

PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, June 14, 2017 7:00pm

Meeting Called to Order

Planning and Zoning Commission Chairman Randy Harker called the meeting to order at 7:00pm and a quorum was established.

Roll Call:

Jeff Olson-yes, Reagan Goins-yes, Deborah Horaz-yes, Don Marcum-yes, Randy Harker-yes.

Absent: Richard Vinyard, Bill Gockman

City Staff

Krysti Barksdale-Noble, Community Development Director

Other Guests

Matt Asselmeier, Senior Planner, Kendall County Planning, Building, Zoning

Christine Vitosh, Vitosh Court Reporting

Janet Kenyon, Woods of Blackberry Oaks

Previous Meeting Minutes May 10, 2017

The minutes of the previous meeting were approved on a motion and second by Commissioners Marcum and Goins, respectively.

Roll call: Goins-yes, Horaz-present, Marcum-yes, Olson-yes, Harker-yes.

Passed: 4 yes and one present.

Citizen's Comments

Ms. Janet Kenyon, Bristol resident of Woods of Blackberry Oaks, spoke against the proposed composting facility petition on the agenda tonight. While not a Yorkville resident, she resides in Bristol in close proximity to the city limits and proposed compost facility. Due to past family medical issues, she has used Semper Fi's lawn service with no issues. In regards to the proposed facility, she is concerned about the environment and air and water pollution since she has a well and septic. She desires to keep the neighborhood clean and maintain property values and said there is no Mayor and Council to whom area residents can voice complaints. Other concerns include increased traffic/road use and odor. Residents of her subdivision pay high taxes and the property values have decreased. She shared her concerns at the County meeting earlier in the week. She asked the Commission to consider these factors when making their recommendation.

Public Hearings

1. **PZC 2017-06** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment for consideration of updates to “Chapter 18”: Telecommunication Tower and Antenna Regulations” of the United City of Yorkville Zoning Ordinance regarding small cell antennas.

Chairman Harker explained the process for the Public Hearings. The Public Hearing was opened at approximately 7:08pm on a motion by Ms. Horaz and second by Mr. Olson. Roll call: Goins-yes, Horaz-yes, Marcum-yes, Olson-yes, Harker-yes. Passed 5-0.

(See Court Reporter's Transcript)

The Hearing closed at approximately 7:17pm on a motion by Ms. Goins and second by Ms. Horaz.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Goins-yes, Harker-yes. Passed 5-0

Old Business None

New Business

1. **PZC 2017-06 Text Amendment** (Same as above)

There was no further discussion and the Commissioners were in favor of the amendment.

Action Item

Text Amendment

Mr. Olson made a motion as follows: In consideration of testimony presented during a Public Hearing on June 14, 2017, the Planning and Zoning Commission recommends approval to the City Council of a request to amend Chapter 18 Telecommunication and Antenna Regulations of the United City of Yorkville Zoning Ordinance as it relates to Small Cell Antennas presented by staff in a memorandum dated April 26, 2017. Ms. Horaz seconded the motion.

Roll call: Marcum-yes, Olson-yes, Goins-yes, Horaz-yes, Harker-yes. Passed 5-0.

2. **PZC 2017-05 Semper Fi Land, Inc.**, petitioner, has filed an application with Kendall County requesting Special Use authorization to operate a waste composting facility. The property is located at 1996 Cannonball Trail in Bristol Township approximately 0.5 miles south of Galena Road.

Ms. Noble presented the background for this petition. This is for 1.5 mile review and recommendations. The property is comprised of 5.5 acres of land entirely surrounded by Yorkville with residential zoning for future development. The owner wishes to establish a landscaping and yard waste operation for mulch and compost. She noted a similar use is in operation on the northwest side of the City. A stipulation on this property stated that if development occurred and there were complaints, the owner would be required to close their operation in three years. A meeting was held with the petitioner last year. Just this year, staff met with the landowner of the property surrounding the 5.5 acre-site and said he wished to restart the residential project. This landowner was concerned about the petition as well.

Many concerns were discussed including: noise decibels, height of landscaping piles, size of grinding machine and if more than one would be allowed, construction materials to be allowed in grinder, truck traffic of at least 20 semis per days and effect on the roads, need for paving of the entrance road to eliminate dust, proximity of Bristol Elementary School and noise level for school, effect on bar/restaurant in Bristol from odor, possible flies, will storm basin catch all potential contaminants. It was noted that this use does not comply with the Comprehensive Plan and changes the character of the north side of Bristol.

Mr. Asselmeier discussed possible odors emanating from the site and he said the Regional PZC had concerns about that as well. The County PZC also said it was not an appropriate use for this location and recommended not to advance petition to the County Board. He said the proposal is in limbo at the County level at this time.

Ms. Noble asked Commission members to forward any other concerns to her. She said the Commission could approve, formally oppose or make recommendations, but the City Council has the final vote with approval or formal objection. If a formal objection is made, the County must have a super majority to approve the petition. The next County PZC meeting is July 10th.

A motion was made by Mr. Marcum as follows: In consideration of the fact that the staff has made certain recommendations to pass, a motion is made to have a vote to approve or deny their recommendations. Second by Mr. Horaz.

Roll call to approve: Olson-no, Goins-no, Horaz-no, Marcum-no, Harker-no. Motion failed.

Ms. Goins made another motion relating to the petition: In consideration of the discussion between the members of the Planning and Zoning Commission, we record our strong opposition to the proposal in its current form. Mr. Marcum seconded.

Roll call: Goins-yes, Horaz-yes, Marcum-yes, Olson-yes, Harker-yes. Passed 5-0.

Additional Business

1. City Council Action Updates

PZC 2017-04 Text Amendment (Definition for Health & Fitness clubs) was approved by City Council

2. Kendall County Action Update on 1.5 Mile Review

PZC 2016-02 Jet's Towing, County approved change from A-1 to M-1 in spite of formal objection from City.

3. Yorkville/Kendall County Future Land Use Plan Differences

Ms. Noble attended an annual planning meeting with other municipalities and the County. She said there was concern from the County about differences between the City and County on their respective Comprehensive Plans. The County requested a formal memo about the differences. The City stated their plan is more up to date with current information. She asked if the Commissioners felt the City should change the Plan to comply with the County. All Commissioners indicated “no”.

Adjournment

There was no further business and the meeting was adjourned at 8:04pm on a motion and second by Ms. Horaz and Ms. Goins, respectively.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, June 14, 2017
7:00 p.m.

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PRESENT:

Mr. Randy Harker, Chairman,
Ms. Deborah Horaz,
Ms. Reagan Flavin Goins,
Mr. Don Marcum,
Mr. Jeff Olson.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director,
Ms. Marlys Young, Minute Taker.

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1 (The following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN HARKER: We're going to move on
5 to the public hearing. There is one public
6 hearing scheduled for tonight's Planning and
7 Zoning Commission meeting.

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

12 Public testimony from persons
13 present wishing to speak may be in favor of or
14 against the request, or 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 and who you represent, if anyone. You
19 are also asked to sign in at the podium if you
20 haven't already done so.

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

1 (No response.)

2 CHAIRMAN HARKER: Awesome. Seeing there
3 is none, we will move on. So I don't need to
4 worry about that, I just open it, right?

5 May I have a motion to open the
6 public hearing on petition number PZC 2017-06?

7 MS. HORAZ: Motion.

8 MR. OLSON: Second.

9 CHAIRMAN HARKER: Roll call vote on the
10 motion, please.

11 MS. YOUNG: Goins.

12 MS. GOINS: Yes.

13 MS. YOUNG: Horaz.

14 MS. HORAZ: Yes.

15 MS. YOUNG: Marcum.

16 MR. MARCUM: Yes.

17 MS. YOUNG: Olson.

18 MR. OLSON: Yes.

19 MS. YOUNG: Harker.

20 CHAIRMAN HARKER: Yes.

21 Okay. PZC 2017-06, the United City
22 of Yorkville, Kendall County, Illinois,
23 petitioner, is proposing a text amendment for
24 consideration of updates to Chapter 18:

1 Telecommunication Tower and Antenna Regulations
2 of the United City of Yorkville Zoning Ordinance
3 regarding small cell antennas.

4 MS. NOBLE: Okay. General request,
5 there is not a lot in Chapter 18 that needs to be
6 amended, which is the area of the code that the
7 Planning and Zoning Commission would review.

8 In essence, we are allowing small
9 cell towers to be located within the
10 right-of-way. Typically the right-of-way is
11 regulated for those types of essential utilities,
12 water, sewer, your dry utilities like electric
13 and gas, but as technology has advanced, there is
14 a movement to start seeing cell tower access as
15 one of the essential utilities, so cell towers
16 began to petition to the state to ask for access
17 within that right-of-way, and as part of that,
18 we've gotten a few permits in to the city
19 requesting a co-location of cell tower -- cell
20 antennas on top of our existing utility poles.

21 We did not have any regulations that
22 allowed it and we didn't have any regulations
23 that didn't allow it, so we found ourselves in a
24 position where we had to deny permits based off

1 of criteria that is really established for small
2 cell antennas in the private side of the road,
3 which is where you would see people putting cell
4 towers and antennas on the private side.

5 So this ordinance is an opportunity
6 to clear that up, to provide specificity on what
7 it is that we are going to require of
8 telecommunication antennas within our
9 right-of-way, but a lot of that is going to be
10 addressed within Chapter 8, which is the public
11 right-of-way, which is more the Public Works
12 section, but we had to address it in Chapter 18,
13 which is in zoning, to say refer to Chapter 8 if
14 you're going to locate in the right-of-way.

15 So that's all you're amending; you
16 are amending the opportunity to include language
17 if someone were to come in and look in that
18 section, because we have a section called
19 telecommunications towers and antennas, to then
20 refer them to Chapter 8, which will give them
21 more information for locating within the
22 right-of-way.

23 We did kind of clean up some of the
24 definitions so that they are more consistent; we

1 used a template from the Illinois Municipal
2 League on how to create criterias for this, so if
3 you look, Staff prepared as an attachment to
4 Chapter 8, which is not under your purview, of
5 where the changes will occur, as well as
6 Chapter 18, which is under your purview and
7 which you are reviewing tonight, just to show
8 where we are including that caveat to refer to
9 Chapter 8 and changing some definitions.

10 So if you have any questions for me,
11 I'll be happy to answer them, but this has
12 already gone to Public Works, they've recommended
13 it for approval. Once we have our opportunity
14 for recommendation, it will go to City Council
15 for final consideration.

16 MR. OLSON: So the one you approved is
17 the one to just put an antenna on top of an
18 existing utility pole?

19 MS. NOBLE: Correct. And we --

20 MR. OLSON: Does it have fins on it
21 or --

22 MS. NOBLE: No, it's -- Actually it
23 looks like a cap. You wouldn't be able to tell
24 the difference. It looks like a square cap.

1 It's very innocuous, you wouldn't notice it's
2 there, especially seeing that the height is above
3 eye level. You'd have to really look up.

4 We did have a structural engineer
5 verify because they had to provide us plans
6 stamped by a structural engineer and we had an
7 outside structural engineer review to make sure
8 that it would be stable, that it wouldn't cause
9 or -- you know, a breakage or anything of that
10 nature.

11 MR. OLSON: Is it a stand-alone tower,
12 is it a monopole one? Those can get up to 75
13 foot; is that correct?

14 MS. NOBLE: Those can get tall. These
15 are more for the ones that are located on the
16 existing poles, but those can -- We did have an
17 application come in for a stand-alone one right
18 in front of City Hall that we ended up rejecting,
19 and then they came back and they found a way to
20 locate on an existing pole.

21 MR. OLSON: And I want to say you have
22 language in here that basically says that the
23 City reserves the right regardless of what people
24 send you to thumbs up or thumbs down based upon

1 your review, right?

2 MS. NOBLE: We do. We do have that
3 right, but it has to be based off the criteria,
4 so the criteria is established in Chapter 8,
5 which is not under our purview. The only thing
6 under our purview tonight is Chapter 18, which
7 says refer to Chapter 8.

8 MR. OLSON: This is business, but what's
9 the permit fee for them to come in and put that?

10 MS. NOBLE: There is a standard permit
11 fee, I want to say it's a hundred dollars, but
12 then there is also engineering review. Those are
13 deposits --

14 MR. OLSON: They pay them, too, right?

15 MS. NOBLE: Yes. They are separate.
16 But just for our building permit purposes, it's a
17 standard fee of \$100.

18 MS. GOINS: Also not necessarily within
19 our purview, but is there a cap on the number
20 that can be placed upon the pole?

21 MR. OLSON: Good question.

22 MS. NOBLE: Not in the ordinance, but
23 it's dependent on engineering, structural
24 engineering, review.

1 There is opportunities for
2 co-location, but as technology advances, I don't
3 think it's going to be an issue where they're
4 going to be stacking more and more.

5 If you see like on our water tower,
6 we have the antennas. These are just the
7 antennas. You can have up to like four carriers
8 with an antenna that's shaped like a triangle,
9 and it's like 12 little small antennas, so that
10 will be under review by engineering as well.

11 MR. OLSON: They don't get charged
12 rent because it's in the right-of-way, correct,
13 it's not on City property?

14 MS. NOBLE: Correct. Correct. Only
15 when it's located on top of our structures, or
16 not on private property, will they be charged.

17 MS. HORAZ: Do they go to ComEd or
18 whoever owns the pole?

19 MS. NOBLE: Yes, they have to get
20 approval.

21 MS. HORAZ: And they go through them?

22 MS. NOBLE: Correct. Or AT&T, whoever
23 owns the pole. I think this one was an AT&T
24 pole.

1 MS. HORAZ: I have a question. I know
2 I've seen the technology is changing so much, but
3 from what they want to kind of do is the same
4 kind of things on top of light poles, like the
5 light that you have by your house, like little
6 repeaters?

7 MS. NOBLE: This is the same.

8 MS. HORAZ: So that would address --

9 MS. NOBLE: This would address that,
10 any poles or anything structural in our
11 right-of-way.

12 MS. HORAZ: Okay. So is this a City
13 pole, or are those ComEd poles?

14 MS. NOBLE: Those would be -- the City
15 is responsible to maintain, but if it's within
16 like 47, that would be the state's.

17 MS. HORAZ: But like within
18 subdivisions.

19 MS. NOBLE: The subdivisions, then that
20 would be the City's because it would be within
21 the right-of-way.

22 MS. HORAZ: And then would you rent
23 that?

24 MS. NOBLE: No, because it's in the

1 right-of-way. We typically wouldn't
2 enter into a lease agreement, only a lease
3 agreement that's on our water tower or within our
4 private property, like the one that we have in
5 the Woods Park.

6 MS. HORAZ: So would they pretty much go
7 through the whole town and put these things up?

8 MS. NOBLE: Because they are now
9 beginning to be considered essential utilities.
10 Just like we don't charge ComEd to run service
11 within our right-of-way.

12 MS. HORAZ: Okay. Thank you.

13 CHAIRMAN HARKER: Any other questions?

14 (No response.)

15 CHAIRMAN HARKER: Since all of the
16 public testimony has been taken, may I have a
17 motion to close out the taking of this public
18 hearing?

19 MS. GOINS: So moved.

20 MS. HORAZ: Second.

21 CHAIRMAN HARKER: Roll call vote on the
22 motion, please?

23 MS. YOUNG: Horaz.

24 MS. HORAZ: Yes.

1 MS. YOUNG: Marcum.

2 MR. MARCUM: Yes.

3 MS. YOUNG: Olson.

4 MR. OLSON: Yes.

5 MS. YOUNG: Goins.

6 MS. GOINS: Yes.

7 MS. YOUNG: Harker.

8 CHAIRMAN HARKER: Yes.

9 All right.

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

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

3 I, Christine M. Vitosh, a Certified Shorthand
4 Reporter, do hereby certify that I transcribed
5 the proceedings had at the public hearing and that
6 the foregoing, Pages 1 through 14, inclusive, is
7 a true, correct and complete computer-generated
8 transcript of the proceedings had at the time and
9 place aforesaid.

10 I further certify that my certificate annexed
11 hereto applies to the original transcript and
12 copies thereof, signed and certified under my
13 hand only. I assume no responsibility for the
14 accuracy of any reproduced copies not made under
15 my control or direction.

16 As certification thereof, I have hereunto set
17 my hand this 29th day of June, A.D., 2017.

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19
20 _____
Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
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24

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