



United City of Yorkville

800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
www.yorkville.il.us

SPECIAL MEETING OF THE PLANNING & ZONING COMMISSION AND THE PARK BOARD AGENDA

Wednesday, November 9, 2016
Yorkville City Hall Council Chambers
800 Game Farm Road

Meeting Called to Order: 6:00 p.m.

Roll Call:

Previous meeting minutes: September 14, 2016

Citizen's Comments

Public Hearings

New Business

1. Presentation

- a. Joint training session with the Planning and Zoning Commission and the Park Board presented by the Illinois Chapter of the American Planning Association (APA) and the Chaddick Institute at DePaul University.

2. 2017 Planning and Zoning Commission Meeting Schedule

Old Business

Additional Business

Adjournment

DRAFT

**UNITED CITY OF YORKVILLE
PLANNING & ZONING COMMISSION**

City Council Chambers

Wednesday, September 14, 2016 7:00pm

Commission Members in Attendance:

Richard Vinyard Bill Gockman

Deborah Horaz Don Marcum

Jeff Olson

Absent: Randy Harker, Reagan Goins

Other City Staff

Krysti Barksdale-Noble, Community Development Director

Other Guests

Gavin Smith, Kendall Marketplace

Meeting Called to Order

Commissioner Richard Vinyard called the meeting to order at 7:01pm.

Roll Call

Roll call was taken and a quorum was established.

Previous Meeting Minutes August 10, 2016

The minutes were approved on a motion and second by Commissioners Marcum and Horaz, respectively.

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

Citizen's Comments None

Public Hearings

Commissioner Vinyard explained the procedure for the Hearing, read the case information and swore in those who would speak at the Public Hearing. A motion to open the Public Hearing was made and seconded by Ms. Horaz and Mr. Gockman, respectively, at approximately 7:04pm.

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

- 1. PZC 2016-03 Alexander Berman, Petitioner, on behalf of Kendall Holdings I, LLC, Owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to vary the requirements of City Code Section 10-20-6-C regarding Yard Requirements for signs to allow an existing multi-tenant business sign to be located less than five**

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.

- - - - -

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.

18
19 _____
20 Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
22
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\$	6:16 applies [1] - 11:11 approached [1] - 5:20 approval [1] - 7:20 area [2] - 6:24, 8:1 as-is [1] - 7:13 assume [1] - 11:13 attention [1] - 8:15 authorized [1] - 7:18	8:13 COMMISSIONER [15] - 5:1, 5:2, 5:6, 5:8, 5:10, 5:14, 8:16, 8:21, 8:24, 9:20, 9:21, 10:1, 10:3, 10:5, 10:9 Commissioner [2] - 7:23, 8:14 Community [1] - 2:9 complete [1] - 11:7 comply [1] - 5:21 computer [1] - 11:7 computer-generated [1] - 11:7 conform [1] - 9:8 conformance [2] - 5:23, 7:4 considered [1] - 3:12 control [1] - 11:15 copies [2] - 11:12, 11:14 correct [1] - 11:7 Council [1] - 7:21 COUNTY [1] - 11:2 County [1] - 4:15 cover [1] - 5:22 CSR [2] - 11:20, 11:20 current [1] - 5:22	F	I
\$30,000 [1] - 6:1			fact [1] - 7:24 far [1] - 5:19 Farm [1] - 1:17 feet [3] - 4:19, 5:23, 9:9 filed [1] - 4:13 final [1] - 7:20 financial [1] - 7:7 first [1] - 4:5 five [5] - 4:19, 5:23, 6:22, 7:13, 9:9 five-foot [1] - 6:22 following [1] - 3:1 follows [2] - 4:6, 5:17 foot [1] - 6:22 foregoing [1] - 11:6 forward [2] - 7:15, 7:21 fully [1] - 7:5	IDOT [5] - 5:20, 6:2, 6:20, 7:16, 8:1 ILLINOIS [2] - 1:8, 11:1 Illinois [3] - 1:18, 4:15, 11:20 imaginary [1] - 7:2 impact [1] - 7:9 impair [1] - 7:9 include [1] - 8:8 inclusive [1] - 11:6 incorporated [1] - 8:10 invite [1] - 3:10 Isabel [1] - 4:23
0	B		J	
02-29-131-005 [2] - 8:9, 8:20 084-002883 [1] - 11:20	behalf [1] - 4:12 Berman [1] - 4:12 Bill [1] - 2:3 bringing [1] - 8:15 brought [1] - 7:24 buildings [1] - 9:1 business [1] - 4:18		Jeff [1] - 2:6	
1	C		K	
1 [1] - 11:6 10-20-6-C [1] - 4:16 10th [1] - 11:17 13 [1] - 11:6 15 [1] - 1:21	center [1] - 4:23 certificate [1] - 11:10 certification [1] - 11:16 Certified [1] - 11:3 certified [1] - 11:12 certify [2] - 11:4, 11:10 Chairman [1] - 2:2 CHAIRMAN [13] - 3:4, 3:6, 4:7, 5:3, 5:12, 6:5, 6:9, 6:12, 9:13, 9:16, 9:22, 10:7, 10:11 chairpersons [1] - 7:23 change [1] - 9:7 chose [1] - 7:14 Christine [2] - 11:3, 11:20 City [3] - 4:14, 4:16, 7:21 CITY [1] - 1:7 city [1] - 6:14 clear [1] - 8:6 clearly [1] - 3:19 close [1] - 9:18 closer [3] - 6:24, 7:2, 9:11 Code [1] - 4:16 code [1] - 7:18 coming [1] - 6:24 COMMISSION [1] - 1:11 Commission [5] - 3:8, 3:12, 4:11, 7:20,		Kendall [5] - 4:12, 4:14, 4:22, 5:19 Krysti [1] - 2:9	
2		G	L	
2016 [2] - 1:21, 11:17 2016-03 [1] - 4:11		gain [1] - 7:7 Game [1] - 1:17 GAVIN [2] - 4:4, 5:16 generated [1] - 11:7 GOCKMAN [3] - 5:2, 5:14, 10:9 Gockman [3] - 2:3, 5:13, 10:8	LASALLE [1] - 11:2 leave [1] - 7:12 leaving [1] - 7:10 legal [1] - 7:24 less [1] - 4:19 line [6] - 4:20, 7:1, 7:2, 7:9, 9:5, 9:6 LLC [1] - 4:13 located [5] - 4:18, 4:21, 8:4, 8:7, 8:9 location [1] - 7:10	
3			M	
34 [3] - 4:23, 5:20, 6:21		H	marcum [1] - 5:7 Marcum [2] - 2:5, 10:2 MARCUM [2] - 5:8, 10:3 Marketplace [2] - 4:22, 5:19 Marlys [1] - 2:11 meeting [1] - 10:15 MEETING [1] - 1:11 member [1] - 3:24 members [1] - 3:10 might [1] - 6:3	
7				
7:00 [1] - 1:22		hand [3] - 4:1, 11:13, 11:17 harm [1] - 7:6 heard [1] - 3:17 HEARING [1] - 1:12 hearing [8] - 3:3, 3:7, 3:23, 4:10, 6:13, 9:19, 10:14, 11:5 hearings [1] - 3:9 hereby [1] - 11:4 herein [1] - 5:17 hereto [1] - 11:11 hereunto [1] - 11:16 Holdings [2] - 4:13, 5:19 HORAZ [5] - 5:1, 5:6, 8:16, 9:21, 10:1 Horaz [3] - 2:4, 5:5, 9:24		
8				
800 [1] - 1:17		E		
A		encompass [1] - 8:2 entered [1] - 6:17 entering [1] - 7:10 entrance [1] - 4:22 essence [1] - 6:1 existing [3] - 4:18, 4:21, 9:3 expand [1] - 5:20 expensive [1] - 6:1		
A.D [1] - 11:17 accuracy [1] - 11:14 ACTING [10] - 4:7, 5:3, 6:5, 6:9, 6:12, 9:13, 9:16, 9:22, 10:7, 10:11 affect [1] - 6:24 aforesaid [1] - 11:9 Alexander [1] - 4:11 allow [1] - 4:17 ALSO [1] - 2:8 amend [1] - 8:7 amended [1] - 8:11 AND [1] - 1:11 annexed [1] - 11:10 application [2] - 4:13,				

<p>Minute [1] - 2:11 Motion [1] - 9:20 motion [5] - 4:24, 5:1, 8:7, 8:11, 9:18 move [3] - 6:1, 7:15, 7:21 moved [1] - 7:2 MR [2] - 5:18, 6:18 MS [18] - 3:5, 5:4, 5:7, 5:9, 5:11, 5:13, 5:15, 6:15, 6:19, 8:18, 8:23, 9:8, 9:24, 10:2, 10:4, 10:6, 10:8, 10:10 multi [1] - 4:18 multi-tenant [1] - 4:18</p>	<p style="text-align: center;">P</p> <p>p.m [1] - 1:22 Pages [1] - 11:6 parcel [4] - 8:8, 8:9, 8:17, 8:19 passed [2] - 8:12, 8:13 pavement [1] - 6:24 penalized [1] - 6:2 people [1] - 7:10 per [1] - 7:6 period [1] - 7:13 persons [2] - 3:14, 3:18 petition [1] - 9:17 petitioner [6] - 3:16, 3:23, 4:8, 6:15, 7:8, 7:12 Petitioner [1] - 4:12 place [2] - 7:3, 11:9 plan [1] - 3:22 PLANNING [1] - 1:11 planning [1] - 8:2 Planning [5] - 3:8, 4:11, 7:19, 8:12, 8:13 podium [2] - 3:21, 4:6 point [1] - 7:22 portion [2] - 8:3, 10:14 PRESENT [2] - 2:1, 2:8 present [2] - 3:15, 6:6 presentation [1] - 4:8 proactively [1] - 7:15 proceedings [4] - 3:2, 10:13, 11:5, 11:8 proof [1] - 6:13 property [1] - 7:15 proposed [2] - 3:11, 8:12 provided [1] - 8:19 public [1] - 11:5 PUBLIC [1] - 1:12 public [11] - 3:3, 3:7, 3:11, 3:14, 3:23, 3:24, 4:10, 7:6, 9:17, 9:19, 10:14 purpose [1] - 3:9 put [1] - 9:1</p>	<p style="text-align: center;">R</p> <p>raise [1] - 3:24 recommendation [1] - 6:14 record [1] - 6:17 regarding [4] - 3:11, 3:17, 4:17, 9:17 relation [1] - 9:2 render [1] - 6:21 repeat [2] - 4:1, 8:16 Reporter [1] - 11:4 represent [1] - 3:20 representing [1] - 5:18 reproduced [1] - 11:14 request [7] - 3:11, 3:16, 3:17, 6:7, 7:6, 7:7, 7:8 requesting [2] - 4:15, 6:3 requests [1] - 7:19 requirement [1] - 7:17 requirements [2] - 4:16, 4:17 responded [1] - 6:15 response [3] - 6:8, 6:11, 9:15 responsibility [1] - 11:13 richard [1] - 2:2 right-of-way [4] - 7:1, 9:5, 9:6, 9:10 Road [1] - 1:17 roll [2] - 5:3, 9:23 Route [1] - 5:20</p>	<p>SMITH [4] - 4:4, 5:16, 5:18, 6:18 sorry [1] - 4:9 SS [1] - 11:1 staff [4] - 6:14, 6:19, 7:5, 8:5 staff's [1] - 8:15 stand [1] - 3:24 standard [1] - 9:9 standards [1] - 6:16 state [2] - 3:19, 11:1 summary [2] - 6:14, 6:19 supportive [1] - 7:5 sworn [2] - 4:3, 4:5</p>	<p>VINYARD [13] - 3:4, 3:6, 4:7, 5:3, 5:12, 6:5, 6:9, 6:12, 9:13, 9:16, 9:22, 10:7, 10:11 visions [1] - 7:9 Vitosh [2] - 11:3, 11:20</p>
<p style="text-align: center;">N</p>	<p style="text-align: center;">Q</p> <p>questions [3] - 3:16, 6:10, 9:14 quite [2] - 5:24, 6:20</p>	<p style="text-align: center;">S</p> <p>scheduled [1] - 3:7 second [2] - 5:2, 9:21 Section [1] - 4:16 seek [2] - 7:14, 9:10 September [1] - 1:21 set [1] - 11:16 setback [2] - 6:22, 9:6 shopping [1] - 4:22 Shorthand [1] - 11:3 sight [1] - 7:9 sign [16] - 3:21, 4:18, 4:21, 5:22, 6:1, 6:21, 7:1, 7:3, 7:13, 8:3, 8:4, 8:7, 8:8, 8:24, 9:3 signed [1] - 11:12 signs [1] - 4:17 simple [1] - 6:20</p>	<p style="text-align: center;">T</p> <p>Taker [1] - 2:11 tenant [1] - 4:18 testified [2] - 4:5, 5:17 testify [1] - 3:18 testimony [4] - 3:10, 3:14, 9:17, 9:19 thereof [2] - 11:12, 11:16 thereupon [1] - 4:3 tonight [2] - 3:7, 3:13 tonight's [1] - 3:23 traffic [1] - 7:9 transcribed [1] - 11:4 transcript [2] - 11:8, 11:11 true [1] - 11:7 two [1] - 3:4 types [1] - 7:18</p>	<p style="text-align: center;">W</p> <p>Wednesday [1] - 1:21 widening [2] - 6:21, 6:23 wish [1] - 3:15 wishes [1] - 6:6 wishing [1] - 3:18 witness [2] - 4:2, 5:17</p> <p style="text-align: center;">Y</p> <p>yard [1] - 4:17 years [1] - 7:13 YORKVILLE [2] - 1:7, 1:8 Yorkville [2] - 1:18, 4:14 YOUNG [12] - 5:4, 5:7, 5:9, 5:11, 5:13, 5:15, 9:24, 10:2, 10:4, 10:6, 10:8, 10:10 Young [1] - 2:11</p>
<p style="text-align: center;">O</p>	<p style="text-align: center;">Z</p> <p>zoning [2] - 5:23, 6:4 ZONING [1] - 1:11 Zoning [4] - 3:8, 4:11, 7:19, 8:13</p>	<p style="text-align: center;">U</p> <p>U.S [2] - 4:23, 6:21 under [2] - 11:12, 11:14 Unfortunately [1] - 5:24 United [1] - 4:14 UNITED [1] - 1:7 unless [1] - 9:10 up [2] - 7:24, 9:1</p> <p style="text-align: center;">V</p> <p>variance [4] - 6:3, 7:14, 8:6, 9:11 variation [1] - 7:18 vary [1] - 4:15 Vinyard [2] - 2:2, 10:6 vinyard [1] - 5:11</p>	<p style="text-align: center;">Z</p>	
<p>October [1] - 11:17 OF [3] - 1:7, 11:1, 11:2 OLSON [5] - 5:10, 8:21, 8:24, 9:20, 10:5 Olson [5] - 2:6, 5:9, 7:23, 8:14, 10:4 one [8] - 3:4, 3:5, 3:6, 3:7, 3:19, 7:11, 7:22, 8:21 open [1] - 4:24 opening [1] - 4:10 opportunity [1] - 7:12 opposition [1] - 6:6 ordinance [1] - 8:11 original [1] - 11:11 Owner [1] - 4:13</p>				



Memorandum

To: Planning and Zoning Commission
From: Lisa Pickering, Deputy Clerk
Date: November 1, 2016
Subject: Planning and Zoning Commission Meeting Schedule for 2017

Listed below is a tentative schedule for the Planning and Zoning Commission meetings for 2017. The proposed schedule has the commission meeting the 2nd Wednesday of each month at 7:00 p.m.

- January 11, 2017
- February 8, 2017
- March 8, 2017
- April 12, 2017
- May 10, 2017
- June 14, 2017
- July 12, 2017
- August 9, 2017
- September 13, 2017
- October 11, 2017
- November 8, 2017
- December 13, 2017

Please discuss this schedule at the Planning and Zoning Commission meeting and decide if you have any changes to the dates or meeting time.