



**feet (5') from any driveway and lot line. The existing sign is located at the entrance to the Kendall Marketplace shopping center at US 34 and Isabel Drive.**

Mr. Gavin Smith said Kendall Marketplace was approached by IDOT about the Route 34 expansion. This will cause the shopping center sign to be within 5 feet of the roadway making it a non-conforming sign. He said it would be quite expensive to move the sign and a variance is being requested.

Ms. Noble gave the staff report and said the pavement will not be affected being closer to the sign, but the Right-of-Way line would make the sign non-compliant. She said the staff supports the request and the petitioner had 5 years in which to take action, but they were proactive by requesting the variance at this time. The petitioner's responses to the Standards will be entered into the record. She added that this type of request can be finalized within the Planning and Zoning Commission.

Ms. Noble said Commissioner Olson had brought forward the fact that the legal description includes the land being taken and also encompasses the portion of the land on which the sign sits and the sign itself. This will be incorporated into the motion along with the parcel number of 02-29-131-005. Mr. Olson asked where the new sign would be placed when more stores are included. At that time, it would have to conform to being 5 feet from the right-of-way.

At approximately 7:09pm a motion to close the Public Hearing was made by Mr. Olson and seconded by Ms. Horaz.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Gockman-yes. Passed 5-0.

**Old Business** – None

**New Business**

**1. PZC 2016-03 Sign Variance** (see case #1 above)

Mr. Vinyard read the Standards with Ms. Noble providing the responses.

**Action Item**

**Sign Variance**

A motion was then made by Mr. Marcum to approve the findings of facts and the motion. Mr. Gockman seconded the motion. Ms. Horaz read the motion (including the parcel number) as follows: In consideration of testimony presented during a Public Hearing on September 14, 2016 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a request to vary the sign regulations contained in Section 10-20-6-C of the United City of Yorkville Zoning Ordinance to permit a free standing monument sign in a business district to be within five feet (5') from the property's lot line, as presented by staff in a memorandum dated September 7, 2016, Parcel #02-29-131-005.

Roll call: Olson-yes, Vinyard-yes, Gockman-yes, Horaz-yes, Marcum-yes. Passed 5-0.

### **Additional Business**

#### **1. City Council Action Updates:**

**a. PZC 2016-01** At the last PZC meeting, the Board heard the Comprehensive Plan presentation and City Council has approved the Comprehensive Plan with

one amendment. A parcel north of Corneils east of Eldamain Rd. which was originally designated as open space, has been identified as manufacturing and industrial.

**b. PZC 2016-02** The Council also filed a formal resolution objecting to Jet's Towing (located on Eldamain Rd.) zoning request from ag to manufacturing. The matter will go before the County in October.

### **Adjournment**

There was no further business and the meeting was adjourned at 7:16pm on a motion and second by Ms. Horaz and Mr. Olson, respectively.

Respectfully submitted by  
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE  
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING  
PUBLIC HEARING

800 Game Farm Road  
Yorkville, Illinois

Wednesday, September 14, 2016  
7:00 p.m.

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PRESENT:

- Mr. Richard Vinyard, Chairman,
- Mr. Bill Gockman,
- Ms. Deborah Horaz,
- Mr. Don Marcum,
- Mr. Jeff Olson.

ALSO PRESENT:

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

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1 (The following  
2 proceedings were had in  
3 public hearing:)

4 CHAIRMAN VINYARD: There are one, two --

5 MS. NOBLE: Just one.

6 CHAIRMAN VINYARD: Just one. There is  
7 one public scheduled hearing tonight for the  
8 Planning and Zoning Commission.

9 The purpose of these hearings is  
10 to invite testimony from the members of the  
11 public regarding the proposed request that is --  
12 are being considered before this Commission  
13 tonight.

14 Public testimony from persons  
15 present who wish to speak may be for or against  
16 the request, or ask questions of the petitioner  
17 regarding the request being heard.

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

22 If you plan to speak during  
23 tonight's public hearing as a petitioner or as a  
24 member of the public, please stand and raise your

1 right hand and repeat after me.

2 (The witness was  
3 thereupon duly sworn.)

4 GAVIN SMITH,  
5 having been first duly sworn, testified from the  
6 podium as follows:

7 ACTING CHAIRMAN VINYARD: Thank you.  
8 The petitioner can do his presentation, please.  
9 Oh, I'm sorry.

10 Opening the public hearing will be  
11 Planning and Zoning Commission 2016-03, Alexander  
12 Berman, Petitioner, on behalf of Kendall  
13 Holdings I, LLC, Owner, has filed an application  
14 with the United City of Yorkville, Kendall  
15 County, Illinois, requesting to vary the  
16 requirements of City Code Section 10-20-6-C  
17 regarding yard requirements for signs to allow an  
18 existing multi-tenant business sign to be located  
19 less than five feet from any driveway and lot  
20 line.

21 This existing sign is located at the  
22 entrance to the Kendall Marketplace shopping  
23 center at U.S. 34 and Isabel Drive.

24 Can I have a motion to open?

1 COMMISSIONER HORAZ: Motion.

2 COMMISSIONER GOCKMAN: Second.

3 ACTING CHAIRMAN VINYARD: Roll call?

4 MS. YOUNG: Yes.

5 Horaz.

6 COMMISSIONER HORAZ: Yes.

7 MS. YOUNG: Marcum.

8 COMMISSIONER MARCUM: Yes.

9 MS. YOUNG: Olson.

10 COMMISSIONER OLSON: Yes.

11 MS. YOUNG: Vinyard.

12 CHAIRMAN VINYARD: Yes.

13 MS. YOUNG: Gockman.

14 COMMISSIONER GOCKMAN: Yes.

15 MS. YOUNG: Thank you.

16 GAVIN SMITH,

17 called as a witness herein, testified as follows:

18 MR. SMITH: I am here representing

19 Kendall Holdings, Kendall Marketplace, as far as  
20 we were approached by IDOT to expand Route 34 and  
21 we want to comply with what they would like, and  
22 which would cover our current sign to be within  
23 five feet of the non-conformance of the zoning.

24 Unfortunately it's going to be quite

1 expensive to move the sign, in essence \$30,000,  
2 and we do not want to be penalized by what IDOT  
3 might do, and so we are requesting a variance of  
4 the zoning.

5 ACTING CHAIRMAN VINYARD: Is there  
6 anyone present who wishes to speak in opposition  
7 of the request?

8 (No response.)

9 ACTING CHAIRMAN VINYARD: Does anyone  
10 have any questions?

11 (No response.)

12 ACTING CHAIRMAN VINYARD: I would ask  
13 for proof of notice of this hearing and the  
14 summary and recommendation by the city staff.

15 MS. NOBLE: Petitioner, you've responded  
16 to the standards in your application. Would you  
17 like those entered into the record?

18 MR. SMITH: Yes.

19 MS. NOBLE: Okay. Staff summary of this  
20 is quite simple. This is a taking by IDOT for  
21 widening of U.S. 34, which would render the sign  
22 noncompliant with our five-foot setback.

23 Right now the widening will not  
24 affect the pavement area coming any closer to the

1 sign, it's just the line of right-of-way, you  
2 know, imaginary line, being moved closer to the  
3 sign, which would place this sign now in  
4 non-conformance.

5 Staff is fully supportive of the  
6 request. There is no harm to the public per this  
7 request, there is no financial gain by the  
8 petitioner for this request, and it will not  
9 impair any sight line visions or traffic impact  
10 to people entering or leaving the location.

11 One thing we do want to note is  
12 that the petitioner had the opportunity to leave  
13 the sign as-is for a period of five years without  
14 having to come to seek a variance. They chose to  
15 move forward proactively before the property is  
16 taken by IDOT.

17 There also is a requirement in our  
18 code as an authorized variation that these types  
19 of requests can come to the Planning and Zoning  
20 Commission and have final approval here, so there  
21 is no need to move forward to City Council.

22 I do want to point out that one of  
23 our chairpersons -- Commissioner Olson, had  
24 brought up the fact that the legal description

1 was of the take, and it is of the area that IDOT  
2 is planning to take, but it does encompass the  
3 sign as well as a portion of the lot where the  
4 sign is located.

5 Staff has just asked to make this  
6 more clear, that the variance will be for the lot  
7 where the sign is located, to amend the motion to  
8 include the parcel number of where the sign will  
9 be located, and that is parcel 02-29-131-005.

10 That has been incorporated into the  
11 amended motion here or ordinance that would be  
12 passed by the Planning -- or proposed to be  
13 passed by the Planning and Zoning Commission on  
14 your desk, and we thank Commissioner Olson for  
15 bringing that to staff's attention.

16 COMMISSIONER HORAZ: Can you repeat that  
17 parcel number?

18 MS. NOBLE: Sure. It's on the back  
19 provided for you. It's parcel number  
20 02-29-131-005.

21 COMMISSIONER OLSON: May I ask one more  
22 question?

23 MS. NOBLE: Sure.

24 COMMISSIONER OLSON: When the new sign

1 gets put up for the new buildings going in  
2 there, where does that go in relation to this  
3 existing sign?

4 Is it going to be the same distance  
5 from the new right-of-way line? Is it a  
6 different setback from the right-of-way line? Is  
7 it going to change?

8 MS. NOBLE: It would have to conform to  
9 our standard of five feet from the new  
10 right-of-way, so unless they come back and seek a  
11 variance that they want it to be closer, it has  
12 to be the same distance.

13 ACTING CHAIRMAN VINYARD: Any other  
14 questions?

15 (No response.)

16 ACTING CHAIRMAN VINYARD: Okay. Since  
17 all public testimony regarding this petition has  
18 been taken, may I have a motion to close taking  
19 of testimony in this public hearing?

20 COMMISSIONER OLSON: Motion.

21 COMMISSIONER HORAZ: Second.

22 ACTING CHAIRMAN VINYARD: May I have a  
23 roll call, please?

24 MS. YOUNG: Horaz.

1 COMMISSIONER HORAZ: Yes.

2 MS. YOUNG: Marcum.

3 COMMISSIONER MARCUM: Yes.

4 MS. YOUNG: Olson.

5 COMMISSIONER OLSON: Yes.

6 MS. YOUNG: Vinyard.

7 ACTING CHAIRMAN VINYARD: Yes.

8 MS. YOUNG: Gockman.

9 COMMISSIONER GOCKMAN: Yes.

10 MS. YOUNG: Thank you.

11 ACTING CHAIRMAN VINYARD: All right.

12 (Which were all the  
13 proceedings had in the  
14 public hearing portion  
15 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 and that  
6 the foregoing, Pages 1 through 11, inclusive, is  
7 a true, correct and complete computer-generated  
8 transcript of the proceedings had at the time and  
9 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 10th day of October, A.D., 2016.

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