

PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, April 13, 2022 7:00pm

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the City of Yorkville is allowing remote attendance at this meeting. Social distancing is being encouraged due to the current Covid-19 pandemic.

Meeting Called to Order

Prior to starting the meeting, Chairman Olson announced that Commissioner Don Marcum will no longer be able to serve on the Planning and Zoning Commission due to health issues. Mr. Olson shared some brief comments about Mr. Marcum and then thanked him for the time he dedicated to the City of Yorkville.

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

Roll Call

Deborah Horaz-yes/electronic attendance
Rusty Hyett-yes/electronic attendance
Greg Millen-yes/electronic attendance
Jeff Olson-yes/in-person
Danny Williams-yes/electronic attendance

Absent: Don Marcum, Richard Vinyard

City Staff

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

Other Guests

(All guests were by electronic attendance)

Lynn Dubajic Kellogg, City Consultant Troy Mertes, MODA Homes
Christine Vitosh, Vitosh Reporting Service Dawn Leprich-Graves, Bricolage
Dave Schultz, HR Green

Previous Meeting Minutes January 12, 2022

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

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

Citizen's Comments None

Public Hearing

Chairman Olson explained the process for the Public Hearing and swore in those who would present testimony. He entertained a motion to open the Public Hearing. So moved by Mr. Williams and seconded by Ms. Horaz. Roll call: Millen-yes, Olson-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 5-0. The Hearing opened at approximately 7:04pm. Mr. Olson then read the Public Hearing description.

1. **PZC 2022-02** The petitioner, Dawn Leprich-Graves, on behalf of BW Property Holdings, LLC/Bricolage Wellness, PLLC, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of an approximately 1.17-acre parcel located at 8721 Route 126 in Yorkville, Illinois. The property is part of the previously approved Windmill Farms Annexation Agreement and the petitioner is seeking to rezone the parcel from the Planned Unit Development (PUD) zoning designation to the B-3 General Business District. The purpose of the rezoning is to establish and operate a professional services business within the existing residential structure.

Brief Summary: Ms. Leprich-Graves described her business and Ms. Noble presented background information regarding the petition. Ms. Noble also asked that the Findings of Fact be entered into the official record.

(See Court Reporter's Transcript for official proceedings)

Following testimony, a motion was made at 7:11pm by Mr. Williams, seconded by Ms. Horaz to close the Hearing. Roll call: Millen-no response, Olson-yes, Williams-yes, Horaz-yes, Hyett-yes. Carried 4-0.

Unfinished Business None

New Business

1. **PZC 2022-02** Petitioner Dawn Leprich-Graves/Bricolage (see full description of petition under Public Hearings)

There was no further discussion from the Commissioners and Ms. Noble stated that staff was supportive of the petition.

Action Item

Rezone

A motion to approve the petition was made by Mr. Williams and seconded by Mr. Hyett. *Motion read by Mr. Williams:* In consideration of testimony presented during a Public Hearing on April 13, 2022 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 property located at 8721 Route 126 from Planned Unit Development (PUD) to B-3 General Business District. Roll call: Olson-yes, Williams-yes, Horaz-yes, Hyett-yes, Millen-yes. Carried 5-0.

2. **PZC 2022-06** The petitioner, David Schultz, on behalf of Troy Mertz, is seeking Final Plat Amendment approval to introduce a new townhome product for the remaining thirteen (13) lots within Unit 3 of Bristol Bay. The change in product type will result in sixty-one (61) townhome units, varying between 4, 5 and 6

units per building in Bristol Bay Unit 3. This will result in the interior building lot lines for Lots 12, 15, 18 and 13 requiring adjustment, and the minor encroachment within the rear and side property lines on the same lots.

Ms. Noble presented the background information for this petition. A Final Plat was approved in 2005-2006 and was recorded. This document for approval is an amendment to the Final Plat. HR Green worked with the petitioner and the new owner, Troy Mertz, who is looking to do a slightly different type townhome. There are 13 remaining lots with 4-6 units on each lot in Unit 3. The product change resulted in an increase to 61 units, up from 60, however, an analysis revealed no density change. Regarding building setbacks, there are some minimal encroachments on some lots and they are being approved by the City Administrator through a minor PUD amendment. The engineer said the project is in compliance with the subdivision control ordinance. Staff is supportive.

Action Item

Final Plat Amendment

Chairman Olson entertained a motion of approval. So moved by Mr. Williams and seconded by Ms. Horaz. Ms. Horaz asked if there were conceptual plans. Ms. Noble said the plans submitted were in general agreement with the original ones, but with a higher level of architectural materials. *Motion read by Mr. Williams:* In consideration of the proposed Final Plat of Resubdivision for Bristol Bay P.U.D. Unit 3, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner, Troy Mertz, on behalf of Bristol Bay Yorkville, LLC, in a plan prepared by HR Green, LTD date last revised March 18, 2022.

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

3. **PZC 2022-07** The petitioner, David Schultz, on behalf of Troy Mertz, is seeking Final Plat of Subdivision approval for Bristol Bay Unit 13. The petitioner is seeking Final Plat approval to subdivide the approximately 25-acre parcel into 69 lots consisting of 68 single-family units and a 3.25 -acre park site.

Ms. Noble provided background information, saying this was approved in 2006, but there was no Final Plat. Some of the underground work was done at that time, but additional work is needed. This is a 25-acre parcel to be subdivided in 69 lots, with 68 homes and a park. Per the Annexation Agreement, the developer must give \$50,000 to the city for land cash fees prior to recording the Final Plat. There was no further discussion.

Action Item

Final Plat

Moved by Mr. Williams and seconded by Mr. Hyett to approve the Final Plat of Subdivision. *Motion read by Mr. Williams:* In consideration of the proposed Final Plat of Subdivision for Bristol Bay P.U.D. Unit 13, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner, Troy Mertz, on behalf of Bristol Bay Yorkville, LLC, in a plan prepared by HR Green, LTD date last revised March 15, 2022.

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

Additional Business

1. City Council Updates

a. **PZC 2021-07** Mr. Engberg said the YBSD variances from January were approved by City Council.

Mr. Engberg also said PZC will probably meet next month and will also nominate a Vice-Chair.

Adjournment

There was no further business and the meeting was adjourned at 7:24pm on a motion and second by Commissioners Williams and Horaz, respectively. Unanimous voice vote.

Respectfully submitted by
Marlys Young, Minute Taker/in-person

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, April 13, 2022
7:00 p.m.

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PRESENT: (In-person and via Zoom)

Mr. Jeff Olson, Chairman,
Ms. Deborah Horaz,
Mr. Greg Millen,
Mr. Danny Williams,
Mr. Rusty Hyett.

ALSO PRESENT: (In-person and via Zoom)

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

- - - - -

I N D E X

WITNESS:	PAGE:
Dawn Leprich-Grave	6

- - - - -

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

4 CHAIRMAN OLSON: 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 members of the public
9 regarding the proposed request being considered
10 before this Commission tonight.

11 Public testimony from persons
12 present who wish to speak may be for or may be
13 against the request or to ask questions of the
14 petitioner regarding 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 also asked to sign in at the podium, which we
19 still have.

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

24 MS. NOBLE: That includes you, Dawn, as

1 well.

2 MS. LEPRICH-GRAVES: Thank you. Okay.

3 (Witness sworn.)

4 CHAIRMAN OLSON: All right. The order
5 for receiving testimony during the public hearing
6 will be as follows: We will have the petitioner
7 presentation, then we will have those who wish to
8 speak in favor and then those who wish to speak
9 in opposition, and with that being said, may I
10 have a motion to open the public hearing on
11 Petition number PZC 2022-02, rezoning
12 classification request?

13 MR. WILLIAMS: So moved.

14 MS. HORAZ: Second.

15 CHAIRMAN OLSON: Roll call vote on that
16 motion, please.

17 MS. YOUNG: Yes. Millen.

18 (No response.)

19 MS. YOUNG: Millen.

20 MR. MILLEN: Yes.

21 MS. YOUNG: Olson.

22 CHAIRMAN OLSON: Yes.

23 MS. YOUNG: Williams.

24 MR. WILLIAMS: Yes.

1 MS. YOUNG: Horaz.

2 MS. HORAZ: Yes.

3 MS. YOUNG: And Hyett.

4 MR. HYETT: Yes.

5 MS. YOUNG: Thank you.

6 CHAIRMAN OLSON: All right. So the
7 public hearing up for discussion then is this
8 PZC 2022-02, Dawn -- and I'm going to butcher
9 this, but I'm going to try -- Dawn
10 Leprich-Graves on behalf -- I do all right once
11 in a while -- of the BW Property Holdings,
12 Bricolage -- two for two -- Wellness, PLLC, has
13 filed an application with the United City of
14 Yorkville, located at 8721 Route 126 in
15 Yorkville, Illinois.

16 The property is part of the
17 previously approved Windmill Farms Annexation
18 Agreement, and the petitioner is seeking to
19 rezone the parcel from the Planned Unit
20 Development zoning designation to a B-3 General
21 Business District.

22 The purpose of the rezoning is to
23 establish and operate a professional service
24 business within the existing residential

1 structure.

2 Is the petitioner for PZC 2022-02,
3 Bricolage Wellness, present and prepared to make
4 a presentation of the proposed request?

5 MS. LEPRICH-GRAVES: Yes.

6 CHAIRMAN OLSON: By all means.

7 MS. NOBLE: So, Dawn, I typically don't
8 do presentations, but I know you have not done a
9 presentation of your request, so if you could
10 just tell the Commission just a little bit about
11 the services you provide, I can give them an
12 overview of the rezoning portion.

13 DAWN LEPRICH-GRAVES,
14 having been first duly sworn, testified before
15 the Commission as follows:

16 MS. LEPRICH-GRAVES: Great. Thank you.
17 So I have a wellness practice. We specialize in
18 counseling services and occupational therapy
19 services.

20 We have two locations currently in
21 other cities, in Chicago and Lombard, and then we
22 do actually have a third location currently in
23 Yorkville.

24 We are renting property and we would

1 like to expand and have our own property, so we
2 are looking to purchase the property so that we
3 can expand our business and continue providing
4 services to the community.

5 Some of our specialty areas include
6 working with new moms, pregnant, post-partum
7 moms, and people with eating concerns, so we
8 would like to continue providing those services.

9 CHAIRMAN OLSON: Okay. Thank you.
10 Krysti?

11 MS. NOBLE: Okay. So the zoning portion
12 of this has to deal with this property was part
13 of the overall development that was approved by
14 the City in 2006.

15 There was a proposal at the time
16 that was approved as part of an annexation
17 agreement with the PUD plan, but it was only a
18 concept plan, and it contained about 13 parcels
19 and it was called Windmill Farms.

20 At that time the City was doing
21 what's called a PUD zoning district rather than
22 allowing the PUD to be a special use and so it
23 required an underlying zoning of R-4, which is a
24 multi-family residence district, and a B-3 zoning

1 district.

2 This particular property is about a
3 little over an acre and it had an underlying
4 zoning district of B-3. Because the developer at
5 the time did not secure all the property, nor did
6 they do a final plat of the property, these
7 property owners are now saddled with a
8 development agreement that cannot move forward.

9 Because we could never get all of
10 the property owners to come together at one time
11 to repeal the development agreement, we have
12 taken the course of individually removing each of
13 the parcels from that annexation and PUD
14 agreement and then rezoning the property.

15 Because the PUD zoning district
16 doesn't exist, they had their entitlement through
17 this document, so by pulling it out, there was a
18 public hearing last night at City Council to
19 address the removal of this parcel from the
20 development agreement, and tonight this is a
21 request to rezone the property.

22 So they are seeking business zoning,
23 which is consistent with the underlying zoning,
24 but the current property is a residential

1 property.

2 The residential site, though, meets
3 pretty much all of the standard zoning bulk
4 regulations for the B-3; all of the adjoining
5 properties are either business district zoning or
6 they have a business land use, so it's
7 consistent with the trend of development in that
8 area.

9 This is similar to a project that we
10 did a couple years ago for Hively Farms, and the
11 Comprehensive Plan had envisioned this as an
12 estate conservation residential district land
13 use, which is kind of our holding land use for
14 those areas that did not have utilities at the
15 time to develop.

16 This particular property would then
17 be reclassified in our Comprehensive Plan as
18 destination commercial. We feel that the use is
19 suitable on the site. The actual structure
20 itself has been improved, interior, so it is
21 remodeled. The parking is sufficient in the
22 area, and the utilities, as I mentioned, are not
23 extended to this particular area, they are on
24 well and septic, but at the time that utilities

1 are within 250 feet of the property, they are
2 required to connect to city water and sewer.

3 Access to this property to be used
4 for commercial is adequate because they have
5 access off of 126 as well as Wing Road, which
6 connects to Illinois Route 71.

7 The findings of fact were addressed
8 by the petitioner in their packet and I would
9 request that those findings be entered into the
10 record.

11 CHAIRMAN OLSON: Firstly, does anyone
12 have any questions?

13 (No response.)

14 CHAIRMAN OLSON: Secondly, is there
15 anyone present who wishes to speak in favor of
16 the request?

17 (No response.)

18 CHAIRMAN OLSON: Is there anyone who
19 wishes to speak in opposition to the request?

20 (No response.)

21 CHAIRMAN OLSON: Okay. Since all public
22 testimony regarding this petition has been taken,
23 may I have a motion then, please, to close the
24 taking of testimony in this public hearing?

1 MR. WILLIAMS: So moved.

2 MS. HORAZ: Second.

3 CHAIRMAN OLSON: Got a second, thank
4 you. Roll call vote on the motion, please.

5 MS. YOUNG: Millen.

6 (No response.)

7 MS. YOUNG: Millen.

8 (No response.)

9 CHAIRMAN OLSON: Greg, are you here?

10 (No response.)

11 CHAIRMAN OLSON: Greg, can you hear us?

12 (No response.)

13 CHAIRMAN OLSON: Greg, can you hear us?

14 (No response.)

15 CHAIRMAN OLSON: We'll move on.

16 MS. YOUNG: Olson.

17 CHAIRMAN OLSON: Yes.

18 MS. YOUNG: Williams.

19 MR. WILLIAMS: Yes.

20 MS. YOUNG: Horaz.

21 MS. HORAZ: Yes.

22 MS. YOUNG: And Hyett.

23 MR. HYETT: Yes.

24 CHAIRMAN OLSON: Okay. That passes.

1 The public hearing portion of tonight's meeting
2 is closed.

3 (Which were all the
4 proceedings in the
5 public hearing portion
6 of the meeting.)

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

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings had at the public hearing and that
7 the foregoing, Pages 1 through 13 inclusive, is a
8 true, correct and complete computer-generated
9 transcript of the proceedings 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 18th day of April, A.D., 2022.

18
19 *Christine M Vitosh*

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