

**PLANNING & ZONING COMMISSION**

**City Council Chambers**

**800 Game Farm Road, Yorkville, IL**

**Wednesday, September 9, 2020 7:00pm**

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 encouraged remote attendance for the Planning and Zoning Commission meeting to facilitate social distancing 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:** Rusty Hyett-yes/remote, Don Marcum-yes/remote, Greg Millen-yes/remote, Jeff Olson-yes/in-person, Danny Williams-yes/remote

Absent: Deborah Horaz, Richard Vinyard

**City Staff**

Krysti Barksdale-Noble, Community Development Director/remote

Jason Engberg, Senior Planner/in-person

**Other Guests**

Christine Vitosh, Vitosh Reporting Service/remote

Lynn Dubajic, City Consultant/remote

Gerald Deutsch, Ward 2/remote

David Pollock, Bamm Sign, Inc./remote

**Previous Meeting Minutes** March 11, 2020

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

Roll call: Hyett-yes, Marcum-yes, Millen-yes, Olson-yes, Williams-yes. Carried 5-0.

**Citizen's Comments** None

**Public Hearings**

Chairman Olson explained the procedure for the Hearing and swore in those who would give testimony. At approximately 7:03pm a motion was made by Mr. Williams and seconded by Mr. Marcum to open the Hearing.

Roll call: Marcum-yes, Millen-yes, Olson-yes, Williams-yes, Hyett-yes. Carried 5-0.

Chairman Olson read the Public Hearing as follows:

1. **PZC 2020-08** David A. Pollock, BAMM Sign, Inc. dba Signarama-Aurora, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting sign variance approval to permit a sign to be erected taller than twelve (12) feet in height as stated in Section 10-20-9-A-1 of the Yorkville Municipal Code. The real property is generally located at the southeast corner of Veterans Parkway (U.S. 34) and Game Farm Road in Yorkville, Illinois, commonly known as 1308 Game Farm Road, Yorkville, Il. The petitioner is looking to replace the monument sign which was removed due to the State widening of U.S. 34.

*(See Court Reporter Transcript)*

The Hearing was closed at approximately 7:10pm on a motion by Mr. Williams and second by Mr. Marcum.

Roll call: Millen-yes, Olson-yes, Williams-yes, Hyett-yes, Marcum-yes. Carried 5-0.

**Unfinished Business** None

**New Business**

1. **PZC 2020-08** David Pollock Sign Variance (see description above)

Mr. Engberg elaborated on the sign variance request. He said the maximum sign height allowed is 12 feet. Due to the topography and the fact that IDOT used some of the land, the previous sign was removed. Road construction is finished and the petitioner wishes to erect a new sign. A retaining wall there is 25 feet in height and he said the sign will be lower than the top of the wall. The sign meets all other criteria and is not illuminated. Staff is supportive of the request and there was no other discussion by Commissioners. Chairman Olson read the Standards for Granting a Variance. The Petitioner's responses to his affidavit will be entered into the record.

**Action Item:**

Sign Variance.

A motion was made by Mr. Marcum and seconded by Mr. Williams to approve this request. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 9, 2020 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 10-20-9-A-1 of the United City of Yorkville Zoning Ordinance to permit a free standing monument sign in a business district to be a maximum height of twenty-three feet, six inches (23'6") as measured from the centerline of the adjacent street.

Roll call: Olson-yes, Williams-yes, Hyett-yes, Marcum-yes, Millen-yes. Carried 5-0.

## 2. 2021 Meeting Schedule

### Action Item:

#### Vote

Mr. Williams and Mr. Marcum moved and seconded, respectively, to approve the 2021 PZC meeting schedule.

Roll call: Williams-yes, Hyett-yes, Marcum-yes, Millen-yes, Olson-yes. Carried 5-0.

### Additional Business

Mr. Engberg summarized the City Council actions on three cases previously heard at PZC.

#### 1. City Council Action Updates:

**PZC 2020-02:** Tyler Edwards on behalf of Menards: Final Plat approved.

**PZC 2020-03:** Luz Padilla on behalf of Abby Properties: The PUD application was withdrawn by the applicant and the Final Plat was approved.

**PZC 2020-05: Text Amendment for Alternative Energy Systems:** Text Amendment was approved.

#### 2. Appointment of a Vice-Chairman for the Planning and Zoning Commission

A new Vice-Chairman is selected each year. Mr. Williams volunteered to be Vice-Chairman for 2021. Mr. Marcum moved and Mr. Hyett seconded the motion to select Mr. Williams as the new Vice-Chairman.

Roll call: Williams-yes, Hyett-yes, Marcum-yes, Millen-yes, Olson-yes. Carried 5-0.

#### **Planning & Zoning Commissioner's Training Series:** 2020 Revised Schedule

Ms. Noble drafted a new schedule due to the disruption in the series because of the pandemic. She is open to any suggestions or changes.

### Adjournment

There was no further business and the meeting was adjourned at 7:28pm on a motion by Mr. Williams and second by Mr. Hyett. Approved on unanimous voice vote.

Respectfully submitted by  
Marlys Young, Minute Taker/remote

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UNITED CITY OF YORKVILLE  
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION  
PUBLIC HEARING

800 Game Farm Road  
Yorkville, Illinois

Wednesday, September 9, 2020

7:00 p.m.

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PRESENT:

Mr. Jeff Olson, Chairman,  
Mr. Rusty Hyatt,  
Mr. Donald Marcum,  
Mr. Greg Millen,  
Mr. Danny Williams.

ALSO PRESENT:

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

- - - - -

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

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

11 Public testimony from persons  
12 present or in zoomland who wish to speak may be  
13 for or against the request or to ask questions of  
14 the petitioner regarding requests to be heard.

15 Those persons wishing to testify are  
16 asked to speak clearly, one at a time, state your  
17 name, who you represent. You are also asked to  
18 sign in at the podium, and we don't have that, so  
19 Jason is going to do sign-in for you.

20 If you plan to speak during  
21 tonight's public hearing as the petitioner, which  
22 I believe is David, who is on the zoom here, or  
23 as a member of the public, if you would, sir,  
24 please stand, raise your right hand, and repeat

1 after me.

2 (Witnesses sworn.)

3 CHAIRMAN OLSON: I am going to assume  
4 that David in zoomland also did that.

5 MR. POLLOCK: That's correct.

6 CHAIRMAN OLSON: All right. So the  
7 order for receiving testimony during this public  
8 hearing will be the petitioner will make their  
9 presentation, and then anyone who is speaking in  
10 favor of their request will speak, and then  
11 anyone who is speaking in opposition to their  
12 request will speak.

13 (Inaudible.)

14 CHAIRMAN OLSON: That's fine. So you  
15 will go -- Then if you want, you can. If you  
16 don't want, you don't have to, but after he is  
17 done with the presentation, you get your chance.  
18 Yes, sir.

19 May I have a motion then to open  
20 the public hearing on Petition number PZC  
21 2020-08, David A. Pollock, Bamm -- B-A-M-M or  
22 Bamm Sign?

23 MR. POLLOCK: Bamm Sign.

24 CHAIRMAN OLSON: Bamm Sign, application

1 for sign variance.

2 COMMISSIONER MARCUM: So moved.

3 COMMISSIONER WILLIAMS: Second.

4 CHAIRMAN OLSON: A roll call vote,  
5 please.

6 MS. YOUNG: Marcum.

7 COMMISSIONER MARCUM: Yes.

8 MS. YOUNG: Millen.

9 COMMISSIONER MILLEN: Yes.

10 MS. YOUNG: Olson.

11 CHAIRMAN OLSON: Yes.

12 MS. YOUNG: Williams.

13 COMMISSIONER WILLIAMS: Yes.

14 MS. YOUNG: Hyatt.

15 COMMISSIONER HYATT: Yes.

16 MS. YOUNG: Thank you.

17 CHAIRMAN OLSON: The public hearings up  
18 for tonight are the following: PZC 2020-08,  
19 David A. Pollock, Bamm Sign, Incorporated, doing  
20 business as Signarama-Aurora, petitioner, has  
21 filed an application with the United City of  
22 Yorkville, Kendall County, Illinois, requesting  
23 sign variance approval to permit a sign to be  
24 erected taller than 12 feet in height as stated



1 in Section 10-20-9-A-1 of the Yorkville Municipal  
2 Code.

3 The real property is located at the  
4 southeast corner of Veterans Parkway and Game  
5 Farm Road in Yorkville, Illinois, commonly known  
6 as 1308 Game Farm Road, Yorkville, or Hillcrest  
7 Nursing Home.

8 The petitioner is looking to replace  
9 the monument sign which was removed due to the  
10 State widening of Route 34 during the IDOT  
11 construction.

12 Is the petitioner for PZC 2020-08,  
13 sign variance application, present and prepared  
14 to make their presentation of the proposed  
15 request?

16 MR. POLLOCK: Yes.

17 CHAIRMAN OLSON: David, are you --

18 MR. POLLOCK: Yes, David Pollock is  
19 present.

20 CHAIRMAN OLSON: Okay. Then by all  
21 means, go ahead.

22 MR. POLLOCK: We request a variance to  
23 the requirement that the sign be no more than  
24 12 feet high, or eight feet high, because the

1 property begins at approximately 18 feet high  
2 because of the widening of Route 34 and the wall  
3 that has been built, that the property starts at  
4 approximately 18 feet high, so to have a sign we  
5 would -- it would be impossible to have a sign  
6 unless it was built into the ground.

7 CHAIRMAN OLSON: The elevation is  
8 different.

9 MR. POLLOCK: The elevation, correct.

10 CHAIRMAN OLSON: Anything else you want  
11 to add?

12 MR. POLLOCK: I believe the sign would  
13 meet all requirements of the town in all other  
14 respects.

15 CHAIRMAN OLSON: Okay. Sorry, one  
16 second. All right. Is there anyone who wishes  
17 to speak in favor of the request or ask questions  
18 of --

19 MR. DEUTSCH: Question.

20 CHAIRMAN OLSON: Sir, do you still want  
21 him at the podium? Will that pick up his voice?

22 MR. ENGBERG: I will grab it.

23 CHAIRMAN OLSON: Okay. There is a  
24 member of the public here who is going to ask a

1 question of the petitioner.

2 MR. DEUTSCH: I still don't understand  
3 why it has to be 12 feet or over when it's  
4 sitting at the very top of a hill.

5 MR. POLLOCK: Because the elevation is  
6 measured from the crown of the road, which is  
7 16 -- 18 feet below the actual ground line.

8 MR. DEUTSCH: I understand that the  
9 elevation is 18 feet at that point, the hill is  
10 still at the 18-foot level, so another 12 feet I  
11 don't understand.

12 CHAIRMAN OLSON: So I think what the  
13 disconnect is, the sign itself, so the monument  
14 sign from grade to the top of the sign --

15 MR. DEUTSCH: Yeah.

16 CHAIRMAN OLSON: -- is only 78 inches in  
17 height, so it's only six foot tall.

18 MR. DEUTSCH: Oh, well, that's a huge  
19 difference.

20 CHAIRMAN OLSON: I agree with you, but  
21 the 12 foot coming out of the ground is what we  
22 are dealing with here. The 12 foot that you are  
23 talking about is correct, the Zoning Ordinance  
24 says that if we're measuring from the center line

1 on the street, that elevation, the top of the  
2 monument sign can't be greater than 12 foot above  
3 the center line on the road.

4 MR. DEUTSCH: Okay, and you just said  
5 something that I want to be sure I understand,  
6 and that is, can't be above 12, but it is  
7 stipulated there it will be -- can be --

8 CHAIRMAN OLSON: So what they are  
9 applying a variance for is a variance because of  
10 what IDOT delivered them, right, that hill with  
11 the retaining wall, they don't have any area to  
12 put -- and I'm putting words in your mouth here,  
13 David, I'm trying to explain it the best I can.

14 What they're trying to do is still  
15 put a monument sign up on the hill, but they need  
16 a variance from there, right?

17 If there is a six-and-a-half foot  
18 monument sign on top of the 18-foot hill, that  
19 top of the monument sign will be 24 feet above  
20 the center line of the existing road, but IDOT  
21 created a condition for them that they can't do  
22 it any other way, right, IDOT won't allow them to  
23 put a sign on that retaining wall, they don't own  
24 the property down at grade anymore because IDOT

1 took it away, so that's why I believe David  
2 Pollock is -- either confirm or deny -- that's  
3 why they are petitioning.

4 MR. DEUTSCH: Well, how much higher can  
5 they be than that? Because that stipulates  
6 nothing, it just gives them an open --

7 CHAIRMAN OLSON: So to answer that  
8 question, whenever anyone wants to install a sign  
9 with the City, they have to give a print that  
10 shows a design for the sign and the dimensions,  
11 and they are bound by those dimensions.

12 There is a requirement that they  
13 can't go a certain square footage on a sign, it  
14 can't be a 500 square foot sign, it has to be --  
15 Do you remember what it is off the top of your  
16 head?

17 MR. ENGBERG: It's 32 square feet.

18 CHAIRMAN OLSON: 32 square feet is all  
19 it is.

20 MR. DEUTSCH: And they have done that?

21 CHAIRMAN OLSON: Yes.

22 MR. DEUTSCH: They have done that?

23 CHAIRMAN OLSON: Yes. They have  
24 supplied us -- You can have this copy here, I

1 have a second.

2 You can see that the dimension on  
3 the height I think it says 78 inches, six and a  
4 half foot, and it's roughly about the same in  
5 width.

6 MR. DEUTSCH: Okay.

7 CHAIRMAN OLSON: So it's not going to be  
8 an up-to sign, like I was thinking, too, when I  
9 read it the first time.

10 MR. DEUTSCH: I am thinking it's going  
11 to be way up in the air. That's ridiculous.  
12 That's obtrusive for the subdivision.

13 CHAIRMAN OLSON: When I read it, too, I  
14 thought we were going to be the Wisconsin Dells  
15 here, too. I hear you. I was thinking the same  
16 thing.

17 All right. Does anyone else -- And  
18 there is no one else in the room, so I am  
19 assuming no one else is speaking in opposition.

20 I don't know how much you picked up  
21 of that conversation, but is there any questions  
22 from commissioners for David Pollock, the  
23 petitioner?

24 COMMISSIONER MARCUM: No, it sounds okay

1 to me.

2 CHAIRMAN OLSON: Anyone else?

3 (No response.)

4 CHAIRMAN OLSON: Okay. Since all public  
5 testimony during this petition has been taken,  
6 may I have a motion, please, to close the taking  
7 of testimony in this public hearing?

8 COMMISSIONER WILLIAMS: So moved.

9 COMMISSIONER MARCUM: Second.

10 CHAIRMAN OLSON: Roll call vote on the  
11 motion, please, ma'am.

12 MS. YOUNG: Yes. Millen.

13 COMMISSIONER MILLEN: Yes.

14 MS. YOUNG: Olson.

15 CHAIRMAN OLSON: Yes.

16 MS. YOUNG: Williams.

17 COMMISSIONER WILLIAMS: Yes.

18 MS. YOUNG: Hyatt.

19 COMMISSIONER HYATT: Yes.

20 MS. YOUNG: And Marcum.

21 COMMISSIONER MARCUM: Yes.

22 MS. YOUNG: Thank you.

23 CHAIRMAN OLSON: The public hearing  
24 portion of tonight's meeting is closed.

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(Which were all the  
proceedings had in the  
public hearing portion  
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 14 inclusive, is a  
7 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 16th day of September, A.D., 2020.

18  
19 *Christine M Vitosh*

20 \_\_\_\_\_  
Christine M. Vitosh, CSR  
21 Illinois CSR No. 084-002883  
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## PZC - Public Hearing - September 9, 2020

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