## PLANNING & ZONING COMMISSION

City Council Chambers 800 Game Farm Road, Yorkville, Il Wednesday, January 13, 2021 7:00pm

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the City of Yorkville is allowing remote attendance at this meeting. Social distancing is being encouraged due to the current Covid-19 pandemic.

## **Meeting Called to Order**

Chairman Jeff Olson called the meeting to order at 7:02pm, roll was called and a quorum was established.

**Roll Call:** All the following Commissioners attended the meeting remotely unless otherwise noted: Deborah Horaz-yes, Danny Williams-yes, Richard Vinyard-yes, Jeff Olson-yes (in-person attendance), Greg Millen-yes, Don Marcum-yes. Roll was called twice due to Zoom issues and to establish quorum)

Absent: Rusty Hyett

<u>City Staff</u> (All attended remotely unless otherwise noted): Krysti Barksdale-Noble, Community Development Director Jason Engberg, Senior Planner (in-person attendance)

## Other Guests (All attended remotely)

Christine Vitosh, Vitosh Reporting Service Lynn Dubajic, City Consultant Matt Asselmeier, Kendall County Bruce Mellen, DR Horton David Schultz, HR Green Ashley Shields, Abby Properties Chris Lester

## **Previous Meeting Minutes** September 9, 2020

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

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

## Citizen's Comments None

#### **Public Hearing**

Chairman Olson explained the procedure for the Hearing. At approximately 7:05pm a motion was made by Mr. Williams and seconded by Ms. Horaz to open the Hearing. Roll call: Vinyard-yes, Olson-yes, Millen-yes, Marcum-yes, Horaz-yes, Williams-yes. Carried 6-0.

Chairman Olson read the Public Hearing as follows:

1. PZC 2020-14 United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment for consideration of updates to "Chapter 20: Signs" of the United City of Yorkville Zoning Ordinance. The amendment to the text is related to non-conforming signs which proposes to define the term "maintenance" of said signage. Additionally, the text amendment will provide an exemption for the replacement of existing non-conforming freestanding monument static message board signs with electronic message board signs along a major thoroughfare, if such replacement does not increase the overall existing sign size.

(See Court Reporter Transcript)

The Hearing was closed at approximately 7:21pm on a motion by Mr. Williams and second by Mr. Marcum.

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

## **Unfinished Business** None

## **New Business**

1. **PZC 2020-11** Luz M. Padilla, Abby Properties, LLC, petitioner, is seeking Final Plat approval for an approximately 20.7-acre site consisting of 72 lots for single-family attached dwelling units and 2 lots for open space and a future phase of development. The properties being subdivided are Phases 2 and 3 of the Kendall Marketplace Townhome Development.

Mr. Engberg said the petitioner is requesting a final plat. Phase I was done earlier in the year and the current area is 72 lots. This request has been discussed at Plan Council and EDC and all comments have been addressed.

## **Action Item:**

Final Plat

There was no further discussion and a motion for approval was made and seconded by Mr. Williams and Mr. Millen, respectively. Mr. Williams read the motion as follows: In consideration of the proposed Final Plat of Subdivision for the Kendall Marketplace Development Lot 52, Phases 2 and 3, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in a plan prepared by HR Green, dated last revised January 6, 2021.

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

2. **PZC 2020-12** Bruce A. Mellen, on behalf of DR Horton, Inc.-Midwest, petitioner, is seeking Final Plat amendment approval to convert the existing 17 EBE (Exception to Blanket Easements) parcels to 80 "fee simple" lots consisting of approximately 7.236 acres in Grande Reserve Units 15 and 22 in Neighborhood 5. The lots are planned for new residential townhome units and are located south of Mill Road and east of Kennedy Road.

Ms. Noble said the petitioner is asking to replat these lots to make them fee simple and not under the EBE. This matter has been discussed at Plan Council and staff has asked the petitioner to identify the lots by units, rather than neighborhoods. There was no discussion among Commissioners.

## **Action Item:**

Final Plat

Mr. Williams moved and Ms. Horaz seconded to approve the Final Plat and Mr. Williams read the motion as follows: In consideration of the proposed Final Plat of Grande Reserve for Units 15 & 22 (Neighborhood 5) First Resubdivision, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in plans prepared by Manhard Consultants, LTD dated last revised 12-03-20.

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

**3. PZC 2020-13** Kris and Hillary Wieschhaus, petitioners, are requesting a variance to allow installation of a driveway at zero feet (0') from the eastern property line instead of the required five-foot (5') setback. The approximately 6.4-acre property is located at 9261 Kennedy Road which is about a half mile east of Route 47 on the north side of Kennedy Road. The property is adjacent to the rear of 9227 Kennedy Road which fronts the right-of-way.

Mr. Engberg said the residents are petitioning the County and this is a 1.5 Mile Review. They are requesting a driveway on the lot line to avoid being in the flood plain and the driveway does not access directly onto Kennedy Rd. They desire to build a house at the location in the future. Staff and county officials had no objections to this.

## **Action Item:**

1.5 Mile Review

A motion for approval was made and seconded by Mr. Williams and Ms. Horaz, respectively. Mr. Williams read the motion as follows: In consideration of the proposed mile and half review of Kendall County Case 20-30 for a variance located at 9261 Kennedy Road, the Planning and Zoning Commission recommends the City Council to not object to the request.

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

4. PZC 2020-14 Text Amendment (see full description under Public Hearing)

Ms. Noble presented information about non-conforming signs in the Public Hearing and asked for any comments or questions. The UDO process will restart in May and she said UDO will address this topic. Mr. Vinyard said he would prefer not to change the sign ordinance for a couple of requests and wait until the UDO continues. Mr. Marcum asked if the action tonight should include the non-major roadway language, to which all Commissioners concurred.

## **Action Item:**

Text Amendment

A motion to approve was made by Mr. Williams and seconded by Mr. Millen. Mr. Williams read the motion as follows: In consideration of testimony presented during a

Public Hearing on January 13, 2021 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for text amendment to Sections 10-20-4: Definitions and 10-20-11: Nonconforming Signs of the City's Zoning Ordinance to allow for certain existing nonconforming freestanding monument signs to be modified without the requirement to bring the sign fully into compliance with the current code regulations, as recommended in a staff memo dated January 4, 2021.

Roll call: Horaz-yes, Williams-yes, Vinyard-no, Olson-yes, Millen-yes, Marcum-yes. Carried 5 yes and 1 no.

## **Additional Business**

## 1. City Council Action Updates:

PZC 2020-08 Sign Variance for Hillside Rehab was approved by the City Council.

## Adjournment

There was no further business and the meeting was adjourned at 7:41pm on a motion by Commissioners Williams and Horaz, respectively. Approved on voice vote.

Respectfully submitted by Marlys Young, Minute Taker (remote attendance)

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	PZC - Public Hearing - January 13, 2021
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8	YORKVILLE, ILLINOIS
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11	PLANNING AND ZONING COMMISSION
12	PUBLIC HEARING
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18	800 Game Farm Road
19	Yorkville, Illinois
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22	Wednesday, January 13, 2021
23	7:00 p.m.
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	PZC - Public Hearing - January 13, 2021	2
1	PRESENT:	
2	Mr. Jeff Olson, Chairman,	
3	Ms. Deborah Horaz,	
4	Mr. Richard Vinyard,	
5	Mr. Donald Marcum,	
6	Mr. Greg Millen,	
7	Mr. Danny Williams.	
8		
9	ALSO PRESENT:	
10	Ms. Krysti Barksdale-Noble, Community	
11	Development Director;	
12	Mr. Jason Engberg, Senior Planner;	
13	Ms. Marlys Young, Minute Taker.	
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static message board signs with electronic message board signs along a major thoroughfare, if such replacement does not increase the overall existing sign size.

Are you guys ready to make -
Krysti, are you going to make it or is Jason?

MS. NOBLE: Yes. Before I start, I'm

having trouble hearing everyone, so if you don't

mind muting until questions? Thank you.

CHAIRMAN OLSON: There we go. That's better.

MS. NOBLE: All right. So this public hearing is in regard to a text amendment that was brought forth from the City Council, particularly the Mayor, asking the City look at amending our ordinance so that property owners who have legally non-conforming signs -- which meant at the time they erected their sign it was legal according to the Zoning Ordinance at that period, but is no longer in conformance with our current Zoning Ordinance -- that they can exchange their existing manual copy portion of their sign out for an electric digital sign, so it will be a one-to-one exchange, and then, therefore, they

would not have to revise their sign to meet the sign ordinance requirement as far as height or wherever they aren't currently meeting the standard.

This is borne out of a petitioner who applied for a building permit and was denied that permit because the replacement that they were doing was not considered maintenance because it was changing the actual frame of the sign. It was denied by Staff and they petitioned the City Council and the Mayor to see if we can amend our Zoning Ordinance to allow for some flexibility for those individuals that are trying to upgrade their technology to meet the changing times, but don't want to do the full investment of re-doing a complete sign.

So Staff looked at areas where we felt this would make sense; in particular, we looked at all the signs along the major thoroughfares in the City which have been recently affected by widening of roadways, as well as setbacks of property lines being adjusted.

So when we looked at those major

thoroughfares, we found that there were a total of about 100 and -- almost roughly 130 signs along 47, 34, Eldamain, which is considered a thoroughfare, Illinois 71 and 126.

so out of those 128 signs, 130 roughly, we found that 36 were permitted through some type of government approval, annexation agreement, PUD ordinance or some other amendment, maybe a variance of some sort, but 56 of those signs were considered legally non-conforming, so when we looked at those 56, we looked at what they had in common -- and this is just for the major thoroughfare -- and we found that a lot of them were impacted by recent widening of the roads, as I mentioned, or they existed prior to our current sign ordinance.

The City had undergone a Comprehensive Sign Ordinance update in 2008 and then again in 2014 as part of the Comprehensive Zoning Code update.

So we then looked at non-major thoroughfares, so if you look at the public hearing notice, we only address the ones that were on the major thoroughfares, and then we were

asked subsequently to look at the ones on non-major thoroughfares, and we found an additional 45 signs, and those streets are listed in your packet as well.

16 of those, again, were part of an annexation, PUD, or some other approval mechanism, and 25 of those signs were potentially legally non-conforming.

merit to a relook at the Zoning Code as far as the sign code because you don't -- we have this breakdown of COVID happening, we want to be business friendly, but also we have some physical changes in the area, and we felt that if we clearly defined what maintenance was in our ordinance -- which we don't right now -- to say that you can change a bulb, you can replace nuts and bolts, but you can't change the frame, that would give petitioners an idea of what they can and cannot do going forward, which was part of the misconception of this individual applying for a permit.

But, further, we felt that we could exempt out those existing monument signs that

already have some type of manual copy to allow them to do a one-for-one exchange for digital.

That would bring down the number in that case to about probably 25 of the overall signs on the major thoroughfares, so it will be about 45 percent could pursue this as an opportunity, and then of the non-major streets, you'd probably look at about 40 percent of those being able to do it, so it would be more than a handful of signs, but it's only specific to the monument sign.

One last thing that we did, we looked at some historical data of signs that we had dismissed or denied as part of the building permit process and we found that, you know, those types of requests that are similar to what this petitioner is requesting accounted for less than one percent of all the permits applied in the last five years, and those are non-conforming signs looking to do something that they're not permitted to do without bringing the full sign into compliance, so we don't think this would heavily impact people rushing to do these changes, but we may see a slight uptick in those

petitions coming in, where we would allow a non-conforming sign to do something that we wouldn't have permitted prior.

There is a draft motion in there that specifically includes the non-thoroughfare streets, so if you want to include that in there, that language is already in there; if you would like to exclude those areas, you can do that as well, and the reason being is the thoroughfare signs are the ones that are trying to catch the attention of drivers that the location isn't a destination, it's convenience or an impulse buy, they're trying to communicate something to the public and, therefore, there is merit in that.

The non-thoroughfare signs tend to just be just be -- the monument signs tend to just be signs that identify the business and not necessarily are trying to convey information to the driver because they tend to be destinations where people know that they're going in the first place.

So if you have any questions, Staff is available to ask -- to answer those, and in

your packet you also have information related to where a lot of these developments are occurring for the signage along our development map.

Thank you.

CHAIRMAN OLSON: Questions for Krysti

CHAIRMAN OLSON: Questions for Krystiright now?

COMMISSIONER VINYARD: Yes, I have three questions. Hi, Krysti, how are you?

MS. NOBLE: I'm good, how are you?

COMMISSIONER VINYARD: Good. It's nice to see you. Hold on, let me -- Sorry, I don't have video.

How many of the 130 of these signs were non-conforming in 2014 when we did the comprehensive review?

MS. NOBLE: So I don't have that number as of 2014.

COMMISSIONER VINYARD: Okay.

MS. NOBLE: I only have the current. I can go back and research that.

COMMISSIONER VINYARD: No, that's not a huge -- that's not a huge deal. I'm just -- I'm not quite certain I agree with this being considered maintenance. I mean, this is

	P2C - Public Hearing - January 13, 2021 ——————————————————————————————————
1	replacement. I understand
2	MS. NOBLE: No, this
3	COMMISSIONER VINYARD: I understand
4	everything
5	MS. NOBLE: Staff isn't purporting that
6	this would be maintenance. We're clearing up the
7	definition for maintenance. This would be
8	outside of maintenance.
9	COMMISSIONER VINYARD: Outside of
10	maintenance.
11	MS. NOBLE: Yes. This would be an
12	exemption that they don't have to bring the
13	entire sign into full conformance.
14	COMMISSIONER VINYARD: Okay. So
15	couldn't this petitioner have just asked for a
16	variance on this sign?
17	MS. NOBLE: They could have asked for a
18	variance; I don't think that they meet the
19	standards for variance. Variance has to be
20	something that isn't self-imposed.
21	COMMISSIONER VINYARD: Self-imposed,
22	right.

is unique to the site, so I don't think they

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MS. NOBLE: It has to be something that

would have qualified for a variance; however, they could have asked for -- like Mr. Millen did with his request, they could have asked for an appeal.

COMMISSIONER VINYARD: Appeal, okay.

All right. And, I'm sorry, that's -- that's where I was going with it.

I guess I see the 130 in all this, but, I mean, one person asked and we're -- I mean, we've been doing this for almost eight years, signs have been 90 percent of what's come in front of us since I've been on the Board.

I don't -- Is it worth changing because one person requested it? I mean, is this -- are we going to find ourselves in a few years readjusting signs yet again?

 $\mbox{MS. NOBLE:} \mbox{ I can answer that,} \\ \mbox{definitely, we will.}$ 

COMMISSIONER VINYARD: Okay.

MS. NOBLE: Signs was going to be part of the UDL, so it was going to be a comprehensive look at signs, so we may end up adjusting this further in the near future.

CHAIRMAN OLSON: What drawback does it

have for us to allow non-conforming signs to switch out something in the name of trying to drum up business? I don't know -- I'm saying this truthfully, I don't think that I can see any drawback to doing that. What could be the argument?

MS. NOBLE: Well, there -- there could be a couple -- I'm sorry. There could be a couple of drawbacks.

So one drawback could be that it prolongs the life of a sign that we no -- a type of sign or size of sign that we no longer permit. It would prolong the life of that sign, and the original intent of the code is that as those signs that were legally non-conforming, their use ends, that would be the appropriate time to bring them into conformance, into the design of what the City saw as a whole. That's one drawback.

Another drawback would be we have denied permits similar to these requests in the past, so those individuals who did, you know, pay and put the expense to bring their signs into conformance will have missed out on this

opportunity that we will be allowing people in the future to do.

COMMISSIONER VINYARD: Yeah, and I get it, I'm sympathetic in between, but like I said, this is -- signs have been an issue for me since going through all this, and, I mean, I don't want to -- was this something like -- When did they catch this? Like --

MS. NOBLE: So the sign isn't up at this point. This was a building --

11 COMMISSIONER VINYARD: Yeah, okay.

12 Okay.

MS. NOBLE: This was a building permit that the petitioner requested that was denied.

COMMISSIONER VINYARD: Gotcha. Okay.

Thank you. I was just trying to make sure that like -- because in my opinion it's a whole other story if somebody went out and ordered a whole new sign without checking the conformity, then that's -- that's an issue, but okay. Thank you.

Those are the -- You answered the three questions

MS. NOBLE: You're welcome.

that I needed. Thank you.

CHAIRMAN OLSON: What other questions do

we have for Krysti?

COMMISSIONER WILLIAMS: I've got two.

So, one, from Staff's opinion, is there an
economic interest in this as in allowing this I'm
assuming is more business friendly than saying -forcing businesses to become in compliance along
with upgrading to electronic signs, is that part
of the reasoning behind it?

MS. NOBLE: Sure, that was part of the reason for the request that Staff address this. It's part of the decision to say there is some merit to this discussion because some of the impact to the business owner was not their doing, it was, you know, state right-of-way and increased traffic along the roadway, so that did play a role in the recommendation and, of course, now we're in a situation where our businesses need the assistance --

COMMISSIONER WILLIAMS: Totally.

MS. NOBLE: -- right now to stay alive.

COMMISSIONER WILLIAMS: Totally. And

that's exactly where I was going with that.

23 Thank you, Krysti.

My only other one then is do you

locations.

have a recommendation as if we should apply these standards to just the major thoroughfares or also the non-major thoroughfares?

I know you have mentioned that there is wording for both allowances; do you have any preference?

MS. NOBLE: So originally Staff suggested the major thoroughfares only because those are the ones that are heavily impacted and it made more sense as to why they would want to be messaging to their --

CHAIRMAN OLSON: Why would you limit it, though?

MS. NOBLE: -- customers?

CHAIRMAN OLSON: Why would you limit it to one location rather than everywhere?

MS. NOBLE: So I am getting to that.

When I was asked to look at the non-major

thoroughfares, initially Staff didn't think that

there would be a need for those areas; like I

mentioned, those are typical designation

But when I did the data and the research, I found that there were a significant

amount of signs along there that did have

monument-type signs and some that did have

changeable copy, so it could assist those

individuals, especially the ones that are not

necessarily on the, you know, corner of where a

thoroughfare and a non-major thoroughfare

intersect, but a little bit ways off, so there is

some benefit to it.

CHAIRMAN OLSON: I would argue that -- I would argue that just -- just like we were saying, some people would pass the sign and miss out on the opportunity to do this, I wouldn't want to miss out on the opportunity to do it just because I'm not on a major thoroughfare.

I've been in this town for 40

years and I don't know where everything is. I

mean, you go back into the commercial parts and

you say oh, I didn't know that existed there.

Those signs in my opinion are just as important

as the major thoroughfares signs. That's my two

cents.

Do we have any other questions?

(No response.)
CHAIRMAN OLSON: All right. Since all
public testimony regarding this petition has
been taken, may I have a motion to close the
taking of testimony in this public hearing,
please?
COMMISSIONER WILLIAMS: So moved.
COMMISSIONER VINYARD: Second.
CHAIRMAN OLSON: Thank you. Roll call
vote on the motion, please?
MS. YOUNG: Olson.
CHAIRMAN OLSON: Yes.
MS. YOUNG: Millen.
COMMISSIONER MILLEN: Yes.
MS. YOUNG: Marcum.
COMMISSIONER MARCUM: Yes.
MS. YOUNG: Horaz. Horaz.
COMMISSIONER HORAZ: On mute, sorry.
Yes.
MS. YOUNG: Okay, thank you. Williams.
COMMISSIONER WILLIAMS: Yes.
MS. YOUNG: And Vinyard.
COMMISSIONER VINYARD: Yes.
MS. YOUNG: Thank you.

STATE OF ILLINOIS )

(COUNTY OF LASALLE )

I, Christine M. Vitosh, a Certified Shorthand Reporter, do hereby certify that I transcribed the proceedings had at the pubic hearing and that the foregoing, Pages 1 through 21 inclusive, is a true, correct and complete computer-generated transcript of the proceedings had at the time and place aforesaid.

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

As certification thereof, I have hereunto set my hand this 21st day of January, A.D., 2021.

Christine WV itosh

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

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