

PLANNING & ZONING COMMISSION

**City Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, August 14, 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

Ryan Forristall-yes, Greg Millen-yes, Marge Linnane-yes, Richard Vinyard-yes

Absent: Reagan Goins, Danny Williams, Rusty Hyett

City Staff

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

Other Guests

Lynn Dubajic Kellogg, City Consultant
Chris Vitosh, Vitosh Reporting Service
Gregg Ingemunson, Attorney

Previous Meeting Minutes July 10, 2024

Motion by Ryan Forristall and second by Greg Millen to approve the minutes as presented. Roll call: Millen-yes, Linnane-yes, Vinyard-yes, Forristall-yes Carried 4-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard said there are 2 Public Hearings scheduled for tonight, however, PZC 2024-17 for a text amendment was published, but additional staff review and material is needed. He asked for a motion to open the Hearing and continue it to the next PZC meeting on September 11th. So moved by Mr. Forristall and seconded by Mr. Millen. Roll call: Millen-yes, Linnane-yes, Vinyard-yes, Forristall-yes. Carried 4-0.

Chairman Vinyard explained the procedure for the Public Hearing, taking of testimony and then swore in those who would present testimony.

A motion was made and seconded by Mr. Forristall and Mr. Millen, respectively, at 7:04pm, to open the Public Hearing. Roll call: Linnane-yes, Vinyard-yes, Forristall-yes, Millen. Carried 4-0.

1. **PZC 2024-16 2551 N. Bridge St.**, Illinois Department of Transportation, petitioner, and B&K Enterprises, LLC, owners, have filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a variance approval. The real property is located at 2551 N. Bridge St., Yorkville, Illinois and is generally located at the northwest corner of Route 47 and Cannonball Trail intersection. The petitioner is requesting a variance to permit the decrease of the minimum parking lot adjacent to an arterial roadway setback to 8.7 feet from the required 20 feet from the property line for the B-3 General Business District.

Attorney Gregg Ingemunson said the variance is to permit the decrease of the minimum parking lot setback adjacent to an arterial roadway. The state is taking some of the land, so the variance is being requested.

No further testimony was given so at approximately 7:05pm a motion was made by Mr. Forristall and seconded by Mr. Millen to close the Public Hearing. Roll call: Linnane-yes, Vinyard-yes, Forristall-yes, Millen-yes. Carried 4-0.

(See Court Reporter's transcript)

Unfinished Business None

New Business

1. **PZC 2024-16 2551 N. Bridge St.** (same as description above)

Ms. Mendez provided background for this petition and said Mr. Ingemunson is the attorney for IDOT as well as the property owners, B&K Enterprises, LLC. They are seeking a variance to permit a decrease in the minimum parking lot setback adjacent to an arterial roadway in the B-3 General Business district from 20 feet to 8.7 feet. The parcel is about 1.5 acres and an occupied office building is located there. At the time of final plat approval in 2006, it met the bulk regulations of the B-3 district. The reason for the petition is IDOT is acquiring land for widening of Rt. 47. The minimum parking spots are still met since 16 are required and they will still have 33. The land use is consistent with the Comp Plan and staff is supportive of the request. The UDO states that the Planning and Zoning Commission can make the final decision since the request is part of eminent domain. There was no discussion by the Commissioners.

Action Item

Variance

A motion and second was made by Commissioners Forristall and Millen, respectively, to approve PZC 2024-16 and Mr. Forristall read the motion as follows: In consideration of testimony presented during a Public Hearing on August 14, 2024 and approval of the findings of fact, the Planning and Zoning Commission approves the decrease of the minimum parking lot setback adjacent to an arterial roadway in the B-3 General Business District from the required twenty (20) feet to 8.7 feet from the property line, as stated in section 10-3-9-A.4 of the Unified Development Ordinance for the property located at 2551 N. Bridge Street. Roll call: Vinyard-yes, Forristall-yes, Millen-yes, Linnane-yes. Carried 4-0.

Additional Business

1. City Council Action Updates

a. PZC 2024-12 102 Worsley St. rezoning classification and variance.

b. PZC 2024-14 Grande Reserve Units 10 & 11 Final Plat approval.

Ms. Noble said both the above cases were approved by the City Council.

In another matter, Ms. Noble said staff is proposing new member training either on November 13th at the regular meeting or moved into the next year. Commissioners should contact Ms. Noble with their input.

Adjournment

There was no further business and the meeting was adjourned at 7:13pm on a motion by Mr. Forristall and second by Mr. Millen. Unanimous voice vote approval.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

651 Prairie Pointe Drive
Yorkville, Illinois

Wednesday, August 14, 2024
7:00 p.m.

PRESENT:

Mr. Rich Vinyard, Chairman,
Mr. Greg Millen,
Mr. Ryan Forristall,
Ms. Marge Linane.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;
Ms. Sara Mendez, Planner;
Ms. Marlys Young, Minute Taker.

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I N D E X

WITNESS:

PAGE:

Gregg Ingemunson

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

4 CHAIRMAN VINYARD: So there are two
5 public hearings scheduled for tonight's Planning
6 and Zoning Commission meeting; however, PZC
7 2024-17, UDO Chapter 8, UDO review and approval
8 procedures, which was a text amendment, was
9 published, but additional staff review is needed;
10 therefore, this agenda item will be open and
11 continued until the next Planning and Zoning
12 Commission meeting.

13 Due to the absence of staff material
14 for this agenda item, may I have a motion to open
15 and continue the public hearing scheduled for PZC
16 2024-17 from the August 14th, 2024 Planning and
17 Zoning Commission meeting to the September 11th,
18 2024 Planning and Zoning Commission meeting at
19 the same time and place as the originally planned
20 hearing?

21 So we are opening it now, we will
22 continue it until the September meeting. Can I
23 have a motion?

24 MR. FORRISTALL: So moved.

1 MR. MILLEN: Second.

2 CHAIRMAN VINYARD: Roll call, please.

3 MS. YOUNG: Yes. Millen.

4 MR. MILLEN: Yes.

5 MS. YOUNG: Linane.

6 MS. LINANE: Yes.

7 MS. YOUNG: Vinyard.

8 CHAIRMAN VINYARD: Yes.

9 MS. YOUNG: And Forristall.

10 MR. FORRISTALL: Yes.

11 MS. YOUNG: Thank you.

12 CHAIRMAN VINYARD: Very good. Okay. So
13 the public hearings for PZC 2024-17 have been
14 continued to the September 11th, 2024 Planning
15 and Zoning Commission meeting.

16 The purpose of the hearing is to
17 invite testimony from members of the public
18 regarding the proposed request that is being
19 considered before this Commission tonight.

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

24 Those persons wishing to testify are

1 asked to speak clearly, one at a time, and state
2 your name and who you represent. You are also
3 asked to sign in at the podium if you plan to
4 speak during tonight's hearing as a petitioner or
5 as a member of the public.

6 Please stand and raise your right
7 hand.

8 MR. INGEMUNSON: I can testify.

9 (The witness thereupon duly sworn.)

10 CHAIRMAN VINYARD: So the order for
11 receiving testimony here in the public hearing
12 will be as follows: The petitioner presentation;
13 those who wish to speak in favor of the request;
14 followed by those who wish to speak in opposition
15 of the request.

16 So may I have a motion to open the
17 public hearing on Petition number PZC 2024-16,
18 2551 North Bridge Street, requesting a variance?

19 MR. FORRISTALL: So moved.

20 MR. MILLEN: Second.

21 CHAIRMAN VINYARD: Roll call on the
22 motion, please.

23 MS. YOUNG: Yes. Linane.

24 MS. LINANE: Yes.

1 MS. YOUNG: Vinyard.

2 CHAIRMAN VINYARD: Yes.

3 MS. YOUNG: Forristall.

4 MR. FORRISTALL: Yes.

5 MS. YOUNG: And Millen.

6 MR. MILLEN: Yes.

7 MS. YOUNG: Thank you.

8 CHAIRMAN VINYARD: Okay. So the public
9 hearing up for discussion tonight is as follows:
10 The Illinois Department of Transportation, the
11 petitioner, and B & K Enterprises, LLC, owners,
12 have filed an application with the United City of
13 Yorkville, Kendall County, Illinois, requesting a
14 variance approval.

15 The real property is located at 2551
16 North Bridge Street, Yorkville Illinois, and is
17 generally located at the northwest corner of
18 Route 47 and Cannonball Trail intersection.

19 The petitioner is requesting a
20 variance to permit the decrease of the minimum
21 parking lot adjacent to an arterial roadway
22 setback from 8.7 feet from the required
23 20 feet -- to 8.7 feet from the required 20 foot
24 from the property line for B-3 General Business

1 District.

2 Is the petitioner for PZC 2024-16,
3 2551 North Bridge Street, ready to present?

4 GREGG INGEMUNSON,
5 having been first duly sworn, testified as
6 follows:

7 MR. INGEMUNSON: There is not much
8 really to present because you just called it
9 right there. It's just based on the taking, they
10 are widening the road of 47, so what we are doing
11 is essentially making it so they have a variance
12 so they later can't -- don't have to move their
13 parking or remove it.

14 CHAIRMAN VINYARD: Sir, these are the
15 sign variances that I love approving.

16 MR. INGEMUNSON: Yes, same thing.

17 CHAIRMAN VINYARD: This is a clear-cut
18 business transaction between the state and --

19 MR. INGEMUNSON: Well, we were going to
20 need one of those, but we moved our take-back to
21 seven-feet-ish, so we don't have a variance on
22 that one, so that was two variances, so now we
23 only need one for the parking, so that's all it
24 is.

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

4 (No response.)

5 CHAIRMAN VINYARD: Anyone present who
6 wishes to speak in opposition of the request?

7 (No response.)

8 CHAIRMAN VINYARD: Are there any
9 questions from the commissioners for the
10 petitioner?

11 (No response.)

12 CHAIRMAN VINYARD: So every time the
13 state comes in and buys something that line gets
14 moved back and we can't make up that distance, so
15 that's why they are coming up, the typical
16 variance on the ordinance to get that.

17 All right. Since all public
18 testimony regarding this petition has been taken,
19 may I have a motion to close the taking of
20 testimony and this public hearing?

21 MR. FORRISTALL: So moved.

22 MR. MILLEN: Second.

23 CHAIRMAN VINYARD: Roll call vote on the
24 motion, please.

1 MS. YOUNG: Yes. Linane.

2 MS. LINANE: Yes.

3 MS. YOUNG: Vinyard.

4 CHAIRMAN VINYARD: Yes.

5 MS. YOUNG: Forristall.

6 MR. FORRISTALL: Yes.

7 MS. YOUNG: And Millen.

8 MR. MILLEN: Yes.

9 CHAIRMAN VINYARD: Okay. The public
10 hearing portion of tonight's meeting is closed.

11 (Which were all the proceedings had
12 in the public hearing portion of
13 the meeting, concluding at 7:07
14 p.m.)

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

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

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

11 That the foregoing public hearing
12 transcript, Pages 1 through 11, was reported
13 stenographically by me by means of machine
14 shorthand, was simultaneously reduced to
15 typewriting via computer-aided transcription
16 under my personal direction, and constitutes a
17 true record of the testimony given and the
18 proceedings had;

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

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

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

7 IN WITNESS WHEREOF, I do hereunto set my
8 hand at Leland, Illinois, this 21st day of July,
9 2024.

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11
12 /s/ Christine M. Vitosh

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