PLANNING & ZONING COMMISSION

City Council Chambers 651 Prairie Pointe Drive, Yorkville, IL Wednesday, July 10, 2024 7:00pm

Meeting Called to Order

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

Roll Call

Greg Millen-yes, Richard Vinyard-yes, Danny Williams-yes, Ryan Forristall-yes, Reagan Goins-yes,

Absent: Rusty Hyett

City Staff

Krysti Barksdale-Noble, Community Development Director Sara Mendez, Planner I Alexandria Sandoval, Intern

Other Guests

Lynn Dubajic Kellogg, City Consultant Chris Vitosh, Vitosh Reporting Service Steve Holland Kara Frieder, Parks & Rec. Peter St. Denis Doug Shannon, Gary R. Weber Associates, via Zoom D. Riendeau, Manhard Consulting, via Zoom

Previous Meeting Minutes June 12, 2024

Motion by Mr. Williams and second by Ms. Goins to approve the minutes as presented. Roll call: Vinyard-yes, Williams-yes, Forristall-yes, Goins-yes, Millen-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard explained the procedure for the Hearing and swore in those persons who planned to present testimony during the Hearing.

At approximately 7:02pm a motion was made and seconded by Mr. Williams and Ms. Goins, respectively, to open the Public Hearing. Roll call: Vinyard-yes, Williams-yes, Forristall-yes, Goins-yes, Millen-yes. Carried 5-0. Mr. Vinyard read the Hearing description.

1. **PZC 2024-12 102 Worsley St.**, Steve Holland, petitioner/contract purchaser, and KCJ Restoration LLC, owners, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property is generally located south of east Main Street, immediately east of Worsley Street and north of the Fox River in Yorkville, Illinois. The petitioner is requesting rezoning approval from R-1 Single-Family Suburban Residential District to R-2 Single Family Traditional Residence District, consisting of approximately 0.28 acres, commonly known as 102 Worsley Street. Additionally, the petitioner is requesting to decrease the minimum lot size for the R-2 Single Family Traditional Residence District to less than the required 12,000 square feet.

Testimony concluded at approximately 7:15pm and a motion was made by Mr. Williams and seconded by Ms. Goins to close the Public Hearing. Roll call: Williams-yes, Forristall-yes, Goins-yes, Millen-yes, Vinyard-yes. Carried 5-0.

(See Court Reporter's Transcript of Hearing)
(Petitioner also requested responses be entered into the official record)

Unfinished Business None

New Business

1. PZC 2024-12 102 Worsley St., (same as description above)

Ms. Mendez recapped the request and said a multi-generational home is planned for the property. The property is 11,969 square feet which is slightly less than the required 12,000 square feet and is the reason Mr. Holland is seeking a variance. Rezoning is also requested to allow smaller setbacks to accommodate the home design. Staff did have some concerns about the structure being multi-tenant, however, Code Official Pete Ratos said the defining factor is the inter-connectivity of this space with the main staircase in the middle of the home. The zoning being requested is similar to the zoning nearby. Ms. Mendez said staff supports the request. Chairman Vinyard reiterated that the request is for both rezoning and a variance.

Action Item

Rezone and Variance

Chairman Vinyard reviewed the rezoning standards. A motion was made by Mr. Williams and seconded by Mr. Millen to approve PZC 2024-12, 102 Worsley St., rezoning and variance. Roll call: Forristall-yes, Goins-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

2. **PZC 2024-14 Grande Reserve Units 10 & 11.** The petitioner, D.R. Horton, Inc. - Midwest, is seeking Final Plat approval for an approximately 22-acre site consisting of 158 new residential townhome lots located east of Kennedy Road and south of the BNSF railroad in Units 10 and 11 of Grande Reserve subdivision.

Attorney Steve Bauer of D.R. Horton was present and gave a PowerPoint presentation of the request for Final Plat and Architectural Approval. He said D.R. Horton is the contract purchaser. He said Unit 11 will have front-loaded townhomes and Unit 10 will have rear-loaded with a total of 312 units.

Ms. Noble added that this project was originally approved in 2003 and the layout is similar. She noted that the street name, McMurtrie Way, is already a street name in the Bristol Bay subdivision. This name may have to be changed and Kendall County, KenCom and the developer will be consulted. The original Annexation Agreement calls for the cul-de-sacs to have their snow plowed by the HOA, not the city. The final version of the HOA will be presented to City Council.

Ms. Noble said credit is given for major architectural considerations. Photos presented to the Commissioners illustrated these upgrades. The city engineer had comments and Ms. Noble asked that these be added to the motion. This item will come back before City Council for establishment of a dormant SSA. The SSA is for the common areas, in the event the HOA fails to maintain these areas.

Action Item

Final Plat

Mr. Williams moved and Mr. Millen seconded a motion to approve PZC Grande Reserve Units 10 & 11. The motion was read as follows by Mr. Williams: In consideration of the proposed Final Plat of Subdivision of Grande Reserve Units 10A and 11A, the Planning and Zoning Commission recommends approval of the plats to the City Council as presented by the Petitioner in plans prepared by Manhard Consulting, Ltd. dated last revised 4-29-2024, subject to review comments provided by the City Engineer, EEI, Inc. dated April 16, 2024 and June 12, 2024 and further subject to the elevations and appearance codes as presented during the PZC Hearing on July 10, 2024 by staff. Roll call: Forristall-yes, Goins-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Additional Business

Community Development Intern Alexandria Sandoval reported on the following petitions from previous PZC meetings.

1. City Council Action Updates

- a. PZC 2024-07 Kelaka, LLC
- b. PZC 2024-08 Hagemann Trust

For these 2 items, City Council will conduct an additional Public Hearing on the annexation request at their July $23^{\rm rd}$ meeting and will be considered for a vote at their August $13^{\rm th}$ City Council meeting

c. PZC 2024-15 C1 Yorkville, LLC was approved at the July 9th City Council meeting.

Adjournment

There was no further business and the meeting was adjourned at 7:42pm on a motion by Mr. Williams, seconded by Ms. Goins and approved on a unanimous voice vote.

Respectfully submitted by Marlys Young, Minute Taker

| Ī | PZC - Public Hearing - July 10, 2024 | |
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| 7 | YORKVILLE, ILLINOIS | |
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| 10 | PLANNING AND ZONING COMMISSION | |
| 11 | PUBLIC HEARING | |
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| 17 | 651 Prairie Pointe Drive | |
| 18 | Yorkville, Illinois | |
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| 20 | | |
| 21 | Wednesday, July 10, 2024 | |
| 22 | 7:00 p.m. | |
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| | PZC - Public Hearing - July 10, 2024 | | | | | | |
|----|---------------------------------------|--|--|--|--|--|--|
| 1 | PRESENT: | | | | | | |
| 2 | Mr. Rich Vinyard, Chairman, | | | | | | |
| 3 | Mr. Danny Williams, | | | | | | |
| 4 | Ms. Reagan Goins, | | | | | | |
| 5 | Mr. Greg Millen, | | | | | | |
| 6 | Mr. Ryan Forristall. | | | | | | |
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| 10 | Ms. Krysti Barksdale-Noble, Community | | | | | | |
| 11 | Development Director; | | | | | | |
| 12 | Ms. Sara Mendez, Planner; | | | | | | |
| 13 | Ms. Marlys Young, Minute Taker; | | | | | | |
| 14 | Ms. Alexandria Sandoval, Intern. | | | | | | |
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| 21 | PETER ST. DENIS 8 | | | | | | |
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(WHEREUPON, the following
 proceedings were had in public
 hearing:)

CHAIRMAN VINYARD: So there is one public hearing scheduled for tonight's Planning and Zoning Commission meeting.

The purpose of this hearing is to invite testimony from members of the public regarding the proposed requests that are being considered before this commission tonight.

Public testimony from persons

present who wish to speak may be for or against

the request or to ask questions of the petitioner

regarding the request being heard.

Those persons wishing to testify are asked to speak clearly, one at a time, and state your name, who you represent. You are also asked to sign in at the podium.

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

(Witnesses sworn.)

CHAIRMAN VINYARD: Thank you. You guys

hearing up for tonight's discussion is as

follows: PZC 2024-12, 102 Worsley Street, Steve

Holland, petitioner/contract purchaser, and KCJ

Restorations, LLC, owners, has filed an

application with the United City of Yorkville,

Kendall County, Illinois, requesting rezoning

classification.

The real property is generally located south of East Main Street, immediately east of Worsley Street and north of the Fox River in Yorkville, Illinois.

The petitioner is requesting rezoning approval from R-1 Single-Family Suburban Residential District to R-2 Single-Family Traditional Residence District, consisting of approximately 0.28 acres commonly known as 102 Worsley Street.

Additionally, the petitioner is requesting to decrease the minimum lot size for the R-2 Single-Family Traditional Residence District to less than the required 12,000 square feet.

Are you prepared to present?

MR. HOLLAND: Sure.

STEVE HOLLAND,

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

MR. HOLLAND: Hello. My name is Steve Holland and I am asking to rezone the property. The property is -- Sara, are you going to bring it up?

MS. MENDEZ: Yes.

MR. HOLLAND: The property has been deserted for almost 20 years. There has been a house that's torn down, there was a garage that I recently tore down. Absolutely unsafe. I bumped into it, it was shaking. I didn't want it falling on someone.

My intentions are to excavate the property and put a container home on it, seven bedrooms, seven bath home, so it will be a beautiful place. As you see -- thank you, Sara. Can I walk over there?

CHAIRMAN VINYARD: Yes.

MS. NOBLE: Take the microphone with you so people can hear you as you talk.

MR. HOLLAND: As you see, the property is off of Gawne Lane. Next to it is Worsley

Street, which I would love to get annexed if the village would let me, and then to the right of it, one of my neighbors is here tonight, hello there, and to the left of it, Dave, wanted to be here in support of what we are doing, but he is out of town.

Currently this property here, I'll just call it Dave, his setback off this street is 11 feet, and then to the right, Peter, his setback is about nine and a half feet off the street.

That being said, we are required to go 30 feet off of this street. We were asking that we have some sort of variance there. We think it's kind of extreme. After all, this house is up here, the next house is up here and we are going to be pushed back.

And that being said, we are asking to rezone the property because I believe in my opinion it was zoned inappropriately. I mean, as you state, the lot is only 10,000 square feet, and it should have been zoned R-1 from the start.

Anything else? Any questions? (No response.)

podium as follows:

MR. ST. DENIS: What is it zoned now by the way?

MS. MENDEZ: Right now the zoning is R-1 Single-Family Suburban Residence District and Steve Holland is looking to rezone the property to R-2 Single-Family Traditional Residence District.

MR. ST. DENIS: Okay. R-2 is like a two-flat?

MS. MENDEZ: It's typically a single-family home, so it can be more than a two-flat as long as it meets the requirements of the single-family instead of a multi-family.

MR. ST. DENIS: Okay. I don't think we really need a seven bedroom house on a tiny lot like that, 11 feet away from my property. I just saw it on the plan you have up there.

Steve is a contractor and he says he is going to live there, but contractors buy lots, build houses and move on. He's got two other lots that he can build houses on. Maybe he should build one house on each lot.

We've already -- the lots up the

hill has already been changed by the neighbors, we have all said no problem, from one house being on that whole area to two. We didn't have a problem with that. With building this McMansion right next to me, I don't care for it.

And in the past when the house was still there, less than 20 years ago, the lady that owned it rented it out because she got married and moved to Michigan, and she had some tenants in there that had a family of six, which is no problem except that they rented out rooms and eventually there were 14 people living there, and there is not parking for 14 people and there is not parking for seven people that are driving cars.

I don't think this -- also, the houses in the area are small. Mine is a bungalow, my next-door neighbor's is a bungalow, et cetera, et cetera, et cetera. I don't mind going a little larger than that, but this is too big.

Also, these are some things that I have noticed. The signs for this meeting were displayed like this, laying on the ground. There

are a whole bunch of them, you can leaf through them. I will give them to you.

CHAIRMAN VINYARD: Sure.

MR. ST. DENIS: That shows that you are not able to see them from neighboring properties, and they were only up there for a little less than two weeks. I believe they are supposed to have them up for a month, but I'm not sure about that.

Secondly, there is some sort of a shed built on one of the other lots and there is someone living in the shed. There is no electricity, there is no toilet facilities.

There might be plumbing. I don't know where they would get the water from.

MS. NOBLE: Can you keep your comments on the microphone?

MR. ST. DENIS: Okay. If Steve is already renting out a shed that is an improperly zoned unit, what guarantees do we have that he is going to obey it in the future and not just turn it into an apartment building? Probably an illegal one, but I don't know about that. I don't know the laws on those.

So I would say no, make it a little smaller and move it away from my house a little bit, center it on the lot. I don't mind the fact that he wants to put it closer to the street, that's not an issue. I would like to see it away from my house a little bit so I can get sunlight on that side.

His structure is supposed to be like three stories tall. That's a little big, too.

If you want to make one story a basement, I can live with that, but this is just too big for that little tiny lot. That's all I have.

CHAIRMAN VINYARD: Thank you. Are there any questions from the commissioners for the petitioner?

MR. WILLIAMS: I guess -- so my confusion is -- Are these the pictures of what you would like to construct?

CHAIRMAN VINYARD: No, no, no.

MS. NOBLE: No, that's for the second.

MR. WILLIAMS: That's why I am very

confused. I was apologize. I have no questions.

CHAIRMAN VINYARD: Anybody else? Gregg?

MR. MILLEN: So multi-generational,

explain that in a little bit more detail.

MS. MENDEZ: I can.

MS. NOBLE: Steve, you can go and then Sara can.

MR. HOLLAND: Sure. It's a beautiful location, and it being a beautiful location and me having two sets of parents and then stepparents and my girlfriend having two sets of parents, we also have five children together, but we anticipate the children leaving sometime as I already have two that have moved on, one that's wanted to come home, but we would like to move our parents in, and somewhere throughout all of this it was a what-if, and actually we started that, Krysti and I. Am I saying that right, Krysti?

What if I made it like my parents lived with me, residential assisted living, and then their insurance could pay for their care, is there any rules on that.

I think we researched that and there aren't any, so it's just me moving my parents in potentially down the road. Somewhere in all of that, multi-generational came.

Does that answer the question?

MS. MENDEZ: Yes. So multi-generational homes typically house more than one family, so it can be like a set of grandparents and then their set of children and then another set of children, so it's not where we see strangers living together as in a multi-tenant unit building, it's more so in the family a multi-generational building.

MS. NOBLE: We also had the building code official look at the plans because we didn't want this to be in the future converted into multi-tenant land use, so he reviewed the architectural plans, and there is copies in your packet showing that although each level has some kind of self-contained portions, like multiple -- there is a kitchen on each level, bathroom on each level, there is no interior barrier that would cordon off the units, so there is a continual core, it's utilized as a house. It's no different than someone having a basement apartment for a relative in their single-family home. As long as there is no separate entrance, separate utilities being pulled, then it's

| 1 | appropriate and under our code. |
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| 2 | MR. MILLEN: Okay. |
| 3 | CHAIRMAN VINYARD: Any other questions? |
| 4 | Please. |
| 5 | MR. FORRISTALL: This is a container |
| 6 | home? |
| 7 | MR. HOLLAND: Yes. I know, it's |
| 8 | different. Essentially if you had several |
| 9 | children you would pray as I did to have one |
| 10 | bedroom and one bath for every single one of them |
| 11 | and then I found a way to do it. |
| 12 | MR. FORRISTALL: Interesting. |
| 13 | CHAIRMAN VINYARD: Anybody else? |
| 14 | MR. WILLIAMS: It sounds like, do you |
| 15 | plan on living at that house long-term? Do you |
| 16 | have any plans on turning it into investment real |
| 17 | estate or rentals? |
| 18 | MR. HOLLAND: No. My intention is to |
| 19 | make it a single-family home and live in it. |
| 20 | CHAIRMAN VINYARD: Anybody else? |
| 21 | (No response.) |
| 22 | CHAIRMAN VINYARD: All right. Since all |
| 23 | public testimony regarding the petition has been |
| 24 | taken, may I have a motion to close the taking of |

Vitosi. Reporting Service

MR. MILLEN: Yes.

MS. YOUNG: And Vinyard.

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STATE OF ILLINOIS)

(COUNTY OF LASALLE)

I, CHRISTINE M. VITOSH, a Certified Shorthand Reporter of the State of Illinois, do hereby certify:

That previous to the commencement of any testimony heard, the witnesses were duly sworn to testify the whole truth concerning the matters herein;

That the foregoing public hearing transcript, Pages 1 through 19, was reported stenographically by me by means of machine shorthand, was simultaneously reduced to typewriting via computer-aided transcription under my personal direction, and constitutes a true record of the testimony given and the proceedings had;

That the said public hearing was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

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

IN WITNESS WHEREOF, I do hereunto set my hand at Leland, Illinois, this 15th day of July, 2024.

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CHRISTINE M. VITOSH, C.S.R. Certificate No. 084-02883

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