



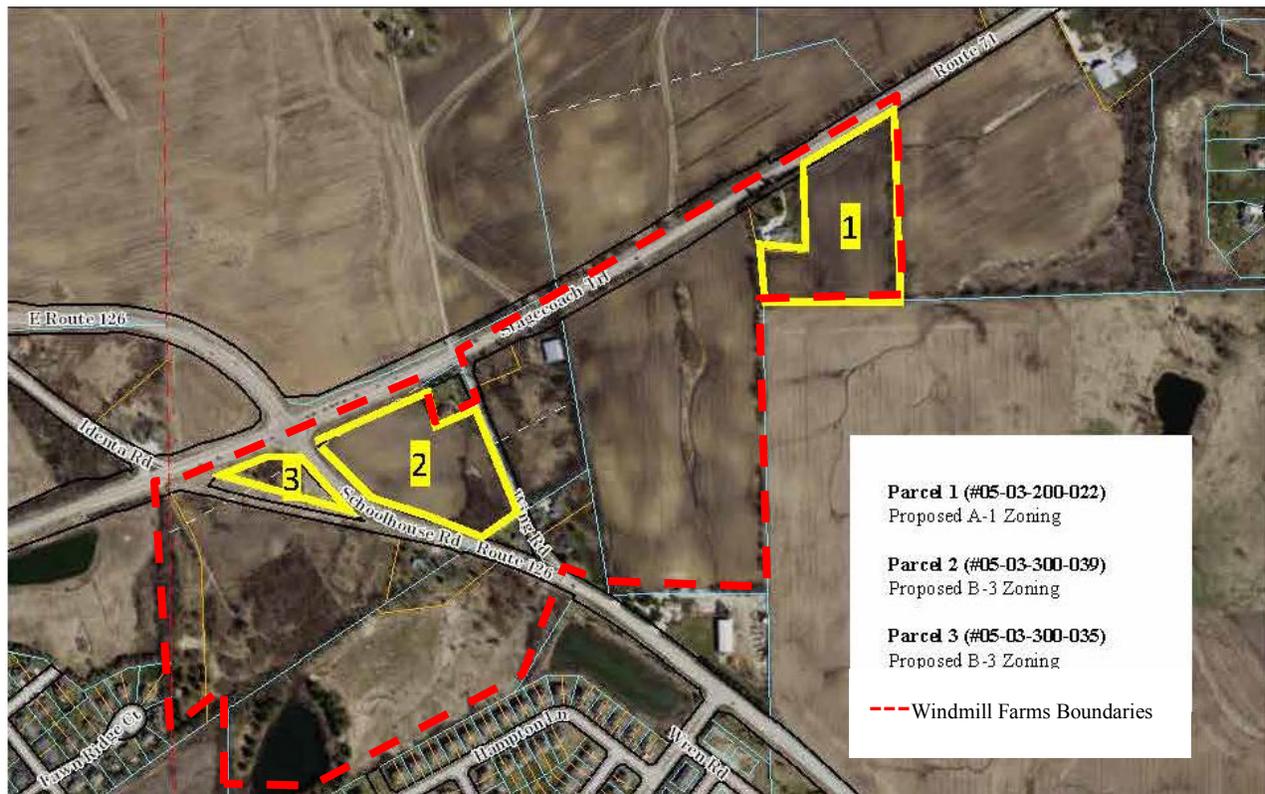
Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: January 23, 2019
Subject: **PZC 2019-03 Hively Landscaping – Windmill Farms Annexation
Proposed Nursery & Garden Center Development (Rezoning)**

PROPOSED REQUEST:

The petitioner, Matthew Hively, is seeking rezoning approval of three (3) parcels within the Windmill Farms Annexation and Planned Unit Development agreement, which approved certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business zoning districts. The requested new zoning would be B-3 General Business District on two (2) parcels and A-1 Agricultural District on one (1) parcel.

The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcels, and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel. The total proposed area to be rezoned consists of approximately 16.21-acres of vacant land near IL Route 71 and IL Route 126.



PROPERTY BACKGROUND:

The subject property was zoned within the Planned Unit Development (PUD) District with B-3 General Business District and R-4 General Multi-Family Residence District land uses, as part of the Windmill Farm's annexation approved in 2008 per Ordinance 2008-40. Per Exhibit "E" of Ord. 2008-40,

the approximately 91-acre site, of which the subject parcels are included, was to be developed with a mix of residential and commercial land uses. The annexation and concept site plan were the only approvals granted for the Windmill Farm development. The property has remained vacant and unplatted since the original approvals in 2008.

Per the City Attorney, since the concept plan was never subsequently formalized by a Planned Unit Development (PUD) final plat, and with the passage of time, the concept plan for the Windmill Farm development is no longer valid. Separate ordinances clarifying the invalidity of the PUD zoning classification and an annexation agreement amendment removing the provisions of the PUD will be prepared by the City Attorney for City Council approval, in conjunction with this request, to allow for this property, and any future parcels within the Windmill Farms development, to seek rezoning to a more suitable land use designation. Those ordinances will be presented to the EDC in March.

SITE ANALYSIS:

The following are the current immediate surrounding zoning and land uses for the entire area surrounding the approximately 91-acre Windmill Farms PUD:

	Zoning	Land Use
North	A-1 Agriculture	Unincorporated Kendall County (Farm Land)/IL Rte. 71
South	A-1 Agriculture/R-2 & R-2D Detached & Attached Residential	Unincorporated Kendall County (Landscape Business)/Raintree Village (Residential)
East	A-1 Agriculture	Unincorporated Kendall County (Farm Land)
West	B-3 Business/R-2 Detached Residential	Country Hills (Commercial & Residential)

Zoning

- The proposed requested uses are defined in the Yorkville Zoning Ordinance as a “nursery/greenhouse” and “agricultural”.
- The nursery/greenhouse use is a permitted use in the B-3 General Business District, which is by definition, a “retail business whose principal activity is the selling of plants and having outdoor storage, growing and/or display of plants.”
- The agricultural use is a permitted use in the A-1 Agricultural District, which is defined as “the employment of land for the primary purpose of raising, harvesting, and selling crops, or....by any other horticultural, floricultural or viticulture use...”

Comprehensive Plan (Future Land Use)

The subject property’s future land use is classified as “Estate/Conservation Residential (ERC)” which is intended to provide flexibility for residential design in areas that can accommodate low-density detached single-family housing but also include sensitive environmental and scenic features that should be retained and enhanced.

Due to this future land use classification, if the rezoning requests are approved, an amendment to the Comprehensive Plan Future Land Use map will be necessary. The proposed B-3 zoned parcel would correlate with a future land use designation of “Destination Commercial (DC)” and “Agricultural Zone (AZ)” for the A-1 zoned parcel.

Proposed Concept/Site Plan

As proposed, only Parcel 2 (#05-03-300-039) will be redeveloped for the nursely/greenhouse and retail business. The site plan illustrates a 4,000 square foot retail building with outdoor scale and customer

parking. Parking required for nursery use (B-3) is 3 spaces per 1,000 square feet, requiring a minimum of 12 parking spaces, and the petitioner proposes to utilize a permeable paver surface for the parking lot coverage. Accessory outdoor storage will be maintained in plant material bins, temporary plant houses and pallets. Finally, an onsite detention basin is also proposed within the northeast area of the parcel.

All buildings will be subject to the City's Appearance Code which requires new commercial land uses to utilize masonry products or precast concrete shall be incorporated on at least fifty percent (50%) of the total building, as broken down as follows: The front facade shall itself incorporate masonry products or precast concrete on at least fifty percent (50%) of the facade. Any other facade that abuts a street shall incorporate masonry products. The use of masonry products or precast concrete is encouraged on the remaining facades.

Currently, there are no redevelopment plans for other proposed B-3 zoned property, Parcel 1 (05-03-200-022), and the proposed A-1 zoned property, Parcel #3 (05-03-300-035) will be utilized primarily for stocking and storing plant material.

The following chart illustrates the minimum required yard setbacks for buildings/structures within the **B-3 General Business District**:

	Minimum Requirement	Proposed Setback
Front (IL Rte. 126)	50 feet	+/- 220' (Retail Building)
Rear	20 feet	+/- 20' (Temp. Plant Houses)
Corner Side (North/IL Rte. 71)	30 feet	+/- 50' (Temp. Plant Houses)
Corner Side (Southwest/IL Rte. 126)	30 feet	+/- 45' (Material Bins)

Additionally, parking lots within the B-3 zoning district located adjacent to a major arterial roadway must maintain a minimum of 20 feet setback from the property line which is provided on the proposed site plan.

Utilities

There are no nearby public utilities (water, sewer) in this area. The petitioner will utilize an existing well and septic field for the on-site needs of the development.

Access/Transportation

Proposed access to the commercial site (nursery/greenhouse) will be in two (2) locations, one to the north off IL Route 71 and another southwest off IL Route 126. IDOT's approval will be required for all proposed access points and any work within IDOT's right-of-way (i.e. berm along IL 71).

Landscape Ordinance

It is anticipated that the property will need to be cleared in preparation for the installation of the nursery site. Per Section 8-12-2-H of the Landscape Ordinance, a Tree Preservation Plan is required for all lots five (5) acres or greater in area. No live trees with a four-inch (4") DBH (diameter breast height) may be removed without first submitting an application for tree removal and receiving approval from the City as part of the building permit process.

FINDINGS OF FACT FOR REZONING:

Section 10-4-10-B of the City's Zoning Ordinance establishes criteria for findings of fact related to rezoning (map amendment) requests. No rezoning shall be recommended by the Planning and Zoning Commission without each of the following considered:

1. The existing uses and zoning of nearby property.

2. The extent to which the property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of the property values of plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purpose.
6. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
7. The community need for the proposed use.
8. The care to which the community has undertaken to plan its land use development.

The petitioner has provided written responses to these findings as part of their application (see attached) and requests inclusion of those responses into the public record at the March 13, 2019 Planning and Zoning Commission meeting.

STAFF COMMENTS:

Staff is generally supportive of the proposed rezoning; even though, if approved, would require an amendment to the Comprehensive Plan Update. Our recommendation is in consideration of the length of time the area has remained undeveloped under the current concept plan and zoning. This is in addition to the existing annexation agreement not correctly approving a special use authorizing a PUD for the Windmill Farm development. A separate request to clarify that oversight and clear the path for the other parcels within Windmill Farms to redevelop is concurrently being pursued by staff.

As stated earlier, this rezoning request is tentatively scheduled for a public hearing before the Planning and Zoning Commission on March 13, 2019. Staff and the petitioner will be available at Tuesday night's meeting to answer any questions.

ATTACHMENTS:

1. Hively Landscaping Geometric Plan dated 01/09/19, prepared by Spaceco, Inc.
2. A-1 Rezoning Application
3. B-3 Rezoning Application
4. Ordinance 2008-40 - Windmill Farms Annexation and PUD Agreement
5. 01-10-19 Plan Council Packet