



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, December 14, 2022

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 12, 2022
November 9, 2022

Citizen's Comments

Public Hearings

Unfinished Business

New Business

1. **PZC 2022-22** Tom Bowman, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting final plat approval to subdivide the approximately 2-acre vacant parcel into 2 single-family lots. The property is generally located at the southwest corner of E Van Emmon Street and Timber Oak Lane (formerly Benjamin Street).

Additional Business

1. 2023 Planning and Zoning Commission Meeting Schedule

Adjournment

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

UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, October 12, 2022
7:00 p.m.

1 PRESENT: (In-person and via Zoom)

2 Mr. Jeff Olson, Chairman,

3 Mr. Richard Vinyard,

4 Mr. Danny Williams,

5 Mr. Greg Millen.

6
7 ALSO PRESENT: (In-person and via Zoom)

8 Ms. Krysti Barksdale-Noble, Community

9 Development Director;

10 Mr. Jason Engberg, Senior Planner;

11 Ms. Marlys Young, Minute Taker.

12 - - - - -

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

4 CHAIRMAN OLSON: There is one public
5 hearing scheduled for tonight's meeting. The
6 purpose of this hearing is to invite testimony
7 from members of the public regarding the proposed
8 request that is being considered before this
9 Commission tonight.

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

14 Those persons wishing to testify
15 tonight are asked to speak clearly, one at a
16 time, state your name and who you represent. You
17 are also asked to sign up at the podium. There
18 should be a sign-in sheet there.

19 If you plan to speak at tonight's
20 meeting right now, would you please stand up,
21 raise your hand and repeat after me?

22 (Witness thereupon duly sworn.)

23 CHAIRMAN OLSON: You may be seated.
24 The way this goes is the petitioner is going to

1 do a presentation, we will have anyone who wishes
2 to speak in favor of the request speak, we will
3 have anyone who wishes to speak in opposition of
4 the request, and then we will wrap up the public
5 hearing portion and move on to discussion.

6 So may I please have a motion to
7 open the discussion on PZC 2022-19, zoning
8 request?

9 MR. VINYARD: So moved.

10 MR. WILLIAMS: Second.

11 CHAIRMAN OLSON: Roll call vote on the
12 motion, please.

13 MS. YOUNG: Vinyard.

14 MR. VINYARD: Yes.

15 MS. YOUNG: Williams.

16 MR. WILLIAMS: Yes.

17 MS. YOUNG: Millen.

18 MR. MILLEN: Yes.

19 MS. YOUNG: And Olson.

20 CHAIRMAN OLSON: Yes.

21 All right. PZC 2022-19, Jordan
22 Gash, on behalf of Restore Church, Incorporated,
23 petitioner, has filed an application with the
24 United City of Yorkville, Kendall County,

1 Illinois, requesting rezoning classification of
2 three parcels totaling approximately 34 acres
3 located at 8710 Route 71 in Yorkville, Illinois.

4 The real property, situated east of
5 Illinois State Route 71 and Illinois State Route
6 126 intersection on the northeast corner of Wing
7 Road and Illinois State Route 71, is part of the
8 previously approved Windmill Farms annexation
9 agreement.

10 The petitioner is seeking to rezone
11 from the Planned Unit Development zoning
12 designation to the B-3 General Business District
13 to continue to operate the existing religious
14 institution land use and accommodate future
15 commercial development.

16 Do you wish to make a presentation
17 on your own behalf? You can if you want, but you
18 don't have to.

19 MR. GASH: Yeah, I think it is pretty
20 well spelled out.

21 CHAIRMAN OLSON: Okay. Then, Krysti,
22 would you like to please present on PZC 2022-19?

23 MS. NOBLE: Sure. As the notice stated,
24 the three parcels are approximately 33 to

1 34 acres in an area in the Windmill Farms
2 development, which is a defunct development that
3 did not happen, and we've been here before with
4 other parcels wanting to come in, remove
5 themselves from the applications of that land
6 plan.

7 This particular property owner has
8 three of those parcels on the south side of 71.
9 They have a religious land use in place. There
10 was an existing structure there that they
11 utilized for a church. Over time they did a
12 detention area and parking area.

13 They are looking now to expand the
14 church to about 10,000 square feet additional
15 and additional parking as well. With those
16 physical changes to the site, rather than just
17 rehab an existing building, it triggered the need
18 to amend the annexation agreement and rezone the
19 property.

20 So the underlying zoning of the
21 property currently is a B-3 and R-2 -- or R-4,
22 I'm sorry, underlying zoning, and so they are
23 requesting to go strictly B-3, which would allow
24 a religious land institution as well as any

1 future commercial or office use that they want to
2 pursue.

3 If you do move forward with this
4 rezoning, it would require us to amend our
5 Comprehensive Plan because the Comprehensive Plan
6 had a holding classification of estate
7 conservation residential, and we did that
8 similarly to the Bricolage property a few months
9 ago.

10 In your packet you can see some of
11 the site plan changes that they are proposing for
12 the site. There is no nearby utility, public
13 utilities, available, such as water, sewer to the
14 area. The petitioner has been utilizing the
15 existing well and septic system for the on-site
16 needs of the church, and propose once utilities
17 are available about 250 feet from the subject
18 property, they will be required to connect.
19 Vehicle access and parking is adequate to the
20 site.

21 The findings and facts are in your
22 packet, which the petitioner has provided written
23 responses. Would you like those entered into the
24 record? Which are now entered into the record.

1 And Staff is supportive of the proposed rezoning.

2 CHAIRMAN OLSON: Okay. Is there anyone
3 who wishes to speak in favor of the request?

4 (No response.)

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

7 (No response.)

8 CHAIRMAN OLSON: All right. Seeing as
9 there are none, do you have any questions for
10 Krysti right now?

11 (No response.)

12 CHAIRMAN OLSON: Okay. Since all public
13 testimony regarding these petitions have been --
14 petition has been taken, may I have a motion
15 please to close the taking of public testimony
16 and this public hearing?

17 MR. VINYARD: So moved.

18 MR. WILLIAMS: Second.

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

21 MS. YOUNG: Yes. Williams.

22 MR. WILLIAMS: Yes.

23 MS. YOUNG: Millen.

24 MR. MILLEN: Yes.

1 MS. YOUNG: Olson.

2 CHAIRMAN OLSON: Yes.

3 MS. YOUNG: And Vinyard.

4 MR. VINYARD: Yes.

5 CHAIRMAN OLSON: Public hearing portion
6 of tonight's meeting is closed.

7 (Which were all the proceedings
8 had in the public hearing portion
9 of the meeting.)

10 ---o0o---

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings had at the public hearing and that
7 the foregoing, Pages 1 through 10 inclusive, is a
8 true, correct and complete computer-generated
9 transcript of the proceedings had at the time and
10 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 7th day of November, A.D., 2022.

19 *Christine M Vitosh*

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

PZC - Public Hearing - October 12, 2022

0	annexation [2] - 5:8, 6:18	Community [1] - 2:8	findings [1] - 7:21	L
084-002883 [1] - 10:20	annexed [1] - 10:10	complete [1] - 10:7	following [1] - 3:1	land [4] - 5:14, 6:5, 6:9, 6:24
1	application [1] - 4:23	Comprehensive [2] - 7:5	foregoing [1] - 10:6	LASALLE [1] - 10:2
1 [1] - 10:6	applications [1] - 6:5	computer [1] - 10:7	forward [1] - 7:3	located [1] - 5:3
10 [1] - 10:6	applies [1] - 10:11	computer-generated [1] - 10:7	future [2] - 5:14, 7:1	looking [1] - 6:13
10,000 [1] - 6:14	approved [1] - 5:8	connect [1] - 7:18	G	M
12 [1] - 1:21	area [4] - 6:1, 6:12, 7:14	conservation [1] - 7:7	Game [1] - 1:17	Marlys [1] - 2:11
126 [1] - 5:6	assume [1] - 10:13	considered [1] - 3:8	GASH [1] - 5:19	meeting [4] - 3:5, 3:20, 9:6, 9:9
2	available [2] - 7:13, 7:17	continue [1] - 5:13	Gash [1] - 4:22	members [1] - 3:7
2	B	control [1] - 10:15	General [1] - 5:12	Millen [3] - 2:5, 4:17, 8:23
2022 [2] - 1:21, 10:17	B-3 [3] - 5:12, 6:21, 6:23	copies [2] - 10:12, 10:14	generated [1] - 10:7	MILLEN [2] - 4:18, 8:24
2022-19 [3] - 4:7, 4:21, 5:22	Barksdale [1] - 2:8	corner [1] - 5:6	Greg [1] - 2:5	Minute [1] - 2:11
250 [1] - 7:17	Barksdale-Noble [1] - 2:8	correct [1] - 10:7	H	months [1] - 7:8
3	behalf [2] - 4:22, 5:17	County [1] - 4:24	hand [3] - 3:21, 10:13, 10:17	motion [4] - 4:6, 4:12, 8:14, 8:20
33 [1] - 5:24	Bricolage [1] - 7:8	COUNTY [1] - 10:2	heard [1] - 3:13	move [2] - 4:5, 7:3
34 [2] - 5:2, 6:1	building [1] - 6:17	CSR [2] - 10:20, 10:20	HEARING [1] - 1:11	moved [2] - 4:9, 8:17
7	Business [1] - 5:12	D	hearing [8] - 3:3, 3:5, 3:6, 4:5, 8:16, 9:5, 9:8, 10:5	MR [11] - 4:9, 4:10, 4:14, 4:16, 4:18, 5:19, 8:17, 8:18, 8:22, 8:24, 9:4
7	C	Danny [1] - 2:4	hereby [1] - 10:4	MS [9] - 4:13, 4:15, 4:17, 4:19, 5:23, 8:21, 8:23, 9:1, 9:3
71 [4] - 5:3, 5:5, 5:7, 6:8	certificate [1] - 10:10	defunct [1] - 6:2	hereto [1] - 10:11	N
7:00 [1] - 1:22	certification [1] - 10:16	designation [1] - 5:12	hereunto [1] - 10:16	name [1] - 3:16
7th [1] - 10:17	Certified [1] - 10:3	detection [1] - 6:12	holding [1] - 7:6	nearby [1] - 7:12
8	certified [1] - 10:12	Development [2] - 2:9, 5:11	I	need [1] - 6:17
800 [1] - 1:17	certify [2] - 10:4, 10:10	development [3] - 5:15, 6:2	ILLINOIS [2] - 1:7, 10:1	needs [1] - 7:16
8710 [1] - 5:3	Chairman [1] - 2:2	direction [1] - 10:15	Illinois [7] - 1:18, 5:1, 5:3, 5:5, 5:7, 10:20	NOBLE [1] - 5:23
A	CHAIRMAN [12] - 3:4, 3:23, 4:11, 4:20, 5:21, 8:2, 8:5, 8:8, 8:12, 8:19, 9:2, 9:5	Director [1] - 2:9	in-person [1] - 2:1	Noble [1] - 2:8
A.D [1] - 10:17	changes [2] - 6:16, 7:11	discussion [2] - 4:5, 4:7	In-person [1] - 2:7	none [1] - 8:9
access [1] - 7:19	Christine [2] - 10:3, 10:20	District [1] - 5:12	inclusive [1] - 10:6	northeast [1] - 5:6
accommodate [1] - 5:14	Church [1] - 4:22	duly [1] - 3:22	Incorporated [1] - 4:22	notice [1] - 5:23
accuracy [1] - 10:14	church [3] - 6:11, 6:14, 7:16	E	institution [2] - 5:14, 6:24	November [1] - 10:17
acres [2] - 5:2, 6:1	CITY [1] - 1:6	east [1] - 5:4	intersection [1] - 5:6	O
additional [2] - 6:14, 6:15	CITY [1] - 4:24	Engberg [1] - 2:10	invite [1] - 3:6	October [1] - 1:21
adequate [1] - 7:19	classification [2] - 5:1, 7:6	entered [2] - 7:23, 7:24	J	OF [3] - 1:6, 10:1, 10:2
aforesaid [1] - 10:9	clearly [1] - 3:15	estate [1] - 7:6	Jason [1] - 2:10	office [1] - 7:1
ago [1] - 7:9	close [1] - 8:15	existing [4] - 5:13, 6:10, 6:17, 7:15	Jeff [1] - 2:2	Olson [3] - 2:2, 4:19, 9:1
agreement [2] - 5:9, 6:18	closed [1] - 9:6	expand [1] - 6:13	Jordan [1] - 4:21	OLSON [12] - 3:4, 3:23, 4:11, 4:20, 5:21, 8:2, 8:5, 8:8, 8:12, 8:19, 9:2, 9:5
allow [1] - 6:23	commercial [2] - 5:15, 7:1	F	K	on-site [1] - 7:15
ALSO [1] - 2:7	Commission [1] - 3:9	facts [1] - 7:21	Kendall [1] - 4:24	
amend [2] - 6:18, 7:4	COMMISSION [1] - 1:10	Farm [1] - 1:17	Krysti [3] - 2:8, 5:21, 8:10	
AND [1] - 1:10		Farms [2] - 5:8, 6:1		
		favor [2] - 4:2, 8:3		
		feet [2] - 6:14, 7:17		
		few [1] - 7:8		
		filed [1] - 4:23		

Vitosh Reporting Service

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, November 9, 2022 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 7:10pm, roll was called and a quorum was established.

Roll Call

Deborah Horaz-yes/electronic attendance

Rusty Hyett-yes/electronic attendance

Greg Millen-yes/in-person

Jeff Olson-yes/in-person

Richard Vinyard-yes/in-person

Absent: Danny Williams

City Staff

Krysti Barksdale-Noble, Community Development Director/in-person

Jason Engberg, Senior Planner/in-person

Other Guests

Lynn Dubajic Kellogg, City Consultant/in-person

Chris Vitosh, Vitosh Reporting Service/electronic attendance

Mr. Ronak Patel, Cork Keg & Liquor/in-person

Greg Groat, Correct Digital Displays/in-person

Donald Smith/electronic attendance

Matt Asselmeier/electronic attendance

Previous Meeting Minutes October 12, 2022

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

Roll call: Horaz-yes, Hyett-yes, Millen-yes, Olson-yes, Vinyard-yes. Carried 5-0.

Citizen's Comments None

Public Hearing

Chairman Olson explained the Public Hearing procedure and swore in those who would present testimony. The Public Hearing was opened at 7:13pm on a motion and second by Commissioners Vinyard and Millen, respectively.

Roll call: Hyett-yes, Millen-yes, Olson-yes, Vinyard-yes, Horaz-yes. Carried 5-0.

The Public Hearing description was read by Chairman Olson:

1. **PZC 2022-18** Greg Groat, Correct Digital Displays, Inc., petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting sign variance approval to permit a building mounted sign to be larger than the maximum permitted sign area, wider than the maximum permitted sign width, and to allow the sign to be closer than one (1) foot from a vertical or horizontal edge of the wall to which the sign is affixed. The real property is generally located northeast of the North Bridge Street (Route 47) and East Main Street intersection.

(see Court Reporter's full transcript)

(The Petitioner requested the standards be entered into the public record)

There was no further testimony and a motion was made and seconded at about 7:25pm by Mr. Vinyard and Mr. Millen, respectively, to close the Hearing. Roll call: Millen-yes, Olson-yes, Vinyard-yes, Horaz-yes, Hyett-yes. Carried 5-0.

Unfinished Business None

New Business

1. **PZC 2022-19** (see full description above)

Chairman Olson read the standards for granting the variance. There was no further discussion and Mr. Vinyard moved, seconded by Mr. Millen, to approve PZC 2022-19. The motion was read by Mr. Vinyard as follows: In consideration of testimony presented during a Public Hearing on November 9, 2022 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a request to vary the sign regulations contained in Section 10-20-9-A-1 of the United City of Yorkville Zoning Ordinance to permit a building mounted sign to be erected which exceeds the maximum sign area, maximum sign width, and be located closer than one foot from a horizontal and vertical edge of the wall to which it is affixed at the property commonly known as 302 N. Bridge Street as stated in a staff memorandum dated November 2, 2022.

Roll call: Olson-yes, Vinyard-yes, Horaz-yes, Hyett-yes, Millen-yes. Carried 5-0.

2. **PZC 2022-21** Donald Smith, petitioner, is requesting a variance to encroach into the required front yard in the County's R-3 One Family Residential Zoning District. The petitioner is seeking to construct a garage addition onto the front of his house which would encroach the fifty foot (50') required front yard setback by twenty feet (20') resulting in a thirty foot (30') front yard. The real property is located at 505 E. Spring Street which is generally located at the northeast corner of the McHugh Road and E. Spring Street intersection.

Mr. Engberg presented the information for this petition and said it is a 1.5 mile review near Wackerlin Subdivision. The county received a variance request for a front-yard setback which is currently 50 feet. The petitioner wishes to add an extension on the garage on the front of his house and convert an old garage into livable space. This would leave a 30 foot setback. It is close to the Yorkville planning boundary and a nearby house is zoned R-2 and already in the city. Under the R-2 zoning in the city code, the front yard setback is 30 feet. He feels the petitioner will eventually be incorporated in the city. Mr. Smith is improving the property rather than doing a major improvement.

Mr. Vinyard moved and Mr. Millen seconded to approve a motion of approval for PZC 2022-21 Donald Smith. Mr. Vinyard read the motion as follows: In consideration of the proposed mile and half review of Kendall County Petition 2022-21 for a variance request to encroach the required front yard setback by twenty feet within the Kendall County R-3 Zoning District at the property commonly known as 505 E. Spring Street, the Planning and Zoning Commission recommends the City Council to not object to the request. Roll call: Vinyard-yes, Horaz-yes, Hyett-yes, Millen-yes, Olson-yes. Carried 5-0.

Additional Business None

Adjournment

There was no further business and the meeting was adjourned at 7:34pm on a motion and second by Commissioners Vinyard and Horaz, respectively. Unanimous voice vote approval..

Respectfully submitted by,
Marlys Young, Minute Taker/electronic attendance

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

UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, November 9, 2022
7:00 p.m.

1 PRESENT: (In-person and via Zoom)

2 Mr. Jeff Olson, Chairman,

3 Ms. Deborah Horaz,

4 Mr. Richard Vinyard,

5 Mr. Rusty Hyett,

6 Mr. Greg Millen.

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.

13 - - - - -

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

4 CHAIRMAN OLSON: There is one public
5 hearing scheduled for tonight's Planning and
6 Zoning Commission meeting. The purpose of this
7 hearing is to invite testimony from members of
8 the public regarding the proposed request that is
9 being considered before this Commission tonight.

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

14 Those persons wishing to testify are
15 asked to speak clearly, one at a time, and state
16 your name and who you represent. You are also
17 asked to sign in at the podium, which I saw
18 somebody already did.

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

23 (Witness thereupon duly sworn.)

24 CHAIRMAN OLSON: All right. Anybody in

1 Zoomland that is going to be speaking tonight?
2 If there is, I would ask that you do the same
3 thing on your own. Thank you.

4 (No response.)

5 CHAIRMAN OLSON: The order for receiving
6 testimony during the public hearing portion
7 tonight will be as follows: There will be the
8 petitioner presentation, then we will have people
9 who wish to speak in favor of the proposal and
10 then those who wish to speak in opposition of the
11 proposal.

12 And with that out of the way, may I
13 please have a motion to open the public hearing
14 on PZC 2022-18, sign variance?

15 MR. VINYARD: So moved.

16 MR. MILLEN: Second.

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

19 MS. YOUNG: Yes. Hyett. Hyett.

20 MR. HYETT: Yes.

21 MS. YOUNG: Thank you. Millen.

22 MR. MILLEN: Yes.

23 MS. YOUNG: Olson.

24 CHAIRMAN OLSON: Yes.

1 MS. YOUNG: Vinyard.

2 MR. VINYARD: Yes.

3 MS. YOUNG: And Horaz.

4 MS. HORAZ: Yes.

5 MS. YOUNG: Thank you.

6 CHAIRMAN OLSON: All right. The public
7 hearing up for discussion tonight is PZC 2022-18,
8 Greg Groat, Correct Digital Displays,
9 Incorporated, petitioner, has filed an
10 application with the United City of Yorkville,
11 Kendall County, Illinois, requesting sign
12 variance approval to permit a building mounted
13 sign to be larger than the maximum permitted sign
14 area, wider than the maximum permitted sign
15 width, and to allow the sign to be closer than
16 one foot from a vertical or horizontal edge of
17 the wall to where -- to which the sign is
18 affixed.

19 The real property is generally
20 located northeast of the North Bridge Street,
21 Route 47, and East Main Street intersection.

22 All right. Is the petitioner
23 present or, Jason, are you doing the
24 presentation? What are we doing?

1 MR. ENGBERG: Greg can start, then I can
2 fill in.

3 CHAIRMAN OLSON: Do you have anything to
4 say, sir?

5 MR. GROAT: Yeah, I'd be happy to, I
6 just am not exactly sure how you would like to
7 proceed as far as --

8 CHAIRMAN OLSON: Pretend I don't know
9 anything about it.

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

13 MR. GROAT: Okay. So I was with the
14 company for about two months when I started and
15 spoke to the customer, and at that point I really
16 had no frame of reference on permitting or how
17 that process went, so ignorance is kind of my
18 plea on that situation. I've gotten well versed
19 over the last year and almost a half probably
20 through a lot of learning, so it was a good
21 lesson to have learned.

22 I think I stated in the material
23 that you have that to move the sign where it was
24 proposed to move would have made it less visible

1 going northbound on 47, almost impossible to see.

2 Understanding what the ordinance is
3 now, hindsight being 20/20, I would have probably
4 most definitely taken the correct precautions to
5 make it follow the code, but I think, as many
6 people have stated, as you see the sign now, the
7 size of the sign, although it is large, doesn't
8 seem preposterously large to how it's affixed on
9 the building.

10 I think if it was to be moved, there
11 would be really no other place to put the sign on
12 the building that would really make sense,
13 especially with that frontage and how -- the
14 speed of vehicles going by, it would really kind
15 of be a futile effort.

16 So with that being said, I do
17 apologize, as I have before, for the oversight,
18 it was not intentional, but I was hoping that the
19 variance could be granted so he could keep the
20 sign where it's at.

21 Really the ordinance that really hit
22 me more was the vestibule being ten feet away
23 from the building, whereas if it was four feet or
24 closer to the building the entire front of the

1 building could have been used and it wouldn't
2 have been an issue, so, you know, understanding
3 that now, hindsight being 20/20, it would have
4 been different, but -- so that's why we are
5 requesting a variance.

6 CHAIRMAN OLSON: Thank you. Jason, do
7 you have anything to add?

8 MR. ENGBERG: So I can either do that
9 here or outside the public hearing. If you want
10 me to do that here, I can.

11 So I can just give Staff's summary
12 of what happened. So, yes, back in the spring
13 Code Enforcement was out and saw the sign being
14 changed at OMG Liquor up on Bridge Street, so,
15 for the most part, they stopped, said, hey, you
16 know, I don't think we've got a permit for this,
17 we need you to come in and apply for a permit.
18 Like was stated, it was just one of those things
19 that happened.

20 So we reviewed the permit, but it
21 was denied. It was too large per our ordinance,
22 too wide for the wall to which it was affixed,
23 and it was closer than one foot to the edge.

24 If you guys remember, about a few

1 years ago, we actually did a text amendment for
2 this exact reason, it was actually a sign over on
3 Commercial up there, that we were trying to add
4 some proportionality clauses into the text of our
5 zoning ordinance.

6 The OMG Liquor sign was originally
7 approved prior, so it measured the whole
8 frontage, it wasn't measuring any depth or
9 architectural features on the building, so it was
10 permitted in 2015.

11 So now that it changed, when they
12 submitted the permit we had to deny it because
13 that vestibule sticks out nine to ten feet, that
14 creates a new wall, so while not drastically
15 larger than the OMG sign, the way the text reads
16 now in the code, it would not permit it, so they
17 are requesting a variance to make it larger.

18 The maximum permitted is at the --
19 on that wall is 20.9 square feet, they are asking
20 for 36 and a half; the side width, the proposed
21 is ten feet, the maximum should be 7.8 feet; and
22 it's about three -- three to nine inches from the
23 edge, so they are asking for that as well.

24 There was questions from EDC about

1 how we address this in the UDO, so we're working
2 on that project still to update our codes. We
3 have been discussing is this working for us. I
4 know we made the text amendment, but as we're
5 moving forward, what does the city want, what are
6 the ideals.

7 I believe, as it stands now, at
8 least in the draft, we are going to remove that
9 one foot from the edge, because there are a lot
10 of unique signs and things like that, can be
11 brought up to the edge and still look nice and
12 still, you know, give us the aesthetic look we
13 are looking for, but, you know, still keeping
14 with the widths, that's still in the UDO, so this
15 would still -- even if the UDO passed, this would
16 still require a variance request, which is what
17 they are doing, so while the UDO might have -- if
18 it passed the way it is drafted right now, it
19 might be a little more lenient, but this would
20 still not be a permitted sign, so like I said,
21 they are requesting a variance for those special
22 things so they can keep it where it's at. You
23 know, we can answer any other questions in terms
24 of the standard in the memorandum.

1 MS. NOBLE: Enter into the record.

2 MR. ENGBERG: Oh, yes. The standards
3 for a variance, the answers on the application,
4 we would like to have those entered into the
5 public record.

6 CHAIRMAN OLSON: All right. So can you
7 help me remember what solution we came to for
8 Greg's sign back in the day? Because I remember
9 we hemmed and hawed and then Krysti lowered --
10 came down from the heavens like an angel and
11 offered a solution.

12 MR. ENGBERG: So our solution, that was
13 an appeal of how our -- that was not a specific
14 sign variance request, that was an appeal of the
15 appeal process for how Krysti and I determined
16 how the code was interpreted, right, so we had a
17 little broader language previously, so we
18 couldn't -- the way we had always measured signs
19 and measured walls was one way, but it was
20 determined that it's broad and vague, so we
21 decided to let them keep the sign up. They won
22 the appeal, but we would go back and change the
23 text within the ordinance so it wouldn't be
24 allowed in the future.

1 MS. NOBLE: Right. So they are legally
2 non-conforming.

3 MR. ENGBERG: Correct.

4 CHAIRMAN OLSON: So there is standards
5 that you the owner have to meet in order for us
6 to grant a variance, and they are very specific,
7 so as much as we would want to do something
8 because we want to help business owners and we
9 want -- we don't want any signs to have to be
10 replaced, we don't want to waste anybody's money,
11 you might not meet all these variance
12 requirements.

13 Help my memory, is this something
14 that we have the final say on or is it going to
15 City Council?

16 MR. ENGBERG: This is not. So this will
17 be a recommendation to City Council. If Planning
18 and Zoning Commission recommends approval, they
19 need a simple majority at City Council. If you
20 guys recommend against a variance, they would
21 need a super majority vote at City Council.

22 CHAIRMAN OLSON: So to make sure that's
23 clear, right, we can say yes or no tonight. Our
24 saying yes or no just determines how many votes

1 the City Council needs in order to pass it, all
2 right?

3 So we'll talk about it, we'll vote
4 it, but this is not the final say-so on it,
5 you've got to come back to the City Council
6 meeting where they will vote and then that will
7 be actually who determines what's going on.

8 Okay. Any of you folks in Zoomland,
9 Rich, Greg, have any questions for Jason right
10 now?

11 MR. VINYARD: I have one question. What
12 percentage of the -- what percentage of the area
13 is taken up by the sign?

14 I know we discussed this because
15 with Greg's building, when you look at -- it is
16 measured in linear, there are three separate
17 sections that encompass that linear, so I don't
18 remember, did we come up with a percentage of
19 that area?

20 MS. NOBLE: Yes. Go ahead, Jason.

21 MR. ENGBERG: Just do the math real
22 quick. So it looks like there is 50 feet of
23 frontage, so it probably takes up 36 square feet,
24 yeah, so something around there, because, again,

1 it was originally approved, you get two square
2 foot of sign for every one linear foot.

3 Typically, let's say it was a
4 frontage, they would be allowed 100 square feet
5 of signage on that facade. They do have some
6 smaller sized ones, but it would be size-wise,
7 just like why the OMG sign was allowed, it would
8 be well under the total size.

9 CHAIRMAN OLSON: All right. Is there
10 anyone present in here or Zoomland who wishes to
11 speak in favor of the request?

12 (No response.)

13 CHAIRMAN OLSON: Is there anyone that
14 wishes to speak in opposition of the request?

15 (No response.)

16 CHAIRMAN OLSON: All right. Seeing as
17 there are none -- Oh. Go ahead, Greg.

18 MR. MILLEN: We want to go on the
19 record. I think we put up that sign up fast for
20 the variance, you know, so we went through the
21 process, and then that's when we were here before
22 for the sign, if you remember that.

23 MS. NOBLE: Okay.

24 MR. MILLEN: Also, she's left, I just

1 want to bring this up, she lives right across the
2 street from this establishment.

3 CHAIRMAN OLSON: Sue you mean?

4 MR. MILLEN: Yeah.

5 CHAIRMAN OLSON: Yeah.

6 MR. MILLEN: And she said oh, the sign
7 is already up, I don't think it's offensive or --
8 I think that's a good indication. I think the
9 sign also -- as two-time Chamber president,
10 business owners, now 20, 30 years, I don't think
11 it's that out-of-line either, but again, again,
12 that's my opinion as a business owner and -- as
13 far as that perspective, from business, and be
14 fair.

15 CHAIRMAN OLSON: That is a good
16 perspective. Okay. Thank you, Greg. Since all
17 public testimony regarding this petition has been
18 taken, may I have a motion, please, to close the
19 taking of testimony at this public hearing?

20 MR. VINYARD: So moved.

21 MR. MILLEN: Second.

22 CHAIRMAN OLSON: Roll call vote on the
23 motion, please.

24 MS. YOUNG: Yes. Millen.

1 MR. MILLEN: Yes.

2 MS. YOUNG: Olson.

3 CHAIRMAN OLSON: Yes.

4 MS. YOUNG: Vinyard.

5 MR. VINYARD: Yes.

6 MS. YOUNG: Horaz.

7 MS. HORAZ: Yes.

8 MS. YOUNG: And Hyett.

9 MR. HYETT: Yes.

10 CHAIRMAN OLSON: All right. The public
11 hearing portion of tonight's meeting is closed.

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

15 ---o0o---

16

17

18

19

20

21

22

23

24

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

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings had at the public hearing and that
7 the foregoing, Pages 1 through 17 inclusive, is a
8 true, correct and complete computer-generated
9 transcript of the proceedings had at the time and
10 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 10th day of November, A.D., 2022.

19 *Christine M Vitosh*

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

PZC - Public Hearing - November 9, 2022

0	affixed [3] - 5:18, 7:8, 8:22	17:10	D	fair [1] - 15:14
084-002883 [1] - 17:20	aforsaid [1] - 17:9	Chairman [1] - 2:2		far [2] - 6:7, 15:13
1	ago [1] - 9:1	CHAIRMAN [2] - 3:4, 3:24, 4:5, 4:17, 4:24, 5:6, 6:3, 6:8, 8:6, 11:6, 12:4, 12:22, 14:9, 14:13, 14:16, 15:3, 15:5, 15:15, 15:22, 16:3, 16:10	Deborah [1] - 2:3	Farm [1] - 1:17
1 [1] - 17:6	ahead [2] - 13:20, 14:17	Chamber [1] - 15:9	decided [1] - 11:21	fast [1] - 14:19
100 [1] - 14:4	allow [1] - 5:15	change [1] - 11:22	definitely [1] - 7:4	favor [2] - 4:9, 14:11
10th [1] - 17:17	allowed [3] - 11:24, 14:4, 14:7	changed [2] - 8:14, 9:11	denied [1] - 8:21	features [1] - 9:9
17 [1] - 17:6	almost [2] - 6:19, 7:1		deny [1] - 9:12	feet [9] - 7:22, 7:23, 9:13, 9:19, 9:21, 13:22, 13:23, 14:4
2	ALSO [1] - 2:8		depth [1] - 9:8	few [1] - 8:24
2	amendment [2] - 9:1, 10:4	Christine [2] - 17:3, 17:20	determined [2] - 11:15, 11:20	filed [1] - 5:9
20 [1] - 15:10	AND [1] - 1:10	CITY [1] - 1:6	determines [2] - 12:24, 13:7	fill [1] - 6:2
20.9 [1] - 9:19	angel [1] - 11:10	city [1] - 10:5	Development [1] - 2:10	final [2] - 12:14, 13:4
20/20 [2] - 7:3, 8:3	annexed [1] - 17:10	City [7] - 5:10, 12:15, 12:17, 12:19, 12:21, 13:1, 13:5	different [1] - 8:4	first [1] - 6:11
2015 [1] - 9:10	answer [1] - 10:23	clauses [1] - 9:4	Digital [1] - 5:8	folks [1] - 13:8
2022 [2] - 1:21, 17:17	answers [1] - 11:3	clear [1] - 12:23	direction [1] - 17:15	follow [1] - 7:5
2022-18 [2] - 4:14, 5:7	apologize [1] - 7:17	clearly [1] - 3:15	Director [1] - 2:10	following [1] - 3:1
3	appeal [4] - 11:13, 11:14, 11:15, 11:22	close [1] - 15:18	discussed [1] - 13:14	follows [2] - 4:7, 6:12
30 [1] - 15:10	application [2] - 5:10, 11:3	closed [1] - 16:11	discussing [1] - 10:3	foot [5] - 5:16, 8:23, 10:9, 14:2
36 [2] - 9:20, 13:23	applies [1] - 17:11	closer [3] - 5:15, 7:24, 8:23	discussion [1] - 5:7	foregoing [1] - 17:6
4	apply [1] - 8:17	code [3] - 7:5, 9:16, 11:16	Displays [1] - 5:8	forward [1] - 10:5
47 [2] - 5:21, 7:1	approval [2] - 5:12, 12:18	Code [1] - 8:13	down [1] - 11:10	four [1] - 7:23
5	approved [2] - 9:7, 14:1	codes [1] - 10:2	draft [1] - 10:8	frame [1] - 6:16
50 [1] - 13:22	architectural [1] - 9:9	Commercial [1] - 9:3	drafted [1] - 10:18	front [1] - 7:24
7	area [3] - 5:14, 13:12, 13:19	Commission [3] - 3:6, 3:9, 12:18	drastically [1] - 9:14	frontage [4] - 7:13, 9:8, 13:23, 14:4
7.8 [1] - 9:21	assume [1] - 17:13	COMMISSION [1] - 1:10	duly [2] - 3:23, 6:11	futile [1] - 7:15
7:00 [1] - 1:22	B	Community [1] - 2:9	during [2] - 3:19, 4:6	future [1] - 11:24
8	Barksdale [1] - 2:9	company [1] - 6:14	E	G
800 [1] - 1:17	Barksdale-Noble [1] - 2:9	complete [1] - 17:7	East [1] - 5:21	Game [1] - 1:17
9	Bridge [2] - 5:20, 8:14	computer [1] - 17:7	EDC [1] - 9:24	generally [1] - 5:19
9 [1] - 1:21	bring [1] - 15:1	computer-generated [1] - 17:7	edge [5] - 5:16, 8:23, 9:23, 10:9, 10:11	generated [1] - 17:7
A	broad [1] - 11:20	conforming [1] - 12:2	effort [1] - 7:15	grant [1] - 12:6
A.D [1] - 17:17	broad [1] - 11:17	considered [1] - 3:9	either [2] - 8:8, 15:11	granted [1] - 7:19
accuracy [1] - 17:14	brought [1] - 10:11	control [1] - 17:15	encompass [1] - 13:17	GREG [1] - 6:10
add [2] - 8:7, 9:3	building [8] - 5:12, 7:9, 7:12, 7:23, 7:24, 8:1, 9:9, 13:15	copies [2] - 17:12, 17:14	Enforcement [1] - 8:13	Greg [6] - 2:6, 5:8, 6:1, 13:9, 14:17, 15:16
address [1] - 10:1	business [4] - 12:8, 15:10, 15:12, 15:13	correct [3] - 7:4, 12:3, 17:7	Engberg [1] - 2:11	Greg's [2] - 11:8, 13:15
aesthetic [1] - 10:12	C	Correct [1] - 5:8	ENGBERG [7] - 6:1, 8:8, 11:2, 11:12, 12:3, 12:16, 13:21	Groat [1] - 5:8
	certificate [1] - 17:10	Council [6] - 12:15, 12:17, 12:19, 12:21, 13:1, 13:5	enter [1] - 11:1	GROAT [3] - 6:5, 6:10, 6:13
	certification [1] - 17:16	COUNTY [1] - 17:2	entered [1] - 11:4	guys [2] - 8:24, 12:20
	Certified [1] - 17:3	creates [1] - 9:14	entire [1] - 7:24	H
	certified [1] - 17:12	CSR [2] - 17:20, 17:20	especially [1] - 7:13	half [2] - 6:19, 9:20
	certify [2] - 17:4,	customer [1] - 6:15	establishment [1] - 15:2	hand [3] - 3:22, 17:13, 17:17
			exact [1] - 9:2	happy [1] - 6:5
			exactly [1] - 6:6	hawed [1] - 11:9
			F	heard [1] - 3:13
			facade [1] - 14:5	HEARING [1] - 1:11
				hearing [12] - 3:3, 3:5, 3:7, 3:20, 4:6, 4:13,

PZC - Public Hearing - November 9, 2022

5:7, 8:9, 15:19, 16:11, 16:13, 17:5 heavens [1] - 11:10 Help [1] - 12:13 help [2] - 11:7, 12:8 hemmed [1] - 11:9 hereby [1] - 17:4 hereto [1] - 17:11 hereunto [1] - 17:16 hindsight [2] - 7:3, 8:3 hit [1] - 7:21 hoping [1] - 7:18 HORAZ [2] - 5:4, 16:7 Horaz [3] - 2:3, 5:3, 16:6 horizontal [1] - 5:16 Hyett [4] - 2:5, 4:19, 16:8 HYETT [2] - 4:20, 16:9	L language [1] - 11:17 large [3] - 7:7, 7:8, 8:21 larger [3] - 5:13, 9:15, 9:17 LASALLE [1] - 17:2 last [1] - 6:19 learned [1] - 6:21 learning [1] - 6:20 least [1] - 10:8 left [1] - 14:24 legally [1] - 12:1 lenient [1] - 10:19 less [1] - 6:24 lesson [1] - 6:21 line [1] - 15:11 linear [3] - 13:16, 13:17, 14:2 Liquor [2] - 8:14, 9:6 lives [1] - 15:1 located [1] - 5:20 look [3] - 10:11, 10:12, 13:15 looking [1] - 10:13 looks [1] - 13:22 lowered [1] - 11:9	16:1 Minute [1] - 2:12 money [1] - 12:10 months [1] - 6:14 most [2] - 7:4, 8:15 motion [4] - 4:13, 4:18, 15:18, 15:23 mounted [1] - 5:12 move [2] - 6:23, 6:24 moved [3] - 4:15, 7:10, 15:20 moving [1] - 10:5 MR [24] - 4:15, 4:16, 4:20, 4:22, 5:2, 6:1, 6:5, 6:13, 8:8, 11:2, 11:12, 12:3, 12:16, 13:11, 13:21, 14:18, 14:24, 15:4, 15:6, 15:20, 15:21, 16:1, 16:5, 16:9 MS [17] - 4:19, 4:21, 4:23, 5:1, 5:3, 5:4, 5:5, 11:1, 12:1, 13:20, 14:23, 15:24, 16:2, 16:4, 16:6, 16:7, 16:8	5:6, 6:3, 6:8, 8:6, 11:6, 12:4, 12:22, 14:9, 14:13, 14:16, 15:3, 15:5, 15:15, 15:22, 16:3, 16:10 OMG [4] - 8:14, 9:6, 9:15, 14:7 one [9] - 3:4, 3:15, 5:16, 8:18, 8:23, 10:9, 11:19, 13:11, 14:2 ones [1] - 14:6 open [1] - 4:13 opinion [1] - 15:12 opposition [2] - 4:10, 14:14 order [3] - 4:5, 12:5, 13:1 ordinance [5] - 7:2, 7:21, 8:21, 9:5, 11:23 original [1] - 17:11 originally [2] - 9:6, 14:1 out-of-line [1] - 15:11 outside [1] - 8:9 oversight [1] - 7:17 own [1] - 4:3 owner [2] - 12:5, 15:12 owners [2] - 12:8, 15:10	3:20, 4:8, 5:9, 5:22 place [2] - 7:11, 17:9 plan [1] - 3:19 Planner [1] - 2:11 Planning [2] - 3:5, 12:17 PLANNING [1] - 1:10 plea [1] - 6:18 podium [2] - 3:17, 6:12 point [1] - 6:15 portion [3] - 4:6, 16:11, 16:13 precautions [1] - 7:4 preposterously [1] - 7:8 PRESENT [2] - 2:1, 2:8 present [3] - 3:11, 5:23, 14:10 presentation [2] - 4:8, 5:24 president [1] - 15:9 pretend [1] - 6:8 previously [1] - 11:17 proceed [1] - 6:7 proceedings [4] - 3:2, 16:12, 17:5, 17:8 process [3] - 6:17, 11:15, 14:21 project [1] - 10:2 property [1] - 5:19 proportionality [1] - 9:4 proposal [2] - 4:9, 4:11 proposed [3] - 3:8, 6:24, 9:20 pubic [1] - 17:5 PUBLIC [1] - 1:11 public [15] - 3:2, 3:4, 3:8, 3:10, 3:20, 3:21, 4:6, 4:13, 5:6, 8:9, 11:5, 15:17, 15:19, 16:10, 16:13 purpose [1] - 3:6 put [2] - 7:11, 14:19 PZC [2] - 4:14, 5:7
I	M	N	P	Q
ideals [1] - 10:6 ignorance [1] - 6:17 ILLINOIS [2] - 1:7, 17:1 Illinois [3] - 1:18, 5:11, 17:20 impossible [1] - 7:1 in-person [1] - 2:1 inches [1] - 9:22 inclusive [1] - 17:6 Incorporated [1] - 5:9 indication [1] - 15:8 intentional [1] - 7:18 interpreted [1] - 11:16 intersection [1] - 5:21 invite [1] - 3:7 issue [1] - 8:2	Main [1] - 5:21 majority [2] - 12:19, 12:21 Marlys [1] - 2:12 material [1] - 6:22 math [1] - 13:21 maximum [4] - 5:13, 5:14, 9:18, 9:21 mean [1] - 15:3 measured [4] - 9:7, 11:18, 11:19, 13:16 measuring [1] - 9:8 meet [2] - 12:5, 12:11 meeting [4] - 3:6, 13:6, 16:11, 16:14 member [1] - 3:21 members [1] - 3:7 memorandum [1] - 10:24 memory [1] - 12:13 might [3] - 10:17, 10:19, 12:11 Millen [2] - 2:6, 15:24 millen [1] - 4:21 MILLEN [8] - 4:16, 4:22, 14:18, 14:24, 15:4, 15:6, 15:21,	name [1] - 3:16 need [3] - 8:17, 12:19, 12:21 needs [1] - 13:1 new [1] - 9:14 nice [1] - 10:11 nine [2] - 9:13, 9:22 Noble [1] - 2:9 NOBLE [4] - 11:1, 12:1, 13:20, 14:23 non [1] - 12:2 non-conforming [1] - 12:2 none [1] - 14:17 North [1] - 5:20 northbound [1] - 7:1 northeast [1] - 5:20 November [2] - 1:21, 17:17	p.m [1] - 1:22 Pages [1] - 17:6 part [1] - 8:15 pass [1] - 13:1 passed [2] - 10:15, 10:18 people [2] - 4:8, 7:6 per [1] - 8:21 percentage [3] - 13:12, 13:18 permit [6] - 5:12, 8:16, 8:17, 8:20, 9:12, 9:16 permitted [5] - 5:13, 5:14, 9:10, 9:18, 10:20 permitting [1] - 6:16 person [1] - 2:1 persons [2] - 3:10, 3:14 perspective [2] - 15:13, 15:16 petition [1] - 15:17 petitioner [5] - 3:13,	questions [4] - 3:12, 9:24, 10:23, 13:9 quick [1] - 13:22
J	K	O	R	
Jason [5] - 2:11, 5:23, 8:6, 13:9, 13:20 Jeff [1] - 2:2	keep [3] - 7:19, 10:22, 11:21 keeping [1] - 10:13 Kendall [1] - 5:11 kind [2] - 6:17, 7:14 Krysti [3] - 2:9, 11:9, 11:15	OF [3] - 1:6, 17:1, 17:2 offensive [1] - 15:7 offered [1] - 11:11 Olson [3] - 2:2, 4:23, 16:2 OLSON [21] - 3:4, 3:24, 4:5, 4:17, 4:24,	raise [1] - 3:21	

PZC - Public Hearing - November 9, 2022

reads [1] - 9:15 real [2] - 5:19, 13:21 really [6] - 6:15, 7:11, 7:12, 7:14, 7:21 reason [1] - 9:2 receiving [1] - 4:5 recommend [1] - 12:20 recommendation [1] - 12:17 recommends [1] - 12:18 record [3] - 11:1, 11:5, 14:19 reference [1] - 6:16 regarding [3] - 3:8, 3:13, 15:17 remember [5] - 8:24, 11:7, 11:8, 13:18, 14:22 remove [1] - 10:8 repeat [1] - 3:22 replaced [1] - 12:10 Reporter [1] - 17:4 represent [1] - 3:16 reproduced [1] - 17:14 request [7] - 3:8, 3:12, 3:13, 10:16, 11:14, 14:11, 14:14 requesting [4] - 5:11, 8:5, 9:17, 10:21 require [1] - 10:16 requirements [1] - 12:12 response [3] - 4:4, 14:12, 14:15 responsibility [1] - 17:13 reviewed [1] - 8:20 Rich [1] - 13:9 richard [1] - 2:4 Road [1] - 1:17 Roll [1] - 4:17 roll [1] - 15:22 Route [1] - 5:21 Rusty [1] - 2:5	Senior [1] - 2:11 sense [1] - 7:12 separate [1] - 13:16 set [1] - 17:16 Shorthand [1] - 17:3 side [1] - 9:20 sign [28] - 3:17, 4:14, 5:11, 5:13, 5:14, 5:15, 5:17, 6:23, 7:6, 7:7, 7:11, 7:20, 8:13, 9:2, 9:6, 9:15, 10:20, 11:8, 11:14, 11:21, 13:13, 14:2, 14:7, 14:19, 14:22, 15:6, 15:9 signage [1] - 14:5 signed [1] - 17:12 signs [3] - 10:10, 11:18, 12:9 simple [1] - 12:19 situation [1] - 6:18 size [3] - 7:7, 14:6, 14:8 size-wise [1] - 14:6 sized [1] - 14:6 smaller [1] - 14:6 solution [3] - 11:7, 11:11, 11:12 speaking [1] - 4:1 special [1] - 10:21 specific [2] - 11:13, 12:6 speed [1] - 7:14 spring [1] - 8:12 square [4] - 9:19, 13:23, 14:1, 14:4 SS [1] - 17:1 Staff's [1] - 8:11 stand [1] - 3:21 standard [1] - 10:24 standards [2] - 11:2, 12:4 stands [1] - 10:7 start [1] - 6:1 started [1] - 6:14 STATE [1] - 17:1 state [1] - 3:15 sticks [1] - 9:13 still [8] - 10:2, 10:11, 10:12, 10:13, 10:14, 10:15, 10:16, 10:20 stopped [1] - 8:15 street [1] - 15:2 Street [3] - 5:20, 5:21, 8:14 submitted [1] - 9:12 sue [1] - 15:3 summary [1] - 8:11 super [1] - 12:21	sworn [2] - 3:23, 6:11 T Taker [1] - 2:12 ten [3] - 7:22, 9:13, 9:21 terms [1] - 10:23 testified [1] - 6:11 testify [1] - 3:14 testimony [5] - 3:7, 3:10, 4:6, 15:17, 15:19 text [5] - 9:1, 9:4, 9:15, 10:4, 11:23 thereof [2] - 17:12, 17:16 thereupon [1] - 3:23 three [3] - 9:22, 13:16 tonight [5] - 3:9, 4:1, 4:7, 5:7, 12:23 tonight's [3] - 3:5, 3:20, 16:11 total [1] - 14:8 transcribed [1] - 17:4 transcript [2] - 17:8, 17:11 true [1] - 17:7 trying [1] - 9:3 two [3] - 6:14, 14:1, 15:9 two-time [1] - 15:9 typically [1] - 14:3 U UDO [4] - 10:1, 10:14, 10:15, 10:17 under [3] - 14:8, 17:12, 17:14 unique [1] - 10:10 UNITED [1] - 1:6 United [1] - 5:10 up [12] - 5:7, 8:14, 9:3, 10:11, 11:21, 13:13, 13:18, 13:23, 14:19, 15:1, 15:7 update [1] - 10:2 V vague [1] - 11:20 variance [13] - 4:14, 5:12, 7:19, 8:5, 9:17, 10:16, 10:21, 11:3, 11:14, 12:6, 12:11, 12:20, 14:20 vehicles [1] - 7:14	versed [1] - 6:18 vertical [1] - 5:16 vestibule [2] - 7:22, 9:13 via [1] - 2:1 VINYARD [5] - 4:15, 5:2, 13:11, 15:20, 16:5 Vinyard [3] - 2:4, 5:1, 16:4 visible [1] - 6:24 Vitosh [2] - 17:3, 17:20 vote [5] - 4:17, 12:21, 13:3, 13:6, 15:22 votes [1] - 12:24 W wall [4] - 5:17, 8:22, 9:14, 9:19 walls [1] - 11:19 waste [1] - 12:10 Wednesday [1] - 1:21 whereas [1] - 7:23 WHEREUPON [1] - 3:1 whole [1] - 9:7 wide [1] - 8:22 wider [1] - 5:14 width [2] - 5:15, 9:20 widths [1] - 10:14 wise [1] - 14:6 wish [3] - 3:11, 4:9, 4:10 wishes [2] - 14:10, 14:14 wishing [1] - 3:14 Witness [1] - 3:23 won [1] - 11:21 Y year [1] - 6:19 years [2] - 9:1, 15:10 YORKVILLE [2] - 1:6, 1:7 Yorkville [2] - 1:18, 5:10 YOUNG [11] - 4:19, 4:21, 4:23, 5:1, 5:3, 5:5, 15:24, 16:2, 16:4, 16:6, 16:8 Young [1] - 2:12 Z Zoning [2] - 3:6, 12:18	ZONING [1] - 1:10 zoning [1] - 9:5 Zoom [1] - 2:1 Zoomland [3] - 4:1, 13:8, 14:10
--	--	--	--	--



Memorandum

To: Economic Development Committee
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: November 30, 2022
Subject: **PZC 2022-22 Bowman Subdivision (Final Plat)**

Summary:

The petitioner, Tom Bowman, is seeking final plat approval to subdivide an approximately 2-acre vacant parcel into 2 single-family lots at the southwest corner of E Van Emmon Street and Timber Oak Lane. The property is currently zoned R-1 Single-Family Suburban Residential District and the new parcels will meet all bulk regulations for that district. Due to the unique landscaping, topography, and floodplain of the property, the petitioner will be planning on building smaller footprint dwellings on the lots that will preserve a majority of the existing natural environment.

Property Background:

The subject property is located at the southwest corner of E Van Emmon Street and Timber Oak Lane (Formerly Benjamin Street) and is directly north of the former Kendallwood Estates Development which is now titled Timber Ridge Estates.



Bowman Subdivision Location Map

United City of Yorkville, Illinois
October 26, 2022



Staff Comments:

The proposed Final Plat of Bowman Subdivision has been reviewed by City staff and the City's engineering consultant, Engineering Enterprises Inc. (EEI), for compliance with the Subdivision Control Ordinance's Standards for Specification. The revised plans are still under review by EEI as the petitioner addressed many of the comments made from the November 10th Plan Council and also reduced the total number of parcels from three (3) to two (2). Prior to approval, the petitioner will need to meet all requirements and recommendations from staff and EEI.

Staff supports the approval of the final plat. The parcels meet all of the required bulk regulations for a R-1 District zoned property and all setbacks are illustrated on the final plat. Additionally, staff has discussed all standard zoning requirements with the petitioner and have furnished them with the building permit fees for the potential residential dwellings.

Proposed Motion:

In consideration of the proposed Final Plat of Subdivision for Bowman Subdivision, the Planning and Zoning Commission recommends approval of the plat to the City Council as prepared by Norman J. Toberman and Associates date last revised November 28, 2022 subject to all future comments made by Engineering Enterprise Incorporated and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments:

1. Application for Final Plat
2. 11-28-22 Bowman Subdivision Final Plat
3. 11-10-22 Draft Plan Council Minutes
4. Ordinance 2010-27
5. Ordinance 2019-38



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 FINAL PLAT/REPLAT

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 # of Acres - 5 = Acres over 5 x \$10 = Amount for Extra Acres + \$250 = 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> # of Acres - 5 = Acres over 5 x \$10 = Amount for Extra Acres + \$200 = Total Amount		Total: \$
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres # of Acres - 5 = Acres over 5 x \$10 = Amount for Extra Acres + \$250 = Total Amount		Total: \$
ZONING VARIANCE	<input checked="" type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$ 585
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: \$ 2,500
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 type="checkbox"/> Over 10 acres		Total: \$
TOTAL AMOUNT DUE:			\$3,850

[illegible]



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 FINAL PLAT/REPLAT

ATTORNEY INFORMATION

NAME: Anthony J. Bonomo, Esq.

COMPANY: Giorgi & Bonomo, LLC

MAILING ADDRESS: 444 North Michigan Ave.

CITY, STATE, ZIP: Chicago, IL 60611

TELEPHONE: 312-300-4868

EMAIL: anthony@gb-lawyer.com

FAX: 312-300-4904

ENGINEER INFORMATION

NAME: Cliff Tobermann

COMPANY: Norman J. Toberman & Associates, LLC

MAILING ADDRESS: 115 W Wilke Rd. STE 301

CITY, STATE, ZIP: Arlington Heights, IL 60005

TELEPHONE: 847-439-8225

EMAIL: cliff@toberman.us

FAX: 847-439-8221

LAND PLANNER/SURVEYOR INFORMATION

NAME: Cliff Tobermann

COMPANY: Norman J. Toberman & Associates, LLC

MAILING ADDRESS: 115 W Wilke Rd. STE 301

CITY, STATE, ZIP: Arlington Heights, IL 60005

TELEPHONE: 847-439-8225

EMAIL: cliff@toberman.us

FAX: 847-439-8221

ATTACHMENTS

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

TBK PROPERTIES LLC
10/14/22

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

OWNER SIGNATURE

10/14/22

Official Seal
Kevin Timothy Bowman
Notary Public State of Illinois
My Commission Expires 10/18/2025



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

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NAME:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: SWC Van Emmon St. and Benjamin St.	
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: Tom Bowman		COMPANY: TBK Properties LLC	
MAILING ADDRESS: 100 Picton Rd			
CITY, STATE, ZIP: Roselle IL 60172		TELEPHONE: 630-988-3020	
EMAIL: tomsr@tabowman.com		FAX: 630-523-5910	
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.			
Thomas A Bowman _____ PRINT NAME		Manager _____ TITLE	
_____ SIGNATURE*		10/14/2022 _____ DATE	
<i>*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)</i>			
INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS			
ENGINEERING DEPOSITS:		LEGAL DEPOSITS:	
Up to one (1) acre	\$5,000	Less than two (2) acres	\$1,000
Over one (1) acre, but less than ten (10) acres	\$10,000	Over two (2) acres, but less than ten (10) acres	\$2,500
Over ten (10) acres, but less than forty (40) acres	\$15,000	Over ten (10) acres	\$5,000
Over forty (40) acres, but less than one hundred (100)	\$20,000		
In excess of one hundred (100.00) acres	\$25,000		

**UNITED CITY OF YORKVILLE
PLAN COUNCIL
Thursday, November 10, 2022 9:00am
Yorkville City Hall, Council Chambers
800 Game Farm Road, Yorkville, IL**

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 Act, remote attendance was allowed for this meeting to encourage social distancing due to the current Covid-19 pandemic.

IN ATTENDANCE:

Krysti Barksdale Noble, Community Development Director, City of Yorkville/electronic attendance
Jason Engberg, Senior Planner, City of Yorkville/in-person attendance
Brad Sanderson, Engineer for City of Yorkville/EEI/electronic attendance
Tom Bowman, T.A. Bowman Constructors/TBK Properties/in-person attendance
Jake Victor, Northpointe Development/electronic attendance
Mike Belke, T.A. Bowman Constructors/electronic attendance
Dave Toberman/electronic attendance

Mr. Engberg called the meeting to order at 9:00am.

1. Minutes for Approval: July 14, 2022

The minutes were approved as presented.

2. PZC 2022-22 Bowman Subdivision – Final Plat of Subdivision, Variance Request

All meeting attendees introduced themselves.

Mr. Engberg began the discussion and said Mr. Bowman is dividing his property into 3 parcels. Measurements had been provided and Mr. Bowman was also asked to show the rear setback line.

Bulk Regulations and Building Height: Mr. Engberg said in the R-1 district, the maximum height is 30 feet or a maximum of 2.5 stories, but a variance may be requested. Mr. Bowman said the property is severely sloped and they will use a 2.5 story walkout on the street side. The unit on lot 3 is on a corner and they would do a walkout to stay under 3 stories. Sidewalks are required from the developer.

Lot Size: The minimum lot size is 1,800 square feet.

Lot Coverage: Maximum is 50% and the developer is planning on a small footprint, while saving landscaping/vegetation.

Lot Width: The width is 100 feet and 97 feet is the maximum resulting in a 3% reduction in the lot width and request for a variance. This will be decided at a Public Hearing at PZC and the final plat will

go to City Council. Mr. Bowman added that there is a 30 foot tall retaining wall on the south edge that is 97 foot and that wall is more than 3 foot away from lot line essentially giving 100 feet. That point will be brought up at EDC and PZC.

Plat Requirement: More info is needed on the plat of subdivision.

Building Permit Fees: A fee sheet had been given to Mr. Bowman and Ms. Noble noted a correction that there is no county road fee. She said surrounding communities would have to adopt before the fee is put into place.

Landscaping: Ms. Noble said the submittal must be done before a building permit is issued. It must address parkway trees and she explained other tree requirements Mr. Bowman noted the property is already heavily wooded.

Other Discussion:

Mr. Sanderson said their surveyor can be contacted to obtain the necessary certificates. The right-of-way requirements along Van Emmon were discussed and Mr. Bowman asked for some clarification on the measurements and uses of the right-of-way. Mr. Bowman noted that the measurement explanations will radically change their plans. Mr. Bowman and the surveyor will discuss this prior to moving this plan forward to other city committees. Mr. Engberg noted that Mr. Bowman can either re-subdivide or rezone the property to R-2 instead of doing the variance process. A Public Hearing will still be required. Due to a poor Zoom connection, Mr. Bowman and Mr. Sanderson will meet separately and a decision will be made on a variance or rezoning.

Mr. Bowman briefly touched on the sanitary system and said they were planning on connecting to the manhole on Van Emmon and noted that a grinder pump will need to be in the manhole due to grades and nearby culverts. Mr. Sanderson asked that a sketch be sent to him.

Mr. Engberg said the subdivision to the south, Kendallwood Estates, has been re-named Timber Ridge Estates. Consequently, all street names have been changed as well.

A summary will be provided by Mr. Engberg after the meeting.

3. PZC 2022-23 Northpointe Development – Rezoning and Variance Request

This is a rezoning and variance request. Mr. Engberg said staff has received the application with site plan, elevations, trip generations etc. There are 45 condo units and the developer is seeking to rezone from B-3 to R-4 and seeking a variance to increase maximum density in the R-4 district from 8 to 13 dwelling units per acre.

Bulk Regulations: Staff requested setbacks be shown on the site plan. Ms. Noble said that the entrance must face a public road which is either Rt. 34 or Sycamore and she recommended the front entrance be on Sycamore.

Building Height: In R-4 zoning, the height limit is 3 story/40 feet for dwelling units. Staff asked that the overall height of the building be noted on the documents.

Lot Coverage: In R-4 zoning, lot coverage is 70% and staff said the plan looked fine, but they asked the developer to include an impervious cover table.

Density: The petitioner is requesting a variance for density. They currently have 8 dwelling units per acre which is about 27 units, but are requesting 45 units or 13 dwelling units per acre. Mr. Engberg noted this is similar to St. Anthony's Place approved in 2016 and staff has no objection at this time. He noted the city is doing a Unified Development Ordinance project which may modify the regulations.

Land Use: The Comp Plan calls for neighborhood retail. The developer is looking for more dense residential so it conflicts with the Plan. However, an October public meeting and community project indicates a need for senior living with amenities nearby. This location is a very good spot that aligns with the meeting views.

Parking: The plan shows 93 spaces which meets the requirements of 2 per unit. Mr. Engberg said this could be considered elderly housing depending on the age requirements or restrictions. He said elderly housing is not defined in the code at the moment. He noted that Fox Hill residents will likely question the amount of traffic to be generated.

Signage: The maximum monument sign size is 32 sq. ft. If a larger sign is desired, the sign variance process may be used, but Mr. Victor noted the sign will meet the code.

Appearance Code: The elevations submitted are fine, but the amount of masonry and siding will require calculations to show the developer meets the code.

Stormwater Detention: No detention is shown on the site plan, however, Mr. Sanderson said the detention to the southeast is adequate for this site.

Refuse Container: The zoning code requires screening on all 4 sides with opaque fence on the 3rd side.

Comments from Ms. Barksdale-Noble:

Regarding circulation, all the aisle widths and stall lengths need to be shown.

Building Elevations: Staff may ask for material samples or for detail to be shown on the architectural elevations.

Lighting: A photometric plan and landscape plan will be needed.

Economic Incentive Request: If the developer is seeking a city rental assistance program, the developer will contact Ms. Noble.

This moves forward to EDC in December and a public meeting will also be held in December. It will not go to Public Hearing until June or July. Information about this project will also be placed on the city website.

There was no further business and the meeting adjourned at 9:47am.

Minutes respectfully transcribed by
Marlys Young, Minute Taker/in-person attendance



STATE OF ILLINOIS)
) ss
 COUNTY OF KENDALL)

201000020751

DEBBIE
 GILLETTE
 KENDALL COUNTY, IL

RECORDED: 11/10/2010 10:22 AM
 ORD: 50.00 RHSPS FEE: 10.00
 PAGES: 13

Ordinance No. 2010- 27

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, REAPPROVING A DEVELOPMENT AGREEMENT WITH AND APPROVING A REZONING TO B-2 GENERAL BUSINESS DISTRICT FOR RIVER OAKS PROPERTY DEVELOPMENT, LLC

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non-home-rule municipality created in accordance with Article VII, Section 7 of the Constitution of the State of Illinois of 1970; and,

WHEREAS, River Oaks Property Development, LLC is the developer (the “Developer”) of property located near and adjacent to 344 Van Emmon Road, Yorkville, Illinois, consisting of approximately 3.473 acres (the “Subject Property”); and,

WHEREAS, the City originally approved a Development Agreement with the Developer on February 22, 2005, by Ordinance No. 2005-16, however, the Developer never executed the Development Agreement; and,

WHEREAS, the Developer now desires to execute the Development Agreement and provide all necessary documentation to move forward with the development of the Subject Property; and,

WHEREAS, as part of the Development Agreement, the Developer seeks a rezoning of the Subject Property from R-1 One Family Residence District to B-2 General Business District; and,

WHEREAS, the Plan Commission of the City held a public hearing on the rezoning of the Subject Property on January 12, 2005, made the necessary findings pursuant to the City Code of Ordinances, and recommended the rezoning of the Subject Property to B-2 General Business District; and,

WHEREAS, the Mayor and City Council (the “Corporate Authorities”) have determined it is in the best interests of the City and the health, safety, morals, and welfare of its residents that the City reapprove the Development Agreement with a new date of June 8, 2010, and rezone the Subject Property to B-2 General Business District.

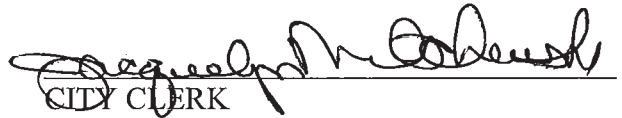
NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

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

Section 2. The Corporate Authorities hereby reapprove the Development Agreement, as attached, with a new date of June 8, 2010, and approve the rezoning of the Subject Property from R-1 One Family Residence District to B-2 General Business District; and, the Mayor and City Clerk are hereby authorized to execute and deliver said Development Agreement.

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this 8
day of June, A.D. 2010.


CITY CLERK

ROBYN SUTCLIFF y
GARY GOLINSKI y
WALTER WERDERICH y
ROSE ANN SPEARS y

DIANE TEELING —
ARDEN JOSEPH PLOCHER y
MARTY MUNNS —
GEORGE GILSON JR. P

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this 7
day of JULY 2010.


MAYOR

Prepared by and return to:
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

DEVELOPMENT AGREEMENT
FOR

RIVER OAKS PROPERTY DEVELOPMENT, LLC

Prepared by & Return to:
John Justin Wyeth
City Attorney
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
630.553.4350

DEVELOPMENT AGREEMENT

This Development Agreement, hereinafter referred as to "Agreement", is made and entered into this ____ day of _____, 2005, by and between, **RIVER OAKS PROPERTY DEVELOPMENT, LLC**, hereinafter referred to as "OWNER/DEVELOPER", and the United City of Yorkville, Illinois, a Municipal Corporation, hereinafter referred to as "CITY". The OWNER/DEVELOPER and the CITY may hereinafter be referred to as the Parties.

WITNESSETH

WHEREAS, the OWNER/DEVELOPER is an Illinois Limited Liability Corporation and the Owner of certain real property, hereinafter referred to as "Property", located in the CITY and legally described as set forth in Exhibit "A" attached hereto and incorporated by references as if more fully set forth; and

WHEREAS, the Property is generally located near and adjacent to 344 Van Emmon Road across the street from the baseball field and is currently unimproved and heavily wooded property. The Property is currently zoned R-1 One Family Residence District and consists of approximately 3.473 acres; and

WHEREAS, the OWNER/DEVELOPER seeks rezoning to B-2 General Business District; and

WHEREAS, the CITY has determined that the terms and conditions set forth herein will serve a public use and will promote the health, safety, prosperity, security, and general welfare of the inhabitants and taxpayers of the CITY; and

WHEREAS, the OWNER/DEVELOPER has informed the CITY that it intends develop the property as Office and Specialty Retail uses as generally permitted by the City's B-2 zoning, but as modified and restricted per this agreement; and

WHEREAS, the OWNER/DEVELOPER, its vendors, grantees, assigns, successors, trustees, and all others holding any interest now or in the future, agree and enter into this contract, which shall operate as a covenant running with the land and be binding upon any developer and its representatives, and future owners of the land;

NOW, THEREFORE, the CITY and the OWNER/DEVELOPER, in consideration of the mutual covenants and agreements contained herein, do mutually agree as follows:

ARTICLE I

GENERAL COMPLIANCE WITH ORDINANCES

OWNER/DEVELOPER hereby agrees to comply with all CITY ordinances, and this Agreement shall alter said ordinances only as specifically set forth herein. Where the ordinances of the CITY conflict with the provisions herein, this Agreement shall control.

ARTICLE II

PROPERTY DEVELOPMENT

The Development of the Property shall be generally pursuant to the Conceptual Plans attached hereto and incorporated herein as Exhibit "B".

That the development of the subject real property described in the attached Exhibit "A" shall be subject to approval of all Ordinances of the CITY; Site Plan approval, engineering consultant approval by CITY staff or outside review engineering as elected by the CITY and Site Plan approval by the City Council in conformance with the United City of Yorkville Zoning Ordinance Subdivision Control Ordinance, City Reimbursement of Consultants and of Review Fees Ordinances, Municipal Building Fee, Weather Warning Siren Fee, City Land-Cash Ordinance, and City Development Fee Ordinance, payable at the time of Site Plan approval, which have been voluntarily contracted to between the parties and agreed to by OWNER/DEVELOPER.

OWNER/DEVELOPER agree that the Final Site Plan shall comply with all requirements as set out in the United City of Yorkville Zoning Ordinance and Subdivision Control Ordinance at the time of execution of this Agreement, unless provided for differently in this Agreement. No change in the United City of Yorkville Zoning Ordinance, Subdivision Control Ordinance, City Reimbursement of Consultants and of Review Fees Ordinance, and City Development Fee, which have been enacted subsequent to the execution of this Agreement shall alter the lot sizes, setbacks, performance standards, or other standards or requirements for this Development except as provided for in those Ordinances in effect at the time of execution of this Agreement. OWNER/DEVELOPER, however, will be bound by changes in building codes, building material changes and the like that may be enacted by the CITY, so long as the same are applied in a nondiscriminatory manner throughout the CITY. The City agrees that should the United City of Yorkville revise, alter or otherwise modify the parking requirements contained in its Zoning Ordinance to provide for a reduction from the standard as of the date of this Agreement, the City will allow the OWNER/DEVELOPER to comply with reduced standard.

Utilities and Public Improvements. That On-Site infrastructure construction and engineering shall be governed by the standards contained in the Yorkville Subdivision Control Ordinance and other applicable Ordinances unless specifically addressed in the

following, in which case this Agreement shall control. Roadway right-of-ways, widths of streets, and roadway construction standards shall comply with the requirements as set out on the approved Site Plan.

All ordinances, regulations, and codes of the CITY, including, without limitation those pertaining to subdivision controls, zoning, storm water management and drainage, building requirements, official plan, and related restrictions, as they presently exist, except as amended, varied, or modified by the terms of this Agreement, shall apply to the Subject Property and its development for a period of five (5) years from the date of this Agreement except to the extent this would affect the United City of Yorkville ISO Insurance Policy in which case said changes would be applicable to OWNER/DEVELOPER 90 days after passage by the City Council, so long as said changes are applied uniformly throughout the City . Any Agreements, repeal, or additional regulations which are subsequently enacted by the CITY shall not be applied to the development of the Subject Property except upon the written consent of DEVELOPER during said five (5) year period. After said five (5) year period, the Subject Property and its development will be subject to all ordinances, regulations, and codes of the CITY in existence on or adopted after the expiration of said five (5) year period, provided, however, that the application of any such ordinance, regulation or code shall not result in a reduction in the number of residential building lots herein approved for the Subject Property, alter or eliminate any of the ordinance variations provided for herein, nor result in any subdivided lot or structure constructed within the Subject Property being classified as non-conforming under any ordinance of the CITY. The foregoing to the contrary notwithstanding, in the event the CITY is required to modify, amend or enact any ordinance or regulation and to apply the same to the Subject Property pursuant to the express and specific mandate of any superior governmental authority, such ordinance or regulation shall apply to the Subject Property and be complied with by OWNER/DEVELOPER, provided, however, that any so called "grandfather" provision contained in such superior governmental mandate which would serve to exempt or delay implementation against the Subject Property shall be given full force and effect.

ARTICLE III

SPECIAL PROVISIONS

ZONING: Since the OWNER/DEVELOPER intends to develop the property as office with specialty real estate and potential loft apartments, all B-1 zoning shall apply, and the following B-2 zoning uses shall apply (but no other B-2 Uses shall be allowed):
"All permitted uses in the and B-1 Districts, Art Gallery – art studio sales, Art supply store, Picture frame store, Watch and clock sales and repair, Weaving and mending – custom, interior decorating studio."

No B-2 Special Use shall be allowed, except to the extent that "Apartments, single-family, located in business buildings" are allowed under the B-1 General Business District.

ACCESS AGREEMENT OVER DRIVEWAY TO ADJOINING PROPERTY:

OWNER/DEVELOPER shall obtain an agreement for cross access and ingress and egress on, over and across the existing driveway separating the two lots comprising the property. Said agreement shall be approved by City Zoning and Engineering staff and shall then be recorded as a permanent right of use on the property.

ACCESS FROM VAN EMMON ROAD

The Project consisting of two platted lots shall share a common entrance from Van Emmon Road, and shall be limited to this single point of access from Van Emmon Road.

BUILDING HEIGHT

OWNER/DEVELOPER agrees that no building on the property shall exceed 35' (thirty five feet) in height as measured by current building codes. Said measurement shall not include the walk out basement.

ARTICLE IV

EFFECTIVE DATE

The effective date of this Agreement shall be the date this Agreement approved and executed by the OWNER/DEVELOPER and CITY.

ARTICLE V

MISCELLANEOUS PROVISIONS

- A. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their successors in interest, assignees, lessees, and upon any successor municipal authorities of the CITY and successor municipalities and shall be enforceable according to its terms and conditions under the laws of the State of Illinois. Except as otherwise expressly provided herein, upon the conveyance or assignment by OWNER/DEVELOPER to new Owner or Developer of its interest in the Property to any successor, assign, or nominee, Owner or Developer, as the case may be, shall be released from any and all further liability or responsibility under this Ordinance or Agreement except to the extent previously undertaken by OWNER/DEVELOPER, or for which OWNER/DEVELOPER has posted security to perform an obligation in which case OWNER/DEVELOPER shall be bound to continue to complete its performance unless a replacement bond or letter of credit is posted by the new Owner or Developer, and accepted by the CITY which shall not be unreasonably withheld. In such event the original OWNER/DEVELOPER shall be released from the underlying obligation to perform. The CITY shall thereafter look only to the successor, assign, or nominee of OWNER/DEVELOPER concerning the performance of such duties and

obligations of OWNER and such DEVELOPER hereby undertaken.

- B. The various parts, sections, and clauses of this Agreement are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby.
- C. All notices provided for herein shall be in writing and shall be deemed effective when personally delivered or three days after such notices have been mailed by certified or registered mail, postage-prepaid, return receipt requested, to the Parties at the addresses given below or at such other address as may be specified by written notice.

If to OWNER/DEVELOPER:

River Oaks Property Development, LLC
Attn: Melissa A. Maye and Cheryl A. Lee
602 Center Parkway, Suite C
Yorkville, IL 60560
630-553-3637

United City of Yorkville
John Justin Wyeth, City Attorney
800 Game Farm Road
Yorkville, IL 60560

United City of Yorkville
Attn: Tony Graff,
City Administrator
800 Game Farm Road
Yorkville, IL 60560

IT WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

United City of Yorkville, Illinois

By: 

Arthur F. Prochaska, Jr., Mayor

ATTEST:


City Clerk

DEVELOPER:

RIVER OAKS PROPERTY DEVELOPMENT, LLC

By: _____

Attest: _____

obligations of OWNER and such DEVELOPER hereby undertaken.

- B. The various parts, sections, and clauses of this Agreement are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby.
- C. All notices provided for herein shall be in writing and shall be deemed effective when personally delivered or three days after such notices have been mailed by certified or registered mail, postage-prepaid, return receipt requested, to the Parties at the addresses given below or at such other address as may be specified by written notice.

If to OWNER/DEVELOPER:

River Oaks Property Development, LLC
Attn: Melissa A. Maye and Cheryl A. Lee
602 Center Parkway, Suite C
Yorkville, IL 60560
630-553-3637

United City of Yorkville
Kathleen Field Orr, City Attorney
800 Game Farm Road
Yorkville, IL 60560

United City of Yorkville
Attn: Bart Olson,
City Administrator
800 Game Farm Road
Yorkville, IL 60560

IT WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

United City of Yorkville, Illinois

By: Valerie Burd
Mayor

ATTEST:

[Signature]
City Clerk

DEVELOPER:

RIVER OAKS PROPERTY DEVELOPMENT, LLC

By: Cheryl Steele

Attest: [Signature]

EXHIBIT LIST

Exhibit "A" - Legal Description

Exhibit "B" - Concept Plan

EXHIBIT A

Parcel One:

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the southerly line of said Section 33; thence South 89° 46' 03" East along the southerly line of said Section 33, a distance of 374.81 feet; thence North 01° 11' 52" East, parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence South 88° 28' 34" West 329.70 feet to the East line of said Southwest Quarter; thence North 01° 11' 52" East along the East line of said Southwest Quarter 1509.25 feet; thence North 82° 54' 15" West 291.36 feet; thence North 07° 05' 45" East 326.86 feet to a point on the center line of Van Emmon Road; thence North 82° 54' 15" West along said center line of Van Emmon Road, 66.0 feet to a Northwest corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded December 23, 1983 as Document Number 83-5890 for a point of beginning; thence South 07° 05' 45" West 308.0 feet; thence North 82° 54' 15" West 257.22 feet to the East line of the former Fox and Illinois Union Railway right of way; thence North 08° 10' 53" East along said East line 17.32 feet; thence northerly along said East line, being along a tangential curve to the left having a radius of 624.08 feet, an arc distance of 300.91 feet to said center line of Van Emmon Road; thence South 82° 54' 15" East along said center line 322.54 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois and containing 1.953 acres.

Parcel Two:









That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the southerly line of said Section 33; thence South 89° 46' 03" East along the southerly line of said Section 33, a distance of 374.81 feet; thence North 01° 11' 52" East parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence South 88° 28' 34" West 329.70 feet to the East line of said Southwest Quarter; thence North 01° 11' 52" East along the East line of said Southwest Quarter 1509.25 feet to a Northeast corner of a tract conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded December 23, 1983 as Document Number 83-5890 for a point of beginning; thence North 82° 54' 15" West 291.36 feet; thence North 07° 05' 45" East 326.86 feet to a point on the center line of Van Emmon Road; thence South 82° 54' 15" East along said center line of Van Emmon Road 161.94 feet; thence South 10° 27' 25" West 202.20 feet; thence South 76° 52' 34" East 130.50 feet to said East line; thence South 01° 11' 52" West along said East line 111.89 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois and containing 1.520 acres.

**SUBJECT TO: INSTALLMENT REAL ESTATE TAXES NOT YET DUE OR PAYABLE,
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD.**



EXHIBIT "B"

LEGEND

-  FOUND IRON PIPE
-  CONTOUR
-  EXISTING GROUND ELEVATION
-  EDGE OF PAVEMENT ELEVATIONS
-  UTILITY POLE
-  OVERHEAD ELECTRIC WIRES
-  TREE
-  PAVED SURFACE

Scale: 1" = 40'

VanEmmon

Union Railway

Former Fox & Illinois

LEGAL DESCRIPTIONS

PARCEL ONE

THAT PORT OF THE SOUTHWEST QUARTER OF SECTION 33; TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING ON THE SOUTHERLY LINE OF SAID SECTION 33; THENCE SOUTH 89 DEGREES 48 MINUTES 3 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 374.81 FEET; THENCE NORTH 1 DEGREE 11 MINUTES 52 SECONDS EAST, PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 794.86 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 34 SECONDS WEST 329.70 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER, THENCE NORTH 01 DEGREES 11 MINUTES 52 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1508.25 FEET; THENCE NORTH 82 DEGREES 54 MINUTES 15 SECONDS WEST 291.36 FEET, THENCE NORTH 07 DEGREES 08 MINUTES 40 SECONDS EAST 326.86 FEET TO A POINT ON THE CENTER LINE OF VAN EMMON ROAD; THENCE NORTH 82 DEGREES 54 MINUTES 15 SECONDS WEST ALONG SAID CENTER LINE OF VAN EMMON ROAD 66.0 FEET TO A NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO BRUCE D. AND MARIONA J. BUHRMASTER BY A QUIT CLAIM DEED RECORDED DECEMBER 23, 1983 AS DOCUMENT NO. 85-5050 FOR A POINT OF BEGINNING; THENCE SOUTH 07 MINUTES 05 MINUTES 45 SECONDS WEST 308.0 FEET; THENCE NORTH 82 MINUTES 54 MINUTES 15 SECONDS WEST 257.22 FEET TO THE EAST OF THE OF THE FORMER FOX AND ILLINOIS UNION RAILWAY RIGHT OF WAY THENCE NORTH 08 DEGREES 10 MINUTES 53 SECONDS EAST ALONG SAID EAST LINE, 17.32 FEET; THENCE NORTHERLY ALONG SAID EAST LINE, BEING ALONG A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 624.08 FEET, AN ARC DISTANCE OF 300.87 FEET TO SAID CENTER LINE OF VAN EMMON ROAD; THENCE SOUTH 82 DEGREES 54 MINUTES 15 SECONDS EAST ALONG SAID CENTER LINE 522.54 FEET TO THE POINT OF BEGINNING IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS AND CONTAINING 7.953 ACRES.

N 87°05'33" E
17.32'



Copyright 2003 CA DESIGN-BUILD, INC.

REVISIONS/DATE:
DATE: 11/18/2004
SCALE: 1"=40'
COMPUTER FILE: PLAT.DWG

514 & COUNTRYSIDE CTR., YORKVILLE, IL 60550
PH 630.682.8822 FAX 630.682.8611

RIVEROAKS/OFFICE BUILDING
VEN EMMON RD.
PLAT OF SURVEY

DRAWN BY: CBI
APPROVED BY: CBI
PREPARED FOR: RIVEROAKS/OFFICE BUILDING
LOCATION: LOT 107
JOB NUMBER: 107
SHEET NUMBER: AI



201900010899

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

RECORDED: 8/6/2019 11:02 AM
ORDI: 43.00 RHSPS FEE: 10.00
PAGES: 4

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

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY,
ILLINOIS, APPROVING THE REZONING TO THE R-1 SINGLE-FAMILY
SUBURBAN RESIDENCE DISTRICT OF THE PROPERTY LOCATED AT THE
SOUTHWEST AND SOUTHEAST CORNER OF THE INTERSECTION OF
EAST VAN EMMON STREET AND BENJAMIN STREET

Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 23rd day of July, 2019

Prepared by and Return to:
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on August 2, 2019.

STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

Ordinance No. 2019-38

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING THE REZONING TO THE R-1 SINGLE-FAMILY SUBURBAN RESIDENCE DISTRICT OF THE PROPERTY LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNER OF THE INTERSECTION OF EAST VAN EMMON STREET AND BENJAMIN STREET

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, Ivaylo Gramatikov (the “*Applicant*”) is the owner of two vacant parcels located at the southwest and southeast corner of the intersection of East Van Emmon Street and Benjamin Street legally described in Section 2, and is seeking rezoning from the B-2 Retail Commerce Business District and O Office District into the R-1 Single-Family Suburban Residence District; and,

WHEREAS, the Planning and Zoning Commission convened and held a public hearing on July 10, 2019, to consider the rezoning after publication of notice and notice to property owners within five hundred (500) feet of the parcels; and,

WHEREAS, the Planning and Zoning Commission reviewed the standards set forth in Section 10-4-10B.4 and made findings of fact and recommendation to the Mayor and City Council (the “*Corporate Authorities*”) for approval of the rezoning; and,

WHEREAS, the Corporate Authorities have received and considered the recommendation of the Planning and Zoning Commission.

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

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

Section 2: That the Corporate Authorities hereby approve the rezoning of the parcels legally described on Exhibit A, attached hereto and made a part hereof, with **Property Index Numbers 02-33-376-014 and 02-37-376-015** from the B-2 Retail Commerce Business District and O Office District into the R-1 Single-Family Suburban Residence District.

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois, this 23rd day of July, 2019.


CITY CLERK

KEN KOCH	<u>AYE</u>	DAN TRANSIER	<u>AYE</u>
JACKIE MILSCHEWSKI	<u>AYE</u>	ARDEN JOE PLOCHER	<u>ABSENT</u>
CHRIS FUNKHOUSER	<u>AYE</u>	JOEL FRIEDERS	<u>AYE</u>
SEAVAR TARULIS	<u>AYE</u>	JASON PETERSON	<u>ABSENT</u>

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this 27th day of AUGUST, 2019.


MAYOR

EXHIBIT A

Legal Description

The legal description is as follows:

02-33-376-014

**Southwest Corner E Van Emmon Street and Benjamin Street
Currently Zoned B-2 Retail Commerce Business District:**

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the Southerly line of said Section 33; thence South 89 degrees 46 minutes 03 seconds East along the Southerly line of said Section 33, a distance of 374.81 feet; thence North 01 degrees 11 minutes 52 seconds East, parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence 88 degrees 28 minutes 34 seconds West 329.70 feet to East line of said Southwest Quarter; thence North 01 degrees 11 minutes 52 seconds along the East line of said Southwest Quarter 1509.25 feet; thence North 82 degrees 54 minutes 15 seconds West 291.36 feet; thence North 07 degrees, 05 minutes, 45 seconds East 326.86 feet to the point on the center line of Van Emmon Road; thence North 82 degrees 54 minutes 15 seconds West along said center line of Van Emmon Road, 66.0 feet to a Northwest corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded December 23, 1983 as Document Number 83-5890 for a point of beginning; thence South 07 degrees 05 minutes 45 seconds West 308.0 feet; thence North 82 degrees 54 minutes 15 seconds West 257.22 feet to the East line of the former Fox and Illinois Union Railway right of Way; thence North 08 degrees 10 minutes 53 seconds East along said East line 17.32 feet thence Northerly along said East line, being along a tangential curve to the left having a radius of 624.08 feet, an arc distance of 300.91 feet to said center line of Van Emmon Road; thence South 82 degrees 54 minutes 15 seconds East along said center line 322.54 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois.

02-37-376-015

**Southeast Corner E Van Emmon Street and Benjamin Street
Currently Zoned O Office District:**

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the Southerly line of said Section 33; thence South 89° 46' 03" East along the Southerly line of said Section 33, a distance of 374.81 feet; thence North 01 ° 11' 52" East parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence South 88° 28' 34" West 329.70 feet to the East line of said Southwest Quarter; thence North 01 ° 11' 52" East along the East line of said Southwest Quarter 1509.25 feet to a Northeast Corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded on December 23, 1983 as Document 83-5890 for a point of beginning; thence North 82° 54' 15" West 291.36 feet; thence North 07° 05' 45" East 326.86 feet to a point on the center line of Van Emmon Road; thence South 82° 54' 15" East along said center line of Van Emmon Road 161.94 feet; thence South 10° 27' 25" West 202.20 feet; thence South 76° 52' 34" East 130.50 feet to said East line; thence South 01 ° 11' 52" West along said East line 111.89 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois.



Memorandum

To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: December 7, 2022
Subject: Planning and Zoning Commission Meeting Schedule for 2023

Summary

Proposed 2023 meeting schedule for the Planning and Zoning Commission.

Meeting Schedule for 2023

For 2023, if the Planning and Zoning Commission would like to continue meeting the second Wednesday of the month at 7:00 p.m., the proposed meeting dates would be as follows:

- January 11, 2023
- February 8, 2023
- March 8, 2023
- April 12, 2023
- May 10, 2023
- June 14, 2023
- July 12, 2023
- August 9, 2023
- September 13, 2023
- October 11, 2023
- November 8, 2023
- December 13, 2023

Recommendation

Staff recommends review of the proposed meeting dates and time so that a meeting schedule can be finalized for 2023.