

PLANNING & ZONING COMMISSION

City Council Chambers

651 Prairie Pointe Drive, Yorkville, IL

Wednesday, December 11, 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

Rusty Hyett-yes, Michael Crouch-yes, Marge Linnane-yes, Richard Vinyard-yes, Ryan Forristall-yes

Absent: Danny Williams

City Staff

Krysti Barksdale-Noble, Community Development Director

Sara Mendez, Planner1

Megan Lamb, City Attorney

Other Guests

Chris Vitosh, Vitosh Reporting Service

Lynn Dubajic Kellogg, City Consultant

Previous Meeting Minutes, November 13, 2024

Motion by Rusty Hyett and second by Marge Linnane to approve the minutes as presented. Roll call: Crouch-yes, Linnane-yes, Vinyard-yes, Forristall-yes, Hyett-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard explained the procedure for the Hearing and the order for presenting testimony. A motion was made by Mr. Crouch to open the Public Hearing, seconded by Mr. Forristall. Public Hearing opened at 7:02pm. Roll call: Linnane-yes, Vinyard-yes, Forristall-yes, Hyett-yes, Crouch-yes. Carried 5-0. Mr. Vinyard read the Public Hearing description.

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.

(See Court Reporter's transcript)

At approximately 7:08pm a motion was made by Mr. Crouch, seconded by Mr. Forristall to close the Public Hearing. Roll call: Linnane-yes, Vinyard-yes, Forristall-yes, Hyett-yes, Crouch-yes. Carried 5-0.

Unfinished Business None

New Business

1. **PZC 2024-25** United City of Yorkville Text Amendment (see full description above)
There was no further discussion.

Action Item

Text Amendment

Mr. Vinyard entertained a motion to approve PZC 2024-25. So moved by Mr. Hyett and seconded by Mr. Forristall. Motion: Mr. Vinyard read the motion as follows: 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 districts as presented in a staff memorandum dated December 4, 2024.

Roll call: Vinyard-yes, Forristall-yes, Hyett-yes, Crouch-yes, Linnane-yes. Carried 5-0.

Additional Business

1. 2025 Meeting Schedule

Schedule approved on a motion by Ms. Linnane and second by Mr. Crouch. Unanimous voice vote.

2. City Council Action Updates

Ms. Noble provided the following summary of the City Council updates:

- a. PZC 2024-21 Marker Inc.--A first reading was held, no vote taken yet
- b. PZC 2024-26 Drew Daniels—did not make last City Council agenda
- c. PZC 2024-27 Grande Reserve Units 18 & 25—Final Plats approved
- d. PZC 2024-28 Grande Reserve, Unit 21—Final Plat approved

Adjournment

There was no further business and the meeting was adjourned at 7:12pm on a motion by Ms. Linnane 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, December 11, 2024
7:00 p.m.

1 PRESENT:

2 Mr. Rich Vinyard, Chairman,
3 Mr. Rusty Hyett, Commissioner,
4 Mr. Ryan Forristall, Commissioner,
5 Ms. Marge Linane, Commissioner,
6 Mr. Michael Crouch, Commissioner.

7
8 ALSO PRESENT:

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

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17 APPEARANCES:

18 OTTOSEN, DiNOLFO, HASENBALG & CASTALDO,
19 LTD.
20 BY: MS. MEGAN LAMB
21 1804 North Naper Boulevard, Suite 350
22 Naperville, Illinois 60563
23 (630) 682-0085

24 appeared on behalf of the United City of
Yorkville.

- - - - -

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

4 CHAIRMAN VINYARD: There is one public
5 hearing scheduled for tonight's Planning and
6 Zoning Commission meeting.

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

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

15 Do I really have to read all this?
16 Since we have no one present, do I have to read
17 the -- can I skip the instructions for people who
18 aren't here?

19 MS. LAMB: You can skip the
20 instructions, but don't do anything else just in
21 case people read the transcript and try to
22 challenge our hearing.

23 CHAIRMAN VINYARD: Very good. Persons
24 wishing to testify are asked to speak clearly,

1 one at a time, state your name, who you
2 represent. You are also asked to sign in at the
3 podium.

4 If you plan to speak during
5 tonight's public hearing as a petitioner or a
6 member of the public, this would be where you
7 would raise your right hand and repeat after me.
8 So we will be moving on.

9 The order of receiving testimony
10 will be the petitioner presentation, followed by
11 those who wish to speak in favor or opposition of
12 the request.

13 May I have a motion to open public
14 hearing on PZC number 2024-25, United City of
15 Yorkville requesting a text amendment to the UDO?

16 COMMISSIONER CROUCH: So moved.

17 COMMISSIONER FORRISTALL: Second.

18 CHAIRMAN VINYARD: Roll call vote on the
19 motion, please.

20 MS. YOUNG: Yes. Linane.

21 COMMISSIONER LINANE: Yes.

22 MS. YOUNG: Vinyard.

23 CHAIRMAN VINYARD: Yes.

24 MS. YOUNG: Forristall.

1 COMMISSIONER FORRISTALL: Yes.

2 MS. YOUNG: Hyett.

3 COMMISSIONER HYETT: Yes.

4 MS. YOUNG: And Crouch.

5 COMMISSIONER CROUCH: Yes.

6 CHAIRMAN VINYARD: Okay. The public
7 hearing up for discussion tonight is PZC 2024-25,
8 United City of Yorkville, petitioner, is
9 proposing to amend Chapter 5, Development
10 Standards, within the United City of Yorkville's
11 Unified Development Ordinance regarding fences.

12 The proposed text amendment will
13 allow vinyl coated chain link material in side
14 and rear yards within residential districts.

15 Is the petitioner for PZC 2024-25,
16 United City of Yorkville, present and prepared to
17 make its presentation of their proposed request?

18 MS. MENDEZ: Yes. So, like you said,
19 there is a request to amend Section 10-5-5 to
20 allow vinyl coated chain link fencing. Right now
21 it is only permitted in the side and rear yard in
22 non-residential districts.

23 The City's Community Development
24 Department has been receiving requests to allow

1 vinyl coated chain link, and since the code does
2 not permit it, we have not allowed it.

3 And in the City's 2015 Zoning
4 Ordinance, vinyl coated chain link was listed as
5 an acceptable material as you can see in the
6 packet here, and it was only allowed in the rear
7 and side yards for residential properties, so
8 residents are urging the City to consider
9 reverting the ordinance back to the 2015 Zoning
10 Ordinance.

11 This change came about in the summer
12 of 2019 where the City began updating its UDO,
13 and to support this effort, the UDO Advisory
14 Committee was formed.

15 During the December 9th, 2021 UDO
16 Advisory Committee meeting, they reviewed
17 Chapter 5, Development Standards, which also
18 included fencing regulations, and in this meeting
19 the committee unanimously agreed that plastic
20 coated or plastic stripped chain link fences
21 should not be allowed in residential areas, and
22 the existing fences using this material would be
23 grandfathered in, so because of this, vinyl
24 coated chain link was removed and was changed to

1 only be allowed in the side and rear yards on
2 properties in non-residential districts, and the
3 City updated its UDO with these changes in
4 January of 2024.

5 In the memo you will also be able
6 to find the proposed text amendment, specifically
7 letter H, where the possible change would be
8 vinyl coated chain link, rear and side yard only
9 in all zoning districts.

10 Staff supports the proposed text
11 amendment because it addresses the ongoing
12 resident requests to revert to the City's 2015
13 Zoning Ordinance standards, and allowing vinyl
14 coated chain link in the rear and side yards in
15 residential districts will not impact the public
16 health, safety or general welfare of residents.

17 I also just want to add, as the UDO
18 is currently written, the provisions may seem
19 ambiguous to residents and staff, leading to the
20 potential misinterpretation that vinyl coated
21 chain link fencing is allowed in all residential
22 yards and only in the rear and side yards for
23 non-residential properties, so if the proposed
24 text amendment is not approved, staff suggests

1 adding language to clarify this ambiguity.

2 And then, lastly, this text
3 amendment request will be brought to City Council
4 on January 14th, 2025.

5 CHAIRMAN VINYARD: Very good. Thank
6 you. Is there anyone here present who wishes to
7 speak in favor or in opposition of the request?

8 (No response.)

9 CHAIRMAN VINYARD: Seeing as there is
10 none, do any of the commissioners have any
11 questions regarding the petition?

12 COMMISSIONER HYETT: I do.

13 CHAIRMAN VINYARD: Please.

14 COMMISSIONER HYETT: So right now you
15 cannot have a chain link fence?

16 MS. NOBLE: If you apply for a new
17 permit, as of January 1st, you cannot have a
18 chain link fence at all.

19 COMMISSIONER HYETT: So I have a house
20 in my subdivision that had a chain link fence put
21 up this summer, and it's on their side yard, too.
22 That's why I'm like --

23 CHAIRMAN VINYARD: No permit.

24 COMMISSIONER HYETT: Maybe.

1 MS. NOBLE: Maybe.

2 COMMISSIONER HYETT: It was the same
3 company that does our stuff for --

4 MS. NOBLE: We can look into that.

5 COMMISSIONER HYETT: I am not trying to
6 get them in trouble, but I'm like -- I'm like
7 why -- I'm like they have it in their back yard
8 and their side yard, so that's why I'm like --

9 MS. NOBLE: It was always permitted --
10 Actually, you know, Mike was on the Zoning
11 Ordinance committee when we updated the 2014
12 Zoning Ordinance, so prior to that it was
13 permitted in all yards and then it was a
14 compromise of the committee to allow them only in
15 the side and the rear, and then when we had the
16 UDO Committee, which had two former PZC members
17 on there, the consensus was not to allow them at
18 all.

19 Staff did mention that was going to
20 be a burden on residents.

21 COMMISSIONER HYETT: I don't think it's
22 a problem. I mean, you are not in an HOA, so I
23 don't think the back yard is a big deal.

24 MS. NOBLE: And we required them to be

1 vinyl coated, so --

2 CHAIRMAN VINYARD: Any other
3 commissioners have questions?

4 COMMISSIONER FORRISTALL: So there were
5 requests? You're saying there were several
6 requests made.

7 MS. NOBLE: Correct. About a handful of
8 requests. Some applied or just called and asked
9 what the standards were, and some applied.

10 CHAIRMAN VINYARD: There's got to be a
11 significant cost to this.

12 COMMISSIONER HYETT: Does the vinyl have
13 to be a certain color?

14 MS. NOBLE: No, we don't regulate color.

15 CHAIRMAN VINYARD: Anybody else? Any
16 clarification on anything?

17 (No response.)

18 CHAIRMAN VINYARD: No, no? Okay. Since
19 all public testimony regarding these petitions
20 have been taken, may I have a motion to close the
21 taking of testimony in these public hearings?

22 COMMISSIONER FORRISTALL: So moved.

23 COMMISSIONER CROUCH: So moved.

24 CHAIRMAN VINYARD: Sorry. I heard a

1 second out there, didn't I? Was that you?

2 COMMISSIONER FORRISTALL: Yeah.

3 CHAIRMAN VINYARD: Roll call vote on the
4 motion, please.

5 MS. YOUNG: Yes. Linane.

6 COMMISSIONER LINANE: Yes.

7 MS. YOUNG: Vinyard.

8 CHAIRMAN VINYARD: Yes.

9 MS. YOUNG: Forristall.

10 COMMISSIONER FORRISTALL: Yes.

11 MS. YOUNG: Hyett.

12 COMMISSIONER HYETT: Yes.

13 MS. YOUNG: And Crouch.

14 COMMISSIONER CROUCH: Yes.

15 CHAIRMAN VINYARD: Okay. The public
16 hearing portion of tonight's meeting is now
17 closed.

18 (Which were all the proceedings had
19 in the public hearing portion of
20 the meeting, concluding at 7:10
21 p.m.)

22 ---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 13, 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 30th day of
9 December, 2024.

10
11
12 /s/ Christine M. Vitosh

13 CHRISTINE M. VITOSH,
14 C.S.R. Certificate No. 084-02883
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PZC - Public Hearings - December 11, 2024

PZC Public Hearings - December 11, 2024

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