

PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, May 11, 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

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

Greg Millen-yes/electronic attendance

Jeff Olson-yes/in-person

Richard Vinyard-yes/in-person

Danny Williams-yes/in-person

Absent: Rusty Hyett

City Staff

Krysti Barksdale-Noble, Community Development Director/electronic attendance

Jason Engberg, Senior Planner/in-person

Other Guests

Lynn Dubajic, City Consultant/in-person

Previous Meeting Minutes April 13, 2022

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

Roll call: Millen-yes, Olson-yes, Vinyard-present, Williams-yes, Horaz-yes

Carried: 4-yes and 1 present.

Citizen's Comments None

Public Hearings

Chairman Olson explained the Public Hearing procedure, however, there was no one present to give testimony. The Public Hearing was opened at 7:02pm on a motion and second by Commissioners Williams and Vinyard, respectively.

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

The Public Hearing description was read by Chairman Olson:

1. **PZC 2022-10** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Section 10-2: “Rules and Definitions” and Section 10-6: “Permitted and Special Uses” within the United City of Yorkville Zoning Ordinance. The amendment proposes to amend the definitions of microbrewery, brewpub, and microwinery to provide consistency with current State statutes and the City's liquor license regulations. Additionally, the land use designation table and special conditions in Section 10-6 of the Yorkville Zoning Ordinance will also be amended to reflect the proposed definitions.

Mr. Engberg presented the background for the proposed Text Amendment. A business has approached the city about opening a microwinery in the downtown and when they applied for a liquor license, there was no language in the code for microwinery. The city amended title 3 of the liquor code to group the microbrewery, brewpub and microwinery together. Staff is recommending changes to the zoning ordinance to align with the liquor code and the State statute.

The recommended changes are:

1. Join microbrewery, brewpub and microwinery all in one single use for liquor code, Class M.
2. Remove requirement that they would have to be part of a restaurant use.
3. Established in liquor license code that 50,000 gallons of wine could be produced per year, consistent with State statute. That was approved by City Council.

He also gave background of the zoning ordinance. Microbrewery and brewpubs are defined as the same. Microdistillery and microwinery each have their own definition. Microwinery limits are currently established at 100,000 gallons per year. He said currently microbrewery and brewpubs have to be ancillary to a restaurant. Separating the definitions will allow for flexibility in the future, said Mr. Engberg. He also discussed the special conditions that apply. An additional change is that instead of saying “hand-capped” it will change to “seal”.

There was no further testimony and a motion was made and seconded at about 7:11pm by Mr. Williams and Mr. Vinyard, respectively, to close the Hearing. Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Horaz-yes Carried 5-0.

Unfinished Business None

New Business

2. PZC 2022-10 Text Amendment (see full description above under Public Hearing)

Action Item

Text Amendment

There was no further discussion and a motion and second to approve was made by Commissioners Horaz and Williams, respectively. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on May 11, 2022 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 10-2-3: Definitions and Section 10-6: Permitted and Special Uses of the United City of Yorkville Zoning Ordinance to amend the definitions of Microbrewery, Brewpub, and Microwinery as well as their placement and special conditions on the permitted and special uses table, as recommended in a staff memo dated May 4, 2022.

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

Additional Business

1. Appointment of Vice Chairperson

Commissioner Richard Vinyard was chosen as the new Vice-Chair by a unanimous voice vote.

2. City Council Action Updates

- a. PZC 2022-02 Dawn Leprich-Graves rezoning request approved.
- b. PZC 2022-06 Final Plat Amendment approved for Bristol Bay.
- c. PZC 2022-07 Final Plat of Subdivision approved for Bristol Bay.

Adjournment

There was no further business and the meeting was adjourned at 7:14pm on a motion and second by Commissioners Williams and Vinyard, respectively. Unanimous voice vote.

Respectfully submitted by,
Marlys Young, Minute Taker/electronic attendance

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, May 11, 2022
7:00 p.m.

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PRESENT: (In-person and via Zoom)

Mr. Jeff Olson, Chairman,
Ms. Deborah Horaz,
Mr. Richard Vinyard,
Mr. Greg Millen,
Mr. Danny Williams.

ALSO PRESENT: (In-person and via Zoom)

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

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

4 CHAIRMAN OLSON: There is one public
5 hearing tonight scheduled for tonight's Planning
6 and Zoning committee meeting. The purpose of
7 this hearing is to invite testimony from members
8 of the public regarding the proposed request that
9 is being considered before this Commission
10 tonight.

11 Public testimony from persons
12 present who wish to speak may be for or may be
13 against the request or ask questions of the
14 petitioner regarding the request being heard.
15 Those persons who wish to testify are asked to
16 speak clearly, one at a time and state your name
17 and who you are, if you represent anyone.

18 You are also asked to sign in at the
19 podium. I don't think we have anybody except
20 Jason tonight. If you plan to speak during
21 tonight's public hearing as a petitioner or a
22 member of the public, please stand, raise your
23 right hand and repeat after me.

24 Jason, do you have to do that, or

1 no?

2 MR. ENGBERG: No, I -- No.

3 CHAIRMAN OLSON: Okay, we can skip you.

4 We are not going to swear anybody in.

5 The order for receiving testimony

6 tonight will be as follows: Petitioner

7 presentation, those who wish to speak in favor

8 and those who wish to speak in opposition.

9 May I then, please, have a motion to

10 open the public hearing on Petition number PZC

11 2022-10, Tax Amendment Request?

12 MR. WILLIAMS: So moved.

13 MR. VINYARD: Second.

14 CHAIRMAN OLSON: Roll call vote on the
15 motion, please.

16 MS. YOUNG: Yes. Millen.

17 MR. MILLEN: Yes.

18 MS. YOUNG: Olson.

19 CHAIRMAN OLSON: Yes.

20 MS. YOUNG: Vinyard.

21 MR. VINYARD: Yes.

22 MS. YOUNG: Williams.

23 MR. WILLIAMS: Yes.

24 MS. YOUNG: And Horaz.

1 MS. HORAZ: Yes.

2 MS. YOUNG: Thank you.

3 CHAIRMAN OLSON: Thank you. The one
4 public hearing up for discussion tonight is PZC
5 2022-10, United City of Yorkville, Kendall
6 County, Illinois, petitioner, is proposing a text
7 amendment on Section 10-2, Rules and Definitions,
8 and Section 10-6, Permitted and Special Uses
9 within the United City of Yorkville Zoning
10 Ordinance.

11 The amendment proposes to amend the
12 definitions of microbrewery, brewpub and
13 microwinery to provide consistency with current
14 State statutes and the City's liquor license
15 regulations.

16 Additionally, the land use
17 designation table and special conditions in
18 Section 10-6 of the Yorkville Zoning Ordinance
19 will also be amended to reflect the proposed
20 definitions.

21 Jason, would you like to present?

22 MS. WEST: I would. I would like to
23 come up closer to the mic.

24 CHAIRMAN OLSON: Okay.

1 MR. ENGBERG: Can anybody verify if you
2 can hear me in Zoom?

3 CHAIRMAN OLSON: Can you guys hear
4 Jason?

5 MS. HORAZ: Yes.

6 MR. ENGBERG: All right. So this is a
7 text amendment to the Zoning Ordinance. The City
8 recently had a business owner that wants to open
9 a microwinery in the downtown, and in April when
10 they were applying for a liquor license, the
11 microwinery was separate.

12 We have a microbrewery brewpub in
13 the Liquor Code, but nothing really for
14 microwinery, they have to be part of a
15 restaurant, and so the City amended Title 3 of
16 the Liquor Code to better put these all together,
17 and then also align all the regulations with
18 state statute.

19 So Staff is recommending some
20 changes to the zoning ordinances, Zoning
21 Ordinance, as these different land uses are
22 defined in our code a little differently now and
23 we're just trying to, one, align it with the new
24 Liquor Code to make it a little bit easier to

1 understand when somebody comes in and there is no
2 problem, say, well, I thought I could do this
3 because I got this liquor license but now
4 somebody is telling me this, and we are also
5 aligning with state statute to make sure we're
6 aligned with that as well.

7 So, just briefly, the liquor
8 license -- the change -- the major changes in the
9 Liquor License Code, it put brewpub,
10 microbrewery, microwinery and winery together all
11 in one single use for the Liquor Code, so if
12 anybody wants to do that, that's a Class M. They
13 will come in and ask for that.

14 They have also removed the
15 requirement that it would have to be accessory to
16 a restaurant use. Naturally the winery,
17 microwinery was previously, but the breweries and
18 brewpubs were not in the Liquor Code.

19 And then, finally, they reduced the
20 amount -- or they established in the Liquor
21 License Code 50,000 gallons per year for wine
22 produced, and that is consistent with the state
23 statute in the statement of license, so the
24 actual language is there in the middle from what

1 was approved, and that was approved by City
2 Council.

3 So to give you a little background
4 on the Zoning Ordinance, currently in the
5 definition section, we have microbrewery or
6 brewpub as one definition, we have
7 microdistillery as one definition, and a
8 microwinery.

9 Microdistiller would be for a hard
10 alcohol, for a whiskey or something like that,
11 and a microwinery is its own as well.

12 Currently our microwinery says
13 100,000 gallons a year, which is different, and
14 then in Table 10.6.3, all of those uses are as
15 one and they are permitted in the commercial
16 districts and the two manufacturing districts.

17 Also, in that Section 10-6 there are
18 some special requirements, and similar to the
19 definitions, the microbreweries and brewpubs are
20 supposed to be -- or currently have to be
21 ancillary to a restaurant use to a certain
22 extent. At the time this was added into the code
23 and written, at the time I believe the
24 recommendations were from say, you know, we don't

1 just want breweries popping up, you know, if
2 they're not going to be part of a, you know,
3 commercial business, and I think the -- you know,
4 over the last ten years microbreweries and
5 tasting rooms and food trucks parked outside or
6 bring your own food, those types of uses have
7 become very popular, so the recommended change
8 that we have discussed is to remove that from
9 microbreweries, so what we're actually proposing
10 to do, we're going to separate brewpub out.
11 Brewpub will still be a restaurant with a, you
12 know, brew -- a microbrewery in it, so that will
13 still be ancillary to that.

14 Microbreweries and microwineries
15 will be treated the same, we put them in the one
16 definition, and then microdistilleries we're just
17 leaving alone as a single definition as well.

18 This way when someone comes in for a
19 Liquor Code license, it all lines up the same.
20 While all of those are put together, at least now
21 we can say brewpubs are the only ones that --
22 those require a restaurant, all the others will
23 not.

24 We changed the microwinery as well

1 to the 50,000 gallons per year to be produced as
2 well to align with state statute and liquor
3 codes, and then in Section 10-6, we sectioned
4 them out just like they are in the definition, so
5 brewpub has its own line, microbrewery,
6 microwinery and -- well, the microbrewery and
7 microwinery have a line, and the microdistillery
8 should have a line.

9 This also gives us flexibility for
10 the future, if we want to change any one of them,
11 remove if, you know, trends change, it will make
12 it easier to say just this one.

13 If they want to amend the Liquor
14 Code at some point, too, it makes it a little
15 flexible for us to change in the future as well.

16 So with that, again, in 10-6 there
17 are special conditions, so the brewpub will still
18 be ancillary and then the microbrewery will still
19 have the same special conditions, just like the
20 other special conditions are not being changed.
21 Those are the ones that deal with like outside
22 storage and things like that.

23 The one other change we made -- and
24 this came out at the Economic Development

1 Committee -- the original definition said
2 off-premise consumption is allowed, all sales
3 must be in a hand-capped, sealed container with a
4 total maximum production being hand packed. The
5 question was what does that mean. It's like
6 well, it might as well just mean sealed at
7 Subway, right, because really all you're really
8 trying to say is you can't give people open
9 containers to walk around town in, so we're just
10 going to remove that, clean that language up a
11 little bit.

12 So we are recommending this change.
13 We think it's going to help keep things
14 consistent, lower confusion between business
15 owners and people going and trying to open these
16 uses and make it a lot easier. And, sorry, we're
17 still allowing the B-1 through B-4 and M-1 and 2
18 as well at this time.

19 So that is my presentation for the
20 public hearing. I will answer questions now or
21 when we get to the new business.

22 CHAIRMAN OLSON: We will do it in new
23 business. Thank you.

24 Is there anyone who wishes to speak

1 in favor of the text amendment?

2 (No response.)

3 CHAIRMAN OLSON: In opposition to the
4 text amendment?

5 (No response.)

6 CHAIRMAN OLSON: Any questions from you
7 people and the people in Zoomland for Jason right
8 now?

9 MS. HORAZ: I have none.

10 CHAIRMAN OLSON: Greg?

11 MR. MILLEN: No questions.

12 CHAIRMAN OLSON: Okay, thank you.

13 So since all the public testimony
14 regarding this petition has been taken, may I
15 have a motion, please, to close the taking of
16 testimony in the public hearing?

17 MR. WILLIAMS: So moved.

18 MR. VINYARD: Second.

19 CHAIRMAN OLSON: Roll call vote on this
20 motion, please.

21 MS. YOUNG: Yes. Millen.

22 MR. MILLEN: Yes.

23 MS. YOUNG: Olson.

24 CHAIRMAN OLSON: Yes.

1 MS. YOUNG: Vinyard.

2 MR. VINYARD: Yes.

3 MS. YOUNG: Williams.

4 MR. WILLIAMS: Yes.

5 MS. YOUNG: And Horaz.

6 MS. HORAZ: Yes.

7 MS. YOUNG: Okay, thank you.

8 CHAIRMAN OLSON: All right, thank you.

9 The public hearing portion of the meeting is
10 closed.

11 (Which were all the
12 proceedings in the
13 public hearing portion
14 of the meeting.)

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

3 I, Christine M. Vitosh, a Certified Shorthand
4 Reporter, do hereby certify that I transcribed
5 the proceedings had at the public hearing from the
6 audiorecording, and that the foregoing, Pages 1
7 through 14 inclusive, is a true, correct and
8 complete computer-generated transcript of the
9 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 24th day of May, A.D., 2022.

18
19 *Christine M Vitosh*

20 _____
Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
22
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