



## United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

[www.yorkville.il.us](http://www.yorkville.il.us)

### PLANNING AND ZONING

### COMMISSION AGENDA

Wednesday, April 10, 2019

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

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

Roll Call:

Previous Meeting Minutes: March 13, 2019

Citizen's Comments

---

#### Public Hearings

1. **PZC 2019-05** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing text amendments to Chapter 2: Rules and Definitions and Chapter 6: Permitted and Special Uses of the United City of Yorkville Zoning Ordinance. These proposed amendments will define Short-Term Rental Uses and indicate the zoning districts where they are permitted.
2. **PZC 2019-09** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing the adoption of the Yorkville Downtown Overlay District which includes the Streetscape Master Plan and the Form-Based Code. The proposed Streetscape Master Plan provides guidance on the direction and character of future street related capital improvements in the downtown area. The Form-Based Code provides development standards for the downtown with the purpose to guide the development of a mix of uses and a pedestrian-oriented environment. Additionally, these standards are aimed at promoting a mix of housing types which are appropriate in scale and intensity in the downtown. The Form Based Code will be codified as Chapter 21: Downtown Overlay District in Title 10 of the Yorkville Municipal Code.

#### Unfinished Business

#### New Business

1. **PZC 2019-05** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing text amendments to Chapter 2: Rules and Definitions and Chapter 6: Permitted and Special Uses of the United City of Yorkville Zoning Ordinance. These proposed amendments will define Short-Term Rental Uses and indicate the zoning districts where they are permitted.
2. **PZC 2019-09** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing the adoption of the Yorkville Downtown Overlay District which includes the Streetscape Master Plan and the Form-Based Code. The proposed Streetscape Master Plan provides guidance on the direction and character of future street related capital improvements in the downtown area. The Form-Based Code provides development standards for the downtown with the purpose to guide the development of a

mix of uses and a pedestrian-oriented environment. Additionally, these standards are aimed at promoting a mix of housing types which are appropriate in scale and intensity in the downtown. The Form Based Code will be codified as Chapter 21: Downtown Overlay District in Title 10 of the Yorkville Municipal Code.

3. **PZC 2019-12** Daniel, Bruce, and Norma VanDeventer and Deborah Hull on behalf of the Wilbur C. VanDeventer Trust (current owner) and Diane and Craig Zimmerman (prospective buyer), petitioners, are requesting a map amendment rezone for their property from A-1 Agricultural District to R-1 Residential District in unincorporated Kendall County. The 15.6-acre property is located north of the Galena Road and Kennedy Road intersection and northwest of the New Life Church Development.
4. **PZC 2019-13** The successor developer for the Grande Reserve subdivision, Grande Reserve Chicago ASLI VI, LLP (Avanti Group), is seeking to revise the parcel dimensions for six (6) home lots and two (2) common space areas within Unit 23 (Neighborhood 1). The request is to resubdivide the existing final plats for each homesite parcel to extend the rear lot lines approximately 20 feet within the adjacent common space to accommodate a newer model ranch home, yet still meet requisite setback regulations for the R-2 zoning district.

#### **Additional Business**

#### **Adjournment**

# DRAFT

## PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, March 13, 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:**

Richard Vinyard-present, Danny Williams-present, Deborah Horaz-present, Don Marcum-present, Jeff Olson-present, Randy Harker-present

### **City Staff**

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

### **Other Guests**

Lynn Dubajic, City Consultant	Matt Hively, Hively
Dan Kramer, Attorney	Mr. Chris Mazzoni, Hively
Theresa Dollinger, Castle Law	Charles MacKinnon, MacKinnon Farm

### **Previous Meeting Minutes** February 13, 2019

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

Roll call: Williams-yes, Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes.  
Carried 6-0.

### **Citizen's Comments**

Chairman Harker officially welcomed new Commissioner Danny Williams who replaces Bill Gockman. Mr. Harker also said that Commissioner Ms. Reagan Goins will be stepping down from PZC after three years and he thanked her for her service.

### **Public Hearings**

Chairman Harker explained the procedure for the Hearings and swore in those who would speak. At approximately 7:04pm a motion was made and seconded by Ms. Horaz and Mr. Vinyard, respectively, to open the Hearing.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Harker-yes.  
Carried 6-0.

1. **PZC 2019-03** Matthew C. Hively, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of three (3) parcels. The real property is located south of Illinois Route 71, and north of Illinois Route 126 and part of the previously approved

Windmill Farms Annexation Agreement, which allowed for certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business Zoning districts. The petitioner is seeking to rezone two (2) parcels to the B-3 General Business District and one (1) parcel to the A-1 Agricultural District. The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcels and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel.

*(See Court Reporter Transcript)*

The Hearings were closed at approximately 7:20 pm on a motion by Mr. Vinyard and second by Mr. Marcum.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Harker-yes. Carried 6-0.

### **Unfinished Business**

1. **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.

Mr. Dan Kramer summarized the request for the side yard setback reduction and said they are withdrawing the fence height increase. He said he and city staff have been unable to contact Casey's after repeated attempts regarding a shared driveway. He is therefore asking for approval of the setback request. Mr. Engberg added that the driveway would be off McHugh since Casey's cannot be reached. Mr. Kramer said the Markers are moving their real estate office to the proposed building. He said if a 10-foot setback is approved, a 2-story building would be built and if not approved, a 3-story building would be built. Mr. Marcum questioned the access and if it is an acceptable distance from the intersection. Ms. Noble answered that the engineer will need to make a determination. One consideration had been a drive-over median, but that was rejected. Mr. Marcum and Mr. Harker said, for the record, they thought that would be a better solution.

Ms. Noble read the six Standards and Mr. Olson questioned the ingress/egress with the setback change. Some Commissioners said there is not enough land for the building height desired even though the standards are met. Parking was discussed and 12 spots are needed for the proposed 2-story building and four more if a 3-story building is built. Commissioner Horaz asked if a retail use could be built there, however, there is not enough parking available. It was noted this piece of land is part of the Heartland subdivision.



### **Action Item**

#### **PUD Amendment**

Commissioners Marcum and Vinyard moved and seconded, respectively, the following motion: Based on information provided by staff in memorandums dated December 6, 2018, February 6, 2019 and March 6, 2019 and 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 an amendment to the Heartland Annexation and Planned Unit Development Agreement to reduce the side yard setback from twenty (20) feet to ten (10) feet and further subject to construction not to exceed 2 stories and a fence not to exceed 6 feet.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Horaz-no, Harker-yes. 5-yes, 1-nay. Motion carried.

### **New Business**

#### **1. PZC 2019-03 Hively (see above description)**

There was no discussion and a motion was made by Commissioner Williams and seconded by Commissioner Vinyard as follows: In consideration of testimony presented during a Public Hearing on March 13, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the properties stated in the staff memorandum dated January 30, 2019 to B-3 General Business District and A-1 Agricultural District.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes, Marcum-yes, Harker-yes. Carried 6-0.

### **Additional Business**

#### **1. City Council Action Updates**

The recent actions by City Council were noted as listed on the agenda.

Mr. Olson reported there was an unprotected large hole that a child could fall into, near a commercial construction site in Kendall Crossing. He e-mailed several officials and the BKFD Fire Marshall. Ms. Noble said there currently is no ordinance that requires construction fencing. As a result, Mr. Olson proposed a requirement for fencing and Ms. Noble asked him to provide language for an upcoming update to the Building Code. The update will be brought to EDC and PZC. A stop work order or citation can be issued, but OSHA will be called tomorrow.

#### **2. Planning and Zoning Commissioner Training Series - Presentation**

##### **a. Construction Plan Basics for Planning and Zoning Commissioners**

Mr. Olson presented information on construction drawings to educate/refresh Commissioners on construction procedures and plans. He presented various documents and pointed out important items to look for on the plans.

### **Adjournment**

There was no further business and the meeting was adjourned at 8:33pm on a motion by Ms. Horaz and approved on voice vote.

Respectfully submitted by Marlys Young, Minute Taker

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED CITY OF YORKVILLE  
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION  
PUBLIC HEARING

800 Game Farm Road  
Yorkville, Illinois

Wednesday, March 13, 2019  
7:00 p.m.

1       PRESENT:

2               Mr. Randy Harker, Chairman,

3               Mr. Jeff Olson, Vice-Chairman,

4               Mr. Richard Vinyard,

5               Ms. Deborah Horaz,

6               Mr. Donald Marcum,

7               Mr. Danny Williams.

8  
9       ALSO PRESENT:

10              Ms. Krysti Barksdale-Noble, Community  
11              Development Director,

12              Mr. Jason Engberg, Senior Planner,

13              Ms. Marlys Young, Minute Taker.

14                       - - - - -

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

4 CHAIRMAN HARKER: There is one public  
5 hearing, which is PZC 2019-03, scheduled for  
6 tonight's Planning and Zoning Commission  
7 meeting.

8 The purpose of this hearing is to  
9 invite testimony from members of the public  
10 regarding the proposed request being heard before  
11 the board tonight.

12 Public testimony from persons may  
13 wish to speak may be in for -- or for the request  
14 being heard or against the request or just have  
15 questions for the petitioner.

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 also asked to sign in at the podium if you  
20 haven't already done so.

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

1 Okay.

2 (Witnesses sworn.)

3 CHAIRMAN HARKER: Thank you. All right.

4 And the order that we're going to take the  
5 testimony will be the petitioner will go, and  
6 then those who are in favor of the request and  
7 then those that are in opposition of the request  
8 and then questions from the board to the  
9 petitioner. Okay?

10 May I have a motion to open public  
11 hearing on Petition Number PZC 2019-03?

12 MS. HORAZ: So moved.

13 MR. VINYARD: Second.

14 CHAIRMAN HARKER: Okay. Roll call vote,  
15 please, on the motion.

16 MS. YOUNG: Yes.

17 Horaz.

18 MS. HORAZ: Yes.

19 MS. YOUNG: Markham.

20 MR. MARKHAM: Yes.

21 MS. YOUNG: Olson.

22 VICE-CHAIRMAN OLSON: Yes.

23 MS. YOUNG: Vinyard.

24 MR. VINYARD: Yes.

1 MS. YOUNG: Williams.

2 MR. WILLIAMS: Yes.

3 MS. YOUNG: Harker.

4 CHAIRMAN HARKER: Yes. Okay.

5 PZC 2019-03, Matthew C. Hively,  
6 petitioner, has filed an application with the  
7 United City of Yorkville, Kendall County,  
8 Illinois, requesting rezoning classification of  
9 three parcels.

10 The real property is located south  
11 of Illinois Route 71, north of Illinois Route  
12 126, and part of the previously approved Windmill  
13 Farms annexation agreement, which allowed for  
14 certain land uses consistent with those found in  
15 R-4 General Multi-Family Residence District and  
16 B-3 General Business Districts -- I'm sorry, B-3  
17 General Business Zoning Districts.

18 The petitioner is seeking to rezone  
19 two parcels to the B-3 General Business District,  
20 and one parcel to an A-1 Agricultural District.

21 The purpose of rezoning is to  
22 establish and operate a nursery and garden center  
23 with a retail store on the proposed B-3 zoned  
24 parcels and an accessory building for the storage

1 of the equipment, landscaping materials, in the  
2 proposed A-1 zoned parcel. Okay?

3 Petitioner, are you ready?

4 MS. DOLLINGER: Teresa Dollinger. I  
5 represent Matt Hively, who is the petitioner. We  
6 have two applications for rezoning to present  
7 this evening.

8 The first -- They are both parcels  
9 that were previously in the Windmill Farms  
10 annexation. For one parcel we are seeking A-1  
11 zoning, and for the other application we are  
12 looking for B-3 zoning.

13 As was explained, the purpose for  
14 the B-3 zoning is to operate a nursery and garden  
15 center. We presented a concept plan that shows a  
16 4,000 square foot building served for that  
17 purpose, that would be the retail portion of  
18 that -- of that business.

19 This parcel does extend just  
20 across -- across the street as well, a small  
21 piece of that parcel. We were also seeking B-3  
22 here. Presently we are contemplating no building  
23 at this time; we are planning to landscape it so  
24 it's in keeping with the appearance of the

1       nursery and garden center, and it will serve as  
2       part of some support for the business and the  
3       garden center.

4               With respect to the application  
5       seeking A-1 zoning, that is -- it's a little bit  
6       down the road from those parcels. It's currently  
7       being farmed and we are looking to grow plants  
8       and things that support the nursery and garden  
9       center as well.

10              So I'd be happy to answer any  
11       questions that you have about our applications  
12       that are in the packet tonight or the concept  
13       plan we presented.

14              CHAIRMAN HARKER: Okay.

15              MS. NOBLE: Would you like your response  
16       to the findings entered into the record?

17              MS. DOLLINGER: Yes, please.

18              CHAIRMAN HARKER: Excellent. Any  
19       questions? Sorry.

20              MR. VINYARD: Yeah. The parcel number  
21       three, you said that you guys are just going to  
22       landscape it.

23              Was there any plans like -- You  
24       weren't thinking like signage, or just kind of



1     like tie the landscaping into the actual business  
2     itself?

3             MS. DOLLINGER: For the parcel that's  
4     part of the larger --

5             MR. VINYARD: Yeah. For your lot.

6             MS. DOLLINGER: -- parcel? Yeah, at  
7     this time we have to -- we do have to work with  
8     the traffic situation of this very small piece,  
9     so we don't have any plans to build presently on  
10    that. We would like --

11            MR. VINYARD: Something small.

12            MS. DOLLINGER: Yes, it is quite small,  
13    but we do view that as part of the business and  
14    view it as an opportunity to kind of showcase  
15    some of the landscaping and services that would  
16    be provided by the nursery and garden center.

17            MR. VINYARD: Completely clarified it.  
18    So yeah, there is like a little shoulder where  
19    you can put some plants in there, give an idea of  
20    what you do and what you have.

21            MS. DOLLINGER: Right.

22            MR. VINYARD: Okay. Cool. Thank you.

23            CHAIRMAN HARKER: Will the main parcel  
24    number two there, will that have like a fence

1 around it or is there a call out for any of that?

2 MS. DOLLINGER: Around the garden  
3 center?

4 CHAIRMAN HARKER: Yeah.

5 MS. DOLLINGER: There is no fencing  
6 there. There would be some more landscaping with  
7 trees, which is going to act as a natural fence,  
8 but --

9 CHAIRMAN HARKER: Okay.

10 MS. DOLLINGER: And they will be  
11 complying with the appearance code that's  
12 required with respect to signs, and obviously the  
13 nature of the business is such that we want to  
14 make sure it's visibly attractive to the area.

15 CHAIRMAN HARKER: Okay. One other  
16 thing, on the -- Would you say that like your --  
17 the company is going to be more like a -- like a  
18 Schaefer's or a -- you know, like a greenhouse  
19 like that, or is it going to be more like a  
20 Winding Creek? Is it Winding Creek down in --

21 MS. HORAZ: Yeah.

22 CHAIRMAN HARKER: -- Millbrook? I mean,  
23 I'm just trying to -- What's that? They're  
24 both -- You guys are going to be retail, right?

1 It's going to be retail?

2 MS. DOLLINGER: Yes.

3 CHAIRMAN HARKER: Okay.

4 MS. DOLLINGER: Mm-hum. So for people  
5 looking to update their gardens, do landscaping,  
6 they will come in, view the products, get advice,  
7 and --

8 CHAIRMAN HARKER: Okay.

9 MS. DOLLINGER: Does that help to  
10 answer?

11 CHAIRMAN HARKER: Yeah, I'm sure -- I  
12 think it's going to be kind of like Winding  
13 Creek.

14 VICE-CHAIRMAN OLSON: Yeah, absolutely.  
15 But in Yorkville.

16 CHAIRMAN HARKER: But in Yorkville,  
17 exactly. Okay.

18 MS. HORAZ: I have a concern about the  
19 traffic, speed limit around there and the  
20 entrance --

21 CHAIRMAN HARKER: Okay.

22 MS. HORAZ: -- as far as IDOT and --

23 MS. NOBLE: Right. So both streets or  
24 roadways that they are adjacent to, 71 and 126,

1 are regulated by IDOT, so we do not control the  
2 speed limit on those streets, on those roadways.

3 However, they would need to get a  
4 permit from IDOT, and IDOT would take all of that  
5 into consideration on the location of the  
6 entrance, decelerate.

7 MS. HORAZ: Right, because they don't  
8 have -- it's pretty dangerous there.

9 MS. NOBLE: Right, have to decelerate.  
10 So the petitioner has submitted a petition to  
11 IDOT and they have not gotten a response back  
12 from IDOT. As you do know, IDOT does have plans  
13 for 71.

14 MS. HORAZ: Right.

15 CHAIRMAN HARKER: Yeah.

16 MS. NOBLE: Widening for that. They do  
17 have plans for 126, that's just not funded yet,  
18 so it's down the road, but they would be  
19 considering all of that when they issue the  
20 permit to the petitioner.

21 MS. DOLLINGER: And we have been working  
22 with IDOT in developing a concept plan and we did  
23 initially make some applications based on some of  
24 their comments, and so the access points on our

1 most current concept plan have been preliminarily  
2 approved by IDOT, but we will have to get the  
3 permits and go through their process, so they  
4 will be reviewing our plans as well.

5 CHAIRMAN HARKER: I think, you know, a  
6 concern of mine is parcel one, as far as the  
7 traffic on 71, is coming out of there, you know,  
8 because they're going to be -- you're going to be  
9 hauling stuff with like tractors and hay racks,  
10 or how are you going to get it there?

11 MR. HIVELEY: It would be trucks --

12 CHAIRMAN HARKER: Semis?

13 MR. HIVELEY: -- and trailers.

14 CHAIRMAN HARKER: Okay.

15 MR. HIVELEY: Yeah, it won't be hay  
16 wagons down 71.

17 CHAIRMAN HARKER: Okay. Yeah, that's  
18 what I was thinking. I'm like man, that's going  
19 to be dangerous pulling out and then having --  
20 okay. Okay.

21 MR. MARCUM: Is this business already in  
22 operation someplace or is this a start-up  
23 operation?

24 MS. DOLLINGER: This is going to be --

1 this is a new retail business.

2 MR. HIVELY: Yeah, I have a landscaping  
3 company now, I am planning to open this as a  
4 separate business from that.

5 CHAIRMAN HARKER: Would you identify  
6 yourself, please?

7 MR. HIVELY: Matt Hively.

8 MS. NOBLE: And do you mind speaking  
9 into the microphone? Our court reporter isn't  
10 here, so she'll be taking the information from  
11 the recording.

12 MR. HIVELY: Okay.

13 CHAIRMAN HARKER: Go ahead and say your  
14 name again, please.

15 MR. HIVELY: Matt Hively.

16 CHAIRMAN HARKER: Okay.

17 MS. NOBLE: And then do you want to  
18 respond?

19 MR. HIVELY: It's going to be a new  
20 business. I have a landscaping company already  
21 and it's just another business venture, you know.

22 MR. VINYARD: Is the landscaping company  
23 the one down the street?

24 MR. HIVELY: No.

1 MR. VINYARD: Okay.

2 MR. HIVELY: We used to run out of  
3 there, but we are in Oswego now.

4 CHAIRMAN HARKER: Okay.

5 MS. DOLLINGER: So it's an expansion of  
6 an existing landscape business.

7 CHAIRMAN HARKER: Excellent. And do you  
8 do like pergolas and hardscape stuff also?

9 MR. HIVELY: Yeah, doing kind of some  
10 lawn furniture, plants, sawmill to make some  
11 pergolas, you know, benches, you know, just kind  
12 of a different garden center.

13 CHAIRMAN HARKER: Okay.

14 MR. HIVELY: It's not going to be just  
15 plants. I have some stuff like that, too.

16 CHAIRMAN HARKER: All right.

17 VICE-CHAIRMAN OLSON: Personally I'm a  
18 little nervous how much money I'm going to spend  
19 there.

20 CHAIRMAN HARKER: All right.

21 MS. HORAZ: Matt, do you own the  
22 property?

23 MR. HIVELY: We are in the process. We  
24 have it under contract, so --

1 MS. HORAZ: And how is it designated in  
2 the Comprehensive Plan?

3 MS. NOBLE: So the Comprehensive Plan  
4 does designate this area as estate residential,  
5 and I will explain a little bit the history of  
6 how we came about that.

7 When we did the Comprehensive Plan  
8 starting in 2016, at that time we were just  
9 coming out of the recession with the turnover of  
10 the economy and where we were going, we were  
11 trying to look for a vision, so the direction of  
12 the Comprehensive Plan was to focus on the built  
13 area of the community, and everything on the  
14 outside, that didn't have an active agreement  
15 where buildings were happening, we put it into a  
16 place holding category, which is our estate  
17 residential.

18 This area -- The horizon of that  
19 Comp Plan is ten years, so we are about a third  
20 of the way into it.

21 The parcel was deemed one of those  
22 locations that we didn't think anything was going  
23 to happen because it's encumbered by an existing  
24 annexation agreement which had retail as well as



1 residential, so we put that in a holding  
2 pattern.

3 When these petitioners came forward  
4 saying that they were looking to move forward  
5 with this parcel, we decided that we would look  
6 at trying to get owners together to do one grand  
7 amendment to that annexation agreement releasing  
8 the obligation so that they could move forward;  
9 however, we weren't able to get all of the  
10 petitioners, or the owners to be petitioners in  
11 that agreement, so the process that we're taking  
12 is being piecemeal, it's a parcel-by-parcel  
13 addressing of the issue, so what we are doing  
14 separately from the PZC meeting tonight, is we  
15 are having a public hearing at City Council on  
16 the 26th and at that time we will amend the  
17 annexation agreement to release the obligations  
18 of that very large -- and in your packet you have  
19 that very large, possibly unrealistic plan, and  
20 then allow each parcel owner, correct, each  
21 parcel owner to come in, rezone the property to a  
22 more appropriate land use, and then move forward  
23 with that.

24 MR. VINYARD: I can see this as being an

1 issue with other places within the city. Is  
2 there something that we can do to maybe address  
3 this and make it an easier transition, or are we  
4 going to have to do this every time somebody else  
5 comes?

6 MS. NOBLE: So this is a unique case.  
7 Are you referring to just this parcel or the  
8 amendment to the Comprehensive Plan?

9 MR. VINYARD: No, I'm clarifying it in  
10 general because I am certain there is other  
11 places within our Comprehensive Plan that we  
12 could possibly see something like this --

13 MS. NOBLE: Sure. Sure.

14 MR. VINYARD: -- and there was kind of  
15 that middle ground area, we don't know exactly  
16 what to do with it, so went with this.

17 MS. NOBLE: Yes.

18 VICE-CHAIRMAN OLSON: The Comprehensive  
19 Plan is a guide, it's not --

20 MR. VINYARD: Exactly.

21 VICE-CHAIRMAN OLSON: Right? So as long  
22 as we stay true to what the intent is, not  
23 necessarily what it's designated as -- we're not  
24 going to put an industrial building across the

1 street from --

2 MR. VINYARD: Is there something -- I'm  
3 fine with this. Is there something that we can  
4 do to streamline this so that we don't --

5 MS. NOBLE: Sure.

6 MR. VINYARD: -- have to keep going  
7 through --

8 MS. NOBLE: Sure. So what the process  
9 is -- So two things. You do value the  
10 Comprehensive Plan as a guide, as Jeff mentioned.

11 It does have some legal standing  
12 because it has to be adopted by the community,  
13 but you have the ability to amend it, and that's  
14 the process.

15 So at the end of the year, staff  
16 brings a lot of the projects that have come  
17 through that were approved that had deviations  
18 from that plan and we present it to you and amend  
19 the document.

20 So it's a living document, it  
21 changes, and just as rezoning changes, you know,  
22 the land use, we would do that, too.

23 To kind of predict where that's  
24 going to happen, possibly we could do that, but

1 we let the market kind of dictate, you know.

2 MR. VINYARD: I just didn't know if this  
3 was going to be the same stuff for the next time  
4 this came through and if we could save --

5 MS. NOBLE: Sure.

6 MR. VINYARD: -- a little bit of time  
7 and energy on everyone's side to streamline it,  
8 but -- Okay.

9 MS. NOBLE: It will be unfortunately for  
10 this particular parcel, because it has I think 12  
11 individual owners.

12 VICE-CHAIRMAN OLSON: Somebody brings  
13 something to us every once in a while, we get to  
14 have input on it.

15 MR. VINYARD: Yeah, no, I agree.

16 VICE-CHAIRMAN OLSON: I don't want it to  
17 be too streamlined and then it's taken out of our  
18 hands and our opinions and -- so.

19 MS. NOBLE: Right.

20 MR. VINYARD: Point taken.

21 CHAIRMAN HARKER: Thank you.

22 MS. DOLLINGER: You are welcome.

23 MS. HORAZ: You know, I always thought  
24 this area would be more like retail stores,

1 grocery, as the foundation lots. The hospital  
2 was supposed to go there.

3 CHAIRMAN HARKER: Across the street.

4 MR. VINYARD: That's a lot of houses  
5 through the area there.

6 MS. NOBLE: Yes.

7 MR. VINYARD: Landscaping and pergolas  
8 and chairs and stuff.

9 VICE-CHAIRMAN OLSON: I plan on retiring  
10 in the future subdivision across the street  
11 there on 71 that's not built yet, it's meant to  
12 be, so --

13 MS. HORAZ: So you're going to need a  
14 nursery.

15 VICE-CHAIRMAN OLSON: So I'm going to  
16 need a nursery across the street.

17 MR. WILLIAMS: I don't want to drive to  
18 Winding Creek every time, so I mean, if it's  
19 got just a place. There is plenty of  
20 subdivisions around.

21 VICE-CHAIRMAN OLSON: And if you look on  
22 the -- you know, what our requirements are to  
23 meet in order to do it, one of them is I think  
24 there is a need for it.

1 MS. NOBLE: Correct. Public need.

2 CHAIRMAN HARKER: Yeah.

3 MS. HORAZ: Yeah, it's on this page.

4 MS. DOLLINGER: And, you know, Matt is  
5 going to be creating a lot of jobs here, talking  
6 about 30, 35 jobs.

7 CHAIRMAN HARKER: Mm-hum. Yeah.

8 MS. DOLLINGER: And also it's a big  
9 sales tax generator for the city.

10 CHAIRMAN HARKER: Absolutely.

11 MS. DOLLINGER: People spend a lot of  
12 money. I know if you see what I spend every  
13 year at my landscape --

14 CHAIRMAN HARKER: Me, too.

15 MS. DOLLINGER: As a matter of fact, I  
16 gave them my initial spot that I gave, I gave  
17 them my --

18 CHAIRMAN HARKER: That's right. Yeah.  
19 Okay. Excellent.

20 MS. DOLLINGER: Winding Creek, love  
21 them, too, but I'm just saying, this in  
22 Yorkville, now they will be able to get a lot of  
23 things. These type of centers, they carry things  
24 you can't buy in other places.

1           CHAIRMAN HARKER: Correct, yeah. And,  
2 actually, you know, thinking about it more,  
3 once -- if it gets approved and everything they  
4 have it built and all that good stuff, you know,  
5 it actually might close a slow down a little bit  
6 on 71, you know what I mean?

7                       Especially if you're coming  
8 around that -- if you're coming like into town  
9 from -- and you're heading west on 71, as you  
10 come down the hill. That would be nice.

11           MR. HIVELEY: Yeah, I'm going to  
12 landscape it real nice, and I mean, the building  
13 is going to look nice, I've got a bunch of  
14 handmade beams from a barn we took down, I'm  
15 going to make the front porch out of. I'm going  
16 to build everything right.

17           CHAIRMAN HARKER: Cool. Very nice.  
18 Does anybody else have any questions for them  
19 right now?

20                               (No response.)

21           CHAIRMAN HARKER: Okay. All right.  
22 Thank you.

23           MS. DOLLINGER: Thank you.

24           MR. HIVELEY: Thank you.

1 CHAIRMAN HARKER: Okay. Anybody here  
2 that would like to speak that's in favor of the  
3 request that's being heard?

4 (No response.)

5 CHAIRMAN HARKER: Anybody that would  
6 like to speak that's opposed to the request being  
7 heard?

8 (No response.)

9 CHAIRMAN HARKER: Okay. Questions? Any  
10 more questions?

11 (No response.)

12 CHAIRMAN HARKER: Okay, none. All  
13 right.

14 Seeing that all the testimony has  
15 been taken, may I get a motion to close out of  
16 the public hearing and close the Petition Number  
17 PZC 2019-03?

18 MR. VINYARD: So moved.

19 MR. MARCUM: Second.

20 CHAIRMAN HARKER: Okay. Public hearing  
21 is now closed.

22 MS. NOBLE: Roll call.

23 CHAIRMAN HARKER: What's that?

24 MS. NOBLE: Roll call.



1 CHAIRMAN HARKER: Roll call on the  
2 motion. Thank you.

3 MS. YOUNG: Horaz.

4 MS. HORAZ: Yes.

5 MS. YOUNG: Markham.

6 MR. MARKHAM: Yes.

7 MS. YOUNG: Olson.

8 VICE-CHAIRMAN OLSON: Yes.

9 MS. YOUNG: Vinyard.

10 MR. VINYARD: Yes.

11 MS. YOUNG: Williams.

12 MR. WILLIAMS: Yes.

13 MS. YOUNG: Harker.

14 CHAIRMAN HARKER: Yes.

15 All right.

16 (Which were all the  
17 proceedings had in the  
18 public hearing portion  
19 of the meeting.)

20 ---oOo---

21

22

23

24

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

4 I, Christine M. Vitosh, a Certified Shorthand  
5 Reporter, do hereby certify that I transcribed  
6 the proceedings from the audio recording taken at  
7 the meeting and that the foregoing, Pages 1  
8 through 25, inclusive, is a true, correct and  
9 complete computer-generated transcript of the  
10 proceedings had at the time and place aforesaid.

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

17 As certification thereof, I have hereunto set  
18 my hand this 29th day March, A.D., 2019.

19 \_\_\_\_\_  
20 Christine M. Vitosh, CSR  
21 Illinois CSR No. 084-002883  
22  
23  
24

## PZC - March 13, 2019 - Public Hearing

<b>0</b>	<b>act</b> [1] - 9:7	<b>big</b> [1] - 21:8	23:12, 23:20, 23:23, 24:1, 24:8, 24:14	<b>Council</b> [1] - 16:15
<b>084-002883</b> [1] - 25:20	<b>active</b> [1] - 15:14	<b>bit</b> [4] - 7:5, 15:5, 19:6, 22:5	<b>chairs</b> [1] - 20:8	<b>County</b> [1] - 5:7
<b>1</b>	<b>actual</b> [1] - 8:1	<b>board</b> [2] - 3:11, 4:8	<b>changes</b> [2] - 18:21	<b>COUNTY</b> [1] - 25:2
<b>1</b> [1] - 25:6	<b>address</b> [1] - 17:2	<b>brings</b> [2] - 18:16, 19:12	<b>Christine</b> [2] - 25:3, 25:20	<b>court</b> [1] - 13:9
<b>12</b> [1] - 19:10	<b>addressing</b> [1] - 16:13	<b>build</b> [2] - 8:9, 22:16	<b>City</b> [2] - 5:7, 16:15	<b>creating</b> [1] - 21:5
<b>126</b> [3] - 5:12, 10:24, 11:17	<b>adjacent</b> [1] - 10:24	<b>building</b> [5] - 5:24, 6:16, 6:22, 17:24, 22:12	<b>CITY</b> [1] - 1:6	<b>Creek</b> [5] - 9:20, 10:13, 20:18, 21:20
<b>13</b> [1] - 1:22	<b>adopted</b> [1] - 18:12	<b>built</b> [3] - 15:12, 20:11, 22:4	<b>city</b> [2] - 17:1, 21:9	<b>CSR</b> [2] - 25:20, 25:20
<b>2</b>	<b>advice</b> [1] - 10:6	<b>buildings</b> [1] - 15:15	<b>clarified</b> [1] - 8:17	<b>current</b> [1] - 12:1
<b>2016</b> [1] - 15:8	<b>aforesaid</b> [1] - 25:9	<b>buy</b> [1] - 21:24	<b>clarifying</b> [1] - 17:9	<b>D</b>
<b>2019</b> [2] - 1:22, 25:17	<b>agree</b> [1] - 19:15	<b>C</b>	<b>classification</b> [1] - 5:8	<b>dangerous</b> [2] - 11:8, 12:19
<b>2019-03</b> [4] - 3:5, 4:11, 5:5, 23:17	<b>agreement</b> [6] - 5:13, 15:14, 15:24, 16:7, 16:11, 16:17	<b>carry</b> [1] - 21:23	<b>clearly</b> [1] - 3:17	<b>Danny</b> [1] - 2:7
<b>25</b> [1] - 25:7	<b>Agricultural</b> [1] - 5:20	<b>case</b> [1] - 17:6	<b>close</b> [3] - 22:5, 23:15, 23:16	<b>Deborah</b> [1] - 2:5
<b>26th</b> [1] - 16:16	<b>ahead</b> [1] - 13:13	<b>category</b> [1] - 15:16	<b>closed</b> [1] - 23:21	<b>decelerate</b> [2] - 11:6, 11:9
<b>29th</b> [1] - 25:17	<b>allow</b> [1] - 16:20	<b>center</b> [8] - 5:22, 6:15, 7:1, 7:3, 7:9, 8:16, 9:3, 14:12	<b>code</b> [1] - 9:11	<b>decided</b> [1] - 16:5
<b>3</b>	<b>allowed</b> [1] - 5:13	<b>centers</b> [1] - 21:23	<b>coming</b> [4] - 12:7, 15:9, 22:7, 22:8	<b>deemed</b> [1] - 15:21
<b>30</b> [1] - 21:6	<b>ALSO</b> [1] - 2:9	<b>certain</b> [2] - 5:14, 17:10	<b>comments</b> [1] - 11:24	<b>designate</b> [1] - 15:4
<b>35</b> [1] - 21:6	<b>amend</b> [3] - 16:16, 18:13, 18:18	<b>certification</b> [1] - 25:16	<b>Commission</b> [1] - 3:6	<b>designated</b> [2] - 15:1, 17:23
<b>4</b>	<b>amendment</b> [2] - 16:7, 17:8	<b>certified</b> [1] - 25:3	<b>COMMISSION</b> [1] - 1:10	<b>developing</b> [1] - 11:22
<b>4,000</b> [1] - 6:16	<b>AND</b> [1] - 1:10	<b>certify</b> [2] - 25:4, 25:10	<b>community</b> [2] - 15:13, 18:12	<b>Development</b> [1] - 2:11
<b>7</b>	<b>annexation</b> [5] - 5:13, 6:10, 15:24, 16:7, 16:17	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>Community</b> [1] - 2:10	<b>deviations</b> [1] - 18:17
<b>71</b> [8] - 5:11, 10:24, 11:13, 12:7, 12:16, 20:11, 22:6, 22:9	<b>annexed</b> [1] - 25:10	<b>Chairman</b> [2] - 2:2, 2:3	<b>company</b> [4] - 9:17, 13:3, 13:20, 13:22	<b>dictate</b> [1] - 19:1
<b>7:00</b> [1] - 1:23	<b>answer</b> [2] - 7:10, 10:10	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>complete</b> [1] - 25:8	<b>different</b> [1] - 14:12
<b>8</b>	<b>appearance</b> [2] - 6:24, 9:11	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>completely</b> [1] - 8:17	<b>direction</b> [2] - 15:11, 25:15
<b>800</b> [1] - 1:17	<b>application</b> [3] - 5:6, 6:11, 7:4	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>complying</b> [1] - 9:11	<b>Director</b> [1] - 2:11
<b>A</b>	<b>applications</b> [3] - 6:6, 7:11, 11:23	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>Comprehensive</b> [8] - 15:2, 15:3, 15:7, 15:12, 17:8, 17:11, 17:18, 18:10	<b>District</b> [3] - 5:15, 5:19, 5:20
<b>A-1</b> [4] - 5:20, 6:2, 6:10, 7:5	<b>applles</b> [1] - 25:11	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>computer</b> [1] - 25:8	<b>Districts</b> [2] - 5:16, 5:17
<b>A.D</b> [1] - 25:17	<b>appropriate</b> [1] - 16:22	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>computer-generated</b> [1] - 25:8	<b>document</b> [2] - 18:19, 18:20
<b>ability</b> [1] - 18:13	<b>approved</b> [4] - 5:12, 12:2, 18:17, 22:3	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>concept</b> [4] - 6:15, 7:12, 11:22, 12:1	<b>Dollinger</b> [1] - 6:4
<b>able</b> [2] - 16:9, 21:22	<b>area</b> [7] - 9:14, 15:4, 15:13, 15:18, 17:15, 19:24, 20:5	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>concern</b> [2] - 10:18, 12:6	<b>DOLLINGER</b> [22] - 6:4, 7:17, 8:3, 8:6, 8:12, 8:21, 9:2, 9:5, 9:10, 10:2, 10:4, 10:9, 11:21, 12:24, 14:5, 19:22, 21:4, 21:8, 21:11, 21:15, 21:20, 22:23
<b>absolutely</b> [2] - 10:14, 21:10	<b>assume</b> [1] - 25:13	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>consideration</b> [1] - 11:5	<b>Donald</b> [1] - 2:6
<b>access</b> [1] - 11:24	<b>attractive</b> [1] - 9:14	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>considering</b> [1] - 11:19	<b>done</b> [1] - 3:20
<b>accessory</b> [1] - 5:24	<b>audio</b> [1] - 25:5	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>consistent</b> [1] - 5:14	<b>down</b> [8] - 7:6, 9:20, 11:18, 12:16, 13:23, 22:5, 22:10, 22:14
<b>accuracy</b> [1] - 25:14	<b>B</b>	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>contemplating</b> [1] - 6:22	<b>drive</b> [1] - 20:17
	<b>B-3</b> [7] - 5:16, 5:19, 5:23, 6:12, 6:14, 6:21	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>contract</b> [1] - 14:24	<b>during</b> [1] - 3:21
	<b>Barksdale</b> [1] - 2:10	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>control</b> [2] - 11:1, 25:15	<b>E</b>
	<b>Barksdale-Noble</b> [1] - 2:10	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>cool</b> [2] - 8:22, 22:17	<b>easier</b> [1] - 17:3
	<b>barn</b> [1] - 22:14	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>copies</b> [2] - 25:12, 25:14	
	<b>based</b> [1] - 11:23	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>Correct</b> [2] - 21:1, 22:1	
	<b>beams</b> [1] - 22:14	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,	<b>correct</b> [2] - 16:20, 25:7	
	<b>benches</b> [1] - 14:11	<b>CHAIRMAN</b> [58] - 3:4, 4:3, 4:14, 4:22, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:14, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:17, 14:20, 17:18, 17:21, 19:12, 19:16, 19:21, 20:3, 20:9, 20:15, 20:21, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9,		

## PZC - March 13, 2019 - Public Hearing

<b>economy</b> [1] - 15:10 <b>encumbered</b> [1] - 15:23 <b>end</b> [1] - 18:15 <b>energy</b> [1] - 19:7 <b>Engberg</b> [1] - 2:12 <b>entered</b> [1] - 7:16 <b>entrance</b> [2] - 10:20, 11:6 <b>equipment</b> [1] - 6:1 <b>especially</b> [1] - 22:7 <b>establish</b> [1] - 5:22 <b>estate</b> [2] - 15:4, 15:16 <b>evening</b> [1] - 6:7 <b>exactly</b> [3] - 10:17, 17:15, 17:20 <b>Excellent</b> [2] - 14:7, 21:19 <b>excellent</b> [1] - 7:18 <b>existing</b> [2] - 14:6, 15:23 <b>expansion</b> [1] - 14:5 <b>explain</b> [1] - 15:5 <b>explained</b> [1] - 6:13 <b>extend</b> [1] - 6:19  <b>F</b>  <b>fact</b> [1] - 21:15 <b>Family</b> [1] - 5:15 <b>far</b> [2] - 10:22, 12:6 <b>Farm</b> [1] - 1:17 <b>farmed</b> [1] - 7:7 <b>Farms</b> [2] - 5:13, 6:9 <b>favor</b> [2] - 4:6, 23:2 <b>fence</b> [2] - 8:24, 9:7 <b>fencing</b> [1] - 9:5 <b>filed</b> [1] - 5:6 <b>findings</b> [1] - 7:16 <b>fine</b> [1] - 18:3 <b>first</b> [1] - 6:8 <b>focus</b> [1] - 15:12 <b>following</b> [1] - 3:1 <b>foot</b> [1] - 6:16 <b>foregoing</b> [1] - 25:6 <b>forward</b> [4] - 16:3, 16:4, 16:8, 16:22 <b>foundation</b> [1] - 20:1 <b>front</b> [1] - 22:15 <b>funded</b> [1] - 11:17 <b>furniture</b> [1] - 14:10 <b>future</b> [1] - 20:10  <b>G</b>  <b>Game</b> [1] - 1:17 <b>garden</b> [8] - 5:22, 6:14, 7:1, 7:3, 7:8,	8:16, 9:2, 14:12 <b>gardens</b> [1] - 10:5 <b>General</b> [4] - 5:15, 5:16, 5:17, 5:19 <b>general</b> [1] - 17:10 <b>generated</b> [1] - 25:8 <b>generator</b> [1] - 21:9 <b>grand</b> [1] - 16:6 <b>greenhouse</b> [1] - 9:18 <b>grocery</b> [1] - 20:1 <b>ground</b> [1] - 17:15 <b>grow</b> [1] - 7:7 <b>guide</b> [2] - 17:19, 18:10 <b>guys</b> [2] - 7:21, 9:24  <b>H</b>  <b>hand</b> [3] - 3:23, 25:13, 25:17 <b>handmade</b> [1] - 22:14 <b>hands</b> [1] - 19:18 <b>happy</b> [1] - 7:10 <b>hardscape</b> [1] - 14:8 <b>Harker</b> [3] - 2:2, 5:3, 24:13 <b>HARKER</b> [47] - 3:4, 4:3, 4:14, 5:4, 7:14, 7:18, 8:23, 9:4, 9:9, 9:15, 9:22, 10:3, 10:8, 10:11, 10:16, 10:21, 11:15, 12:5, 12:12, 12:14, 12:17, 13:5, 13:13, 13:16, 14:4, 14:7, 14:13, 14:16, 14:20, 19:21, 20:3, 21:2, 21:7, 21:10, 21:14, 21:18, 22:1, 22:17, 22:21, 23:1, 23:5, 23:9, 23:12, 23:20, 23:23, 24:1, 24:14 <b>hauling</b> [1] - 12:9 <b>hay</b> [2] - 12:9, 12:15 <b>heading</b> [1] - 22:9 <b>heard</b> [4] - 3:10, 3:14, 23:3, 23:7 <b>HEARING</b> [1] - 1:11 <b>hearing</b> [8] - 3:3, 3:5, 3:8, 4:11, 16:15, 23:16, 23:20, 24:18 <b>help</b> [1] - 10:9 <b>hereby</b> [1] - 25:4 <b>hereto</b> [1] - 25:11 <b>hereunto</b> [1] - 25:16 <b>hill</b> [1] - 22:10 <b>history</b> [1] - 15:5 <b>Hively</b> [4] - 5:5, 6:5, 13:7, 13:15	<b>HIVELY</b> [15] - 12:11, 12:13, 12:15, 13:2, 13:7, 13:12, 13:15, 13:19, 13:24, 14:2, 14:9, 14:14, 14:23, 22:11, 22:24 <b>holding</b> [2] - 15:16, 16:1 <b>Horaz</b> [3] - 2:5, 4:17, 24:3 <b>HORAZ</b> [13] - 4:12, 4:18, 9:21, 10:18, 10:22, 11:7, 11:14, 14:21, 15:1, 19:23, 20:13, 21:3, 24:4 <b>horizon</b> [1] - 15:18 <b>hospital</b> [1] - 20:1 <b>houses</b> [1] - 20:4 <b>hum</b> [2] - 10:4, 21:7  <b>I</b>  <b>idea</b> [1] - 8:19 <b>identify</b> [1] - 13:5 <b>IDOT</b> [9] - 10:22, 11:1, 11:4, 11:11, 11:12, 11:22, 12:2 <b>ILLINOIS</b> [2] - 1:7, 25:1 <b>Illinois</b> [5] - 1:18, 5:8, 5:11, 25:20 <b>inclusive</b> [1] - 25:7 <b>individual</b> [1] - 19:11 <b>Industrial</b> [1] - 17:24 <b>information</b> [1] - 13:10 <b>initial</b> [1] - 21:16 <b>input</b> [1] - 19:14 <b>intent</b> [1] - 17:22 <b>invite</b> [1] - 3:9 <b>issue</b> [3] - 11:19, 16:13, 17:1 <b>itself</b> [1] - 8:2  <b>J</b>  <b>Jason</b> [1] - 2:12 <b>Jeff</b> [2] - 2:3, 18:10 <b>jobs</b> [2] - 21:5, 21:6  <b>K</b>  <b>keep</b> [1] - 18:6 <b>keeping</b> [1] - 6:24 <b>Kendall</b> [1] - 5:7 <b>kind</b> [8] - 7:24, 8:14, 10:12, 14:9, 14:11, 17:14, 18:23, 19:1	<b>Krystl</b> [1] - 2:10  <b>L</b>  <b>land</b> [3] - 5:14, 16:22, 18:22 <b>landscape</b> [5] - 6:23, 7:22, 14:6, 21:13, 22:12 <b>landscaping</b> [9] - 6:1, 8:1, 8:15, 9:6, 10:5, 13:2, 13:20, 13:22, 20:7 <b>large</b> [2] - 16:18, 16:19 <b>larger</b> [1] - 8:4 <b>LASALLE</b> [1] - 25:2 <b>lawn</b> [1] - 14:10 <b>legal</b> [1] - 18:11 <b>limit</b> [2] - 10:19, 11:2 <b>living</b> [1] - 18:20 <b>located</b> [1] - 5:10 <b>location</b> [1] - 11:5 <b>locations</b> [1] - 15:22 <b>look</b> [4] - 15:11, 16:5, 20:21, 22:13 <b>looking</b> [4] - 6:12, 7:7, 10:5, 16:4 <b>love</b> [1] - 21:20  <b>M</b>  <b>main</b> [1] - 8:23 <b>man</b> [1] - 12:18 <b>March</b> [2] - 1:22, 25:17 <b>MARCUM</b> [2] - 12:21, 23:19 <b>Marcum</b> [1] - 2:6 <b>market</b> [1] - 19:1 <b>Markham</b> [2] - 4:19, 24:5 <b>MARKHAM</b> [2] - 4:20, 24:6 <b>Mariys</b> [1] - 2:13 <b>materials</b> [1] - 6:1 <b>Matt</b> [4] - 6:5, 13:7, 14:21, 21:4 <b>matt</b> [1] - 13:15 <b>matter</b> [1] - 21:15 <b>Matthew</b> [1] - 5:5 <b>mean</b> [4] - 9:22, 20:18, 22:6, 22:12 <b>meant</b> [1] - 20:11 <b>meet</b> [1] - 20:23 <b>meeting</b> [5] - 3:7, 3:22, 16:14, 24:19, 25:6 <b>member</b> [1] - 3:22	<b>members</b> [1] - 3:9 <b>mentioned</b> [1] - 18:10 <b>microphone</b> [1] - 13:9 <b>middle</b> [1] - 17:15 <b>might</b> [1] - 22:5 <b>Millbrook</b> [1] - 9:22 <b>mind</b> [1] - 13:8 <b>mine</b> [1] - 12:6 <b>Minute</b> [1] - 2:13 <b>mm-hum</b> [1] - 21:7 <b>Mm-hum</b> [1] - 10:4 <b>money</b> [2] - 14:18, 21:12 <b>most</b> [1] - 12:1 <b>motion</b> [4] - 4:10, 4:15, 23:15, 24:2 <b>move</b> [3] - 16:4, 16:8, 16:22 <b>moved</b> [2] - 4:12, 23:18 <b>MR</b> [45] - 4:13, 4:20, 4:24, 5:2, 7:20, 8:5, 8:11, 8:17, 8:22, 12:11, 12:13, 12:15, 12:21, 13:2, 13:7, 13:12, 13:15, 13:19, 13:22, 13:24, 14:1, 14:2, 14:9, 14:14, 14:23, 16:24, 17:9, 17:14, 17:20, 18:2, 18:6, 19:2, 19:6, 19:15, 19:20, 20:4, 20:7, 20:17, 22:11, 22:24, 23:18, 23:19, 24:6, 24:10, 24:12 <b>MS</b> [66] - 4:12, 4:16, 4:18, 4:19, 4:21, 4:23, 5:1, 5:3, 6:4, 7:15, 7:17, 8:3, 8:6, 8:12, 8:21, 9:2, 9:5, 9:10, 9:21, 10:2, 10:4, 10:9, 10:18, 10:22, 10:23, 11:7, 11:9, 11:14, 11:16, 11:21, 12:24, 13:8, 13:17, 14:5, 14:21, 15:1, 15:3, 17:6, 17:13, 17:17, 18:5, 18:8, 19:5, 19:9, 19:19, 19:22, 19:23, 20:6, 20:13, 21:1, 21:3, 21:4, 21:8, 21:11, 21:15, 21:20, 22:23, 23:22, 23:24, 24:3, 24:4, 24:5, 24:7, 24:9, 24:11, 24:13 <b>Multi</b> [1] - 5:15 <b>Multi-Family</b> [1] - 5:15
--	--	---	---	--

## PZC - March 13, 2019 - Public Hearing

<b>N</b>	order [2] - 4:4, 20:23 original [1] - 25:11 Oswego [1] - 14:3 outside [1] - 15:14 own [1] - 14:21 owner [2] - 16:20, 16:21 owners [3] - 16:6, 16:10, 19:11	Plan [9] - 15:2, 15:3, 15:7, 15:12, 15:19, 17:8, 17:11, 17:19, 18:10 Planner [1] - 2:12 planning [2] - 6:23, 13:3 Planning [1] - 3:6 PLANNING [1] - 1:10 plans [5] - 7:23, 8:9, 11:12, 11:17, 12:4 plants [4] - 7:7, 8:19, 14:10, 14:15 plenty [1] - 20:19 podium [1] - 3:19 point [1] - 19:20 points [1] - 11:24 porch [1] - 22:15 portion [2] - 6:17, 24:18 possibly [3] - 16:19, 17:12, 18:24 predict [1] - 18:23 preliminarily [1] - 12:1 present [2] - 6:6, 18:18 PRESENT [2] - 2:1, 2:9 presented [2] - 6:15, 7:13 presently [2] - 6:22, 8:9 pretty [1] - 11:8 previously [2] - 5:12, 6:9 proceedings [4] - 3:2, 24:17, 25:5, 25:9 process [5] - 12:3, 14:23, 16:11, 18:8, 18:14 products [1] - 10:6 projects [1] - 18:16 property [3] - 5:10, 14:22, 16:21 proposed [3] - 3:10, 5:23, 6:2 provided [1] - 8:16 PUBLIC [1] - 1:11 Public [1] - 21:1 public [10] - 3:3, 3:4, 3:9, 3:12, 3:23, 4:10, 16:15, 23:16, 23:20, 24:18 pulling [1] - 12:19 purpose [4] - 3:8, 5:21, 6:13, 6:17 put [4] - 8:19, 15:15, 16:1, 17:24 PZC [5] - 3:5, 4:11, 5:5, 16:14, 23:17	<b>Q</b>	road [2] - 7:6, 11:18 Road [1] - 1:17 roadways [2] - 10:24, 11:2 Roll [1] - 23:24 roll [3] - 4:14, 23:22, 24:1 Route [2] - 5:11 run [1] - 14:2
name [2] - 3:18, 13:14 natural [1] - 9:7 nature [1] - 9:13 necessarily [1] - 17:23 need [5] - 11:3, 20:13, 20:16, 20:24, 21:1 nervous [1] - 14:18 new [2] - 13:1, 13:19 next [1] - 19:3 nice [4] - 22:10, 22:12, 22:13, 22:17 Noble [1] - 2:10 NOBLE [19] - 7:15, 10:23, 11:9, 11:16, 13:8, 13:17, 15:3, 17:6, 17:13, 17:17, 18:5, 18:8, 19:5, 19:9, 19:19, 20:6, 21:1, 23:22, 23:24 none [1] - 23:12 north [1] - 5:11 Number [2] - 4:11, 23:16 number [2] - 7:20, 8:24 nursery [7] - 5:22, 6:14, 7:1, 7:8, 8:16, 20:14, 20:16	<b>P</b>	p.m [1] - 1:23 packet [2] - 7:12, 16:18 page [1] - 21:3 Pages [1] - 25:6 parcel [18] - 5:20, 6:2, 6:10, 6:19, 6:21, 7:20, 8:3, 8:6, 8:23, 12:6, 15:21, 16:5, 16:12, 16:20, 16:21, 17:7, 19:10 parcel-by-parcel [1] - 16:12 parcels [5] - 5:9, 5:19, 5:24, 6:8, 7:6 part [4] - 5:12, 7:2, 8:4, 8:13 particular [1] - 19:10 pattern [1] - 16:2 People [1] - 21:11 people [1] - 10:4 pergolas [3] - 14:8, 14:11, 20:7 permit [2] - 11:4, 11:20 permits [1] - 12:3 Personally [1] - 14:17 persons [2] - 3:12, 3:16 petition [1] - 11:10 Petition [2] - 4:11, 23:16 petitioner [10] - 3:15, 3:22, 4:5, 4:9, 5:6, 5:18, 6:3, 6:5, 11:10, 11:20 petitioners [3] - 16:3, 16:10 piece [2] - 6:21, 8:8 piecemeal [1] - 16:12 place [3] - 15:16, 20:19, 25:9 places [3] - 17:1, 17:11, 21:24 plan [8] - 3:21, 6:15, 7:13, 11:22, 12:1, 16:19, 18:18, 20:9	<b>R</b>	<b>S</b>
<b>O</b>			R-4 [1] - 5:15 racks [1] - 12:9 raise [1] - 3:23 Randy [1] - 2:2 ready [1] - 6:3 real [2] - 5:10, 22:12 recession [1] - 15:9 record [1] - 7:16 recording [2] - 13:11, 25:5 referring [1] - 17:7 regarding [1] - 3:10 regulated [1] - 11:1 release [1] - 16:17 releasing [1] - 16:7 repeat [1] - 3:24 reporter [1] - 13:9 Reporter [1] - 25:4 represent [2] - 3:18, 6:5 reproduced [1] - 25:14 request [7] - 3:10, 3:13, 3:14, 4:6, 4:7, 23:3, 23:6 requesting [1] - 5:8 required [1] - 9:12 requirements [1] - 20:22 Residence [1] - 5:15 residential [3] - 15:4, 15:17, 16:1 respect [2] - 7:4, 9:12 respond [1] - 13:18 response [6] - 7:15, 11:11, 22:20, 23:4, 23:8, 23:11 responsibility [1] - 25:13 retail [7] - 5:23, 6:17, 9:24, 10:1, 13:1, 15:24, 19:24 retiring [1] - 20:9 reviewing [1] - 12:4 rezone [2] - 5:18, 16:21 rezoning [4] - 5:8, 5:21, 6:6, 18:21 Richard [1] - 2:4	sales [1] - 21:9 save [1] - 19:4 sawmill [1] - 14:10 Schaefer's [1] - 9:18 scheduled [1] - 3:5 Second [1] - 23:19 second [1] - 4:13 see [3] - 16:24, 17:12, 21:12 seeing [1] - 23:14 seeking [4] - 5:18, 6:10, 6:21, 7:5 semis [1] - 12:12 Senior [1] - 2:12 separate [1] - 13:4 separately [1] - 16:14 serve [1] - 7:1 served [1] - 6:16 services [1] - 8:15 set [1] - 25:16 Shorthand [1] - 25:3 shoulder [1] - 8:18 showcase [1] - 8:14 shows [1] - 6:15 side [1] - 19:7 sign [1] - 3:19 signage [1] - 7:24 signed [1] - 25:12 signs [1] - 9:12 situation [1] - 8:8 slow [1] - 22:5 small [4] - 6:20, 8:8, 8:11, 8:12 someplace [1] - 12:22 sorry [2] - 5:16, 7:19 south [1] - 5:10 speaking [1] - 13:8 speed [2] - 10:19, 11:2 spend [3] - 14:18, 21:11, 21:12 spot [1] - 21:16 square [1] - 6:16 SS [1] - 25:1 staff [1] - 18:15 stand [1] - 3:23 standing [1] - 18:11 start [1] - 12:22

## PZC - March 13, 2019 - Public Hearing

<b>start-up</b> [1] - 12:22 <b>starting</b> [1] - 15:8 <b>STATE</b> [1] - 25:1 <b>state</b> [1] - 3:17 <b>stay</b> [1] - 17:22 <b>storage</b> [1] - 5:24 <b>store</b> [1] - 5:23 <b>stores</b> [1] - 19:24 <b>streamline</b> [2] - 18:4, 19:7 <b>streamlined</b> [1] - 19:17 <b>street</b> [6] - 6:20, 13:23, 18:1, 20:3, 20:10, 20:16 <b>streets</b> [2] - 10:23, 11:2 <b>stuff</b> [6] - 12:9, 14:8, 14:15, 19:3, 20:8, 22:4 <b>subdivision</b> [1] - 20:10 <b>subdivisions</b> [1] - 20:20 <b>submitted</b> [1] - 11:10 <b>support</b> [2] - 7:2, 7:8 <b>supposed</b> [1] - 20:2 <b>sworn</b> [1] - 4:2	<b>transition</b> [1] - 17:3 <b>trees</b> [1] - 9:7 <b>trucks</b> [1] - 12:11 <b>true</b> [2] - 17:22, 25:7 <b>trying</b> [3] - 9:23, 15:11, 16:6 <b>turnover</b> [1] - 15:9 <b>two</b> [4] - 5:19, 6:6, 8:24, 18:9 <b>type</b> [1] - 21:23	<b>vote</b> [1] - 4:14
<b>T</b>	<b>U</b>	<b>W</b>
		<b>wagons</b> [1] - 12:16 <b>Wednesday</b> [1] - 1:22 <b>welcome</b> [1] - 19:22 <b>west</b> [1] - 22:9 <b>WHEREUPON</b> [1] - 3:1 <b>widening</b> [1] - 11:16 <b>WILLIAMS</b> [3] - 5:2, 20:17, 24:12 <b>Williams</b> [3] - 2:7, 5:1, 24:11 <b>Winding</b> [5] - 9:20, 10:12, 20:18, 21:20 <b>Windmill</b> [2] - 5:12, 6:9 <b>wish</b> [1] - 3:13 <b>wishing</b> [1] - 3:16 <b>witnesses</b> [1] - 4:2
		<b>Y</b>
		<b>year</b> [2] - 18:15, 21:13 <b>years</b> [1] - 15:19 <b>YORKVILLE</b> [2] - 1:6, 1:7 <b>Yorkville</b> [5] - 1:18, 5:7, 10:15, 10:16, 21:22 <b>YOUNG</b> [12] - 4:16, 4:19, 4:21, 4:23, 5:1, 5:3, 24:3, 24:5, 24:7, 24:9, 24:11, 24:13 <b>Young</b> [1] - 2:13 <b>yourself</b> [1] - 13:6
<b>T</b>	<b>V</b>	<b>Z</b>
		<b>zoned</b> [2] - 5:23, 6:2 <b>zoning</b> [4] - 6:11, 6:12, 6:14, 7:5 <b>ZONING</b> [1] - 1:10 <b>Zoning</b> [2] - 3:6, 5:17
<b>Taker</b> [1] - 2:13 <b>tax</b> [1] - 21:9 <b>ten</b> [1] - 15:19 <b>Teresa</b> [1] - 6:4 <b>testify</b> [1] - 3:16 <b>testimony</b> [4] - 3:9, 3:12, 4:5, 23:14 <b>thereof</b> [2] - 25:12, 25:16 <b>thinking</b> [3] - 7:24, 12:18, 22:2 <b>third</b> [1] - 15:19 <b>three</b> [2] - 5:9, 7:21 <b>tie</b> [1] - 8:1 <b>together</b> [1] - 16:6 <b>tonight</b> [3] - 3:11, 7:12, 16:14 <b>tonight's</b> [2] - 3:6, 3:22 <b>took</b> [1] - 22:14 <b>town</b> [1] - 22:8 <b>tractors</b> [1] - 12:9 <b>traffic</b> [3] - 8:8, 10:19, 12:7 <b>trailers</b> [1] - 12:13 <b>transcribed</b> [1] - 25:4 <b>transcript</b> [2] - 25:8, 25:11	<b>value</b> [1] - 18:9 <b>venture</b> [1] - 13:21 <b>VICE</b> [11] - 4:22, 10:14, 14:17, 17:18, 17:21, 19:12, 19:16, 20:9, 20:15, 20:21, 24:8 <b>Vice</b> [1] - 2:3 <b>VICE-CHAIRMAN</b> [11] - 4:22, 10:14, 14:17, 17:18, 17:21, 19:12, 19:16, 20:9, 20:15, 20:21, 24:8 <b>Vice-Chairman</b> [1] - 2:3 <b>view</b> [3] - 8:13, 8:14, 10:6 <b>Vinyard</b> [3] - 2:4, 4:23, 24:9 <b>VINYARD</b> [23] - 4:13, 4:24, 7:20, 8:5, 8:11, 8:17, 8:22, 13:22, 14:1, 16:24, 17:9, 17:14, 17:20, 18:2, 18:6, 19:2, 19:6, 19:15, 19:20, 20:4, 20:7, 23:18, 24:10 <b>visibly</b> [1] - 9:14 <b>vision</b> [1] - 15:11 <b>Vitosh</b> [2] - 25:3, 25:20	



# Memorandum

To: Planning and Zoning Commission  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: April 3, 2019  
Subject: **PZC 2019-05 Short Term Rental Regulations**

## **SUMMARY AND PROPOSED REGULATIONS:**

Over the past decade, technological innovations have driven the availability of sharing services to the public through the use of smart phones and web applications. Some examples include vehicle sharing, ride sharing, payment sharing, and home sharing services. The home sharing service is one that cities and communities around the country are struggling to understand and properly regulate. In terms of zoning, the biggest issue with these “short-term rental” properties is determining if and when the land use changes from residential to commercial.

Staff conducted research on the topic and drafted proposed changes to the City’s Zoning Ordinance to address short-term rentals. These amendments were brought in front of the Economic Development Committee (EDC) at the March 6, 2019 meeting (attached). After discussing the initial text amendments to the Zoning and Business codes, it was determined to permit short-term rental uses in all residential districts without requiring a permit, license, or special use.

Therefore, a definition of a short-term rental will need to be added to the Zoning Ordinance and the Permitted Use Table will have to include the newly defined use. Please see the proposed changes below:

### **10-2-3: DEFINITIONS:**

#### **SHORT-TERM RENTAL:**

A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such unit, that is rented for less than 30 days at a time to transients and temporary guests.

### **10-6-0: USE TABLES:**

#### **TABLE 10.06.01 – RESIDENTIAL USES**

Use Category	Zoning Districts															
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Short-Term Rental	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-

## **ECONOMIC DEVELOPMENT COMMITTEE**

The proposed regulations as outlined in this memorandum, were reviewed by the EDC on April 2, 2019. There were no comments on these amendments and the changes were received positively.

## **STAFF RECOMMENDATIONS:**

Staff believes these changes to the Zoning Ordinance will provide clarity on what a short-term rental is and where it may be located. Staff is requesting recommendation for approval by the Planning and Zoning Commission on the proposed text amendments to the Zoning Ordinance

## **PROPOSED MOTION:**

*In consideration of testimony presented during a Public Hearing on April 10, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend Section 10-2-3 and Section 10-6-0 of the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated April 3, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...*

## **ATTACHMENTS:**

1. Economic Development Committee Materials (3-5-19)
2. Economic Development Committee Materials (4-2-19)





# Memorandum

To: Economic Development Committee  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: February 14, 2019  
Subject: **PZC 2019-05 Short Term Rental Regulations**

---

## **BACKGROUND:**

Over the past decade, technological innovations have driven the availability of sharing services to the public through the use of smart phones and web applications. Some examples include vehicle sharing, ride sharing, payment sharing, and home sharing services. The home sharing service is one that cities and communities around the country are struggling to understand and properly regulate. In terms of zoning, the biggest issue with these “short-term rental” properties is determining if and when the land use changes from residential to commercial.

A majority of municipalities do not allow hotels and motels, typically considered a commercial use, in their single family residential districts, as these uses tend to increase traffic, noise, and activity. The debate over short-term rentals of residential properties is whether these uses are considered residential, commercial or something new entirely. This memorandum details the City’s current regulations and how staff recommends addressing short-term rentals to maintain the health and safety in our residentially zoned areas.

## **EXISTING REGULATIONS:**

Currently, the City of Yorkville has no official regulations regarding short-term rental properties. The Zoning Ordinance does define “bed and breakfast inn” as well as “hotels/motel,” and permits each in the following districts:

Land Use	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Bed and Breakfast Inn	S	-	-	S	S	-	-	-	-	-	S	S	S	-	-	-
Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-

\* “S” Denotes permitted as a special use

While these uses have definitions and areas where they are allowed, short-term rental properties are not the same as either of these uses. Both of these uses would be considered businesses which provide services to guests and visitors. A bed and breakfast is a type of hotel that typically keeps its residential qualities but provides meals and other activities for its users. Hotels/motels are specific businesses which are expressly used only for transient and temporary living situations. Those who use their primary home as a short term rental property do not personally provide food, services, or entertainment to those staying at their residence as these

businesses would. Therefore, short-term rental properties should be defined as its own use and be regulated separately from these land uses.

At the time of the drafting of this memorandum, there is only one property being advertised for rent in Yorkville on the two largest home-sharing providers: AirBNB and VRBO<sup>1</sup>. There are several additional availabilities in Sandwich, Plano, Oswego, and Aurora (search criteria was for the January 19-20, 2019 weekend). While it does not seem like short-term rentals are currently a large issue within Yorkville at the moment, the City is trying to be proactive in its effort with this popular trend. The City needs guidelines and set expectations if this trend grows in the area as to not only react to complaints once it arrives.

### **LEGAL ISSUES:**

The controversy over how to regulate this new industry has caused legal challenges across the country and in the state. Chicago passed an ordinance in 2016 which has been met with many legal challenges. The City of Chicago adopted a large and thorough ordinance which creates a registration program for those who wish to rent out their home, and they must also obtain a license. The complexity and enforcement of this ordinance has created problems for Chicago and its residents. Uneven enforcement and delays in licensing cause home owners renting their property to either not be able to register or result in escalating fines which they cannot afford.

In terms of legal issues nationally, the most contested cases include cities which outright prohibit short term rentals or those that regulate it to the point of nonexistence. This can include regulations which require the owner to live at the property while it is being rented, while also registering for a business license and paying taxes to the local municipality. An 80% drop in short-term rentals was the result of Santa Monica, California enacting these strict rules which were adopted in 2015. Yorkville will have to find a balance between preserving the safety and quality of life for its residents, while allowing the rental market to run smoothly.

Additionally, before suggesting or enacting any city ordinances, potential and current state legislation must be reviewed, as Yorkville is a non-home rule community. There is an Illinois State bill which was filed in February 2017 titled SB1735 which is a statewide short-term rental regulation bill. The bill has not been adopted and currently has no further date for review or adoption. While this bill has not been passed, it is important to plan for its potential passing, as it would affect any language Yorkville adopts.

In SB1735, it provides that **units of local government may not enact or enforce an ordinance, regulation, or plan that has the express or practical effect of prohibiting short-term rentals.** The bill does, however, allow for a municipality to regulate short-term rentals to protect the public health and safety. This would allow local governments to impose zoning regulations if the government can demonstrate that the regulation is necessary to protect the public health and safety, such as fire and building codes, traffic control, and waste control. The bill would also allow local governments to apply sales taxes and hotel/motel taxes on short-term rentals. Also,

---

<sup>1</sup> [www.airbnb.com](http://www.airbnb.com); [www.vrbo.com](http://www.vrbo.com)

the bill includes a home rule preemption, so if this legislation passes, it would apply throughout the state.

Finally, staff has confirmed with our legal counsel that the City is permitted to regulate short-term rentals as a non-home rule community. With the understanding of the current legal issues facing short-term rentals, the City of Yorkville is able to draft regulations which protect the health and safety of the community while allowing short-term rentals to operate properly.

## **HOW OTHER MUNICIPALITIES REGULATE SHORT-TERM RENTALS**

There are four basic ways that local governments have addressed short-term rentals and each contain their inherent positive and negative consequences:

### Permit them without any regulations

Permitting short-term rentals without any regulation may cause problems in the future if the amount of short-term rentals grows and potentially impacts single-family communities.

### Allow them but make them obtain a license or permit

Making individuals obtain a license or permit gives the municipality some oversight into regulations of rental properties and where they are located. It also allows for those renting their dwellings to be subject to any municipal hotel/motel tax.

### Allow them as part of a special use or conditional use

Similar to obtaining a license, by making short-term rentals a special or conditional use, the municipality would make those who would like to rent their dwellings to go through a public hearing process. This allows staff, committees, and board members to add conditions to any short-term rental throughout the process and makes each approval of a short-term rental a case by case basis.

### Prohibit them outright

Prohibiting them outright removes all the potential negative impacts short-term rentals may have but opens the municipality to legal challenges and can cause the city to lose potential hotel/motel tax income. Currently, if a use is not identified in the Yorkville City Code, then the use is considered prohibited.

In terms of how Yorkville's neighbors have handled short-term rentals, please view the table below:

<b>Municipality</b>	<b>How is it Addressed?</b>
<b>Montgomery</b>	Short-term rentals are not currently addressed in the zoning ordinance. The Village is currently updating their code and may create some regulations.
<b>Oswego</b>	Short-term rentals are not currently addressed in the zoning ordinance.

<b>Plano</b>	Short-term rentals are not currently addressed in the zoning ordinance.
<b>Sugar Grove</b>	Short-term rentals are not currently addressed in the zoning ordinance.
<b>Plainfield</b>	Short-term rentals are not currently addressed in the zoning ordinance. The Zoning Ordinance has extensive regulations regarding Bed and Breakfast establishments which the City may use if a short-term rental is becoming a frequent nuisance.
<b>Joliet</b>	Short-term rentals are not currently addressed in the zoning ordinance.
<b>Naperville</b>	Short-term rentals are not currently addressed in the zoning ordinance.

As one can see, the adjacent communities have not yet addressed the short-term rental land use and only Plainfield uses its current regulations to somewhat address the issue. The City will have to provide a balanced set of regulations to ensure the process is not too cumbersome, while also giving City staff enforceability and oversight on the short-term rental market.

In terms of communities in Illinois, not many have addressed the short-term rental situation. Although, the Village of Riverside, Illinois in Cook County has recently adopted an ordinance which regulates “vacation rentals” which is defined similarly to short-term rentals. Riverside is a small non-home rule community with a population of about 9,000 people. Their ordinance (attached) includes common definitions for vacation rentals as well as details on their licensing process and procedures. It also covers prohibited acts and potential penalties for violating the ordinance.

#### **DETERMINE GOALS AND OUTCOMES:**

Before regulations may be drafted, it is best to determine the goals of the ordinance to ensure language is drafted to produce the desired outcome. Since short-term rentals are not a current issue within the City but could be a concern for single-family home owners, the main purpose of the regulations should be to preserve and maintain the quality of life and safety for those within the residential districts. Additionally, the regulations should support the city’s long term planning goals and support its hotel/motel industry.

It will be important that the City does not prohibit or have the practical effect of prohibiting short-term rentals. Other than the legal challenges the regulations would face, it would be beneficial for the ordinance to regulate and promote short-term rentals, as visitors will likely patronize local businesses.

#### **PROPOSED REGULATIONS:**

The two Titles within the Yorkville Municipal Code which will need to be amended are “Title 10 Zoning” and “Title 3 Business and License Regulations.” The amended regulations in the zoning section will outline the requirements to conduct a short-term rental while the amendments in Title 3 will add definition and licensing procedures.

**The following regulations are being proposed to be added as Section 10-3-15 (Zoning):**

**10-3-15 SHORT-TERM RENTALS**

- A. *Purpose.* To recognize the desire of some property owners to rent their dwelling on a short-term basis and establish appropriate regulations to mitigate the disruption that short-term and vacation rental dwellings may have on a neighborhood and to maintain the overall quality of life, health, and safety of the City.
- B. *Definition.*  
SHORT-TERM RENTAL UNIT: A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such unit, that is rented for less than 30 days at a time to transients and temporary guests. This does not include group homes or bed and breakfasts which are defined in Chapter 2 of this title.
- C. *Applicability.* This section shall apply to all rentals of a residential dwelling as a short-term rental. This includes all properties located in the Agricultural, Estate and Residential Districts as well as conforming and non-conforming residential uses in all other districts.
- D. *General Provisions*
1. Performance Standards: All short-term rental units will be subject to the regulations of the Property Maintenance code adopted in Section 8-2-9 and Noise Regulations adopted in Section 4-4 of the Yorkville City Code.
  2. Occupancy: Maximum occupancy of the rental shall be based on the Property Maintenance Code standards. The property owner shall be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy which shall be stated on the license application.
  3. Parking: The short-term rental unit shall not generate traffic beyond what is normally expected in the zoning district in which it is located.
  4. Dispersal: A permitted short-term rental unit in a detached single-family house shall not be within two-hundred and fifty feet (250') of the property line from another permitted detached single-family short-term rental unit. Multi-family attached dwelling units are exempt from this regulation.
  5. Signage: No outdoor advertising signs related to the rental dwelling shall be allowed on site.

6. Insurance: The property owner shall maintain on file at the city an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term rental unit.
  7. Food: Meal service prepared onsite provided by the license holder or their agents is prohibited.
- E. *Hotel Operators' Occupation Tax.* The owner and/or operator of a short-term rental unit must conform to all regulations in Section 3-2-7.
- F. *License Procedure.* No dwelling unit may be utilized as a short-term rental unit unless the owner of the property obtains a license from the City Clerk. Application requirements and procedures for a license are located in Section 3-14.
- G. *Local Property Representative.* The property owner must designate himself or herself or a local property representative who is located within a thirty (30) mile radius of the short-term rental and shall be available at all times during the rental for the purpose of:
1. Responding within a reasonable time to complaints regarding the condition, operation, or conduct of occupants of the short-term rental; and
  2. Taking action to resolve any such complaints.
- H. *Penalties.* The failure to comply with all of the regulations outlined in this Section or the failure to keep the Local Property Representatives information up to date may result in the suspension or revocation of a license pursuant to the procedures in Section 3-1-12.

**The following regulations are being proposed to be amended into Section 3-2-7 (Municipal Taxes):**

**3-2-7: HOTEL OPERATORS' OCCUPATION TAX**

- A. Definitions: For the purposes of this Section the following definitions shall apply:

HOTEL: For purposes of this Section, every building, buildings or structure, kept, used, maintained, advertised and held out to the public to be a place in which the public may, for consideration, obtain living quarters, sleeping, housekeeping accommodations, lodging, lodging and food or apartments or suites or other accommodations offered to the public for rental on a daily basis. The term includes inns, hotels, tourist homes or courts, lodging houses, **short-term rental units**, rooming houses and apartment houses.

**The following regulations are being proposed to be added as Section 3-14 (Short-Term Rental License):**

**CHAPTER 14  
SHORT-TERM RENTAL UNITS**

**3-14-1 DEFINITIONS:**

For the purpose of this Chapter, the following words and phrases shall have these meanings:

**SHORT-TERM RENTAL UNIT:** A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such unit, that is rented for less than 30 days at a time to transients and temporary guests.

**3-14-2 SHORT-TERM RENTAL UNIT LICENSE REQUIRED:**

A license is required to operate a short-term rental unit, as defined in this chapter, within the City. Licenses shall be issued by the City Clerk. No license shall be transferable to another person or location or to other short-term rental units.

**3-14-3 APPLICATION FOR SHORT-TERM RENTAL UNIT LICENSE:**

An application shall be filed for every short-term rental unit in the City that is required to obtain a license on a form provided by the City made under oath with the payment of nonrefundable annual license fees in the amount set forth in section 3-14-4 of this chapter. The applicant must be eighteen (18) years old or older and the owner for which the application is sought or an agent of the owner with authority to bind the owner. The application for a short-term rental unit license shall be accompanied by the following information:

- A. The name, address and phone number of the property owner(s) and proof that it is their primary residence.
- B. The address at which the short-term rental unit is being conducted.
- C. The designation of the local property representative who will be subject to the regulations in Section 10-3-15-G.
- D. If the property is subject to regulations or restrictions by a homeowner's association or condominium association, applicant must provide documentary evidence that the applicable association or board has approved the use of the property as a short-term rental.
- E. Certificate of insurance documenting that the dwelling unit is insured as a short-term rental unit with liability insurance with limits of not less than one million dollars (\$1,000,000) per occurrence, for bodily injury and property damage arising in any way from the issuance of the permit with thirty (30) days' advance notice to the City prior to cancellation or lapse of the policy.

- F. The application shall include consent to perform investigations of the veracity of all of the information and documentation provided, criminal background checks and fingerprinting of the persons required to be identified in the application. The cost of the criminal record check and fingerprint submissions shall be borne by the applicant.

#### **3-14-4 TERMS OF LICENSE; LICENSE FEES; LICENSE RENEWAL:**

- A. The term for licenses issued under this chapter is for one year beginning January 1, and ending on December 31.
- B. All license fees required to be paid shall be paid at the time that the initial or renewal application is made. All applicable license fees and any other required fees, including costs of fingerprinting, shall be paid prior to the issuance of any license.
- C. The initial license fee and the annual license renewal fee for a short-term rental unit license shall be one hundred dollars (\$100.00) per calendar year. If at the time of the initial filing, less than six (6) months of the current license year shall have expired, the full license fee shall be charged. If more than six (6) months of such current year shall have expired, a license fee of one-half (1/2) the full fee shall be charged.
- D. In addition to the annual license fee, the applicant is also responsible to pay for the cost of fingerprinting, which is regulated by the State of Illinois. The applicant is also responsible to pay for the cost of a background check which shall be fifty dollars (\$50.00).
- E. A license may be suspended or revoked for failure to pay the fees pursuant to the procedures in Section 3-1-12.

#### **3-14-5 LICENSE REVOCATION; 3 YEAR WAIT FOR NEW LICENSE:**

If a vacation rental license is revoked for any cause, no license shall be granted to any person for the operation of a short-term rental at the property described in the revoked license, or to the revoked licensee, and his or her co-owners, or the partners, members, managers, or officers of any owning partnership, limited liability company or corporation, for a period of three (3) years from the date of revocation.



### **COMMENTS ON PROPOSED REGULATIONS:**

Staff has drafted this language in an attempt to provide regulations which meet the previously mentioned goals without deterring potential short-term rental users. The following is an explanation behind the reasoning for why some regulations were included and some were omitted:

<b>Regulation</b>	<b>Included?</b>	<b>Purpose</b>
<b>Dispersal of Units</b>	Yes	Ensures that certain areas of town or a neighborhood are not overrun by short-term rentals. Enforcing this regulation will be on a first come, first serve basis. Those who have a license first will be considered established and all future applicants will need to be dispersed from that dwelling. In the case of two rentals operating illegally and being cited, the first applicant to receive a license legally will be considered established.
<b>Annual License Renewal</b>	Yes	Allows the City to be aware of any change in the license holders information. Also, keeps an up to date list of permitted license holders.
<b>Owner Occupies While Renting</b>	No	While this regulation is used in some places but seems very cumbersome and would be hard to enforce.
<b>Special Use Permit</b>	No	A public hearing process may be too restrictive and deter those from short-term rental opportunities. Additionally, if the trend grows in the area then a significant amount of staff time will be dedicated to determining where these short-term rentals are allowed.

In terms of license fees, reviews were conducted externally as well as internally. The table below illustrates the fee structures for other communities with short-term rental regulations:

<b>Municipality</b>	<b>Fees</b>
<b>Chicago, IL</b>	\$250 annual fee
<b>Riverside, IL</b>	\$500 initial fee, \$250 annual renewal fee
<b>Evanston, IL</b>	\$50 annual fee

Internally, staff reviewed the licensing process being proposed and compared it to other licensing procedures within the City. In terms of amount of staff time and similar requirements for licensees, our recommendation models the same regulations for solicitors, tattoo and body piercing

establishments, and adult business establishments within Yorkville. These each require a \$100 annual fee and require a \$50 background check as the proposed short-term rental regulations.

Staff chose to recommend the fee amount similar to other City license procedures as our staff size and existing practices are known quantities. Additionally, the fees and regulations of other communities may deter potential short-term rental applicants and may not be in proportion to the amount of staff time it will take to process a license application.

#### **NEXT STEPS:**

Staff is seeking comments and guidance from the Economic Development Committee regarding the proposed regulations for Short-Term Rental Units. The proposed regulations will be reviewed by the Administration Committee and a public hearing will be held at a regular Planning and Zoning Commission Meeting. Once all parties have seen and reviewed the proposed amendments, a final draft will be reviewed by City Council. The dates have not yet been set for these meetings as staff is seeking direction from the Economic Development Committee on the initial draft before proceeding to the next review stages.

#### **ATTACHMENTS:**

1. Zoning Practice – October 2015 Issue 10



American Planning Association

*Creating Great Communities for All*

January/February 2019

# PAS MEMO

## Short-Term Rentals: Regulation and Enforcement Strategies

By Jared E. Munster, PHD, AICP

Short-term rentals, home sharing, vacation rentals, Airbnb: regardless of what you call the concept, it is clear that the new sharing economy has worked its way into virtually every residential area in the country.

Short-term rentals (STRs) can be defined as the rental of all or part of a residential dwelling unit for a duration of occupancy of less than 30 days. They have raised the passions of free-market advocates who believe that the government should not regulate property rentals, as well as neighborhood activists who fear that STRs will degrade neighborhood cohesion and price out the very culture and experience visitors are venturing into neighborhoods to embrace. This conflict, as well as the challenge of attempting to regulate what is at its very core a residential occupancy, make the role of the planner critical in developing clear regulations that balance neighborhood concerns with practical limitations on how far local government can intervene in rental agreements for private property.

The City of New Orleans Department of Safety and Permits (DSP) has developed and implemented a regulatory regime that has been internationally cited as a model for balancing the inescapability of this use with the protection of neighborhoods and residents. Over the course of several years, through formal planning studies, zoning ordinance text amendments, and prolonged negotiations with listing platforms, residents, interest groups, and neighborhoods, the city developed a robust package of practical and enforceable regulations that provided the market flexibility required by private industry.

This *PAS Memo* provides a case study of New Orleans's experience with this phenomenon and offers strategies and lessons learned for planners as they navigate this highly contentious issue.

### Background and History of Short-Term Rental Regulations in New Orleans

New Orleans's history with transient rentals begins far before the age of digital bookings and informs the conversations of the last several years. In the 1960s, the Vieux Carré, or French



Figure 1. New Orleans's Vieux Carré (French Quarter).  
Flickr photo by Pedro Szekeley (CC BY-SA 2.0).

Quarter, the oldest residential neighborhood in the city (Figure 1), was losing its inhabitants at an unsustainable pace. Hotel and tourism-supportive development were destroying the historic buildings that made the area attractive to tourists and pricing out the residents, businesses, and artists that created the unique nature of the neighborhood.

In 1969, a New Orleans City Council moratorium on hotel or transient lodging development in the Vieux Carré stemmed the tidal wave of hotel development and stabilized an otherwise at-risk community. This moratorium was converted to a permanent prohibition on hotel development through subsequent zoning changes. Even today the basis for opposition to tourist lodging in the Vieux Carré is still the nearly 50-year-old moratorium.

### Early Attempts to Regulate Short-Term Rentals

As the nature of tourism changed through the years, residents began renting out homes or apartments during major festivals, such as Mardi Gras or the Jazz and Heritage Festival. New Orle-

ans, as a major tourism destination hosting large-scale events on an annual basis, became a laboratory of creative ways to rent property.

The practice benefitted both parties to the transaction. New Orleans residents could vacation out of town during periods of high tourist volume when many businesses temporarily close or become overwhelmed. Visitors had access to a new pool of accommodations that could host families or groups too large to share a single hotel room or afford a traditional hotel.

This very capitalistic pairing of supply and demand naturally coalesced into a local cottage industry with unintended—but certainly not unforeseen—consequences. Over time, local property owners and outside investors noticed the demand for non-hotel accommodations and began acquiring property for the sole purpose of renting to tourists. This began displacing local residents, turning once-thriving neighborhoods into seasonal entertainment venues.

To address this burgeoning concern, the New Orleans City Council adopted Ordinance 21606 M.C.S. in 2004. This strong attempt by the city council to rein in vacation rentals ordained that:

[i]t shall be unlawful for any person to knowingly offer to rent for monetary compensation for a period of less than 30 days or, in the case of premises located in the Vieux Carré District, 60 days, any living accommodations in the city if the premises offered for rent are not lawfully licensed or permitted for such use. (§54-491.1(b))

Should a property owner or lessor be prosecuted for the offense, the publication of such an offer to rent in print or electronic media would “create a rebuttable presumption that the person had knowledge of the offer to rent” (§54-491.1(d)).

At the time, the city’s comprehensive zoning ordinance contained a defined use category of “Transient Vacation Rental” that provided three primary criteria in the classification of the use:

- the property was successfully rented for periods of less than 30 days (not just advertised as such)
- the property was rented to “non-residents”
- these rentals occurred over the course of a year or longer

Transient Vacation Rentals were allowed only within the Central Business District zoning districts, not any residential or business districts.

Unfortunately, however, the construction of these laws made enforcement virtually impossible, which led to growing frustration among neighbors who believed that the city was unwilling to enforce its own regulations regarding these uses.

The language of the 2004 ordinance outlawed only the “offer to rent” a living accommodation—it did not prohibit the action of executing such a rental. Additionally, the restriction was housed within the city’s criminal code, which meant that any citation for the misdemeanor would have to be issued by the police department and the violation adjudicated by a

judge in the city’s municipal court. A second concern was the potential for a constitutional claim that the city was violating the free speech rights of property owners, because the restricted speech was not advertising a service prohibited by law.

DSP had administrative jurisdiction over the Transient Vacation Rental zoning provisions, but as noted above, the city was required to prove that rental actions of less than 30 days had physically occurred over a period of one year or longer.

Even with these limitations, in 2015 DSP chose to bring nine properties known to be in violation through its administrative adjudication process. Success would establish that DSP could build a prosecutable case under existing law where suitable documentation for violations existed and take actions against the hundreds of properties that had received complaints. However, if after years of compiling evidence, building cases, and partnering with neighbors to collect evidence the city was judged unable to meet its burden of proof in the administrative hearings, the cases would be dismissed.

A primary element of DSP’s cases was the user reviews publicly available on websites such as airbnb.com. By matching neighbor complaints and documentation against the dates provided in the published reviews, DSP was confident in its ability to adequately meet the three-pronged burden of proof for operation of a Transient Vacation Rental. Recognizing the limitations of this body of evidence, DSP concentrated its efforts on the most egregious violators for which there was significant documentation.

But the adjudication hearings were never held. Days before the scheduled hearing, one of the property owners filed for a temporary restraining order against further proceedings due to vagueness of the charges and a constitutional challenge to the city’s administrative hearings process. After several weeks of correspondence with the plaintiff’s attorney, the city agreed to suspend prosecution of the nine cases. This agreement marked the end of active enforcement efforts against alleged STRs pending a new body of law.

### Developing the New Regulatory Regime

The need for an updated regulatory package was now clear. Beginning in late 2014, a rough framework of reform began to take shape. If transient vacation rentals were legalized, the regulation process would have to be understandable and transparent to inspire confidence in the community. From these guiding principles, DSP, in coordination with the City Planning Commission and community stakeholders, began to formulate a new approach to regulation.

Whatever framework emerged had to be easily enforceable with a readily demonstrable burden of proof. But before the city could create a solution, it had to understand the problem.

### The Short-Term Rental Study

In response to the now-demonstrated inability of the city to administratively enforce its transient vacation rental regulatory structure, in August 2015 the New Orleans City Council directed the City Planning Commission to study the regulation of these uses.



Over the course of nearly six months, the commission solicited information from neighborhoods, industry groups, hosting platforms, peer cities, and other agencies within the city to gain a full understanding of the nature of STRs as a land use—from the regulatory issues faced by DSP, to perception and documentable issues from neighborhoods, to the projected benefits of legitimizing the use fostered by the hosting platforms. Staff held more than a dozen meetings and multiple public hearings, and over 400 written comments were submitted to the commission (Rivers 2017).

In addition to these outreach efforts, the commission embarked on a study of documentable evidence and national best practices. In evaluating the practices of cities throughout the United States to determine previous regulatory successes and failures, the study found several key points (New Orleans City Planning Commission 2016):

- these uses fall into different categories and should be regulated differently based on location and rental type
- there must be performance standards to which operators can be held responsible to ensure the stability of neighborhoods
- fees and fines must be set at the appropriate level to encourage compliance while being impactful enough to penalize illegal behavior

Based on this study, staff presented four use types to the commission for consideration before a recommendation was made to the City Council: accessory, temporary, principal residential, and commercial (Figure 2). The commission voted to remove the “principal residential” type on the concern that this would cause exactly the scenario community groups feared most—turning residences into hotels and displacing residents.

In consultation with DSP, commission staff also recommended a series of requirements and performance standards creating an easily enforceable, comprehensive list of guidelines to ensure neighborhood compatibility, guest safety, and meaningful regulatory enforcement. These standards also provided many requirements with a low burden of proof for administrative enforcement, considered key to a high rate of compliance with the new regime.

### Negotiation and Policy Priorities

The city knew that not gaining buy-in from the listing platforms would be a recipe for failure. Throughout policy negotiations, only Airbnb actively engaged with the process, which created the unintended result that compliance was easier for its platform than others. However, the city would work with other platforms following launch to bring compliance as close as possible in consideration of demonstrated technical and data considerations.

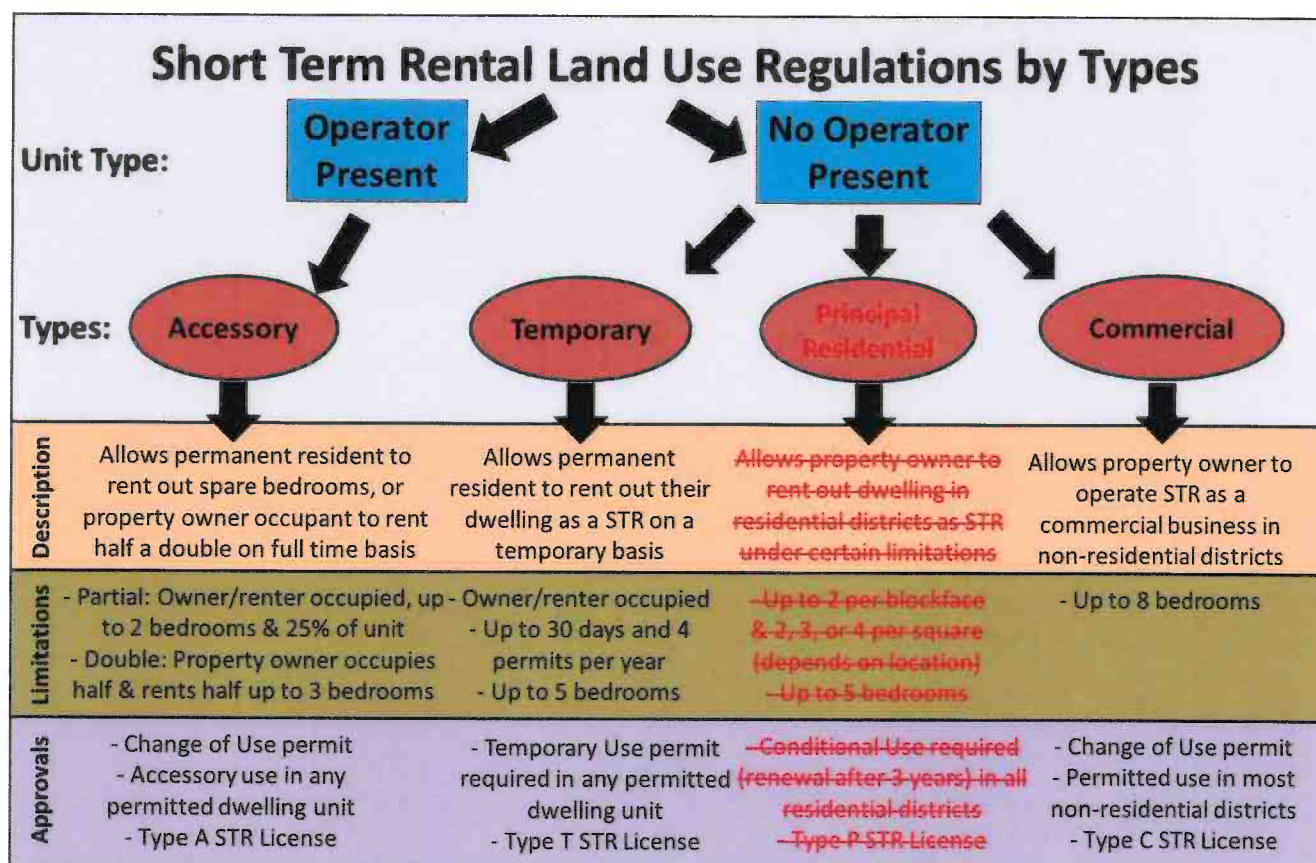


Figure 2. Short-Term Rental Types. Courtesy New Orleans City Planning Commission.



## The New Regulations

The four ordinances adopted by the New Orleans City Council in 2016 established the provisions in the city code and zoning ordinance required to successfully implement the recommendations of the City Planning Commission's study and regulate STRs in New Orleans. Ordinances 27209 and 27204 provided the framework of the enforcement regime, including easily enforceable standards to allow swift citations of property owners who did not comply with the regulations. The other two ordinances addressed taxation and investment into the city's Housing Improvement Fund as mechanisms to turn STRs into a benefit to the communities they would be occupying.

**Ordinance 27204 M.C.S.** This [ordinance](#) (codified as [§26-613 et seq.](#)) established a licensing and enforcement regime, provided for a public registry of licensed STRs as well as provisions for datasharing with the listing platforms, and set fees and penalties for the program. The licensing provisions formally created three license types (accessory, temporary, and commercial) corresponding to concurrently created zoning land-use types, and provided safety and compliance standards by which DSP would evaluate applications for these licenses. To maintain a low barrier to entry into the permitting process, applicants were permitted to comply with these provisions by attestation, with DSP following up to verify compliance. Falsification or misrepresentation of any material information in the application process would result in the immediate revocation of the license.

**Ordinance 27209 M.C.S.** This [zoning text amendment ordinance](#) implemented the changes outlined in the city planning commission's 2016 study. It defined the STR land use generally, as well as the specific STR subcategories (accessory, temporary, and commercial), and imposed standards and requirements for the three use types. Additionally, this ordinance amended the permitted use tables to designate where STRs would be permitted as by-right or conditional uses. Accessory STRs were permitted within any legal dwelling unit located within an owner-occupied single- or two-family dwelling (except for within the Vieux Carré). Temporary STRs would be permitted in any legal dwelling unit (except within the Vieux Carré) without consideration of owner occupancy but with a 90-night occupancy limitation. Commercial STRs would be permitted in virtually every commercial zoning district, including the Vieux Carré Entertainment District (Bourbon Street) but excluding the remainder of that neighborhood.

The standards can be broken into two primary categories (see table below). Regulatory compliance standards are black-and-white requirements for which the city can easily demonstrate noncompliance, while performance compliance standards are more subjective in nature and require a higher level of documentation to determine noncompliance.

Regulatory Compliance	Performance Compliance
<ul style="list-style-type: none"> <li>• All short-term rentals require a license.</li> <li>• License placard to be prominently displayed in a manner visible from the public right-of-way.</li> <li>• License number to be posted on any rental listing.</li> <li>• Any rental listing must match the occupancy limitations of the approved license.</li> <li>• Any short-term rental has to have the outward appearance of a residential building.</li> <li>• Short-term rentals may not occupy any accessory structure, outdoor space, or recreational vehicle.</li> </ul>	<ul style="list-style-type: none"> <li>• Only one party of guests is allowed in a short-term rental unit.</li> <li>• The number of guests may not exceed occupancy limitations stated on the license.</li> <li>• An in-town contact must be available to address any unruly guests or dangerous situations.</li> <li>• The rental shall not adversely affect the residential character of the neighborhood.</li> <li>• The rental shall not generate noise, vibration, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.</li> </ul>

**Ordinance 27210 M.C.S.** This [ordinance](#) imposed a \$1.00-per-night fee on STRs above the city's standard tax structure directed to the Neighborhood Housing Improvement Fund, a limited-access fund that can be used only for community development under specific guidelines.

**Ordinance 27218 M.C.S.** This [ordinance](#) authorized the mayor to enter into a cooperative endeavor agreement with Airbnb, which agreed to collect and remit taxes on behalf of its users by including the required taxes and fees at the time of booking. This saved the city from creating tax accounts for every licensed property and requiring property owners to calculate and remit taxes individually. This was part of the negotiation process with the listing platform that would ease the regulatory burden on both the city and licensees—creating a “win” on both sides of the taxation transaction.

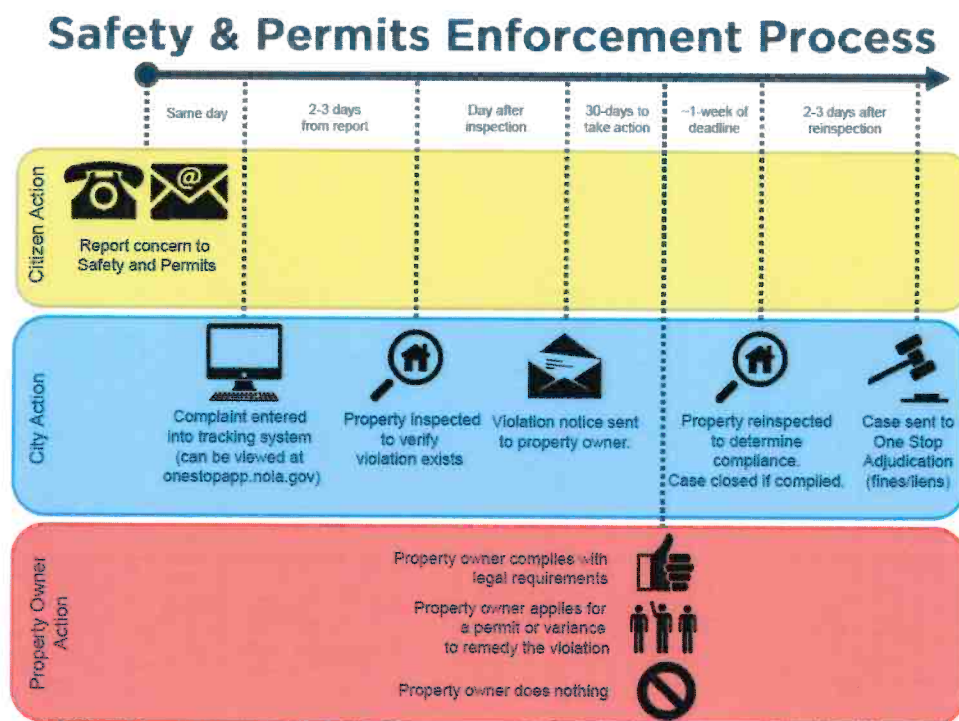


Figure 3. DSP's short-term rental enforcement process. Courtesy City of New Orleans Department of Safety and Permits.

Negotiations at this phase also took place with community leaders, city council members, and interest groups to create a structure that would be acceptable to the majority of stakeholders. Key points were appropriate annual limitations on temporary rentals, the mechanics and scope of data sharing, and the level of control platforms would have over encouraging compliance among their users.

Annual limitations on rental nights was one of the most public points of debate as the legislative process drew to a close. Type A (accessory) and Type C (commercial) licenses would have no limitations on annual rentals, but Type T (temporary) licenses would be subject to an annual cap on the number of nights the property could be rented out. STR advocates pushed for periods as long as 180 nights, while opponents, short of a ban, believed that the spirit of a "temporary" license could be satisfied with a cap of 30 nights per year (which was also the position of the commission). The city council ultimately decided to allow Type T rentals across the city with a maximum annual rental of 90 nights.

The remaining two points of negotiation, data sharing and platform assistance in overall compliance, were resolved as two sides of the same coin. The city would require data on rentals to enforce the 90-night cap on Type T licenses, and the listing platforms agreed that assistance from their side would boost user compliance with the new regulations and provide better data to track rentals, while the new standards would help ensure the safety of guests.

As part of the overall agreement, the platforms would voluntarily remove any unlicensed listings from their platform after a reasonable compliance period. The city would coordinate a pass-through registration program that would

allow applications to be filed through Airbnb's website, then uploaded into the city's permitting and licensing database. Additionally, Airbnb agreed to share certain anonymized data each month: a unique identifier for each listing, the number of nights rented in the last 30 days, and the total nights rented year-to-date. If additional information was required, the platform agreed to an administrative subpoena process, all of which was codified as Section 26-620 of the New Orleans City Code.

### Implementation and Enforcement of STR Regulations

On December 1, 2016, the New Orleans City Council adopted four ordinances to implement the new STR program. The ordinances provided for regulation and taxation of STRs, as well as other administrative functions that aided the process (see sidebar).

As a result of the legislative action, DSP created the Short Term Rental Administration to serve as the single point of contact for the public in the licensing and enforcement process. Without this administrative office, the authority of implementation and enforcement would have been spread across several administrative units within DSP.

### Building Public Confidence

As the agency responsible for licensing and enforcement, DSP knew that public confidence from day one would be critical for success. To demonstrate the city's intention of complete transparency and full compliance, the website [nola.gov/str](http://nola.gov/str) was launched on December 2, 2016, with all available information on the program: the data available from the 2016 study, the subsequent ordinance adoption process, and approximate timelines for program benchmarks.



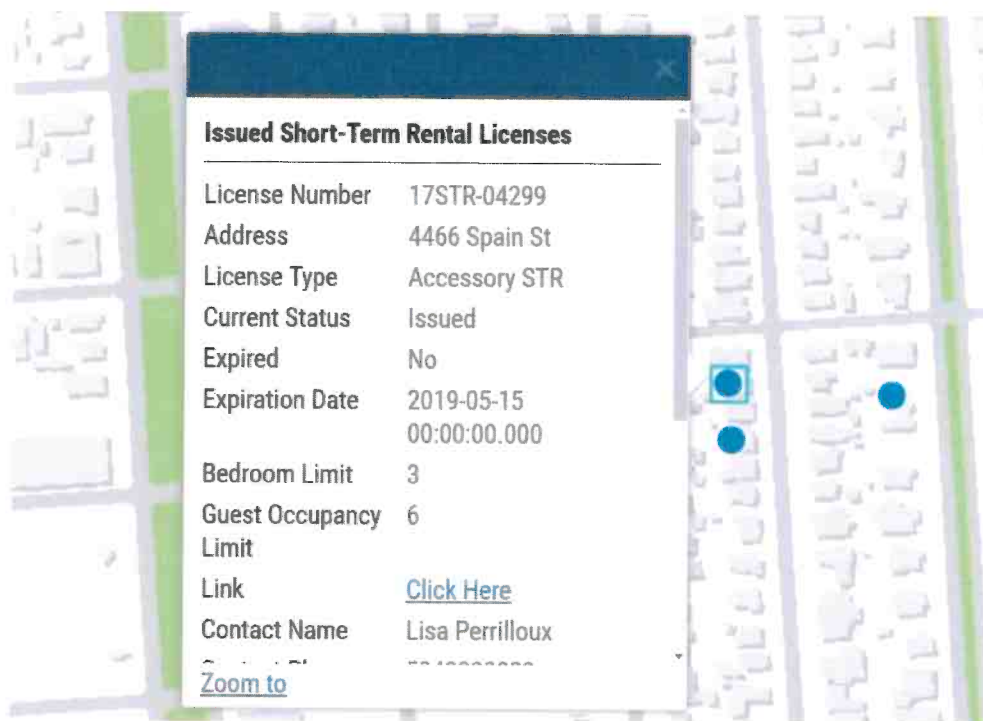


Figure 4. The city's interactive short-term rental registry and map. Courtesy City of New Orleans Department of Safety and Permits.

Within days, staff updated this website with information distilled from the adopted ordinances, simplifying the requirements and creating tables to help users understand the zoning restrictions. There were four months from adoption to the April 1, 2017, effective date to create internal and external processes for something that had never been tried before. DSP would focus its attention on three areas during this period: development of a robust internal process, transparency in process and enforcement, and development of a strong enforcement presence.

### Development of Internal Processes

Internal processes were the first focus. Database configuration started early in the legislative process, which then allowed DSP to focus on other areas of internal process standardization: the pass-through connection from the city's database to Airbnb, a comprehensive analysis of license application workflow, and development of the enforcement regime that would be implemented.

Ultimately, the pass-through process was not a panacea of compliance as many hoped. Staff required information for license processing beyond that needed by the listing platform, so separate correspondence with every applicant was still required, and every applicant had to return to the city's permitting and licensing portal ([onestopapp.nola.gov](http://onestopapp.nola.gov)) to pay for the license prior to issuance.

A license application workflow needed to be developed and standardized. The expectation of a same-day turnaround, paired with the need to streamline the process to the furthest extent possible for pass-through integration, led DSP to reimagine a number of internal processes and ways staff could be cross-trained to address peak workloads. Printed and digital forms had to balance information that the average applicant

would have available against whether the city was capturing all necessary data in the license review process.

This same level of creativity became necessary in developing enforcement protocols. The new regulations required a methodology for how staff would collect data, record violations, and build cases (Figure 3, p. 5). DSP could then use that standardization to set community expectations for enforcement action.

### Transparency in Process and Enforcement

The commitment to providing all available information to the public in an easily digestible format remained the policy of DSP. A public-facing portal for its permitting and licensing database ([onestopapp.nola.gov](http://onestopapp.nola.gov)) that allows users to search for activity on a given property in real time was made easily searchable for STR license approvals or enforcement cases.

The ordinances took transparency one step farther in requiring publication of a list of all STR licenses, along with the property address, license holder name, and the contact information for the responsible party. This allows a neighbor to contact someone about a problem with a rental. To fulfill this requirement, DSP coordinated with the city's Office of Information Technology to develop an interactive [STR registry and map](#). This tool allows users not only to search by name or property address, but also to see all license applications on a map of the city (Figure 4).

During this time, DSP leadership participated in numerous neighborhood meetings to outline the process, regulations, guidelines, and enforcement strategies. The focus was on implementing a program that would succeed and deliver on the promise that was made to the council and, more importantly, the community.



City of New Orleans Department of Safety & Permits Short Term Rental Administration	
<b>Field Warning</b>	
Location: _____	
Date: _____	Time: _____
<p>This notification is intended to inform the owner/operator of this premises of failure to comply with the City's Short Term Rental requirements. Legislation and information on Short Term Rentals in New Orleans is available at <a href="http://www.nola.gov/str">www.nola.gov/str</a></p> <p><input type="checkbox"/> This property has been reported as an operating short term rental, but our records indicate no application on file.</p> <p><input type="checkbox"/> This property is registered as a licensed short term rental, but no license is posted.</p> <p><input type="checkbox"/> This property is licensed as a Short Term Rental, but we have received a complaint of excessive:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Noise</li> <li><input type="checkbox"/> Vibration</li> <li><input type="checkbox"/> Glare</li> <li><input type="checkbox"/> Odors</li> <li><input type="checkbox"/> Other effects</li> </ul> <p>Which unreasonably interferes with neighbors enjoyment of their residence.</p> <p><input type="checkbox"/> This property is registered as a licensed short term rental, and there have been reports of unpermitted commercial or social events that may result in license revocation.</p> <p><input type="checkbox"/> This property has a license posted, but our records indicate that the license was issued for a different location/address.</p> <p><input type="checkbox"/> This property has been reported as an operating short term rental, but is located in a portion of the French Quarter where Short Term Rentals are prohibited.</p> <p>Please contact the Short Term Rental Administration at 504-658-7144 or <a href="mailto:tr@nola.gov">tr@nola.gov</a> for additional information. A formal violation letter will also be mailed to the owner of record within the week to initiate adjudication procedures.</p>	
City of New Orleans Department of Safety & Permits Short Term Rental Administration	

Figure 5. Field warning tags to flag short-term rental noncompliance. Courtesy City of New Orleans Department of Safety and Permits.

### Importance of a Strong Enforcement Presence

DSP needed to assure doubtful residents that enforcement would be both proactive and responsive. To that end, the agency took two new simple, cost-effective actions.

First, DSP developed “field warning” tags to post on STR properties where a violation was believed to have occurred (Figure 5). These were simple half-sheet forms with checkboxes for common violation types, allowing an inspector to post a notice to the property owner on the spot and document the posting via photograph. But most importantly, these documents are hot pink and unmistakable as a “scarlet letter” of STR noncompliance to show neighbors that inspectors were on the job.

The second action was to brand DSP’s vehicles as such. Prior to 2017, all DSP vehicles were tagged as city vehicles, but these markings did not indicate to which department the vehicle belonged. Residents wanted DSP to work into the evenings and late at night during major events to maintain compliance

with the STR performance standards provided in the city code. Based on these community concerns, vehicles were branded as “Department of Safety & Permits” to provide a level of visibility critical to maintaining the confidence of neighbors in the overall regulatory regime.

One last key element of the city’s STR regulations is based on a long-standing provision of the building code that authorizes termination of utility services if a property is found to be in violation of the zoning ordinance. To eliminate any potential challenge to the use of these provisions, the enabling legislation for the licensing regime explicitly states that discontinuance of electrical service is an appropriate penalty for violation of the licensing provisions (§26-618).

Within four months of program launch, the Short Term Rental Administration sought its first utility disconnect order against a property owner in the Vieux Carré who would not remove online listings or stop using the property as a STR. The city’s utility provider terminated electrical service to the dwelling, and from that point compliance was swift and the property was soon sold.

### Status of STR Administration After Year One

The STR program in New Orleans celebrated its first anniversary on April 1, 2018, and DSP is proud of the success achieved in the implementation of the program.

In the first 12 months, the Short Term Rental Administration reviewed more than 8,000 applications and issued 4,477 licenses (Figure 6). This generated \$979,274 in permit fees, exceeding expectations and completely covering the administrative costs of the program. Based on the 2016 study’s estimate of 4,000–5,000 STRs operating in New Orleans and the number of licens-

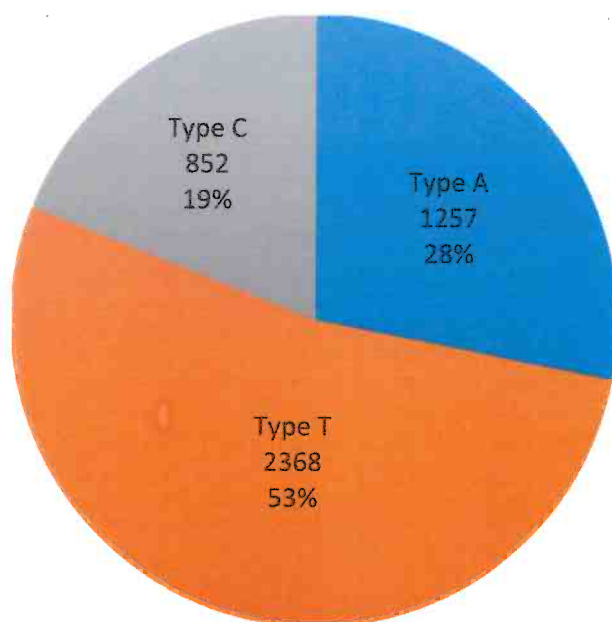


Figure 6. Breakdown of STR licenses by rental type. Courtesy City of New Orleans Department of Safety and Permits.



es issued during the first year of program implementation, DSP believes the compliance rate is in the high 90 percent range.

In terms of enforcement activities, DSP opened 1,719 violation cases between January 1, 2017, and April 1, 2018, from which 280 administrative hearings were held and \$268,538 in total fines assessed.

The mechanisms for identifying and enforcing rentals in prohibited zones and licensing requirements were successful, but challenges remained. Type T rentals made up the largest share of licenses issued, but also proved to be the most problematic from both a regulatory and neighborhood perspective. This became the single largest liability to the program.

Key to administering the Type T license was the ability of the city to monitor and enforce compliance on the 90-night annual rental cap provided in the adopted regulations. While the listing platforms initially represented that they would be supportive of the licensing program and provide the necessary information to DSP, both Airbnb and HomeAway subsequently declined to provide complete rental documentation based on their interpretation of the Stored Communications Act (see sidebar). As a result, while monthly reports could tell the enforcement team how many nights all STRs were rented, those

numbers were not tied to specific properties or listings to allow meaningful, consistent enforcement action.

Because of the problems caused by the Type T STRs, the public was not completely satisfied with the initial iteration of the STR program. While the city was proud of the overall success rate in terms of registration and enforcement effectiveness, the inability to effectively police the annual rental cap led to a public pushback against elected officials who were viewed as being nonresponsive to this inability.

### ***Implemented and Proposed Changes to the Program***

The city's municipal elections were held in the fall of 2017, and STRs featured prominently in city council campaigns. Of the three district councilmembers running for reelection, the only one reelected was the sole councilmember to vote against the STR regulations. The new city council came into office with a clear intention of revisiting the regulatory regime.

During the transition period, then-Councilmember LaToya Cantrell (now mayor) initiated two separate actions that would lay the foundation for updating the city's STR regulations. The first was the proposal and ultimate adoption of a zoning text amendment to require conditional use approval for some STRs

## **The Stored Communications Act and Its Effect on STR Enforcement**

As planners negotiate the regulatory and enforcement balance of STR program development, the city or county legal team should be consulted in the early stages of the process about the Stored Communications Act (SCA), an element of the Electronic Communications Privacy Act of 1986 intended to ensure the privacy of electronic records created by a company about its customers. If communities are developing local regulations reliant on data sharing by hosting platforms, they must be aware of the SCA and ensure the proper provisions are in place to minimize its impact on STR enforcement efforts.

New Orleans's data-sharing provision within the new licensing regime required routine reporting of basic rental information to help the city monitor compliance with the 90-night rental limitation for Type T rentals. Key to the effectiveness of this agreement was the provision for issuance of administrative subpoenas to get specific user data based on potential violations identified based on the anonymized data being provided on a monthly basis. While the hosting platforms suggested the administrative subpoena provisions during regulatory negotiation, once these subpoena were issued they became less-than-willing partners in providing the necessary data to match anonymized data to specific properties or licenses.

Under the SCA, platforms have to provide any requested data subject to either a subpoena issued by a court or an administrative subpoena authorized by federal or state statute. In the case of New Orleans, the subpoena authority under which DSP requested this information was the city's home rule charter, which is enabled by the Louisiana Constitution. However, the hosting platforms deemed this insufficient to turn over

anything more than "basic subscriber information" as provided by the SCA and subsequent jurisprudence. (There is currently no legal consensus on how the SCA should be applied to listing platforms.)

The "basic subscriber information" provided illustrates how difficult Internet regulation can be, particularly for a local government. To fill in the gap between specific property and anonymized identification number, HomeAway and Airbnb provided the first and last name of the account holder and their user identification number, email address, and telephone number—but not the license number issued by the city associated with the listing or the property address. As a result, city staff needed to match names, email addresses, and telephone numbers with over 4,000 issued licenses. This highlighted one problem that DSP had not planned for: licenses issued to property owners but listings posted or managed by a third party.

In revisiting the 2016 regulatory structure, deficiency in data production was one of the primary concerns. Had the city been aware of the industry's use of the SCA as a shield against providing the information required to properly implement and enforce the proposed program, the regulations as initially adopted would have likely looked quite a bit different. This would have likely ranged from creating a licensee-reporting requirement to elimination of the Type T license entirely. What is certain is that the changes being evaluated by the city planning commission and the city council in 2018 are keeping the SCA in the forefront as they evaluate how best to modify the STR licensing regime to ensure compliance and enforceability.

in the city's historic urban core business districts. This change was made in response to the concerns of neighbors that structures containing apartments were being converted into "hotels" in otherwise neighborhood-scale commercial corridors. The second action directed the City Planning Commission to conduct a full study of the new STR regulatory regime.

When the new city council took office in May 2018, it wasted no time in delivering on the promises made to its constituents. At the second meeting of the new term, the council adopted Motion M-18-195: a partial moratorium on new STR licenses with a full prohibition on Type T STR licenses in the historic areas of the city, the central business district, and mixed use districts, and a prohibition of new Type C STR licenses on the first floor of mixed use buildings, though they would remain permitted on upper floors. This moratorium was scheduled to last nine months while the commission completed its study and the city's regulations were updated.

The commission completed its updated study in early October 2018 (New Orleans City Planning Commission 2018). While the study makes several recommendations, the most substantial is the elimination of the problematic Type T STRs. Type C STRs would carry on, but the Type A STRs would be redefined to cover nearly any owner-occupied property. A new third type of license, valid for special events only, would allow owners or rental tenants to rent out a permanently occupied dwelling unit for not more than 14 days per year. At the time of writing, the city council has not yet taken action on the report, but it is likely that that will do so within the next several months.

### Lessons Learned

STRs are a planning challenge: they are residential units by design but can act like hotels in their impact on a community. A proliferation of these uses—particularly in tourism-heavy cities—can lead to significantly increased housing costs and begin to price out actual residents in favor of residents-for-a-day. New Orleans's experience in studying and regulating STRs highlights several key considerations in dealing with this issue.

**Ensure that regulations are clear and enforceable.** In developing the STR regulations, planning staff worked closely with DSP to ensure that enforcement was based on the information likely to be available. Compliance is easily provable for regulations such as requiring a license and requiring that license to be posted. Some STR regulations lie in more of a gray area, such as nuisance prohibitions, but with rigid enforcement standards and vigilant neighbors these have also proved enforceable.

**Partner with listing platforms when possible.** Partnerships can either be formal or informal, but platform buy-in helps ensure consistent communication on regulatory requirements and may aid in enforcement. The city's data-sharing agreement with Airbnb allowed DSP to coordinate actions to de-list unlicensed properties posting on that platform. While this was not a complete solution to illegal rentals, it greatly improved compliance rates throughout the city and helped stop rental listings in the Vieux Carré.

**Recognize your limitations.** Initially, residents and councilmembers pushed to regulate STR listing platforms in the same way that DSP regulates transportation network companies (TNCs). Where the city has the authority to regulate TNCs due to the long-standing regulation of vehicles-for-hire, that level of regulatory authority was not possible for dwellings, where state law prohibits local governments from regulating contractual transactions relative to real property. To address this lack of direct regulatory authority, the city negotiated data sharing to the extent possible and crafted regulations that could withstand legal scrutiny.

**Coordinate STR policy making with policies surrounding affordable housing.** While New Orleans began to take this approach by requiring contributions to the City's Neighborhood Housing Improvement Fund, there was no consistent strategy for the investment of those fees. A combination of this and the proliferation of Type T STRs had the effect of pricing out long-time residents and artificially inflating property values due to the expectation of return on investment.

### Conclusion

During 2017, the City of New Orleans became a model for STR regulatory compliance across the nation. Thanks to data sharing and some regulatory assistance from Airbnb, DSP was able to successfully license nearly 5,000 short-term rentals. This represents a compliance rate above 90 percent in less than one year, while many peer cities struggle to reach a 20 percent compliance rate after one year.

While the city was proud of this achievement, it understood that the regulatory regime would need to be revisited after the first year to evaluate neighborhood impacts and overall compliance—and indeed, regulatory enforcement proved more difficult, especially for the Type T temporary STR licenses. The city hopes to resume enforcement of licensing standards in cooperation with listing platforms as this regulatory revision comes to a close.

Just as New Orleans is now revisiting the initial regulatory structure to respond to changing dynamics of the industry and public sentiments, planners will need to be prepared to continually address issues like STRs for years to come. There is no formula which can be applied across every jurisdiction to address the impacts of the use and the concerns of residents. Rather, it is our job to understand the implications of decision making, continually observe the effects of those decisions, and recommend change when necessary—recognizing that maybe we were wrong the first time.

Regulation of emerging technologies is not new to planners, and STRs will not be the last challenge of this sort we face as practitioners. Combining best practices and lessons learned in New Orleans can help communities across the country develop and implement regulatory structures that will adapt to emerging technologies and industries while also protecting residents and the stability of communities.

### About the Author

Jared E. Munster, PhD, AICP, was the director of the Department of Safety and Permits for the City of New Orleans from No-



vember 2012 through June 2018 and worked closely with the City Planning Commission, City Council, and the Landrieu and Cantrell administrations in shaping the regulatory and enforcement processes of the New Orleans Short Term Rental Program. Munster holds an undergraduate degree in urban studies and planning, a master's degree in urban and regional planning, and a PhD in urban studies from the University of New Orleans. He is also a certified floodplain manager and is presently serving as the interim executive director of the Regional Transit Authority of New Orleans.

## References and Resources

- Morris, Robert. 2015. "Stacy Head Proposes Legalizing, Taxing Short-Term Rentals for Homeowners." *Uptown Messenger*, January 22. Available at <http://uptownmessenger.com/2015/01/stacy-head-proposes-legalizing-taxing-short-term-rentals-for-homeowners>.
- McClendon, Robert. 2015. "Lawsuit Kills Rare Prosecution of Airbnb-Style Rentals in New Orleans." *Times-Picayune*, June 15. Available at [www.nola.com/politics/index.ssf/2015/06/lawsuit\\_kills\\_rare\\_prosecution.html](http://www.nola.com/politics/index.ssf/2015/06/lawsuit_kills_rare_prosecution.html).
- New Orleans (Louisiana), City of. 2016. *Ordinance 27204 MCS*. Available at <http://www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27204.pdf>.
- . 2016. *Ordinance 27209 MCS*. Available at [www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27209.pdf](http://www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27209.pdf).
- . 2016. *Ordinance 27210 MCS*. Available at [www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27210.pdf](http://www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27210.pdf).
- . 2016. *Ordinance 27218 MCS*. Available at [www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27218.pdf](http://www.nola.gov/nola/media/One-Stop-Shop/Safety%20and%20Permits/27218.pdf).
- . 2018. *Code of Ordinances*. Available at [https://library.municode.com/la/new\\_orleans/codes/code\\_of\\_ordinances](https://library.municode.com/la/new_orleans/codes/code_of_ordinances).
- . 2018. *Comprehensive Zoning Ordinance*. Available at <https://czo.nola.gov/home/>.
- . 2018. "Map of Short-Term Rentals." Available at <https://data.nola.gov/Housing-Land-Use-and-Blight/Map-of-Short-Term-Rental-Licenses/j5u3-2ueh>.
- New Orleans City Planning Commission. 2016. "Short-Term Rental Study." Available at [www.nola.gov/city-planning/major-studies-and-projects/short-term-rental-study/commission-approved-str-study-02-01-16/](http://www.nola.gov/city-planning/major-studies-and-projects/short-term-rental-study/commission-approved-str-study-02-01-16/).

———. 2018. "Short Rental Study — 2018 Ed." Available at [www.nola.gov/getattachment/City-Planning/Major-Studies-and-Projects/2018-Short-Term-rental-Study/Reports-and-Presentations/Final-STR-Study-10-3-18.pdf/](http://www.nola.gov/getattachment/City-Planning/Major-Studies-and-Projects/2018-Short-Term-rental-Study/Reports-and-Presentations/Final-STR-Study-10-3-18.pdf/).

New Orleans Department of Safety and Permits. 2017. "2018 Proposed Budget, Department of Safety and Permits." Presentation, New Orleans City Council, September 21.

———. 2018. "Short-Term Rental Administration." Available at [www.nola.gov/str](http://www.nola.gov/str).

*Page v. City of New Orleans*. 2015. Civil District Court for the Parish of Orleans, Case 15-5626.

Rivers, Robert. 2017. "Planning and Regulating Short-Term Rentals in New Orleans." Conference presentation, Louisiana Center for Planning Excellence Smart Growth Summit, November 8.

Visveshwara, Andrea S., and Kevin R. Heneghan. 2017. "Residential Rental Regulation Issues." League of California Cities City Attorneys' Spring Conference, May 3–5. Available at [www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2017/Spring-Conf-2017/Heneghan-ResidentialRentalRegulationIssues](http://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2017/Spring-Conf-2017/Heneghan-ResidentialRentalRegulationIssues).

---

*PAS Memo is a bimonthly online publication of APA's Planning Advisory Service. James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services; Ann F. Dilleuth, AICP, Editor. Learn more at [planning.org/pas](http://planning.org/pas)*

©2019 American Planning Association. All Rights Reserved. No part of this publication may be reproduced or utilized in any form or by any means without permission in writing from APA. PAS Memo (ISSN 2169-1908) is published by the American Planning Association, which has offices at 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927, and 1030 15th St. NW, Suite 750 West, Washington, DC 20005-1503; [planning.org](http://planning.org).



# Memorandum

To: Economic Development Committee  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: March 14, 2019  
Subject: **PZC 2019-05 Short Term Rental Regulations**

## **SUMMARY:**

The topic of short-term rental regulations was brought to the Economic Development Committee last month at the March 5, 2019 meeting. After review and discussion, the Committee recommended that short-term rental uses be outright permitted in the residential districts without any license or permit to acquire. The initial regulations (see attached) were deemed as too onerous and committee members wanted to view this use similarly to a home occupation. This memorandum outlines the proposed changes to the Yorkville Zoning Ordinance as a result from that discussion.

## **PROPOSED REGULATIONS:**

After discussing the initial text amendments to the Zoning and Business codes, it was determined to permit short-term rental uses in all residential districts without requiring a permit, license, or special use. Therefore, a definition of a short-term rental will need to be added to the Zoning Ordinance and the Permitted Use Table will have to include the newly defined use. Please see the proposed changes below:

### **10-2-3: DEFINITIONS:**

#### **SHORT-TERM RENTAL:**

A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such unit, that is rented for less than 30 days at a time to transients and temporary guests.

### **10-6-0: USE TABLES:**

TABLE 10.06.01 – RESIDENTIAL USES

Use Category	Zoning Districts															
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Short-Term Rental	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-

**NEXT STEPS:**

Staff is seeking comments from the Economic Development Committee regarding the proposed amendments to the Zoning Ordinance. A public hearing for these changes will be held in front of the Planning and Zoning Commission on April 10, 2019.

**ATTACHMENTS:**

1. February 14, 2019 Economic Development Committee Memorandum



# Memorandum

To: Planning and Zoning Commission  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: April 3, 2019  
Subject: **Downtown Form Based Code and Streetscape Master Plan**

---

## **SUMMARY:**

Since its adoption in 2016, the City has been working towards completing the goals and objectives set forth in the Comprehensive Plan. As part of the strategies toward implementing the identified planning goals in the Comprehensive Plan, there was a recommendation that the City enhance the visual appearance, pedestrian environment and functionality of downtown Yorkville.

The following strategies/initiatives were listed as actionable items that should be ongoing or accomplished within 2 years of the adoption of the plan:

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

In September 2017 staff solicited Request for Proposals (RFP) for a Downtown Overlay District and Streetscape Master Plan with Form-Based Code criteria. Farr Associates was retained to complete a Master Streetscape Plan and Downtown Form-Based Code. Below is an overview of the planning process as well as a summary of the final draft documents for EDC review.

## **PLANNING PROCESS:**

Farr Associates were retained at the end of 2017 and began working on the project in January of 2018. Below is a brief timeline of the planning process and a summary of events for each stage of development:

STAGE	DATE	SUMMARY
Site & Background Analysis	Jan. 2018	Gathering information and creating a project boundary; setting up a project website
Public Workshop #1	Feb. 15, 2018	Gather public input to begin development
Streetscape and Form-Based Code Development	Mar.-Jun. 2018	Creation of initial draft
Public Workshop #2	Jun. 22, 2018	Showcase of initial draft and continue to take public input
Streetscape and Form-Based Code Revisions	Jul.-Aug. 2018	Revise from comments made at meeting

Staff Review #1	Sept. 2018	Staff review draft document and makes edits/suggestions
Streetscape and Form-Based Code Revisions	Oct.-Dec. 2018	Revise from comments made at meeting
Staff Review #2	Jan. 2019	Staff review draft document and makes edits/suggestions
Streetscape and Form-Based Code Revisions	Jan.-Feb. 2019	Revise from comments made at meeting
EDC Review	Mar. 5, 2019	EDC reviews documents prior to public release
Streetscape and Form-Based Code Revisions	Mar. 2019	Revise from comments made at meeting
Public Open House	Apr. 10, 2019	Provide the public a chance to review exhibits and plans
PZC Review	Apr. 10, 2019	PZC reviews documents and makes recommendation to City Council
Streetscape and Form-Based Code Revisions	Apr. 2019	Revise from comments made at meeting
City Council	May 14, 2019	City Council review and possible adoption

### **DOCUMENT SUMMARY:**

Attached is a draft for the Yorkville Downtown Overlay District Plan. The drafts focus on both the Streetscape Master Plan of the overlay district and the Form-Based Code. As presented, the plans are intended to establish the broader guidance for street character and development opportunities within the downtown which can be facilitated through public capital improvement projects and private redevelopment.

#### *Streetscape Master Plan*

The Streetscape Master Plan identifies the street type and classification for the four major roadways in the downtown: Bridge Street, Hydraulic Street, Van Emmon Street and Main Street (“B” Street). The plan walks through existing, near term and long-term planning solutions for each street and identifies tactical intervention opportunities (meaningful, planning/design related measures at a small cost which adds vitality and interest in the area) for each such as community art, public space lighting, painted crosswalks, outdoor restaurant seating, wall murals, etc.

A notable change to the previous draft version of the Streetscape Master Plan is that the catenary lights have been removed from Bridge Street and have been added to Van Emmon Street. After the preliminary plans were reviewed in June, staff moved forward with getting quotes and conducting feasibility assessments on pole and light locations. The Illinois Department of Transportation (IDOT) was contacted and staff was explicitly told that lights above Bridge Street would be prohibited. Staff then suggested a move to Hydraulic Street as its long-term plan would be more pedestrian oriented. With the railway right-of-way and the existing utilities above and below ground cause several issues when trying to locate the lighting. Staff conferred with Farr Associates and decided the best location would be along Van Emmon Road. This is now illustrated on pages 27 and 29.



### *Form-Based Code*

The Form-Based Code portion of the overlay district is intended to establish codified development standards for downtown and neighboring redevelopment areas. As presented in the draft of the form-based code, the proposed standards will:

1. **GUIDE** the development of a mix of uses and a pedestrian-oriented environment as established in the Yorkville Streetscape Master Plan.
2. **PROVIDE** for a mix of housing types within the overlay district and adjacent areas for people of all ages and lifestyles.
3. **ACHIEVE** development that is appropriate in scale and intensity for the Downtown Overlay District and adjacent neighborhoods.

The major components of the form-based code are the identified districts, uses, building types and site development standards. The attached draft version provides information on all of these components.

### **STAFF RECOMMENDATION:**

Staff is seeking input from the Economic Development Committee regarding these two documents. The Master Streetscape Plan and Downtown Form-Based Code will be reviewed at a public open house on April 10, 2019 at 6:00pm before the regularly scheduled Planning and Zoning Commission Meeting. It will then be reviewed by the Planning and Zoning Commission at that meeting. Revisions will be made between each meeting before being brought in front of City Council.

### **LINKS TO DOCUMENTS:**

Due to the large file size, the following links will take you to each document:

#### Streetscape Master Plan

<https://www.yorkville.il.us/DocumentCenter/View/5788/3-22-19-DRAFT-SMP>

#### Form-Based Code

[https://docs.wixstatic.com/ugd/5853ed\\_23b3b420c8374357ad3531a66ae0bd3a.pdf](https://docs.wixstatic.com/ugd/5853ed_23b3b420c8374357ad3531a66ae0bd3a.pdf)

### **PROPOSED MOTION:**

*In consideration of testimony presented during a Public Hearing on April 10, 2016 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request to adopt the proposed Downtown Overlay District which includes the Streetscape Master Plan and Form-Based Code as prepared and presented by Farr Associates dated March 2019 and summarized in a staff memorandum dated April 3, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...*

### **ATTACHMENTS:**

1. Yorkville Master Streetscape Plan
2. Yorkville Downtown Form-Based Code



# Memorandum

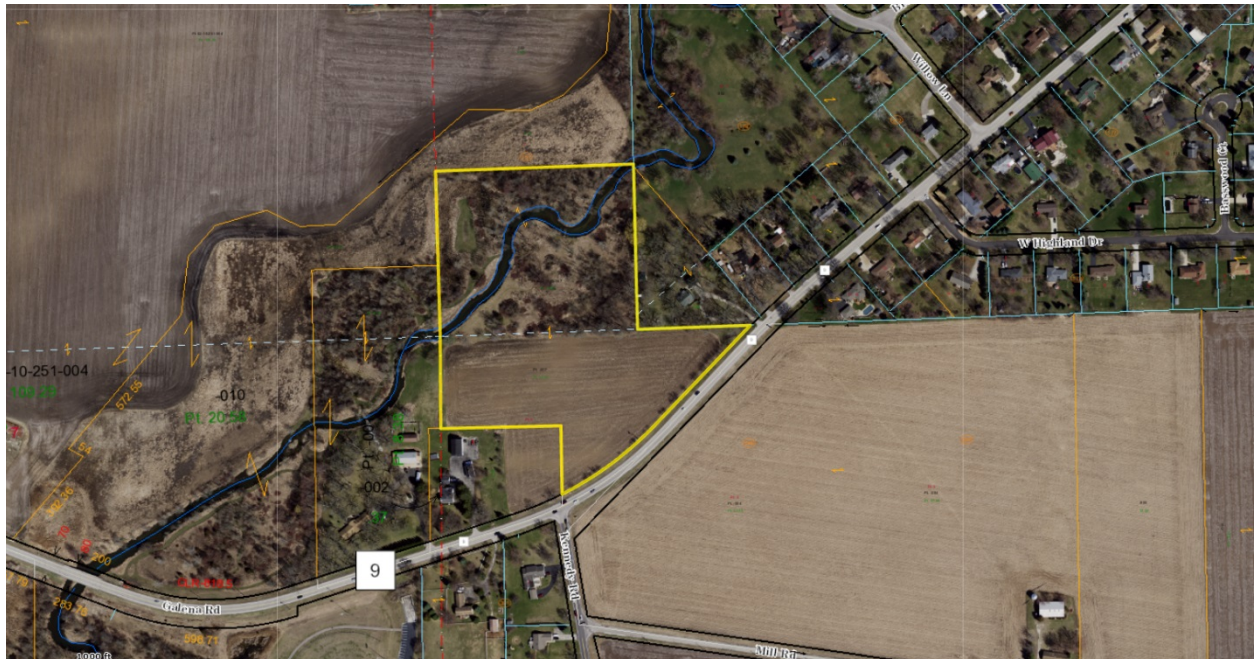
To: Economic Development Committee  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: March 18, 2019  
Subject: **PZC 2019-12** – Kendall County Petition 19-08 (Rezone) 1.5 Mile Review

---

## Proposal Summary

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the City the opportunity to review and provide comments to Kendall County. The petitioners, Daniel, Bruce, and Norma VanDeventer and Deborah Hull on behalf of the Wilbur C. VanDeventer Trust (current owner) and Diane and Craig Zimmerman (prospective buyer), are requesting a map amendment rezone for their property from A-1 Agricultural District to R-1 Residential District. The petitioners would like to construct a single-family home on the site and operate a home-based business. They may not do so due to the zoning requirements of the agricultural district in Kendall County. The 15.6-acre property is located north of the Galena Road and Kennedy Road intersection and northwest of the New Life Church Development.

As stated in the petitioner's findings of fact, they believe the use is compatible with other nearby uses in the area as the adjacent properties have single family homes constructed upon them. The potential owners are planning on conducting a carpentry business on the property which will conform to Kendall County's home occupation regulations. The home occupation will be required to be located in the primary structure, not generate more than 10 trips a day by customers or employees and may only employ one person that does not live in the residence.



### **Future Trails:**

Kendall County's Land Resource Management Plan designates a future trail along Galena Road through this property. Yorkville's Integrated Transportation Plan (ITP) designates a trail along Galena Road which ends to the west of this property (before Kennedy Road). Therefore, the City does not plan to have a trail on this property, but the petitioners should be aware of the general future transportation plans in this area.

### **Yorkville Comprehensive Plan**

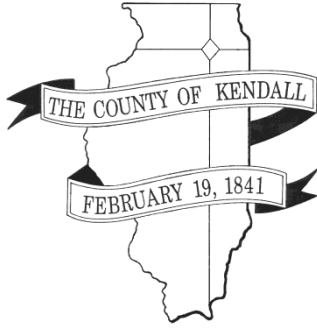
Yorkville's current 2016 Comprehensive Plan designation for this property is not stated. This property is within a mile and a half of the City's current boundary, but this property is not within the Planning Boundary of the Comprehensive Plan. This property is located on the north side of Galena Road which is in Montgomery's planning boundary. Kendall County has given the City the courtesy of review since it is within one and a half miles of the current municipal boundary. Therefore, the City of Yorkville has no future land use designation for this property.

### **Staff Recommendation & Comments**

Staff has reviewed the request for rezone and *does not* have an objection to the petitioner's request. Staff is seeking input from the Economic Development Committee for this request. This review will also be brought to the Planning and Zoning Commission at the April 10, 2019 meeting. This item was delivered to the City on March 8, 2019.

### **Attachments**

1. Application with Attachments



---

---

## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

---

---

### Petition 19-08

**Daniel, Bruce, and Norma VanDeventer and Deborah Hull on  
Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and  
Diane and Craig Zimmerman (Prospective Buyer)  
Map Amendment Rezoning Property from A-1 to R-1**

#### INTRODUCTION

Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

#### SITE INFORMATION

**PETITIONERS:** Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

**ADDRESS:** Between 7977 and 7823 Galena Road

**LOCATION:** Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road



**TOWNSHIP:** Bristol

**PARCEL #:** 02-11-300-007

**LOT SIZE:** 15.62 +/- Acres

**EXISTING LAND USE:** Agricultural

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Rural Residential (Max 0.65 DU/Acre) and Suburban Residential (Max 1.0 DU/Acre)
	Roads	Galena Road is a County Maintained Major Collector Road.
	Trails	Yorkville has a trail planned along Galena Road and Montgomery has a trail planned along Blackberry Creek.
	Floodplain/Wetlands	Blackberry Creek runs through the property and development can only the south portion of the property is outside the floodplain. There is a freshwater emergent wetland on the northwest side of the property.

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

#### **SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Forest Preserve	A-1	Forest Preserve and Rural Residential	R-3 (County) R-2, R-3, and R-5B (Montgomery)
South	Agricultural and Single-Family Residential	R-1 (County) B-3 (Yorkville)	Urban Area	A-1, R-1, and R-3 (County) R-2, B-3, and OS-2 (Yorkville)
East	Single-Family Residential	A-1 and R-3	Suburban Residential	A-1 and R-3 (County) R-2 and M-2 (Yorkville)
West	Forest Preserve and Single-Family Residential	A-1 and R-1	Rural Residential	A-1 and R-1 (County) R-3 and R-5B (Montgomery)

The aerial of the property is included as Attachment 2. Pictures of the property are included as Attachments 3-7

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated, see Attachment 1 Pages 10 and 11.

##### **NATURAL RESOURCES INVENTORY**

The application for NRI was submitted on February 19, 2019, see Attachment 1, Page 9.



**ACTION SUMMARY****BRISTOL TOWNSHIP**

Petition information was sent to Bristol Township on February 25, 2019.

**VILLAGE OF MONTGOMERY**

Petition information was sent to the Village of Montgomery on February 25, 2019.

**BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol-Kendall Protection District on February 25, 2019.

**GENERAL INFORMATION**

The Petitioner desires the map amendment in order to construct one (1) single-family home on the property.

If approved, the Zimmermans would like to run a carpentry business out of the property in accordance with Kendall County's home occupation regulations.

**BUILDING CODES**

Any new homes or accessory structures would be required to meet applicable building codes.

**ACCESS**

The property fronts Galena Road. Staff has no concerns regarding the ability of Galena Road to support the proposed map amendment.

**ODORS**

No new odors are foreseen.

**LIGHTING**

Any new lighting would be for residential use only and must in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

**SCREENING**

No fencing or buffer is presently planned for the property.

**STORMWATER**

Any new homes constructed in the floodplain would have to secure a stormwater permit.

**UTILITIES**

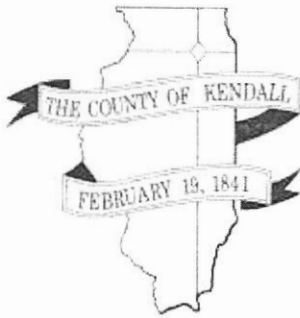
Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

**RECOMMENDATION**

Staff recommends approval of the proposed map amendment, pending submission of a proper plat of the property in question.

**ATTACHMENTS**

1. Application Materials (Including the Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Aerial
3. Looking West
4. Looking East
5. Looking Northeast
6. Looking West from Eastern Neighbor
7. Intersection of Kennedy and Galena Roads



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

## APPLICATION

PROJECT NAME Zimmerman Re-Zoning FILE #: 14-08

NAME OF APPLICANT <u>Craig &amp; Diane Zimmerman</u>		
CURRENT LANDOWNER/NAME(s) <u>Wilber C. Van Denter Trust</u>		
SITE INFORMATION ACRES <u>15.62 acres</u>	SITE ADDRESS OR LOCATION <u>8225 Galena Rd</u>	ASSESSOR'S ID NUMBER (PIN) <u>02-11-300-007</u>
EXISTING LAND USE <u>Ag</u>	CURRENT ZONING <u>A-1</u>	LAND CLASSIFICATION ON LRMP <u>Rural Residential</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u> )	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<sup>1</sup> PRIMARY CONTACT <u>Boyd Ingemunson</u>	PRIMARY CONTACT MAILING ADDRESS <u>759 John St.</u>	PRIMARY CONTACT EMAIL <u>boydingemunson@gmail.com</u>
PRIMARY CONTACT PHONE # <u>630 553-5622</u>	PRIMARY CONTACT FAX # <u>630 553-7958</u>	PRIMARY CONTACT OTHER # (Cell, etc.) <u>630 913-1950</u>
<sup>2</sup> ENGINEER CONTACT <u>N/A</u>	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT 		DATE <u>2/15/19</u>

 FEE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

*Existing uses of property within the general area of the property in question.*

Residential / Agricultural

*The Zoning classification of property within the general area of the property in question.*

R-1 / R-3 / ~~A-1~~ A-1

*The suitability of the property in question for the uses permitted under the existing zoning classification.*

property is suitable

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.*

~~there~~ Development trending  
to Residential Use

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*

~~Consid~~ Consistent with  
LRMP



Justification for Re-Zoning

Petitioner's are seeking to re-zone the property to R-1 to build a residence and an outbuilding. Upon re-zoning Petitioner's would be seeking to utilize the property for a home occupation as permitted in the Kendall County Zoning Ordinance.

02/01/2019

**Fidelity National Title Insurance Company**  
**A.L.T.A. COMMITMENT**

WTC File No. :YVL-CRE-2019KL-263.0

MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.20 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.59 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 52 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS. EXCEPT THAT PART LYING IN SECTION 10, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOS.

PERMANENT TAX NUMBER: 02-11-300-007

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Law Office of Lisa A. Coffey, P.C.  
3408 Orchard Road  
Oswego, IL 60543

Agent for:  
Fidelity National Title Insurance Company

9710045 10/06/1997 03:09P 1 of 1  
 PAUL Anderson, Kendall County, IL Recorder

Form 750, 10P  
 AMERICAN LEGAL FORMS, CHICAGO, IL 60611-1012

**WARRANTY DEED**  
**Statutory (ILLINOIS) (General)**

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty of merchantability or fitness for a particular purpose.

**THE GRANTOR (NAME AND ADDRESS)**

WILBUR VAN DEVENTER and  
 JESSIE VAN DEVENTER, his wife,  
 8225 Galena Road  
 Bristol, Illinois 60512

(The Above Space For Recorder's Use Only)

of the \_\_\_\_\_ of \_\_\_\_\_ County  
 of \_\_\_\_\_ State of \_\_\_\_\_  
 for and in consideration of \_\_\_\_\_ DOLLARS, (\$10.00)  
 in hand paid, CONVEY and WARRANT to  
 THE WILBUR C. VANDEVENTER DECLARATION OF TRUST DATED SEPTEMBER 15, 1997,  
 Wilbur C. VanDeventer, Trustee, 8225 Galena Road, Bristol, Illinois 60512

(NAMES AND ADDRESS OF GRANTEE(S))

the following described Real Estate situated in the County of \_\_\_\_\_ in the State of Illinois, to wit:  
 (See reverse side for legal description.) hereby releasing and waiving all rights under and by virtue of the Homestead  
 Exemption Laws of the State of Illinois. SUBJECT TO: General taxes for \_\_\_\_\_ and subsequent years and  
 covenants, conditions, restrictions and easements of record.

Permanent Index Number (PIN): 02-11-300-007

Address(es) of Real Estate: 8225 Galena Road, Bristol, Illinois 60512

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19 97

PLEASE  
 PRINT OR  
 TYPE NAME(S)  
 BELOW  
 SIGNATURE(S)

Wilbur VanDeventer (SEAL)  
 Jessie VanDeventer (SEAL)

State of Illinois, County of DuPage ss. I, the undersigned, a Notary Public in and for  
 said County, in the State aforesaid, DO HEREBY CERTIFY that  
 Wilbur VanDeventer and Jessie VanDeventer, his wife  
 personally known to me to be the same persons whose names are  
 subscribed in the foregoing instrument, appeared before me this day in person,  
 and acknowledged that they signed, sealed and delivered the said  
 instrument as their free and voluntary act, for the uses and purposes  
 therein set forth, including the release and waiver of the right of homestead.

IMPRESS SEAL HERE

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_ 19 97

Commission expires \_\_\_\_\_

John D. Gutzke, ROLEWICK & GUTZKE, P.C. (cjp)  
 1776 S. Naperville Road, Ste 104A, Wheaton, IL 60187-8133

PAGE 1 SEE REVERSE SIDE ►

**Legal Description**

of premises commonly known as 8225 Galena Road, Bristol, Illinois 60512

This Transaction is exempt from the Real Estate  
Transfer Tax Act pursuant to 35 ILCS 200/31-45 (a).  
Dated: 7-28-77 By: [REDACTED]

John D. Gutake, Esquire (cjp)  
ROLEWICK & GUTAKE, P.C.  
MAIL TO: { 1776 S. Naperville Road, Ste 104A  
Wheaton, IL 60187-8133

**SEND SUBSEQUENT TAX BILLS TO:**

Mr. Wilbur C. VanDeventer  
(Name)

OR RECORDER'S OFFICE BOX NO. \_\_\_\_\_

LEGAL DESCRIPTION

THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 666.52 FEET TO THE ORIGINAL CENTER LINE OF GALENA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.32 FEET TO A LINE DRAWN PARALLEL WITH AND 66.00 FEET, NORMALLY DISTANT, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.10 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.90 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 52 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 02-11-300-007

P10+  
 more

# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
2. Nature of Benefit Sought \_\_\_\_\_
3. Nature of Applicant: (Please check one)  
☐ Natural Person  
☐ Corporation  
☐ Land Trust/Trustee  
☒ Trust/Trustee  
☐ Partnership  
☐ Joint Venture
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Daniel VanDeventer		1/4
Bruce VanDeventer		1/4
Deborah Hull		1/4
Norma VanDeventer		1/4

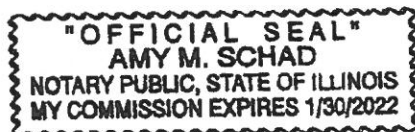
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

Daniel VanDeventer, Trustee of the Wilbur C. VanDeventer Declaration of Trust dtd 9/15/1997

I, Daniel VanDeventer, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 18th day of February, A.D. 2019

(seal)



Notary Public



Kendall County Soil & Water  
Conservation District

RECEIVED

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3

BY: MEA



www.kendallswcd.org

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Craig & Diane Zimmerman Contact Person: Boyd Ingersun  
Address: 759 John St.  
City, State, Zip: Yorkville IL 60560  
Phone Number: ( ) 630 553-5622  
Email: boyd.ingersun@gmail.com

Please select: How would you like to receive a copy of the NRI Report? ☒ Email ☐ Mail

#### Site Location & Proposed Use

Township Name Bristol Township 37 N, Range 7 E, Section(s) 10  
Parcel Index Number(s) 02-11-300-007  
Project or Subdivision Name Zimmerman Re-Zoning Number of Acres 15.62  
Current Use of Site Ag Proposed Use Residential  
Proposed Number of Lots 1 Proposed Number of Structures 2  
Proposed Water Supply well Proposed type of Wastewater Treatment Septic  
Proposed type of Storm Water Management n/a

#### Type of Request

- ☒ Change in Zoning from A-1 to R-1  
☐ Variance (Please describe fully on separate page)  
☐ Special Use Permit (Please describe fully on separate page)  
Name of County or Municipality the request is being filed with: \_\_\_\_\_

In addition to this completed application form, please including the following to ensure proper processing:

- ☒ Plat of Survey/Site Plan – showing location, legal description and property measurements  
☐ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.  
☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies  
☒ NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.  
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ 375.00
Additional Acres at \$18.00 each	\$ 198
<b>Total NRI Fee</b>	<b>\$ 573</b>

**NOTE:** Applications are due by the 1<sup>st</sup> of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

Petitioner or Authorized Agent

Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

#### FOR OFFICE USE ONLY

NRI# 1904 Date Initially rec'd 2/19/19 Date all rec'd \_\_\_\_\_ Board Meeting March 11, 2019  
Fee Due \$ \_\_\_\_\_ Fee Paid \$ 573.00 Check #        Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_



1 of 3 Find | Next



**Applicant:** Craig and Diane Zimmerman  
**Contact:** Boyd Ingemunson  
**Address:** [REDACTED]

**IDNR Project Number:** 1907946  
**Date:** 02/19/2019

**Project:** Zimmerman Rezoning  
**Address:** 8225 Galena Road, Bristol

**Description:** Rezoning property from A-1 to R-1 on the north side of Galena Road across from Kennedy Road.

### Natural Resource Review Results

#### ~~Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)~~

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

**Consultation is terminated.** This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

**County:** Kendall

**Township, Range, Section:**

37N, 7E, 10

37N, 7E, 11



**IL Department of Natural Resources**  
**Contact**  
Justin Dillard  
217-785-5500  
Division of Ecosystems & Environment

**Government Jurisdiction**  
Kendall County  
Matthew Asselmeier  
111 W. Fox Street  
Yorkville, Illinois 60560 -1621

#### **Disclaimer**

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

#### **Terms of Use**

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act. Illinois Natural



1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

Page 1 of 3

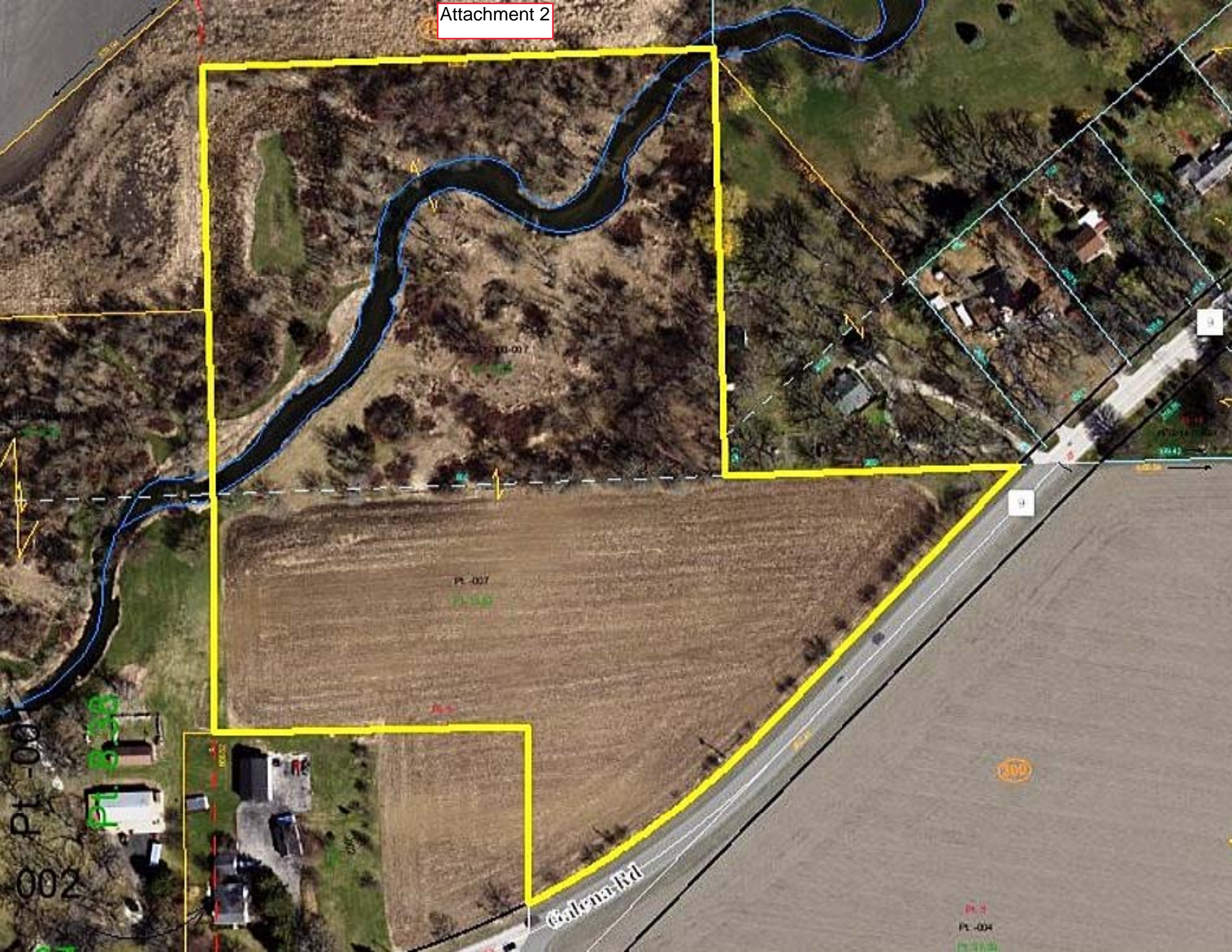
CONSENT FOR RE-ZONING APPLICATION

I, Daniel VanDeventer, Trustee of the Wilbur C. VanDeventer Declaration of Trust dated September 15, 1997, hereby consent to Craig and Diane Zimmerman proceeding with the application with Kendall County to re-zone property identified under parcel # 02-11-300-007 from A-1 to R-1. Said consent is contingent upon the applicants closing on the purchase of the property prior to the re-zoning.



Daniel VanDeventer, Trustee







Attachment 3 Looking West





Attachment 4 Looking East









Attachment 6 Looking West from Eastern Neighbor





Attachment 7 Intersection of Kennedy and Galena Roads







# Memorandum

To: Planning and Zoning Commission  
 From: Krysti J. Barksdale-Noble, Community Development Director  
 CC: Bart Olson, City Administrator  
 Date: March 12, 2019  
 Subject: **PZC 2019-13 Grande Reserve – Unit 23**  
**Final Plat Approval for the Resubdivision of Certain Lots**

## Request Summary:

The successor developer for the Grande Reserve subdivision, Grande Reserve Chicago ASLI VI, LLP (Avanti Group), is seeking to revise the parcel dimensions for six (6) home lots and two (2) common space areas within Unit 23 (Neighborhood 1). The request is to resubdivide the existing final plats for each homesite parcel to extend the rear lot lines approximately 20 feet (16.35' at the shortest to 21.95' at the longest) within the adjacent common space to accommodate a newer model ranch home, yet still meet requisite setback regulations for the R-2 zoning district. The new lot configuration would make the lots almost symmetrical to the adjoining parcels within the cul-de-sacs they are located and does not significantly decrease the open space character of the planned development in this neighborhood.

## Proposed Amended Final Plat:



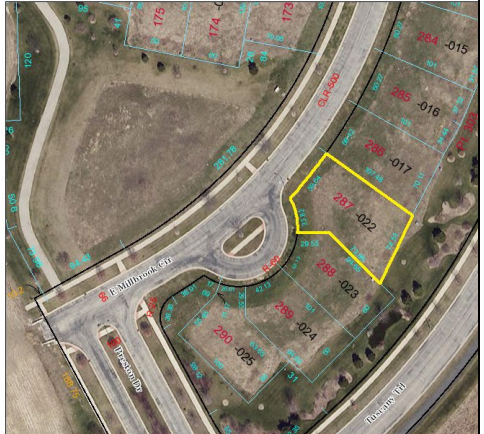

The original Final Plat for Unit 23 of the Grande Reserve was approved in 2006 via Resolution No. 2006-61 and recorded as Document No. 2006000440560 and was subsequently amended in 2007 (Document No. 200700018963). The amendment in 2007 adjusted the overall lot sizes for 21 lots. Below is an analysis of the proposed six (6) home lots proposed to be changed by the proposed resubdivided final plat.

## **Parcels Adjacent to Common Open Space #1 (Lot 3034) = 6.13 acres (267,022.80 sq. ft.)**

	Lot	Address	Proposed Increase Area	Image
1	202	2810 Sheridan Ct	60' x 19.50' = 1,143 sq. ft.	
2	232	4477 E Millbrook Cir	60' x 19.35' = 1,161 sq. ft.	
<b>TOTAL AREA</b>			<b>2,304 sq. ft.</b>	

**% Change in common open space = 0.0086%**

**Parcels Adjacent to Common Open Space #2 (Lot 3033) = 7.31 acres (318,423.60 sq. ft.)**

	Lot	Address	Proposed Increase Area	Image
3	239	4468 E Millbrook Cir	60' x 21.35' = 1,281 sq. ft.	
4	251	2843 Silver Springs Ct	60' x 21.35' = 1,281 sq. ft.	
5	287	4228 E Millbrook Cir	74.53' x 21.95' = 1,635 sq. ft.	
6	290	4208 E Millbrook Cir	60' x 16.35' = 981 sq. ft.	
<b>TOTAL AREA</b>			<b>5,178 sq. ft.</b>	

**% Change in common open space = 0.0162%**

The two (2) common space lots effected by the lot size increases are Lots 3033 and 3034. Lot 3033 is identified as a stormwater management facility and Lot 3034 is community open space. Both lots are owned by the developer and will be turned over to the homeowners' association at a future date.

**Staff Comments/Recommendation:**

It is staff opinion that the revised rear yard setback is in keeping with the width and depth required for similar permitted uses in the R-2 zoning district and consistent with the immediately adjacent rear lot lines of abutting parcels. Additionally, the City's engineering consultant, EEI, has reviewed the attached proposed amended plats and find them in conformance with the subdivision control ordinance regulations and does not have any concern regarding impairment to the capacity of the stormwater management facility resulting from the proposed lot revisions. Therefore, we recommend **approval** of the Final Plat of Resubdivision as currently presented.

**Proposed Motion:**

***In consideration of the proposed Final Plat of Resubdivision of Lots 202, 232, 239, 251, 287, 290, 3033 and 3034 of Grande Reserve – Unit 23, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in a plan prepared by Weaver Consultant Group, date last revised March 8, 2019, and further subject to {insert any additional conditions of the Planning and Zoning Commission}...***

**Attachments:**

1. Copy of Petitioner's Application
2. Final Plat of Resubdivision of Lots 202, 232, 239, 251, 287, 290, 3033 and 3034 of Grande Reserve – Unit 23 prepared by Weaver Consultant Group date last revised 03/08/19.



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

# APPLICATION FOR PRELIMINARY PLAN & FINAL PLAT

INVOICE & WORKSHEET PETITION APPLICATION			
<b>CONCEPT PLAN REVIEW</b>	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
<b>AMENDMENT</b>	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Plat <input checked="" type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$ 1000.00
<b>ANNEXATION</b>	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>REZONING</b>	<input type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i>  _____ - 5 = _____ x \$10 = _____ + \$200 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>SPECIAL USE</b>	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>ZONING VARIANCE</b>	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
<b>PRELIMINARY PLAN FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>PUD FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>FINAL PLAT FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>ENGINEERING PLAN REVIEW DEPOSIT</b>	<input checked="" type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$1,000.00 \$2,500.00 \$5,000.00 \$10,000.00 \$20,000.00	Total: \$ 1000.00
<b>OUTSIDE CONSULTANTS DEPOSIT</b> <i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input checked="" type="checkbox"/> Less than 2 acres <input type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres			\$1,000.00 \$2,500.00 \$5,000.00 Total: \$ 1000.00
<b>TOTAL AMOUNT DUE:</b>			3,000.00



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

## APPLICATION FOR PRELIMINARY PLAN & FINAL PLAT

DATE: 7/16/18	PZC NUMBER:	DEVELOPMENT NAME: Grand Reserve
<b>PETITIONER INFORMATION</b>		
NAME: Scott Shelton		COMPANY: NVR, dba Ryan Homes
MAILING ADDRESS: 850 E Diehl Road, Suite 120		
CITY, STATE, ZIP: Naperville, IL 60653		TELEPHONE: 630 445 2490
EMAIL: <a href="mailto:sshelton@nvrinc.com">sshelton@nvrinc.com</a>		FAX: 630 445 2501
<b>PROPERTY INFORMATION</b>		
NAME OF HOLDER OF LEGAL TITLE: Grande Reserve (Chicago) ASLI VI, LLLP		
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:		
PROPERTY STREET ADDRESS: 2810 Sheridan Court; 4477, 4228, 4208 and 4468 E. Millbrook Circle; 2843 Silver Springs Court		
TYPE OF REQUEST:		
<input type="checkbox"/> PRELIMINARY PLAN <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> AMENDED PRELIMINARY PLAN <input checked="" type="checkbox"/> AMENDED FINAL PLAT		
TOTAL LOT ACREAGE:		CURRENT ZONING CLASSIFICATION: PUD R-2
<b>ATTACHMENTS</b>		
Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".		





United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

# APPLICATION FOR PRELIMINARY PLAN & FINAL PLAT

## ATTORNEY INFORMATION

NAME: n/a

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## ENGINEER INFORMATION

NAME: n/a

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## LAND PLANNER/SURVEYOR INFORMATION

NAME: n/a

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## 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.

7/16/18

PETITIONER SIGNATURE

DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE

DATE



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

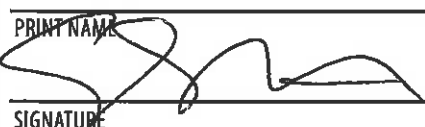
## APPLICATION FOR PRELIMINARY PLAN & FINAL PLAT

<b>ATTORNEY INFORMATION</b>	
NAME: n/a	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
<b>ENGINEER INFORMATION</b>	
NAME: n/a	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
<b>LAND PLANNER/SURVEYOR INFORMATION</b>	
NAME: n/a	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
<b>AGREEMENT</b>	
<p>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.</p>	
<p>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.</p>	
	7/16/18
PETITIONER SIGNATURE	DATE
OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.	
See below signature block	7/19/18
OWNER SIGNATURE	DATE
<p>GRANDE RESERVE (CHICAGO) ASLI VI, L.L.P., a Delaware limited liability limited partnership By: Avanti Properties Group II, L.L.P., a Delaware limited liability limited partnership, its sole general partner By: Avanti Management Corporation, a Florida corporation, its sole general partner</p>	
By:  Andrew Dulm, Executive Vice President	



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

## PETITIONER DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

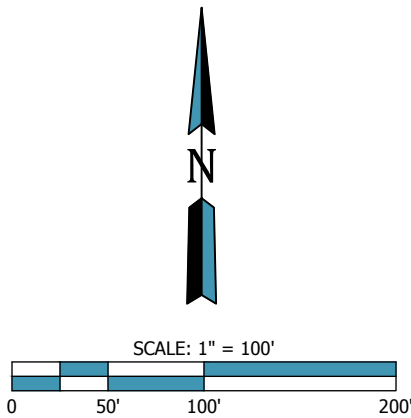
PROJECT NUMBER: Scott Pjesky	FUND ACCOUNT NUMBER: NVR, dba Ryan Homes	PROPERTY ADDRESS: 850 E Diehl Road, Suite 120
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input checked="" type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> FINAL PLAT
<b>PETITIONER DEPOSIT ACCOUNT FUND:</b> It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the <b>INVOICE &amp; WORKSHEET PETITION APPLICATION</b> . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
<b>ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY</b>		
NAME: Scott Pjesky		COMPANY: NVR, dba Ryan Homes
MAILING ADDRESS: 850 E Diehl Road, Suite 120		
CITY, STATE, ZIP: Naperville, IL 60653		TELEPHONE: 630 445-2490
EMAIL: sshelton@nvrinc.com		FAX: 630 445 2501
<b>FINANCIALLY RESPONSIBLE PARTY:</b> I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
Scott Pjesky PRINT NAME		VP and Division Manager TITLE
 SIGNATURE		7/16/18 DATE
<b>ACCOUNT CLOSURE AUTHORIZATION</b>		
DATE REQUESTED: _____	<input checked="" type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV	<input type="checkbox"/> BUILDING
	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> FINANCE
	<input type="checkbox"/> ADMIN	



Copyright © 2019 Weaver Consultants Group. All rights reserved.

P.I.N. 02-11-227-001  
P.I.N. 02-11-227-031  
P.I.N. 02-11-227-034  
P.I.N. 02-11-228-001  
P.I.N. 02-11-228-078  
P.I.N. 02-11-228-082  
P.I.N. 02-11-229-022  
P.I.N. 02-11-229-025

FINAL PLAT  
RESUBDIVISION OF LOTS 202, 232, 239, 251, 287, 290, 3033 AND 3034  
OF  
GRANDE RESERVE – UNIT 23



LEGAL DESCRIPTION

BEING A RESUBDIVISION OF LOTS 3033 AND 3034 IN GRANDE RESERVE – UNIT 23, DOCUMENT NUMBER 200600040560, AND LOTS 202, 232, 239, 252, 287 AND 290 IN THE AMENDED PLAT OF PART OF GRANDE RESERVE – UNIT 23, DOCUMENT NUMBER 200700018963, ALL PART OF THE SOUTHEAST QUARTER OF SECTION 2, PART OF THE NORTHEAST QUARTER OF SECTION 11, AND PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

LINE TABLE		
LINE #	LENGTH	DIRECTION
L106	29.55'	S00°37'20"W
L107	29.55'	S88°40'49"W
L108	94.65'	N45°20'55"W
L109	94.65'	S45°20'55"E
L110	120.00'	N44°39'05"E
L112	29.55'	S19°55'24"W
L114	29.55'	N05°33'54"E
L115	2.50'	N63°57'08"E
L116	29.55'	S19°55'24"W
L117	11.17'	N39°01'19"E
L118	11.17'	N88°52'57"E
L119	33.03'	S72°01'08"E
L120	11.17'	N39°01'19"E
L121	11.17'	S13°32'01"E

CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C9	43.70'	60.00'	S74°15'04"E	42.74'
C10	43.94'	533.00'	N58°02'04"E	43.93'
C11	28.56'	25.00'	S16°46'38"W	27.03'
C12	55.40'	250.00'	S34°24'05"E	55.28'
C13	39.57'	25.00'	S86°05'36"E	35.57'
C14	33.82'	60.00'	N11°43'43"W	33.37'
C15	59.64'	533.00'	N39°51'36"E	59.61'
C16	281.78'	467.00'	N44°39'39"E	277.53'
C17	26.01'	60.00'	N63°23'49"W	25.81'
C18	26.01'	60.00'	S88°53'07"W	25.81'
C19	26.01'	60.00'	S63°23'49"E	25.81'
C20	26.01'	60.00'	S11°18'05"W	25.81'



LEGEND

N.E.A. NON EASEMENT AREA  
P.U. & D.E. PUBLIC UTILITY & DRAINAGE EASEMENT  
B.S.L. BUILDING SETBACK LINE  
■ SET CONCRETE MONUMENT

LINE LEGEND

BOUNDARY  
EXISTING LOTS  
RIGHT-OF-WAY  
CENTERLINE  
BUILDING SETBACK LINE  
EASEMENT

SURVEY NOTES

- BEARINGS SHOWN HEREON BASED ON RECORDED PLAT OF SUBDIVISION OF GRANDE RESERVE UNIT 23.
- ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS PART OF THIS SURVEY.
- ALL AREAS ARE MORE OR LESS.
- COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCES AT ONCE.
- NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
- ALL STATEMENTS AND INFORMATION SHOWN HEREON ARE TO THE SURVEYOR'S BEST KNOWLEDGE AND BELIEF.
- SET 3/4" IRON PIPE AT ALL LOT CORNERS UNLESS SHOWN OTHERWISE.
- A BLANKET PUBLIC UTILITY AND DRAINAGE EASEMENT IS HERETOFORE GRANTED OVER ALL PORTIONS OF LOTS 1 AND 2 EXCEPT FOR THE N.E.A. (NON EASEMENT AREA) AS DEPICTED.
- LOTS 1 AND 2 SHALL BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION.
- THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO GALENA ROAD (CANNONBALL TRAIL) EXCEPT THROUGH DEDICATED ROADWAYS.
- ALL COURTS ARE PRIVATE STREETS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

No.	DATE	REVISION DESCRIPTION
1	2/4/2019	REVISION SUBDIVISION NAME
2	02/27/19	REVISION SUBDIVISION NAME
3	03/08/19	PER CITY ENGINEER REVIEW



COMPILED © 2018 WEAVER CONSULTANTS GROUP. ALL RIGHTS RESERVED.

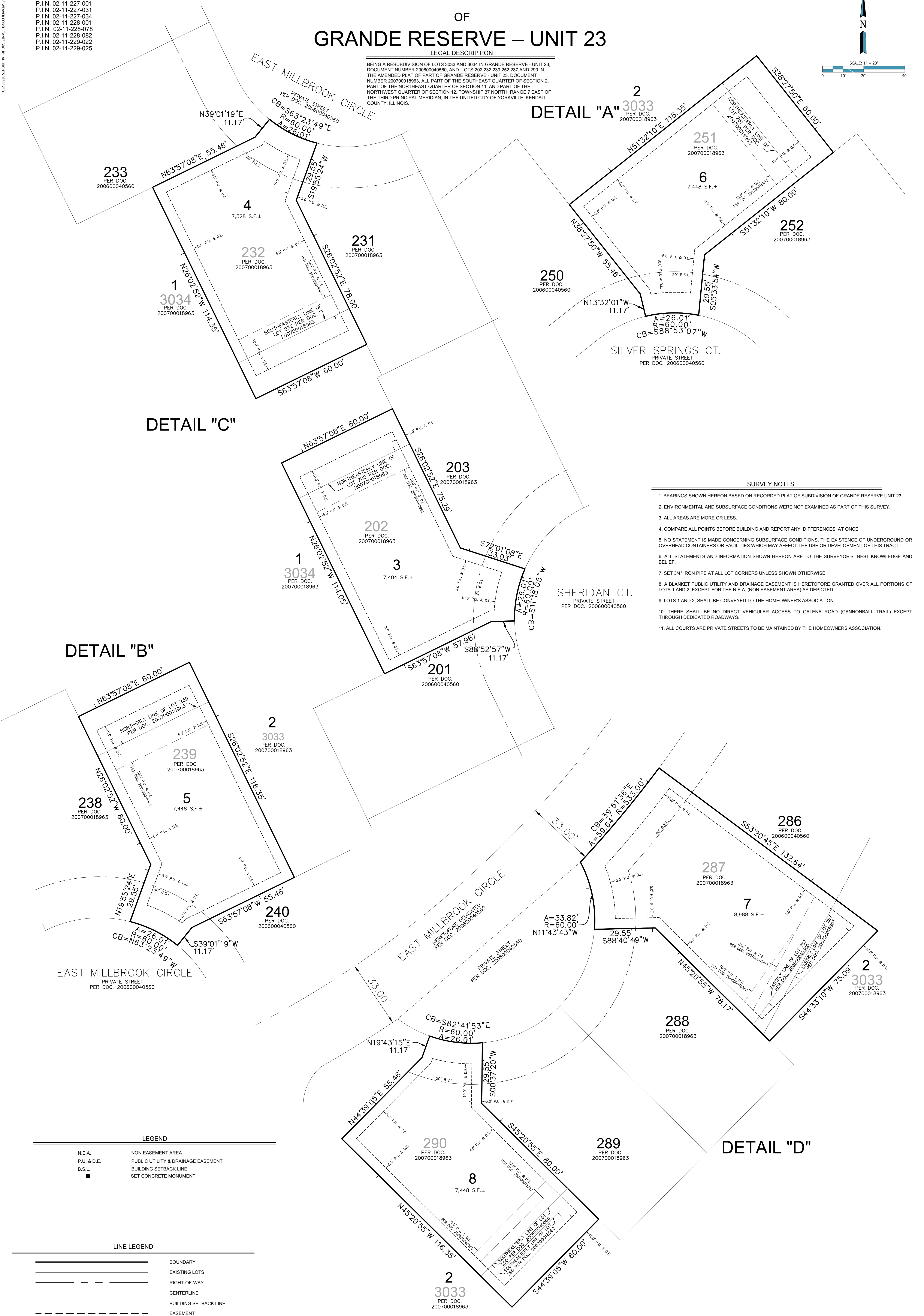
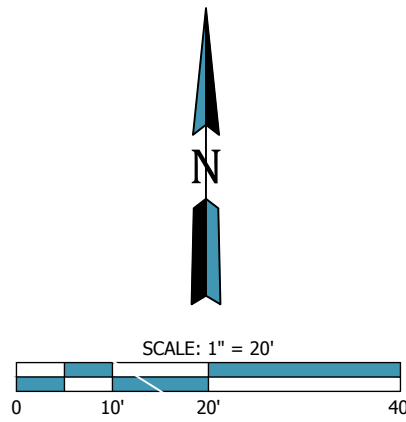
P.I.N. 02-11-227-001  
P.I.N. 02-11-227-031  
P.I.N. 02-11-227-034  
P.I.N. 02-11-228-001  
P.I.N. 02-11-228-078  
P.I.N. 02-11-228-082  
P.I.N. 02-11-229-022  
P.I.N. 02-11-229-025

# RESUBDIVISION OF LOTS 202, 232, 239, 251, 287, 290, 3033 AND 3034

## OF GRANDE RESERVE – UNIT 23

### LEGAL DESCRIPTION

BEING A RESUBDIVISION OF LOTS 3033 AND 3034 IN GRANDE RESERVE - UNIT 23, DOCUMENT NUMBER 200600040560, AND LOTS 202, 232, 239, 252, 287 AND 290 IN THE AMENDED PLAT OF PART OF GRANDE RESERVE - UNIT 23, DOCUMENT NUMBER 200700018963, ALL PART OF THE SOUTHEAST QUARTER OF SECTION 2, PART OF THE NORTHEAST QUARTER OF SECTION 11, AND PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.



### SURVEY NOTES

1. BEARINGS SHOWN HEREON BASED ON RECORDED PLAT OF SUBDIVISION OF GRANDE RESERVE UNIT 23.
2. ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS PART OF THIS SURVEY.
3. ALL AREAS ARE MORE OR LESS.
4. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCES AT ONCE.
5. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
6. ALL STATEMENTS AND INFORMATION SHOWN HEREON ARE TO THE SURVEYOR'S BEST KNOWLEDGE AND BELIEF.
7. SET 3/4" IRON PIPE AT ALL LOT CORNERS UNLESS SHOWN OTHERWISE.
8. A BLANKET PUBLIC UTILITY AND DRAINAGE EASEMENT IS HERETOFORE GRANTED OVER ALL PORTIONS OF LOTS 1 AND 2, EXCEPT FOR THE N.E.A. (NON EASEMENT AREA) AS DEPICTED.
9. LOTS 1 AND 2, SHALL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.
10. THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO GALENA ROAD (CANNONBALL TRAIL) EXCEPT THROUGH DEDICATED ROADWAYS.
11. ALL COURTS ARE PRIVATE STREETS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

### LEGEND

- |             |                                    |
|-------------|------------------------------------|
| N.E.A.      | NON EASEMENT AREA                  |
| P.U. & D.E. | PUBLIC UTILITY & DRAINAGE EASEMENT |
| B.S.L.      | BUILDING SETBACK LINE              |
| ■           | SET CONCRETE MONUMENT              |

### LINE LEGEND

- |       |                       |
|-------|-----------------------|
| —     | BOUNDARY              |
| - - - | EXISTING LOTS         |
| - - - | RIGHT-OF-WAY          |
| - - - | CENTERLINE            |
| - - - | BUILDING SETBACK LINE |
| - - - | EASEMENT              |

SHEET 2 OF 3  
DATE: 10/04/2018  
REV: 3664-316-09  
DOC: PLAT OF SUBDIVISION

WEAVER CONSULTANTS GROUP  
NAPERVILLE, ILLINOIS 60563  
(630) 717-4848  
WWW.WCGROUP.COM

**Weaver Consultants Group**

No.	DATE	REVISION DESCRIPTION
1	2/4/2019	REVISION SUBDIVISION NAME
2	02/27/19	REVISION SUBDIVISION NAME
3	03/08/19	PER CITY ENGINEER REVIEW

RESUBDIVISION OF LOTS 202, 232, 239, 251, 287, 290, 3033 AND 3034 OF GRANDE RESERVE – UNIT 23  
YORKVILLE, ILLINOIS

PREPARED FOR  
**NVR RYAN HOMES**  
850 E. DIEHL ROAD  
SUITE 120  
NAPERVILLE, IL 60563

- ☒ DRAFT  
☐ RELEASED FOR BID  
☐ APPROVED FOR CONSTRUCTION  
☐ CLIENT APPROVAL BY: \_\_\_\_\_



P.I.N. 02-11-227-001  
P.I.N. 02-11-227-031  
P.I.N. 02-11-227-034  
P.I.N. 02-11-228-001  
P.I.N. 02-11-228-078  
P.I.N. 02-11-228-082  
P.I.N. 02-11-229-022  
P.I.N. 02-11-229-025

FINAL PLAT  
RESUBDIVISION OF LOTS 202, 232, 239, 251, 287, 290, 3033 AND 3034  
OF  
GRANDE RESERVE – UNIT 23

LEGAL DESCRIPTION

BEING A RESUBDIVISION OF LOTS 3033 AND 3034 IN GRANDE RESERVE - UNIT 23, DOCUMENT NUMBER 200600040560, AND LOTS 202,232,239,252,287 AND 290 IN THE AMENDED PLAT OF PART OF GRANDE RESERVE - UNIT 23, DOCUMENT NUMBER 200700018963, ALL PART OF THE SOUTHEAST QUARTER OF SECTION 2, PART OF THE NORTHEAST QUARTER OF SECTION 11, AND PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

OWNERS CERTIFICATE

STATE OF \_\_\_\_\_ )  
 ) S.S.  
COUNTY OF \_\_\_\_\_ )

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED ON THE ATTACHED PLAT AND HAS (HAVE) CAUSED THE SAME TO BE SURVEY, SUBDIVIDED AND PLATTED AS SHOWN BY THE PLAT FOR THE USES AND PURPOSES AS INDICATED THEREON, AND DOES HERBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

THE UNDERSIGNED HEREBY DEDICATES FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT FOR THOROUGHFARES, STREETS, ALLEYS AND PUBLIC SERVICES; AND HEREBY ALSO RESERVES FOR ANY ELECTRIC, GAS, TELEPHONE, CABLE TV OR OTHER TELECOMMUNICATIONS COMPANY UNDER FRANCHISE AGREEMENT WITH THE UNITED CITY OF YORKVILLE, THEIR SUCCESSORS AND ASSIGNS, THE EASEMENT PROVISIONS WHICH ARE STATED HEREON.

THE UNDERSIGNED FURTHER CERTIFIES THAT ALL OF THE LAND INCLUDED IN THIS PLAT LIES WITHIN THE BOUNDARIES OF YORKVILLE COMMUNITY UNIT SCHOOL DISTRICT 115.

WITNESS MY (OUR) HAND AND SEAL AT \_\_\_\_\_, \_\_\_\_\_

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
OWNER (SIGNATURE) OWNER (PRINTED NAME)

NOTARY'S CERTIFICATE

STATE OF \_\_\_\_\_ )  
 ) S.S.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, NOTARY PUBLIC IN AND FOR THE STATE

AND COUNTY AFORESAID, HEREBY CERTIFY THAT \_\_\_\_\_

AND \_\_\_\_\_, PERSONALLY KNOW TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENTS FOR THE USES AND PURPOSES THEREIN SET FORTH AS HIS (HER)(THEIR) FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

OWNERS CERTIFICATE

STATE OF \_\_\_\_\_ )  
 ) S.S.  
COUNTY OF \_\_\_\_\_ )

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED ON THE ATTACHED PLAT AND HAS (HAVE) CAUSED THE SAME TO BE SURVEY, SUBDIVIDED AND PLATTED AS SHOWN BY THE PLAT FOR THE USES AND PURPOSES AS INDICATED THEREON, AND DOES HERBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

THE UNDERSIGNED HEREBY DEDICATES FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT FOR THOROUGHFARES, STREETS, ALLEYS AND PUBLIC SERVICES; AND HEREBY ALSO RESERVES FOR ANY ELECTRIC, GAS, TELEPHONE, CABLE TV OR OTHER TELECOMMUNICATIONS COMPANY UNDER FRANCHISE AGREEMENT WITH THE UNITED CITY OF YORKVILLE, THEIR SUCCESSORS AND ASSIGNS, THE EASEMENT PROVISIONS WHICH ARE STATED HEREON.

THE UNDERSIGNED FURTHER CERTIFIES THAT ALL OF THE LAND INCLUDED IN THIS PLAT LIES WITHIN THE BOUNDARIES OF YORKVILLE COMMUNITY UNIT SCHOOL DISTRICT 115.

WITNESS MY (OUR) HAND AND SEAL AT \_\_\_\_\_, \_\_\_\_\_

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
OWNER (SIGNATURE) OWNER (PRINTED NAME)

NOTARY'S CERTIFICATE

STATE OF \_\_\_\_\_ )  
 ) S.S.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, NOTARY PUBLIC IN AND FOR THE STATE

AND COUNTY AFORESAID, HEREBY CERTIFY THAT \_\_\_\_\_

AND \_\_\_\_\_, PERSONALLY KNOW TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENTS FOR THE USES AND PURPOSES THEREIN SET FORTH AS HIS (HER)(THEIR) FREE AND VOLUNTARY ACT.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

CITY ADMINISTRATOR'S CERTIFICATE

STATE OF ILLINOIS )  
 ) JSS  
COUNTY OF KENDALL )

APPROVED AND ACCEPTED BY THE CITY ADMINISTRATOR OF THE UNITED CITY OF YORKVILLE, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY ADMINISTRATOR

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS )  
 ) JSS  
COUNTY OF KENDALL )

I, \_\_\_\_\_, COUNTY CLERK OF KENDALL COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT HEREIN DRAWN.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT YORKVILLE, ILLINOIS,

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS )  
 ) S.S.  
COUNTY OF KENDALL )

I, \_\_\_\_\_, CITY ENGINEER FOR THE UNITED CITY OF YORKVILLE, DO HEREBY CERTIFY THAT THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR THE REQUIRED GUARANTEE COLLATERAL HAS BEEN POSTED FOR THE COMPLETION OF ALL REQUIRED IMPROVEMENTS.

DATED AT YORKVILLE, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY ENGINEER

RECORDER'S CERTIFICATE

STATE OF ILLINOIS )  
 ) JSS  
COUNTY OF KENDALL )

THIS INSTRUMENT NO. \_\_\_\_\_, WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS,

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M.

\_\_\_\_\_  
RECORDER OF DEEDS

KENDALL COUNTY RIGHT TO FARM STATEMENT

NOTICE:

KENDALL COUNTY HAS A LONG, RICH TRADITION IN AGRICULTURE AND RESPECTS THE ROLE THAT FARMING CONTINUES TO PLAY IN SHAPING THE ECONOMIC VIABILITY OF THE COUNTY. PROPERTY THAT SUPPORTS THIS INDUSTRY IS INDICATED BY A ZONING INDICATOR - A1, OR AG SPECIAL USE. ANYONE CONSTRUCTING A RESIDENCE OR FACILITY NEAR THIS ZONING SHOULD BE AWARE THAT NORMAL AGRICULTURAL PRACTICES MAY RESULT IN OCCASIONAL SMELLS, DUST, SIGHTS, NOISE, AND UNIQUE HOURS OF OPERATION THAT ARE NOT TYPICAL IN OTHER ZONING AREAS.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATIONS SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMCAST CABLE COMMUNICATIONS, INC. (CABLE TV), COMMONWEALTH EDISON COMPANY, AND SBC ILLINOIS (TELEPHONE), GRANTEES, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND SOUND AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DOTTED LINES ON THE PLAT AND MARKED "EASEMENT", THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS A "COMMON AREA OR AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE THE IMPROVEMENTS THEREON OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES FACILITIES OR IN UPON OR OVER THE PROPERTY WITHIN THE DOTTED LINES MARKED "EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN SECTION 2 (E) OF "AN ACT IN RELATION TO CONDOMINIUMS", ILLINOIS REVISED STATUTES, CH. 30, PAR 302 (E), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL, OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS, OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS, "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING AND COMMON AREA", THE TERMS "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDES REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING. SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL OR RETENTION POND, OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF GRANTOR/LOT OWNER UPON WRITTEN REQUEST.

PUBLIC UTILITY AND DRAINAGE EASEMENT

EASEMENT PROVISIONS

A PERPETUAL EASEMENT, DESIGNATED FOR OVERHEAD, UNDERGROUND, AND SURFACE PUBLIC UTILITIES AND DRAINAGE, ARE HEREBY RESERVED FOR, AND GRANTED TO, VILLAGE OF WHEELING, COMMONWEALTH EDISON COMPANY, COMCAST CABLE COMMUNICATIONS, INC. (CABLE TV), NICOR GAS, AND SBC ILLINOIS (TELEPHONE) THEIR SUCCESSORS AND ASSIGNEES, IN ALL PLATTED EASEMENT AREAS, STREETS, AND OTHER PUBLIC WAYS AND PLACES SHOWN ON THIS PLAT. SAID EASEMENTS SHALL BE FOR THE INSTALLATION, MAINTENANCE, RELOCATION, RENEWAL AND REMOVAL OF ANY AND ALL PUBLIC UTILITIES, DRAINAGE LOCALITIES AND RELATED APPURTENANCES IN, OVER, ACROSS, ALONG AND UPON THE SO DESIGNATED PROPERTY.

SAID EASEMENT SHALL INCLUDE THE RIGHT TO ENTER THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, AND THE RIGHT WITHOUT LIABILITY TO CUT, TRIM, ALTER, OR REMOVE ANY VEGETATION, ROOTS, STRUCTURES OR DEVICES WITHIN THE DESIGNATED EASEMENT PROPERTY AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN. WITHOUT CONSENT OF GRANTEES, NO BUILDINGS, STRUCTURES OR OTHER OBSTRUCTION SHALL BE CONSTRUCTED, PLANTED, OR PLACED IN ANY SUCH EASEMENT AREA, STREETS, OR OTHER PUBLIC WAYS OR PLACES, NOR SHALL ANY OTHER USES BE MADE THEREOF WHICH WILL INTERFERE WITH THE EASEMENTS RESERVED AND GRANTED HEREBY.

SUCH EASEMENTS SHALL FURTHER BE FOR THE PURPOSES OF SERVING ALL AREAS SHOWN ON THIS PLAT AS WELL AS OTHER PROPERTY, WHETHER OR NOT CONTIGUOUS THERETO, WITH GAS, ELECTRIC, TELEPHONE, CABLE T.V., WATER MAINS, SANITARY AND STORM SEWERS, AND SHALL INCLUDE THE RIGHT TO OVERHANG ALL LOTS WITH AERIAL SERVICE WIRES TO SERVE ADJACENT LOTS, BUT SUCH AERIAL SERVICE WIRE SHALL NOT PASS THROUGH PERMANENT IMPROVEMENTS ON SUCH LOTS.

SUCH EASEMENTS SHALL SURVIVE THE VACATION BY PROPER AUTHORITY OF ANY STREETS AND OTHER PUBLIC WAY AND PLACE SHOWN ON THIS PLAT, UNLESS OTHERWISE EXPRESSLY MENTIONED IN THE ORDINANCE OF VACATION.

SURVEYOR'S CERTIFICATE

STATE OF \_\_\_\_\_ )  
 ) S.S.  
COUNTY OF \_\_\_\_\_ )

THIS IS TO CERTIFY I, KURT K. APER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3265, AT THE REQUEST OF THE OWNER(S) THEREOF, HAVE SURVEYED, SUBDIVIDED AND PLATTED THE FOLLOWING DESCRIBED PROPERTY:

BEING A RESUBDIVISION OF LOTS 3033 AND 3034 IN GRANDE RESERVE - UNIT 23, DOCUMENT NUMBER 200600040560, AND LOTS 202,232,239,252,287 AND 290 IN THE AMENDED PLAT OF PART OF GRANDE RESERVE - UNIT 23, DOCUMENT NUMBER 200700018963, ALL PART OF THE SOUTHEAST QUARTER OF SECTION 2, PART OF THE NORTHEAST QUARTER OF SECTION 11, AND PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PLAT HEREON DRAWN IS A CORRECT AND ACCURATE REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

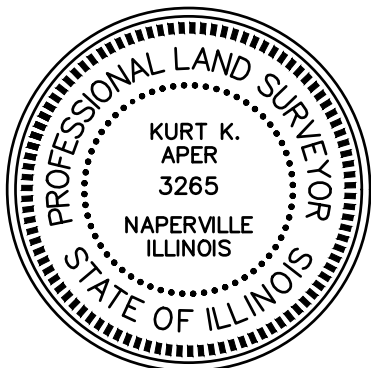
I FURTHER CERTIFY THAT NO PART OF THE ABOVE DESCRIBED PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY BASED ON FIRM 17093C0035H, DATED 1/08/2014. ALL OF THE PROPERTY IS LOCATED IN ZONE X, AREAS OF MINIMAL FLOOD HAZARD.

I FURTHER CERTIFY THAT ALL SUBDIVISION MONUMENTS WILL BE SET AND I HAVE DESCRIBED THEM ON THIS FINAL PLAT AS REQUIRED BY THE PLAT ACT (765 ILCS 205/). THE EXTERIOR SUBDIVISION MONUMENTS HAVE BEEN SET AND INTERIOR MONUMENTS WILL BE SET WITHIN 12 MONTHS OF THE RECORDING OF THIS PLAT (SECTION 1270-56 OF THE ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989)

I FURTHER CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREON DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF THE UNITED CITY OF YORKVILLE, ILLINOIS, WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS AMENDED.

GIVEN UNDER MY HAND AND SEAL AT NAPERVILLE, ILLINOIS, THIS 2ND DAY OF JANUARY 2019.

PROFESSIONAL LAND SURVEYOR NUMBER 3265,  
LAND SURVEYOR LICENSE EXPIRES NOVEMBER 30, 2020.  
DESIGN FIRM NUMBER 184004465  
THIS SURVEY CONFORMS TO THE CURRENT ILLINOIS STANDARD  
FOR A BOUNDARY SURVEY.



No.	DATE	REVISION DESCRIPTION
1	2/4/2019	REVISION SUBDIVISION NAME
2	2/4/2019	ADDITIONAL OWNERS CERTIFICATE
3	02/27/19	REVISION SUBDIVISION NAME
4	03/08/19	PER CITY ENGINEER REVIEW

STATE OF ILLINOIS        )  
                                      ) ss.  
COUNTY OF KENDALL    )

**Ordinance No. \_\_\_\_\_**

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,  
APPROVING THE FINAL PLAT OF RESUBDIVISION OF LOTS 202, 232, 239, 251, 287, 290,  
3033 AND 3034 OF GRANDE RESERVE – UNIT 23**

**WHEREAS**, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

**WHEREAS**, The City approved Resolution 2006-61 entitled, *RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLATS OF SUBDIVISION FOR GRANDE RESERVE UNIT 23* adopted July 11, 2006 that was recorded with the Kendall County Recorder’s office on December 15, 2006 as Document Number 200600040560; and,

**WHEREAS**, The *AMENDED PLAT OF PART OF GRANDE RESERVE – UNIT 23* was recorded with the Kendall County Recorder’s office on June 18, 2007 as Document Number 200700018963; and,

**WHEREAS**, NVR doing business as Ryan Homes (the “Developer”) has filed an application for final plat approval of the resubdivision of Lots 202, 232, 239, 251, 287, 290, 3033 and 3034 of Grande Reserve – Unit 23 (the “Subject Property”); and,

**WHEREAS**, the Planning and Zoning Commission convened and held a public meeting on the 13 day of March, 2019, to consider the resubdivision of the Subject Property after publication of notice; and,

**WHEREAS**, the Planning and Zoning Commission reviewed the standards set forth in Chapter 3 and 4 of the Yorkville Subdivision Control Ordinance and made a recommendation to the Mayor and City Council (“the Corporate Authorities”) for approval of the resubdivision.

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

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

**Section 2:** That the Corporate Authorities hereby approve and authorize the execution of the *FINAL PLAT OF RESUBDIVISION OF LOTS 202, 232, 239, 251, 287, 290, 3033 AND 3034 OF GRANDE RESERVE – UNIT 23* prepared by Weaver Consultants Group, Naperville, Illinois dated last revised March 8, 2019, attached hereto and made a part hereof by reference as Exhibit A, for the resubdivision of the Subject Property, legally described as:

**BEING A RESUBDIVISION OF LOTS 3033 AND 3034 IN GRANDE RESERVE – UNIT 23 DOCUMENT NUMBER 200600040560, AND LOTS 202, 232, 239, 251, 287 AND 290 IN THE AMENDED PLAT OF PART OF GRANDE RESERVE – UNIT 23, DOCUMENT NUMBER 200700018963, ALL PART OF THE SOUTHEAST QUARTER OF SECTION 2, PART OF THE NORTHEAST QUARTER OF SECTION 11, AND PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,**

with Property Index Numbers of:

**02-11-227-001  
02-11-227-031  
02-11-227-034  
02-11-228-001  
02-11-228-078  
02-11-228-082  
02-11-229-022  
02-11-229-025**

**Section 3:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
CITY CLERK

CARLO COLOSIMO \_\_\_\_\_  
JACKIE MILSCHEWSKI \_\_\_\_\_  
CHRIS FUNKHOUSER \_\_\_\_\_  
SEAVER TARULIS \_\_\_\_\_

KEN KOCH \_\_\_\_\_  
ARDEN JOE PLOCHER \_\_\_\_\_  
JOEL FRIEDERS \_\_\_\_\_  
JASON PETERSON \_\_\_\_\_

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this \_\_\_\_\_  
day of \_\_\_\_\_ 2019.

---

MAYOR