



United City of Yorkville

651 Prairie Pointe Drive

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, December 11, 2024

7:00 PM

Yorkville City Hall Council Chambers

651 Prairie Pointe Drive

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: November 13, 2024

Citizen's Comments

Public Hearings

1. **PZC 2024-25 United City of Yorkville**, petitioner, is proposing to amend Chapter 5. Development Standards within the United City of Yorkville's Unified Development Ordinance regarding fences. The proposed text amendment will allow vinyl coated chain link fence material in side and rear yards within residential districts.

Unfinished Business

New Business

1. **PZC 2024-25 United City of Yorkville**, petitioner, is proposing to amend Chapter 5. Development Standards within the United City of Yorkville's Unified Development Ordinance regarding fences. The proposed text amendment will allow vinyl coated chain link fence material in side and rear yards within residential districts.

Action Items

Text Amendment

Additional Business

1. **2025 Meeting Schedule**
2. **City Council Action Updates**

- a. **PZC 2024-21 Marker Inc., the contract purchaser and petitioner, along with the United City of Yorkville, the property owner**, have submitted applications to the City of Yorkville, Kendall County, Illinois. They are requesting an amendment to the Kendall Marketplace Planned Unit Development (PUD) Agreement and seeking preliminary and final PUD plan approval. The request aims to develop Heartland Meadows West, a mixed-use project featuring twenty (20) single-family residential lots for an active adult community and four (4) commercial outlots. The proposed underlying zoning designations are R-2 Single-Family Traditional Residential District for the residential area and B-3 General Retail District for the

commercial area. The petitioner is also requesting deviations to the side and rear yard setbacks within the R-2 District. The subject property is located on the north side of Blackberry Shore Lane, between Northland Lane and Cannonball Trail, on an approximately 8.3-acre vacant parcel.

Action Items

PUD Amendment, Preliminary & Final PUD Plan Approval

- b. **PZC 2024-26 Drew Daniels, on behalf of Daniels Malinski Yorkville Family, LLLP, petitioner/owner**, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property consists of four (4) parcels totaling approximately 268.30 acres and is generally located at the northwest corner of West Veterans Parkway (US 34) and Beecher Road. The petitioner is requesting rezoning approval from R-1 Single-Family Suburban Residential District to M-2 General Manufacturing District (contingent on approval of annexation by the City Council).

Action Item

Rezone

- c. **PZC 2024-27 Grande Reserve Units 18 & 25**, the petitioner, Cesar Cruz on behalf of GR Yorkville Residents, LLC, owner, is seeking Final Plat approval for an approximately 22-acre site consisting of 164 new residential townhome lots and four (4) open space outlots located north of the BNSF railroad and east of Tuscany Trail in Yorkville.

Action Item

Final Plat

- d. **PZC 2024-28 Grande Reserve Unit 21**, the petitioner, Cesar Cruz on behalf of GR Yorkville Residents, LLC, owner, is seeking Final Plat approval for an approximately 10-acre site consisting of 60 new residential duplex dwelling units on 30 lots located west of the intersection of Crooker Drive and Brady Street in Yorkville.

Action Item

Final Plat

Adjournment

**SPECIAL MEETING OF THE
PLANNING & ZONING COMMISSION
AND THE PARK BOARD**

**Wednesday, November 13, 2024, 5:00pm
Yorkville City Hall Council Chambers
651 Prairie Pointe Drive, Yorkville, IL**

Meeting Called to Order

Planning & Zoning Commission Chairman Richard Vinyard called the joint meeting to order at 5:00pm and roll was called for the Planning & Zoning Commission and the Park Board

Roll Call

PZC: Greg Millen-yes, Marge Linnane-yes, Richard Vinyard-yes, Danny Williams-yes, Ryan Forristall (arr. 5:05pm), Rusty Hyett

Park Board: Rusty Hyett-yes, Gene Wilberg-yes

City Staff

Krysti Barksdale-Noble, Community Development Director

Sara Mendez, Planner I

Tim Evans, Director Parks & Recreation

Megan Lamb, City Attorney

Jori Behland, Yorkville City Clerk

Katelyn Gregory, City of Yorkville

Other Guests

Stan Popovich, Director Community Development, Village of Downers Grove

Tom Farace, Planning & Economic Development Manager, Village of Carol Stream

Citizen's Comments None

Presentation

The purpose of this joint meeting was to participate in training presented by representatives of the Illinois Chapter of the American Planning Association (APA) and titled "Citizen Planner Training".

Mr. Stan Popovich and Mr. Tom Farace gave the presentation. Following are the main topics covered by them.

Roles of the Commission Members

1. Role of the Commission
2. Role of Elected Officials
3. Role of the Planner/Staff
5. Examples of Related Commissions/Boards & Other Key People
6. Developer's Role and Perspective
7. Regional Planning Commission

Responsibilities of Commission Members

8. Commissioner Responsibilities
9. Items not Reviewed by Commission
10. Responsibilities of the Chair
11. Taking Testimony

Findings of Fact

12. Special/Conditional Uses
13. Variations

The Fine Print

14. Ex Parte Communications
15. Ethics & Conflict of Interest (conflicts should be disclosed on record)
16. Open Meetings Act (need quorum)

Tools of the Trade

17. Policy Planning
18. Comprehensive Plan (Ms. Noble noted that Yorkville's plan won the Daniel Burnham Award
19. Public Participation in Planning
20. Plan Implementation
21. Regulating Development
22. Zoning, Zoning Districts, Types of Zoning Approval, Keeping Zoning Current
23. Planned Development, Subdivisions, Subdivision Regulations
24. Annexation

Adjournment

As the training was completed and there was no other business, the meeting adjourned at 6:45pm on a motion by Mr. Williams and second by Mr. Millen. Unanimous vote to adjourn.

Respectfully submitted by
Marlys Young, Minute Taker

PLANNING & ZONING COMMISSION

City Council Chambers

651 Prairie Pointe Drive, Yorkville, IL

Wednesday, November 13, 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, Rusty Hyett-yes, Michael Crouch-yes, Greg Millen-yes, Marge Linnane-yes, Richard Vinyard-yes, Danny Williams-yes

City Staff

Krysti Barksdale-Noble, Community Development Director

Sara Mendez, Planner1

Megan Lamb, City Attorney

Lynn Dubajic Kellogg, City Consultant

Chris Funkhouser, Alderman

Other Guests

Chris Vitosh, Vitosh Reporting Service

Dan Kramer, Attorney

Clayton Marker, Marker Inc.

Andrew Bennett, via Zoom

Cesar Cruz, Abby Properties, via Zoom

Galaxy S22 (name unknown) via Zoom

Joey Weslo, *Kendall County Record*, via Zoom

Sash Dumanovic

Drew Daniels

John Tebrugge, Tebrugge Engineering

Mary & Don Bartalone, Kendall Marketplace

Joe Iovinelli, Manhard Consultants, via Zoom

Nathan Nelson

David & Debra McMaster, Fox Hill

Phil Czapar, Kylyn's Ridge

Jim Bock, Kylyn's Ridge

Araceli Maldonado Campbell, Fox Hill

Katelynn Phillips, YHS student

Mallory Taylor, YHS student

Nina Partida, YHS student

Madison Elrod, YHS student

Melanie Sandoval, YHS student

Diane Hanson, Fox Hill

Previous Meeting Minutes October 9, 2024

Motion by Danny Williams and second by Rusty Hyett to approve the minutes as presented. Roll call: Hyett-yes, Crouch-yes, Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes. Carried 7-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard stated there were 2 Public Hearings and he explained the order to be followed. He swore in those who would give testimony.

The Public Hearings were opened at 7:02pm, on a motion by Mr. Williams, seconded by Mr. Millen. Roll call: Crouch-yes, Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 7-0.

Chairman Vinyard read the descriptions of the Hearings as follows:

1. **PZC 2024-21 Marker Inc., the contract purchaser and petitioner, along with the United City of Yorkville, the property owner, have submitted applications to the City of Yorkville, Kendall County, Illinois. They are requesting an amendment to the Kendall Marketplace Planned Unit Development (PUD) Agreement and seeking preliminary and final PUD plan approval. The request aims to develop Heartland Meadows West, a mixed-use project featuring twenty (20) single-family residential lots for an active adult community and four (4) commercial outlots. The proposed underlying zoning designations are R-2 Single-Family Traditional Residential District for the residential area and B-3 General Retail District for the commercial area. The petitioner is also requesting deviations to the side and rear yard setbacks within the R-2 District. The subject property is located on the north side of Blackberry Shore Lane, between Northland Lane and Cannonball Trail, on an approximately 8.3-acre vacant parcel.**
2. **PZC 2024-26 Drew Daniels, on behalf of Daniels Malinski Yorkville Family, LLLP, petitioner/owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property consists of four (4) parcels totaling approximately 268.30 acres and is generally located at the northwest corner of West Veterans Parkway (US 34) and Beecher Road. The petitioner is requesting rezoning approval from R-1 Single Family Suburban Residential District to M-2 General Manufacturing District (contingent on approval of annexation by the City Council).**

*(See court reporter's transcripts of Public Hearings testimony)
(Petitioner responses to be included in the official transcript)*

The Public Hearings concluded at 7:17pm on a motion and second by Mr. Crouch and Mr. Williams, respectively. Roll call: Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes, Crouch-yes. Carried 7-0.

Unfinished Business None

New Business

3. PZC 2024-21 Marker Inc. (see full description in #1 above)

Ms. Noble presented a summary of this project and described the property. The residential lots are zoned R-2 and the commercial lots are B-3. Adjustments would be made to the setbacks by a decrease in the rear yard setback from 40 feet to 20 feet and side yard to 5 feet. Some of the front yard setbacks may be requested to be reduced from 25 feet to 20 feet. This is due to existing water main. The commercial lots will have shared parking and cross access with other Kendall Marketplace businesses. She commented on the buffering landscape and building materials. She said the fees for water and sanitary sewer will be locked for 5 years per the sales contract and school transition fees will be waived. Engineering and staff have reviewed. She said feedback was received from the Economic Development committee meeting on November 6 with recommendations about the setbacks for the homes and commercial lots. Staff prepared a list of conditions for the PUD amendment regarding deviations, bulk regulations, street design.

Attorney Kramer addressed the setbacks and said his client would meet the 30 foot setback for the commercial. It is not known at this time what use the commercial buildings will have.

The Commissioners cited safety concerns when discussing the parking in the residential area and they would be OK with no parking on the east side near the ballfield rather than no parking on the

west side. The orientation of lots 1 and 2 were also discussed and they also talked about the front setbacks being inconsistent with the others in the area.

The PUD standards and responses were also reviewed by Ms. Noble and they will be included in the record.

Action Item

PUD Amendment, Preliminary

Chairman Vinyard entertained a motion to approve the Findings of Fact and the petition PZC 2024-21 Heartland Meadows West. So moved by Mr. Williams and seconded by Mr. Hyett. Danny Williams read the motion as follows:

Motion: In consideration of testimony presented during a Public Hearing on November 13, 2024 and standards for Planned Unit Development Approval, the Planning and Zoning Commission recommends approval to the City Council of a request for an amendment to the Kendall Marketplace Planned Unit Development Agreement to develop Heartland Meadows West, a mixed-use project featuring twenty (20) single-family residential lots for an active adult community and four (4) commercial outlots with underlying zoning designations of R-2 Single-Family Traditional Residential District and B-3 General Retail District for an approximately 8.3 acre parcel located on the north side of Blackberry Shore Lane, between Northland Lane and Cannonball Trail, subject to the conditions enumerated in a staff memorandum dated November 5, 2024 and further subject to 30-foot building setbacks for the commercial lots.

Roll call: Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes, Crouch-yes, Millen-yes. Carried 7-0.

Action Item

Final PUD Plan Approval

Motion: The Planning and Zoning Commission recommends approval to the City Council of the Heartland Meadows West Preliminary Plat of Subdivision prepared by Dale Floyd Land Engineering and Heartland Meadows West Final PUD Plan prepared by Tebrugge Engineering and dated August 12, 2024, subject to new comments prepared by EEI, Inc. dated October 3, 2024 and subject to 30-foot building setbacks for the commercial outlots and further subject to 15-foot building setbacks for the residential lot 2.

Roll call: Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes, Crouch-yes, Millen-yes, Linnane-yes. Carried 7-0.

Citizen Jim Bock of Redtail Lane said his property backs up to the proposed development. He said there are multiple empty store fronts at Kendall Marketplace and he questioned the need for more commercial there, but he is fine with the additional homes. He said there is a detention pond to the north and he asked if the new development will dump into that retention or to the sewer system. Mr. Clayton Marker said drainage for the new development will flow into the Kendall Marketplace basin.

4. PZC 2024-26 Drew Daniels, on behalf of Daniels Malinski Yorkville Family, LLLP, Petitioner/Owner (See full description in #2 above)

Ms. Noble presented the background for this petition. She said they are seeking annexation and rezoning for 270 acres/4 parcels north of US 34 and adjacent to Kendall Marketplace. The current use is for farming. The Public Hearing for their annexation request was held the previous night at City Council and includes rezoning from ag to single family zoning, R-1, then a request to M-2 General Manufacturing. She said the annexation agreement will stay with the land for 20 years. The city attorney is looking at language sunsetting the clause for rezoning to reset to R-1 if nothing is done with the land. The petitioner held a discussion with local homeowners as requested by the Plan Council.

The standards and responses were reviewed by Ms. Noble and she also noted that discussions are underway for alignment of Beecher Rd. and will be discussed at the Public Works committee.

Action Item

Rezone

Chairman Vinyard entertained a motion to approve the Findings of Fact and petition 2024-26 Daniels Malinski Yorkville Family, LLLP. So moved by Mr. Williams and seconded by Ms. Linnane.

Motion: Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on November 13, 2024 and discussion of the Findings of Fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from R-1 Single-Family Residential to M-2 General Manufacturing District for a proposed future data center, contingent upon approval of annexation by the City Council, for a 270-acre property generally located just north of US 34 (Veterans Parkway), west of Beecher Road and Kendall Marketplace, and approximately 850 feet east of Eldamain Road. Roll call: Forristall-yes, Hyett-yes, Crouch-yes, Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes. Carried 7-0.

5. PZC 2024-27 Grande Reserve Units 18 & 25, the petitioner, Cesar Cruz on behalf of GR Yorkville Residents, LLC, owner, is seeking Final Plat approval for an approximately 22-acre site consisting of 164 new residential townhome lots and four (4) open space outlots located north of the BNSF railroad and east of Tuscany Trail in Yorkville.

Ms. Noble described the property. She added that some updates to architectural standards were made and described the building materials to be used. Staff and EDC offered feedback on architectural design materials which were incorporated. The petitioner said it is more modern and sleek look. The Final Plats are in compliance and EEI has recommended approval. This property was initially annexed in 2003 and minor density adjustments were made. The HOA will be responsible for cul-de-sac maintenance.

Action Item

Final Plat

There was no discussion from the the Commissioners and Chairman Vinyard entertained a motion of approval for PZC 2024-27 Grande Reserve Unit 18 & 25. Moved and seconded by Mr. Williams and Mr. Hyett, respectively.

Motion read by Mr. Williams as follows: In consideration of the proposed Final Plat of Subdivision of Grande Reserve Units 18 and 25, the Planning and Zoning Commission recommends approval of the plats and architectural elevations to the City Council as presented by the Petitioner in plans prepared by Manhard Consulting, Ltd. dated last revised 9-18-24. Roll call: Forristall-yes, Hyett-yes, Crouch-yes, Millen-yes, Vinyard-yes, Williams-yes, Linnane-yes. Carried 7-0.

6. PZC 2024-28 Grande Reserve Unit 21, the petitioner, Cesar Cruz on behalf of GR Yorkville Residents, LLC, owner, is seeking Final Plat Approval for an approximately 10-acre site consisting of 60 new residential duplex dwelling units on 30 lots located west of the intersection of Crooker Drive and Brady Street in Yorkville.

Staff report was given by Ms. Noble and she described the property noting that this development will complete this neighborhood. This was annexed in 2003 as part of the original Grande Reserve PUD and the density is slightly less than originally planned. The design meets the

appearance code and the developer did incorporate some suggestions by staff. There was no discussion.

Action Item

Final Plat

Moved by Mr. Williams and seconded by Mr. Hyett to approve PZC 2024-28 Grande Reserve Unit 21.

Motion was read by Mr. Williams as follows: In consideration of the proposed Final Plat of Subdivision of Grande Reserve Unit 21, the Planning and Zoning Commission recommends approval of the plat and architectural elevations to the City Council as presented by the Petitioner in plans prepared by Manhard Consulting, Ltd. dated last revised 2-7-24.

Roll call: Forristall-yes, Hyett-yes, Crouch-yes, Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes. Carried 7-0.

Additional Business

1. City Council Action Updates

a. PZC 2024-19 Steve Weber on Behalf of PTS Corp.

Ms. Noble stated their recent application for a cannabis dispensary was withdrawn.

b. PZC 2024-23 Kendall County Petition 24-26 Timothy Tremain

The 1.5 Mile Review Petition was approved.

c. PZC 2024-24 Kendall County Petition 24-27, Steve W. Jeffers

The 1.5 Mile Review Petition was approved.

Adjournment

There was no further business and the meeting was adjourned at 8:18pm on a motion by Mr. Williams and second by Mr. Hyett. 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, November 13, 2024
7:00 p.m.

PRESENT:

Mr. Rich Vinyard, Chairman,
Mr. Danny Williams,
Mr. Greg Millen,
Mr. Rusty Hyett.
Mr. Ryan Forristall,
Ms. Marge Linane,
Mr. Michael Crouch.

ALSO PRESENT:

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

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1 APPEARANCES:

2 OTTOSEN, DiNOLFO, HASENBALG & CASTALDO,
3 LTD.

4 BY: MS. MEGAN LAMB
1804 North Naper Boulevard, Suite 350
Naperville, Illinois 60563
5 (630) 682-0085

6 appeared on behalf of the United City of
Yorkville;

7 LAW OFFICES OF DANIEL J. KRAMER,
8 By: DANIEL J. KRAMER,
1107A South Bridge Street
Yorkville, Illinois 60560
9 (630) 553-9500

10 appeared on behalf of Heartland
11 Development, LLC.

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I N D E X

WITNESS:

PAGE:

DANIEL J. KRAMER

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SASH DUMANOVIC

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DREW DANIELS

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MARY MAHER BARTALONE

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1 (WHEREUPON, the following
2 proceedings were had in public
3 hearing, commencing at 7:03 p.m.:)

4 CHAIRMAN VINYARD: We are in the public
5 hearings. There are two public hearings
6 scheduled for tonight's Planning and Zoning
7 Commission meeting.

8 The purpose of the hearing is to
9 invite testimony from members of the public
10 regarding the proposed requests that are being
11 considered before this Commission tonight.

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

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

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

24 (Witnesses sworn.)

1 CHAIRMAN VINYARD: Okay. So the order
2 for receiving testimony will be as follows:
3 First we're going to start with the petitioner
4 presentation, followed by those who wish to speak
5 in favor of the request, followed by those who
6 wish to speak in opposition of the request.

7 So may I have a motion to open the
8 public hearing on Petition Number PZC 2024-21,
9 Marker, Incorporated, requesting PUD agreement
10 amendments, preliminary and final PUD plan
11 approval, and PZC 2024-26, Daniels Malinski
12 Yorkville Family, LLP, requesting rezoning
13 approval?

14 MR. WILLIAMS: So moved.

15 MR. MILLEN: Second.

16 CHAIRMAN VINYARD: Roll call on the
17 motion.

18 MS. YOUNG: Yes. Crouch.

19 MR. CROUCH: Yes.

20 MS. YOUNG: Millen.

21 MR. MILLEN: Yes.

22 MS. YOUNG: Linane.

23 MS. LINANE: Yes.

24 MS. YOUNG: Vinyard.

1 CHAIRMAN VINYARD: Yes.

2 MS. YOUNG: Williams.

3 MR. WILLIAMS: Yes.

4 MS. YOUNG: Forristall.

5 MR. FORRISTALL: Yes.

6 MS. YOUNG: And Hyett.

7 MR. HYETT: Yes.

8 CHAIRMAN VINYARD: Okay. Very good. So
9 the first public hearing up for discussion
10 tonight is PZC 2024-21, Marker Incorp., the
11 contract purchaser and petitioner, along with the
12 United City of Yorkville, the property owner,
13 have submitted applications to the City of
14 Yorkville, Kendall County, Illinois.

15 They are requesting an amendment to
16 the Kendall Marketplace Planned Unit Development
17 Agreement and seeking preliminary and final PUD
18 plan approval.

19 The request aims to develop
20 Heartland Meadows West, a mixed use project
21 featuring 20 single-family residential lots for
22 an active adult community and four commercial
23 outlots.

24 The proposed underlying zoning

1 designations are R-2 Single-Family Traditional
2 Residential District for the residential area and
3 B-3 General Retail District for the commercial
4 area.

5 The petitioner is also requesting
6 deviations to the side and rear yard setbacks
7 within the R-2 District.

8 The subject property is located on
9 the north side of Blackberry Shore Lane between
10 Northland Lane and Cannonball Trail on an
11 approximately 8.3-acre vacant parcel.

12 Is the petitioner for PZC 2024-21
13 prepared to make a presentation?

14 MR. KRAMER: We are.

15 CHAIRMAN VINYARD: Please, sir.

16 DANIEL J. KRAMER,
17 having been first duly sworn, testified from the
18 podium as follows:

19 MR. KRAMER: Thank you. Good evening.
20 My name is Daniel J. Kramer. I am an attorney
21 licensed to practice law in the state of
22 Illinois. My address is 1107A South Bridge
23 Street, Yorkville, Illinois, and I represent
24 Heartland Development, LLC, as you mentioned in

1 reading the introduction, who is the contract
2 purchaser of the property.

3 I also have with me tonight in case
4 there is questions that I can't answer, and I am
5 certainly no engineer, we have our engineer, John
6 Tebrugge in the blue sweater and we have Clayton
7 Marker, the young lad here in the corner in
8 front, who is one of the principals of the
9 petitioner.

10 This property became available when
11 the City decided it was surplus property in the
12 past year or so. The City had it appraised and
13 they have had feelers out seeing if anybody was
14 interested for quite some time, and, as I
15 understand it, the Marker Group at Heartland
16 Development was the only people that submitted a
17 written offer, which was accepted by the City
18 Council.

19 The contract is contingent upon the
20 developer getting approval of the plan that you
21 see behind you, and we tried to stay faithful to
22 the zoning classes that were in place, simply
23 moved them around and designed what we think is a
24 high-end development for the city.

1 The Markers, as you know, or most of
2 you probably know, over on Freemont Street by
3 St. Patrick's Catholic Church have done a
4 55-and-over active adult community, and that's
5 exactly what they are proposing to do on the 20
6 single-family lots, so it's a good thing for the
7 city, you keep your seniors in the city, doesn't
8 throw any kids in the school district.

9 They still pay land cash for both
10 the parks and the schools even though they are
11 not kicking kids in, but they don't pay impact
12 fees because, again, other than a short period of
13 visitation, it's the one time the federal
14 government allows discrimination in housing that
15 you can have active adults 55 and older.

16 The four commercial lots back up to
17 Blackberry Shore Lane. We think that's a good
18 buffer for the single family, and it also allows
19 the opportunity to become a very walkable
20 community.

21 You've got Kendall Marketplace out
22 there with Target, you've got other stores,
23 Kohl's, and the smaller users out there.

24 It wouldn't surprise me terribly

1 from what we've done in other communities,
2 Sandwich, Oswego, Montgomery, that some of those
3 buildings would be medical related frankly, not
4 that people my age always need doctors, but we
5 need them more than the young folks, and that's
6 just a natural if you've got a walkable
7 community, plus the retail next door.

8 We've had extensive staff
9 reviewing and planning council that Krysti or
10 Sara will tell you about when it's staff's
11 presentation.

12 We have met with the EDC committee
13 and have gotten recommendations from them, as
14 well as staff, and that consists of four members
15 of the City Council, and so this is the time for
16 the public, if they have comments, to weigh in.

17 I won't drone on any further, and we
18 will see what comments are for and against, and
19 if you want us to get back up in a public hearing
20 or the work session where you actually consider
21 for a vote, we will be happy to.

22 Thank you.

23 CHAIRMAN VINYARD: Thank you. Okay. Is
24 there anyone present who wishes to speak in favor

1 of the request?

2 (No response.)

3 CHAIRMAN VINYARD: Anybody?

4 (No response.)

5 CHAIRMAN VINYARD: Okay. Is there
6 anyone present who wishes to speak in opposition
7 of the request?

8 (No response.)

9 CHAIRMAN VINYARD: No one wants to speak
10 tonight? Okay.

11 (No response.)

12 CHAIRMAN VINYARD: Are there any
13 questions from the commissioners for the
14 petitioner?

15 (No response.)

16 CHAIRMAN VINYARD: Anybody? Nothing?
17 Okay.

18 (No response.)

19 MR. DUMANOVIC: Take questions from the
20 public?

21 CHAIRMAN VINYARD: Yeah, that's what I
22 was just asking.

23 MR. DUMANOVIC: I'm not --

24 MS. LAMB: Sir, Chair, can you swear

1 him?

2 CHAIRMAN VINYARD: Yeah, that was --
3 that's why I asked. Would you like to speak?

4 MR. DUMANOVIC: I didn't plan on it, but
5 yes, I can be sworn, that's fine.

6 CHAIRMAN VINYARD: Okay. All right.
7 Please, would you go ahead and stand up?

8 MR. KRAMER: You should be sworn, too.
9 You weren't in here before.

10 (Witnesses duly sworn.)

11 CHAIRMAN VINYARD: All right. Thank
12 you. You guys may be seated. Okay. So let's go
13 back to this.

14 Is there anyone present who wishes
15 to speak in opposition of the request?

16 (No response.)

17 CHAIRMAN VINYARD: Okay. You have no
18 questions from the commissioners, correct?

19 (No response.)

20 CHAIRMAN VINYARD: Very good.
21 Petitioner, you would like to have your responses
22 to the standards entered into public record,
23 correct?

24 MR. KRAMER: Sure.

1 CHAIRMAN VINYARD: Very good.

2 MR. KRAMER: And if this gentleman would
3 like to get up and speak, we'll see if he has
4 questions.

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

8 MR. DUMANOVIC: Yes, I have a question.
9 So is that at the --

10 CHAIRMAN VINYARD: Yes.

11 MR. DUMANOVIC: Okay. Fair enough. The
12 question was are we for or against. I don't know
13 yet, you know, what if -- I need more
14 information. I need to hear pros and cons and
15 everything.

16 So where do I present my questions
17 as we go?

18 CHAIRMAN VINYARD: So what are your
19 questions right now, do you have about the -- And
20 could you state your name for us just for the
21 record?

22 MR. DUMANOVIC: Sash Dumanovic.

23 CHAIRMAN VINYARD: Okay. What are your
24 biggest concerns and thoughts right now? What

1 other pieces of information would you like?

2 MR. DUMANOVIC: I live on the detention
3 pond across the way there.

4 CHAIRMAN VINYARD: Okay.

5 MR. DUMANOVIC: I think it's a terrific
6 concept and a good start to a plan. I am
7 concerned as a neighbor, you know, nearby of the
8 density, of the commercial aspect, that it's
9 going to make the neighborhood look a little
10 different. You know, I could go on, you know, a
11 little bit, but I won't belabor those points,
12 so --

13 CHAIRMAN VINYARD: Sure.

14 MR. DUMANOVIC: -- again, I've read the
15 full packet, I've looked through it to my best
16 ability, but as we go, I still may have
17 questions.

18 CHAIRMAN VINYARD: Sure.

19 MR. DUMANOVIC: So when -- you know, do
20 I come up here each and every time I have a
21 question?

22 CHAIRMAN VINYARD: We can have that
23 addressed when you do have a question.

24 MR. DUMANOVIC: Fair enough.

1 CHAIRMAN VINYARD: Fair enough?

2 MR. DUMANOVIC: Yes. Thank you.

3 CHAIRMAN VINYARD: Okay. Very good. So
4 he wants his standards put in there.

5 So the second public hearing up for
6 tonight's discussion is PZC 2024-26, Drew Daniels
7 on behalf of Daniels Malinski Yorkville Family,
8 LLLP, petitioner/owner, has filed an application
9 with the United City of Yorkville, Kendall
10 County, Illinois, requesting rezoning
11 classification.

12 The real property consists of four
13 parcels totaling approximately 268.30 acres and
14 is generally located at the northwest corner of
15 Veterans Parkway, U.S. 34 and Beecher Road.

16 The petitioner is requesting
17 rezoning approval from R-1 Single-Family Suburban
18 Residential District to M-2 General Manufacturing
19 District.

20 So is the petitioner for PZC
21 2024-26, Daniels Malinski Yorkville Family, LLLP,
22 present and prepared to make its presentation
23 for --

24 MR. DANIELS: Yes.

1 CHAIRMAN VINYARD: -- their proposed
2 request?

3 MR. DANIELS: Yes.

4 CHAIRMAN VINYARD: Please, sir.

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

8 MR. DANIELS: Hi there. I am Drew
9 Daniels. I represent the Daniels Malinski
10 Yorkville Family, LLLP.

11 This is a property that my family
12 and I have owned for over 50 years now, and as
13 you all know, it's been -- it's been farmed all
14 those years.

15 It has been in unincorporated
16 Kendall County, and what we have -- what we have
17 moved here -- what we are here tonight for is for
18 the annexation and rezoning of the property, so
19 when you -- right now it's currently zoned
20 agricultural, but when we annex into a new town,
21 the zoning automatically goes down to an R-1, so
22 what we are requesting here is we'd like to
23 change the R-1 that we are annexing into M-2, and
24 that is specifically for what is going on in the

1 area that everyone is obviously so familiar with,
2 which is especially just to the north with that
3 ComEd substation and directly almost to the
4 north is the CyrusOne property that was zoned
5 recently.

6 So, you know, there is not much to
7 say about the property other than about one-third
8 of it is west of the creek, two-thirds is east of
9 the creek, and that's about it. That's it for
10 now.

11 CHAIRMAN VINYARD: Thank you.

12 MR. DANIELS: Yeah.

13 CHAIRMAN VINYARD: Is there anyone
14 present who wishes to speak in favor of this
15 request?

16 (No response.)

17 CHAIRMAN VINYARD: Is there anyone
18 present who wishes to speak in opposition of this
19 request?

20 Please, could you stand up and state
21 your name?

22 MS. BARTALONE: Mary Maher Bartalone.

23 CHAIRMAN VINYARD: Could you sign in at
24 the podium when he is done?

1 MS. BARTALONE: I will.

2 CHAIRMAN VINYARD: Thank you.

3 MARY MAHER BARTALONE,
4 having been first duly sworn, testified from the
5 podium as follows:

6 MS. BARTALONE: Okay. My name is Mary
7 Maher Bartalone. I kind of wear two hats here; I
8 am a property owner immediately adjacent to the
9 eastern edge of that -- of the M-2 zoning
10 proposition land, but also I am the Bristol
11 Township assessor, so I guess I come in here in
12 favor on one hand because we really do need a
13 lot more assessed value in this like aggregate
14 form. It will help with the property taxes in
15 the long run getting this kind of property value
16 added.

17 I do also understand that it's sort
18 of the future of the corridor of Eldamain Road
19 for these data farms to be built, but I look at
20 this piece of property and I am opposed to M-2
21 zoning at this very moment only because it's so
22 far down the line.

23 From what I understand it's five to
24 ten years before this development may happen, and

1 I don't understand or support why you would grant
2 the zoning now because it could be -- they are
3 saying right now it could be a data farm, but
4 what if it could be some -- like what if someone
5 gets another opportunity and then you are looking
6 at maybe a manufacturing plant?

7 Well, how are you going to stop it
8 when you have already granted the M-2 zoning? So
9 that's for example.

10 Another point is this property was
11 from what I understand originally supposed to a
12 commercial belt property, so I guess that's just
13 fallen by the wayside, but I just kind of wonder
14 why that wouldn't still be a consideration for
15 the future.

16 If you look at Route 34 and how it
17 is as you go, it is a mix of commercial and
18 residential, and so now we are talking about
19 70-foot high buildings being constructed right
20 along, you know, a busy thoroughfare that is
21 surrounded by residential properties both to the
22 south and to the east, and also a commercial
23 property, so it just kind of seems like -- I
24 don't know.

1 And then my other direct question
2 that I have is how is the extension of Beecher
3 Road planned? I would like to know that.

4 From what I understand, that was
5 imminent how that was going to be extended
6 because what I saw a picture of put the road up
7 against my property line, so -- which I would
8 obviously not be happy about.

9 CHAIRMAN VINYARD: Okay.

10 MS. BARTALONE: All right. That's it.

11 CHAIRMAN VINYARD: Very good. Thank you
12 so much.

13 MS. BARTALONE: Thank you.

14 CHAIRMAN VINYARD: Are there any
15 questions from the commissioners for the
16 petitioner?

17 (No response.)

18 CHAIRMAN VINYARD: Okay. Would you guys
19 like your responses to the standards entered into
20 the public record?

21 MR. DANIELS: Sure.

22 CHAIRMAN VINYARD: Okay. Very good.
23 All right. So this is going to be the conclusion
24 of the public hearing.

1 Since all public testimony regarding
2 these petitions has been taken, may I have a
3 motion to close the taking of testimony of these
4 public hearings?

5 MR. WILLIAMS: So moved.

6 MR. CROUCH: So moved.

7 MR. WILLIAMS: Second.

8 CHAIRMAN VINYARD: All right. Very
9 good. Roll call vote on the motion, please.

10 MS. YOUNG: Yes. Millen.

11 MR. MILLEN: Yes.

12 MS. YOUNG: Linane.

13 MS. LINANE: Yes.

14 MS. YOUNG: Vinyard.

15 CHAIRMAN VINYARD: Yes.

16 MS. YOUNG: Williams.

17 MR. WILLIAMS: Yes.

18 MS. YOUNG: Forristall.

19 MR. FORRISTALL: Yes.

20 MS. YOUNG: Hyett.

21 MR. HYETT: Yes.

22 MS. YOUNG: And Crouch.

23 MR. CROUCH: Yes.

24 CHAIRMAN VINYARD: Okay. The public

1 hearing portion of tonight's meeting is now
2 closed.

3 (Which were all the proceedings had
4 in the public hearing portion of
5 the meeting, concluding at 7:19
6 p.m.)

7 ---o0o---

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

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

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

10 That the foregoing public hearing
11 transcript, Pages 1 through 25, was reported
12 stenographically by me by means of machine
13 shorthand, was simultaneously reduced to
14 typewriting via computer-aided transcription
15 under my personal direction, and constitutes a
16 true record of the testimony given and the
17 proceedings had;

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

20 That I am not a relative or employee or
21 attorney or counsel, nor a relative or employee
22 of such attorney or counsel for any of the
23 parties hereto, nor interested directly or
24 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 20th day of
9 November, 2024.

10
11
12 /s/ Christine M. Vitosh

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

To: Planning and Zoning Commission
From: Sara Mendez, Planner I
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: December 4, 2024
Subject: **PZC 2024-25** UDO Chapter 5 Development Standards (Fences)

SUMMARY:

A request to amend Section 10-5-5. Fences in the Unified Development Ordinance regarding the permitted materials for fences in the City's residential districts. The proposed amendment would allow for vinyl coated chain-link fences to be a permitted material in residential districts, where now vinyl coated-chain link fences are solely permitted in the rear and side yard only on properties in nonresidential districts.

BACKGROUND:

The City's Community Development Department has been receiving several inquiries from residents requesting vinyl coated chain link be a permitted fence material on their property. However, due to the City's current standards, the vinyl coated chain link material is not permitted.

In the City's 2015 Zoning Ordinance, vinyl coated chain link was listed as an acceptable material for fences on residential properties in the rear and side yard only. Therefore, residents are strongly urging the City to consider reverting the ordinance back to allow vinyl coated chain link be listed as an acceptable fence material in the rear and side yard of their properties. Below is an image of the 2015 Zoning Ordinance showing the list of permitted materials in residential districts.

Chapter 17: Fencing and Screening

E. Regulations for Residential Districts

1. Height

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances fences shall not exceed the maximum height as listed in Table 10.17.01.

| Table 10.17.01 Residential District Fence Heights | |
|--|---|
| Yard | Maximum Height |
| Front Yard | 3 Feet 4 Feet if at a maximum 50% opacity |
| Interior Side Yard | 6 Feet 8 Feet if adjacent to a non-residential use |
| Corner Side Yard | 3 Feet 4 Feet if at a maximum 50% opacity |
| Rear Yard | 6 Feet 8 Feet if adjacent to a non-residential use |

2. Materials

The following materials are acceptable for any residential district fence:

- Stone
- Brick
- Natural Rot Resistant Wood (Cedar, Cypress, Redwood)
- Cast or Wrought Iron
- Plastic
- Aluminum
- Composite Wood and Plastic
- Vinyl Coated Chain Link (rear and side yard only)

3. These materials are an example of acceptable fencing. The Community Development Director has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.

In the summer of 2019, the City began updating its zoning and development controls to make them more user-friendly, modern, and aligned with the community's vision for the future, as outlined in the 2016

Comprehensive Plan. To support this effort, the Unified Development Ordinance (UDO) Advisory Committee was formed to provide guidance and ensure that the project aligned with Yorkville’s vision and goals. Members of the UDO Advisory Committee were appointed by the Mayor and City Council. The table below display the five members of the UDO Advisory Committee.

| Name | Title |
|-------------------------|--|
| Chris Funkhouser | Public Safety, Alderman |
| Daniel Transier | Alderman |
| Debra Horaz | PZC, White Oaks Homeowners Association |
| Jeff Olson | PZC, Construction |
| David Schultz | Resident, Engineer, HR Green |

During the December 9, 2021, UDO Advisory Committee meeting, the committee reviewed Chapter 5 Development Standards, which included regulations on fences. The committee unanimously agreed that plastic-coated or plastic strip chain link fences should not be allowed in residential areas, but existing fences using these materials would be grandfathered in until replacement was necessary. Per the meeting minutes, *“The committee discussed the use of galvanized chain link fences in residential, commercial, and industrial areas. Plastic coating or plastic strips could be used in the fence in certain applications. They unanimously decided those fences should not be allowed in residential areas. If they are already present, the fence will be grandfathered in until it must be replaced. They also agreed to leave the height at 6 feet for a fence on a corner lot.”* Therefore, vinyl coated chain link was removed as a permitted material in residential districts and changed to only be allowed in rear and side yards only on properties in nonresidential districts. With the changes of the fencing materials allowed in residential area included, the City adopted the updated Unified Development Ordinance in January 2024.

Due to the influx of requests made by residents and residents noting vinyl coated chain link fences used to be approved by the city, Staff is requesting to amend Section 10-5-5. Fences in the Unified Development Ordinance, to be reverted to the City’s 2015 Zoning Ordinance where vinyl coated chain link are a permitted material in the rear and side yard only on residential properties.

PROPOSED TEXT AMENDMENT:

Staff is proposing to amend Section 10-5-5. Fences in the Unified Development Ordinance (UDO) related to materials permitted in residential districts. The following is a summary of the proposed amendments:

A. Regulations for All Zoning Districts.

1. Fences thirty-six (36) inches or more in height require a building permit.
2. All fences must be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
3. No more than two (2) different types of fencing material are permitted per lot.
4. **Materials.** The materials listed below are acceptable for a fence in any district unless specific districts are specified in in this subsection. These materials are an example of acceptable fencing.

The Zoning Administrator has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.

- a. Stone,
- b. Brick,
- c. Natural rot resistant wood (cedar, cyprus, redwood),
- d. Cast or wrought iron,
- e. Plastic,
- f. Aluminum,
- g. Composite wood and plastic,
- h. Vinyl coated chain-link (rear and side yard only in all zoning districts ~~on properties in nonresidential districts~~).
- i. Galvanized chain-link (only on M-1 or M-2 properties adjacent to other M-1 or M-2 property).

B. Placement.

1. Fences may be built up to the property line but shall not extend beyond the front plane of the primary building facade in residential and business districts and must be located entirely on the property of the owner constructing it.
2. Fences may be constructed within an easement, though future work within the easement may result in the removal of the fence. Fences are not allowed in some types of restricted easements, such as those dedicated for landscape, sidewalks, trails, access or where otherwise limited by an easement document.
3. The property owner is responsible for locating property lines, prior to the installation of the fence.
4. Fences, walls, or hedges shall not encroach on any public right-of-way.
5. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of stormwater.
6. All solid fences, walls, hedges, or shrubberies which exceed three (3) feet above the street grade shall comply with the vision clearance standards of Section ~~10-5-6~~ of this title.

C. Prohibited Fences.

1. Fences or enclosures charged with or designed to be charged with electrical current are prohibited, except for underground dog fences.
2. Any fence made of, in whole or in part, cloth, canvas or other like material is prohibited.
3. No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items as determined by the Zoning Administrator.

- D. Height.** Except as otherwise permitted in this title, annexation agreements, planned unit developments or any other development related agreements or ordinances, fences shall not exceed the maximum height as listed in Table 10-5-5(D) of this section.

| Table 10-5-5(D) Fence Height Standards | | | | |
|--|-------------------------|------------------|---------------------|---------------------|
| District/Use | Maximum Height per Yard | | | |
| | Front Yard | Corner Side Yard | Interior Side Yard | Rear Yard |
| Residential Districts | 3 feet ¹ | 6 feet | 6 feet ² | 6 feet ² |
| Business Districts | 3 feet ¹ | 6 feet | 6 feet ² | 6 feet ² |
| Manufacturing District | 8 feet | 8 feet | 8 feet | 8 feet |
| Public Uses and Utilities | 8 feet | 8 feet | 8 feet | 8 feet |
| Notes: | | | | |
| <ol style="list-style-type: none"> 1. Fence may be a maximum of four (4) feet in height if opacity does not exceed fifty (50) percent. 2. Fence may be a maximum of eight (8) feet in height if in height if in a residential district and adjacent to a nonresidential use or in a business district and adjacent to a residential use. | | | | |

STAFF COMMENTS:

Staff supports the proposed text amendment to the Fence Standards in the Unified Development Ordinance, as it addresses ongoing resident requests to revert to the City's 2015 Zoning Ordinance standards. Additionally, allowing vinyl-coated chain link fences in the rear and side yards of residential districts will not impact the public health, safety, or general welfare of City residents. This text amendment request will be brought to City Council on January 14, 2024.

As currently written, the provision in the UDO may seem ambiguous to residents and staff, leading to potential misinterpretation that vinyl-coated chain link fencing is allowed in all residential yards and only in the rear and side yards for non-residential properties. If the proposed text amendment is not approved, staff suggests adding language to clarify this ambiguity.

PROPOSED MOTION:

In consideration of testimony presented during a Public Hearing on December 11, 2024 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council of a request to amend Section 10-5-5 Fences in the Unified Development Ordinance to allow vinyl coated chain link be listed as an acceptable fence material in the rear and side yard only in all zoning district as presented in a staff memorandum dated December 4, 2024 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments

1. Draft Approving Ordinance
2. Proposed redlined amendments to Section 10-5-5 Fences in the Unified Development Ordinance
3. Page 123 of 2015 Zoning Ordinance
4. Public Hearing Notice

Ordinance No. 2024-_____

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
APPROVING AN AMENDMENT TO THE YORKVILLE UNIFIED DEVELOPMENT
ORDINANCE REGARDING FENCE STANDARDS**

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

WHEREAS, pursuant to Section 10-8-11 of the United City of Yorkville Unified Development Ordinance (“UDO”) the City may initiate amendments to the Zoning Ordinance; and

WHEREAS, the City filed a request seeking an amendment to the UDO to permit vinyl coated chain link fences on residential properties; and

WHEREAS, the Planning and Zoning Commission convened and held a public hearing on December 11, 2024 to consider the request and forward a recommendation to the City Council to approve the requested text amendment.

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

Section 1. That the above recitals are hereby incorporated and made a part of this Ordinance.

Section 2. That Section 10-5-5 Fences of the United City of Yorkville Unified Development Ordinance, specifically 10-5-5(A)(4)(h) regarding vinyl coated chain-link fences, is hereby amended as attached hereto and made a part hereof as *Exhibit A*.

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

[Remainder of page intentionally left blank. Roll call vote follows.]

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this
____ day of _____, A.D. 2024.

CITY CLERK

KEN KOCH _____

DAN TRANSIER _____

ARDEN JOE PLOCHER _____

CRAIG SOLING _____

CHRIS FUNKHOUSER _____

MATT MAREK _____

SEAVER TARULIS _____

RUSTY CORNEILS _____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois
this ____ day of _____, A.D. 2024.

MAYOR

Attest:

CITY CLERK

10-5-5. Fences

A. Regulations for All Zoning Districts.

1. Fences thirty-six (36) inches or more in height require a building permit.
2. All fences must be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
3. No more than two (2) different types of fencing material are permitted per lot.
4. **Materials.** The materials listed below are acceptable for a fence in any district unless specific districts are specified in this subsection. These materials are an example of acceptable fencing. The Zoning Administrator has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.
 - a. Stone,
 - b. Brick,
 - c. Natural rot resistant wood (cedar, cyprus, redwood),
 - d. Cast or wrought iron,
 - e. Plastic,
 - f. Aluminum,
 - g. Composite wood and plastic,
 - h. Vinyl coated chain-link (rear and side yard only ~~in all zoning districts on properties in nonresidential districts~~).
 - i. Galvanized chain-link (only on M-1 or M-2 properties adjacent to other M-1 or M-2 property).

B. Placement.

1. Fences may be built up to the property line but shall not extend beyond the front plane of the primary building facade in residential and business districts and must be located entirely on the property of the owner constructing it.
2. Fences may be constructed within an easement, though future work within the easement may result in the removal of the fence. Fences are not allowed in some types of restricted easements, such as those dedicated for landscape, sidewalks, trails, access or where otherwise limited by an easement document.
3. The property owner is responsible for locating property lines, prior to the installation of the fence.
4. Fences, walls, or hedges shall not encroach on any public right-of-way.
5. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of stormwater.
6. All solid fences, walls, hedges, or shrubberies which exceed three (3) feet above the street grade shall comply with the vision clearance standards of Section 10-5-6 of this title.

C. Prohibited Fences.

1. Fences or enclosures charged with or designed to be charged with electrical current are prohibited, except for underground dog fences.
2. Any fence made of, in whole or in part, cloth, canvas or other like material is prohibited.

3. No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items as determined by the Zoning Administrator.
- D. **Height.** Except as otherwise permitted in this title, annexation agreements, planned unit developments or any other development related agreements or ordinances, fences shall not exceed the maximum height as listed in Table 10-5-5(D) of this section.

| Table 10-5-5(D) Fence Height Standards | | | | |
|--|-------------------------|------------------|---------------------|---------------------|
| District/Use | Maximum Height per Yard | | | |
| | Front Yard | Corner Side Yard | Interior Side Yard | Rear Yard |
| Residential Districts | 3 feet ¹ | 6 feet | 6 feet ² | 6 feet ² |
| Business Districts | 3 feet ¹ | 6 feet | 6 feet ² | 6 feet ² |
| Manufacturing District | 8 feet | 8 feet | 8 feet | 8 feet |
| Public Uses and Utilities | 8 feet | 8 feet | 8 feet | 8 feet |
| Notes: | | | | |
| 1. Fence may be a maximum of four (4) feet in height if opacity does not exceed fifty (50) percent. | | | | |
| 2. Fence may be a maximum of eight (8) feet in height if in a residential district and adjacent to a nonresidential use or in a business district and adjacent to a residential use. | | | | |

E. Regulations for Residential Districts**1. Height**

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances fences shall not exceed the maximum height as listed in Table 10.17.01.

| Table 10.17.01 Residential District Fence Heights | |
|--|---|
| Yard | Maximum Height |
| Front Yard | 3 Feet 4 Feet if at a maximum 50% opacity |
| Interior Side Yard | 6 Feet 8 Feet if adjacent to a non-residential use |
| Corner Side Yard | 3 Feet 4 Feet if at a maximum 50% opacity |
| Rear Yard | 6 Feet 8 Feet if adjacent to a non-residential use |

2. Materials

The following materials are acceptable for any residential district fence:

- Stone
- Brick
- Natural Rot Resistant Wood (Cedar, Cyprus, Redwood)
- Cast or Wrought Iron
- Plastic
- Aluminum
- Composite Wood and Plastic
- Vinyl Coated Chain Link (rear and side yard only)

3. These materials are an example of acceptable fencing. The Community Development Director has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.

F. Regulations for Business Districts**1. Height**

Except as otherwise permitted in this ordinance, annexation agreements, Planned Unit Developments or any other development related agreements or Ordinances fences shall not exceed the maximum height as listed in Table 10.17.02.

| Table 10.17.02 Business District Fence Heights | |
|---|---|
| Yard | Maximum Height |
| Front Yard | 3 Feet 4 Feet if at least 50% opacity |
| Interior Side Yard | 6 Feet 8 Feet if adjacent to a residential use |
| Corner Side Yard | 3 Feet 4 Feet if at least 50% opacity |
| Rear Yard | 6 Feet 8 Feet if adjacent to a residential use |

2. Materials

The following materials are acceptable for any business district fence:

- Stone
- Brick
- Natural Rot Resistant Wood (Cedar, Cyprus, Redwood)
- Cast or Wrought Iron
- Plastic
- Aluminum
- Composite Wood and Plastic
- Vinyl Coated Chain Link (rear and side yard only)

3. These materials are an example of acceptable fencing. The Community Development Director has the right to approve similar materials not listed as long as they are consistent with the surrounding land use.

PUBLIC NOTICE OF A HEARING BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2024-25

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission of the United City of Yorkville will conduct a public hearing on **December 11, 2024 at 7:00PM** at the Yorkville City Hall, 651 Prairie Pointe Drive, Yorkville, Illinois, regarding an amendment to Chapter 5. Development Standards specifically fences within the United City of Yorkville's Unified Development Ordinance.

The proposed text amendment will allow vinyl coated chain link fence material in residential districts.

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

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 651 Prairie Pointe Drive, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

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

JORI BEHLAND
City Clerk



Memorandum

To: Planning and Zoning Commission
From: Jori Behland, City Clerk
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: December 3, 2024
Subject: Planning and Zoning Commission Meeting Schedule for 2025

Summary

Proposed 2025 meeting schedule for the Planning and Zoning Commission.

Meeting Schedule for 2025

For 2025, 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 8, 2025
- February 12, 2025
- March 12, 2025
- April 9, 2025
- May 14, 2025
- June 11, 2025
- July 9, 2025
- August 13, 2025
- September 10, 2025
- October 8, 2025
- November 12, 2025
- December 10, 2025

Recommendation

Staff recommends review of the proposed meeting dates and time so that a meeting schedule can be finalized for 2025.

January

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

February

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | |

March

| S | M | T | W | T | F | S |
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

April

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| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | | | |

May

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| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

June

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| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | | | | | |

July

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
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| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

August

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| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

September

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
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| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

October

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| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

November

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| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

December

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |