

**PLANNING & ZONING COMMISSION**

**City Council Chambers**

**800 Game Farm Road, Yorkville, IL**

**Wednesday, March 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-present, Danny Williams-present, Deborah Horaz-present, Don Marcum-present, Jeff Olson-present, Randy Harker-present

**City Staff**

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

**Other Guests**

Lynn Dubajic, City Consultant	Matt Hively, Hively
Dan Kramer, Attorney	Mr. Chris Mazzoni, Hively
Theresa Dollinger, Castle Law	Charles MacKinnon, MacKinnon Farm

**Previous Meeting Minutes** February 13, 2019

The minutes were approved as presented on a motion and second by Commissioners Vinyard and Marcum, respectively.

Roll call: Williams-yes, Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes.  
Carried 6-0.

**Citizen's Comments**

Chairman Harker officially welcomed new Commissioner Danny Williams who replaces Bill Gockman. Mr. Harker also said that Commissioner Ms. Reagan Goins will be stepping down from PZC after three years and he thanked her for her service.

**Public Hearings**

Chairman Harker explained the procedure for the Hearings and swore in those who would speak. At approximately 7:04pm a motion was made and seconded by Ms. Horaz and Mr. Vinyard, respectively, to open the Hearing.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Harker-yes.  
Carried 6-0.

1. **PZC 2019-03** Matthew C. Hively, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of three (3) parcels. The real property is located south of Illinois Route 71, and north of Illinois Route 126 and part of the previously approved

Windmill Farms Annexation Agreement, which allowed for certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business Zoning districts. The petitioner is seeking to rezone two (2) parcels to the B-3 General Business District and one (1) parcel to the A-1 Agricultural District. The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcels and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel.

*(See Court Reporter Transcript)*

The Hearings were closed at approximately 7:20 pm on a motion by Mr. Vinyard and second by Mr. Marcum.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Harker-yes. Carried 6-0.

### **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.

Mr. Dan Kramer summarized the request for the side yard setback reduction and said they are withdrawing the fence height increase. He said he and city staff have been unable to contact Casey's after repeated attempts regarding a shared driveway. He is therefore asking for approval of the setback request. Mr. Engberg added that the driveway would be off McHugh since Casey's cannot be reached. Mr. Kramer said the Markers are moving their real estate office to the proposed building. He said if a 10-foot setback is approved, a 2-story building would be built and if not approved, a 3-story building would be built. Mr. Marcum questioned the access and if it is an acceptable distance from the intersection. Ms. Noble answered that the engineer will need to make a determination. One consideration had been a drive-over median, but that was rejected. Mr. Marcum and Mr. Harker said, for the record, they thought that would be a better solution.

Ms. Noble read the six Standards and Mr. Olson questioned the ingress/egress with the setback change. Some Commissioners said there is not enough land for the building height desired even though the standards are met. Parking was discussed and 12 spots are needed for the proposed 2-story building and four more if a 3-story building is built. Commissioner Horaz asked if a retail use could be built there, however, there is not enough parking available. It was noted this piece of land is part of the Heartland subdivision.

### **Action Item**

#### PUD Amendment

Commissioners Marcum and Vinyard moved and seconded, respectively, the following motion: Based on information provided by staff in memorandums dated December 6, 2018, February 6, 2019 and March 6, 2019 and testimony presented during a Public Hearing on January 9, 2019 and the standards for PUD approval and amendment, the Planning and Zoning Commission recommends approval of an amendment to the Heartland Annexation and Planned Unit Development Agreement to reduce the side yard setback from twenty (20) feet to ten (10) feet and further subject to construction not to exceed 2 stories and a fence not to exceed 6 feet.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes, Horaz-no, Harker-yes. 5-yes, 1-nay. Motion carried.

### **New Business**

#### **1. PZC 2019-03 Hively (see above description)**

There was no discussion and a motion was made by Commissioner Williams and seconded by Commissioner Vinyard as follows: In consideration of testimony presented during a Public Hearing on March 13, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the properties stated in the staff memorandum dated January 30, 2019 to B-3 General Business District and A-1 Agricultural District.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes, Marcum-yes, Harker-yes. Carried 6-0.

### **Additional Business**

#### **1. City Council Action Updates**

The recent actions by City Council were noted as listed on the agenda.

Mr. Olson reported there was an unprotected large hole that a child could fall into, near a commercial construction site in Kendall Crossing. He e-mailed several officials and the BKFD Fire Marshall. Ms. Noble said there currently is no ordinance that requires construction fencing. As a result, Mr. Olson proposed a requirement for fencing and Ms. Noble asked him to provide language for an upcoming update to the Building Code. The update will be brought to EDC and PZC. A stop work order or citation can be issued, but OSHA will be called tomorrow.

#### **2. Planning and Zoning Commissioner Training Series - Presentation**

##### **a. Construction Plan Basics for Planning and Zoning Commissioners**

Mr. Olson presented information on construction drawings to educate/refresh Commissioners on construction procedures and plans. He presented various documents and pointed out important items to look for on the plans.

### **Adjournment**

There was no further business and the meeting was adjourned at 8:33pm on a motion by Ms. Horaz and approved on voice vote.

Respectfully submitted by Marlys Young, Minute Taker