

**PLANNING & ZONING COMMISSION**  
**City Council Chambers**  
**651 Prairie Pointe Drive, Yorkville, IL**  
**Wednesday, September 13, 2023 7:00pm**

**Meeting Called to Order**

Vice-Chairman Richard Vinyard called the meeting to order at 7:30pm after a 30-minute delayed start time. Roll was called and a quorum was established.

**Roll Call**

Danny Williams-yes, Deborah Horaz-yes, Rusty Hyett-yes/via Zoom, Reagan Goins-yes, Greg Millen-yes, Richard Vinyard-yes

**City Staff**

Krysti Barksdale-Noble, Community Development Director  
Chris Funkhouser, Alderman  
Jackie Berg, Consultant-Houseal Lavigne  
Lynn Dubajic Kellogg, City Consultant

**Other Guests**

Christine Vitosh, Vitosh Reporting Service  
Mike Krempsi  
Molly Krempsi  
Rick Koshko, WSPY  
Matt Gilbert, Green Door, via Zoom

**Previous Meeting Minutes** July 12, 2023

The minutes were approved on a motion by Mr. Williams and second by Ms. Goins. Roll call vote: Horaz-yes, Hyett-yes, Goins-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 6-0.

**Citizen's Comments** None

**Public Hearings**

Mr. Vinyard stated the procedure for the Public Hearings and swore in those who would give testimony during the Public Hearings. At approximately 7:33pm the Hearings were opened on a motion by Ms. Horaz and second by Mr. Williams. Roll call: Hyett-yes, Goins-yes, Millen-yes, Vinyard-yes, Williams-yes, Horaz-yes. Carried 5-0.

1. **PZC 2023-09** United City of Yorkville has filed an Application for numerous amendments to the existing Yorkville City Code of Ordinances to adopt a new Unified Development Ordinance, including changes to the Zoning District Map, pursuant to section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14) and Section 10-4-10 of the Yorkville Zoning Ordinance. The proposed amendments relate to the existing Title 10 – Zoning, Title 11 – Subdivision Control, and the following chapters of Title 8 – Buildings Regulations: Chapter 7

– Stormwater and Flooding Regulations, Chapter 12 – Landscape Ordinance and Chapter 15 – Appearance Code of the Yorkville City Code.

2. **PZC 2023-10** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify "data center", "refrigerated warehouse (cold storage)", and "battery uses" as permitted uses within the M-1 Limited Manufacturing and M-2 General Manufacturing districts. This text amendment will provide definitions for the establishment and operation of such uses in these zoning districts. Additionally, an amendment to Table 10.16.03 in Chapter 16: Off-Street Parking and Loading in the Zoning Ordinance related to the uses is proposed.

*(See Court Reporter's Transcript of Public Hearings)*

A motion to close the Public Hearings was made at approximately 8:24pm by Mr. Williams and seconded by Ms. Goins. Roll call: Horaz-yes, Hyett-yes, Goins-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 6-0.

**Unfinished Business** None

**New Business**

1. **PZC 2023-09** Amendments (See Full description above)

Ms. Noble stated that the recommendations made at the August 31<sup>st</sup> final UDO meeting are not yet included in the UDO document. She also noted that staff received clear direction from City Council that land size should not be changed in the R-1 and R-2 districts.

The Commissioners reviewed the recommended changes from the UDO Committee and discussed some of them briefly. Ms. Noble then summarized the revisions and recommendations made by PZC Commissioners as follows:

Chapter 2: Commissioners OK with dwelling unit rather than family unit

Chapter 3: Omit R-2-A zoning and leave R-1 and R-2 as they currently exist

Chapter 4: Change ADU: recommend attached homes be permitted outright and detached should be special use

Chapter 5: Re: off-street parking : recommend the changes advisory committee stated-- 2 spaces for single-family, change townhome parking spaces from 1.25 to 2.25

Chapter 6: eliminate all regulations for yard signs

Chapter 7: Subdivision standards: recommend to remove connectivity requirement; keep cluster developments as PUD

Ms. Horaz asked about the "in lieu of fee parking". Ms. Noble said if the parking becomes an issue or is inadequate, City Council can revoke that.

The discussion of revisions concluded and Vice-Chairman Vinyard entertained a motion to approve PZC 2023-09 Unified Development Ordinance. Mr. Williams made the motion, (there was no second) and he read it as follows:

**Action Item:**

**Text & Map Amendment**

**Motion:** In consideration of testimony presented during a Public Hearing on September 13, 2023 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request to adopt the proposed Unified Development Ordinance (UDO) and supplemental Zoning Map as prepared and presented by consultant, Houseal Lavigne, dated September 6, 2023 and summarized in a staff memorandum dated September 7, 2023 and further subject to the inclusion of Chapter 4, Use Standards, from a memo dated September 1<sup>st</sup>, the inclusion of Chapter 5 Development Standards from a memo dated September 1<sup>st</sup> and the addition of townhome parking requiring 2.25 units, the recommendation for Chapter 6 for the city to not regulate yard signs, the inclusion of Chapter 7 recommendation to remove the connectivity index, and for cluster developments to remain PUD's.

Roll call: Hyett-yes, Goins-yes, Millen-yes, Vinyard-yes, Williams-yes, Horaz-yes.  
Passed 6-0.

**2. PZC 2023-10 Text Amendment (full description above)**

Ms. Horaz asked if the city has considered high energy and water use in some of the industrial uses as in the case of the upcoming lettuce farm. All are outright permitted, said Ms. Noble, and these types of projects go through an engineering process. Staff has also started doing research. Recycling batteries is also a concern for Ms. Horaz. Mr. Williams suggested that the city engineer could review and not support a certain business. Mr. Matt Gilbert weighed in and said the market will determine if the power is not there. Fire protection concerns were mentioned by Mr. Vinyard.

**Action Item:**

**Text Amendment**

A motion was made by Mr. Williams and seconded by Ms. Goins to approve PZC-2023-10 Text Amendment. Mr. Williams read the motion as follows:

**Motion:**

In consideration of testimony presented during a Public Hearing on September 13, 2023 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify "data center", "refrigerated warehouse (cold storage)", and "battery uses" as permitted uses within the M-1 Limited Manufacturing and M-2 General Manufacturing districts and an amendment to Table 10.16.03 in Chapter 16: Off-Street Parking and Loading in the Zoning Ordinance related to the uses is proposed, as recommended in a staff memo dated July 26, 2023.

Roll call: Goins-yes, Millen-yes, Vinyard-yes, Williams-yes, Horaz-yes, Hyett-(lost Zoom connection)

3. **PZC 2023-14** {city petition number} Troy M. Williams and Ashley L. Rusch, are requesting approval of a Plat of Vacation to vacate the public easements between two (2) parcels (Lots 100 and 101) within the Whitetail Ridge subdivision. The

real property is located at 7557 and 7583 Clubhouse Drive in unincorporated Kendall County.

Ms. Noble said the petitioner is consolidating 2 lots outside of the city limits and they want to vacate an interior easement to build one home. Drainage is not an issue and there are no utilities in the easement.

**Action Item:**

**1.5 Mile Review**

Commissioners Williams and Horaz moved and seconded, respectively, to approve PZC 2023-28 Whitetail Ridge. Mr. Williams read the motion as follows:

Motion: In consideration of the proposed mile and half review of Kendall County Petition 23-28 {county number} for a plat of vacation to vacate the public easements between two (2) parcels (Lots 100 and 101) within the Whitetail Ridge subdivision commonly known as 7557 and 7583 Clubhouse Drive, the Planning and Zoning Commission recommends the City Council to not object to the request.

Roll call: Millen-yes, Vinyard-yes, Williams-yes, Horaz-yes, Hyett-(lost Zoom connection), Goins-yes. Passed 5-0.

**Additional Business**

**1. City Council Action Updates**

- a. **PZC 2022-02** Turning Point Energy: no motion was made on the request for a solar farm.
- b. **PZC 2022-03** Turning Point Energy: no motion was made on the request for the solar farm.
- c. **PZC 2023-04** Trinity Church: variance was approved.

**Adjournment**

There was no further business and the meeting was adjourned at 9:17pm on a motion by Mr. Williams and second by Ms. Horaz. 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

651 Prairie Pointe Drive  
Yorkville, Illinois

Wednesday, September 13, 2023  
7:00 p.m.

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PRESENT IN PERSON AND VIA ZOOM:

Mr. Richard Vinyard, Acting Chairman,  
Ms. Deborah Horaz,  
Mr. Danny Williams,  
Mr. Greg Millen,  
Ms. Reagan Goins,  
Mr. Rusty Hyett.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community  
Development Director;  
Ms. Marlys Young, Minute Taker.

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I N D E X

WITNESS:	PAGE
MOLLY KREMPSKI	6

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

4 CHAIRMAN VINYARD: Public hearings. So  
5 tonight there are two public hearings scheduled  
6 for tonight's Planning and Zoning Commission  
7 meeting. The purpose of these hearings is to  
8 invite testimony from members of the public  
9 regarding the proposed request that is 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 the request being heard.

15 Those persons wishing to testify are  
16 asked to speak clearly, one at a time, state your  
17 name and who you represent, if anyone. You are  
18 also asked to sign in at the podium.

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

23 (The witness was thereupon duly  
24 sworn.)

1 CHAIRMAN VINYARD: So the following  
2 order for receiving testimony during the public  
3 hearing will be as follows: First we will do the  
4 petitioner presentation and then we will go on to  
5 those who wish to speak in favor of the request,  
6 followed by those who wish to speak in opposition  
7 to the request.

8 May I have a motion to open the  
9 public hearing on Petition number PZC 2020-01,  
10 Yorkville Comprehensive Plan map --

11 MS. NOBLE: I'm sorry, it's PZC 2023.  
12 Sorry about that.

13 CHAIRMAN VINYARD: May I have a motion  
14 to open the public hearing on Petition number PZC  
15 2023-09, United Development Ordinance?

16 MS. HORAZ: So moved.

17 MR. WILLIAMS: Second.

18 CHAIRMAN VINYARD: Roll call vote on the  
19 motion, please.

20 MS. YOUNG: Yes. Hyett. Hyett.

21 MS. NOBLE: Looks like our connection  
22 dropped.

23 MS. YOUNG: Okay. Goins.

24 MS. GOINS: Yes.



1 MS. YOUNG: Millen.

2 MR. MILLEN: Yes.

3 MS. YOUNG: Vinyard.

4 CHAIRMAN VINYARD: Yes.

5 MS. YOUNG: Williams.

6 MR. WILLIAMS: Yes.

7 MS. YOUNG: And Horaz.

8 MS. HORAZ: Yes.

9 MR. HYETT: Hyett, yes.

10 MS. YOUNG: Thank you.

11 CHAIRMAN VINYARD: So the public  
12 hearings for discussion tonight are as follows:  
13 PZC 2023-09, the United City of Yorkville, has  
14 filed an application for numerous amendments to  
15 the existing Yorkville City Code of Ordinances to  
16 adopt a new Unified Development Ordinance,  
17 including changes in the Zoning District Map  
18 pursuant to Section 11-13-14 of the Illinois  
19 Municipal Code and Section 10-4-10 of the  
20 Yorkville Zoning Ordinance.

21 The proposed amendments relate to  
22 the existing Title 10, Zoning, Title 11,  
23 Subdivision Control, and the following chapters  
24 of Title 8, Building Regulations, Chapter 7,

1 Stormwater and Flooding Regulations, Chapter 12,  
2 Landscape Ordinances, and Chapter 15, Appearance  
3 Code of the United City of Yorkville.

4 The second one will be PZC 2023-10,  
5 United City of Yorkville, Kendall County,  
6 Illinois, petitioner, is proposing a text  
7 amendment to Chapter 6, permitted and special  
8 uses in the Zoning Ordinance to identify a data  
9 center, refrigerated warehouse or cold storage  
10 and battery uses as permitted uses within the M-1  
11 Limited Manufacturing and M-2 General  
12 Manufacturing Districts.

13 This text amendment will provide  
14 definitions for the establishment and operation  
15 of such uses in these zoning districts.  
16 Additionally, an amendment to Table 10.16.03 in  
17 Chapter 16, off street parking and loading in the  
18 Zoning Ordinance related to the uses is proposed.

19 That was a mouthful. All right. So  
20 open the public hearing. Krysti, if you could,  
21 please, present for us, 2023-09, United -- or  
22 Yorkville Unified Development Ordinance map and  
23 text amendment.

24 MS. NOBLE: Okay. Good evening. There

1 is a presentation that's above you and in front  
2 of you that I will be going through. The UDO  
3 started in March of 2019. The city initiated  
4 this process to look at our various existing city  
5 ordinances and combine them into one cohesive,  
6 single reference, graphic dense document.

7 The city ordinances range from the  
8 Zoning Ordinance, which was originally adopted in  
9 1974 and last updated holistically in 2018. Our  
10 Subdivision Control Ordinances and Standards,  
11 which were adopted in 2004, our Landscaping  
12 Ordinance, 2009, and then the Appearance Code in  
13 2005.

14 So we combined all these documents  
15 into a user friendly we call it Unified  
16 Development Ordinance to address not only  
17 residents who are looking to do something to  
18 their home or their property and be able to find  
19 everything in one location, but for developers  
20 and staff as well.

21 So in the packet there is a very  
22 robust memo that goes over each of the chapter  
23 reviews. The UDO actually had a committee of its  
24 own that met about 15 times over the last

1 four years to tweak the types of changes of  
2 growth management that the city was looking for  
3 and other chapters as far as processes, and  
4 tonight is a presentation of those discussions.

5 I will let you know that the city  
6 did have an open house open to the public on  
7 August 31st to review the document, provide  
8 comments, and the UDO Advisory Committee itself  
9 held a meeting that night and proposed some  
10 additional changes to the document that are not  
11 included in tonight's presentation, but if  
12 conversations are started by the public that want  
13 to explore that information, a memo was provided  
14 in there of the changes that the committee had  
15 recommended on the 31st. So let's get started.

16 So the UDO, it's nine chapters, and  
17 that includes a smart code, so we will start with  
18 Chapters 1 and 3. So Chapter 1 itself is just  
19 general provisions. It establishes -- there is a  
20 time lag. It establishes the effective date of  
21 the UDO document itself. If approved, we are  
22 looking at an effective date of January 1st,  
23 2024.

24 It just introduces the document,

1 provides some context, the authority, identifies  
2 who the members are that are implementing the  
3 ordinance itself, and sets the stage for the  
4 document.

5 Chapter 2 deals with definitions.  
6 Let's go back. We'll start with Chapter 3,  
7 District Standards. So Chapter 3 talks about the  
8 different districts and establishes the districts  
9 and the purposes of those districts, but before  
10 we get to those, we're going to jump back just a  
11 little bit to Chapter 2. Chapter 2 is  
12 definitions.

13 Basically this is a complete list of  
14 the definitions that are referenced throughout  
15 the UDO. It talks about updated definitions,  
16 which provides clarity, and to the left you will  
17 see an image of what that smart code would look  
18 like, so if you are reviewing the code and you  
19 see a term that's underlined, you don't  
20 understand it, you put your mouse, hover over it,  
21 and it will give you what the actual definition  
22 is for that particular word so that you are not  
23 jumping back and forth between pages of the  
24 document, so it streamlines that process for the

1 reader.

2           There is some clarifications that  
3 were made. In our current ordinance we use the  
4 word structure and building kind of  
5 interchangeably, which is not necessarily so when  
6 you're looking at temporary structures or  
7 permanent buildings, so we make the clean break  
8 between what's a structure and what's a building.

9           We specified out professional office  
10 uses versus personal care services. Right now  
11 the ordinance says a barber is a professional  
12 office. Well, we wanted to separate that out  
13 because the definition of professional office is  
14 anything -- any operation that requires you to be  
15 licensed, so we wanted to make sure that we were  
16 clear when we said office use that it was a  
17 doc -- not doctor, I'm sorry, an attorney or a  
18 lawyer versus, you know, nail technician. And  
19 then animal hospitals versus veterinarians is  
20 another example.

21           We also addressed new concepts for  
22 development. There is enclosed auto sales now as  
23 opposed to just open lot auto sales. There are  
24 new changes in the car and automobile sales

1 industry where people are storing vehicles  
2 off-site, making appointments for people to look  
3 at the vehicles, instead of, you know, open sales  
4 lot where you drive by and see all the vehicles  
5 for sale, so we wanted to be able to accommodate  
6 those uses in some of the industrial districts,  
7 so an example would be a car lot type.

8 Enclosed versus outdoor public  
9 storage facilities, the enclosed facilities are  
10 just the single building with the units inside  
11 the building. Those are more appropriate for a  
12 business district where you have -- versus the  
13 outdoor public storage facilities that you drive  
14 up to, which would be more appropriate in an  
15 industrial setting.

16 And then we have new uses, which is  
17 data centers, vehicle charging stations and  
18 battery storage. Those are more of the advanced  
19 uses, energy uses, that are newer, that our code  
20 just didn't address, and we will talk about that  
21 more in the next public hearing.

22 So Chapter 3 delves into, as we  
23 were mentioning earlier, the district standards,  
24 so it kind of establishes what are the districts.

1 We went from a total of 15 districts down to 14  
2 in the UDO. We kind of eliminated some  
3 under-used or unused districts to combined some  
4 districts together to streamline uses that are  
5 similar. We modernized the permitted and special  
6 use tables, we will get into that a little bit  
7 more, and we did some minor adjustments to  
8 permitted yard obstructions.

9 One thing that came out of the  
10 discussion was porches, for instance. We were  
11 allowing them to encroach about three feet within  
12 a required yard, but if it's an open porch, the  
13 committee decided to allow five feet of  
14 encroachment where you don't have to get a  
15 variation and it will allow for homes that have  
16 short frontages to be able to take advantage of  
17 an open porch situation.

18 So here is an example of a use  
19 table. They are now categorized, easier to  
20 understand, instead of just business, and then  
21 all the businesses alphabetically. Guess we are  
22 waiting for that one to catch up. That's all  
23 right. There you go, it caught up.

24 What happens in this table is now



1 we're separating the uses, more sensible. So all  
2 your agricultural uses, all your residential  
3 uses, all your commercial service uses, so that  
4 if you weren't familiar with how the city set up  
5 its business district or its industrial district,  
6 if you know what your use is, it will be easier  
7 to find instead of searching through several  
8 tables in the existing document. So those are  
9 Chapters 1 through 3, kind of sets the stage.

10 Now we go on to Chapters 4 through  
11 5, which is kind of the meat of the UDO itself.  
12 The use standards. These establish the  
13 districts, as we just mentioned, the ag, from ag  
14 to alternative energy to institutional to even  
15 our accessory and temporary uses, and then  
16 Chapter 5 delves into how those uses look, the  
17 development standards for each of those uses in  
18 regards to off-street parking, landscaping,  
19 fencing and outdoor lighting standards, so we  
20 broke each of those categories down from  
21 residential to commercial to industrial, and if  
22 you look at the images here, it just talks about  
23 some of the uses that we are now regulating, and  
24 you can see there is the EV, electrical vehicle,

1 charging stations. So let's start with  
2 residential. Give that time to catch up on the  
3 screen. There is a lag on the -- there we go,  
4 for the members that are viewing us remotely.

5 So there is new residential  
6 standards. So we improved the residential  
7 standards, development standards, relating to  
8 multi-unit housing, so duplexes, townhomes, even  
9 apartments, where we're allowing more of the  
10 frontage to come up to the property line by  
11 allowing an alley. It would be a private alley,  
12 so that you are not faced with a lot of  
13 streamline of garages on the frontage.

14 There is a concept called accessory  
15 dwelling units, the ADU's, and within that there  
16 is an accessory commercial unit, so the accessory  
17 dwelling unit, you see that image in the middle.  
18 The red areas indicate livable space that you can  
19 have on your lot, they can be attached above a  
20 garage or detached. The idea is that at a  
21 maximum of 900 square feet you can have livable  
22 space that's for a family member or someone that  
23 you're caring for or that may be caring for a  
24 loved one in your home, so that they would have

1 their own autonomous living space from the owner  
2 itself. This has been very popular.

3 AARP has been recommending this as a  
4 stop gap to some housing shortages for those that  
5 are aging out of their home and are looking to  
6 stay close to family.

7 Accessory commercial units, that's  
8 the image to the left in the middle, that is kind  
9 of like a she shed. If you had a small, you  
10 know, home occupation, right now we do allow home  
11 occupations, but they cannot be detached from the  
12 home, so you can't operate a home occupation out  
13 of your garage or out of a shed. Now we are  
14 recommending that as a special use; you can  
15 operate one of these detached commercial units on  
16 your property.

17 The ADU itself right now is being  
18 proposed as an outright permitted use, but that  
19 can -- the recommendation that came out of the  
20 meeting with the committee on the 31st was maybe  
21 the detached unit would be a special use and the  
22 attached use can be permitted use.

23 Off street parking, some of those  
24 regulations that were tweaked. There is a

1 parking pad standard now. Right now if you were  
2 to add additional driveway space on the side of  
3 your garage, if you are within that required  
4 setback, whatever it is for your district,  
5 typically for R-2 District it's ten feet, you  
6 would not be able to have that parking pad.

7 We are proposing to allow that  
8 parking pad to happen with some type of screening  
9 involved, it can be a fence, it can be landscape  
10 screening, and so open driveway area, and it can  
11 be as close as five feet to that side property  
12 line.

13 So I have denied several permits for  
14 people trying to do that. This is just a way for  
15 us to address some of those concerns that we see  
16 coming through and try and make it more usable,  
17 the Zoning Ordinance, more usable for residents.

18 And also there is regulation now for  
19 portable outdoor storage containers, those pods.  
20 They are a temporary use and we kind of establish  
21 where they can be located on the site and for how  
22 long.

23 So for the commercial standards, a  
24 lot of emphasis was put in trying to regulate

1 those future uses that would be coming along,  
2 trying to get ahead of that. One, for instance,  
3 is outdoor driving ranges, that you would see the  
4 tower-type uses, we've added regulations for  
5 that, massage parlors, we have now recommended  
6 that they are special uses instead of outright  
7 permitted uses.

8 We've talked about the indoor  
9 storage, personal storage facilities, so it will  
10 look like a building like that. Added more  
11 bicycle parking regulations, kind of encouraging  
12 that, and also giving a bonus if you do have  
13 that, a reduction of some of your parking  
14 requirements. Similar to that is the ride share  
15 and the pick-up service that a lot of businesses  
16 use now. So now we're regulating where those are  
17 located, kind of want them off to the side so  
18 they're not taking up so much of the closed  
19 parking for people that are actually entering the  
20 building, and also offering a reduction of the  
21 required parking minimum for that as well.

22 Landscaping wise, the standards have  
23 been beefed up a lot to address incompatible uses  
24 or less intense uses next to a more intense use.

1 Right now our landscape requirements are very  
2 basic about the transition space, it just kind of  
3 gives a size and a number per linear foot of  
4 landscape material that you have, but not really  
5 addressing if I'm a resident and I'm next to --  
6 you know, I back up to maybe a commercial use, so  
7 we created transition zones, so you have Type A  
8 through D, and A would be something that you  
9 would have that are kind of compatible land uses,  
10 you don't need as much screening, but it would be  
11 nice to have some trees between you or another  
12 development; B gets a little bit more intense,  
13 all the way to D, for two incompatible land uses  
14 that would be adjacent to each other to make sure  
15 that that robust screening was there.

16 We also introduced a concept called  
17 a fee in lieu, and we did it in two places. One,  
18 we did it to off-street parking. There are some  
19 situations where you cannot meet the minimum  
20 parking requirements for a site, and if it is  
21 justified, through the city council review  
22 process, a maximum of 20 percent of off-street  
23 parking can be substituted with a fee, so then  
24 that fee would be used and appropriated to other

1 off-street parking space maintenance throughout  
2 the city, so public spaces, public on-street  
3 parking, public lots.

4 We also implemented that idea in the  
5 landscaping ordinance, so there is a fee in lieu  
6 for tree preservation. Say you develop a site,  
7 can't replace all the trees that you are going to  
8 remove on the site, well, now you can pay for  
9 that to the city and the city will use those  
10 funds, put it in a tree bank and plant trees  
11 throughout the --

12 CHAIRMAN VINYARD: (Inaudible).

13 MS. NOBLE: Yeah, exactly.

14 CHAIRMAN VINYARD: Nice.

15 MS. NOBLE: Plant trees throughout the  
16 city. And the final use standards is the  
17 industrial development standards. So here is an  
18 idea that was brought to us, we have some users  
19 that want to do live/work space, so like loft  
20 space above a working area, so we've come up with  
21 a concept of an artisan manufacturing use. So  
22 this is in the manufacturing district, it will be  
23 a special use, so if an individual has a company  
24 that produces something or assembles something on

1 a wholesale size, but also wants to live above  
2 the unit, this is an option for them.

3 So there is an example of a bakery  
4 on the first floor and then lofts above, so you  
5 would have a maximum of one residential unit  
6 allowed. We do allow this in one of our  
7 commercial districts. We have a bakery downtown  
8 that's actually utilizing that as a special use,  
9 and so it can also be implemented in the  
10 industrial districts as well.

11 We updated the alternative energy  
12 regulations; if you notice, we've got a lot of  
13 solar applications. We've passed two, we've got  
14 a couple coming through in the future, so we have  
15 adjusted that.

16 A lot of the solar companies have to  
17 go through a variance process because of our  
18 standard for the clearance. We wanted to make  
19 that a less burdensome process, meet with the  
20 current standards, development standards, for the  
21 actual user. They want to be closer to the  
22 ground, so we adjusted the minimum clearance on  
23 that.

24 We did more mechanical screening



1 requirements for on-ground and above-ground  
2 mechanical units for businesses and we modernized  
3 our outdoor lighting standards.

4 So Chapters 6 and 7 delve into signs  
5 as well as our subdivision standards. So in the  
6 sign ordinance, we looked at the purpose of the  
7 standards, the measurements, permitted signs,  
8 temporary signs, and as well as maintenance  
9 standards.

10 In our subdivision standards we  
11 looked at how we regulated lots, street designs,  
12 circulation within and connectivity within  
13 developments, particularly residential, and even  
14 commercial developments, and looked at new  
15 concepts like cluster developments and  
16 anti-monotony standards, kind of increased those,  
17 as well as looked at our park and land  
18 dedication.

19 So delving into the signs, did a  
20 complete rewrite due to Reed versus Gilbert.  
21 That was a 2015 case that dealt with the  
22 regulation of content of signs. So the city  
23 cannot regulate signs based off content anymore,  
24 so the way that our current sign ordinance has --

1 let's say that would be an off-street -- off-site  
2 sign, you can't determine that's an off-site sign  
3 because we'd have to look at the content to be  
4 able to determine that. We can't determine  
5 that's a garage sale sign because we'd have to  
6 look at the writing to determine it's a garage  
7 sale sign.

8 So we did a content neutral sign  
9 regulation, and so there is categories, so ground  
10 mounted sign, wall sign, direct -- a yard sign.  
11 Those types of things have been implemented.

12 So as far as the monument signs for  
13 commercial, we looked at expanding the material  
14 list for monument signs. We see on the right  
15 side of the screen we have current regulations.  
16 This is what our current regulations continue to  
17 get us.

18 Our proposed regulations are looking  
19 at different types of signs, signs that would  
20 evoke different materials. If a higher quality  
21 material is being proposed, you'll get a larger  
22 sign, get a 48 square feet sign as opposed to the  
23 current 32 square foot sign.

24 We allowed A frames and sandwich

1 board signs in the downtown. We have a lot of  
2 businesses that are east or west of 47 that don't  
3 get a lot of exposure. This is an opportunity  
4 for them to be able to use one sign that's within  
5 750 feet of their entrance within the  
6 right-of-way during their hours of operation.

7 Posting yard sign regulations have  
8 been proposed. Right now we're looking at  
9 posting signs for lots that face a major  
10 thoroughfare having a larger square footage area  
11 versus lots that do not, and then an unlimited  
12 amount of signs during and before a local, state  
13 or national election.

14 There is new landscape requirements  
15 for ground signs. Right now we do not require  
16 any landscaping at the base of the sign; hence  
17 those are the signs that you see before you. So  
18 what we are proposing is that for every square  
19 foot of sign space you have to provide a half a  
20 square foot of landscaping, so it's  
21 proportionate, it's easy to regulate, and it will  
22 soften up some of the appearances of the  
23 businesses.

24 The other signs that are regulated

1 based on their proportion to the wall and not  
2 just a set sign area, it's kind of difficult when  
3 you are set hundreds of feet off of a major  
4 thoroughfare and you only get 32 square feet and  
5 no one can read the sign.

6 We increased the electronic message  
7 board signage area from 50 percent of the sign to  
8 80 percent, and then we updated the graphics in  
9 the code itself so it's easier to read and  
10 understand.

11 For the subdivision standards, some  
12 of the major areas that we looked at was the lot  
13 orientation. Again, people are looking at using  
14 energy solutions, like roof-mounted solar panels,  
15 so if we have an east-west kind of orientation of  
16 our lots, that would be beneficial to them. It's  
17 not a requirement, but it's recommended, just so  
18 developers start thinking about how they lay out  
19 their developments.

20 Block lengths, right now we are  
21 still recommending our 1,350 linear feet for a  
22 block, but we are encouraging shorter blocks, and  
23 what we are proposing is a connectivity standard  
24 where for every street that you lay out, you

1 should have two points of connectivity, so a  
2 one-to-two ratio.

3 Most of our subdivisions have that,  
4 or greater, they may have one-to-three, but it's  
5 just a way to kind of break up the streetscape  
6 and allow for better connectivity of  
7 neighborhoods.

8 Street design elements were  
9 included, a complete street design, so there is  
10 various -- these are just a few standards for  
11 street elements, so you'd have on-street parking,  
12 you'd have a sidewalk, you'd have a multi-use  
13 trail, a parkway, depending on the width of the  
14 street, if it's a utility, if it's a neighborhood  
15 street or if it's a larger thoroughfare, these  
16 are some of the elements that would be required  
17 in a street.

18 The only element that's not going to  
19 be required is on-street bike path. That could  
20 be left up to the city engineer if he would  
21 recommend that on any of the public streets.

22 Cluster development, you will see  
23 that in the upper left corner. This would be  
24 similar to a PUD process. It will be a special

1 use, but what it's doing is utilizing the lay of  
2 the lot better than just one unit per acre spread  
3 out, typical suburban style development.

4 You would take the same, in this  
5 example, 32-acre lot and on the urban -- the  
6 conventional sprawl you would have one unit, one  
7 dwelling unit per acre, and as a current  
8 conservation, you would be saving some of these  
9 environmental elements, excuse me, that are on  
10 the site and then confining the development to  
11 eight acres, so you would essentially still have  
12 32 homes on 32 acres, but they would be  
13 clustered.

14 Finally, we talked about  
15 anti-monotony regulations. In the upper right  
16 corner you will see the highlighted lots are the  
17 ones that would typically have similar features  
18 where they would be seen as the same. Excuse me.

19 CHAIRMAN VINYARD: We'll give her a  
20 break for a second.

21 MS. NOBLE: Thank you. Chapters 8 and 9  
22 are pretty simple. They are the UDO review  
23 process and then the non-performance standards of  
24 structures. Would you want to take over? Thank

1 you.

2 MS. BERG: Thank you. So for the --  
3 Pardon me. I am Jackie Berg. I am the  
4 consultant that helped the city with this  
5 process.

6 So Chapter 8 is the UDO review and  
7 approval process. This essentially has all of  
8 the administrative procedures and approval done  
9 here in the community, so the changes here were  
10 all meant to simplify the language, really  
11 clarify the process, so it's really easy and  
12 simple for someone to walk through any type of  
13 permit that they need or development approval.  
14 Those steps are very clear, very transparent.

15 Then for Chapter 9, non-conforming  
16 buildings, structures and uses, really not a lot  
17 of major change to this section at all, carrying  
18 forward the existing regulations that this  
19 chapter deals with, either a building, a  
20 structure or a use that was legally established,  
21 but is no longer allowed in the code today, and  
22 just steps out the standards for how those things  
23 can be maintained and need to be located moving  
24 forward.

1 MS. NOBLE: One feature in Chapter 8  
2 that's new is that we have codified a lot of the  
3 processes that we go through with development.  
4 This was not always forward facing to the public,  
5 the developer found out when they submitted an  
6 application, so now we've codified and kind of  
7 showed the process, so you come in and you ask  
8 for a development, you'll know right away the  
9 number of meetings, you'll actually know the  
10 timing of the meetings and how the process works,  
11 and also there is a recommendation for a  
12 community meeting that staff can recommend to the  
13 developer if a project we feel is going to be a  
14 little bit much for the neighboring residents to  
15 absorb.

16 It will give them a lot of time to  
17 review the plans with the developer before they  
18 are hit with a public hearing notice saying show  
19 up to city council on Wednesday night to talk  
20 about this project.

21 Then the final component of the UDO  
22 is a smart code. Our codes are static, they are  
23 books right now, not very user friendly for the  
24 public, so we created a web forum where you can



1 actually go, look at certain sections of the code  
2 that you are interested in, those are called the  
3 quick reference or the quick tables, you can look  
4 up maps, and there is also calculators involved  
5 where you can calculate, if you wanted to do a  
6 sign, what is the maximum size of the sign based  
7 off of my zoning, the frontage of the building,  
8 and that way you can have that information and  
9 not necessarily have to, you know, put a permit  
10 in hoping that you understood the code the best  
11 you could and wait and see if it would be  
12 approved.

13 The city has partnered in with  
14 Encode Plus, and Encode Plus is a company that  
15 actually partners with our code provider, so if  
16 you go online and look at city code, you'll see  
17 that we have it and it's static, you can click on  
18 it, but the company that provides the muni code  
19 also partners with our smart code company, Encode  
20 Plus, and so this is a video that will just show  
21 you how those two integrate and what you would  
22 see.

23 That's fine. It's just a video that  
24 shows how the actual code integrates, how it's

1 transportable, you can view it from anywhere and  
2 it's easier to use than the static presentation.  
3 You can just look at the content.

4 So it's internet-based. It's used  
5 by a lot of planners and zoning administrators  
6 and even attorneys. It uses some cutting edge  
7 technology. You can see, there is an example  
8 right there, which shows what the code looked  
9 like. You can even sign up for notifications, so  
10 if the code is amended, you will be notified, if  
11 there is any particular section you are looking  
12 for. It's password protected, so no one can just  
13 go in and change the code. A lot of communities  
14 use it and they brand it themselves. It's  
15 accessible anywhere, as I mentioned, and as the  
16 city is moving to paperless, this is a great  
17 option for us and we can update the code online  
18 as well.

19 So that is the gist of the  
20 presentation, and if anyone has any questions,  
21 want to dive into the memo a little bit more, we  
22 are here to answer those questions.

23 CHAIRMAN VINYARD: Is there anyone  
24 present who wishes to speak in favor of the

1 request?

2 (No response.)

3 CHAIRMAN VINYARD: All right. Is there  
4 anyone present who wishes to speak in opposition  
5 of the request? Go ahead. Just state your name  
6 for us.

7 MOLLY KREMPSKI,  
8 having been first duly sworn, testified from the  
9 podium as follows:

10 MS. KREMPSKI: My name is Molly Krempski  
11 and I represent the People. I would just like to  
12 make a few comments about the newly proposed yard  
13 sign regulations within the UDO plan.

14 Each of you have a lawful notice in  
15 front of you that lists all the evidence for what  
16 I am about to say. Those were delivered to the  
17 council via certified mail on August 22nd.

18 Tonight I specifically discussing  
19 restrictions for yard signs on private property,  
20 all of which actually fall outside the authority  
21 granted to city council. The key words are  
22 private and public. It's true that our aldermen  
23 have been granted some authority to regulate  
24 public property; however, there are no provisions

1 within our constitutions that grant them the  
2 authority to regulate private property rights, so  
3 if they want to write codes for signs on public  
4 property, they certainly have been granted the  
5 authority to do so, but going beyond the  
6 authority which they have been given is an  
7 unreasonable and/or arbitrary use of power, which  
8 is literally the definition of tyranny.

9 As much as we may be periodically  
10 annoyed by our neighbor's collection of yard  
11 signs, we cannot use it as an opportunity to  
12 strip liberty and private rights from fellow  
13 Americans.

14 Remember, unconstitutional  
15 regulations that serve us today will be the same  
16 regulations that will be used to oppress us in  
17 the future.

18 The men who founded America knew  
19 what it was like to live under an oppressive  
20 monarch. As a result, they intentionally formed  
21 America as a constitutional republic where power  
22 originates from and remains with the people.  
23 Their only higher authority was Jesus.

24 The truth was memorialized by the

1 popular Revolutionary War response, we have no  
2 king but Jesus, when George or King George tried  
3 to force mandates on colonists. These men  
4 understood their God given authority to live as  
5 people. A few weeks ago at the UDO committee  
6 meeting, Jackie, the consultant, explained that  
7 because murals are art, which actually translates  
8 to them being expression, which is protected by  
9 our constitution, murals cannot be regulated.

10 In addition to the right of  
11 expression, the people also have a right to the  
12 security of their own private property, which per  
13 our Constitutions is also not subject to  
14 regulation like some public property.

15 Within America's constitutional  
16 republic, public servants are selected by the  
17 people who uphold the constitutions of the land.  
18 Our aldermen took an oath to uphold these  
19 constitutions before taking their seats. Elected  
20 representatives are servants of the people,  
21 granted the power to pass only those laws  
22 necessary for carrying out the limited powers  
23 specifically granted to them by the constitutions  
24 of the land while respecting the rights of the

1 people.

2 I'm going to read that again because  
3 it's the premise of this whole thing. Elected  
4 representatives are servants of the people,  
5 granted the power to pass only those laws  
6 necessary for carrying out the limited powers  
7 specifically granted to them by the constitutions  
8 of the land while upholding the rights of the  
9 people.

10 Furthermore, the rights of the  
11 people listed in the constitution are not the end  
12 of the rights of the people; those are simply the  
13 enumerated ones.

14 Article 1, Section 24 of the  
15 Illinois Constitution clearly states that, quote,  
16 the enumeration in this constitution of certain  
17 rights shall not be construed to deny or  
18 disparage others retained by the individual  
19 citizens, end quote.

20 What does this mean? It means that  
21 the people have reserved and retained any and all  
22 power that has not been specifically granted to  
23 the government.

24 America was established to operate

1 within a limited form of government that must  
2 function within the narrow boundaries established  
3 by the people. If a specific power is not given  
4 to the government by the people, then the  
5 government doesn't have that power.

6 While Article 7, Section 7 of the  
7 Illinois Constitution does grant city  
8 legislatures the power to do six specific things,  
9 they must figure out how to do those six things  
10 without trespassing any of the rights of the  
11 people, whether the enumerated rights of  
12 Article 1, the Bill of Rights of the Illinois  
13 Constitution, or any other rights retained by the  
14 people as discussed in Article 1, Section 24.

15 We have an obligation to oversee our  
16 public servants, which by your presence at this  
17 commission I can see you are taking seriously and  
18 I thank you for the giving of your time.

19 We also have a duty to actively  
20 assert our rights when public officials overstep  
21 their granted power. We must know these  
22 documents and the rights enumerated within them  
23 in order to responsibly steward the power that  
24 remains with the people, and we saw this with

1 COVID, unconstitutional mandates and shutdowns.

2 We need to start speaking out. It's  
3 a lot easier to prevent an unconstitutional sign  
4 ordinance from being passed than to reverse one  
5 once enacted.

6 It's really not hard to read and  
7 apply our founding documents. Our constitutions  
8 were written by the people, just regular people,  
9 to be executed by regular people for the benefit  
10 of regular people.

11 So my point as it applies to this  
12 specific hearing is that the city has not been  
13 granted the power to regulate the people's  
14 expression or private property by controlling the  
15 size or position of our yard signs, similar to  
16 the way that the government has not been given  
17 the power to limit the number of pages in a book,  
18 interfere with the distribution of campaign  
19 materials or regulate the disbursement of  
20 informational pamphlets.

21 Article 1, Section 4 and 6 of the  
22 Illinois Constitution reserves to the people the  
23 right to, quote, speak, write and publish freely,  
24 and the right to, quote, be secure in their



1 persons, houses, papers and other possessions.

2 The power to regulate these rights  
3 has not been granted to the city and I am here  
4 tonight to ask you to join me in referring to the  
5 fundamental principles of our constitutions and  
6 our republic form of government for liberty and  
7 freedom for all Americans. Thank you.

8 CHAIRMAN VINYARD: Anyone else like to  
9 speak in opposition?

10 (No response.)

11 CHAIRMAN VINYARD: Seeing as there are  
12 none, are there any questions from the  
13 commissioners for the petitioner, which would be  
14 Krysti?

15 MR. WILLIAMS: I have one just for  
16 clarification. I was just asking for --

17 MS. NOBLE: I think that mic is off.  
18 The one that's green is on.

19 MR. WILLIAMS: Mine was just a question  
20 for clarification. I saw that the definition for  
21 family home was being changed to dwelling unit.  
22 We're not broadening the definition, correct,  
23 that was just a vocabulary change?

24 MS. NOBLE: Correct. Correct.

1 MR. WILLIAMS: Okay. Thank you.

2 MS. NOBLE: And the recommendation at  
3 the UDO committee at the August 31st meeting was  
4 to leave it as family, it's just we would have to  
5 come up with a different definition for family.

6 CHAIRMAN VINYARD: I'm glad you brought  
7 that up. The UDO recommendations, was there  
8 anything else they recommended from that?

9 MS. NOBLE: Sure. So if you look at the  
10 packet, there were a couple of things. So the  
11 connectivity part they recommended not to have in  
12 the UDO.

13 CHAIRMAN VINYARD: Okay.

14 MS. NOBLE: There also was a  
15 recommendation in regards to lot size, and we  
16 have a member from the UDO committee, if they  
17 want to expand upon that a little bit. There is  
18 Deb, was also on the committee, and our  
19 chairperson, Alderman Funkhouser.

20 CHAIRMAN VINYARD: Is this an  
21 appropriate time to have him do it or --

22 MS. NOBLE: Yeah, if you want. If you  
23 want to present some of the --

24 CHAIRMAN VINYARD: Alderman Funkhouser,

1 do you want to expound on that or --

2 ALDERMAN FUNKHOUSER: I will briefly.

3 CHAIRMAN VINYARD: All right. Thanks.

4 ALDERMAN FUNKHOUSER: Chris Funkhouser,  
5 Alderman, 3rd Ward, chairman of the UDO. Deb  
6 Horaz was on the committee with me, and we had  
7 also three others; however, one of them had  
8 stepped down from the position.

9 So Krysti mentioned at the UDO  
10 committee on the 31st there were several  
11 recommendations of the committee that were to put  
12 back the recommendations that had been previously  
13 taken out, so when looking at what was presented  
14 tonight, that was based on a prior set of  
15 recommendations.

16 At the subsequent final meeting of  
17 the UDO, the recommendation was keep the  
18 recommendations, so those replies are in regard  
19 to the lot sizes, accessory dwelling units, if I  
20 recall it was also the connectivity was  
21 mentioned, and there were a couple more items  
22 within that memo that Krysti mentioned was  
23 attached.

24 So with those recommendations, it is

1 such -- those were just the recommendations of  
2 the committee after further review, after having  
3 gone through the Economic Development Committee,  
4 that was also mentioned to them, that those  
5 recommendations were made and put back in there.

6 So a lot of work has gone into this  
7 thing. There is some very good recommendations.  
8 Obviously Deb can attest to the amount of time  
9 that was put into this and the complexity of it,  
10 so for your very brief, but concise memo from  
11 Krysti and the presentation, it's very good,  
12 there is just an awful lot in here that's being  
13 changed, so if you have questions, obviously  
14 staff is fantastic, we have two -- our consultant  
15 and Krysti, Deb was on here, she can articulate a  
16 lot that was going on because we did go back and  
17 forth on this quite a lot. We had several,  
18 three, three and a half hour meetings, so --

19 But just read through that memo just  
20 to understand the parts that were not in the  
21 presentation tonight that are part of the  
22 recommendation from the UDO that as this is  
23 updated will be put back into the recommendation  
24 that moves to the city council, also

1 incorporating your recommendations tonight,  
2 assuming you make any recommendations, too.  
3 Thank you.

4 CHAIRMAN VINYARD: Is that it?

5 ALDERMAN FUNKHOUSER: Yep.

6 CHAIRMAN VINYARD: Thanks. So we are  
7 voting on this here? We are making a  
8 recommendation?

9 MS. NOBLE: However you decide. We need  
10 to go to the second public hearing right quick  
11 and then we can close it and start the  
12 deliberations.

13 CHAIRMAN VINYARD: Okay. Krysti, please  
14 present PZC 2023-10, text amendment, please.

15 MS. NOBLE: Sure. So these are energy  
16 industrial uses. Actually this request is  
17 bundled into the proposed UDO, but the city  
18 decided to separate these out just in case the  
19 UDO takes a little bit longer for approval, but,  
20 in general, we've also noticed a trend in  
21 industrial users seeking expansive tracts of land  
22 near rail, some on your intense road  
23 transportation, and they are looking to construct  
24 hyper energy related buildings, and some of these

1 buildings include data centers, refrigerated  
2 warehouses, which would be cold storage, and  
3 battery uses, such as electric vehicle battery  
4 manufacturing, charging and storage.

5 So we have a petitioner who is  
6 looking -- who has purchased land on Lincoln  
7 Prairie property and they have an interested  
8 party that's looking to do some of these land  
9 uses, so they wanted us to be a little bit ahead  
10 before those uses come to the city asking for  
11 approval so that we can have some basis of  
12 approval for them.

13 So staff is proposing to amend the  
14 text of the Zoning Ordinance to define these  
15 uses -- and I'll go a little bit into the  
16 definition of them -- as permitted uses in the  
17 M-1 and M-2 manufacturing districts, and then we  
18 additionally are amending the table that  
19 regulates the minimum number of off-street  
20 parking spaces needed for these types of uses  
21 based off of how the industry standard is or  
22 number of employees, individuals that go to these  
23 sites.

24 So data centers, if you aren't

1 familiar, are mega sized structures and they  
2 house network computer systems, servers for data  
3 storage, process and distribution. Just the way  
4 that I am coming to you through Zoom, somebody  
5 has to process that data.

6 Refrigerated warehouses or cold  
7 storage, these are commonly seen in manufacturing  
8 districts, but they are primarily for storing  
9 highly perishable items for short periods of  
10 time, so anything from food, candles, film, art,  
11 plants, cosmetics, anything that you probably  
12 order off of Amazon or food service prepared  
13 would have to have one of these locations nearby  
14 that they would ship to and then ship out.

15 And battery storage uses, these are,  
16 as I mentioned, the batteries that you would  
17 typically find, lithium ion, which would be your  
18 cell phones or your laptops, computer and medical  
19 equipment or electric vehicles.

20 They are becoming constantly  
21 increasingly common and so it would just make  
22 sense that we would have a land use for it and so  
23 that we could regulate it.

24 So data centers are proposed to be

1 defined as a facility comprised of networking  
2 computers, storage systems and computing  
3 infrastructure which organizes -- which  
4 organizations rather use to assemble, process,  
5 store and disseminate data.

6 This includes crypto currency  
7 centers, which use network computers, storage  
8 systems, and computing infrastructure to manage  
9 the flow of digital or virtual currencies are  
10 also included.

11 For refrigerated warehouse or cold  
12 storage, the definition would be a facility which  
13 is artificially or mechanically cooled in order  
14 to maintain the integrity and quality of  
15 perishable goods, and battery storage uses would  
16 be a use that enables battery manufacturing,  
17 charging, recycling, warehousing, storage and  
18 related uses.

19 This may also include derived --  
20 uses that derive energy from renewable sources  
21 such as wind and solar power to be collected,  
22 stored and then released for later use to an  
23 electric grid, power plant or private user.

24 Finally, staff is looking to amend



1 the minimum parking requirements to be 20 spaces  
2 for battery storage uses and data centers over  
3 70,000 square feet in building area, just based  
4 upon the uniqueness of the operational features  
5 and that these uses typically do not generate  
6 highly staffed employee count on site, and then  
7 the refrigerated storage will meet the minimum  
8 parking standards for general industrial uses.

9 Staff did reach out to Bristol  
10 Kendall Fire District just to see what their  
11 input would be for these types of uses. BKFD did  
12 recommend to us that we adopt the 2023 NFPA,  
13 which is the National Fire Protection Agency, 855  
14 code, and staff is in the process -- we ordered a  
15 few copies, we are in the process of adopting  
16 that if we move forward with this text amendment,  
17 and it just regulates these types of  
18 particularly battery storage uses, stationary and  
19 mobile uses.

20 So if there is any questions for  
21 staff, and I believe the representative from  
22 Green Door, who purchased the property on Lincoln  
23 Prairie is available on Zoom if there are any  
24 questions.

1 CHAIRMAN VINYARD: Is there anyone  
2 present who wishes to speak in favor of the  
3 request?

4 (No response.)

5 CHAIRMAN VINYARD: Okay. Is there  
6 anyone present who wishes to speak in opposition  
7 of this request?

8 (No response.)

9 CHAIRMAN VINYARD: Seeing as there are  
10 none, are there any questions from the  
11 commissioners for the petitioner?

12 (No response.)

13 CHAIRMAN VINYARD: Nobody. Okay. All  
14 right. So we will be concluding the public  
15 hearings. Since all public testimony regarding  
16 the petition has been taken, may I have a motion  
17 to close the taking of testimony in this public  
18 hearing?

19 MR. WILLIAMS: So moved.

20 MS. GOINS: Second.

21 CHAIRMAN VINYARD: Roll call vote on the  
22 motion, please.

23 MS. YOUNG: Yes. Horaz.

24 MS. HORAZ: Yes.

1 MS. YOUNG: Hyett. Hyett.

2 MR. HYETT: Yes. Yes.

3 MS. YOUNG: Thank you. Goins.

4 MS. GOINS: Yes.

5 MS. YOUNG: Millen.

6 MR. MILLEN: Yes.

7 MS. YOUNG: Vinyard.

8 CHAIRMAN VINYARD: Yes.

9 MS. YOUNG: And Williams.

10 MR. WILLIAMS: Yes.

11 CHAIRMAN VINYARD: All right. The  
12 public hearing portion of tonight's meeting is  
13 closed.

14 (Which were all the proceedings had  
15 in the public hearing portion of  
16 the meeting.)

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

4 I, CHRISTINE M. VITOSH, a Certified  
5 Shorthand Reporter of the State of Illinois, do  
6 hereby certify:

7 That previous to the commencement  
8 of any testimony heard, the witnesses were duly  
9 sworn to testify the whole truth concerning the  
10 matters herein;

11 That the foregoing public hearing  
12 transcript, Pages 1 through 49, was reported  
13 stenographically by me by means of machine  
14 shorthand, was simultaneously reduced to  
15 typewriting via computer-aided transcription  
16 under my personal direction, and constitutes a  
17 true record of the testimony given and the  
18 proceedings had;

19 That the said public hearing was taken  
20 before me at the time and place specified;

21 That I am not a relative or employee or  
22 attorney or counsel, nor a relative or employee  
23 of such attorney or counsel for any of the  
24 parties hereto, nor interested directly or  
indirectly in the outcome of this action.

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I further certify that my certificate attached hereto applies to the original transcript and copies thereof, signed and certified under my hand only. I assume no responsibility for the accuracy of any reproduced copies not made under my control or direction.

IN WITNESS WHEREOF, I do hereunto set my hand at Leland, Illinois, this 26th day of September, 2023.

/s/ *Christine M Vitosh*

CHRISTINE M. VITOSH,  
C.S.R. Certificate No. 084-02883.

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