

PLANNING & ZONING COMMISSION

**City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, April 10, 2019 7:00pm**

Meeting Called to Order

Vice-Chairman Jeff Olson called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Richard Vinyard-yes, Dan Williams-yes, Don Marcum-yes, Jeff Olson-yes

Absent: Deborah Horaz, Randy Harker

City Staff

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

Other Guests

Christine Vitosh, Vitosh Reporting Service	Scott Shelton, Ryan Homes
Lynn Dubajic, City Consultant	Marc & Audrey Lewen, Rowdy's
Doug Farr, Farr Associates	

Previous Meeting Minutes March 13, 2019

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

Roll call: Williams-yes, Marcum-yes, Olson-yes, Vinyard-yes. Carried 4-0.

Citizen's Comments None

Public Hearings

Vice-Chairman Olson explained the procedure for the Public Hearings and swore in those who would present testimony. A motion was made and seconded at approximately 7:02pm by Mr. Vinyard and Mr. Marcum, respectively, to open the Public Hearings.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 4-0.

Mr. Olson read the petitions for the Hearings.

- 1. PZC 2019-05 United City of Yorkville, Kendall County, Illinois, petitioner, is proposing text amendments to Chapter 2: Rules and Definitions and Chapter 6: Permitted and Special Uses of the United City of Yorkville Zoning Ordinance. These proposed amendments will define Short-Term Rental Uses and indicate the zoning districts where they are permitted.**

2. **PZC 2019-09 United City of Yorkville, Kendall County, Illinois, petitioner, is proposing the adoption of the Yorkville Downtown Overlay District which includes the Streetscape Master Plan and the Form-Based Code. The proposed Streetscape Master Plan provides guidance on the direction and character of future street related capital improvements in the downtown area. The Form-Based Code provides development standards for the downtown with the purpose to guide the development of a mix of uses and a pedestrian-oriented environment. Additionally, these standards are aimed at promoting a mix of housing types which are appropriate in scale and intensity in the downtown. The Form Based Code will be codified as Chapter 21: Downtown Overlay District in Title 10 of the Yorkville Municipal Code.**

(See Court Reporter's transcript of Public Hearing proceedings)

The Hearings were closed at approximately 7:13pm on a motion by Mr. Vinyard and second by Mr. Marcum.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 4-0.

Unfinished Business None

New Business

1. **PZC 2019-05** Short Term Rentals (see full description above in #1)

Mr. Engberg said short term rentals are 30 days or less. Commissioner Vinyard asked if there was a solution in place if the short term rentals become a problem and Ms. Noble said they do have options if this occurs.

A motion was made as follows by Commissioner Marcum and seconded by Commissioner Vinyard to approve PZC 2019-05: in consideration of testimony presented during a Public Hearing on April 10, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend Section 10-2-3 and Section 10-6-0 of the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated April 3, 2019.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 4-0.

2. **PZC 2019-09** Downtown Overlay District (see full description above in #2)

Ms. Noble said staff is looking to codify the form-based code which Farr Associates has completed. There was no discussion and a motion was made and seconded by Mr. Marcum and Mr. Vinyard, respectively, as follows: in consideration of testimony presented during a Public Hearing on April 10, 2019 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request to adopt the proposed Downtown Overlay District which includes the Streetscape Master Plan and Form-Based Code as prepared and presented by Farr Associates dated March 2019 and summarized in a staff memorandum dated April 3, 2019.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Marcum-yes. Carried 4-0.

3. PZC 2019-12 Daniel, Bruce, and Norma VanDeventer and Deborah Hull on behalf of the Wilbur C. VanDeventer Trust (current owner) and Diane and Craig Zimmerman (prospective buyer), petitioners, are requesting a map amendment rezone for their property from A-1 Agricultural District to R-1 Residential District in unincorporated Kendall County. The 15.6-acre property is located north of the Galena Road and Kennedy Road intersection and northwest of the New Life Church Development.

This is a 1.5 mile review received from the County. The petitioners wish to build a house on the property, run a small carpentry business and are seeking R-1 Residential zoning. No more than 10 trips a day would be generated by customers. Mr. Engberg said the property falls on the Montgomery side of the planning boundary. The Commissioners gave a positive recommendation for this petition.

4. PZC 2019-13 The successor developer for the Grande Reserve subdivision, Grande Reserve Chicago ASLI VI, LLP (Avanti Group), is seeking to revise the parcel dimensions for six (6) home lots and two (2) common space areas within Unit 23 (Neighborhood 1). The request is to resubdivide the existing final plats for each homesite parcel to extend the rear lot lines approximately 20 feet within the adjacent common space to accommodate a newer model ranch home, yet still meet requisite setback regulations for the R-2 zoning district.

Ms. Noble gave a summary of the petition background. Unit #1 is currently owned and being developed by Avanti Builders where villa-type homes are being built and targeted for 55 and up. Ryan Homes is the builder and they have found that people want the garage located in a different location on the very narrow lots. They are trying to not encroach on the side yard of six lots in particular. They plan to take a small amount of land from the adjacent common area. Staff compiled an analysis of the open space and determined there is less than .1% of change in the overall common area. Staff recommends approval and Ms. Noble noted this change will affect the plat.

Mr. Olson questioned how many homeowners there are in Grande Reserve. Ms. Noble replied there are about 1,400 platted lots and 2,500 overall. Commissioner Olson said he views a recorded plat as a promise and thinks it is not appropriate to take the common area. He suggested there could be 5 lots instead of 6 or that it would be more suitable to build a 2-story home.

Scott Shelton of Ryan Homes said this request is in an area of cul-de-sacs and that getting into the driveways proved difficult. He said the houses would be set back slightly to make garage access easier. Mr. Olson said it would set a precedent to approve this request and would infringe on the common area. Mr. Shelton replied that the common area being taken is directly behind the lots in question and would be about 16-21 feet according to Ms. Noble.

Mr. Vinyard said he agreed with Mr. Olson about protecting the open space. He is concerned about setting a precedent of trying to squeeze in one more lot for tax purposes. Ms. Noble said this area is heavily restricted by number of bedrooms and building type.

A motion was made by Mr. Marcum and seconded by Mr. Vinyard as follows: in consideration of the proposed Final Plat of Resubdivision of Lots 202, 232, 239, 251, 287, 290, 3033 and 3034 of Grand Reserve - Unit 23, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in a plan prepared by Weaver Consultant Group, date last revised March 8, 2019.

Roll call: Vinyard-yes, Williams-abstain, Marcum-yes, Olson-nay. Carried with 2 yes, 1 no and 1 abstain.

Additional Business None

Adjournment

There was no further business and the meeting was adjourned at 7:34pm on a motion by Mr. Marcum and seconded by Mr. Vinyard. 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, April 10, 2019
7:00 p.m.

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PRESENT:

Mr. Jeff Olson, Chairman,
Mr. Richard Vinyard,
Mr. Donald Marcum,
Mr. Danny Williams.

ALSO PRESENT:

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

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

4 VICE-CHAIRMAN OLSON: There are two
5 public hearings scheduled for tonight's Planning
6 and Zoning Commission meeting.

7 The purpose of these hearings is to
8 invite testimony from the members of the public
9 regarding the proposed requests that are being
10 considered before this 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 those requests 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 at
18 all. You are also asked to sign in at the
19 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 now stand, raise
23 your right hand, and repeat after me.

24 (Witness sworn.)

1 CHAIRMAN OLSON: Very well. Thank you.
2 The order for receiving testimony here in the
3 public hearing will be as follows: Petitioner
4 presentation, those who wish to speak in favor of
5 the request and those who wish to speak in
6 opposition of the request. That's the outline.

7 May I have a motion to open the
8 public hearing on Petition Number PZC 2019-05 and
9 PZC 2019-09?

10 MR. VINYARD: So moved.

11 MR. MARCUM: Second.

12 VICE-CHAIRMAN OLSON: Roll call vote on
13 the motion, please.

14 MS. YOUNG: Yes.

15 Marcum.

16 MR. MARCUM: Yes.

17 MS. YOUNG: Olson.

18 VICE-CHAIRMAN OLSON: Yes.

19 MS. YOUNG: Vinyard.

20 MR. VINYARD: Yes.

21 MS. YOUNG: Williams.

22 MR. WILLIAMS: Yes.

23 VICE-CHAIRMAN OLSON: Now, the first
24 public hearing up for discussion tonight is PZC

1 2019-05, United City of Yorkville, Kendall
2 County, Illinois, petitioner, has proposed text
3 amendments to Chapter 2: Rules and Definitions,
4 and Chapter 6: Permitted and Special Uses of the
5 United City of Yorkville Zoning Ordinance. These
6 proposed amendments will define Short-Term Rental
7 Uses and indicate the zoning districts where they
8 are permitted.

9 The second public hearing up for
10 discussion tonight is PZC 2019-09, United City of
11 Yorkville, Kendall County, Illinois, petitioner,
12 is proposing the adoption of the Yorkville
13 Downtown Overlay District, which includes the
14 Streetscape Master Plan and the Form-Based Code.
15 The proposed Streetscape Master Plan provides
16 guidance on the direction and character of the
17 future street related capital improvements in the
18 downtown area. It shows what it's going to look
19 like.

20 The Form-Based Code provides
21 development standards for the downtown with the
22 purpose to guide the development of a mix of uses
23 and a pedestrian-oriented environment.

24 Additionally, these standards are

1 aimed at promoting a mix of housing types which
2 are appropriate in scale and -- it says intensity
3 in here, but did you mean density?

4 MS. NOBLE: No, intensity.

5 VICE-CHAIRMAN OLSON: Intensity, in the
6 downtown. The Form-Based Code will be codified
7 as Chapter 21: Downtown Overlay District in
8 Title 10 of the Yorkville Municipal Code. So
9 what it looks like and what the rules are.

10 Is petitioner for PZC 2019-05
11 present and prepared to make a presentation of
12 their proposed request?

13 MR. ENGBERG: I am.

14 VICE-CHAIRMAN OLSON: All right.

15 MR. ENGBERG: So this amendment, these
16 two amendments actually, regard short-term rental
17 regulations. Very commonly you know them as
18 AirBNB, VRBO. Basically sharing a room, you
19 know, on a short-term basis.

20 It's one of those things that can be
21 a controversial topic, and a lot of cities over
22 the past five years have been trying to figure
23 out, you know, when does a house -- when you
24 start renting out, when does it become a hotel,

1 when does it become not residential, is it in the
2 right zone, and one of these things -- it's a
3 thing that a lot of bigger cities are having
4 issues with as there is lots of tourism and
5 attractions.

6 As a smaller city, we wanted to be
7 proactive in taking a look at how do we want to
8 go about this, are there any AirBNB's in
9 Yorkville, what are we doing.

10 As we state in our Zoning Ordinance,
11 if we do not address it, it is prohibited. So
12 back in the beginning of the year, you know, a
13 lot of data was collected, a lot of information,
14 and we took it to EDC. There was some licensing
15 and some extra regulations and things like that
16 that were proposed.

17 After that EDC committee meeting we
18 were told that it might be best just to permit it
19 in residential districts, define it and permit
20 it.

21 It's not an issue at this time, it's
22 not something that we see that's prevalent in the
23 community, so that's what I am bringing forth
24 today, so it gives a definition of a short-term

1 rental and then it permits it in all residential
2 districts.

3 VICE-CHAIRMAN OLSON: Could you read the
4 definition of the short-term use?

5 MR. ENGBERG: I could read the
6 definition. The definition is a short-term
7 rental is a home occupation of a single family
8 dwelling unit that is used as a primary residence
9 by owners or renters or a part/portion of such
10 unit that is rented for less than 30 days at a
11 time to transient and temporary guests.

12 VICE-CHAIRMAN OLSON: Is there anyone
13 present who wishes to speak in favor of the
14 request?

15 (No response.)

16 VICE-CHAIRMAN OLSON: Is there anyone
17 present who wishes to speak in opposition to the
18 request?

19 (No response.)

20 VICE-CHAIRMAN OLSON: Are there any
21 questions from the Commission members?

22 MR. MARCUM: No.

23 VICE-CHAIRMAN OLSON: Is the petitioner
24 for then PZC 2019-09 present and prepared to make

1 a presentation?

2 MR. ENGBERG: We are.

3 VICE-CHAIRMAN OLSON: Please proceed.

4 MR. ENGBERG: Doug, would you like to
5 just quickly go over the petition? Obviously
6 this was at the open house, but kind of going
7 over the downtown overlay.

8 DOUG FARR,
9 having been first duly sworn, testified before
10 the Commission as follows:

11 MR. FARR: Sure, I'd be glad to. Good
12 evening. How are we doing?

13 So the boards before you probably
14 tell the story as well as I can and a picture is
15 worth a thousand words, so if you haven't seen it
16 yet, to maybe check it out on the way out, but we
17 were engaged by the village to do two different
18 things, prepare a downtown master plan, a
19 Streetscape Master Plan, and you can sort of see
20 that here -- and I will just say Krysti I think
21 did a really good intro, each of the streets in
22 downtown has their own character, and through
23 design can be made its best not by being a copy
24 of the others, but each one is unique, and so you

1 think you've got a little downtown, what can be
2 so fussy about it, but there really is nuance
3 between Bridge and the others, and Hydraulic, Van
4 Emmon, so we think we got that really right.

5 We focused on long-term permitted
6 improvements, which tend to be five and ten years
7 and hundreds of thousands and millions, and then
8 we focused on tactical things, which are things
9 you can do this summer or in the next year, and
10 so this is kind of the state-of-the-art in
11 planning, is to promote the tactical stuff.

12 A lot of times -- for years and
13 years and years plans only said here is the
14 permanent stuff, please adopt my plan, and then,
15 you know, crickets, you know, 10 or 12 years go
16 by and nothing happens.

17 So tactical stuff, there may be
18 funding, and receive funding for, it's going to
19 be exciting, and that's -- In the age of
20 Instagram, the person that came to downtown
21 Yorkville and played chess with friends and took
22 a picture of it, that's free advertising, so
23 that's in the plan as well.

24 The signage I think just went up

1 recently in the banners and so on, so I think
2 they are really sharp looking palettes, the use
3 of color, crisp graphics. I haven't seen them
4 installed, but I plan to do that. So that's a
5 high level overview of all of that.

6 And then on the boards to my left is
7 the Form-Based Code, and so Form-Based Code is
8 probably between 20 and 25-year old emerging
9 practice in zoning, so zoning forever was what's
10 called Euclidean zoning, where it's really -- the
11 business of zoning was say factories over there
12 and housing over there. It was about identifying
13 and segregating land uses, keeping noxious fumes
14 away from day care centers, things like that.

15 So in the modern era we've known
16 that industry has gotten cleaner, that places
17 that we are attracted and want to invest in and
18 spend money in tend to be mixed use places.

19 You will have some restaurants and
20 some offices and some housing, all cheek-to-jowl
21 tied in, and the thing that is most important to
22 get right over the long-term is not to fix the
23 use, because we also know how retail has been,
24 you know, just reinvented, turned on its head

1 with Amazon and other things, but the form is
2 right. So if it's facing a main street, it
3 should have a store front; if it's on a side
4 street, it may want to be a free-standing
5 residential building, and then we provide for
6 different building types between those two
7 extremes.

8 Here we regulate by street, so on
9 this street following the plan uses are building
10 types permitted, and if you were around for the
11 Open House, I mentioned that one of the great
12 innovations of the Form-Based Code is it took --
13 for a single building we often have to look at
14 the uses chapter, the bulk chapter, the chapter
15 of the setbacks chapter, the maximum height
16 chapter, the parking chapter, and a couple other
17 chapters to sort of say, you know, there is six
18 things I have to do all at one time.

19 What the Form-Based Code does or the
20 Form-Based Code you will hopefully adopt is puts
21 all those regulations for a single building on a
22 two-page spread, so there is no picking around,
23 did I miss something, is there a chapter I should
24 be at, it's right there, both for an applicant

1 and for a neighbor, so you can predict with
2 fairly good certainty if I buy here, the guy next
3 to me, that's his regulation. I can see what it
4 is.

5 So I think it makes for a more
6 efficient development in the marketplace. I
7 think we also explained the details about what we
8 thought was an appropriate building in each
9 condition, and so an applicant that comes forward
10 and says I want to build one of your three, you
11 know, preset buildings along Bridge Street or
12 whatever it is, you know, I'm a big pro-business
13 guy, if you meet all our rules, you walk out with
14 a permit today, so this design will do that.

15 And then on the far, far board is
16 the sort of second condition of Form-Based Code,
17 you know, streets create a lot of value in cities
18 and towns, they are often left to chance, their
19 design is often left to chance.

20 So if you go to visit a place, go to
21 Galena or someplace like that, you are walking
22 the streets, that's your experience. That's a
23 linear outdoor room framed by buildings, but
24 shaped a lot by the traffic experience, the

1 parked cars, the sidewalks, a lot of that stuff,
2 so rather than leave that to chance, we also
3 designed that.

4 So the plan sort of alludes to the
5 character, look and feel we want, and then sort
6 of make this more the sidewalk response, so it's
7 got the reports and all the entities that
8 contribute to it.

9 So that was my report, glad to
10 answer questions, but that's -- I'll sit down.
11 Thanks.

12 VICE-CHAIRMAN OLSON: Is there anyone
13 present who wishes to speak in favor of the
14 request other than Doug?

15 (No response.)

16 VICE-CHAIRMAN OLSON: Is there anyone
17 who wishes to speak in opposition to the
18 request?

19 (No response.)

20 VICE-CHAIRMAN OLSON: Is there any
21 questions from the Commissioners?

22 MR. MARCUM: No.

23 MR. VINYARD: No.

24 VICE-CHAIRMAN OLSON: Since all public

1 testimony regarding these petitions has been
2 taken, may I have a motion to close the taking of
3 testimony in this public hearing, please?

4 MR. VINYARD: So moved.

5 MR. MARCUM: Second.

6 VICE-CHAIRMAN OLSON: Roll call vote on
7 the motion, please.

8 MS. YOUNG: Yes.

9 Marcum.

10 MR. MARCUM: Yes.

11 MS. YOUNG: Olson.

12 VICE-CHAIRMAN OLSON: Yes.

13 MS. YOUNG: Vinyard.

14 MR. VINYARD: Yes.

15 MS. YOUNG: Williams.

16 MR. WILLIAMS: Yes.

17 MS. YOUNG: Thank you.

18 VICE-CHAIRMAN OLSON: The public hearing
19 portion of the meeting is closed.

20 (Which were all the
21 proceedings had in the
22 public hearing portion
23 of the meeting.)

24 ----o0o----

0	AirBNB [1] - 6:18 AirBNB's [1] - 7:8 alludes [1] - 14:4 ALSO [1] - 2:7 Amazon [1] - 12:1 amendment [1] - 6:15 amendments [3] - 5:3, 5:6, 6:16 AND [1] - 1:9 annexed [1] - 16:10 answer [1] - 14:10 applicant [2] - 12:24, 13:9 applies [1] - 16:11 appropriate [2] - 6:2, 13:8 April [2] - 1:21, 16:17 area [1] - 5:18 art [1] - 10:10 assume [1] - 16:13 attracted [1] - 11:17 attractions [1] - 7:5 audio [1] - 16:5	C	committee [1] - 7:17 commonly [1] - 6:17 community [1] - 7:23 Community [1] - 2:8 complete [1] - 16:8 computer [1] - 16:8 computer-generated [1] - 16:8 condition [2] - 13:9, 13:16 considered [1] - 3:10 contribute [1] - 14:8 control [1] - 16:15 controversial [1] - 6:21 copies [2] - 16:12, 16:14 copy [1] - 9:23 correct [1] - 16:7 County [2] - 5:2, 5:11 COUNTY [1] - 16:2 couple [1] - 12:16 create [1] - 13:17 crickets [1] - 10:15 crisp [1] - 11:3 CSR [2] - 16:20, 16:20	6:7 downtown [8] - 5:18, 5:21, 6:6, 9:7, 9:18, 9:22, 10:1, 10:20 duly [1] - 9:9 during [1] - 3:20 dwelling [1] - 8:8
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