

PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, February 13, 2019 7:00pm

Meeting Called to Order

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

Roll Call:

Richard Vinyard-yes, Deborah Horaz-yes, Don Marcum-yes, Jeff Olson-yes
Randy Harker-yes
Absent: Reagan Goins

City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner

Other Guests

Lynn Dubajic, City Consultant Dan Kramer, Attorney
Chris Vitosh, Vitosh Reporting Service David Schultz, HR Green

Previous Meeting Minutes January 9, 2019

Mr. Vinyard and Mr. Marcum moved and seconded, respectively, to approve the minutes. Jeff Olson noted a correction as follows: Under Public Hearings, Chairman Randy Harker explained the Hearings procedures, rather than Jeff Olson, Vice Chairman. Mr. Vinyard moved and Mr. Marcum seconded an amended motion to approve the corrected minutes.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Horaz-present, Harker-yes. Carried 4-yes, 1 present

Citizen's Comments None

Public Hearings

Chairman Harker explained the procedure for the Public Hearing and he swore in those who would give testimony. At 7:03pm a motion was made by Commissioner Vinyard and seconded by Commissioner Horaz to open the Public Hearing for PZC 2019-02.

Roll call: Olson-yes, Vinyard-yes, Horaz-yes, Marcum-yes, Harker-yes. Carried 5-0

Chairman Harker read the petition as follows:

1. **PZC 2019-02** United City of Yorkville, Kendall County, Illinois, is proposing a text amendment to Chapter 6: Permitted and Special Uses to add licensed "massage establishments" as a permitted use in the O-Office District. Currently massage establishments are a permitted use only in business districts.

*See Court Reporter's Transcript
Petitioner's Responses to be entered into Public Record*

At 7:06pm a motion was made by Mr. Marcum and seconded by Mr. Vinyard to close the Public Hearing.

Roll call: Vinyard-yes, Horaz-yes, Marcum-yes, Olson-yes, Harker-yes. Carried 5-0.

Unfinished Business

1. **PZC 2018-18** Marker, Inc., petitioner has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an amendment to the Heartland Subdivision Planned Unit Development to reduce the interior side yard setback from twenty (20) feet to ten (10) feet on Lot 187 of the subdivision. Additionally, the petitioner is requesting to increase the maximum allowable height of a permitted fence in a business district from six (6) feet to eight (8) feet. The real property is located at the southwest corner of the McHugh Road and Route 34 intersection in Yorkville.

Attorney Dan Kramer was present on behalf of the petitioner and said he and the petitioner have made numerous attempts to reach Casey's regarding a possible shared driveway. Mr. Kramer requested to move this item to the March PZC meeting. So moved by Mr. Vinyard and seconded by Mr. Marcum to continue the petition to the March PZC meeting. Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes. Passed 5-0.

New Business

1. **PZC 2019-01** Boombah Inc., petitioner, is seeking final plat approval to resubdivide Lot 3 of the Yorkville Business Center, an approximately 21-acre parcel. Located in the southwest quadrant of IL Route 47 (N. Bridge Street) and Boombah Boulevard, this parcel was part of the original Inland Land/F.E. Wheaton Annexation agreement approved by the City of Yorkville in 1995. Currently, the parcel is improved with two (2) buildings zoned B-3 General Business District utilized by Boombah Inc. for their custom athletic apparel business operations.

Mr. Dave Schultz of HR Green said they are seeking approval on the final plat for subdividing Lot 3. They currently have two buildings on one lot and wish to subdivide into 4 lots. The two buildings would then be on Lots 2 and 3 and the empty lots can be developed at some point in the future.

Action Item

Final Plat

Mr. Marcum moved to approve PZC 2019-01 for the final plat and Mr. Vinyard seconded.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes. Carried 5-0.

2. **PZC 2019-02** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses to add licensed “massage establishments” as a permitted use in the O-Office District. Currently massage establishments are a permitted use only in business districts.

Action Item

Text Amendment

There was no discussion and Mr. Marcum moved to approve the text amendment and Mr. Vinyard seconded.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Horaz-yes, Harker-yes. Carried 5-0.

3. **PZC 2019-04** Forest Preserve District of Kane County, petitioner, is requesting a map amendment to rezone a 5 acre portion of the property from the F District Farming to the F-1 District-Rural Residential in Kane County. The entire 82.71 acre property is located in between Galena Road and Jericho Road along Jeter Road which is located northwest of Yorkville. The property is located within one and a half miles of the Yorkville Municipal Boundary which allows the opportunity to review and provide comments to Kane County.

Action Item

One and Half Mile Review

Mr. Engberg said this property is outside of the planning boundary and Kane County Forest Preserve wishes to preserve the rural character and historic nature of farmhouses. The Commissioners had no comments or concerns so it will move forward to the City Council. Mr. Vinyard moved and Ms. Horaz seconded the motion to recommend approval of this petition to preserve rural farmhouses.

Roll call: Olson-yes, Vinyard-yes, Horaz-yes, Marcum-yes, Harker-yes. Carried 5-0.

Additional Business

1. City Council Action Updates:

1. **PZC 2018-14** CalAtlantic Extension to complete lift station and public improvements
2. **PZC 2018-19** Text Amendment regarding breweries
3. **PZC 2018-21** Text Amendment regarding mobile food and vendor vehicles

All three were approved by City Council.

2. Planning and Zoning Commissioner Training Series

Commission members requested more training regarding the issues they consider at the meetings. Mr. Olson will present the first training session, the topic being plan basics for Planning and Zoning. In the summer, Brad Sanderson will present information about stormwater management. Ms. Noble and Mr. Engberg will discuss urban design in the fall and Ms. Lynn Dubajic will give a presentation on economic development basics in the winter. Ms. Noble encouraged any other suggestions should be sent to her.

The Commissioners briefly discussed the proposed 750-acre development site in Sugar Grove.

3. Yorkville 2018 Planning Year in Review

Ms. Noble presented a year in review commenting on 4 different categories: Building and Development, Land Use Planning, Comprehensive Plan and Future Goals.

The Design Manual is still being compiled and any changes can be sent to Ms. Noble or Mr. Engberg.

Some of the highlights of the Year in Review are: Building permits are up and foreclosures are down. There have been only a few variances or special use requests. Work will soon begin on a Unified Development Ordinance (UDO) which will allow developers to view comprehensive information in one place and they can utilize 3-D modeling. Calculations can be done and fee schedules will be available on-line. Ms. Noble said the city is averaging about 200 building permits annually in the last 2 years. The B.U.I.L.D. program concluded at the end of 2016 and 428 permits were issued with that program. Foreclosure trends were briefly reviewed also. Ms. Dubajic reported expansion plans for the water park are slated for the 20 acres to the south of the park. Future goals for the city were briefly discussed along with some of the ideas for the downtown redevelopment.

Chairman Harker thanked Ms. Noble and Mr. Engberg for their work on the downtown projects.

Adjournment

There was no further business and the meeting was adjourned at 8:02pm on a motion and second by Commissioners Marcum and Vinyard, respectively. 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

800 Game Farm Road
Yorkville, Illinois

Wednesday, February 13, 2019

7:00 p.m.

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PRESENT:

Mr. Randy Harker, Chairman,
Mr. Jeff Olson, Vice-Chairman,
Mr. Richard Vinyard,
Ms. Deborah Horaz,
Mr. Donald Marcum.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director,
Mr. Jason Engberg, Senior Planner,
Ms. Marlys Young, Minute Taker.

- - - - -

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

4 CHAIRMAN HARKER: 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 request that is being
10 considered before the Commission tonight.

11 Public testimonies from persons
12 wishing to speak may do so in favor of or against
13 the request being heard or to ask questions of
14 the petitioner for the request being heard.

15 Those persons wishing to testify are
16 asked to speak clearly, one at a time, and state
17 your name and who you represent, if anyone. You
18 are asked to sign in at the podium if you haven't
19 already done so.

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

24 MS. NOBLE: There is nobody.

1 CHAIRMAN HARKER: Or not, okay.

2 Fantastic. Okay, it's just you guys.

3 MS. NOBLE: Yes.

4 CHAIRMAN HARKER: So go ahead.

5 MS. NOBLE: The instruction is for
6 telling the truth. Jason?

7 MR. ENGBERG: Did you want to read
8 the --

9 CHAIRMAN HARKER: Yes, thank you. Can I
10 have a -- Can I have a motion to open the public
11 hearing on PZC 2019-02?

12 MS. HORAZ: So moved.

13 MR. VINYARD: So moved. Second.

14 CHAIRMAN HARKER: Okay. Roll call vote,
15 please.

16 MS. YOUNG: Yes.

17 Olson.

18 VICE-CHAIRMAN OLSON: Yes.

19 MS. YOUNG: Vinyard.

20 MR. VINYARD: Yes.

21 MS. YOUNG: Goins. Absent, sorry.

22 Horaz.

23 MS. HORAZ: Yes.

24 MS. YOUNG: And Harker.

1 CHAIRMAN HARKER: Yes.

2 PZC 2019-02, Kendall County,
3 Illinois, petitioner, is proposed a text
4 amendment to Chapter 6: Permitted and special
5 uses to add licensed massage establishments as a
6 permitted use in the O-Office District.

7 Currently massage establishments
8 are a permitted use in only business districts.

9 MR. ENGBERG: All right. So this came
10 out, the City as a whole has been looking at the
11 massage establishment licensing and running at a
12 business.

13 They are looking at amending
14 different parts of different codes, this one
15 specifically just for the zoning.

16 We had switched to licensing people
17 who have a single establishment, they just run it
18 themselves. We didn't do that in the past, but
19 now that we have a licensing process, they also
20 have to turn in a commercial occupancy permit,
21 which they technically have to do anyway, but a
22 couple things came to light and a commercial
23 occupancy permit came in and it was somebody that
24 had an existing business for many years in the

1 O-Office District.

2 While we were looking through, you
3 know, we were kind of understanding -- trying to
4 figure out why is it not permitted in the
5 O-Office District, it's a personal service just
6 like any medical, professional, chiropractors,
7 other professional services, they are permitted
8 outright in the O-Office District, so it seemed
9 reasonable to us that we would also have massage
10 establishments, you know, as licensed, allowed
11 and permitted in the O-Office District.

12 So that's just the recommendation.
13 It's just this -- the table -- the uses table
14 would just get changed from a dash to permitted.

15 CHAIRMAN HARKER: Okay. Any questions?

16 VICE-CHAIRMAN OLSON: What buildings in
17 town are zoned Office, the three-story building
18 over by the post office?

19 MR. ENGBERG: I can't tell you all of
20 them off the top of my head. I know the Kendall
21 County government campuses office, there is a
22 couple things off of 34 off the top of my head,
23 but --

24 VICE-CHAIRMAN OLSON: Like maybe

1 Rush-Copley?

2 MS. NOBLE: There -- that outlot next to
3 where the solar farm is going to be is office.
4 You typically will see office -- Because it's in
5 the same use category as the business, you see it
6 along forty -- 47, 34. They are usually not in
7 an interior of a community, so they are along
8 thoroughfares just where you would see it in a B
9 or B-2.

10 CHAIRMAN HARKER: Any other questions?

11 (No response.)

12 CHAIRMAN HARKER: Would you like any
13 responses seeing as it is a public record?

14 MS. NOBLE: Yes.

15 CHAIRMAN HARKER: Awesome. Okay.
16 Seeing as that there is -- all the testimony is
17 done with this, since all the public testimony
18 regarding this petition has been taken, may I
19 have a motion to close the public -- I'm sorry,
20 the taking of testimony and this public hearing?

21 MR. MARCUM: So moved.

22 MR. VINYARD: Second.

23 CHAIRMAN HARKER: Roll call vote,
24 please.

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MS. YOUNG: Yes.

Vinyard.

MR. VINYARD: Yes.

MS. YOUNG: Horaz.

MS. HORAZ: Yes.

MS. YOUNG: Marcum.

MR. MARCUM: Yes.

MS. HORAZ: Olson.

VICE-CHAIRMAN OLSON: Yes.

MS. YOUNG: Harker.

CHAIRMAN HARKER: Yes.

(Which were all the
proceedings had in the
public hearing portion
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
6 that the foregoing, Pages 1 through 9, inclusive,
7 is a true, correct and complete
8 computer-generated transcript of the proceedings
9 had at the time and 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 25th day February, A.D., 2019.

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Christine M. Vitosh, CSR
Illinois CSR No. 084-002883

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