



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

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PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, November 13, 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: October 9, 2019

Citizen's Comments

Public Hearings

1. **PZC 2019-23** The United City of Yorkville, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a Text Amendment to Title 10, Chapter 6, Permitted and Special Uses (Zoning Ordinance) of the Yorkville Municipal Code, regulating the zoning of adult-use cannabis business establishments, specifically the time, place, manner, number and minimum distance limitations between such uses and locations the City deems sensitive such as existing schools, parks, religious institutions and residential land uses.

Unfinished Business

New Business

1. **PZC 2019-23** The United City of Yorkville, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a Text Amendment to Title 10, Chapter 6, Permitted and Special Uses (Zoning Ordinance) of the Yorkville Municipal Code, regulating the zoning of adult-use cannabis business establishments, specifically the time, place, manner, number and minimum distance limitations between such uses and locations the City deems sensitive such as existing schools, parks, religious institutions and residential land uses.

Action Item

Text Amendment

2. **PZC 2019-26** David Schultz on behalf of Kendall Holdings I, LLC, petitioner, is seeking final plat approval for Unit 1 of the Kendall Marketplace Commercial Development. The property to be platted includes an approximate 37.77-acre site consisting of ten (10) new commercial lots located at the northwest corner of US Route 34 and Cannonball Trail.

Action Item
Final Plat

Additional Business

1. Planning Training Series: Urban Design Principles for Plan Commissioners
2. City Council Action Updates:

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.

City Council Action
Approved

PZC 2019-24 Karen Larson on behalf of SEAL South Incorporated, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval as a Commercial/Trade School providing special education and therapeutic services in a day school setting for grades K-12 within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 109 Beaver Street with the Fox Industrial Park, in Yorkville, Illinois.

City Council Action
Approved

Adjournment

DRAFT

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, October 9, 2019 7:00pm

Meeting Called to Order

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

Roll Call:

Don Marcum-yes, Jeff Olson-yes, Richard Vinyard-yes, Deborah Horaz-yes, Danny Williams-yes

Absent: Rusty Hyett, Greg Millen

City Staff

Krysti Barksdale-Noble, Community Development Director

Jason Engberg, Senior Planner

Other Guests

Christine Vitosh, Vitosh Reporting Service

Lynn Dubajic, City Consultant

Theresa Dollinger, Castle Law-SEAL

Larissa Toutant, 118 Colonial Parkway

Dean Edmeier, Avanti

John Lovetere, Tiem Engineering

Lyne Lovetere, Tiem Engineering

Karen Larson, Director SEAL

Harve Knell, H.E. Assoc.

Previous Meeting Minutes September 11, 2019

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

Roll call: Olson-yes, Vinyard-yes, Horaz-present, Marcum-yes, Williams-yes. Carried 4-0 and 1 present.

Citizen's Comments None

Public Hearings

Vice-Chairman Olson explained the procedure for the Public Hearings and swore in those who would present testimony. A motion was made and seconded at approximately 7:03pm by Mr. Vinyard and Mr. Williams, respectively, to open the Public Hearings.

Roll call: Vinyard-yes, Horaz-yes, Marcum-yes, Olson-yes, Williams-yes. Carried 5-0.

Mr. Olson read the petitions for the Hearings.

1. **PZC 2019-24** Karen Larsen on behalf of SEAL South Incorporated, petitioner, has filed an application with the United City of Yorkville, Kendall County,

Illinois, requesting special use permit approval as a Commercial/Trade School providing special education and therapeutic services in a day school setting for grades K-12 within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 109 Beaver Street with the Fox Industrial Park, in Yorkville, Illinois.

2. **PZC 2019-25** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to “Chapter 6: Permitted Uses.” The amendment to Chapter 6 will revise Table 10.06.01 Residential Uses to identify multi-family dwelling as a Special Use in the B-1 Local Business District. The Special Use in the B-1 Local Business District will allow apartment units on all floors of an existing building within the downtown historic commercial core, provided that at least twenty-five percent (25%) of the overall gross square feet of the building area is utilized for commercial purposes. The downtown historic commercial core, as defined by the Yorkville Comprehensive Plan Update 2016, is bounded by the Fox River on the north, Fox Street to the south, Mill Street to the east, and Main Street to the west.

(See Court Reporter's transcript of Public Hearing proceedings)

(Re: PZC 2019-24 SEAL: The answers to the questions for the special criteria will be also entered into the record).

The Hearings were closed at approximately 7:45pm on a motion by Ms. Horaz and second by Mr. Williams.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Unfinished Business None

New Business

1. **PZC 2019-24 SEAL:** Mr. Engberg reviewed the parking arrangements and said 18 parking spots were adequate to start and additional parking will be provided as the school grows. He also said there is already a school in this area and a change to the code had been made to accommodate that school. Commissioner Horaz said a fence should be built bordering the neighboring properties. There will be no outside activities, however, there will be a gym in the middle of the building. The school should be completed by the end of November 2019. Chairman Olson commented that the existing easement will provide safety for both SEAL and Mr. Knell's business that involves trucks.

Action Item

Special Use Approval

Chairman Olson read the Special Use criteria and a motion was made by Mr. Vinyard and seconded by Mr. Williams to approve the Findings of Fact and Special Use. Mr. Vinyard read the motion as follows: In consideration of testimony presented during a Public Hearing on October 9, 2019 and discussion of the Findings of Fact, the Planning and Zoning Commission recommends approval to the City Council for a request for Special Use authorization for the operation of a proposed new Commercial/Trade School in an existing building zoned M-1 Limited Manufacturing District at 109 Beaver Street in Fox Industrial Park.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes. Passed 5-0.

2. PZC 2019-25 Text Amendment:

Action Item

Text Amendment

There was no discussion and a motion was made and seconded by Commissioners Marcum and Vinyard, respectively, read by Mr. Vinyard as follows. In consideration of testimony presented during a Public Hearing on October 9, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated September 17, 2019.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes, Marcum-yes. Passed 5-0.

- 3. PZC 2019-22** The petitioner, Dean Edmeier, on behalf of Grande Reserve (Chicago ASLV VI, LLLP, owner/developer, has filed an application with the United City of Yorkville seeking Final Plat approval for an approximately 52-acre site consisting of 171 new residential lots within two (2) new units, Units 26 and 27, of the Grande Reserve subdivision located in the northeast quadrant of Galena Road and Mill Road in Yorkville.

Mr. Dean Edmeier of Avanti Properties said this development will be an age-targeted community and he is seeking final plat approval for Units 26 and 27. He said they may request an early start for grading due to the past weather conditions. Ms. Noble added that they will be looping the water main. Mr. Williams asked if all revisions are completed and Ms. Noble replied most have been and will be added as a condition.

Action Item

Final Plat Approval

Mr. Vinyard made a motion for approval and Mr. Williams seconded and also read the motion as follows: In consideration of the proposed Final Plat of Subdivision of Grande Reserve Units 26 and 27, the Planning and Zoning Commission recommends approval of the plats to the City Council as presented by the Petitioner in plans prepared by Manhard Consulting, Ltd. dated last revised 9-3-19, subject to review comments provided by the City Engineer, EEI, Inc. dated August 13, 2019 and September 27, 2019.

Roll call: Vinyard-yes, Williams-yes, Horaz-yes, Marcum-yes, Olson-yes. Passed 5-0.

Additional Business

1. 2020 Planning and Zoning Commission Meeting Schedule:

Mr. Engberg noted the meeting date in November will be November 18th due to Veteran's Day. The schedule was approved on a unanimous voice vote.

2. City Council Action Updates:

Ms. Noble noted the 3 recent approvals:

- a. PZC 2019-16: Amending the Building Codes of the Municipal Code
- b. PZC 2019-20: Charles & Gayle Ashley reconstruction of a porch
- c. PZC 2019-21: Menards final plat approval to subdivide

Adjournment

There was no further business and the meeting was adjourned at 8:06pm on a motion by Mr. Vinyard and seconded by Mr. Williams. Voice vote approval.

Respectfully submitted by Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, October 9, 2019
7:00 p.m.

1 PRESENT:

2 Mr. Jeff Olson, Chairman,

3 Mr. Donald Marcum,

4 Mr. Richard Vinyard,

5 Mr. Danny Williams,

6 Ms. Deborah Horaz.

7
8 ALSO PRESENT:

9 Ms. Krysti Barksdale-Noble, Community
10 Development Director;

11 Mr. Jason Engberg, Senior Planner;

12 Ms. Marlys Young, Minute Taker.

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(WHEREUPON, the following
proceedings were in
public hearing:)

CHAIRMAN OLSON: There are two public
hearings scheduled for tonight's Planning and
Zoning Commission meeting.

The purpose of this hearing is to
invite testimony from members of the public
regarding the proposed request that is being
considered by the Commission tonight.

Public testimony from persons
present who wish to speak may be for or against
the request, or to ask questions of the
petitioner regarding the request being heard.

Those persons wishing to testify are
asked to speak clearly, one at a time, state your
name and who you represent. You are also asked
to sign in at the podium if you haven't already
signed in.

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

(Witnesses sworn.)

1 CHAIRMAN OLSON: The order for receiving
2 testimony during the public hearing tonight will
3 be as follows: First, the petitioner will make
4 their presentation; second, those who wish to
5 speak in favor of the request may speak; and
6 then, thirdly, those who wish to speak in
7 opposition of the request may speak.

8 And with that out of the way, may I
9 have a motion, please, to open the public hearing
10 on petition number PZC 2019-24, SEAL South,
11 Incorporated, special use permit, and PZC
12 2019-25, text amendment to Chapter 6: Permitted
13 Uses?

14 MR. VINYARD: So moved.

15 MR. WILLIAMS: Second.

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

18 MS. YOUNG: Yes.

19 Vinyard.

20 MR. VINYARD: Yes.

21 MS. YOUNG: Horaz.

22 MS. HORAZ: Yes.

23 MS. YOUNG: Marcum.

24 MR. MARCUM: Yes.

1 MS. YOUNG: Olson.

2 CHAIRMAN OLSON: Yes.

3 MS. YOUNG: Williams.

4 MR. WILLIAMS: Yes.

5 CHAIRMAN OLSON: All right. The public
6 hearings up for discussion tonight are the
7 following: PZC 2019-24, Karen Larson, on behalf
8 of SEAL South, Incorporated, petitioner --

9 Is it SEAL or S-E-A-L?

10 MS. DOLLINGER: It's SEAL, or S-E-A-L.

11 MS. LARSON: Or it's an acronym.

12 MS. DOLLINGER: It's an acronym.

13 CHAIRMAN OLSON: Wanted to make sure I
14 wasn't messing up for you.

15 Has filed a petition with the United
16 City of Yorkville, Kendall County, Illinois,
17 requesting special use permit approval as a
18 commercial trade school providing special
19 education and therapeutic services in a day
20 school setting for Grades K-12, within the M-1,
21 Limited Manufacturing District, pursuant to
22 Chapter 6, Table 10-06-2 of the Yorkville Zoning
23 Ordinance.

24 The real property is located at

1 109 Beaver Street within the Fox Industrial Park
2 in Yorkville, Illinois.

3 Also up for discussion tonight is
4 PZC 2019-25, United City of Yorkville, Kendall
5 County, Illinois, petitioner, is proposing a text
6 amendment to Chapter 6: Permitted Uses.

7 The amendment to Chapter 6 will
8 revise 10-6-1, residential uses, to identify a
9 multi-family dwelling as a special use in the B-1
10 Local Business District.

11 The special use in the B-1 Local
12 Business District will allow apartment units on
13 all floors of an existing building within the
14 downtown historic commercial core, provided that
15 at least 25 percent of the overall gross square
16 feet of the building area is utilized for
17 commercial purposes.

18 The downtown historic commercial
19 core as defined by the Comprehensive Plan is
20 bounded by the Fox River on the north, Fox Street
21 on the south, Mill Street on the east, and Main
22 Street on the west.

23 Public hearing. Is the petitioner
24 for PZC 2019-24, SEAL South, Incorporated,

1 present and prepared to make their presentation
2 of their proposed request?

3 THERESA DOLLINGER,
4 having been first duly sworn, testified from the
5 podium as follows:

6 MS. DOLLINGER: Hello. My name is
7 Theresa Dollinger, and I am here on behalf of
8 SEAL South, or it stands for School for
9 Expressive Arts and Learning, and I apologize, I
10 am starting to lose my voice, so I sound that way
11 for a reason.

12 We're here seeking a special use to
13 operate a commercial school. SEAL is a
14 therapeutic school that offers services to
15 students with special needs.

16 This location will be the fourth
17 location of its kind. SEAL has been operating
18 for over 15 years and has three other very
19 successful locations in Lombard, Romeoville and
20 Woodstock, so they're looking to expand due to
21 the increased need and the demand for different
22 school districts.

23 The school is licensed by the state
24 Board of Education and does offer a full

1 curriculum for students K through 12. They do --
2 they accept students from area school districts
3 that have specialized needs that those school
4 districts might not be equipped to handle
5 in-house, and currently they have students being
6 bussed from distances that are creating a
7 situation where they are spending a lot of time
8 traveling around.

9 In support of our application, we
10 have included a letter from the school district
11 outlining that situation and supporting the
12 additional location here in Yorkville where there
13 is a need. Yorkville students are currently
14 being bussed to Romeoville to receive these sorts
15 of services.

16 As I said, it's a full curriculum.
17 They offer individualized plans, they work with
18 the school districts to develop plans for these
19 students, including -- in addition, they offer
20 therapy and transition programs, helping students
21 prepare for the workplace and kind of integrate
22 into the community, so it's really important,
23 there is certainly a need for a program of this
24 type, and they do have staff to provide these

1 individualized services.

2 They have approximately one staff
3 per two students that are there, and currently --
4 at the beginning, starting out, they will have
5 approximately 20 students.

6 In the materials that we have
7 submitted, we have -- in the second to last page
8 there is a proposed layout, which includes three
9 classrooms, and the last page is what we hope to
10 grow to with the maximum of 90 students being --
11 receiving services at this location.

12 CHAIRMAN OLSON: How many again?

13 MS. HORAZ: Yeah.

14 MS. DOLLINGER: Maximum of 90, but
15 currently around 20 or so. We do -- We won't be
16 making any changes to the outside of the
17 building, there is only some plans for -- to
18 outfit the building to meet the needs.

19 As far as the bussing goes, you can
20 see in the materials the traffic flow that we
21 have provided to show where the students will get
22 picked up and dropped off.

23 When I say bussing, we -- each
24 school arranges for their own transportation of

1 the students to the facilities. Depending on how
2 many students they have, they might bring a
3 Suburban or a smaller bus, so we're not
4 discussing a long row of big, full, yellow buses
5 here, and they come from approximately 10 to 15
6 schools, so there might be 10 to 15 vehicles per
7 day dropping off and picking up in the
8 afternoon.

9 So based on the current layout, we
10 have more than enough space to accommodate that
11 without causing any traffic issues there, and
12 along those lines, we also -- under the current
13 layout we do have sufficient parking to
14 accommodate this.

15 There will be no students driving
16 themselves to school at any -- at any point in
17 time, so we have enough space to accommodate the
18 faculty and staff, and some of the proposed
19 concept plans also contemplate areas where we
20 might be able to include additional parking if
21 needed in the future.

22 So I'd be happy to answer any other
23 questions you may have. I know we have -- or
24 anything that might be raised, in addition to

1 what we have provided, and also the report that
2 you have before you.

3 CHAIRMAN OLSON: I think --

4 MR. MARCUM: I've got a couple
5 questions.

6 MS. DOLLINGER: Sure.

7 MR. MARCUM: This is providing for kids
8 with special needs, correct? Because the name
9 arts and whatever it was, I don't know, that
10 didn't say special needs to me, and it's not one
11 of these disciplinary places where you send all
12 the bad kids to keep them out of the population,
13 right?

14 MS. DOLLINGER: No, it's not a
15 disciplinary school, it is for students that do
16 require some more attention, advanced needs,
17 than the school districts might be able to
18 provide, and, again, there is a focus on the
19 transition programs to the workplace and
20 community as well.

21 MR. MARCUM: This is an all-day
22 operation then?

23 MS. DOLLINGER: Yes.

24 MR. MARCUM: They don't have a few hours

1 here and then they go back to their regular
2 school or anything like that?

3 MS. DOLLINGER: No, it's a regular
4 full-day program, and Karen can come up and
5 address those.

6 KAREN LARSON,
7 having been first duly sworn, testified from the
8 podium as follows:

9 MS. LARSON: I do want to speak on the
10 first question you had asked. The School of
11 Expressive Arts and Learning, the reason the name
12 is held the way it is, is because we utilize
13 expressive therapy as our therapeutic modality,
14 which is arts, music and recreation.

15 Many therapeutic day schools have
16 different methods of therapy or therapeutic
17 approaches.

18 The second question, would you
19 mind --

20 MS. DOLLINGER: Is it a full-day
21 program.

22 CHAIRMAN OLSON: All day.

23 MR. MARCUM: Right.

24 MS. LARSON: Yes, I apologize. Yes, it

1 is a full-day program. There are, however,
2 students that will leave the building via
3 transportation provided by the districts to
4 attend their home schools, that would be our
5 mainstreaming transition process, which is one of
6 the reasons, and one of the most important
7 reasons, we would like to move the location to
8 Yorkville for those students, so that they can
9 access their home school, the activities
10 extracurricularly as well as the community.

11 MR. MARCUM: Not that it matters, but
12 when they get these rides, do they go to the
13 regular school first and are picked up there
14 or they go right out --

15 MS. LARSON: They are actually picked up
16 at their residence.

17 MR. MARCUM: Okay. It doesn't much
18 matter, I just wanted to know how it worked.
19 I've seen this building many times. Are there
20 windows in it?

21 MS. LARSON: Right. What we've done in
22 the two other locations that required build-out
23 of internal structure and space, we have placed
24 windows on the exterior of the building, and that

1 is our intention.

2 MR. MARCUM: Okay. Because I didn't
3 recall --

4 MS. LARSON: Yes.

5 MR. MARCUM: -- there being a lot of
6 windows because it was more of a factory.

7 MS. LARSON: Yes, absolutely. So our
8 intention is to provide as many windows as
9 possible.

10 MR. MARCUM: Now, you're going to have
11 them from K through 12?

12 MS. LARSON: Correct.

13 MR. MARCUM: There is 18 of them, and
14 there is three -- 18 from Yorkville,
15 approximately 20, but there is three classrooms,
16 so --

17 MS. LARSON: The initial -- the initial
18 phase will focus on mainstreaming junior
19 high and high school students through
20 transition. Elementary will not be accessing
21 the building until our final build-out is
22 complete.

23 MR. MARCUM: Meaning the other
24 classrooms?

1 MS. DOLLINGER: The other classrooms.

2 MS. LARSON: Correct. Correct.

3 Correct.

4 MR. MARCUM: I wondered if it was going
5 to be like a one-room schoolhouse kind of thing
6 like I remember my dad talking about.

7 MS. LARSON: No, initially we will be
8 dividing the students based on what's
9 appropriate for them socially and academically
10 in that space.

11 MR. WILLIAMS: Do you think this space
12 will be able to accommodate growth over time as
13 well?

14 MS. LARSON: Absolutely.

15 MR. MARCUM: You mean growth after the
16 nine classrooms?

17 MR. WILLIAMS: Well, they said they go
18 up to 90 students, they have 20 now, and we have
19 a number of houses being built, so --

20 MS. LARSON: Absolutely. That's our
21 goal, yes.

22 MS. HORAZ: With the washroom situation,
23 will that accommodate 90 kids?

24 MS. LARSON: The current washroom

1 situation is being looked at just for the first
2 phase. We will be adding additional bathrooms to
3 the facility, absolutely, based on end code and
4 permits.

5 MR. MARCUM: That would be part of the
6 permitting process?

7 MS. LARSON: Of course. Of course, yes.

8 MR. MARCUM: That's my list of
9 questions.

10 CHAIRMAN OLSON: All great questions.
11 Anything else?

12 (No response.)

13 CHAIRMAN OLSON: Is there anyone
14 present -- Oh, hold on, sir.

15 MR. KNELL: I have the building
16 adjacent, so can I ask a couple questions?

17 CHAIRMAN OLSON: If you are going to
18 speak in favor of it, yes, you can.

19 MR. KNELL: I don't know, I'm just --

20 CHAIRMAN OLSON: If you'd like to ask
21 some questions first.

22 MR. KNELL: -- trying to understand,
23 just information.

24 CHAIRMAN OLSON: Sure.

1 MR. KNELL: Not for or against. Can I
2 ask --

3 CHAIRMAN OLSON: Go ahead. Yes, sir, Go
4 ahead.

5 HARVE KNELL,
6 having been first duly sworn, testified from the
7 podium as follows:

8 MR. KNELL: Okay. Number one, what is
9 the profile of the typical student?

10 MS. LARSON: The profile is
11 multi-diagnosis as far as eligibility. We are an
12 education facility, we are not a clinical or
13 inpatient or treatment facility, so they would
14 have an emotional disorder, OHI, perhaps ADHD,
15 autism, brain injury.

16 We serve a number of different
17 disabilities, and typically they are dually --
18 they might have primary and secondary.

19 MR. KNELL: Now, do you have security
20 because of that situation? What's your
21 security?

22 MS. LARSON: So what we have is the
23 supervision for our students is constant
24 throughout the day.

1 MR. KNELL: What does that consist of,
2 personnel?

3 MS. LARSON: Yes. So what we have is we
4 have the 40 personnel and we're all trained in
5 supervision, particularly for the students that
6 we're working with.

7 Some students in elementary, there
8 might be a different ratio as opposed to high
9 school. We use a two-way radio system to make
10 sure that there is communication throughout the
11 building, arrival, dismissal, and all of those
12 procedures.

13 MR. KNELL: Second thing, you have a
14 layout of the parking -- you know, a plan view of
15 the parking? If you have 90 students, how many
16 vehicles --

17 MS. LARSON: So the initial -- the
18 initial space is adequate for what we're
19 proposing. We will, however, be submitting plans
20 to provide additional parking on the hard
21 surfaces that already exist.

22 MR. KNELL: Have you seen the
23 arrangement that we have now? We -- we share a
24 turnaround.

1 MS. LARSON: Yes. Yes. And easement,
2 correct?

3 MR. KNELL: Yes.

4 MS. LARSON: Yes, yes.

5 MR. KNELL: So it's kind of arranged for
6 taking semis in and out.

7 MS. LARSON: Right, right.

8 MR. KNELL: And, of course, semis in and
9 out from the other way, so we don't have a
10 pass-through from your building to ours and vice
11 versa.

12 You understand all that?

13 MS. LARSON: Yes. So what you're
14 stating is as your traffic comes in through the
15 easement there, through your entrance --

16 MR. KNELL: A semi will --

17 MS. LARSON: -- and then they will come
18 and they will turn and return.

19 MR. KNELL: It's like a locomotive --

20 MS. LARSON: Yes, yes.

21 MR. KNELL: -- and go back out.

22 MS. LARSON: Yes.

23 MR. KNELL: So you understand that?

24 MS. LARSON: Yes.

1 MR. KNELL: Now, is there legal
2 documentation for that, do you know?

3 MS. DOLLINGER: There is an access
4 easement in place.

5 MS. LARSON: Yes, we have an easement
6 agreement, yes, and it is clear.

7 MR. KNELL: So my portion will not
8 change?

9 MS. LARSON: Correct. Correct.

10 MR. KNELL: Okay. But will you have a
11 plan when you have 90, will you show that
12 before you --

13 MS. LARSON: Absolutely. We would be
14 submitting those for permitting, yes.

15 MR. KNELL: So all these students come
16 from a high school, they don't come from
17 individual --

18 MS. LARSON: They do. They won't be
19 parking on the facility. They will be able to
20 stage and not affect any of the traffic on the --
21 on Beaver Street. They will all be aligned
22 adjacent to our building on the west side.

23 MS. DOLLINGER: West side.

24 MS. LARSON: And they will leave on the

1 east side.

2 MS. DOLLINGER: So the drop off is on
3 the west side of the building and they will
4 travel -- leave through the easement.

5 MR. KNELL: I don't understand that.
6 There is only -- the way I described there is
7 only one exit and entrance unless you come
8 through our property.

9 MS. LARSON: Yes, and the easement
10 agreement is allowing us to have our vehicles
11 exit via the easement.

12 MR. KNELL: Not on our side.

13 MS. LARSON: We can --

14 MR. KNELL: That's not the
15 understanding. You come in on your side and you
16 go out on your side.

17 CHAIRMAN OLSON: Correct. They have
18 them entering on the west, they have them
19 entering on the west coming north on the westerly
20 border of the property.

21 MR. KNELL: You're coming -- no, this
22 shows that you are passing through and coming out
23 on our side.

24 CHAIRMAN OLSON: Correct.

1 MR. KNELL: That's not the agreement.

2 MS. DOLLINGER: Well, there is an
3 easement agreement.

4 MR. KNELL: You do not have access to
5 what you show here.

6 MS. LARSON: We do have an easement
7 agreement.

8 MS. DOLLINGER: We do have an easement
9 agreement.

10 MR. KNELL: Pardon me?

11 MS. DOLLINGER: We do have an easement
12 agreement.

13 MR. KNELL: I don't think so.

14 MS. LARSON: For them to leave that --

15 MR. KNELL: Not past -- not through our
16 property.

17 MR. MARCUM: Can I have some
18 clarification? What is your property?

19 MS. DOLLINGER: Yes.

20 MR. MARCUM: Where are you?

21 MS. NOBLE: He is the existing adjacent
22 building. He's that small adjacent existing
23 building.

24 MR. WILLIAMS: The exit, they have to

1 exit through his --

2 MR. KNELL: See, this is our building.
3 That building, and this is the semi turnaround,
4 and the agreement is --

5 MS. HORAZ: Do we have a copy of the
6 easement?

7 MS. DOLLINGER: Yes.

8 MR. KNELL: We come back in and go out
9 that way. In fact, we have a gate across here.

10 MR. WILLIAMS: So where are trucks
11 currently coming in? Are they coming in over
12 here or over here?

13 MR. KNELL: Our trucks come in here,
14 they back into the dock there. When they leave,
15 they leave from the dock, turn around and go back
16 out, same way.

17 MR. WILLIAMS: I see. So they aren't
18 using any of this here?

19 MR. KNELL: They come in here, they back
20 in here, they turn around here and go back out.

21 MR. WILLIAMS: I completely understand
22 what you're saying now, yes. So essentially what
23 you would prefer to see is instead of them going
24 out here --

1 MR. KNELL: Not prefer. Not prefer.

2 MR. WILLIAMS: Well --

3 MR. KNELL: We have a legal document.

4 MR. WILLIAMS: What I'm saying is if
5 they have an easement, they would have access
6 to --

7 MR. KNELL: They don't have an easement
8 past our place.

9 MR. WILLIAMS: Okay.

10 MR. KNELL: Absolutely not. We have
11 ownership.

12 CHAIRMAN OLSON: Sir, what was your
13 name? I'm sorry.

14 MR. KNELL: First name is Harve,
15 H-A-R-V-E. Last name is K-N-E-L-L. K is silent.

16 MR. ENGBERG: What is the address of
17 your property?

18 MR. KNELL: Pardon me?

19 MR. ENGBERG: What's the address of your
20 property?

21 MR. KNELL: 201 Beaver.

22 MR. ENGBERG: 201 Beaver. And the --

23 CHAIRMAN OLSON: Yeah, no, it's here.

24 MR. KNELL: See, what we have, I donated

1 the land, the dairy put the concrete in, so this
2 is a turnaround, like a locomotive turnaround.

3 CHAIRMAN OLSON: Yep.

4 MR. KNEEL: Our trucks go in that way,
5 they back in our dock this way, they leave the
6 dock, they turn around here and go back out. We
7 have a chain across right here.

8 CHAIRMAN OLSON: I think what -- I think
9 what SEAL South is saying is that there is an
10 easement in place.

11 MR. KNEEL: No, there is not an
12 easement.

13 CHAIRMAN OLSON: We will need to take a
14 look at that because what they're saying is --

15 MR. KNEEL: There is not.

16 CHAIRMAN OLSON: -- there is an easement
17 in place coming through here.

18 MS. DOLLINGER: We have submitted --

19 MS. NOBLE: There is a copy of the
20 shared easement agreement in the packet and I
21 will just read briefly from it.

22 So it was recorded in 2008 in
23 Kendall County, and the two parties to the
24 agreement, the first party is 109 Beaver Street,

1 which is their property, and the second party
2 to the agreement is 201 Beaver Street. Is
3 that --

4 CHAIRMAN OLSON: Which is your property,
5 correct?

6 MR. KNELL: Right.

7 MS. NOBLE: Okay.

8 CHAIRMAN OLSON: The name on it is
9 Margaret Knell.

10 MR. KNELL: Knell.

11 MS. NOBLE: Knell, yes. So as it
12 explains on Page 4 of 6 of the agreement, on
13 paragraph two, it says a grant of easement.

14 The first party, 109, hereby grants
15 unto the second party -- which is your
16 property -- to its successors and assigns, full
17 and free right and liberty for the second party,
18 its successors and assigns, and/or its tenants,
19 guests and licensees, all for -- at all times
20 hereafter, for all lawful purposes connected with
21 the use and enjoyment of said land to pass and
22 repass along the Meadowvale shared access parcel
23 described above, with or without vehicles, for
24 the purpose of ingress and egress for all

1 vehicular traffic, specifically including
2 semi-tractor trailer combinations within the
3 Knell shared access parcel, now owned by the
4 second party, provided that the use of said first
5 party shall not unreasonably interfere with the
6 reasonable use by the second party or its
7 successors or assigns.

8 MR. KNELL: I suspect that that
9 agreement might be obsolete because that was the
10 first arrangement. The second arrangement is how
11 I described.

12 So I talked to the owners, the
13 previous owners of Meadowvale --

14 CHAIRMAN OLSON: The first arrangement,
15 you mean as first easement, and there is a
16 second --

17 MR. KNELL: We did have that agreement,
18 but that changed because we decided to share the
19 ownership rather than easement.

20 MS. NOBLE: So there was an initial
21 agreement done May 30 of 2001, and then this one
22 succeeds that, so this was done in 2008.

23 CHAIRMAN OLSON: '08?

24 MS. NOBLE: Yes.

1 MR. KNELL: It's certainly not my
2 understanding.

3 MS. NOBLE: So it says in paragraph one,
4 it says this shared access easement agreement is
5 intended to and does hereby replace the agreement
6 from 2001.

7 MR. KNELL: So I guess I have to get an
8 attorney, and I also talked to Meadowvale,
9 because I just talked to the executive VP two
10 days ago and he said the function was not
11 changed.

12 CHAIRMAN OLSON: The function of the
13 easement would not change.

14 MR. KNELL: Just as I described.

15 CHAIRMAN OLSON: Sure. How many trucks
16 are you bringing in and out a day?

17 MR. KNELL: Depending on how much
18 commerce we're getting.

19 CHAIRMAN OLSON: Sure.

20 MR. KNELL: The reason we didn't do this
21 is because Meadowvale had many more trucks and
22 they were actually entering --

23 CHAIRMAN OLSON: Sure.

24 MR. KNELL: -- the driveway past our

1 place.

2 CHAIRMAN OLSON: I would think, though,
3 that an education facility would have far fewer
4 trucks than Meadowvale.

5 MR. KNELL: I don't want any.

6 CHAIRMAN OLSON: Right. Well --

7 MR. KNELL: I mean, that's not the
8 agreement.

9 CHAIRMAN OLSON: Well, that is the
10 agreement, though, right? Because if there is an
11 easement in place, that is the agreement.

12 MR. MARCUM: Are you saying that the
13 second easement agreement that superceded this --

14 MR. KNELL: Well, I'll tell you what.
15 Evidently you have documentation that I don't
16 have. I didn't come prepared because I didn't --
17 I had an understanding from Meadowvale that the
18 operating function did not change, so I was
19 relaxed. I wasn't even going to come tonight.

20 MS. DOLLINGER: I can provide a copy of
21 the recorded easement that we have to you.

22 MR. KNELL: I'm sorry?

23 MS. DOLLINGER: I can provide a copy of
24 the recorded easement to you and also --

1 MR. KNELL: I'll work with -- I will go
2 to Meadowvale and --

3 MS. DOLLINGER: Sure. And as part of --
4 petitioner is the contract purchaser and the real
5 estate attorney has been working closely with
6 Meadowvale with respect to this easement
7 agreement and they are even negotiating.

8 MR. KNELL: I've got to get my ducks in
9 a row. I mean, I talked to Meadowvale and they
10 said hey, nothing has changed, because I was
11 concerned, because you have a manufacturing
12 facility and you are changing that, so I don't
13 want my function to change.

14 CHAIRMAN OLSON: Sure.

15 MR. KNELL: We have a chain across
16 there, you know, for years.

17 MR. VINYARD: Sir, at some time they
18 came to an agreement about changing it, that's
19 what's been recorded, so at this point, there is
20 an easement.

21 MR. WILLIAMS: If there was a new
22 agreement after that one in 2008, there is legal
23 documentation of that.

24 MR. KNELL: I am going to have to find

1 out. To my understanding, Meadowvale is
2 evidently not what the agreement is.

3 MR. VINYARD: Unfortunately you have to
4 file that, so unless there is something after
5 2008, that's the agreement that's on file.

6 MR. WILLIAMS: Otherwise it's just two
7 people's word against each other.

8 MR. KNELL: They are asking for a change
9 in the use of the building, so even on that
10 basis of what's practical, I mean, I would think
11 you would have to consider the change in
12 operation.

13 CHAIRMAN OLSON: You are exactly right.

14 MR. KNELL: Common sense thing.

15 CHAIRMAN OLSON: There are seven
16 considerations that we have to take into effect
17 before we could grant them.

18 MR. KNELL: I'm just saying --

19 CHAIRMAN OLSON: And you are absolutely
20 right. That's something we will talk about.

21 MR. KNELL: -- if there is change, how
22 it's affecting the situation.

23 CHAIRMAN OLSON: Yes, sir.

24 MR. KNELL: I haven't been approached.

1 I've been blindsided. I went to the executives
2 of Meadowvale and they said nothing has changed.
3 They promised me that.

4 Now, if they've got a legal place --
5 and are they going to jam us or not, I mean, I
6 hope not, you know. I would hope the group would
7 consider what's been doing for --

8 MS. HORAZ: Does the second paragraph
9 cover that?

10 CHAIRMAN OLSON: Excuse me?

11 MS. HORAZ: His concern, second
12 paragraph on Page 4 of 6.

13 MS. NOBLE: Yes.

14 MS. HORAZ: Successors, licensees.

15 CHAIRMAN OLSON: Yes.

16 MR. KNEEL: Pardon me?

17 MS. HORAZ: Tenants, guests, licensees.

18 MS. NOBLE: So it runs through the land,
19 the easement runs through the land.

20 MS. HORAZ: But who maintains it?

21 MS. NOBLE: So there is a -- On Page 5
22 of 6 they talk about maintenance and then it says
23 the parties agree that except for the initial
24 installation expense, all reasonable and

1 necessary costs for the maintenance, repair,
2 upkeep, and replacement of the driveway and
3 turnaround which shall include but not be limited
4 to the expenses necessary to purchase and install
5 gravel, and then they have agreed upon that.

6 MS. HORAZ: It says gravel, asphalt,
7 concrete.

8 MS. NOBLE: Yes.

9 MS. HORAZ: Is that agreed?

10 MS. NOBLE: So it's agreed upon from
11 time to time, so whoever the successor owners
12 are, they would agree for maintenance between the
13 two of them.

14 MS. HORAZ: So if the school causes
15 issues for him on maintenance, then they have to
16 pay?

17 MS. NOBLE: No, they have to come to an
18 agreement between the two owners.

19 CHAIRMAN OLSON: Yeah. And there is no
20 way even at 90 students the amount of vehicular
21 traffic --

22 MS. HORAZ: Depends on how -- what it
23 looks like now.

24 CHAIRMAN OLSON: True. But there is no

1 way --

2 MS. HORAZ: Look at my street.

3 CHAIRMAN OLSON: They are going to have
4 less than White Oaks.

5 MS. HORAZ: Constantly tearing it up.

6 CHAIRMAN OLSON: They'll have less than
7 White Oaks.

8 All right. So with that --

9 MR. MARCUM: I have a --

10 CHAIRMAN OLSON: Yes, sir.

11 MR. MARCUM: -- few things to say. You
12 reference the other easement agreement. Now,
13 this one from 2009 or whatever it is --

14 MS. NOBLE: Eight.

15 CHAIRMAN OLSON: Eight.

16 MS. DOLLINGER: 2008.

17 MR. MARCUM: 2008, it specifically says
18 that it voids the one from 2001.

19 CHAIRMAN OLSON: Right.

20 MR. MARCUM: Is 2001 the first agreement
21 and this is the second agreement, is that --
22 everybody --

23 MR. KNEEL: Without -- I am not
24 prepared, but originally, the first one, it was

1 used like was shown --

2 CHAIRMAN OLSON: That's what Krysti had
3 said, Don.

4 MR. KNELL: -- but the second one has
5 not been functioning.

6 MS. HORAZ: Does this --

7 MR. KNELL: Your trucks do not come
8 through us.

9 MS. DOLLINGER: We do not have any
10 trucks. The level of traffic will be -- we have
11 approximately ten vehicles in the morning with
12 students and in the afternoon, but we do not have
13 trucks coming through.

14 MR. KNELL: I am not concerned about
15 trucks, I'm concerned about vehicles going
16 whoosh, whoosh, whoosh, and even interfering with
17 the semis.

18 What you're doing, you're bringing
19 passenger traffic through an industrial setting.

20 MS. LARSON: Yeah, and can I -- Let me
21 talk about that for a minute. We have two
22 other -- we have -- the Lombard facility began in
23 the same nature and we currently are operating
24 our south location in exactly the same

1 circumstances, so we would absolutely be working
2 hand-in-hand with you to make sure that it's not
3 interfering with any of your business activities
4 and our traffic is able to leave and enter the
5 facility and exit.

6 MR. KNELL: Well, can't you honor our
7 present system of working?

8 MS. LARSON: Our impression is the
9 present system is to enter on the west and to
10 leave on the east, so that's -- that's the
11 current agreement that we have been made aware
12 of.

13 MR. KNELL: So I want to go back to
14 Meadowvale. They said there is documents
15 attached -- I'm just blindsided. I'm -- I don't
16 think --

17 MS. DOLLINGER: We have been working --

18 MR. KNELL: I don't think if you have 90
19 students and they come privately, and we have
20 semis coming in, it's -- you've got an industrial
21 setting and you're going to a completely
22 different setting.

23 CHAIRMAN OLSON: All right. So -- I
24 understand. So we can keep moving on, this kind

1 of got a little out of hand here, we want to go
2 back to the agenda, which is currently is there
3 anyone who wishes to speak in favor -- I know we
4 started thinking we were doing in favor.

5 Is there anyone wishing to speak in
6 favor of the proposed request?

7 Yes, ma'am.

8 MS. DUBAJIC: Lynn Dubajic.

9 LYNN DUBAJIC,
10 having been first duly sworn, testified from the
11 podium as follows:

12 MS. DUBAJIC: Good evening. I am Lynn
13 Dubajic. I am the economic development
14 consultant for the City of Yorkville. I just
15 wanted to speak to this project from an economic
16 development perspective.

17 One of the things that we do is talk
18 to our existing businesses and our existing
19 entities that are in the community and see where
20 there are needs, so you may be a company and you
21 buy a certain thing from a certain person and say
22 oh, well, there is a need for such a thing.

23 In this case our school district has
24 a big need for this type of a facility, a school,

1 so as you see, you've got the letter in your
2 packet, so I wanted to bring that to your
3 attention as something that is very integral, and
4 trying to come up with other businesses that we'd
5 like to locate in our community.

6 Also I wanted to speak to the 40
7 jobs. This is going to be creating 40 jobs.
8 That building has been vacant for about a year,
9 so it's a nice job creator.

10 Also, this is a for-profit school,
11 so sometimes when you heard the word school and
12 you think about well, our kids from our district
13 are going there, they are going to be paying
14 their full boat of real estate taxes to our
15 community, so it will be giving back to all of
16 us, all of the nine taxing bodies that that
17 property lays in, so I just wanted to mention
18 that, and, again, our school district is very
19 supportive of this school, and it also -- in
20 our -- in that Fox Industrial Park there is
21 another school as well, so it is allowed as a
22 special use, so I just wanted to bring that to
23 your attention.

24 Thank you very much.

1 CHAIRMAN OLSON: Thank you. Is there
2 anyone else who wishes to speak in favor of the
3 request?

4 MS. TOUTANT: I'm --

5 CHAIRMAN OLSON: Can you stand at the
6 podium?

7 MS. TOUTANT: Yeah, no problem.

8 CHAIRMAN OLSON: We'll keep an eye on
9 him.

10 LARISSA TOUTANT,
11 having been first duly sworn, testified from the
12 podium as follows:

13 MS. TOUTANT: I am neither in favor or
14 opposed, I just had a question. We are in -- I
15 live in 118 Colonial Parkway, so our --

16 CHAIRMAN OLSON: Right behind it.

17 MS. TOUTANT: Yeah, our yards back up to
18 each other.

19 Our only concern is with -- like if
20 there is outdoor time for the students, is there
21 plans to put up some type of a fence?

22 We're just concerned about students
23 coming across and, you know, from an insurance
24 standpoint getting hurt in our yard or something

1 along those lines, just safety concerns.

2 MS. LARSON: And once we get to the
3 point of determining what perhaps outside
4 activities, we may, you know, utilize the
5 property on a regular basis and what not, we will
6 provide --

7 MS. TOUTANT: Okay.

8 MS. LARSON: -- for us and for you, you
9 know, so that would be absolutely what we would
10 do, so whatever that code comes to be or what
11 plans we need to approve that, we would come up
12 with that.

13 MS. TOUTANT: Okay.

14 CHAIRMAN OLSON: I didn't catch your
15 name, ma'am. I'm sorry.

16 MS. TOUTANT: Larissa Toutant. Sorry.

17 CHAIRMAN OLSON: I didn't ask, my fault.
18 Thank you.

19 MS. TOUTANT: Okay. Thank you.

20 CHAIRMAN OLSON: Thank you, ma'am.
21 Anyone else?

22 MR. LOVETERE: Time for questions back
23 and forth? I know this is in favor --

24 CHAIRMAN OLSON: We might as well, yes,

1 sir. What is your name?

2 JOHN LOVETERE,

3 having been first duly sworn, testified from the
4 podium as follows:

5 MR. LOVETERE: My name is John Lovetere.

6 I am with Tiem Engineering. We are in the
7 industrial park on 202 Beaver Street there.

8 CHAIRMAN OLSON: Yes, sir.

9 MR. LOVETERE: And actually it's only a
10 couple concerns. We talked about the other
11 school being there, and in the industrial park we
12 have kids walking around on the streets, we've
13 got semi trucks traveling along the streets,
14 we've -- Thursday we've got food cart trucks
15 parked on the streets with, you know, semi trucks
16 trying to get through all that, so it's really an
17 accident waiting to happen in the industrial park
18 with, you know -- and I know you said there's
19 going to be outside kids walking around
20 eventually.

21 I don't know how far into the
22 industrial park they will be going, but again,
23 with semi trucks and things like that happening,
24 we need to do something about that.

1 And the reason I came is to prevent
2 the accident from happening there, and what I am
3 proposing is that you guys put sidewalks in
4 there. Not because I need them, the industrial
5 park doesn't need them, and I don't want to pay a
6 TIF, I really don't, okay, but the best solution
7 for this idea with kids and people from the food
8 truck -- the food pantry walking around is you've
9 got to get something there where they can walk
10 off the street because they are walking on the
11 street with semis going back and forth, so mine
12 is a real safety concern, I see them right
13 outside my window, I see them along there, and --

14 MR. VINYARD: I understand your concern,
15 sir, but the use of this, these children aren't
16 going to be out wandering the streets.

17 MR. LOVETERE: The other school does.
18 The other school does.

19 MR. VINYARD: I understand, but it's a
20 completely different -- completely different kind
21 of school.

22 Just personally, I work at a
23 community that has this exact setup, it's not
24 through SEAL or whatever, and there has not been

1 an issue. I would know because I'm on the public
2 safety for that area.

3 I get your issues and I think you
4 have some very good points brought up, but I just
5 don't see this occupancy --

6 MR. LOVETERE: You just put two cars on
7 the side of the street, and it's a small street,
8 it's not an industrial size street --

9 CHAIRMAN OLSON: No, I get you.

10 MR. LOVETERE: -- where they're at, I'm
11 sure they've got a wider street. We have a small
12 street with two cars and semi trucks.

13 CHAIRMAN OLSON: So let me interrupt you
14 for a second. I want to speak for you and you to
15 tell me if anything is wrong.

16 So when you start with the students,
17 they're all going to be self-contained on the
18 property.

19 MS. LARSON: Correct.

20 CHAIRMAN OLSON: They're not going to be
21 walking through the commercial neighborhood.

22 MS. LARSON: Correct.

23 CHAIRMAN OLSON: And also none of your
24 truck and/or bus and/or car traffic, which is

1 both bringing students and bringing in students,
2 is going to be staged on the street, it's all
3 going to be located on the property itself,
4 correct?

5 MS. LARSON: Correct.

6 CHAIRMAN OLSON: Okay. So in that
7 instance --

8 MR. LOVETERE: Yeah, in that instance,
9 really, seriously, I didn't know what their
10 procedures was and where it was going with the
11 kids.

12 CHAIRMAN OLSON: You are encouraged to
13 ask these exact questions you're asking, you're
14 doing the right thing, helping us ask the right
15 questions, too, but from everything they're
16 telling me, is everything is going to be
17 contained on-site, so I don't think it's going to
18 be an issue.

19 MR. LOVETERE: That's why I'm here now.
20 I am in favor of these guys, I think what you're
21 going to do is a great thing, but I just wanted
22 to prevent those accidents from happening because
23 it's going to happen eventually.

24 CHAIRMAN OLSON: You are talking to the

1 right people because that's something we can
2 bring up.

3 MR. LOVETERE: The only thing I don't
4 want is a TIF in there.

5 CHAIRMAN OLSON: Okay. Thank you.

6 MR. LOVETERE: All right.

7 CHAIRMAN OLSON: All right. So I'm not
8 going to mark you as favor or against, I'm going
9 to say --

10 MR. LOVETERE: Yeah.

11 CHAIRMAN OLSON: I'm going to say
12 helpful.

13 All right. Anyone else who wishes
14 to speak in favor, against or in helpful?

15 (No response.)

16 CHAIRMAN OLSON: Seeing as there are
17 none, any questions from commissioners? Yes,
18 sir.

19 MR. ENGBERG: I wanted to ask one thing
20 to the petitioner. You answered questions in
21 your application for the special use criteria.
22 Would you like those included in the record?

23 MS. LARSON: Yes.

24 MS. DOLLINGER: Yes.

1 CHAIRMAN OLSON: Jason, you're taking my
2 stuff. Okay.

3 We will move on then, Krysti or
4 Jason, would you please present for PZC 2019-25,
5 Chapter 6: Permitted Uses text amendment?

6 MS. NOBLE: Sure. So the City is
7 requesting a text amendment to the B-1 Local
8 Business District, that would be the only
9 district that this text amendment affects, and,
10 more specifically, it would only affect those
11 properties that are located within the historic
12 core of the downtown, which we mentioned in the
13 opening, bounded by the north by the Fox River,
14 south by Fox Street, then you have Mill Street
15 and -- I don't recall the street to the west --
16 It's Main Street, I'm sorry. Main Street is
17 shown on the map.

18 So if we look on the map that's
19 provided on Page 1, B-1 is a light color pink
20 area, and there is only one block that is zoned
21 B-1, and the proposal is to allow through the
22 special use process any existing building within
23 the B-1 District --

24 CHAIRMAN OLSON: Just B-1?

1 MS. NOBLE: Just B-1, just B-1, just
2 within that historic commercial core, and it
3 would be for any existing building, so that
4 limits the request, and the request is that you
5 would allow multi-family or apartments on the
6 ground floor.

7 So right now in B-1 District you can
8 have up to two apartments above the first floor,
9 and so this request, its impetus is in the memo
10 stated, was from the successful, you know,
11 transfer of the old jail property to a developer,
12 KCJ Restoration, and part of their proposal is to
13 have a combination of commercial and residential
14 land uses.

15 Unfortunately the way that the
16 existing building -- because they are staying
17 within the confines of the existing use of the
18 jail -- is separated by the original building and
19 then an annex, which is an addition to the
20 building, so their proposal is to have commercial
21 on the first floor of the original jail building
22 and then apartments above, or some other
23 commercial apartment kind of land use or office
24 use above, and then the adjacent --

1 CHAIRMAN OLSON: Annex?

2 MS. NOBLE: -- building annex, which is
3 connected, would be all residential. So that's
4 the garage and garage space above.

5 So this type of proposal is similar
6 to what we have encouraged in the downtown with
7 the recently adopted Yorkville Overlay District,
8 and actually if the York -- Once this hybrid of
9 zoning and form based code was approved, and it
10 was approved last night, it would allow this use
11 outright in this particular building.

12 But we moved forward with this
13 because we didn't know the status of that overlay
14 district being adopted and we wanted the
15 petitioner to be able to move forward, but it
16 keeps in the same vein with that there was a
17 combination of commercial and residential, so the
18 residential provides that needed, you know,
19 rooftop to the commercial land use to make it a
20 viable property, it just does it in a different
21 way. Instead of vertically having a commercial
22 on the first floor and residential on the top
23 floor, it's doing it horizontally.

24 So also the request is to provide a

1 threshold for commercial so that we are not
2 losing those sales tax dollars by allowing
3 multi-family, and the threshold is that at least
4 25 percent of the overall square footage of the
5 building will be dedicated to commercial land
6 use.

7 So with that, I have a proposal in
8 here. I don't know if we need to go any further
9 after this, if the City Council is going to take
10 any action on this, because again, the form based
11 code would allow it, but we had a scheduled
12 public hearing, so we're holding it.

13 MR. VINYARD: Are there any prohibited
14 businesses for this arrangement?

15 MS. NOBLE: Do you mean --

16 MR. VINYARD: Whereas --

17 MS. NOBLE: -- in this request?

18 MR. VINYARD: Certain -- Yeah.

19 MS. NOBLE: We are not prohibiting any
20 commercial business. Anything that's already
21 allowed in B-1, which is your small scale kind of
22 pharmacy, kind of commercial or coffee shop or
23 something like that, would be allowed. So we're
24 not prohibiting any type of businesses. Also --

1 MR. VINYARD: I'm just saying with
2 having normal taxpayer with residential above,
3 there are certain things that you don't mix.

4 MS. NOBLE: Correct, you don't want to
5 mix.

6 MR. VINYARD: I didn't know if the
7 side-by-side there was going to be something in
8 those --

9 MS. NOBLE: Correct. So the B-1 is --
10 besides the office, is one of the most
11 restrictive business land uses.

12 MR. VINYARD: Okay.

13 CHAIRMAN OLSON: And there is really
14 like no buildings there. There is the only jail,
15 there is --

16 MS. NOBLE: The county.

17 CHAIRMAN OLSON: -- the old man's office
18 who should have been torn down ten years ago --

19 MS. NOBLE: That's right.

20 CHAIRMAN OLSON: -- and hopefully will
21 be torn down soon, and the house right below
22 it --

23 MS. NOBLE: Correct, correct.

24 CHAIRMAN OLSON: -- which probably will

1 go with that, too. So really we are only talking
2 about the jail.

3 MS. NOBLE: We are only talking about
4 the jail. That's how staff structured it, so
5 that you wouldn't have any of the B-1's or
6 other --

7 CHAIRMAN OLSON: I read this twice and
8 had all these zingers for Krysti and Jason and
9 she totally disarmed me in about 30 seconds as
10 normal, so...

11 All right. Anything else you would
12 like to add?

13 MS. NOBLE: That's it.

14 CHAIRMAN OLSON: Any questions from
15 anyone?

16 MS. HORAZ: I do have a question about
17 parking for residential.

18 MS. NOBLE: So residential, right now as
19 it stands, it would have one space per unit, and
20 then for a one -- for an efficiency unit and then
21 it would be two for every one bedroom, and that
22 would be for all of the one-plus bedrooms.

23 MS. HORAZ: How many?

24 MS. NOBLE: So right now, because it's

1 in the older part of town, it has direct access
2 behind it to our public parking to 22 spaces.

3 MS. HORAZ: Yes.

4 MS. NOBLE: It has street parking of
5 about four spaces right in front, and then with
6 the agreement that the City did with KCJ
7 Restoration, we're going to be adding additional
8 parking along the street as well.

9 MS. HORAZ: Will the residents be
10 allowed to park overnight in the city lot?

11 MS. NOBLE: Yes. Right now.

12 MS. HORAZ: Is that normal?

13 MS. NOBLE: It's public parking; we
14 can't tell --

15 MS. HORAZ: So there is no restrictions.

16 MS. NOBLE: We don't have any time
17 limits on our public parking spaces.

18 MS. HORAZ: I know they have issues with
19 that down by the pool.

20 MS. NOBLE: In this area we don't intend
21 to have that many issues because it's sloped down
22 that hill in front, you have 11 to 13 parking
23 spaces on Van Emmon Street available to the
24 public.

1 MS. HORAZ: Great.

2 CHAIRMAN OLSON: Is there anyone -- Any
3 other questions?

4 (No response.)

5 CHAIRMAN OLSON: Is there anyone present
6 who wishes to speak in favor of the request?

7 (No response.)

8 CHAIRMAN OLSON: Is there anyone who
9 wishes to speak in opposition to the request?

10 (No response.)

11 CHAIRMAN OLSON: Seeing as there is
12 none, since all public testimony regarding these
13 petitions has been taken, may I have a motion to
14 close the taking of testimony in the public
15 hearing?

16 MS. HORAZ: So moved.

17 MR. VINYARD: Second.

18 CHAIRMAN OLSON: Roll call vote on the
19 motion, please.

20 MS. YOUNG: Yes.

21 Horaz.

22 MS. HORAZ: Yes.

23 MS. YOUNG: Marcum.

24 MR. MARCUM: Yes.

1 MS. YOUNG: Olson.
2 CHAIRMAN OLSON: Yes.
3 MS. YOUNG: Vinyard.
4 MR. VINYARD: Yes.
5 MS. YOUNG: Williams.
6 MR. WILLIAMS: Yes.
7 CHAIRMAN OLSON: The public hearing
8 portion of tonight's meeting is closed.
9 (Which were all the
10 proceedings had in the
11 public hearing portion
12 of the hearing.)
13 ---o0o---
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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 55, 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 1st day of November, A.D., 2019.

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

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Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: October 15, 2019
Subject: **PZC 2019-23 Adult-Use Cannabis**
Zoning Ordinance Text Amendment

Summary:

Proposed text amendment to Title 10, Chapter 6, Permitted and Special Uses (Zoning Ordinance) of the Yorkville Municipal Code, regulating the zoning of adult-use cannabis business establishments, specifically the time, place, manner, number and minimum distance limitations between such uses and locations the City deems sensitive such as existing schools, parks, religious institutions and residential land uses in response to recently adopted Illinois legislation.

General Background:

In March 2014, the City adopted an ordinance identifying “medical cannabis cultivation centers” and “medical cannabis dispensary organizations” as special uses in the M-1 Manufacturing Districts in response to the state legislation approving these operations throughout Illinois as part of the Compassionate Use of Medical Cannabis Pilot Program Act which went into effect on January 1, 2014. The law established the cultivation and dispensing of cannabis for medicinal purposes to patients with serious medical conditions. As originally adopted, the law had a sunset clause that required the legislature to renew the program or create a new law or it will expire four years from the date it went into effect.

On June 25, 2019, the State of Illinois extended and expanded upon the Compassionate Use of Medical Cannabis Pilot Program and approved the recreational use of cannabis by adults via Public Act 101-0027¹. Effective on January 1, 2020, the Cannabis Regulation and Tax Act, legalizes the private consumption and possession of cannabis for Illinois residents over 21 years of age by setting a maximum possession limit of 30 grams of cannabis flower, 500 milligrams of THC cannabis-infused products, and 5 grams of cannabis concentrate. Non-residents are permitted to possess half those amounts. Additionally, the Cannabis Regulation and Tax Act permanently preserves the legalization of medical cannabis in Illinois, allows the home growing of cannabis only by medical cannabis home participants, and provides for the state licensure and regulation of a variety of adult-cannabis business establishments. This includes cannabis craft growers, cannabis processors, cannabis cultivation centers, cannabis dispensaries, cannabis infusers and cannabis transporter organizations.

Since the current zoning ordinance does not expressly identify these specific cannabis business establishments as permitted or special uses, they are deemed prohibited per Section 10-3-10. *However*, these uses could arguably fall under the umbrella of other permitted uses listed in the zoning ordinance such as “Retail Store” “Pharmacy/Drugstore” or “Greenhouse/Nursery”. Therefore, to avoid undo confusion, staff has prepared draft local zoning regulations for adult-use cannabis business establishments based upon standards set forth in both the Compassionate Use of Medical Cannabis Pilot Program Act and the Cannabis Regulation and Tax Act, as well as recommendations from the Illinois Municipal League (IML) and research of other local communities.

¹ <http://www.ilga.gov/legislation/publicacts/101/101-0027.htm>

Zoning Considerations:

Section 55-25 of the recently approved Cannabis Regulation and Tax Act establishes that local governments may adopt reasonable ordinances regulating the time, place, manner, and number of cannabis establishment operations, including minimum distance limitations between cannabis businesses and locations it deems “sensitive” (e.g. schools, parks, religious institutions, etc.) through a special use process. Local units of government may also permit or prohibit on-premise consumption of cannabis at or in a cannabis business establishment.

Currently, the City’s Zoning Ordinance permits medical cannabis cultivation and dispensaries as special uses within the M-1 Limited Manufacturing District, as this district tends to be isolated from residential uses. Additional separation between medical cannabis cultivation sites and dispensaries and other non-compatible land uses are also provided in the current ordinance as follows:

Cultivation Centers must be located 2,500 feet from pre-existing pre-schools, elementary or secondary schools, day care centers, group day cares, public parks and religious institutions.

Dispensaries must be located 1,000 feet from pre-existing pre-schools, elementary schools, day care centers or group day care public parks and religious institutions.

As adopted, municipalities have two (2) options for regulating adult-use cannabis businesses through their zoning ordinance. The municipality can either (1) out-right prohibit cannabis business establishments or (2) authorize cannabis business establishments as conditional or special uses. The City Council at a meeting held on October 8th requested staff prepare recommendations for permitting adult-use cannabis establishments as special uses in certain zoning districts. Below is an explanation of how adult-use cannabis businesses can be regulated by zoning.

Adult-Use Cannabis Business Zoning:

As set forth in the Cannabis Regulation and Tax Act, local regulation of authorized adult-use cannabis businesses is allowed through zoning as a “conditional” (special) use. In addition to the special use authority, municipalities have the option of allowing on-site consumption of cannabis and the co-location of craft growers, infusers, processors, and dispensaries. Adult-use craft growers are small scale operations that cultivates, dries, cures and packages cannabis. Adult-use infuser operations incorporates cannabis or cannabis concentrate into products (e.g. oils, foods, personal-care products, etc.). Adult-use dispensaries sell cannabis leaves, cannabis seeds, cannabis-infused products and paraphernalia. Adult-use transporter is a business that is licensed by the State of Illinois to carry by vehicle cannabis products from the grower, infuser, processor to the dispensaries.

Municipalities are allowed to also establish minimum distance limitations between these adult-use cannabis businesses and other cannabis businesses, liquor establishments, schools, daycare centers, nursing homes or other uses the local government deems sensitive. Specific standards when considering special use applications for adult-use cannabis businesses should include: the impact of the proposed use to existing properties in the vicinity; co-tenancy; hours of operation; traffic generation; site design and signage; and compliance with established distances to other sensitive land uses (i.e., schools, daycares, etc.).

Research of Local Communities

Staff has researched and contacted several Illinois municipalities to determine how other communities are deciding to regulate adult-use cannabis businesses through zoning. Most of the communities are in the proposal phase and not have approved final ordinances. The table below provides a summary of those findings:

Municipality/ Local Government	Prohibit/Permit	Distance Requirements	On-Premise Consumption Allowed (Y/N)
Kendall County	Permitted (Special Use in M-1, M-2 and B-3 Districts)	<p>Craft Growers – 1,000 feet from schools, daycare, residential care homes, pre-existing residential zoned or used land (unless owned by craft grower), pre-existing forest preserve, public park or place of worship.</p> <p>Cultivation Centers – 2,500 feet from schools, daycare, residential care homes, pre-existing residential zoned or used land, pre-existing forest preserve, public park or place of worship.</p> <p>Dispensaries – 1,000 feet from schools, daycare, residential care homes, pre-existing forest preserve, public park or place of worship. <u>250 feet from pre-existing property zoned or used for residential purposes.</u></p> <p>Infusers – 1,500 feet from schools, daycare, residential care homes, pre-existing forest preserve, public park or place of worship. <u>250 feet from pre-existing property zoned or used for residential purposes.</u></p> <p>Processor - 1,500 feet from schools, daycare, residential care homes, pre-existing forest preserve, public park or place of worship. <u>250 feet from pre-existing property zoned or used for residential purposes.</u></p> <p>Transporter - 1,500 feet from schools, daycare, residential care homes, pre-existing forest preserve, public park or place of worship. <u>250 feet from pre-existing property zoned or used for residential purposes.</u></p>	No
Owego	Permitted (Special Use in Manufacturing and Business Districts)	100 feet from schools and no proposed minimum distances from residential uses.	No
Montgomery	Permitted (Special Use in Manufacturing and Business Districts)	Minimum distances are still being discussed.	No
Sugar Grove	Prohibited	N/A	N/A
Plano	Undetermined	Minimum distances are still being discussed, with a likeliness to not have any buffer between dispensaries and residential land uses due to proximity of residential land uses and US 34.	Undetermined

Naperville	Prohibited ²	N/A	N/A
Plainfield	Prohibited	N/A	N/A
Lombard	Permitted (Out-Right Permitted in Office, Industrial and Some Commercial; Special Use in neighborhood/corridor commercial and downtown)	None	No

Proposed Zoning Provisions:

Based upon the local governance provision of the Cannabis Regulation and Tax Act and a survey of nearby communities, **it is staff's recommendation to amend the Zoning Ordinance to allow adult-use cannabis businesses as special uses within the B-3 General Business, A-1 Agricultural, M-1 Limited Manufacturing and M-2 General Manufacturing zoning districts as follows:**

PROPOSED DEFINITIONS

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

² As of September 196, 2019, Naperville has temporarily banned the sale of recreational cannabis until results from an upcoming referendum are reviewed.

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

TABLE 10.06.09
ADULT USE CANNABIS BUSINESSES

[illegible]

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business					Manufacturing	
	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
ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S

P = Permitted use

S = Special use

- = Not permitted use

PROPOSED DISTANCE & ZONING REQUIREMENTS

1. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:
 - Facility may not be located within **500 feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/Trade schools shall not be classified as a public or private school for purposes of this Section.
 - Facility may not be located within **250 feet** of the property line of a pre-existing property zoned or used for residential purposes, unless in the A-1 Zoning District where the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower, regardless of corporate boundary.
 - Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - Adult-Use Cannabis Craft Growers may co-locate with an Adult-Use Dispensing Organization or an Adult-Use Cannabis Infuser Organization, or both, only on properties zoned within the M-1 or M-2 districts.
 - For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “Industrial Uses” per Section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the Special Use conditions.
2. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:
 - Facility may not be located within **500 feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/Trade schools shall not be classified as a public or private school for purposes of this Section.
 - Facility may not be located within **250 feet** of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
 - Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

- For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “Industrial Uses” per Section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the Special Use conditions.
3. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
- Facility may not be located within **500 feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/Trade schools shall not be classified as a public or private school for purposes of this Section.
 - Facility may not be located in a dwelling unit or within **250 feet** of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
 - Adult-Use Cannabis Dispensing Organizations shall have a maximum gross floor area of 5,000 square feet.
 - At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food or alcohol for consumption on the premises within the same tenant space.
 - Adult-Use Cannabis Dispensing Organizations are prohibited from having drive-through facilities.
 - Adult-Use Cannabis Dispensing Organizations are prohibited from utilizing e-commerce delivery service platforms.
 - Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - For purposes of determining required parking, said facilities shall be classified as “Commercial Uses” per Section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the Special Use conditions.
4. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:
- Facility may not be located within **500 feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/Trade schools shall not be classified as a public or private school for purposes of this Section.
 - Facility may not be located in a dwelling unit or within **250 feet** of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
 - At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - Adult-Use Cannabis Infuser Organizations may co-locate with an Adult-Use Dispensing Organization or an Adult-Use Cannabis Craft Grower Organizations, or both, only on properties zoned within the M-1 or M-2 districts. In such instances, the maximum gross

floor area dedicated to the Dispensing Organization shall be 5,000 square feet and at least 75% of the floor area of the overall tenant space must be devoted to the activities authorized by the Act.

- For purposes of determining required parking, said facilities shall be classified as “Industrial Uses” per Section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the Special Use conditions.

5. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- Facility may not be located within **500 feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/Trade schools shall not be classified as a public or private school for purposes of this Section.
- Facility may not be located in a dwelling unit or within **250 feet** of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
- At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- For purposes of determining required parking, said facilities shall be classified as “Industrial Uses” per Section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the Special Use conditions.

6. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Cannabis Transporting Organization may be located, the proposed facility must comply with the following:

- Facility may not be located within **500 feet** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/Trade schools shall not be classified as a public or private school for purposes of this Section.
- Facility may not be located in a dwelling unit or within **250 feet** of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
- The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- For purposes of determining required parking, said facilities shall be classified as “Industrial Uses” per Section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the Special Use conditions.

PROPOSED ADDITIONAL RESTRICTIONS & CONDITIONS

1. Number of Adult-Use Cannabis Establishments – Per Section 55-25 of the Cannabis Regulation and Tax Act, local governments may regulate the number of cannabis establishment operations within its jurisdiction. **Staff also recommends limiting the**

maximum number of any type of adult-use cannabis establishments to no more than one (1) per organization type (i.e. Craft Grower, Cultivation Center, Dispenser, Infuser, Processor and Transporter organization).

2. Business Hours – Per Section 15-70 of the Cannabis Regulation and Tax Act, a dispensing organization may operate between the hours of 6 a.m. and 10 p.m. local time. **Staff is proposing a business operational time of 10 a.m. to 8 p.m. during the week and Saturday, and 12 p.m. to 5 p.m. on Sundays.**
3. On-Premise Consumption – Per Section 55-25 of the Cannabis Regulation and Tax Act, local governments may regulate on-premises consumption of cannabis at or in a cannabis business establishment. **Staff recommends prohibiting on-premise consumption of cannabis products in all identified cannabis business establishments.**
4. Signage – Per Section 55-20 of the Cannabis Regulation and Tax Act, adult-use cannabis establishments are limited in the manner in which they advertise and promote their products. **Therefore, staff recommends the following signage regulations:**
 - a. Recreational cannabis dispensaries shall be limited to one (1) wall-mounted sign per business.
 - b. All adult-use cannabis establishments shall be prohibited from having electronic message board signs.
 - c. Signage for adult-use cannabis establishments shall not contain cannabis imagery such as leaves, plants, smoke, paraphernalia, or cartoonish imageries.
5. Special Use Application Requirements – **staff proposes that all applications seeking special use approval for an adult-use cannabis establishment shall provide the following information:**
 - a. Applicant name and the business name of the proposed adult-use cannabis establishment for which the special use is sought, including addresses, telephone numbers and e-mail addresses of (1) sole proprietors; (2) business entities with financial interest in the business, and (3) all officers, directors, partners, managers and owners. A post office box may not be submitted as the address of the applicant.
 - b. Copy of licensure or registration that the organization is authorized to conduct an adult-use cannabis business establishment in the State of Illinois.
 - c. The commonly known address, permanent index number (PIN) and legal description of the proposed location of the adult-use cannabis establishment.
 - d. Property ownership information. Written statement that the applicant owns or has under contract the property of the proposed adult-use cannabis establishment.
 - e. The proposed hours of operation.
 - f. Copy of a business plan to be kept on file with the Yorkville Police Department and confidential to the extent permitted by law, including but not limited to the following:
 - i. Proposed number of employees.
 - ii. A description of the products and services that the proposed adult-use cannabis establishment will offer.
 - iii. Description or statement of training and education that will be provided to the proposed adult-use cannabis dispensary agents/staff.
 - iv. A security plan that will describe how the proposed use will address concerns related to inventory tracking and prevention of theft; measures to control customer overflow and access to restricted areas; employee restrictions to limited access areas and restricted area; and video surveillance/alarm system.

- g. Aerial map of the subject property identifying the current zoning and land uses of all surrounding parcels within 500 feet.
 - h. Site Plan including, but not limited to, nearest utility connection, points of access, internal site circulation, lighting/photometric plan, landscape plan, off-street parking, trip generation calculations
 - i. Floor plans and elevations of proposed adult-use cannabis establishment, including the location of enclosed and secured loading and trash handling and disposal facilities.
 - j. Signage Plans.
 - k. Information on co-location with another adult-use cannabis establishment.
6. **Standards for Special Use for an Adult-Use Cannabis Facility** – In addition to the general requirements for Special Use approval provided in Section 10-4-9 of the Zoning Ordinance, **staff is proposing these additional special use standards to be considered:**
- a. Impact of the proposed facility on the existing or planned uses located within the vicinity of the subject property.
 - b. Suitability of the proposed facility and it's co-location with another adult-use cannabis business establishment.
 - c. Adequate waste management plan for the storage, security and disposal of discarded cannabis products and materials.
 - d. Distance to existing adult-use cannabis establishment.

Staff Comments:

Based upon discussion at the October 8th City Council meeting, staff is providing four (4) maps indicating possible locations for adult-use cannabis establishments as follows:

- 1. 500-foot buffer from all “sensitive” land uses such as: pre-existing property zoned or used for residential purposes, public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions;
- 2. 2,500-foot buffer from all “sensitive” land uses such as: pre-existing property zoned or used for residential purposes, public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions;
- 3. 1,000-foot buffer from all “sensitive” land uses such as: pre-existing property zoned or used for residential purposes, public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions;
- 4. 500-foot buffer from pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions **and** 250-foot buffer from pre-existing property zoned or uses for residential purposes (*recommended by staff*).

Proposed Motion for Amendments

In consideration of testimony presented during a Public Hearing on November 13, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated October 15, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission} ...

Attachments:

1. Adult-Use Cannabis Fact Sheet
2. *Marijuana and The Zoning Board* – The Commissioner article
3. Current Medical Cannabis Ordinance No. 2014-08
4. Map – Potential Adult-Use Cannabis Cultivation Center Locations with 500 ft. buffer
5. Map – Potential Adult-Use Cannabis Cultivation Center Locations with 2,500 ft. buffer
6. Map – Potential Adult-Use Cannabis Dispensary Locations with 1,000 ft. buffer
7. Map – Potential Adult-Use Cannabis Dispensary Locations with 500 ft. and 250 ft. buffer
8. Public Hearing Notice

Adult-Use Cannabis

Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.



7/15/19

LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. [More information about the medical cannabis program is available via this link.](#)



ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION

In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.



LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.



SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.



**UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 2014-08

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY,
ILLINOIS, AMENDING THE YORKVILLE ZONING ORDINANCE BY ADDING
MEDICAL CANNABIS CULTIVATION CENTER AND DISPENSING
ORGANIZATION AS SPECIAL USES IN THE M-1 ZONING DISTRICT

Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 11th day of March, 2014

Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on March 31, 2014.

Ordinance No. 2014- 08

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, AMENDING THE YORKVILLE ZONING ORDINANCE BY ADDING MEDICAL CANNABIS CULTIVATION CENTER AND DISPENSING ORGANIZATION AS SPECIAL USES IN THE M-1 ZONING DISTRICT

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, pursuant to Section 10-14-7 of the Yorkville Zoning Code (the “Zoning Code”) the City may initiate amendments to the Yorkville Zoning Ordinance; and,

WHEREAS, the City filed seeking an amendment to the Zoning Code to define and locate medical cannabis dispensing organizations and cultivation centers in the zoning districts of the Yorkville Zoning Ordinance; and,

WHEREAS, Section 5/11-13-1.1 of the Illinois Municipal Code (65 ILCS 5/11-13-1.1) provides that the City may establish special uses in its zoning ordinance because of their unique characteristics, impact of those uses on neighboring land, and public need for that particular use at a particular location; and,

WHEREAS, the Plan Commission convened and held a public hearing on the 12th day of February 2014, on the question of the text amendments to the Zoning Code; and,

WHEREAS, upon conclusion of said public hearing, the Plan Commission recommended the approval of the text amendments to the Zoning Code.

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 and made a part of this Ordinance.

Section 2: Title 10, Chapter 2, Section 10-2-3 of the United City of Yorkville Code of Ordinances is hereby amended by the addition of the following definitions:

“CULTIVATION CENTER: A facility registered by Department of Agriculture to perform activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

MEDICAL CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is registered by Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of

dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualified patients in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).”

Section 3: Title 10, Chapter 8, Article A (M-1 Limited Manufacturing District), Section 10-8A-3 of the United City of Yorkville Code of Ordinances is hereby amended by the addition of the following special uses:

“Cultivation Center and Medical Cannabis Dispensing Organization in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) provided that the distance requirements set forth in that Act are also required for public parks and religious institutions for such use.”

Section 4: 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 11 day of MARCH, 2014.

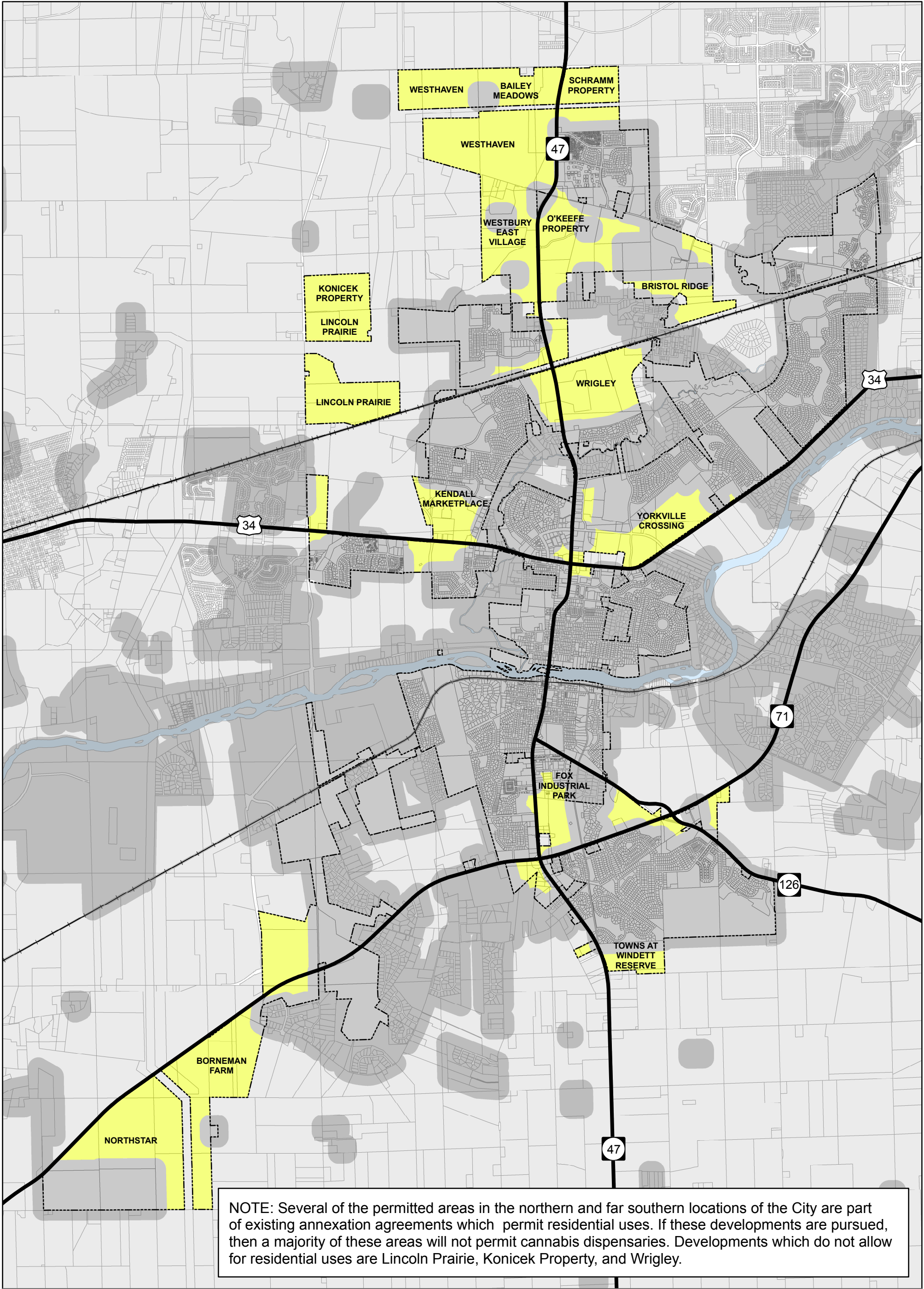
Asia Pickering
DEPUTY CITY CLERK

CARLO COLOSIMO	<u>n</u>
JACKIE MILSCHEWSKI	<u>y</u>
CHRIS FUNKHOUSER	<u>n</u>
ROSE ANN SPEARS	<u>n</u>

KEN KOCH	<u>y</u>
LARRY KOT	<u>y</u>
JOEL FRIEDERS	<u>y</u>
DIANE TEELING	<u>y</u>

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this 19 day of MARCH 2014.

Harry J. Golinski
MAYOR




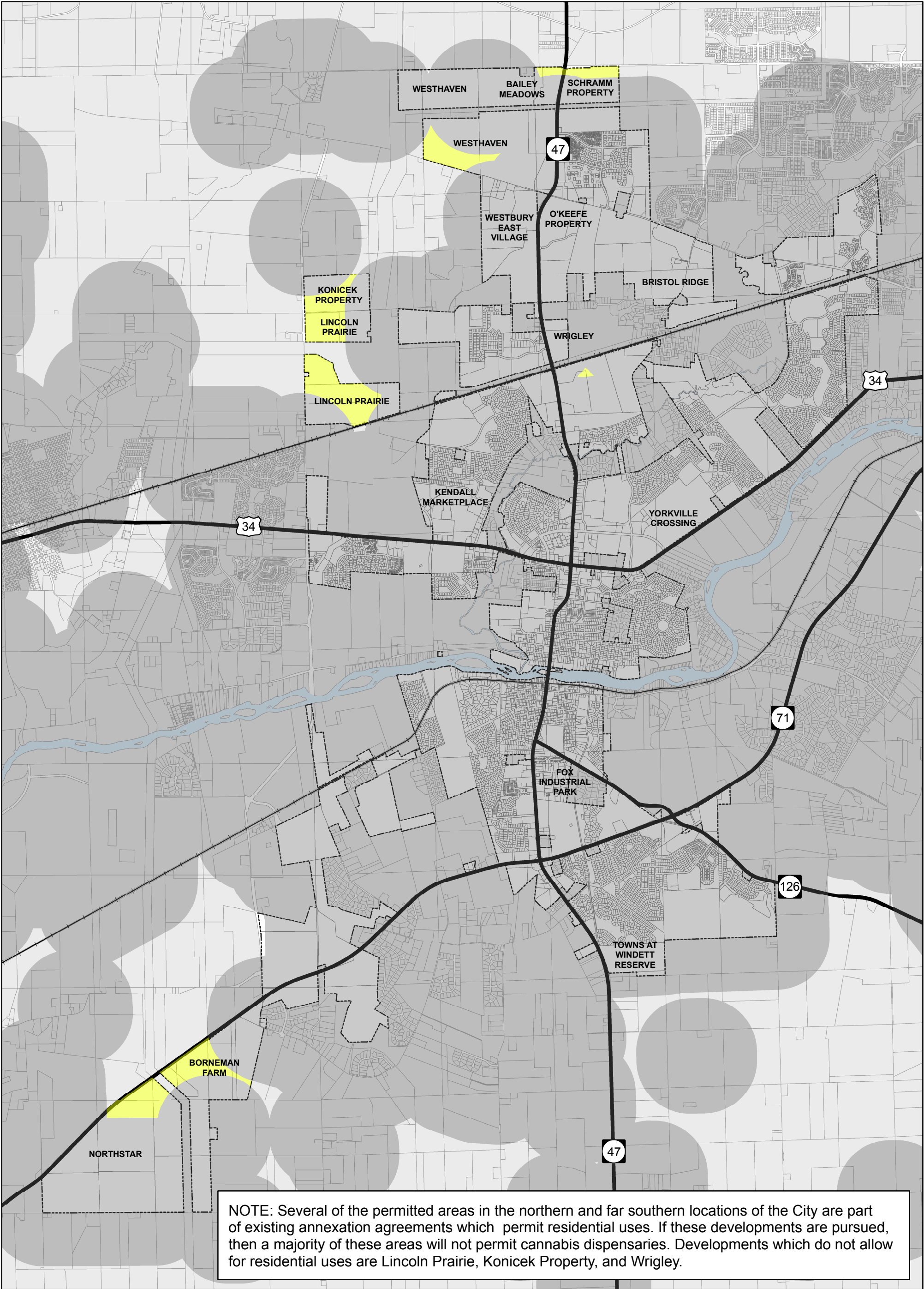
CANNABIS DISPENSARY/CULTIVATION PERMITTED LOCATIONS | 500 FOOT BUFFER

Cannabis Cultivation Permitted Location

Cannabis Cultivation NOT Permitted
500 Foot Buffer from all schools, daycares, residential zones, parks, and religious institutions

Yorkville City Boundary

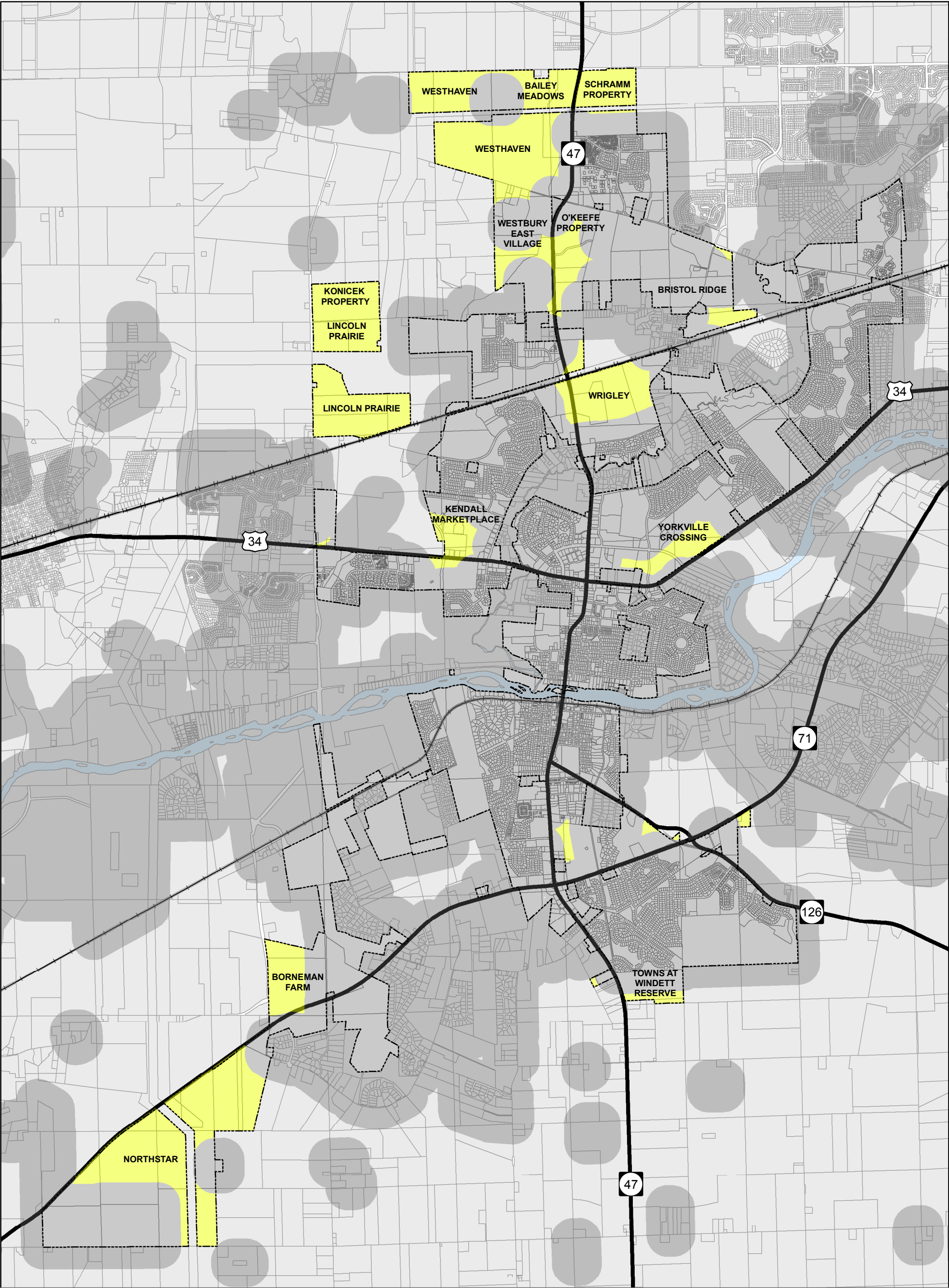








CANNABIS DISPENSRY/CULTIVATION PERMITTED LOCATIONS | 2,500 FOOT BUFFER

- Cannabis Cultivation Permitted Location
- Cannabis Cultivation NOT Permitted
2,500 Foot Buffer from all schools, daycares, residential zones, parks, and religious institutions
- Yorkville City Boundary



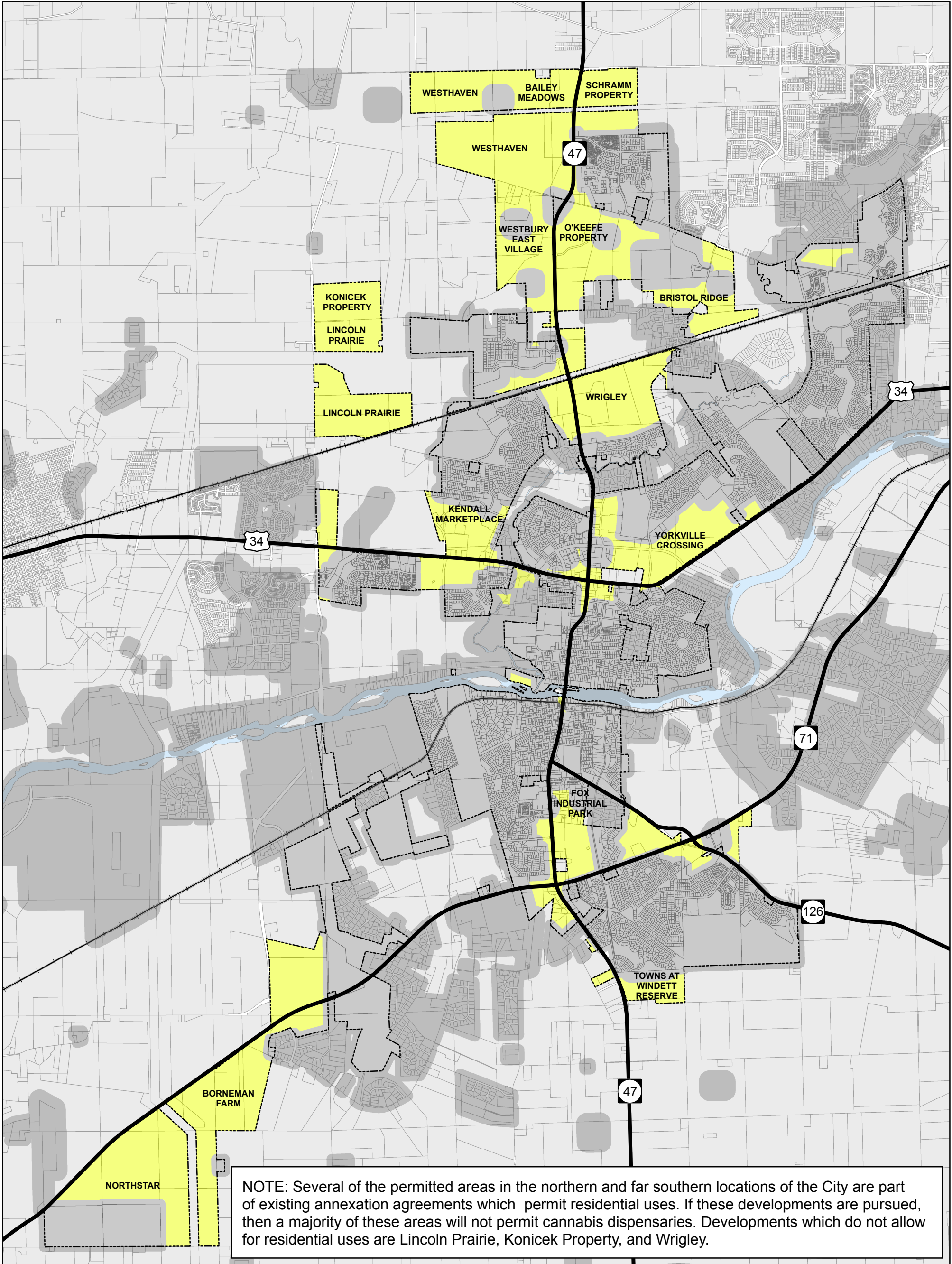


CANNABIS DISPENSARY PERMITTED LOCATIONS | 1,000 FOOT BUFFER

-  Cannabis Cultivation Permitted Location
-  Cannabis Cultivation NOT Permitted
-  1,000 Foot Buffer from all schools, daycares, residential zones, parks, and religious institutions
-  Yorkville City Boundary

NOTE: Several of the permitted areas in the northern and far southern locations of the City are part of existing annexation agreements which permit residential uses. If these developments are pursued, then a majority of these areas will not permit cannabis dispensaries. Developments which do not allow for residential uses are Lincoln Prairie, Konicek Property, and Wrigley.





CANNABIS DISPENSARY/CULTIVATION PERMITTED LOCATIONS
500 FOOT BUFFER (PARKS, SCHOOLS, RELIGIOUS INSTITUTIONS, AND DAYCARES)
250 FOOT BUFFER (RESIDENTIALLY ZONED PROPERTIES)



PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2019-23

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a Text Amendment to Title 10, Chapter 6, Permitted and Special Uses (Zoning Ordinance) of the Yorkville Municipal Code, regulating the zoning of adult-use cannabis business establishments, specifically the time, place, manner, number and minimum distance limitations between such uses and locations the City deems sensitive such as existing schools, parks, religious institutions and residential land uses.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, November 13, 2019 at 7 p.m. at the United City of Yorkville, City Council Chambers, located at 800 Game Farm Road, Yorkville, Illinois 60560.

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

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing. Additional information on the petition can be viewed at <https://www.yorkville.il.us/502/Current-Projects-Public-Hearings>.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

LISA PICKERING
City Clerk



Pittsburgh's zoning code limits the operation of medical marijuana dispensaries, like CY+ on Penn Avenue in the city's Strip District, to commercial zones only.

Marijuana and the Zoning Board

LOCAL GOVERNMENTS ARE INCREASINGLY FACED with decisions regarding legalized marijuana—or cannabis, the term I prefer—businesses. That's because the status of the drug has changed dramatically since California became the first state to legalize it for medical use in 1996. Currently, 10 states and the District of Columbia allow adults to buy and use cannabis for recreational use, and 23 more have legalized medical use.

Meanwhile, the federal government still considers cannabis illegal as a Schedule 1 drug under the federal Controlled Substances Act. U.S. Attorneys rarely prosecute cannabis businesses or individual users, provided they comply with state law. At the same

time, however, federally insured banks refuse to deal with cannabis businesses, and the U.S. Food & Drug Administration has prosecuted businesses that use the drug in foods or cosmetics in ways that violate the federal Food, Drug & Cosmetics Act.

The starting point for any planning commission or zoning board in a state that has legalized cannabis—whether for medical or adult recreational use—is detailed knowledge of your state's statutes. Most states allow the prohibition of facilities, but not all. Delaware, for example, allows local zoning of medical marijuana facilities, but does not permit outright prohibition. The 2015 Oregon statute legalizing adult recreational use preempts local bans, but only by citizen initiative. In California, local governments may prohibit cannabis businesses but may not ban personal cannabis cultivation “inside a residence or accessory structure.”

Many local governments have chosen total prohibition—particularly in states that have legalized adult recreational use. In California, for example, only 89 of the state's 482 cities allow adult recreational establishments.

But while prohibition relieves cities of the burdens associated with regulation, it also denies them the revenue these businesses can provide. In large cities, that can be a significant amount. For example, Denver anticipates it will receive more than \$32 million this year from a combination of “state share back” dollars and the city's own 5.5 percent tax on retail cannabis businesses.

What can cities regulate?

The first step, again, is to look to the state law, but the following possibilities are commonly left to local choice: designating zoning districts where certain businesses are permitted or prohibited; establishing reasonable “buffer” requirements for “sensitive” uses such as schools or residential districts, but often subject to state minimums; setting reasonable hours of operation; and requiring approval for items associated with development review,

THE COMMISSIONER

Planning Tools

like design review, dimensional requirements, traffic circulation, signage, and lighting.

What about a moratorium? Unless prohibited or preempted under state law, moratoriums are usually allowed, provided that the duration is reasonable. What's "reasonable"? State court decisions on this point vary, but in its 2002 ruling in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, the U.S. Supreme Court stated that "a moratorium lasting more than one year should be viewed with special skepticism."

Nuts and bolts

So what can a board or commission do? Three things:

1. DESIGNATE CERTAIN ZONING DISTRICTS

where the various types of cannabis businesses—retail dispensaries and facilities for cultivation, processing, and distribution—are permitted or prohibited.

2. **DECIDE WHICH, IF ANY,** of those businesses should be permitted as-of-right as opposed to being approved as a conditional use.

3. DETERMINE APPROPRIATE BUFFERING

and spacing requirements, keeping in mind that these must be in accordance with the state statutory scheme. "Buffers" are distancing requirements from "sensitive" land uses such as a K-12 school, day care center, or library. "Spacing" is the required distance between any two cannabis facilities. Keep in mind, however, that the area of exclusion increases exponentially with the length of the radius. Thus, a 500-foot distance requirement excludes other facilities within 18 acres, while doubling that requirement to 1,000 feet will quadruple the excluded area.

Remember that what makes for strong zoning ordinances generally also applies to regulating cannabis businesses. Your ordinance should have a clear statement of purpose acknowledging the need to safeguard public health, safety, and welfare while complying with state statutory requirements, which should

be supplemented with a well-developed "Findings" section.

Good definitions of key terms—cannabis, medical marijuana dispensary, and adult recreational retail marijuana establishment—are a must.

It is also essential to keep state preemption in mind. Be aware of rights created by state statute—the right to home

cultivation for personal use, for example. Finally, the ordinance should not permit conduct that the state prohibits or prohibit conduct that the state permits. ■

—Alan Weinstein

Weinstein is the director of the Law and Public Policy Program at the Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs at Cleveland State University. For more on his research, visit the Social Science Research Network at ssrn.com/author=30790.



ONE BOOK AT A TIME

APA's 2019 National Planning Awards recognized a children's book—*Parker the Planner: A City Planning Story*—with a silver Achievement Award for Public Outreach. The book is one of a series produced by Minnesota engineering and design firm Bolton & Menk, Inc., aimed at introducing young audiences to the fields of engineering, landscape architecture, and planning.

Parker was written by BMI landscape architect Madeline Dahlheimer. The story is told by Parker Perez, who lives in a town with no sidewalks and no playgrounds, and sets out to make a better place. "I composed most of the text (in rhyme) when I was driving to work," says Dahlheimer. "I thought about my childhood, building cities with Playmobil or Legos, and like Parker I dreamed about improving my community."

At this point, the books are not for sale. "We print copies as needed and distribute them at conferences; to clients, friends, and family; and at schools," says Dahlheimer, who has degrees in landscape architecture and urban planning. All of the books have been written by BMI staff members. "The idea," she says, "is to translate technical information and concepts into a form that children can understand and to expand their perspective on the built environment."

Other titles in the series include *Walter the Raindrop* on water cycles and *Doug the Water Drop* on wastewater; *Green Trees and Sam* on landscape architecture; *Will Learns About Civil Engineering in the World Around Him*; and *Lindsey the GIS Specialist*. They are all available online at bolton-menk.com/library.

—Ruth Eckdish Knack, FAICP
Knack is a former executive editor of *Planning*.

May You Live In Interesting Times

THAT OLD CURSE IS PARTICULARLY TIMELY for planning commissioners and planning staffs. On top of climate change, they must chart a path forward in a world increasingly shaped by demographic, economic, and technological changes. These changes can bring opportunity to cities and suburbs alike if they are willing to let go of the old principles that have guided their work for decades.

Take, for example, two very different places: long-suffering downtown Hammond, Indiana, and affluent, suburban Newton, Massachusetts.

With my colleague Jeff Speck, AICP, I am working on a revitalization plan for downtown Hammond, which was the 1940s setting for the classic film, *A Christmas Story*, but today is almost a ghost town. In Newton, I am collaborating on a plan to revitalize an outdated strip center in the midst of leafy suburban neighborhoods.

These very different places share a common opportunity to reemerge as robust, walkable, mixed use urban centers representing the heart of an increasingly diverse country.

We stand today not at the peak but rather on the cusp of a new era, one that touches almost every community across North America. Millennials and empty nesters are increasingly attracted to urban living—in cities and suburbs alike. Over the next 20 years, their unprecedented numbers will make it difficult to meet the growing demand for housing and amenities.

Meanwhile, knowledge industry jobs will steadily follow well-educated workers to the walkable downtowns and suburban centers that they prefer. Finally, in less than a decade, connected autonomous vehicles (which use various technologies to communicate with drivers) will begin to tip the balance even further toward urban and suburban lifestyles.

Flexibility is key if we are to benefit from these trends. That means adopting a more flexible approach to planning—abandoning fixed outcomes like total square footage and number of parking

spaces in favor of performance-based goals that define outcomes in terms of issues, such as quality of life and economic development objectives.

But fair warning: This kind of flexibility touches the third rail of North American planning: density, traffic, and parking.

Parking

Let's start with parking. Traditional ratios are increasingly meaningless. In some scenarios, more development can mean less parking.

Self-parking cars—likely to be the norm within a decade—will require cities to radically rethink parking requirements. With the arrival of shared autonomous vehicles (often referred to as SAVs), which need far less space, garages could be largely empty.

In Hammond, planning for this future could mean abandoning a potential \$5 million public parking structure and focusing on surface parking in order to support the city's first new mixed use development. Over the next



The Northland Newton Development project outside of Boston (above) will redevelop an existing strip mall (below) into a higher density, mixed use urban village with commercial and retail space and more than 800 new housing units surrounding a community green.

two decades, as housing, jobs, and retail uses return downtown, planners, anticipating declining parking demand, recommend that the city hold off on expensive garage investments in favor of sharing existing lots.

Newton is also thinking ahead. City officials understand that parking needs will change over the next two decades. Parking built to serve the first phase of the Needham Street project might eventually have to support some million square feet of additional development.

Traffic

Planners in both cities are starting to look at technology and shared trips to manage the traffic impacts associated with significant development. Both redevelopment initiatives envision narrowing streets to create wider sidewalks, adding protected bike lanes, and finding green solutions to stormwater management.

Density

That brings us to density. The first hurdle is to explain to skeptical stakeholders, who have watched their downtowns decline for decades, that demographics are delivering a new era of opportunity.

Planners in Hammond and Newton have taken the lead in educating stakeholders about the potential livability and economic benefits that well-planned and designed spaces can bring—even with higher density.

On the last day of the downtown community charrette, Hammond's public works chief asked Jeff Speck an intriguing question concerning roadway capacity: What would have to be sacrificed to accommodate several million square feet of new downtown development? In the past, that figure would have been enormous. But no more.

"What can we do to make our downtown more walkable?" the official asked.

The future looks bright indeed. ■

—David Dixon, FAIA

Dixon is the vice president of Planning and Urban Design at Stantec. He is based in Boston.



HISTORY A TIME TO REMEMBER

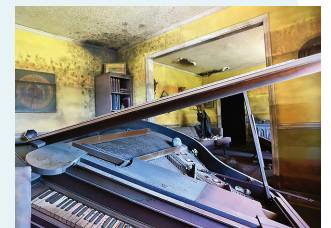
Markers commemorating Hurricane Katrina are everywhere in New Orleans. But the newest is far different from the typical concrete ones.

Thirteen years after the deadly catastrophe, the Flooded House Museum opened this year in Gentilly, where a failed levee adjoining the London Avenue Canal allowed floodwaters to ravage the neighborhood and the rest of the Lower Ninth Ward. A persistent neighborhood activist named Sandra Rosenthal had the inspired idea of saving the last house standing next to the canal and transforming it into the museum. With the help of a corps of volunteers, including two talented young artists, she created a simulation of the flooded interior of the one-story brick dwelling. Its watermarked walls and flood-ravaged furniture are visible night and day through the moldy windowpanes.

"It's the view that the neighbors had when they returned after the flood," she says.

Find out more about the project on Levees.org, the website Rosenthal started in 2007 to inform the public about the cause of the levee failures, which she and many in New Orleans attribute to neglect by the U.S. Army Corps of Engineers.

—Ruth Knack, FAICP



Damage depicted by Flooded House Museum in New Orleans serves as a cautionary reminder for those living in areas protected by levees.

PROPERTY SUMMARY:

The subject property is currently zoned as B-3 General Business District as part of the Kendall Marketplace Planned Unit Development. The following are the current immediate surrounding zoning and land uses:

	Zoning	Land Use
North	B-3 General Business District	Kendall Marketplace
East	B-3 General Business District	Kendall Marketplace
	R-4 General Multi-Family Residence District	Cedarhurst Senior Living Facility
	R-3 One-Family (Kendall County)	Oak Knolls Subdivision
South	B-1 Local Business District O Office District	Kendall County Government Center
West	B-3 General Business District	Kendall Marketplace

The following building setbacks are for the commercial parcels located in the B-3 District within the Kendall Marketplace Development Agreement:

Building Setback	Required Minimum	Proposed Setback
Front	50'	50'
Side (Interior)	20'	20'
Side (Corner)	30'	20'
Rear	20'	20'

EXISTING DEVELOPMENT AGREEMENT:

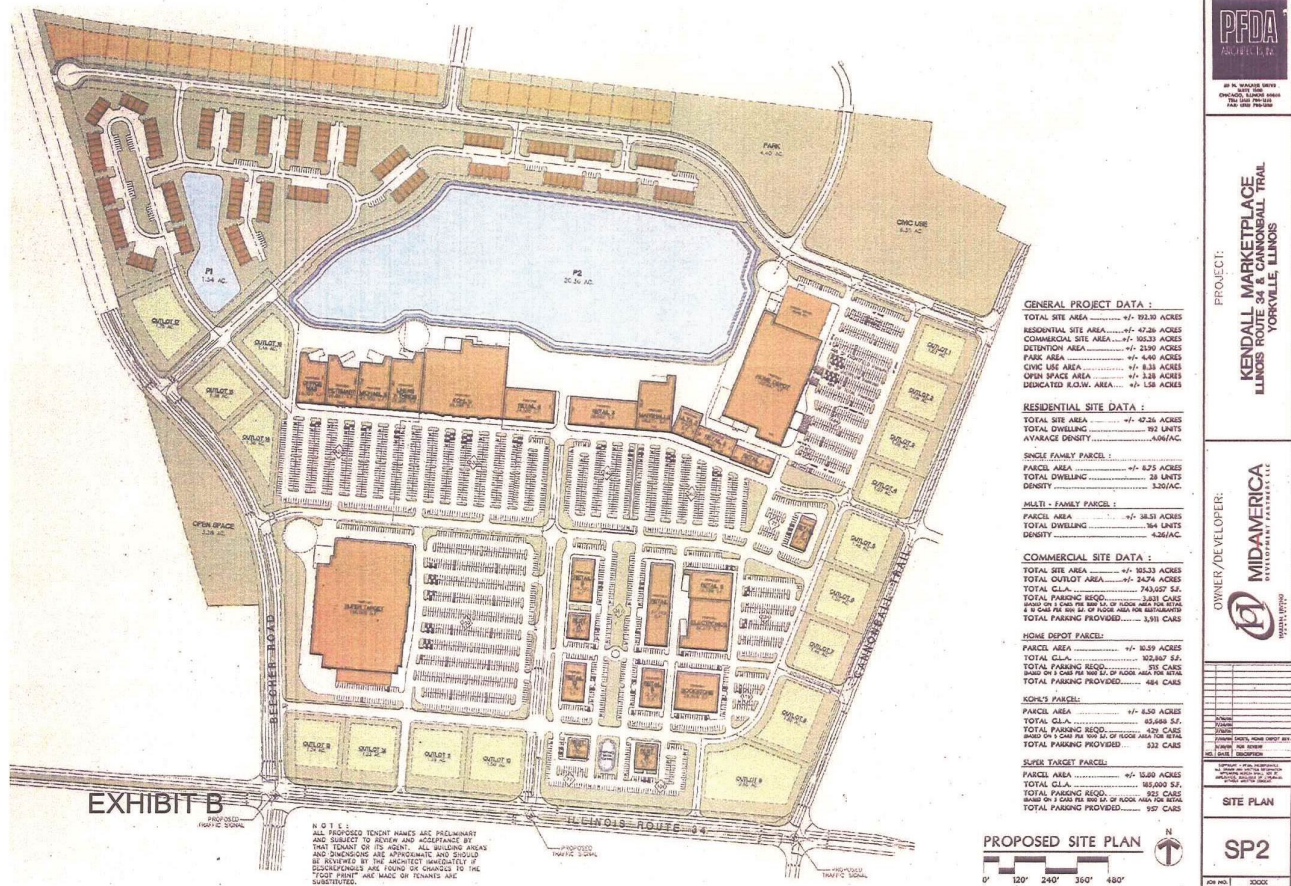
The Development Agreement (Ord. 2006-125) for Kendall Marketplace states per Article II of the Development Agreement (Ord. 2006-125) for Kendall Marketplace, “[t]he development of the property shall be generally pursuant to the Conceptual Plans attached hereto and incorporated herein as Exhibit B” (shown on the next page).

The original conceptual plan illustrates the southern most lots to contain two retail buildings and a reflection pond where the current proposed resubdivision shows 5 lots. While the layout is different, the proposed final plat of resubdivision generally keeps with the intent of the original concept plan as the square footage of the retail stores will be similar to the concept plan and does not deviate from the plan’s original intent.

STAFF COMMENTS:

The proposed Final Plat of Resubdivision has been reviewed by the City’s engineering consultant, Engineering Enterprises Inc., for compliance with the Subdivision Control Ordinance’s Standards for Specification. Comments dated October 8, 2019 and November 1, 2019 were provided to the applicant (see attached) and these comments have been addressed in a revised Final Plat which is attached to this memorandum.

Based upon the review of the proposed Final Plat of Subdivision of Kendall Marketplace Unit 1, staff believes the submitted plans are consistent with the approved conceptual site plan and the current subdivision control regulations.



Proposed Motion:

In consideration of the proposed Final Plat of Subdivision of Kendall Marketplace Unit 1, the Planning and Zoning Commission recommends approval of the plats to the City Council as presented by the Petitioner in plans prepared by HR Green dated last revised 10-30-19, subject to review comments provided by the City Engineer, EEI, Inc. dated October 8, 2019 and November 1, 2019, and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

ATTACHMENTS:

1. Final Plat of Subdivision Application
2. Initial EEI Comments, October 8, 2019
3. Updated Final Plat October 30, 2019
4. EEI Comments, November 1, 2019



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 LOT REPLATTING

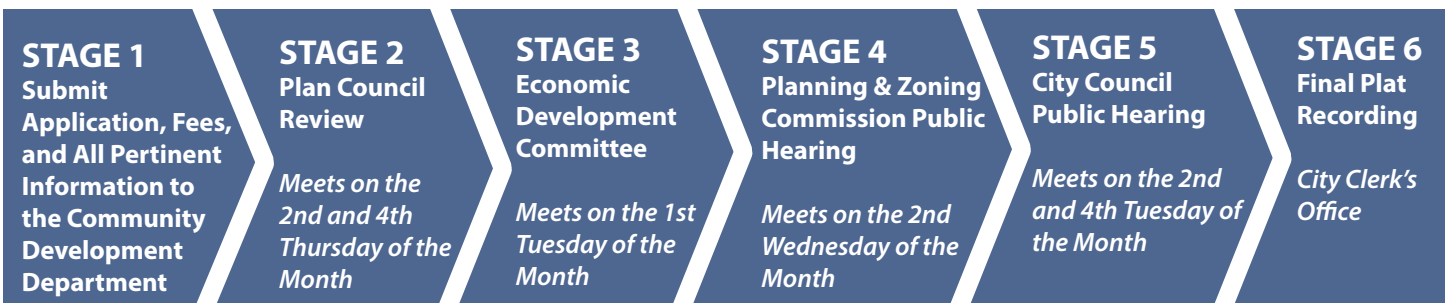
INTENT AND PURPOSE:

The purpose of the Subdivision Control Ordinance is to regulate the orderly division of land into two (2) or more lots or parcels by protecting the interests of the landowner, the city and the general public. The process for applying for lot re-platting or "re-subdividing" land allows for the review of a proposed layout of the divided lots and establishes standard design specification to ensure adequate roadways for safe and efficient traffic circulation is provided; safeguard against flood damage; promotes access and availability of utilities; and requires the provision of other necessary public improvements. However, there are some instances where an application for replatting is not required as the type of resubdivision is deemed exempt. Refer to Section 11-1-4 of the Subdivision Control Ordinance for those circumstances.

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

For a complete explanation of what is legally required throughout the Replatting process, please refer to "Title 11 Subdivision Control" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE:



STAGE 1: APPLICATION SUBMITTAL

The following must be submitted to the Community Development Department:

- One (1) original signed application with legal description.
- Two (2) 11" x 17" copies each of the proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee.
- One (1) CD or portable USB drive containing an electronic copy (pdf) of each of the signed application (complete with exhibits), proposed drawings, location map, and site plan.
- Subdivision Plats: Three (3) full size copies and one (1) 11" by 17" copy depicting the originally platted lots, the proposed new lots, the proposed modifications and adjustments.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of forty five (45) days prior to the targeted Planning and Zoning Commission meeting. An incomplete submittal could delay the scheduling of the project. Petitioner is responsible for making submittals to other review agencies such as Kendall County, Illinois Department of Transportation, Illinois Department of Natural Resources, U.S. Army Corps of Engineers, etc., to allow timely review by the City.

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



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APPLICATION FOR LOT REPLATTING

STAGE 2: PLAN COUNCIL REVIEW

Petitioner must present the proposed subdivision re-plat to the Plan Council. The Plan Council meets on the 2nd and 4th Thursday of the month. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. Upon recommendation by the Plan Council, petitioner will move forward to the Planning & Zoning Commission meeting.

STAGE 3: ECONOMIC DEVELOPMENT COMMITTEE

Petitioner must present the proposed plan to the Economic Development Committee. Economic Development Committee meets at 7:00 p.m. on the 1st Tuesday of each month. This session is to discuss and consider recommendations prior to full City Council considerations and provide informal feedback. The Economic Development Committee will submit its recommendation to City Council.

STAGE 4: PLANNING & ZONING COMMISSION PUBLIC HEARING

Petitioner will attend a meeting conducted by the Planning & Zoning Commission. The Planning & Zoning Commission meets on the 2nd Wednesday of the Month at 7:00pm. The Planning & Zoning Commission will conduct a meeting on the request, discuss the request, and make a recommendation to City Council.

STAGE 5: CITY COUNCIL PUBLIC HEARING

Petitioner must present the proposed subdivision replat to the City Council. The City Council meets the 2nd and 4th Tuesdays of every month at 7:00 p.m. in the Yorkville City Hall Council Chambers. The proposal will be discussed at the City Council hearing where formal voting takes place. City Council will make the final approval of the replatting.

STAGE 6: FINAL PLAT RECORDING

Once the final subdivision plat is approved by the City Council and all required documents, bonds, and letters of credit are submitted to the city, the final plat must be recorded with Kendall County. Submit the final plat mylar to the Deputy Clerk for signatures. When all city signatures are in place, the developer or his surveyor may take the mylar to the Kendall County Clerk for their signature. The next step is to have six (6) paper prints made and return to the Kendall County Recorder's office for recording. Kendall County requires the mylar and four (4) paper copies. The City of Yorkville requires that you submit two (2) recorded paper copies to the Deputy Clerk.



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APPLICATION FOR LOT REPLATTING

DORMANT APPLICATIONS

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

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

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

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



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APPLICATION FOR LOT REPLATTING

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
AMENDMENT	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
ANNEXATION	<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: \$
REZONING	<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: \$
SPECIAL USE	<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: \$
ZONING VARIANCE	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
PRELIMINARY PLAN FEE	<input type="checkbox"/> \$500.00		Total: \$
PUD FEE	<input type="checkbox"/> \$500.00		Total: \$
FINAL PLAT FEE	<input checked="" type="checkbox"/> \$500.00		Total: \$ 500
ENGINEERING PLAN REVIEW DEPOSIT	<input 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	\$5,000.00 \$10,000.00 \$15,000.00 \$20,000.00 \$25,000.00	Total: \$
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input type="checkbox"/> Less than 2 acres <input type="checkbox"/> Over 2 acres, less than 10 acres <input checked="" type="checkbox"/> Over 10 acres		Total: \$ 5,000
TOTAL AMOUNT DUE:			\$5,500



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APPLICATION FOR LOT REPLATTING

DATE: 9/19/2019	PZC NUMBER:	DEVELOPMENT NAME: Kendall Marketplace
PETITIONER INFORMATION		
NAME: Kendall Holdings I, LLC COMPANY:		
MAILING ADDRESS: 707 Skokie Blvd #600		
CITY, STATE, ZIP: Northbrook, IL 60062 TELEPHONE: 312 915 0690		
EMAIL: aberman@gwdglobal.com FAX:		
PROPERTY INFORMATION		
NAME OF HOLDER OF LEGAL TITLE: Kendall Holdings I, LLC		
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN: N/A		
PROPERTY STREET ADDRESS: Lot 2 of Kendall Marketplace, Yorkville, IL		
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: Lot 2 of Kendall Marketplace, Yorkville, IL		
CURRENT ZONING CLASSIFICATION: Planned Unit Development District		
TOTAL LOT ACREAGE:		TOTAL NUMBER OF LOTS TO BE CREATED: 9
PROPOSED LOT AREAS AND DIMENSIONS		
LOT NUMBER	LOT DIMENSIONS (W x L, IN FEET)	LOT AREA (IN SQUARE FEET)
LOT 101	REMAINDER OF LOT 1 - IRREGULAR	729,284
LOT 102	IRREGULAR - SEE ATTACHED PLAT	540,479
LOT 103	IRREGULAR - SEE ATTACHED PLAT	41,653
LOT 104	100 FT X 280 FT	28,000
LOT 105	100 FT X 280 FT	28,000
LOT 106	100 FT X 280 FT	28,000
LOT 107	IRREGULAR - SEE ATTACHED PLAT	47,950
LOT 108	IRREGULAR - SEE ATTACHED PLAT	56,701
LOT 109	IRREGULAR - SEE ATTACHED PLAT	73,143
LOT 110	IRREGULAR - SEE ATTACHED PLAT	72,221



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APPLICATION FOR LOT REPLATTING

ATTORNEY INFORMATION

NAME: Jamie Romick COMPANY: Mason Wenker Berman, LLC
MAILING ADDRESS: 630 Dundee Rd #220, Northbrook, IL 60062
CITY, STATE, ZIP: Northbrook, IL 60062 TELEPHONE: 847 656 6099
EMAIL: jromick@mablewfirm.com FAX:

ENGINEER INFORMATION

NAME: Same as Below (Planner/Surveyor) COMPANY:
MAILING ADDRESS:
CITY, STATE, ZIP: TELEPHONE:
EMAIL: FAX:

LAND PLANNER/SURVEYOR INFORMATION

NAME: David Schultz COMPANY: HR Green
MAILING ADDRESS: 2363 Sequoia Drive, #101
CITY, STATE, ZIP: Aurora, IL 60506 TELEPHONE: 630-708-5002
EMAIL: dschultz@hrgreen.com FAX:

ATTACHMENTS

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

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.

PETITIONER SIGNATURE

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

OWNER SIGNATURE



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:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: <u>Lot 1 @ Kendal Marketplace</u>
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input 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 checked="" type="checkbox"/> FINAL PLAT
PETITIONER DEPOSIT ACCOUNT FUND: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY		
NAME: <u>Alex Berman, president</u>	COMPANY: <u>Kendall Holdings I, LLC</u>	
MAILING ADDRESS: <u>707 Skokie Blvd #600</u>		
CITY, STATE, ZIP: <u>Northbrook, IL 60062</u>	TELEPHONE: <u>312-915-0690</u>	
EMAIL: <u>aberman@gwdglobal.com</u>	FAX:	
FINANCIALLY RESPONSIBLE PARTY: I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
<u>Alex Berman</u> PRINT NAME	<u>President of Kendall Holdings I, LLC</u> TITLE	
<u>AB</u> SIGNATURE	<u>9/19/2019</u> DATE	
ACCOUNT CLOSURE AUTHORIZATION		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING <input type="checkbox"/> ENGINEERING <input type="checkbox"/> FINANCE <input type="checkbox"/> ADMIN.

EXHIBIT A TO APPLICATION FOR LOT REPLATTING

LOT 1 IN KENDALL MARKETPLACE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTIONS 19, 20 AND 29, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 7, 2007 AS DOCUMENT NUMBER [200700014779](#) IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

EXCEPTING THEREFROM THAT PART OF THE LAND CONVEYED TO THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION DATED JANUARY 30, 2017 AS DOCUMENT [201700001779](#).



Engineering Enterprises, Inc.

October 8, 2019

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

**Re: *Lot 1 Kendall Marketplace Resubdivision
Final Plat of Resubdivision Review
United City of Yorkville, Kendall County, Illinois***

Dear Krysti:

We are in receipt of the following items for the above referenced project:

- Final Plat of Resubdivision (5 sheets) dated September 17, 2019 and prepared by HR Green.
- Final Plat of Resubdivision with AB&Aerial (5 sheets) dated September 17, 2019 and prepared by HR Green.
- Application for Lot Replatting dated September 19, 2019.

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

General

1. There are no engineering plans included in the submittal. It is our understanding that the public improvements for Kendall Marketplace have been constructed. If any public improvements are required, engineering plans and an engineer's estimate of construction cost should be provided.
2. The Plat with As-Built and Aerial information only shows water main valves and hydrants. Please provide the water main line work to confirm that service is provided to all proposed lots in the resubdivision.

3. Each lot in the resubdivision will have to submit individual final engineering plans and go through the City's Site Plan review and approval process prior to building permit issuance.


Plat of Resubdivision

4. The document number for the Kendall Marketplace subdivision should be listed.
5. List the document number on the plat that granted the ingress egress easement referenced in the Kendall Marketplace subdivision. If no easement exists, as stated on the plat, then one needs to be granted on this plat.
6. The owner/developer's name, address and phone number should be added to the plat.
7. Show where the concrete monuments will be set.
8. Unaltered City certificates must be used.
9. The leader line for the 200.00 radius at the southeast corner of the subdivision needs to be moved to the line.
10. The document numbers and road widths need to be added for Route 34 and Cannonball Trail for the portions that are adjacent to the subdivision.
11. The area for Lots 102 and 103 listed in the area table on sheet 1 do not match the lot areas listed on the individual lots.

The Developer should make the necessary revisions and re-submit the Plat and supporting documents along with a disposition letter for further review. If you have any questions or require additional information, please contact our office.

Sincerely,

ENGINEERING ENTERPRISES, INC.



Bradley P. Sanderson, P.E.
Vice President

BPS/nls

pc: Mr. Bart Olson, City Administrator (Via e-mail)
Ms. Erin Willrett, Assistant City Administrator (Via e-mail)
Mr. Jason Engberg, Senior Planner (Via e-mail)
Mr. Eric Dhuse, Director of Public Works (Via e-mail)
Mr. Pete Ratos, Building Department (Via e-mail)
Ms. Dee Weinert, Admin Assistant (Via e-mail)
Ms. Lisa Pickering, City Clerk (Via e-mail)
Mr. David Schultz, P.E., HR Green (Via e-mail)
TNP, JAM, EEI (Via e-mail)



▷ 2363 Sequoia Drive | Suite 101 | Aurora, IL 60506
Main 630.553.7560 + Fax 630.553.7646

▷ Hrgreen.com

October 30, 2019

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

RE: Kendall Marketplace – Lot 1 Development Resubdivision Preliminary Engineering Review
United City of Yorkville
Response to Comments No. 1
HR Green Job No.: 190390.01

Dear Ms. Barksdale-Noble:

Please see below our responses to Engineering Enterprises, Inc. review letter dated October 8, 2019. Responses to each comment are shown in **bold** following the comment.

General

1. There are no engineering plans included in the submittal. It is our understanding that the public improvements for Kendall Marketplace have been constructed. If any public improvements are required, engineering plans and an engineer's estimate of construction cost should be provided.

RESPONSE:

Noted.

2. The Plat with As-Built and Aerial information only shows water main valves and hydrants. Please provide the water main line work to confirm that service is provided to all proposed lots in the resubdivision.

RESPONSE:

Noted, for reference the proposed linework will be turned on since no underground routing was verified in the field and would yield the approximate location of the existing main. Private building utility services are to be provided by the Owner or during Lot Development at a later date. Attached is summary of utility services to each of the reconfigured lots for reference.

3. Each lot in the resubdivision will have to submit individual final engineering plans and go through the City's Site Plan review and approval process prior to building permit issuance.

RESPONSE:

Noted and under the same understanding.

Plat of Resubdivision

4. The document number for the Kendall Marketplace subdivision should be listed

RESPONSE:

Document number added to the title caption and within the notes on sheet 1.

5. List the document number on the plat that granted the ingress egress easement referenced in the Kendall Marketplace subdivision. If no easement exists, as stated on the plat, then one needs to be granted on this plat.

RESPONSE:

Note appearing on the face of Kendall Marketplace Subdivision, including document recording info has been added to the notes on sheet 1.



6. The owner/developer's name, address and phone number should be added to the plat.

RESPONSE:

Owner's contact info added to sheet 1.

7. Show where the concrete monuments will be set.

RESPONSE:

Location of concrete monuments have been added to sheet 1.

8. Unaltered City certificates must be used.

RESPONSE:

Certificates revised as necessary.

9. The leader line for the 200.00 radius at the southeast corner of the subdivision needs to be moved to the line.

RESPONSE:

Revised as requested.

10. The document numbers and road widths need to be added for Route 34 and Cannonball Trail for the portions that are adjacent to the subdivision.

RESPONSE:

Revised as requested.

11. The area for Lots 102 and 103 listed in the area table on sheet 1 do not match the lot areas listed on the individual lots.

RESPONSE:

Lot areas have been checked and revised as necessary.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

HR GREEN, INC.

A handwritten signature in black ink, appearing to read 'David Schultz'.

David Schultz, PE, LEED AP
Project Manager

DS/cm

J:\2019\190390\190390.01\Corr\ltr-103019-Prelim-Eng_Review_Comment_Responses_No.1.docx



Summary of utility services per reconfigured buildable lots for reference:

Lot 101 = Remainder of the original platted Lot 1 – N/A Existing Buildings and Future Buildout per user demands
(No services are assumed for this lot at this time)

Lot 102 – depending how this lot develops, this lot has several sanitary services located throughout the lot and would need a water service (or services) but water main is available on the lot in several locations.

Lot 103 – requires both sanitary and water service

Lot 104 – has both (existing stubs provided, see record drawings)

Lot 105 – requires both sanitary and water service

Lot 106 – has both services (existing stubs provided, see record drawings)

Lot 107 – requires both sanitary and water service

Lot 108 – requires both sanitary and water service (has water main on two sides of lot) – Install sanitary service across Edward Lane.

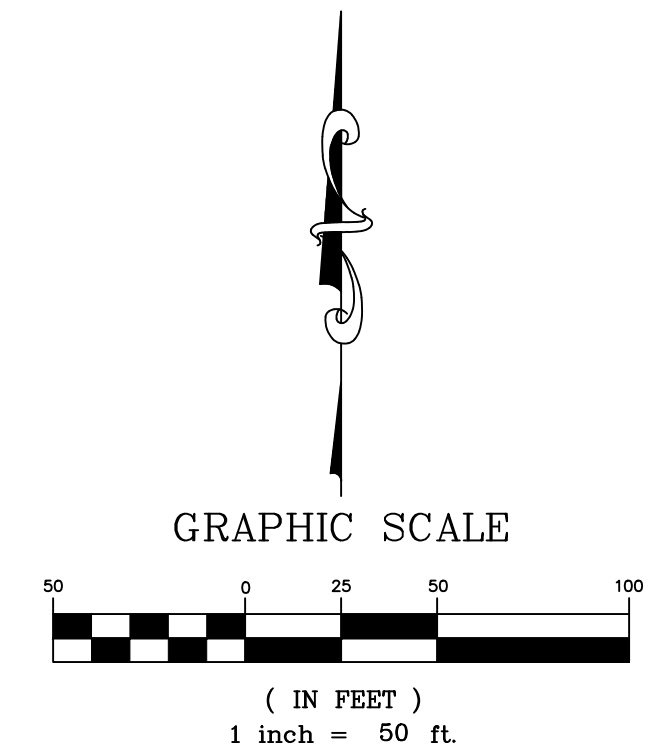
Lot 109 – requires both sanitary and water service (has water main on two sides of lot) – Install sanitary service across Edward Lane.

Lot 110 – requires a water service only (has water main on two sides of lot)

**LOT 1 FINAL PLAT OF RESUBDIVISION
KENDALL MARKETPLACE
RESUBDIVISION**

A RESUBDIVISION OF LOT 1 IN KENDALL MARKETPLACE, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 20007 AS DOCUMENT 200700014779 IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

PINs: 02-20-353-008
02-29-131-006



HR GREEN CONTACTS:
DAVID W. SCHULTZ P.E., PROJECT MANAGER
630-753-7560
BERNARD J. BAUER P.L.S., PROJECT SURVEYOR
630-753-7560

PROPERTY OWNER:
KENDALL HOLDINGS I, LLC
C/O ALEXANDER L. BERMAN
707 SKOKIE BOULEVARD, SUITE 60
NORTHBROOK, ILLINOIS 60062, USA
TELEPHONE: 1-312-915-0690

- LEGEND**
- _____ CENTERLINE
- _____ BOUNDARY LINE
- _____ RIGHT OF WAY LINE
- _____ UNDERLYING PARCEL LINE
- _____ BUILDING SETBACK LINE
- _____ EASEMENT LINE

- NOTES**
1. ANNOTATION ABBREVIATIONS –
B.S.L = BUILDING SETBACK LINE
P.O.B = POINT OF BEGINNING
R.O.W = RIGHT-OF-WAY
P.U.E = PUBLIC UTILITY EASEMENT
P.U.&D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
L.S.B.E. = LANDSCAPE BUFFER EASEMENT
S.M.E. = STORMWATER MANAGEMENT EASEMENT
(M&R) = MEASURED AND RECORD DIMENSION
 2. SURVEY IS BASED IN PART ON COMMITMENT FOR TITLE INSURANCE NCS-977147-CH12, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, BEARING A COMMITMENT DATE OF 08/23/2019.
 3. EASEMENTS SHOWN HEREON WERE GRANTED UPON KENDALL MARKETPLACE SUBDIVISION, RECORDED 05/07/2007 AS DOCUMENT 200700014779, UNLESS OTHERWISE NOTED. SEE GRANTING DOCUMENTS FOR EASEMENT PROVISIONS.
 4. THIS PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE UNITED CITY OF YORKVILLE.
 5. ALL LOTS WITHIN THIS SUBDIVISION ARE INCLUDED WITHIN THE UNITED CITY OF YORKVILLE SPECIAL SERVICE AREA NUMBER 2006-113 AND ARE SUBJECT TO AN ANNUAL TAX LEVY IN ACCORDANCE WITH THE PROVISIONS OF CITY ORDINANCE NO. 2007-2006, "AN ORDINANCE ESTABLISHING UNITED CITY OF YORKVILLE SPECIAL SERVICE AREA NUMBER 2006-113" ADOPTED BY THE CITY COUNCIL ON MARCH 13TH, 2007 AND FILED FOR RECORD IN THE RECORDER'S OFFICE OF KENDALL COUNTY ON APRIL 27, 2007 AS DOCUMENT NUMBER 200700013896.
 6. A RECIPROCAL EASEMENT FOR THE BENEFIT OF THE OWNERS OF LOTS 1-15, 17-20 & 54-56 IN KENDALL MARKETPLACE SUBDIVISION, AND THEIR ASSIGNS, FOR INGRESS AND EGRESS OVER THE PAVED AREAS OF SAID LOTS 1-15, 17-20, & 54-56 EXISTS PER OPERATION AND EASEMENT AGREEMENT, RECORDED MAY 24, 2007 AS DOCUMENT NO. 200700016695.
 7. SUBDIVIDED LANDS MAY BE SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING DOCUMENTS:
 - MEMORANDUM OF AGREEMENT – DOC. 2100700016696, REC 5/24/2007
 - MEMORANDUM OF DEVELOPMENT AGREEMENT – DOC. 200700016698, REC. 5/24/2007
 - ORDINANCE NO. 2006-88 AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT – DOC. 00700001155, REC. 1/10/2007
 - ORDINANCE NO. 2006-125 AUTHORIZING THE EXECUTION OF AN AMENDED AND RE-STATEMENT DEVELOPMENT AGREEMENT – DOC. 200700002839, REC. 10/24/2006
 - ORDINANCE NO. 2018-29 APPROVING AMENDED FREESTANDING SIGN CONDITIONS – DOC. 201800007713, REC. 6/7/2018
 - OPERATION AND EASEMENT AGREEMENT – DOC. 00700016695, REC 5/24/19 AS AMENDED BY DOC. 200800000363, REC. 1/7/2008
 8. PER KENDALL MARKET PLACE SUBDIVISION (DOC. 2007000014779), A SIDE YARD SETBACK VARIANCE WAS GRANTED ALONG THE WEST SIDE OF LOT, WHERE NO MINIM SIDE YARD SHALL BE REQUIRED BETWEEN BUILDINGS.
 9. 5/8" STEEL RODS SET @ ALL EXTERIOR CORNERS UNLESS OTHERWISE NOTED.
 10. DIMENSIONS ALONG CURVES ARE ARC DISTANCES UNLESS OTHERWISE NOTED.
 11. PROPERTY ZONING IS B-3 (PUD) IN THE UNITED CITY OF YORKVILLE.

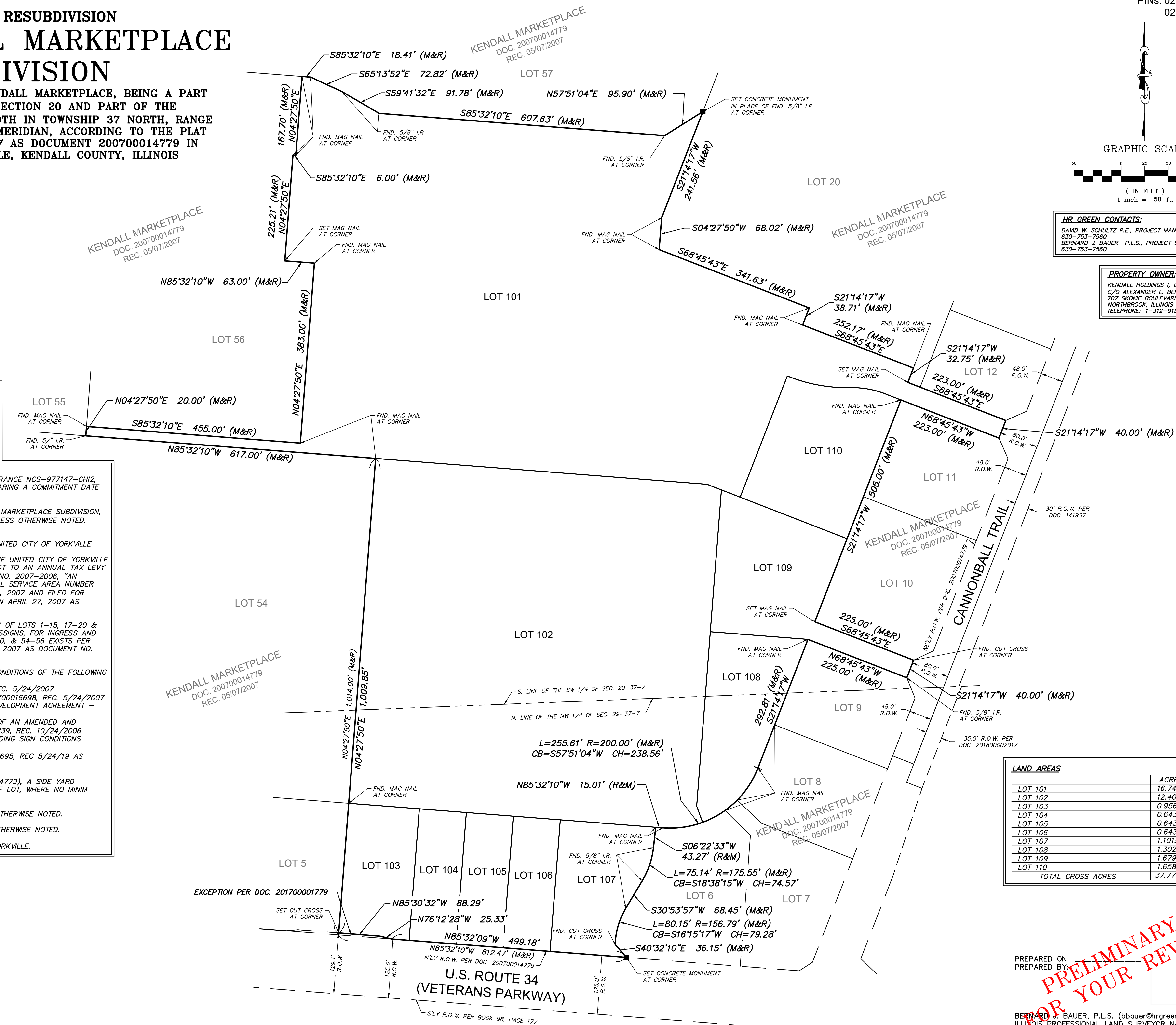
NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements

RECORDING OF BOUNDARY SURVEY OF A RECORDED PLAT OF SUBDIVISION

- * No distance should be assumed by scaling.
- * No underground improvements have been located unless shown and noted.
- * No representation as to ownership, use, or possession should be hereon implied.
- * This Survey and Plat of Survey are void without original embossed or red colored seal and signature affixed.
- * Work on this survey was completed on 09/17/19.
- * This professional service conforms to the current Illinois minimum standards for a boundary survey and was performed for:


KENDALL HOLDINGS I, LLC
Compare your description and site markings with this plat and
AT ONCE report any discrepancies which you may find.

10/30/2019 11:00:05 AM
J:\2019\190390\190390.01\Survey\Drawings\190390--FP.dwg



LAND AREAS		ACREAGE
LOT 101		16.742± ac.
LOT 102		12.408± ac.
LOT 103		0.956± ac.
LOT 104		0.643± ac.
LOT 105		0.643± ac.
LOT 106		0.643± ac.
LOT 107		1.101± ac.
LOT 108		1.302± ac.
LOT 109		1.679± ac.
LOT 110		1.658± ac.
TOTAL GROSS ACRES		37.775± ac.

FINAL PLAT OF RESUBDIVISION
LOT 1 KENDALL MARKETPLACE
RESUBDIVISION

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

DRAWN BY:	<u>BJB</u>
APPROVED:	<u>MRF</u>
JOB DATE:	<u>09/17/19</u>
JOB NO:	<u>190390</u>

SHEET

1 OF 5

PREPARED ON:
PREPARED BY:

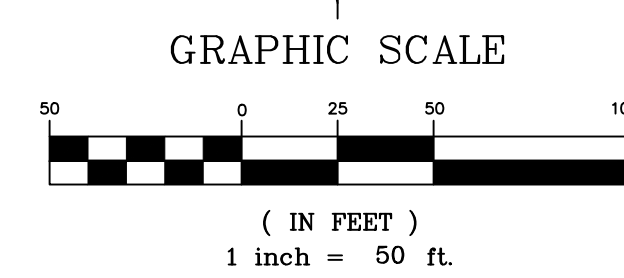
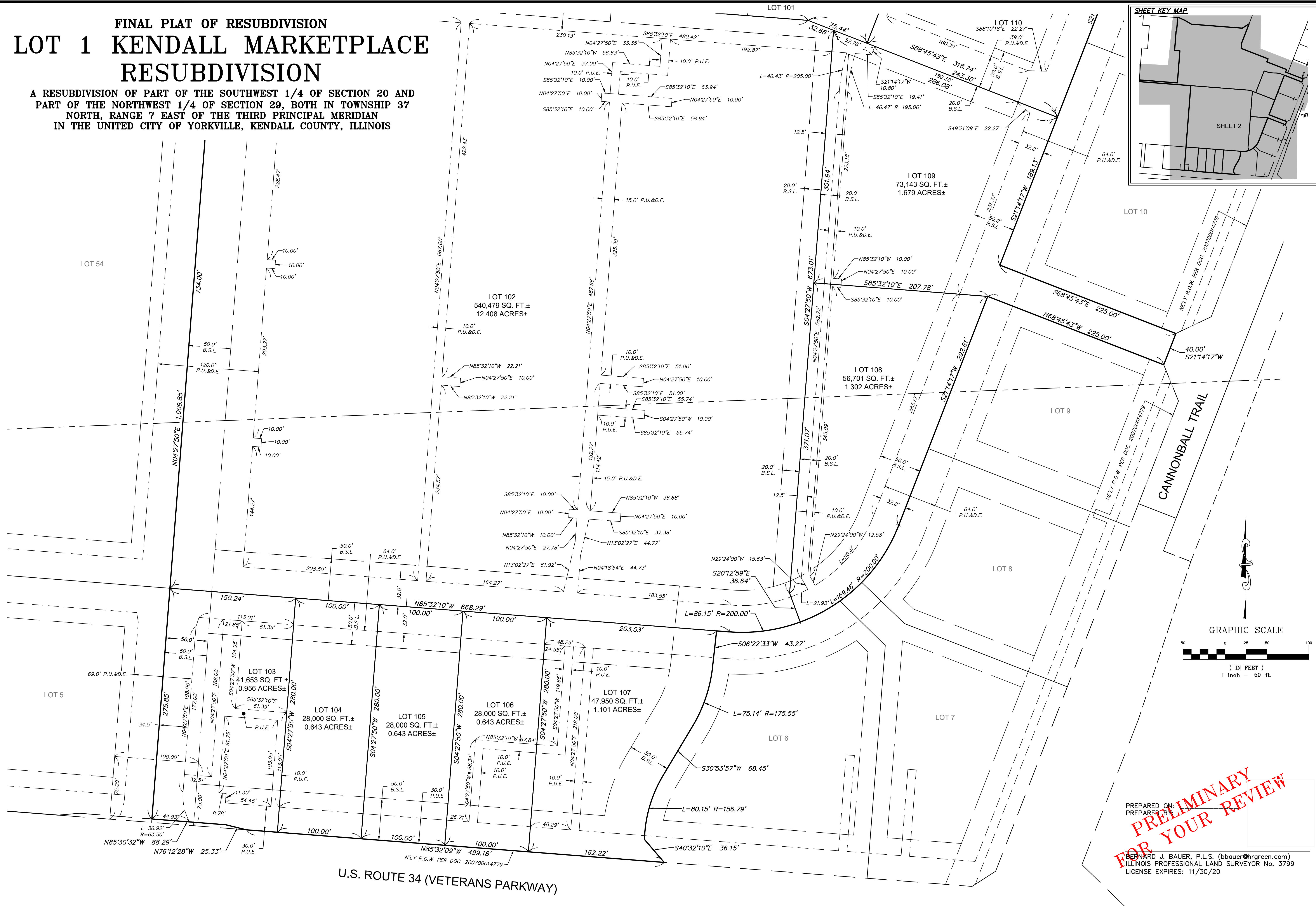
BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20

PREPARED ON: _____
PREPARED BY: _____

**PRELIMINARY
FOR YOUR REVIEW**

FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

A RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND
PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37
NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN
IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS



PREPARED BY: BJB
PREPARED BY: MRF
BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20

NO.	DATE	BY	REVISION DESCRIPTION
1	10/18/19	BJB	PER ECI & CITY COMMENTS
2	10/30/19	BJB	PER PLAN COUNCIL COMMENTS

Illinois Professional Design Firm # 184-001322

2363 Sequoia Drive, Suite 101
Aurora, Illinois 60506
t. 630.553.7560 f. 630.553.7646
www.hrgreen.com

HRGreen

FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

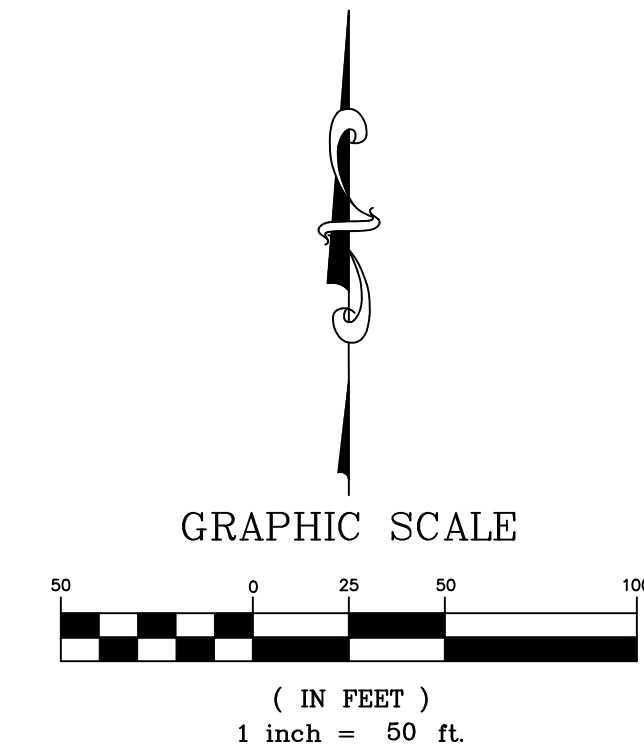
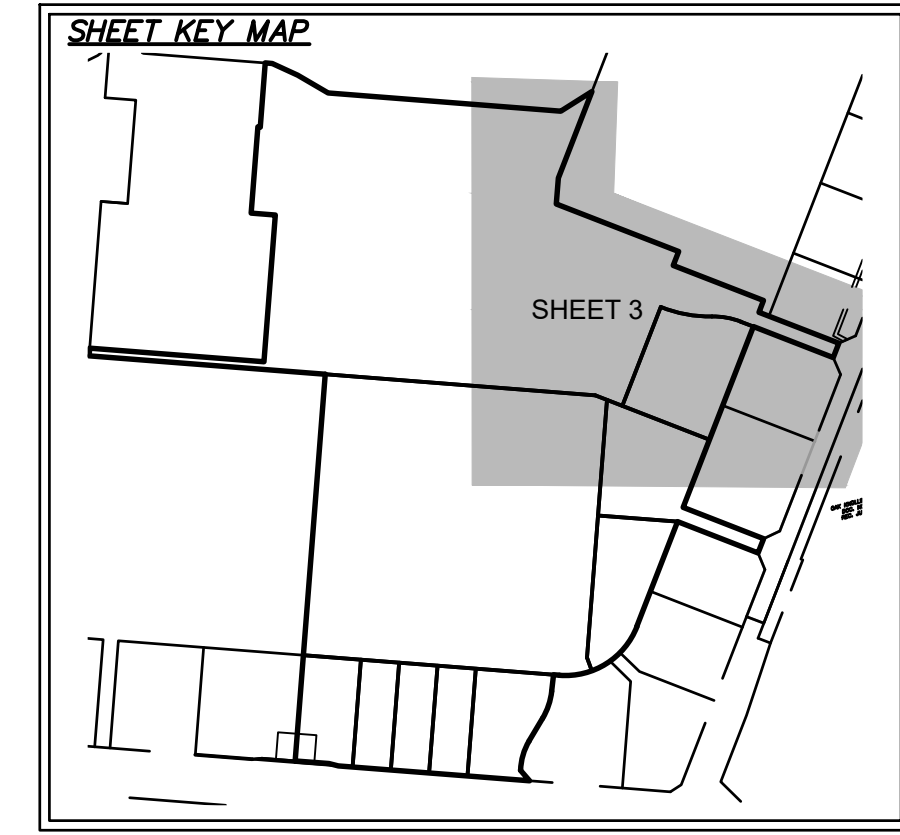
BAR IS ONE INCH ON
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DRAWN BY: BJB
APPROVED: MRF
JOB DATE: 09/17/19
JOB NO: 190390

Xrefs: 871-AS-BUILT-DWS-CURRENT2017, 190390-cc-Concept-Plan-01, 190390-FP_Base

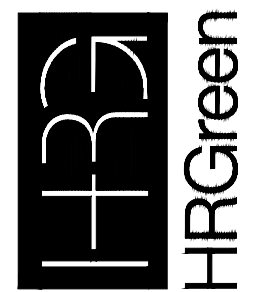
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FINAL PLAT OF RESUBDIVISION
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DRAWN BY: BJB
APPROVED: MRF
JOB DATE: 09/17/19
JOB NO: 190390

SHEET

3 OF 5

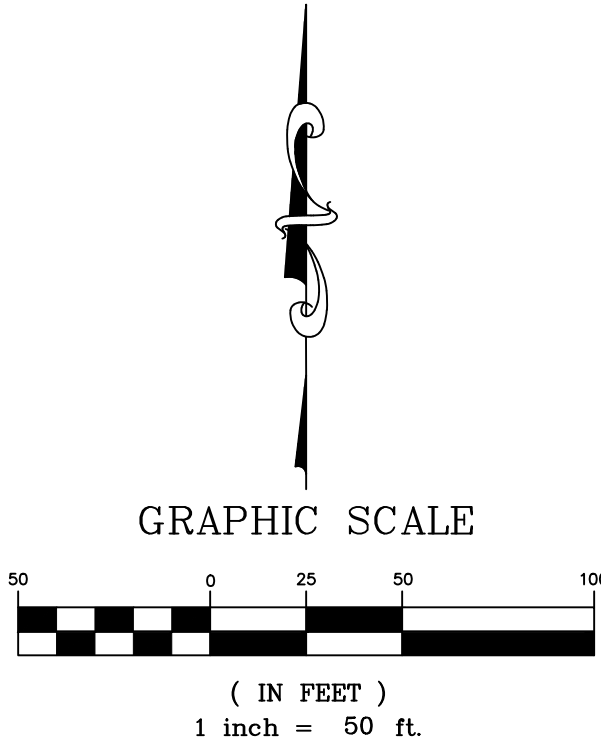
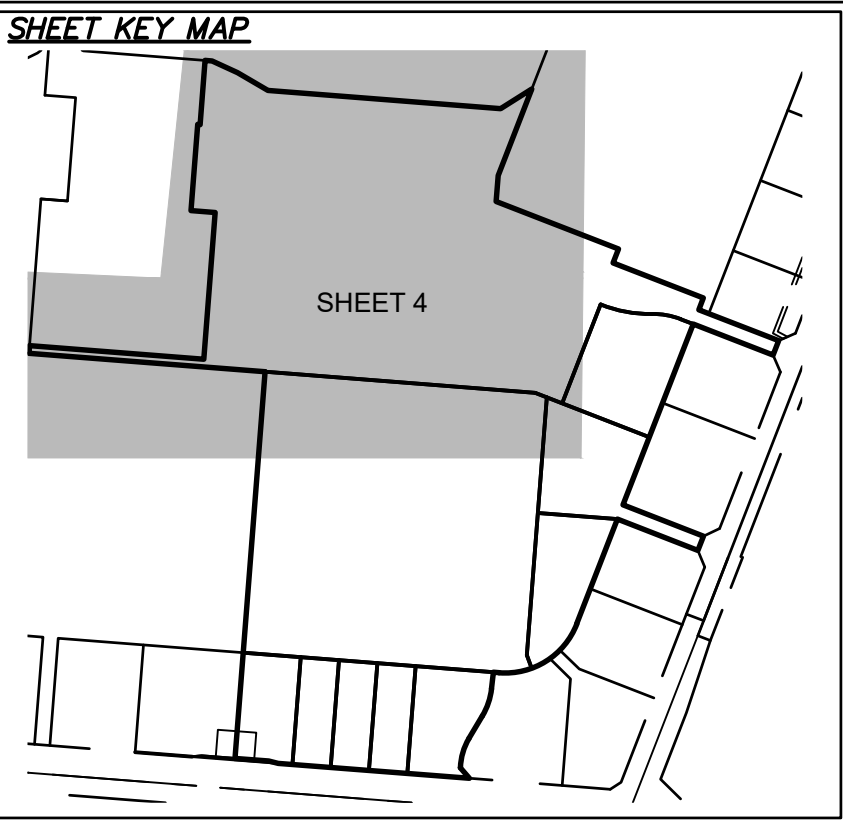
PRELIMINARY
FOR YOUR REVIEW

BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20



FINAL PLAT OF RESUBDIVISION
LOT 1 KENDALL MARKETPLACE
RESUBDIVISION

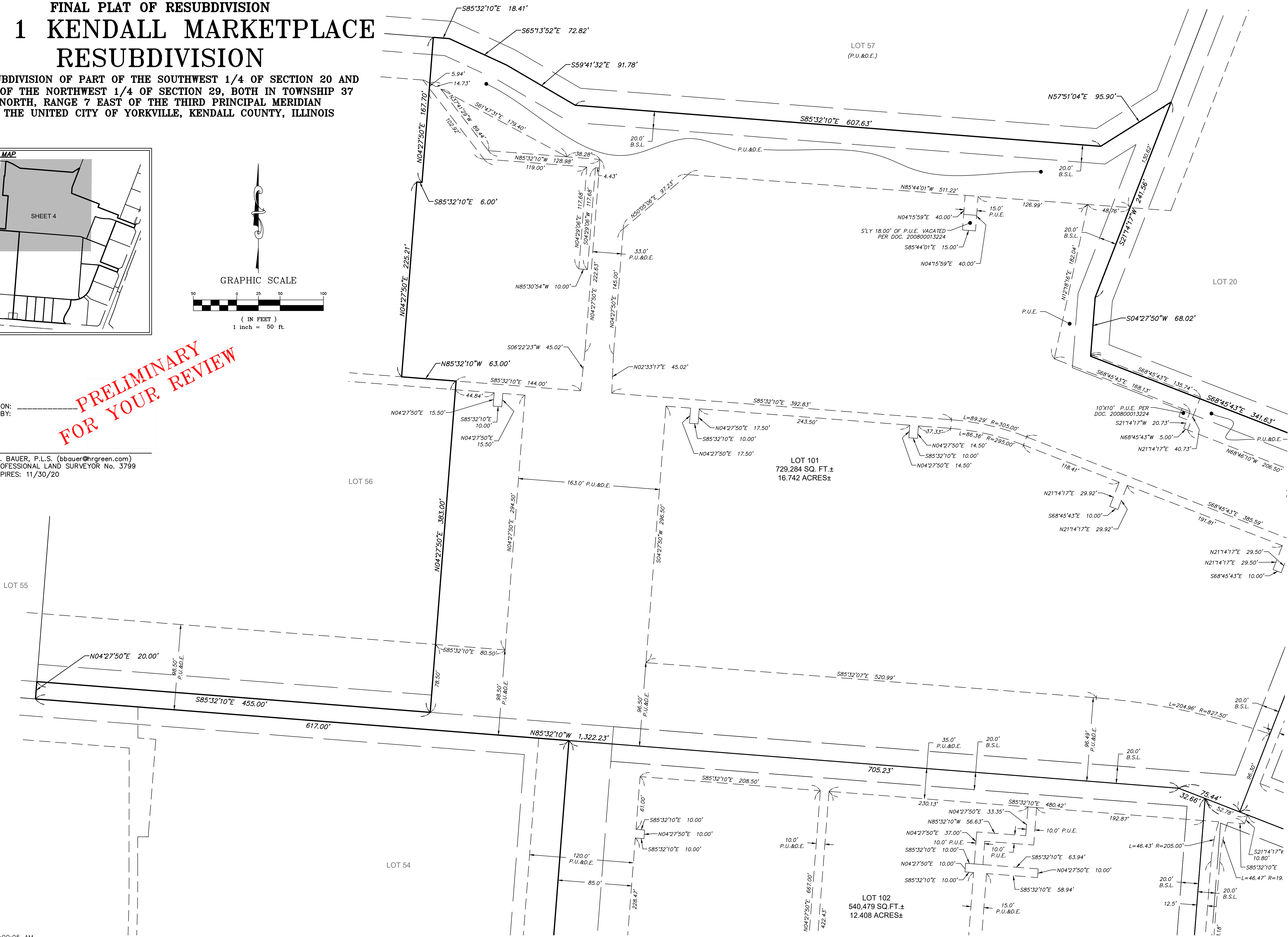
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PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37
NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN
IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS



PRELIMINARY
FOR YOUR REVIEW

PREPARED ON: _____
PREPARED BY: _____

BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20



NO.	DATE	BY	REVISION DESCRIPTION	
			BIB	PER ECI & CITY COMMENTS
1	10/18/19			
2	10/30/19			

Illinois Professional Design Firm # 184-001322

2363 Sequoia Drive, Suite 101
Aurora, Illinois 60506
t. 630.553.7560 f. 630.553.7646
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FINAL PLAT OF RESUBDIVISION
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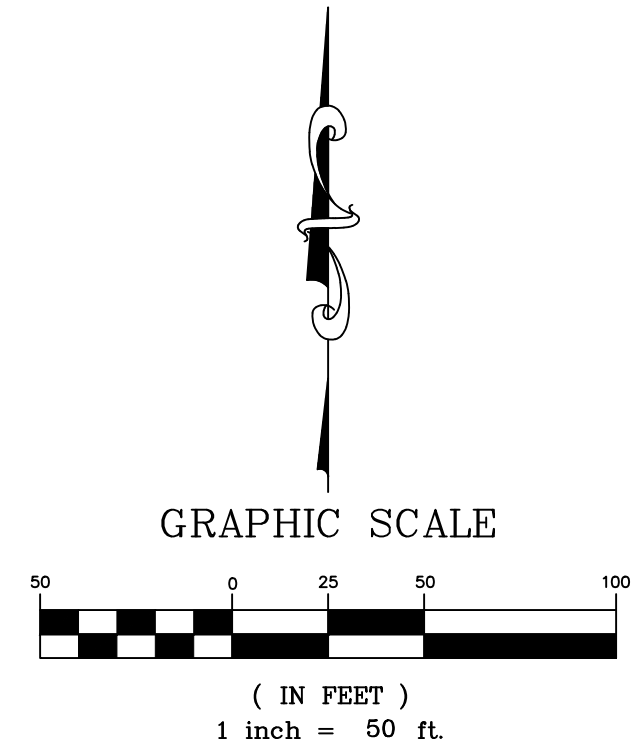
DRAWN BY: BJB
APPROVED: MRF
JOB DATE: 09/17/19
JOB NO: 190390

SHEET
4 OF 5

FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

A RESUBDIVISION OF LOT 1 IN KENDALL MARKETPLACE, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 20007 AS DOCUMENT 200700014779 IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

PINs: 02-20-353-008
02-29-131-006



HR GREEN CONTACTS:
DAVID W. SCHULTZ P.E., PROJECT MANAGER
630-753-7560
BERNARD J. BAUER P.L.S., PROJECT SURVEYOR
630-753-7560

PROPERTY OWNER:
KENDALL HOLDINGS I, LLC
C/O ALEXANDER L. BERMAN
707 SKOKIE BOULEVARD, SUITE 600
NORTHBROOK, ILLINOIS 60062, USA
TELEPHONE: 1-312-915-0690

LEGEND	
---	CENTERLINE
---	BOUNDARY LINE
---	RIGHT OF WAY LINE
---	UNDERLYING PARCEL LINE
---	BUILDING SETBACK LINE
---	EASEMENT LINE

- NOTES**
- ANNOTATION ABBREVIATIONS -
B.S.L. = BUILDING SETBACK LINE
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT-OF-WAY
P.U.E. = PUBLIC UTILITY EASEMENT
P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
L.S.B.E. = LANDSCAPE BUFFER EASEMENT
S.M.E. = STORMWATER MANAGEMENT EASEMENT
(M&R) = MEASURED AND RECORD DIMENSION
 - SURVEY IS BASED IN PART ON COMMITMENT FOR TITLE INSURANCE NCS-977147-CH12, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, BEARING A COMMITMENT DATE OF 08/23/2019.
 - EASEMENTS SHOWN HEREON WERE GRANTED UPON KENDALL MARKETPLACE SUBDIVISION, RECORDED 05/07/2007 AS DOCUMENT 200700014779, UNLESS OTHERWISE NOTED. SEE GRANTING DOCUMENTS FOR EASEMENT PROVISIONS.
 - THIS PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE UNITED CITY OF YORKVILLE.
 - ALL LOTS WITHIN THIS SUBDIVISION ARE INCLUDED WITHIN THE UNITED CITY OF YORKVILLE SPECIAL SERVICE AREA NUMBER 2006-113 AND ARE SUBJECT TO AN ANNUAL TAX LEVY IN ACCORDANCE WITH THE PROVISIONS OF CITY ORDINANCE NO. 2007-2006, AN ORDINANCE ESTABLISHING UNITED CITY OF YORKVILLE SPECIAL SERVICE AREA NUMBER 2006-113 ADOPTED BY THE CITY COUNCIL ON MARCH 13TH, 2007 AND FILED FOR RECORD IN THE RECORDER'S OFFICE OF KENDALL COUNTY ON APRIL 27, 2007 AS DOCUMENT NUMBER 200700013896.
 - A RECIPROCAL EASEMENT FOR THE BENEFIT OF THE OWNERS OF LOTS 1-15, 17-20 & 54-56 IN KENDALL MARKETPLACE SUBDIVISION, AND THEIR ASSIGNS, FOR INGRESS AND EGRESS OVER THE PAVED AREAS OF SAID LOTS 1-15, 17-20, & 54-56 EXISTS PER OPERATION AND EASEMENT AGREEMENT, RECORDED MAY 24, 2007 AS DOCUMENT NO. 200700016695.
 - SUBDIVIDED LANDS MAY BE SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING DOCUMENTS:
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 - MEMORANDUM OF DEVELOPMENT AGREEMENT - DOC. 200700016698, REC. 5/24/2007
 - ORDINANCE NO. 2006-88 AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT - DOC. 00700001155, REC. 1/10/2007
 - ORDINANCE NO. 2006-125 AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT - DOC. 200700002839, REC. 10/24/2006
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 - 5/8" STEEL RODS SET @ ALL EXTERIOR CORNERS UNLESS OTHERWISE NOTED.
 - DIMENSIONS ALONG CURVES ARE ARC DISTANCES UNLESS OTHERWISE NOTED.
 - PROPERTY ZONING IS B-3 (PUD) IN THE UNITED CITY OF YORKVILLE.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
* Basis of bearings for this survey, RECORDED PLAT OF SUBDIVISION
* No distance should be assumed by scaling.
* No underground improvements have been located unless shown and noted.
* No representation as to ownership, use, or possession should be hereon implied.
* This Survey and Plat of Survey are void without original embossed or red colored seal and signature affixed.
* Field work for this survey was completed on 09/17/19.
* This professional service conforms to the current Illinois minimum standards for a boundary survey and was performed for:

KENDALL HOLDINGS I, LLC
Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

10/30/2019 11:31:18 AM
J:\2019\190390\190390.01\Survey\Drawings\190390-FP.dwg

KENDALL MARKETPLACE
DOC. 200700014779
REC. 05/07/2007

KENDALL MARKETPLACE
DOC. 200700014779
REC. 05/07/2007

KENDALL MARKETPLACE
DOC. 200700014779
REC. 05/07/2007

EXCEPTION PER DOC. 201700001775

U.S. ROUTE 34
(VETERANS PARKWAY)

LAND AREAS	ACREAGE
LOT 101	16.742± ac.
LOT 102	12.408± ac.
LOT 103	0.956± ac.
LOT 104	0.643± ac.
LOT 105	0.643± ac.
LOT 106	0.643± ac.
LOT 107	1.101± ac.
LOT 108	1.302± ac.
LOT 109	1.670± ac.
LOT 110	1.658± ac.
TOTAL GROSS ACRES	37.775± ac.

PREPARED BY: BJB
APPROVED BY: MRF

JOB DATE: 09/17/19
JOB NO: 190390

BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20

FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

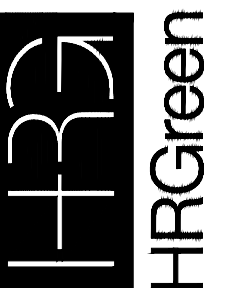
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OFFICIAL DRAWINGS
IF NOT ONE INCH,
ADJUST SCALE ACCORDINGLY

DRAWN BY: BJB
APPROVED BY: MRF
JOB DATE: 09/17/19
JOB NO: 190390

SHEET

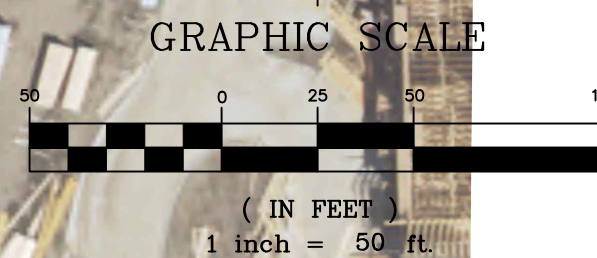
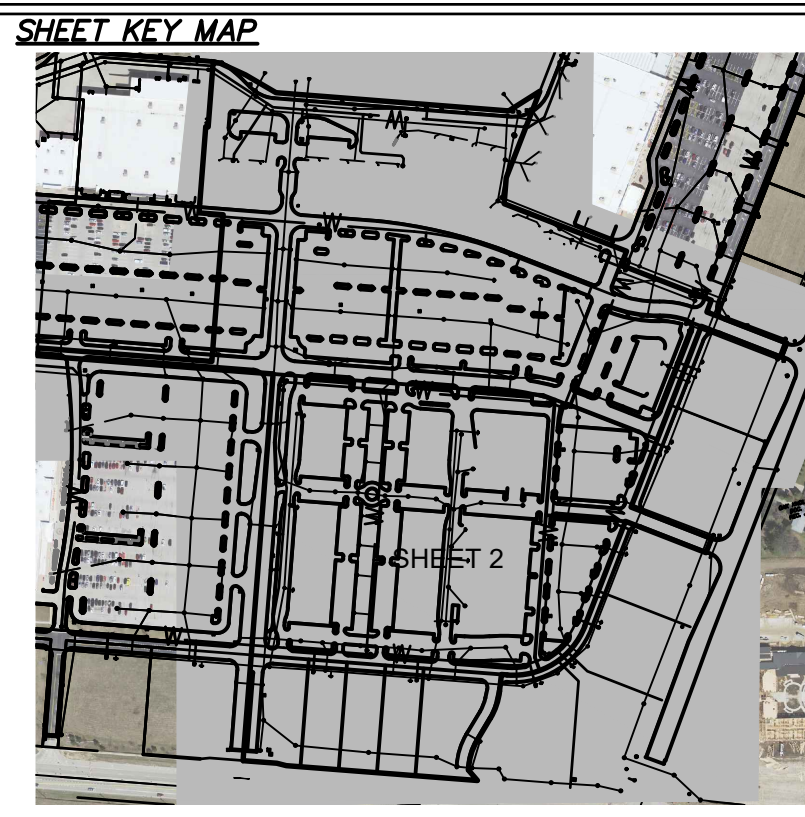
1 OF 5

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FINAL PLAT OF RESUBDIVISION
LOT 1 KENDALL MARKETPLACE
RESUBDIVISION

A RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND
PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37
NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN
IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS



PREPARED BY: BJB
PREPARED FOR: MRF
BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20

NO.	DATE	BY	REVISION DESCRIPTION
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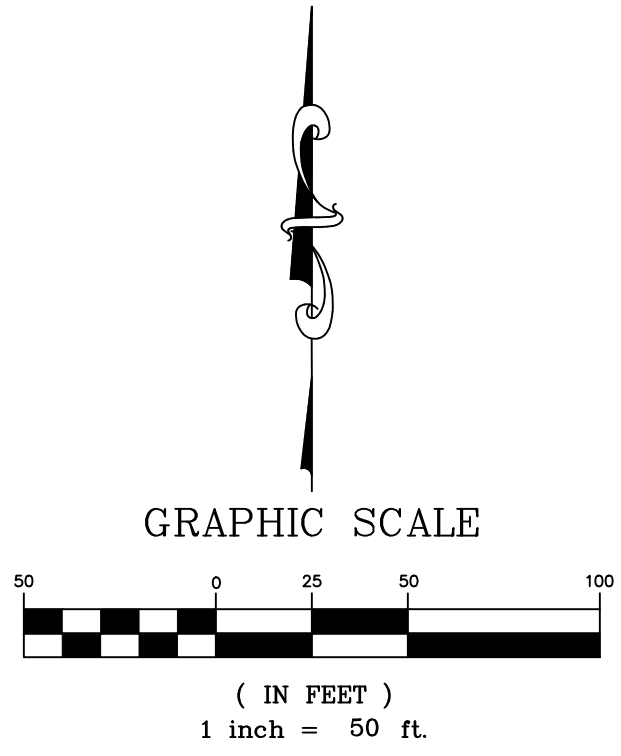
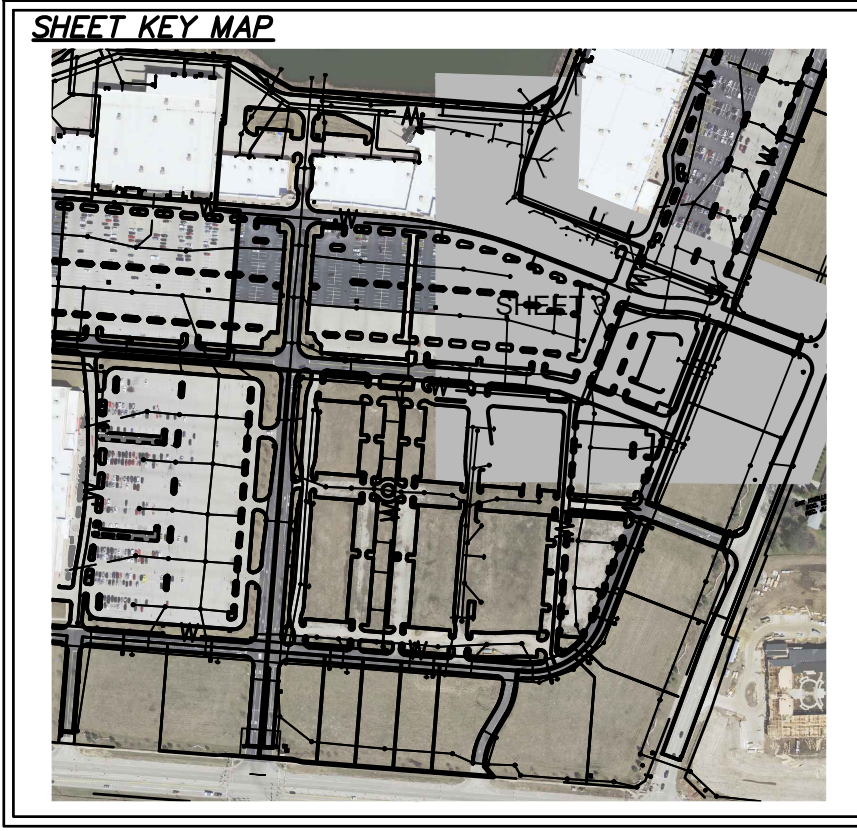
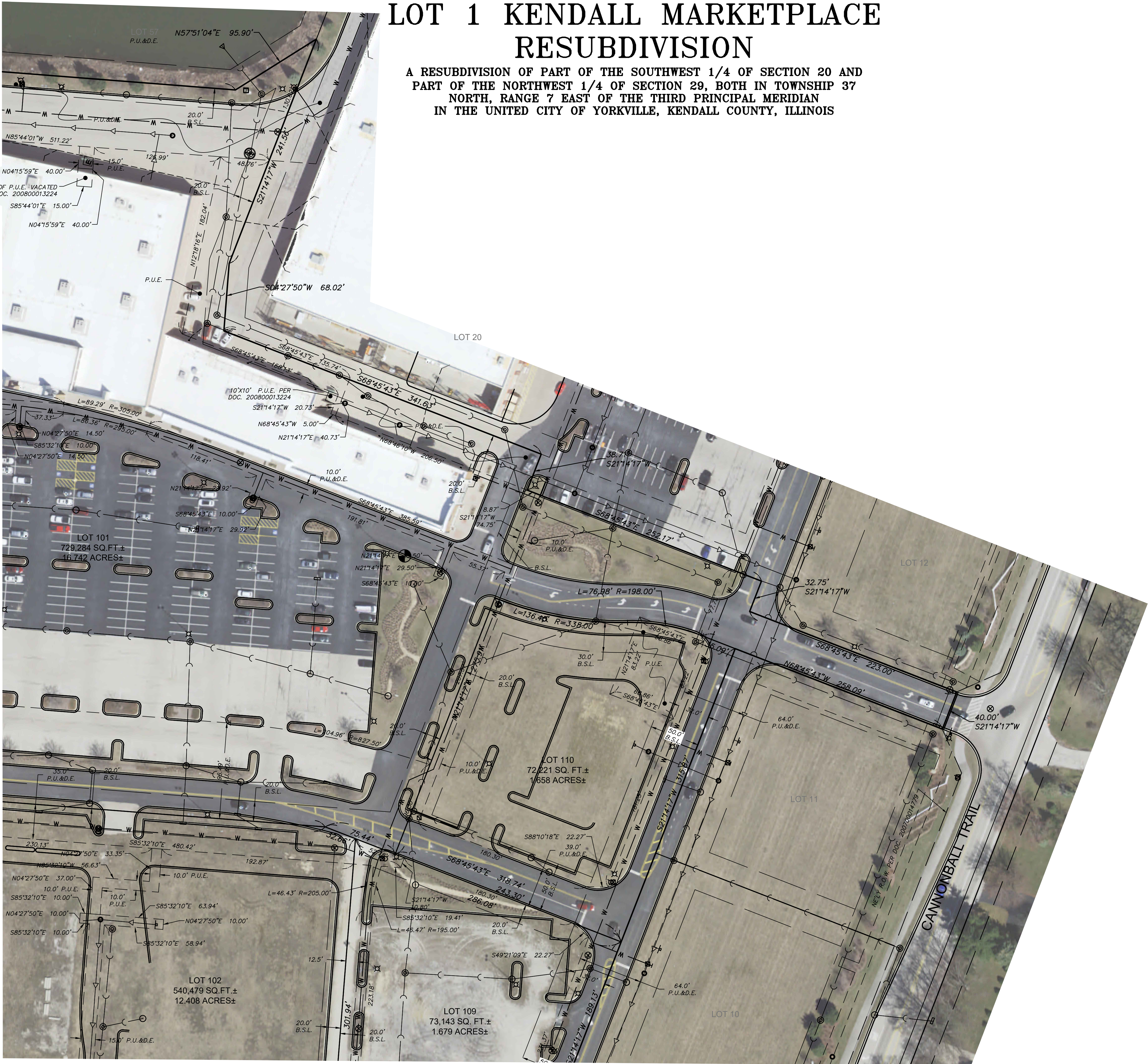
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DRAWN BY: BJB
APPROVED: MRF
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JOB NO: 190390

Xrefs: 871-AS-BUILT-DWS-CURRENT2017, 190390-rc-Concept-Plan-01, 190390-FP_Base

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LOT 1 KENDALL MARKETPLACE
RESUBDIVISION

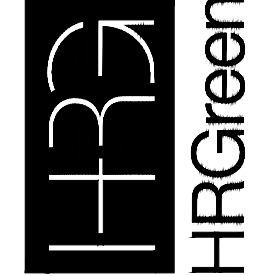
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**PRELIMINARY
FOR YOUR REVIEW**

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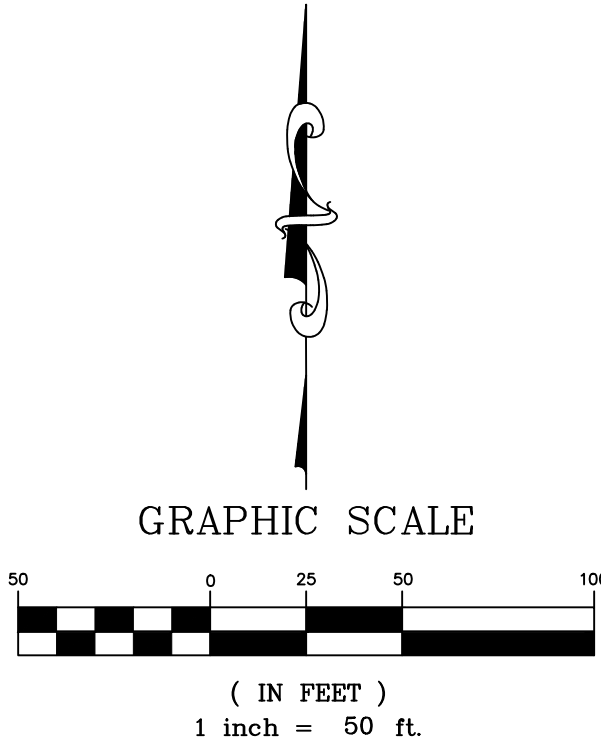
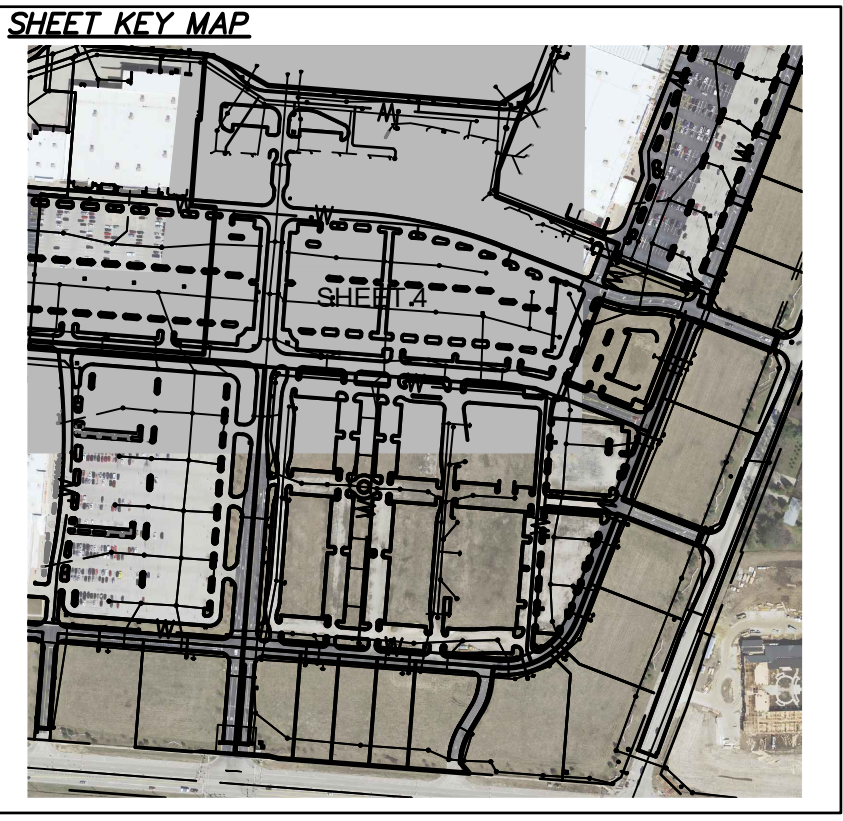
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DRAWN BY: BJB
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JOB DATE: 09/17/19
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ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20

FINAL PLAT OF RESUBDIVISION
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RESUBDIVISION

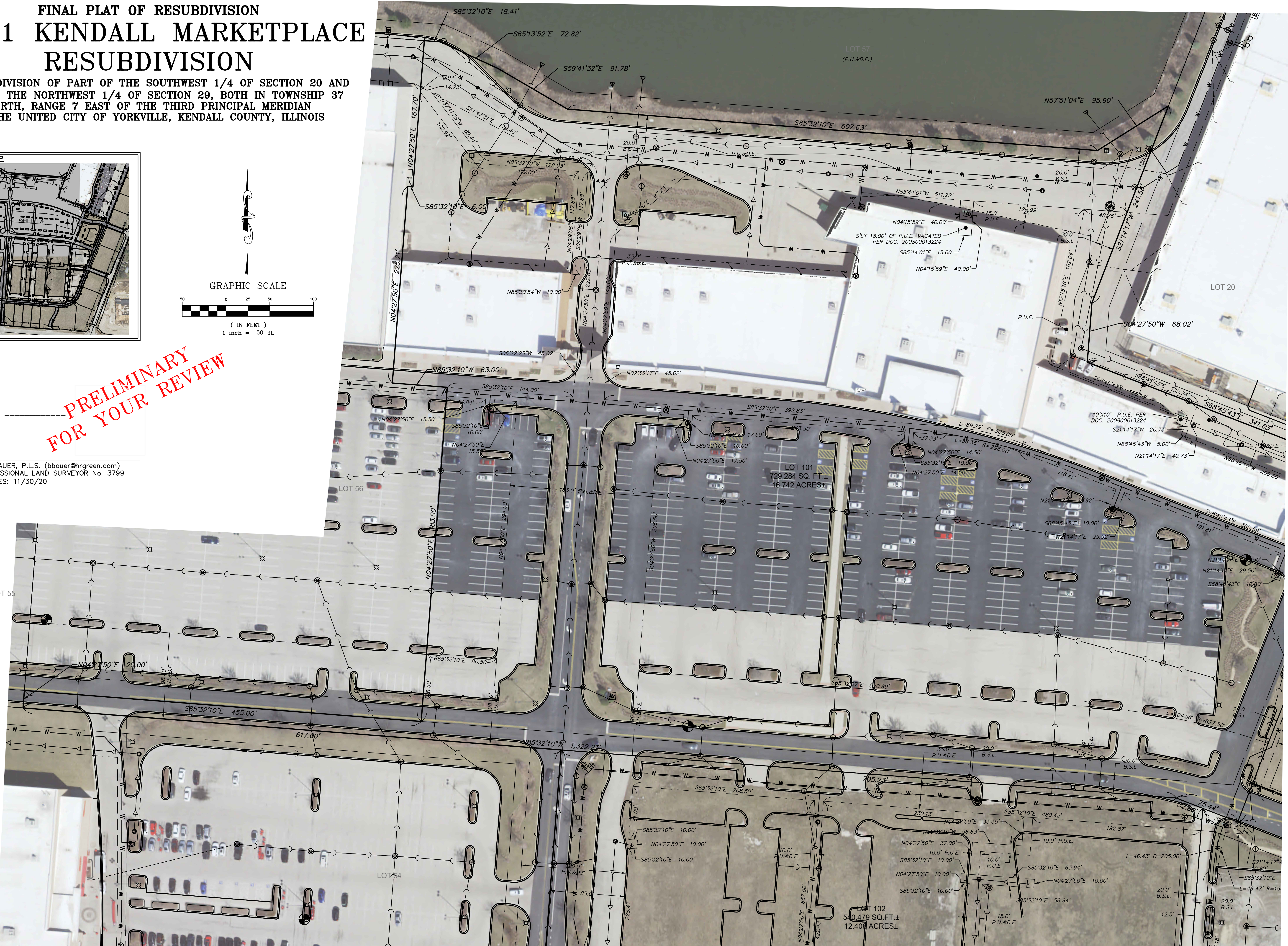
A RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND
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NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN
IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS



PRELIMINARY
FOR YOUR REVIEW

PREPARED ON: _____
PREPARED BY: _____

BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20



NO.	DATE	BY	REVISION DESCRIPTION
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FINAL PLAT OF RESUBDIVISION
LOT 1 KENDALL MARKETPLACE
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JOB DATE: 09/17/19
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A RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND
PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37
NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN
IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

STATE OF _____)
COUNTY OF _____) S.S.

STATE OF _____)
COUNTY OF _____) S.S.

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

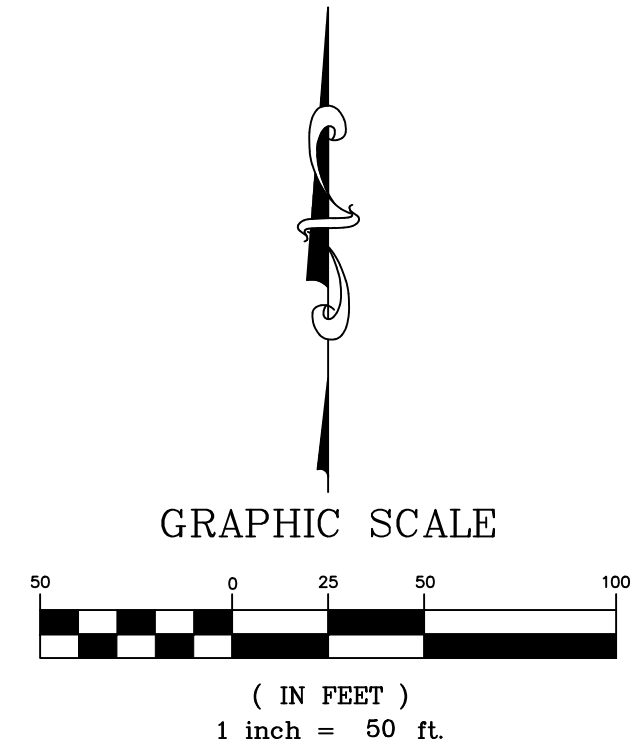
BERNARD J. BAUER, P.E. S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 035-003799
LICENSE EXPIRATION DATE: 11/30/20

5 OF 5

FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

A RESUBDIVISION OF LOT 1 IN KENDALL MARKETPLACE, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND PART OF THE NORTHWEST 1/4 OF SECTION 29, BOTH IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 20007 AS DOCUMENT 200700014779 IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

PINs: 02-20-353-008
02-29-131-006



HR GREEN CONTACTS:
DAVID W. SCHULTZ P.E., PROJECT MANAGER
630-753-7560
BERNARD J. BAUER P.L.S., PROJECT SURVEYOR
630-753-7560

PROPERTY OWNER:
KENDALL HOLDINGS I, LLC
C/O ALEXANDER L. BERMAN
707 SKOKIE BOULEVARD, SUITE 600
NORTHBROOK, ILLINOIS 60062, USA
TELEPHONE: 1-312-915-0690

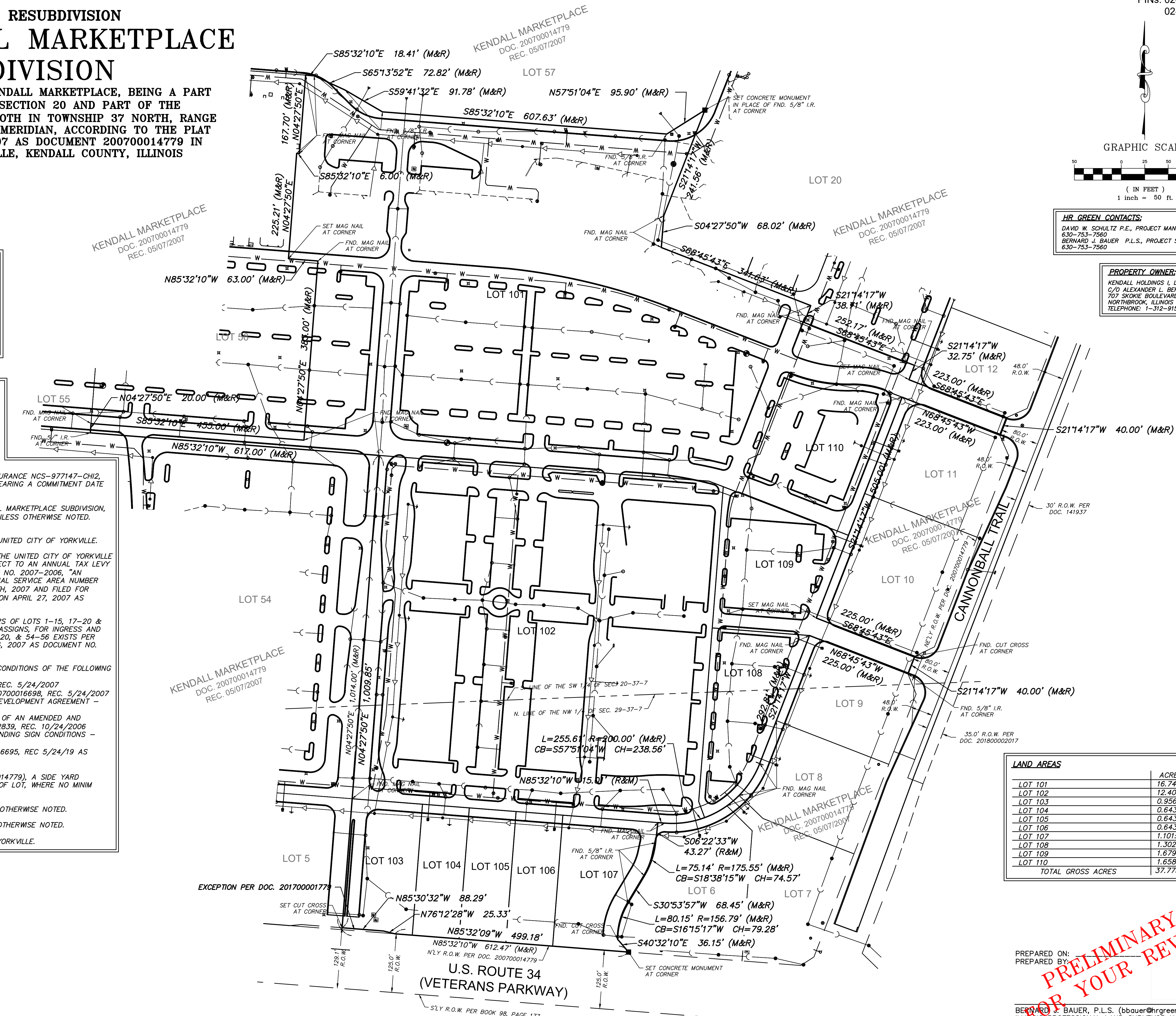
LEGEND	
---	CENTERLINE
---	BOUNDARY LINE
---	RIGHT OF WAY LINE
---	UNDERLYING PARCEL LINE
---	BUILDING SETBACK LINE
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- NOTES**
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Basis of bearings for this survey, RECORDED PLAT OF SUBDIVISION
No distance should be assumed by scaling.
No underground improvements have been located unless shown and noted.
No representation as to ownership, use, or possession should be hereon implied.
This Survey and Plat of Survey are void without original embossed or red colored seal and signature affixed.
Field work for this survey was completed on 09/17/19.
This professional service conforms to the current Illinois minimum standards for a boundary survey and was performed for:

KENDALL HOLDINGS I, LLC
Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

10/30/2019 11:15:59 AM
J:\2019\190390\190390.01\Survey\Dwgs\190390-FP.dwg



LAND AREAS	
LOT	ACREAGE
LOT 101	16.742± ac.
LOT 102	12.408± ac.
LOT 103	0.956± ac.
LOT 104	0.643± ac.
LOT 105	0.643± ac.
LOT 106	0.643± ac.
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LOT 109	1.670± ac.
LOT 110	1.658± ac.
TOTAL GROSS ACRES	37.775± ac.

PREPARED BY: BJB
APPROVED BY: MRF

JOB DATE: 09/17/19
JOB NO: 190390

BERNARD J. BAUER, P.L.S. (bbauer@hrgreen.com)
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3799
LICENSE EXPIRES: 11/30/20

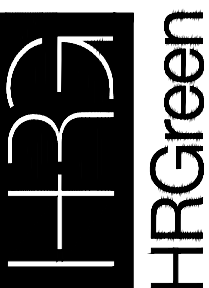
FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

BAR IS ONE INCH ON
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ADJUST SCALE ACCORDINGLY

DRAWN BY: BJB
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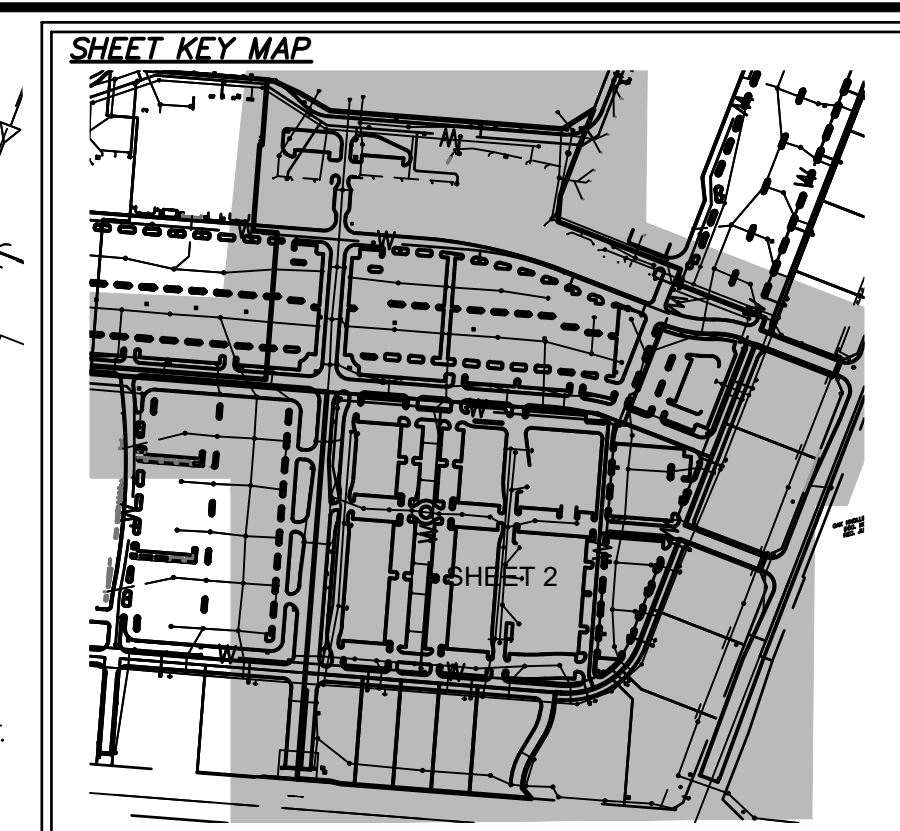
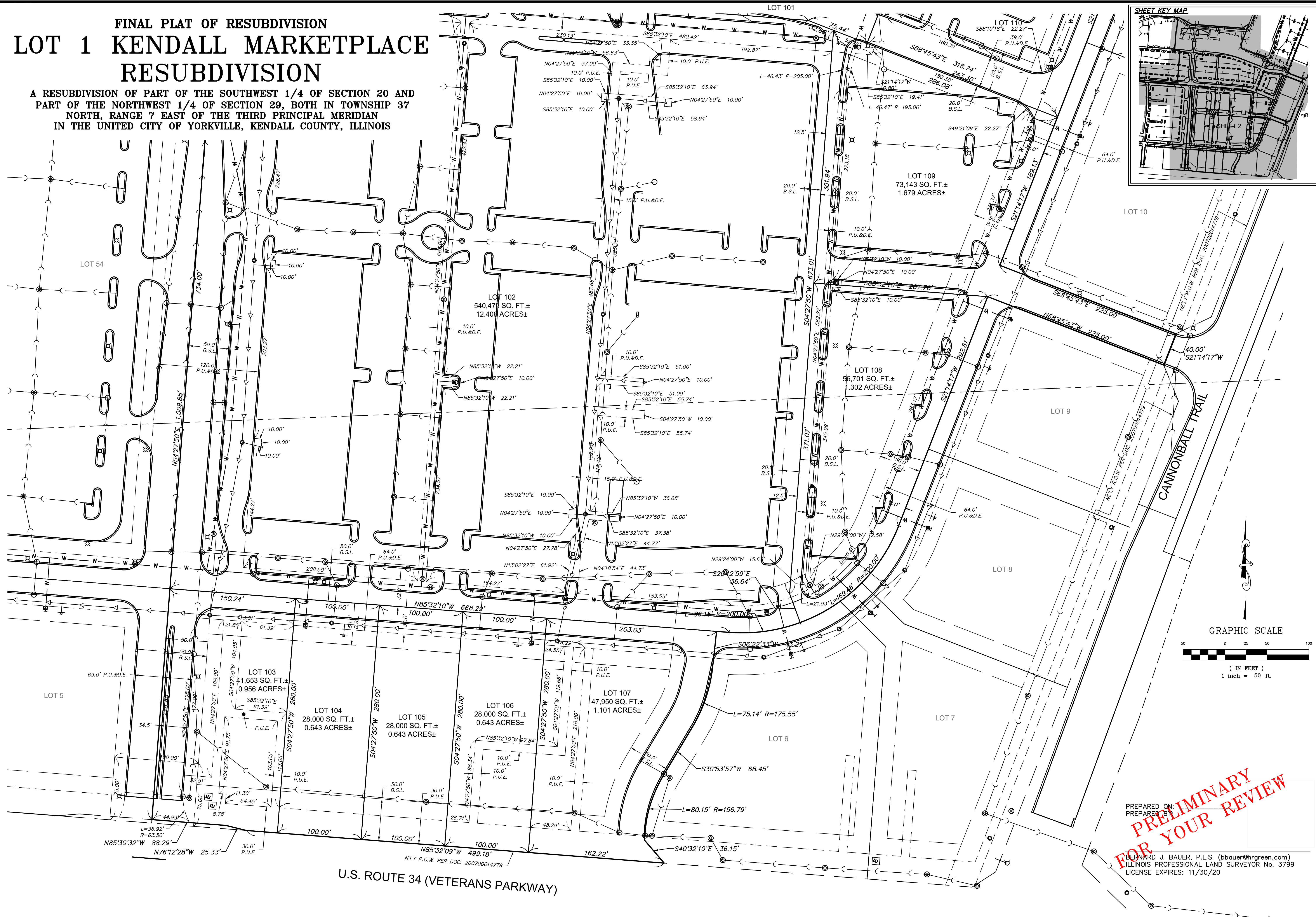
SHEET
1 OF 5

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FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

A RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 20 AND
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NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN
IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS



NO.	DATE	BY	REVISION DESCRIPTION
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FINAL PLAT OF RESUBDIVISION LOT 1 KENDALL MARKETPLACE RESUBDIVISION

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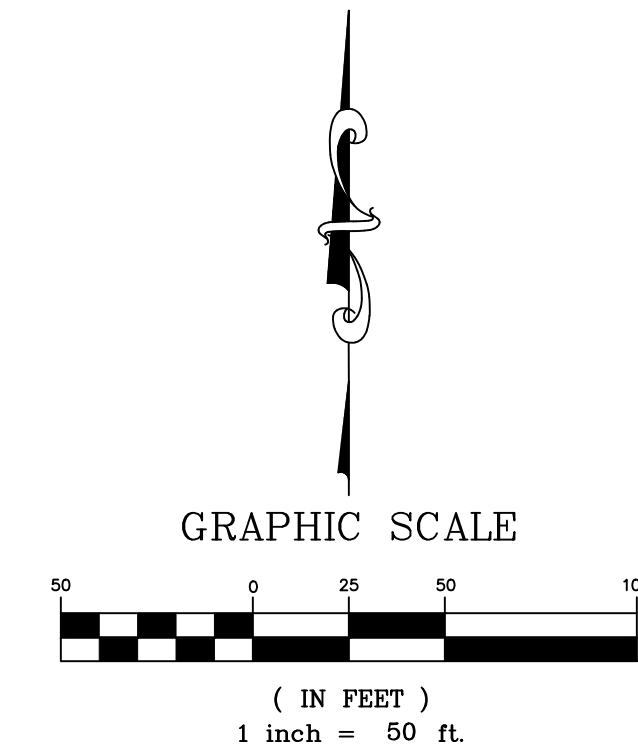
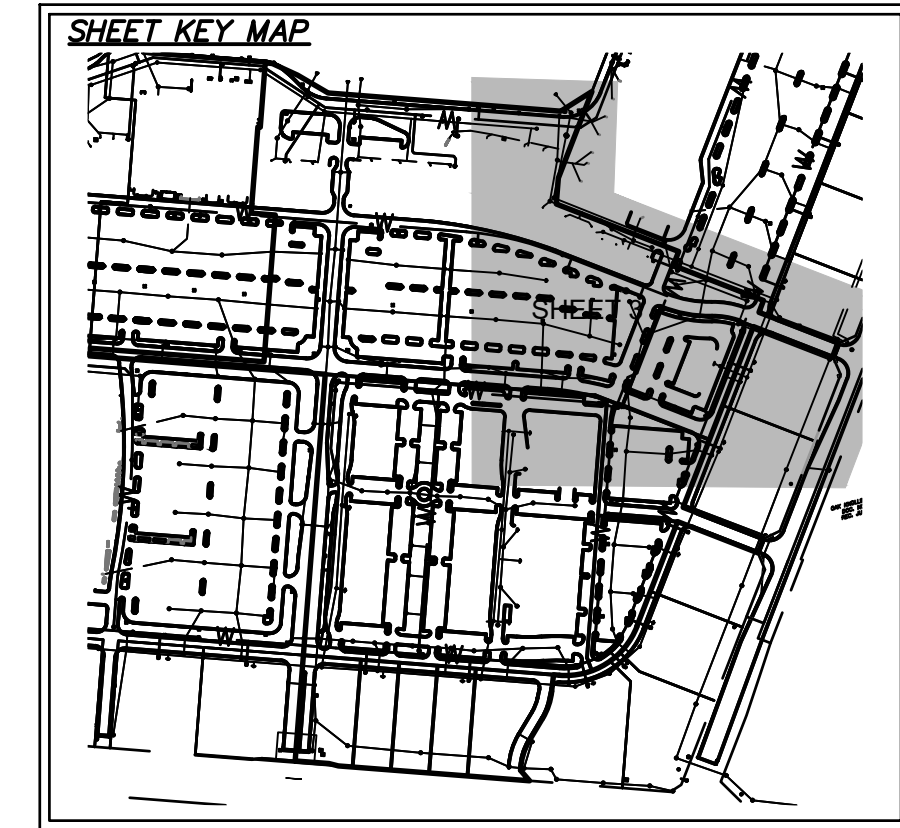
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2 OF 5

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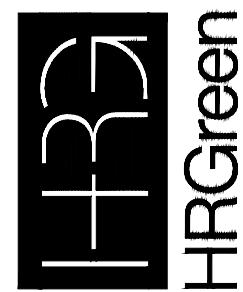
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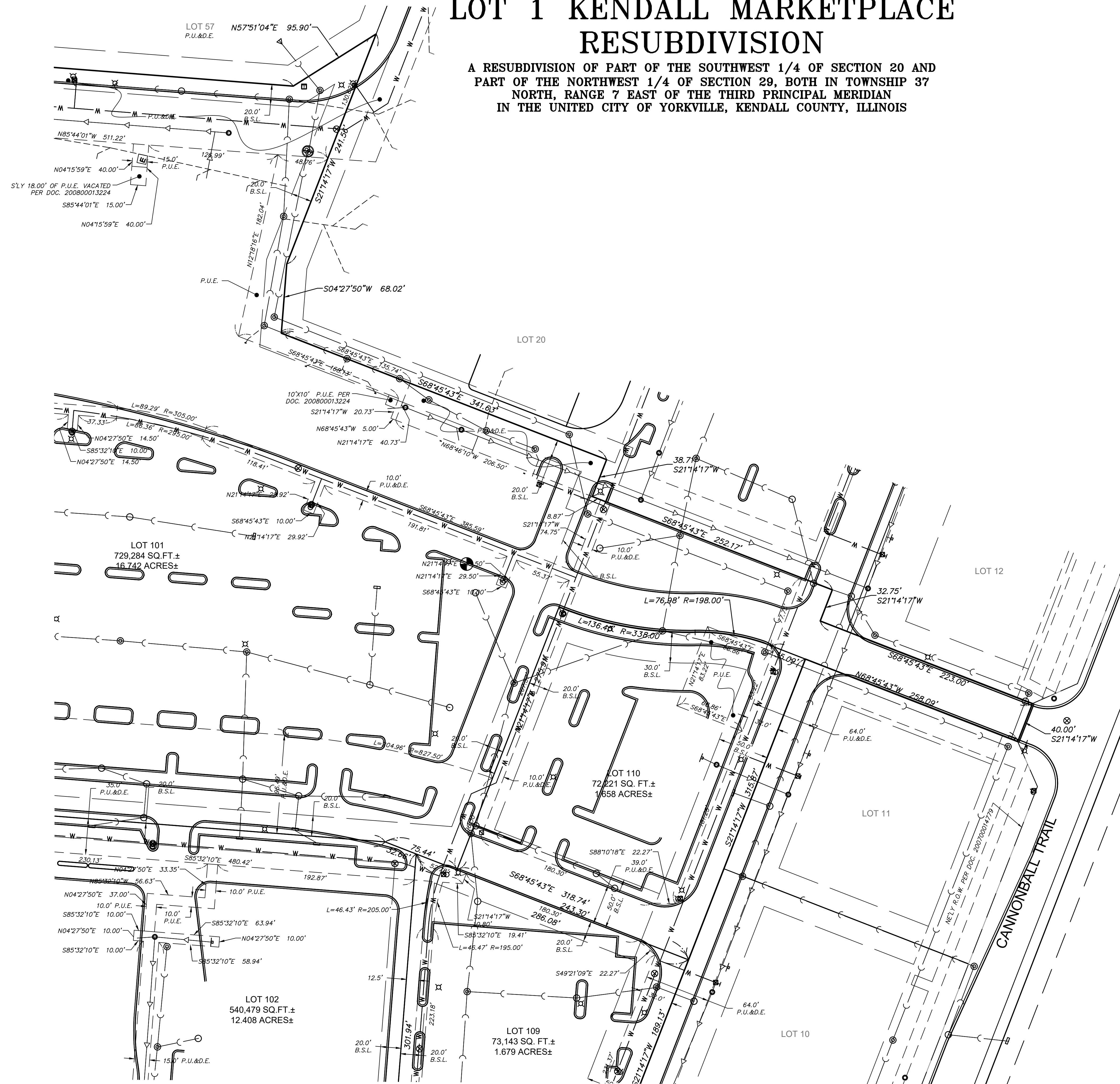
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3 OF 5

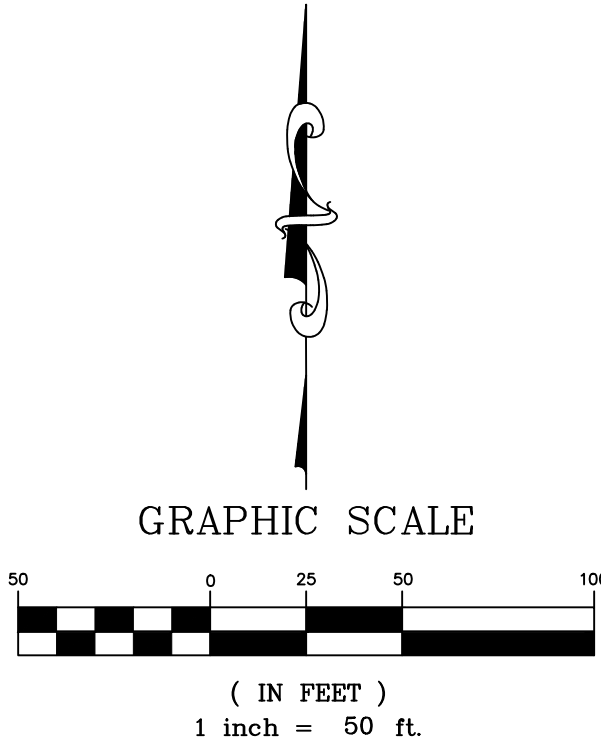
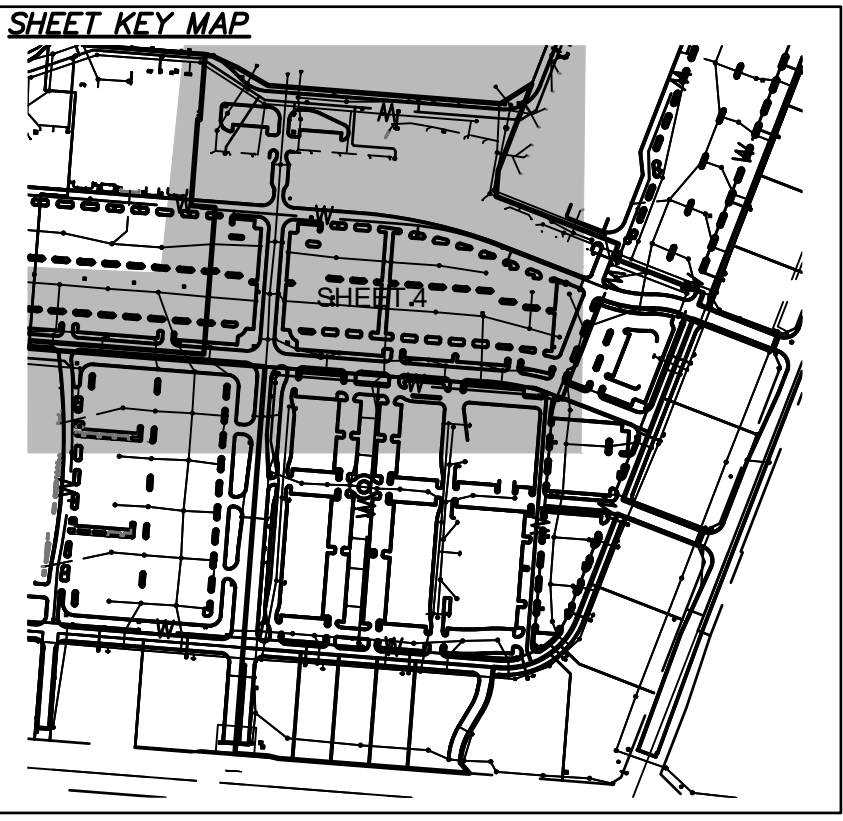
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FINAL PLAT OF RESUBDIVISION
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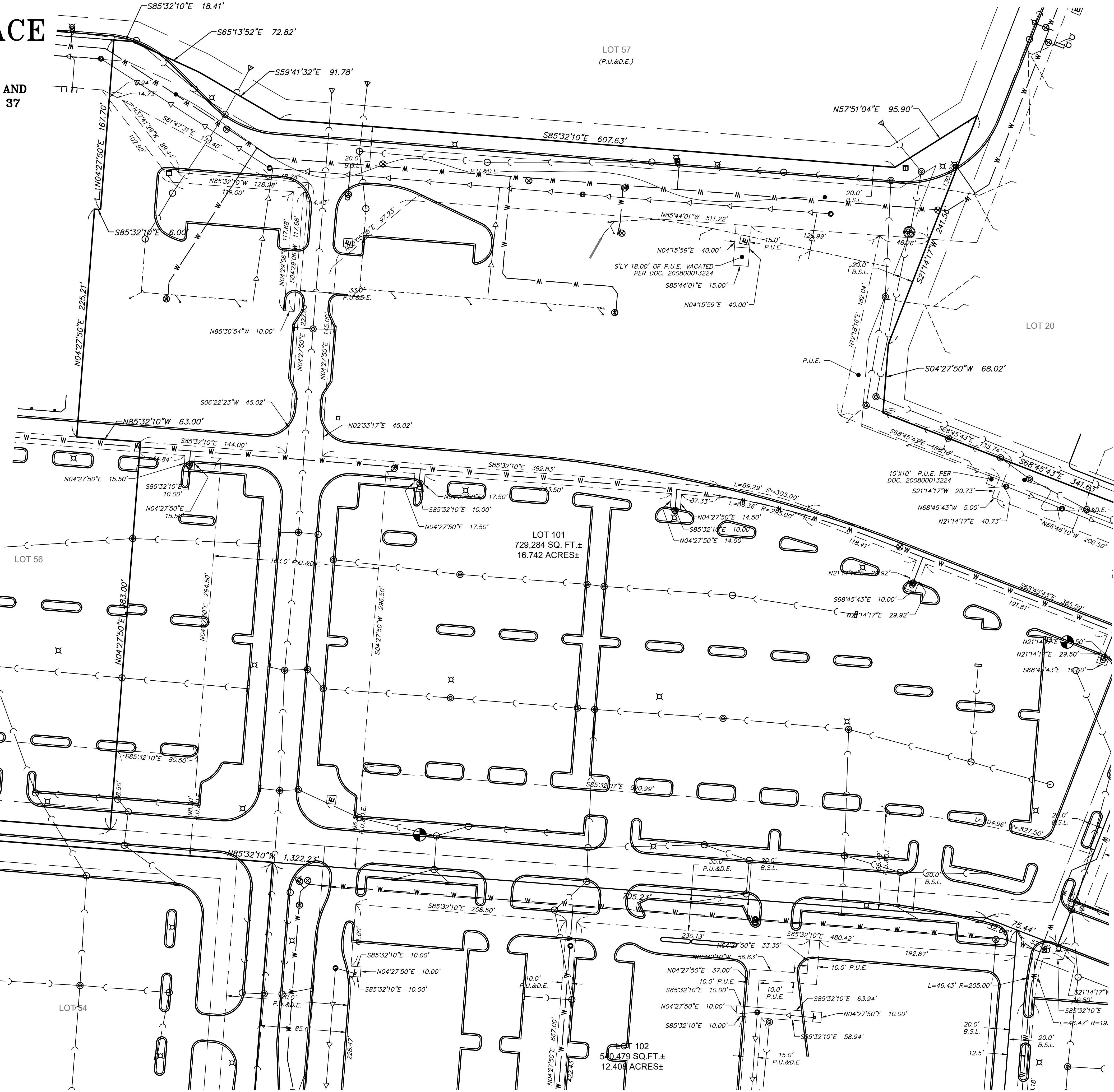
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PREPARED BY: _____

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1	10/18/19	BJB	PER ECI & CITY COMMENTS
2	10/30/19	BJB	PER PLAN COUNCIL COMMENTS

Illinois Professional Design Firm # 184-001322
2363 Sequoia Drive, Suite 101
Aurora, Illinois 60506
t. 630.553.7560 f. 630.553.7646
www.hrgreen.com

HRGreen

FINAL PLAT OF RESUBDIVISION
LOT 1 KENDALL MARKETPLACE
RESUBDIVISION

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

DRAWN BY: BJB
APPROVED: MRF
JOB DATE: 09/17/19
JOB NO: 190390

SHEET
4 OF 5



Engineering Enterprises, Inc.

November 1, 2019

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

**Re: *Lot 1 Kendall Marketplace Resubdivision
Final Plat of Resubdivision Review #2
United City of Yorkville, Kendall County, Illinois***

Dear Krysti:

We are in receipt of the following items for the above referenced project:

- Final Plat of Resubdivision (5 sheets) dated September 17, 2019 revised October 30, 2019 and prepared by HR Green.
- Final Plat of Resubdivision with AB&Aerial (5 sheets) dated September 17, 2019 revised October 30, 2019 and prepared by HR Green.
- Final Plat of Resubdivision with AB (5 sheets) dated September 17, 2019 revised October 30, 2019 and prepared by HR Green.

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

We find the Plats to be in general conformance with City Ordinances and standard land surveying practices and recommend approval of the Subdivision Plat. An original with signatures should be submitted for City signature and recording.

Ms. Krysti Barksdale-Noble

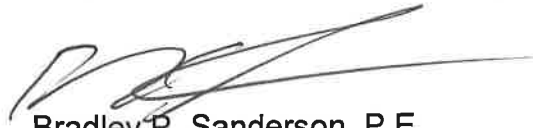
November 1, 2019

Page 2

If you have any questions or require additional information, please contact our office.

Sincerely,

ENGINEERING ENTERPRISES, INC.

A handwritten signature in dark ink, appearing to read 'Bradley P. Sanderson', with a long horizontal flourish extending to the right.

Bradley P. Sanderson, P.E.
Vice President

BPS/nls


pc: Mr. Bart Olson, City Administrator (Via e-mail)
Ms. Erin Willrett, Assistant City Administrator (Via e-mail)
Mr. Jason Engberg, Senior Planner (Via e-mail)
Mr. Eric Dhuse, Director of Public Works (Via e-mail)
Mr. Pete Ratosh, Building Department (Via e-mail)
Ms. Dee Weinert, Admin Assistant (Via e-mail)
Ms. Lisa Pickering, City Clerk (Via e-mail)
Mr. David Schultz, P.E., HR Green (Via e-mail)
TNP, JAM, EEI (Via e-mail)

URBAN DESIGN PRINCIPLES FOR PLAN COMMISSIONERS

YORKVILLE'S PLANNING & ZONING COMMISSIONERS TRAINING SERIES

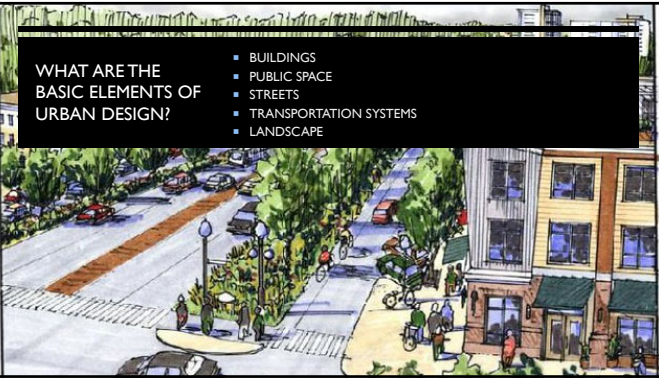
WHAT IS URBAN DESIGN?

- PROCESS OF SHAPING THE PUBLIC REALM WITHIN A CITY OR MUNICIPALITY WHICH INFLUENCES THE TYPE OF ENVIRONMENT WHERE WE LIVE.
- THIS ENVIRONMENT CAN BE IN ONE OF THE FOLLOWING FAMILIAR SETTINGS:
 - URBAN
 - SUBURBAN
 - RURAL



WHAT ARE THE BASIC ELEMENTS OF URBAN DESIGN?

- BUILDINGS
- PUBLIC SPACE
- STREETS
- TRANSPORTATION SYSTEMS
- LANDSCAPE



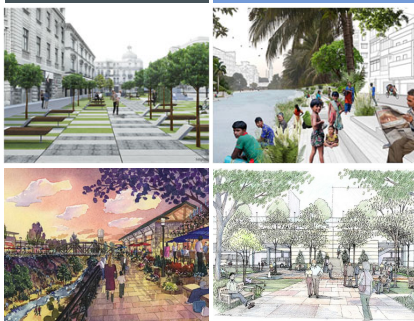
BUILDINGS

- Most prominent element of urban design
- Shape the space of the built environment
- Forms the "walls" of the street
- Create a sense of place



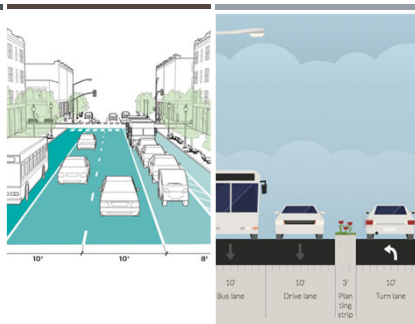
PUBLIC SPACE

- Locations where the public gathers such as parks, plazas, public squares and environmental amenities (natural or planned).
- Highest impact on quality of life
- Provides the backdrop to the urban setting



STREETS

- Provides the connection between spaces and places
- Classified by size and capacity to move pedestrians, vehicles and multimodal transportation systems
- Range in scale from rural roadways to multi-lane highways.
- Pattern of street networks also plays a role in urban design.



HOW CAN PLANNING & ZONING COMMISSIONER'S USE THIS INFORMATION?

[illegible]

YORKVILLE'S VISION

- Urban Design elements should match the City's vision
- Questions to Ask:
 - Is this project an opportunity to advance our vision for the future?
 - While this project may not fit in the area now, does it make sense for the future?
- A few requests allow for design requirements to be given:
 - Special Use
 - PUD Plan/Amendment

VISION STATEMENT

Values statements capture and summarize a community's aspirations and values for its future growth and development. It also defines what the community wants to change and what it wants to preserve and maintain. The Vision Statement described below includes these values and aspirations, as well as benchmarks for what the Yorkville community would like to have as it addresses challenges and opportunities over the next ten years.

[illegible]


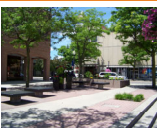

- Yekville is encouraging appropriate development, infrastructure and urban design investments along its route

Twenty-first century Yorkville provides an ideal combination of suburban Chicago living with the qualities and amenities of a semi-rural environment that also offers a diversity of housing and shopping opportunities, access to the scenic Fox River and recreational to nearby woodland centers.

BUILDING DESIGN

- Questions to Ask:
 - Does this building fit here?
 - What do the surrounding buildings look like?





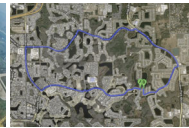




PUBLIC SPACE

- Questions to Ask:
 - Is this development supported by nearby public space?
 - Is this development providing public space?
 - What is the City's goals for public spaces?

STREETS

- Questions to Ask:
 - Is the scale appropriate for the area?
 - Does the layout promote a variety of transportation options?
 - Do the access point and flow make sense in the area?


TRANSPORTATION SYSTEMS

- Questions to Ask:
 - Could this be an opportunity for a complete streets?
 - What type of transportation uses will be visiting the site?









LANDSCAPE

- Questions to Ask:
 - Does the landscape enhance the sites design?
 - Are the plantings typical in the area?
 - While it meets the minimum requirements, should there be more?

URBAN DESIGN PRINCIPLES FOR PLAN COMMISSIONERS

YORKVILLE'S PLANNING & ZONING COMMISSIONERSTRAINING SERIES

