

**PLANNING & ZONING COMMISSION**

**City Council Chambers**

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

**Wednesday, January 8, 2020 7:00pm**

**Meeting Called to Order**

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

**Roll Call:**

Rusty Hyett-yes, Greg Millen-yes, Jeff Olson-yes, Richard Vinyard-yes, Danny Williams-yes

Absent: Deborah Horaz, Don Marcum

**City Staff**

Krysti Barksdale-Noble, Community Development Director

Jason Engberg, Senior Planner

**Other Guests**

Christine Vitosh, Vitosh Reporting Service

Lynn Dubajic, City Consultant

Eric Peterman, GRNE

Katie Finlon-Kendall County Record

Beth & Gint Brakauskas, Blackberry Wds.

Brian Werner, CECCO/Wrigley

Mary Snyder, Blackberry Woods

Dan Kramer, Attorney

Jim Smiley, Kendall County

Mr. Chris Childress, Kendall County

Rick Murphy, Lennar Homes

Michael Olszewski, Blackberry Wds.

John Kehoe, Mars Wrigley

Marianne Tomse, Blackberry Woods

**Previous Meeting Minutes** November 13, 2019

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

Roll call: Hyett-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

**Citizen's Comments** None

**Public Hearings**

Chairman Olson explained the procedure for the Hearings and swore in those who would speak. At approximately 7:03pm a motion was made and seconded by Mr. Vinyard and Mr. Williams, respectively, to open the Hearings.

Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes. Carried 5-0.

Chairman Olson read each of the Public Hearings as follows:

1. **PZC 2019-28** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 3: General Zoning Provisions of the

United City of Yorkville Zoning Ordinance regarding mobile food and retail vendor vehicles. The amendment proposes to eliminate the required business registration of the vendor and vehicle for food and retail trucks conducting business on private property.

2. **PZC 2019-29** GRNE Solar, Eric Peterman on behalf of Kendall County, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval to install and operate a solar farm with more than one freestanding solar energy system on approximately 7.4 acres of land consisting of roughly 6,400 solar modules. The real property, zoned in the O Office District, is located at the southeast corner of John Street and Beecher Road at the Kendall County Government Campus in Yorkville, Illinois.
3. **PZC 2019-30** Cal Atlantic Group, Inc. (A fully owned subsidiary of Lennar Homes), petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting amendment to the Raintree Village Planned Unit Development Agreement to reduce the minimum side yard setback for Lots 264-282 from ten feet (10') to six feet (6') for new construction townhomes within the Raintree Village development. The real property is generally located east of IL Route 47, south of IL Route 71, immediately west of IL Route 126 in Yorkville, Illinois.
4. **PZC 2019-31** Brian Werner of Continental Electric representing Wrigley Manufacturing, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval to install and operate a freestanding solar energy system and freestanding wind energy system at 2800 N. Bridge Street. The real property, zoned in the M-1 Limited Manufacturing District, is located on the east side of US Route 47 south of the Burlington Northern & Santa Fe railway and north of Cannonball Trail. The petitioner is requesting for a single stationary solar panel and single vertical wind turbine to be located near the front of the property to power an illuminated sign.

*(See Court Reporter Transcripts)*

*(Petitioner's Responses to #2, GRNE Solar and #4 Wrigley, shall be added to record)*

The Hearings were closed at approximately 7:32pm on a motion by Mr. Vinyard and second by Mr. Williams.

Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes. Carried 5-0.

**Unfinished Business** None

**New Business**

1. **PZC 2019-28 Text Amendment** (See full description under Public Hearings) Chairman Olson commented that he didn't feel fingerprinting was necessary for food vendors.

**Action Item:**

Text Amendment

There was no discussion and a motion to approve was made and seconded by Commissioners Vinyard and Williams, respectively. Mr. Vinyard read the motion as follows: In consideration of testimony presented during a Public Hearing on January 8, 2020 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for a text amendment to Section 10-3-14: Mobile Food Vendor Vehicles and Retail Vendor Vehicles of the United City of Yorkville Zoning Ordinance to remove the requirement for a Certificate of Registration, as recommended in a staff memo dated January 2, 2020.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes, Millen-yes. Carried 5-0.

**2. PZC 2019-29 GRNE Solar** (See full description under Public Hearings)

Mr. Engberg said the only changes that will be made are changing the fencing material to treated pine and to modify the landscaping on the west side. The maintenance of the fence was discussed and it was noted the wood is much less expensive than vinyl. The City will conduct windshield inspections twice a year. Cameras will be mounted inside the site per a request from the Kendall County Sheriff. Mr. Olson disagreed with bushes on the west since they will be small and said the west boundary landscaping should be consistent with the other sides. Mr. Engberg added the staff supported the landscaping changes since the neighbor to the west has approved that plan. Mr. Engberg summarized the required conditions including EEI comments. The County will hold a bond for the decommissioning of the property if necessary.

**Action Item:**

Special Use

The Commissioners agreed on the fencing material and the revised landscaping. A motion was made by Mr. Vinyard and seconded by Mr. Williams to approve the GRNE special use permit. Attorney Kramer asked to revise the date on the landscaping plan. There was brief discussion of the wood fencing and the potential penalty if the fence is not maintained. Mr. Williams suggested the wood should also be pressure-treated.

Mr. Vinyard read the motion as follows: In consideration of testimony presented during a Public Hearing on January 8, 2020 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system, or solar farm, on a O Office District zoned property located at the southwest corner of the Kendall County Government Center subject to staff recommendations in a memo dated December 31, 2019 and further subject to the revised landscaping design dated 1-8-20 including wooden fence constructed minimally of pressure-treated materials.

Roll call: Vinyard-yes, Williams-yes, Hyett-yes, Millen-yes, Olson-yes. Carried 5-0.

**3. PZC 2019-30 CalAtlantic** (See full description under Public Hearings)

Ms. Noble noted there are two motions associated with this petition. The first is the PUD request for a sideyard setback from 10 feet to 6 feet. The builder is offering duplexes and trends are now showing that a one-story ranch is more popular. The ranch is a wider product and results in a reduced sideyard. The staff supports the setback request based on other such requests in the City.

Chairman Olson expressed some concern for the reduced setbacks. Ms. Noble said there were some incentives granted to take over this project. The builder front-funded a park and fees were paid for infrastructure. There was significant revenue brought to the City with this development. Fire suppression systems were also discussed in view of the reduced setbacks. It was requested to not have any flammable plant material such as mulch on the outside. Mr. Vinyard questioned the distance between the units and said that modern materials burn faster and hotter. Lennar rep Rick Murphy said the duplex units will have sprinklers.

The second request for this petition is approval of the final plat.

**Action Item:**

**PUD Amendment for Setbacks**

A motion was made and seconded by Commissioners Vinyard and Williams, respectively, to approve the PUD Amendment. Mr. Vinyard read the motion as follows: In consideration of testimony presented during a Public Hearing on January 8, 2020 and the standards for PUD approval and amendment, the Planning and Zoning Commission recommends approval to the City Council a reduction in side yard setback from ten (10) feet to six (6) feet for lots 262-284 in Unit 4 of the Raintree Village subdivision, as presented by the Petitioner Exhibit F Side Yard Setback.

Roll call: Williams-yes, Hyett-yes, Millen-yes, Olson-yes, Vinyard-yes. Carried 5-0.

**Action Item:**

**Final Plat**

Commissioners Vinyard and Williams moved and seconded, respectively, to approve the Final Plat for Raintree Village. Mr. Vinyard read the motion as follows: In consideration of the proposed Final Plat of Raintree Village, Unit Four 1<sup>st</sup> Resubdivision, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in plans prepared by Mackie Consultant, LLC dated last revised 11-11-19, subject to review comments provided by the City Engineer, EEI, Inc. dated November 13, 2019.

Roll call: Hyett-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

**4. PZC 2019-31 Wrigley Manufacturing (See full description under Public Hearings)**

Mr. Engberg reviewed the staff conditions being recommended for the special use and said that both the wind turbine and solar panel meet the setback and location requirements. The height 11 feet 4 inches is a condition of the special use.

The advertising on the blades is technically not allowed under city code, however, Mr. Engberg noted that the Economic Development Committee was in favor of keeping the advertising since it was unique. This is being requested as part of the special use. Ms. Noble said if the Commission votes to approve, the code will need to be amended to allow other businesses the same opportunity. Commissioners said they were in favor of this type of signage and Mr. Williams stated this may open up future expansion for Mars.

Mr. Engberg also listed the four staff recommendations and Chairman Olson read the special use standards.

**Action Item:**

**Special Use**

Mr. Williams moved to approve the petition for special use permit and Mr. Vinyard seconded. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on January 8, 2020 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system and wind turbine, on a M-1 Limited Manufacturing zoned property located at the entrance to the Wrigley Manufacturing Center on the east side of US Route 47, subject to staff recommendations in a memo dated December 31, 2019.

Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes. Carried 5-0.

**Additional Business**

Mr. Engberg noted City Council approval of a recent Text Amendment and Final Plat.

**Adjournment**

There was no further business and the meeting was adjourned at 8:18pm on a voice vote.

Respectfully submitted by Marlys Young, Minute Taker