to be done, but we -- we
16 got some feelers that it's something that may
17 come to the city and we just wanted to be
18 prepared.

19 VICE-CHAIRMAN OLSON: Okay. How much
20 field work did you two do?

21 MS. NOBLE: Oh. That would be probably
22 Jason.

23 VICE-CHAIRMAN OLSON: Jason?

24 MR. ENGBERG: None. Krysti did it.

1 MS. NOBLE: No, it's not my thing. Not
2 my thing.

3 CHAIRMAN HARKER: Okay. Awesome. And
4 then the food truck, does anybody have any
5 questions regarding the food trucks text
6 amendment?

7 VICE-CHAIRMAN OLSON: Is the ordinance
8 for -- I've been to a party in Yorkville before
9 where they had a taco tent in somebody's
10 driveway, right, where somebody had three girls
11 and they were just churning them out, it was a
12 commercial venture and they packed up the tent at
13 the end and left.

14 Where does a food truck start and a
15 taco tent end? Is it merely the truck?

16 MS. NOBLE: So, yes, there are a couple
17 of things. The food truck itself is an accessory
18 use. Vehicles can sometimes create a land use in
19 themselves, not just a building, so we were
20 trying to address how services are being provided
21 in the city and regulated.

22 VICE-CHAIRMAN OLSON: Does a tent?

23 MS. NOBLE: A tent would not because
24 think about it, we don't regulate lemonade

1 stands, it's more temporary.

2 The use is not -- Even if it were
3 commercial in nature, it's not creating a land
4 impact to the site, it's in the driveway, but if
5 you have a vehicle which can be stationary and
6 parked somewhere, either on public or private
7 property, we do regulate that.

8 I think the tent -- if the health
9 department is not involved, then we would
10 probably not be.

11 VICE-CHAIRMAN OLSON: Then the bond, do
12 they have a bond if you're not in the
13 right-of-way, but not a bond if you're in the
14 right-of-way?

15 MS. NOBLE: Yes, because what happens
16 when you are in the right-of-way, you assume your
17 liability is your vehicle insurance.

18 VICE-CHAIRMAN OLSON: Oh, okay.

19 CHAIRMAN HARKER: Excellent. Okay.

20 VICE-CHAIRMAN OLSON: All the pictures
21 are fantastic.

22 MS. NOBLE: Thank Jason. That's Jason,
23 all Jason.

24 CHAIRMAN HARKER: Great job. Since all

1 the testimony and questions have been taken, can
2 I get a motion to close out of the public hearing
3 portion of tonight's Planning and Zoning
4 Commission meeting?

5 MR. VINYARD: So moved.

6 MR. MARCUM: Second.

7 CHAIRMAN HARKER: Can I get a roll call
8 vote on the motion, please?

9 MS. YOUNG: Yes.

10 Marcum.

11 MR. MARCUM: Yes.

12 MS. YOUNG: Olson.

13 VICE-CHAIRMAN OLSON: Yes.

14 MS. YOUNG: Vinyard.

15 MR. VINYARD: Yes.

16 MS. YOUNG: Goins.

17 MS. GOINS: Yes.

18 MS. YOUNG: Harker.

19 CHAIRMAN HARKER: Yes.

20 Awesome. Okay.

21 (Which were all the
22 proceedings had in the
23 public hearing portion
24 of the meeting.)

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
6 that the foregoing, Pages 1 through 40,
7 inclusive, is a true, correct and complete
8 computer-generated transcript of the proceedings
9 had at the time and place aforesaid.

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

16 As certification thereof, I have hereunto set
17 my hand this 3rd day February, A.D., 2019.

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

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<p><i>Vitosh Reporting Service</i> 815.993.2832 cms.vitosh@gmail.com</p>				

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