



PUBLIC MEETING NOTICE AND AGENDA  
COMMITTEE OF THE WHOLE MEETING

FEBRUARY 26, 2019  
7:30 P.M.  
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Audience Participation  
The public is invited to make an issue-oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 3 minutes in duration.
4. Staff Presentations
  - A. Public Works
    1. Water Fund Presentation
    2. Preliminary & Design Engineering Services Contract for SSA 51 Water Main Project
  - B. Community Services
    1. Ordinance Granting a Conditional Use For Outdoor Sales/Open Sales Lot Accessory at 8595 Pyott Road
    2. Ordinance Granting a Conditional Use for Automotive Service at 9114 Virginia Road
5. Board of Trustees
  - A. Trustee Harlfinger
  - B. Trustee Huckins
  - C. Trustee Bogdanowski
  - D. Trustee Dustin
    1. Planning and Zoning Commission Liaison Report
  - E. Trustee Artinghelli
    1. Parks and Recreation Board Liaison Report
  - F. Trustee Bojarski
6. Village President
  - A. Appointment – Parks & Recreation Board – Wendy Anderson (Thursday)
7. Audience Participation
8. Adjournment

MEETING LOCATION  
Lake in the Hills Village Hall  
600 Harvest Gate  
Lake in the Hills, IL 60156

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (847) 960-7410 [TDD (847) 658-4511] promptly to allow the Village to make reasonable accommodations for those persons.

Posted by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_



# REQUEST FOR BOARD ACTION

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**MEETING DATE:** February 26, 2019

**DEPARTMENT:** Public Works

**SUBJECT:** Award a Preliminary and Design Engineering Services Contract for the SSA 51 Water Main Project

## EXECUTIVE SUMMARY

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In November of 2018, the County of McHenry consented to the Village of Lake in the Hills' establishment of a Special Service Area (SSA) in its incorporated jurisdiction in response to the Village's desire to replace its water system infrastructure that lies outside municipal boundaries.

In December of 2018, the Village Board adopted the Fiscal Year 2019 budget, which included expenditures from the Water Fund for the engineering necessary to design the infrastructure improvements for the SSA, which has been named SSA 51.

Earlier this month, Village staff released a Request for Proposal (RFP) for preliminary and design engineering services for the SSA 51 water main project. The RFP opportunity was published in the Northwest Herald on February 6, 2019, and on February 19, 2019, the Village received and opened four sealed proposals. The four proposals ranged from a low of \$90,360.00 from HR Green, Inc., of McHenry, IL, to a high proposal of \$152,317.00. Village staff have been working with HR Green for over a decade, have been satisfied with their work and believe that they are qualified to perform the preliminary and design engineering services that are needed for this project.

## FINANCIAL IMPACT

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In 2018, a Water Fund budget request in the amount of \$150,000.00 for fiscal year 2019 was approved for this project for preliminary and design engineering services and also construction management services. However, the project timeline that was established earlier this month places the construction management portion of the project in 2020. As such, Village staff will request funding for construction management services in the 2020 budget and will spend \$90,360.00 in 2019 for preliminary and design engineering services.

## ATTACHMENT

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1. Bid results
2. Recommendation Letter
3. Bid Certification Form

## SUGGESTED MOTION

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Motion to award a contract to HR Green, Inc., of McHenry, IL, in the amount of \$90,360.00 for Preliminary and Design Engineering Services for the SSA 51 Water Main Project.

# LAKE IN THE HILLS PUBLIC WORKS DEPARTMENT

## MEMORANDUM

**To:** Dan Kaup, Public Works Director  
**From:** Ryan McDillon, Water Superintendent  
**Date:** February 19, 2019  
**Subject:** Preliminary and Design Engineering Services for the SSA 51 Water Main Project RFP Results

Four proposals were received and opened today at 10 a.m., for the Preliminary and Design Engineering Services for the SSA 51 Water Main Project. Those present were Mr. John Whitehouse of Engineering Enterprises, Inc., Mr. Chad Pieper of HR Green, Dan Kaup, Peter D'Agostino, Ryan McDillon and Cheryl Rothenbach of Lake in the Hills Public Works were present at the RFP opening. The bids were as follows:

COMPANY	BID	
<b>HR Green, Inc.</b> <b>420 n. Front Street</b> <b>Suite 100</b> <b>McHenry, IL 60050</b>	TASK #1	\$23,520.00
	TASK #2	\$45,960.00
	TASK #3	\$5,760.00
	TASK #4	\$7,920.00
	TASK #5	\$7,200.00
	<b>TOTAL</b>	
	<b>CORRECTED TOTAL</b>	<b>\$90,360.00</b>
<b>Chastain &amp; Associates LLC</b> <b>120 West Center Court</b> <b>Schaumburg, IL 60195</b>	TASK #1	\$10,601.52
	TASK #2	\$76,170.66
	TASK #3	\$1,231.20
	TASK #4	\$1,166.40
	TASK #5	\$1,836.00
	<b>TOTAL</b>	<b>\$91,005.78</b>
<b>Baxter &amp; Woodman, Inc.</b> <b>8678 Ridgfield Rd</b> <b>Crystal Lake, IL 60012</b>	TASK #1	\$16,000.00
	TASK #2	\$58,300.00
	TASK #3	\$20,100.00
	TASK #4	\$6,700.00
	TASK #5	\$19,800.00
	<b>TOTAL</b>	<b>\$120,900.00</b>

<b>Engineering Enterprises, Inc.</b> <b>52 Wheeler Road</b> <b>Sugar Grove, IL 60554</b>	TASK #1	\$26,066.00
	TASK #2	\$77,310.00
	TASK #3	\$23,752.00
	TASK #4	\$6,770.00
	TASK #5	\$18,419.00
	<b>TOTAL</b>	<b>\$152,317.00</b>

The RFP opening concluded at 10:11 a.m. Proposals will be reviewed and a recommendation will be made to the Village Board on February 26, 2019.

Lake in the Hills Public Works Department

MEMORANDUM

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**To:** Dan Kaup, Public Works Director  
**From:** Ryan McDillon, Water Superintendent  
**Date:** February 20, 2019  
**Subject:** Engineering Services for SSA 51

It is my recommendation to accept HR Greens proposal for the preliminary and design engineering services contract for the SSA 51 Water Main Project.

On February 19, four sealed bids were received and opened at the Public Works Facility. The bids ranged from \$90,360.00 to a high of \$152,317.00, with HR Green being the lowest responsive bidder.

HR Green has been the Villages Water Main Replacement Project Engineer in the past and has consistently done a satisfactory job. I recommend entering into contract with HR Green for this project at a cost of \$90,360.00.

APPENDIX 4

VILLAGE OF LAKE IN THE HILLS  
BID CERTIFICATION FORM

CONTRACTOR'S NAME: HR Green, Inc.  
ADDRESS: 420 N. Front Street, Suite 100  
McHenry, IL 60050

1. COST OF WORK:

The undersigned, having familiarized [himself/herself] with conditions affecting the cost of the work and its performance and having carefully examined and fully understood the INSTRUCTION TO BIDDERS, hereby affirms and agrees to enter into a contract with the Village of Lake In The Hills, Illinois;

The undersigned hereby also certifies that in accordance with 710 ILCS 7/33E-11 that the Bidder is not barred from submitting a bid for this contract as a result of a violation of either Section 33E-3 or Section 33E-4 concerning bid rigging, bid rotating, kickbacks, bribery and other interference with public contracts;

To PROVIDE all supervision, labor, material, equipment, and all other expense items to perform completely the entire work covered by all specifications for the entire work;

Preliminary and Design Engineering Services for the SSA 51 Water Main Project

Task	Price (Not-to-exceed)
Task 1 - Prepare Preliminary Alignment	\$ 23,520.00
Task 2 - Surveying/Design Phase	\$ 45,960.00
Task 3 - Permitting	\$ 5,760.00
Task 4 - Bid Phase Services	\$ 7,920.00
Task 5 - Project Management and Coordination	\$ 7,200.00

TOTAL (Tasks 1-5) \$ 89,640.00

2. COSTS:

The undersigned hereby affirms and states that the prices quoted herein constitute the total cost to the Village for all work involved in the respective items and that this cost also includes all insurance, royalties, transportation charges, use of all tools and equipment, superintendence, overhead expense, all profits, and all other work, services, and conditions necessarily involved in the work to be done and materials to be furnished in accordance with the requirements of the contract documents considered severally and collectively. All bids shall be held valid for a period of 60 days after the bid due date.

The undersigned hereby also certifies that this bid is genuine and not collusive or sham; that said Bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder or person, to put in a sham bid or to refrain from submitting a bid; and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, to fix the proposed price elements of said bid, or that of any other Bidder, or to secure any advantage against any other Bidder or any person interested in the proposed contract.

The undersigned hereby also certifies in accordance with 65 ILCS 5/11-42.1-1 that the Bidder is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, unless the amount and/or liability is being properly contested in accordance with the procedures established by the appropriate revenue act





The undersigned hereby also certifies in accordance with 720 ILCS 5/33 E that the Bidder will not participate in bid rigging and/or rotating, kickbacks, bribery, and other related interference with public contracts. The statute requires that a certification by submitted by a bidder specifically attesting to the provisions of 5/33E-3 and 5/33E-4.

The undersigned hereby also certifies in accordance with 775 ILCS 5/2-105 that the Bidder must furnish evidence of adoption of a written policy on sexual harassment pursuant to the statute. The Village's interpretation of this statute is that such a policy does not have to be submitted with the bid, but the Bidder must have one in order to receive a contract.

The undersigned hereby also certifies that the bid is in compliance with all other applicable federal, state, and local laws.

**3. DELIVERY REQUIREMENTS:**

The undersigned hereby affirms and states that the prices listed as "Delivered and Installed" are the unit and total costs for the delivery of item(s) to their designated locations ready for use.

**4. SPECIFICATIONS:**

The undersigned will furnish all labor, material, equipment, and services necessary for said Preliminary and Design Engineering Services for the SSA 51 Water Main Project, in accordance with the following specifications and drawings (if required) as attached.

**5. CONDITIONS:**

- A. The Village is exempt from federal excise tax and the Illinois Retailers' Occupation Tax. The undersigned hereby certifies that this proposal does not include any amounts of money for these taxes.
- B. To be valid, bids shall be itemized so that selection for purchase may be made, there being included in the price of each item the cost of delivery, installation, insurance, bonds, overhead, and profit.
- C. The Village shall reserve the right to add to or deduct from the base bid and/or alternate bid any item at the prices indicated in the itemization of bid.

Dated at 8:00AM this 19th day of February, 2019.

By: *Chad Pieper*  
(signature)

Its: Municipal Services Manager  
Title

Chad Pieper, being duly sworn, deposes and states that he/she is the Municipal Services Manager of HR Green, Inc. and that the statement above is true and correct. Subscribed and sworn before me this 19th day of February, 2019.

(NOTARY STAMP) *Diane M Weyde*  
Notary Public

**VILLAGE OF LAKE IN THE HILLS**

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
(signature)

Title: \_\_\_\_\_





# REQUEST FOR BOARD ACTION

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**MEETING DATE:** February 26, 2019

**DEPARTMENT:** Community Services

**SUBJECT:** Conditional Use for Outdoor Sales/Open Sales Lot Accessory to Principle Use at 8595 Pyott Road

## EXECUTIVE SUMMARY

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Herb Biedermann of Lemon Grove Trucks requests a conditional use permit to operate a commercial used truck sales facility at 8595 Pyott Road, Unit E. Resale of used commercial trucks. Trucks to be sold include general-purpose trucks, such as flatbed and dump trucks, and special purpose trucks, such as bucket trucks and cranes. Semi-tractors and trailers are not intended to be part of the sales operation. Some restoration of trucks will take place onsite. The area is predominately business oriented. The use is compatible with the proposed future land use. The applicant plans to operate the facility all day Monday through Friday and possibly on Saturday. The bulk of the vehicles will be outside.

Conditional Use for Outdoor Sales/Open Sales Lot Accessory to Principle Use requires a Conditional Use permit in the M-1 zoning district. Automotive Service is a permitted use in the M-1 District. The outdoor sales lot is on the parcel adjacent to the building housing the principle use. Staff recommends the following conditions as part of approval of the conditional use:

- All significant automotive service work will be performed inside the building unless physical requirements make it impossible to comply.
- No vehicles visible from Pyott Road may be missing any major vehicle body parts.

The Planning & Zoning Commission conducted a public hearing on February 18, 2019. No comments were made by the public at the hearing. The Commission recommended approval by a vote of 7-0. The attached documents are presented for your consideration.

## FINANCIAL IMPACT

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None

## ATTACHMENTS

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1. Application
2. Staff Report
3. Site Plan
4. Photos
5. Ordinance

## RECOMMENDED MOTION

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Motion to approve an ordinance granting a Conditional Use for Outdoor Sales/Open Sales Lot Accessory to Principle Use with additional conditions at 8595 Pyott Road, Unit E on parcel 19-17-400-003.



APPLICATION

Date Filed (Staff Use Only): 2067077

JAN 25 2019

Property Information

Common street address: 8595 PYOTT RD #E LAKE IN THE HILLS

PIN (Property Index Number): 19-17-400-002

Current Zoning: B4 Proposed Zoning: CONDITIONAL USE

Current Use: Proposed Use: Automotive Use & Outdoor Sales / Open Sales Lot Accessory to principle use.

Is the request consistent with the Comprehensive Plan? YES

Number of Acres: 1 If greater than 4 ac, 2 ac for government property or 5 ac for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.

Legal description of the property (print or attach exhibit):

doc 2000 R0016329 PT NE 1/4 SE 1/4

Property Owner Information

Name(s): RYAN TAHENY

Business/Firm Name (if applicable): CORY PROPERTIES LTD.

Address: 19 WATERGATE DRIVE

City/State/Zip: SOUTH BARRINGTON, IL 60010

Phone Number: 847-514-6665

Email: R.TAHENY@RYCO LANDSCAPING.COM

Applicant Information

Name(s): HERB BIEDERMANN

Business/Firm Name (if applicable): Lemon Grove Trucking

Address: 8595 PYOTT RD BLD "E"

City/State/Zip: LAKE IN THE HILLS, IL 60156

Phone Number: 708-606-2808

Email: HERB CB @ COMCAST.NET

Appendix I – Conditional Use Requirements

Conditional Use Applying For: Automotive Use & Outdoor Sales /  
Open Sales Lot Accessory to Principle Use  
Standards and Findings of Facts for a Conditional Use per Section 24.6 of the Zoning Ordinance.

Before recommending any Conditional Use, the Planning and Zoning Commission and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use being requested.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will it contribute to the general welfare of the neighborhood or community? Explain how this standard is met.

LAKE IN THE HILLS HAS LIMITED, IF ANY,  
EXPOSURE TO COMMERCIAL TRUCK SALES.  
THIS BUSINESS WILL PROVIDE A MUCH NEEDED  
SERVICE.

2. That the proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity. Explain how this standard is met.

COMMERCIAL TRUCKS, BEING A SPECIALTY ITEM,  
COMMAND A MUCH HIGHER SALES PRICE.  
IT SHOULD BE A SOLID TAX GENERATOR FOR  
THE VILLAGE.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Explain how this standard is met.

MAJORITY OF OTHER BUSINESSES SURROUNDING  
THIS FACILITY ARE EITHER LIGHT INDUSTRIAL OR  
MANUFACTURING IN NATURE. THE CONDITIONAL USE REQUESTED  
WILL HAVE ZERO NEGATING IMPACT TO THEM OR THE  
COMMUNITY AS A WHOLE.

Appendix I – Conditional Use Requirements

4. The extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents. Explain how this standard is met.

PROPOSED CONDITIONAL USE FACILITY IS ALREADY  
LOCATED WITHIN AN AREA WHICH MEETS SUCH PLANNING  
GUIDELINES CURRENTLY DICTATED BY THE VILLAGE, AND OTHER  
BUSINESSES IN IMMEDIATE AREA ARE ADHERING TO.

5. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. Explain how this standard is met.

CURRENT LOCATION IS SOMEWHAT RURAL AND MAINLY DESIGNED  
TO BE ACCESSIBLE BY VEHICLE, WITH PRACTICALLY NO  
PEDESTRIAN TRAFFIC. PROPOSED CONDITIONAL USE AREA IS VERY  
SMALL AND WILL HAVE MINIMAL TRAFFIC RELATED IMPACT.

6. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities. Explain how this standard is met.

8595 PYOTT RD, BUILDING E, IS ALREADY  
AN EXISTING BUILDING. ALL CURRENT FACILITIES,  
SERVICES AND UTILITIES ARE MORE THAN  
SUFFICIENT TO OPERATE BUSINESS.

7. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees. Explain how this standard is met.

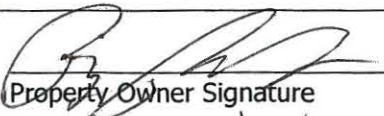
THIS PARCEL IS ALREADY PROPERLY ZONED  
FOR SUCH USE, AND REQUESTED POTENTIAL  
ADDITIONAL CONDITIONAL USE.

8. The Village may impose any other criteria as identified in the Zoning Code.



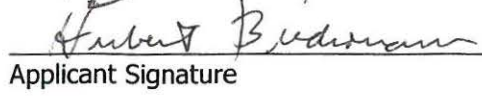
**Application Request**

1	2	3	4	5	6
Request	Select Request with "X"	Required Fee ac = acre	For Requirements See Appendix	Public Hearing Required See Appendix A2	Total Fee (enter amount per column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use	X	\$500 + \$10/ac over 2 ac	I	Yes	# 500.
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
<b>Total Fees – add column 6 (Separate Check)</b>					<b>500</b>
<b>Additional Fees</b>					
If a Public Hearing is required a \$75 Sign Deposit is Required, if multiple request are made that require public hearings only one \$75 will be required <b>(Separate Check)</b>					
Stormwater Permit Application Fee to be paid at time of permit issuance <b>(Separate Check)</b> Minor = \$250 Intermediate or Major = \$1,000					
Reimbursement of Fees Required <b>Appendix B</b> = \$2,000 + \$100/acre for every acre over 5 acres <b>(Separate Check)</b>					

 \_\_\_\_\_  
Property Owner Signature

1/23/19  
Date

**If Owner/Applicant is a School District please, fill out and submit Appendix N**

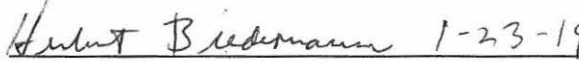
 \_\_\_\_\_  
Applicant Signature

1-23-19  
Date

**All required appendices and documentation shall be submitted with this application. Incomplete applications will not be processed.**

Appendix I – Conditional Use Requirements

  
\_\_\_\_\_  
Property Owner Signature                      Date

  
\_\_\_\_\_  
Applicant Signature                              Date



↑  
N.

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All information is provided 'as-is' with no  
guarantee of accuracy, completeness, or currency.

Page 1 of 1

PIN # 19-17-400-002

X

8595 Pyott Rd Building "E"





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All information is provided "as is" with no  
guarantee of accuracy, completeness, or current

pin # 19-17-400-002  
8595 Pyott Rd Bldg "E"



# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** February 18, 2019

**DEPARTMENT:** Community Services

**SUBJECT:** Conditional Use for Outdoor Sales/Open Sales Lot Accessory to Principle Use at 8595 Pyott Road

## EXECUTIVE SUMMARY

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### General Information

*Requested Action:* Herb Biedermann of Lemon Grove Trucks requests a conditional use permit to operate a commercial truck sales facility at 8595 Pyott Road, Unit E.

*Owner:* Ryan Tahaney

*Applicant:* Herb Biedermann of Lemon Grove Trucks

*Purpose:* Resale of used commercial trucks. Trucks to be sold include general-purpose trucks, such as flatbed and dump trucks, and special purpose trucks, such as bucket trucks and cranes. Semi-tractors and trailers are not intended to be part of the sales operation. Some restoration of trucks will take place on-site.

*Location and Size:* 8595 Pyott Road, Unit E - approximately 4,400 sq. ft. inside and approximately 12,100 sq. ft. outside

*Zoning and Land Use:*

Site:	M-1 Limited Manufacturing
North:	AD-2, Airport District 2
East:	M-1 Limited Manufacturing
South:	M-1 Limited Manufacturing
West:	AD-1, Airport District 1
Future Land Use:	Commercial

## Background

The applicant proposes establishing used truck sales facility. The area is predominately business oriented. The use is compatible with the proposed future land use. The applicant plans to operate the facility all day Monday through Friday and possibly on Saturday. The bulk of the vehicles will be outside.

Conditional Use for Outdoor Sales/Open Sales Lot Accessory to Principle Use requires a conditional use permit in the M-1 zoning district. Automotive Service is a permitted use in the M-1 District. The outdoor sales lot is on the parcel adjacent to building housing the principle use. Staff recommends the following conditions as part of approval of the conditional use:

- All significant automotive service work will be performed inside the building unless physical requirements make it impossible to comply.
- No vehicles visible from Pyott Road must be missing any major body parts.

## Standards and Findings of Fact for a Conditional Use

The Planning and Zoning Commission may recommend and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use requested:

- A. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;**

The applicant indicates their proposed operation will fit well with the other businesses and provide a service that is not prevalent in the local area. The higher price of these vehicles will also provide a sales tax boost.

- B. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity;**

The applicant indicates that since the proposed operation has a similar impact as others already operating in the area.

- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

The applicant indicates this will not alter the essential character of the locality.

- D. The extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents;**

The conditional use is compatible with objectives of the business district where it is located as demonstrated by the existing conditional uses in the area.

- E. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation;**

The applicant believes the proposal will not generate a significant increase in pedestrian or vehicular traffic.

- F. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities;**

The applicant indicates this condition is met.

- G. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees;**

The applicant indicates this condition will be met.

#### **ATTACHMENTS**

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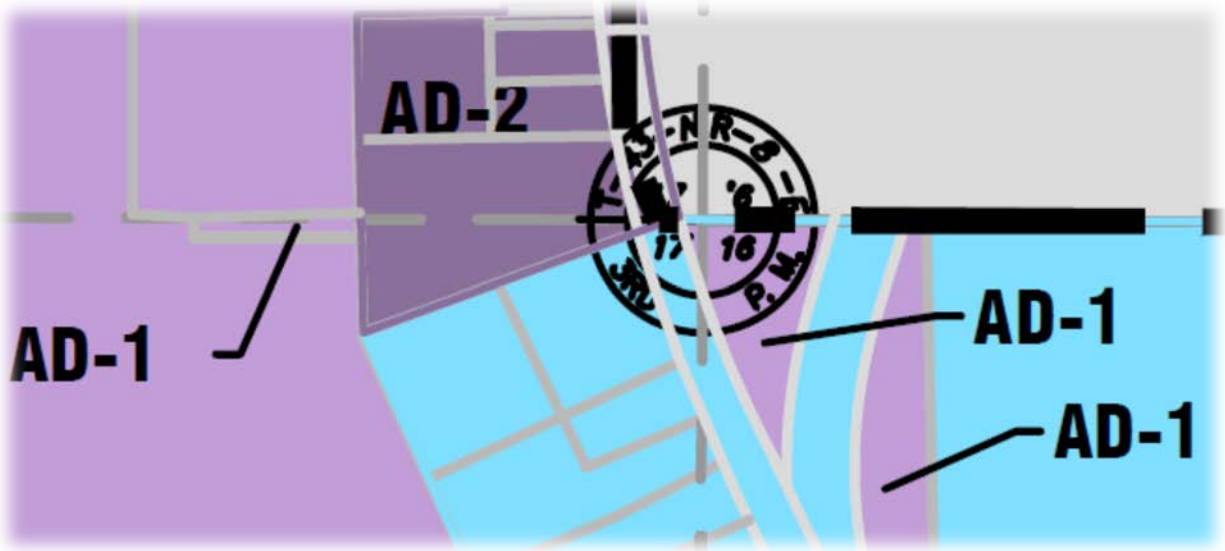
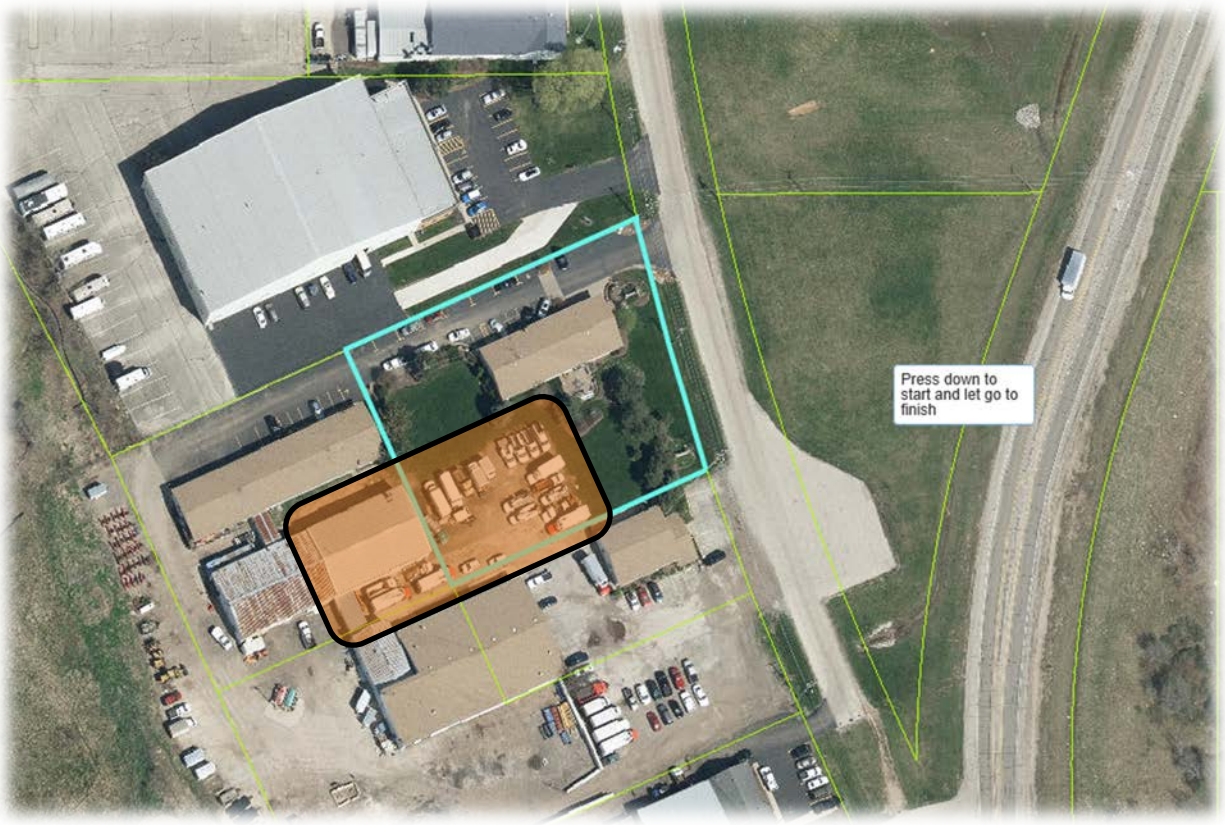
1. Application
2. Site Plan
3. Photos

#### **RECOMMENDED ACTION**

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Commission recommend approval to the Village Board for a conditional use for Outdoor Sales/Open Sales Lot Accessory to Principle Use at 8595 Pyott Road, Unit E on Parcel 19-17-400-003.









VILLAGE OF LAKE IN THE HILLS

ORDINANCE NO. 2019-\_\_\_\_\_

**An Ordinance Granting a Conditional Use for an Outdoor Sales/Open  
Sales Lot Accessory to Principle Use at 8595 Pyott Road  
PIN 19-17-400-003**

WHEREAS, the Village of Lake in the Hills, McHenry County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, Herb Biedermann of Lemon Grove Trucks, applicant, of the Subject Property located at 8595 Pyott Road with a PIN of 19-17-400-003 petitioned the Village of Lake in the Hills requesting a Conditional Use for an Outdoor Sales/Open Sales Lot Accessory to Principle Use at 8595 Pyott Road.

WHEREAS, a public hearing was held by the Village of Lake in the Hills Planning and Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report and its recommendation relative to the said requests for the subject property; and

WHEREAS, the President and Board of Trustees of the Village of Lake in the Hills have considered the report of the Planning and Zoning Commission and all of the evidence presented by the petitioner at the public hearing before the Commission; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake in the Hills, McHenry County, Illinois, as follows:

SECTION 1: The Corporate Authorities find that the statements in the foregoing preamble are true.

SECTION 2: The findings and recommendations of the Planning and Zoning Commission on the question of approving a Conditional Use for an Outdoor Sales/Open Sales Lot Accessory to Principle Use are hereby accepted.

SECTION 3: Approval of the Conditional Use for an Outdoor Sales/Open Sales Lot Accessory to Principle Use, is hereby granted on the subject property. All plans shall comply with Village ordinances.

SECTION 4: Conditions. The approvals granted in this Ordinance are granted expressly and specifically subject to the following conditions:

1. All significant automotive service work will be performed inside the building unless physical requirements make it impossible to comply.

2. No vehicles visible from Pyott Road may be missing any vehicle body parts.

SECTION 5: All other requirements set forth in the Zoning Ordinance of the Village of Lake in the Hills, as would be required by the Village as to any owner of the property zoned in the same manner as the subject property shall be complied with.

SECTION 6: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall continue in full force and effect.

SECTION 7: All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (Which publication is hereby authorized) as provided by law.

Passed this 28<sup>th</sup> day of February, 2019 by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Stephen Harlfinger	_____	_____	_____	_____
Trustee Ray Bogdanowski	_____	_____	_____	_____
Trustee Bob Huckins	_____	_____	_____	_____
Trustee Bill Dustin	_____	_____	_____	_____
Trustee Suzanne Artinghelli	_____	_____	_____	_____
Trustee Suzette Bojarski	_____	_____	_____	_____
President Russ Ruzanski	_____	_____	_____	_____

APPROVED THIS 28TH DAY OF FEBRUARY, 2019

\_\_\_\_\_  
Village President, Russ Ruzanski

(SEAL)

ATTEST:

\_\_\_\_\_  
Village Clerk, Cecilia Carman

Published:



# REQUEST FOR BOARD ACTION

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**MEETING DATE:** February 26, 2019

**DEPARTMENT:** Community Services

**SUBJECT:** Conditional Use for Automotive Service at 9114 Virginia Street

## EXECUTIVE SUMMARY

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Jason Dobler of JD Auto Specialists, Inc. requests a conditional use permit to operate an automotive maintenance and repair facility at 9114 Virginia Street, Unit 107. The applicant proposes establishing a general automotive maintenance and repair facility. The area is predominately business oriented. There is one automotive service in this complex and a few more in adjacent complexes. The use is compatible with the proposed future land use. The applicant plans to operate the shop all day Monday through Friday and half days on Saturday. He anticipates the shop will have five service bays.

An automotive service requires a conditional use permit in the B-4 zoning district. Staff recommends the following conditions as part of approval of the conditional use:

- All automotive service work will be performed inside the building
- No inoperative vehicles will remain outside the building overnight
- All new and used automotive parts will be stored inside the building.

The Planning & Zoning Commission conducted a public hearing on February 18, 2019. No comments were made by the public at the hearing. The Commission recommended approval by a vote of 7-0. The attached documents are presented for your consideration.

## FINANCIAL IMPACT

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None

## ATTACHMENTS

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1. Application
2. Staff Report
3. Site Plan
4. Photos
5. Ordinance

## RECOMMENDED MOTION

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Motion to approve an ordinance granting a conditional use for an automotive service with additional conditions at 9114 Virginia Street on parcel 19-22-100-014.

2067053

RD



JAN 22 2019

# Village of Lake in the Hills Development and Zoning Application

Date: 1/16/19

### Property Information

Common street address: 9114 Virginia Street, Lake In The Hills, Illinois 60156

PIN (Property Index Number): 19-22-100-014-0000

Current Zoning: B4 Proposed Zoning: Conditional Use

Current Use: Vacant Proposed Use: Automotive Maintenance and Repair

Is the request consistent with the Comprehensive Plan? Yes  
Number of Acres: 3 acres If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.  
Legal description of the property (print or attach exhibit): \_\_\_\_\_

See attached Deed, which contains the legal description. Note that the Applicant is applying for Unit 7 on the Property.

### Property Owner Information

Name(s): Mark Riggsby, Manager

Business/Firm Name (if applicable): 9114 Virginia LLC

Address: 460 Jennings Drive

City/State/Zip: Lake In The Hills, Illinois 60156

Phone Number: 847-516-9090

Email: mark@riggsby.com

### Applicant Information

Name(s): Jason Dobler, President

Business/Firm Name (if applicable): JD Auto Specialists, Inc.

Address: 9114 Virginia Street, Unit 107

City/State/Zip: Lake In The Hills, Illinois 60156

Phone Number: 847-287-4987

Email: jdobler@comcast.net

## Appendix I Conditional Use

Conditional Use Applying For: Automotive Service

### **Standards and Findings of Facts Per Section 24.6 of the Zoning Ordinance**

Before recommending any Conditional Use, the Planning and Zoning Commission and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use being requested.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will it contribute to the general welfare of the neighborhood or community? **Explain how this standard is met.**

There are other auto repair facilities in the area that appear to be doing well, and auto repair is in high demand. Additional businesses of a similar type are better for the consumer, as the consumer will have the choice of multiple service providers and will have the option of comparing prices between businesses. Therefore, the proposed use at the particular location will be in the interest of public convenience and contribute to the general welfare of the community.

2. That the proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity. **Explain how this standard is met.**

The facility will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, as the proposed use will be similar in nature to the business and commercial uses of other properties in the area, which include, but are not limited to, other auto repair facilities, and the Applicant will comply with all health and safety rules and regulations pertaining to the operation of an automotive repair facility.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **Explain how this standard is met.**

Since other businesses and uses of a similar nature exist in the area, the establishment of the conditional use will not impede the normal and orderly development of the surrounding property.



4. The extent to which the conditional use is harmonious and compatible with the goals and objectives of the village's comprehensive planning documents. **Explain how this standard is met.**

The conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive plan, as the proposed use as an automotive service facility is commercial in nature, which matches the goals of the comprehensive plan for the vicinity.

5. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. **Explain how this standard is met.**

No additional traffic congestion or hazards will result from the conditional use, as there is an adequacy of pedestrian and vehicular access, parking and circulation at the premises.

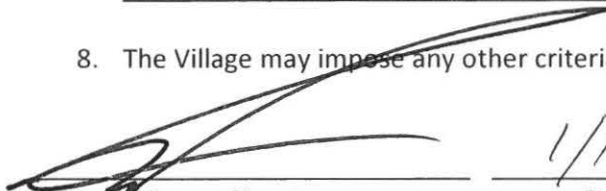
6. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities. **Explain how this standard is met.**

The conditional use will be adequately served by the existing facilities, as the existing building was constructed with adequate public and private facilities and services for this potential use, and the proposed use will have a low impact on said facilities and services.

7. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees. **Explain how this standard is met.**

The Petitioner agrees to the regulations and conditions specified in the zoning code and will follow any additional stipulations and conditions added by the Board of Trustees.

8. The Village may impose any other criteria as identified in the Zoning Code.

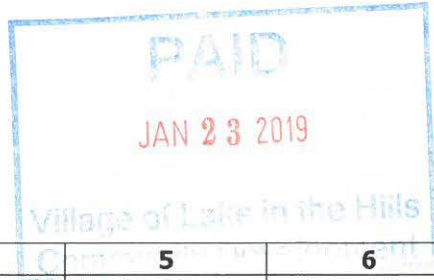
  
Property Owner Signature

1/16/19  
Date

  
Applicant Signature

1/17/19  
Date





**Lake in the Hills Development and Zoning Application  
Page 2**

1	2	3	4	5	6
Request	Select Request with X	Required Fee ac = Acre	For Requirements See Appendix	Public Hearing Required See Appendix A2	Total Fee (enter Amount per Column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use	X	\$500 + \$10/ac over 2 ac	I	Yes	570
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
<b>Total Fees</b>					<b>570</b>
<b>Additional Fees</b>					
Stormwater Permit Application Fee to be paid at time of permit issuance Minor = \$250 Intermediate or Major = \$1,000					
Reimbursement of Fees Required ( <b>Attach Appendix B</b> ) = \$2,000 + \$100/acre for every acre over 5 acres					

\_\_\_\_\_  
Property Owner Signature      1-16-19      Date

\_\_\_\_\_  
Applicant Signature      Date

*If Owner/Applicant is a School District please, complete and submit Appendix N*

*All required appendices and documentation shall be submitted with this application. Incomplete applications will not be processed.*

\_\_\_\_\_  
Applicant      1/17/19



PHYLLIS K. WALTERS  
 RECORDER-MCHENRY COUNTY, IL  
**2016R0043234**  
 11/07/2016 12:21PM PAGES 2  
 RECORDING FEE 26.00  
 GIS FEE 15.00  
 STATE STAMP FEE 0.00  
 COUNTY STAMP FEE 0.00  
 RHSPS HOUSING FEE 9.00

SW

**This Document Prepared By and Mail to:**

SCOTT C HAUGH  
 Attorney at Law  
 Haugh Law Group  
 675 E Irving Park Road  
 Ste 203  
 Roselle, Illinois 60172  
 630-908-2752

**After Recording, Send Tax bills To:**

9114 Virginia LLC  
 460 Jennings Drive  
 Lake in the Hills, IL 60156

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### WARRANTY DEED

The Grantors,

RIGGSBY RENTAL OF THE RIGGSBY FAMILY LLC, an Illinois limited liability company,

Whose mailing address is 460 Jennings Drive, Lake in the Hills, IL 60156;

FOR GOOD AND VALUABLE CONSIDERATION, in hand paid, convey and warrant to:

9114 VIRGINIA LLC, an Illinois limited liability company,,

Whose mailing address is 460 Jennings Drive, Lake in the Hills, IL 60156;

And to Grantee's successors and assigns, all of the following described real estate situated in the County of McHenry, State of Illinois, to wit:

LOT 1 IN JACOBSON INDUSTRIAL SUBDIVISION, BEING A SUBDIVISION OF THE NORTH 400 FEET (EXCEPT THE EAST 1218.45 FEET THEREOF OF THAT PART OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE CENTER OF VIRGINIA STREET ROAD AS IT EXISTED IN SEPTEMBER 25, 1933, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 17, 1982, AS DOCUMENT NUMBER 839887 AND RE-RECORDED AUGUST 26, 1982 AS DOCUMENT NUMBER 840377 IN MCHENRY COUNTY, ILLINOIS.

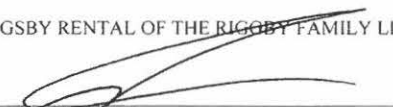
Permanent Index Number: 19-22-100-014

Site Address: 9114 Virginia Road, Lake in the Hills, IL.

SUBJECT TO any Restrictions, Conditions, Covenants, Rights, Rights of Way, and Easements now of record; to have and to hold said premises forever.

Dated this 5th day of July, 2016

RIGGSBY RENTAL OF THE RIGGSBY FAMILY LLC

By:   
 Mark Riggsby, Manager

Meltzer Purtil & Stelle LLC  
 1515 E Woodfield Rd 2nd Floor  
 Schaumburg IL 60173 (mt)

50-

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF DUPAGE )

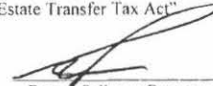
The foregoing instrument was acknowledged before me on this June 30, 2016, by MARK RIGGSBY, in his capacity as manager of Riggsby Rental of the Riggsby Family LLC.

  
NOTARY PUBLIC

My commission expires 7-17-17



"Exempt under Paragraph (e), Section 31-45;  
Illinois Real Estate Transfer Tax Act"

6/30/16  
Date        
Buyer, Seller or Representative



# REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

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## PLANNING AND ZONING COMMISSION

**MEETING DATE:** February 18, 2019

**DEPARTMENT:** Community Services

**SUBJECT:** Conditional Use for Automotive Service at 9114 Virginia Street

## EXECUTIVE SUMMARY

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### General Information

*Requested Action:* Jason Dobler of JD Auto Specialists, Inc. requests a conditional use permit to operate an automotive maintenance and repair facility at 9114 Virginia Street, Unit 107.

*Owner:* Mark Riggsby

*Applicant:* Jason Dobler of JD Auto Specialists, Inc.

*Purpose:* Perform general automotive maintenance and repair services.

*Location and Size:* 9114 Virginia Street, Unit 107 - approximately 4,255 sq. ft.

*Zoning and Land Use:*

Site:	B-4 Commercial Business
North:	M-1 Limited Manufacturing
East:	M-1 Limited Manufacturing
South:	B-4 Commercial Business
West:	M-1 Limited Manufacturing
Future Land Use:	Commercial

### Background

The applicant proposes establishing an automotive maintenance and repair facility. The area is predominately business oriented. There is one automotive service in this complex and a few more in adjacent complexes. The use is compatible with the proposed future land use. The applicant plans to operate the shop all day Monday through Friday and half days on Saturday. He anticipates the shop will have five service bays.

An automotive service requires a conditional use permit in the B-4 zoning district. Staff recommends the following conditions as part of approval of the conditional use:

- All automotive service work will be performed inside the building
- No inoperative vehicles will remain outside the building overnight
- All new and used automotive parts will be stored inside the building.

### **Standards and Findings of Fact for a Conditional Use**

The Planning and Zoning Commission may recommend and the Board of Trustees shall consider the following factors and how they are relevant to the specific conditional use requested:

- A. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;**

The applicant indicates their proposed operation will fit well with the other businesses and provide consumers another option in the same area.

- B. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity;**

The applicant indicates that since the proposed operation is similar to others in the area, it will not have any detrimental effect. The applicant states he will comply with all health and safety regulations.

- C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

The applicant indicates this will not alter the essential character of the locality.

- D. The extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents;**

The conditional use is compatible with objectives of the business district where it is located as demonstrated by the existing conditional uses in the area.

- E. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation;**

The applicant believes the proposal will not generate a significant increase in pedestrian or vehicular traffic.

- F. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities;**

The applicant indicates this condition is met.

- G. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees;**

The applicant indicates this condition will be met.

#### **ATTACHMENTS**

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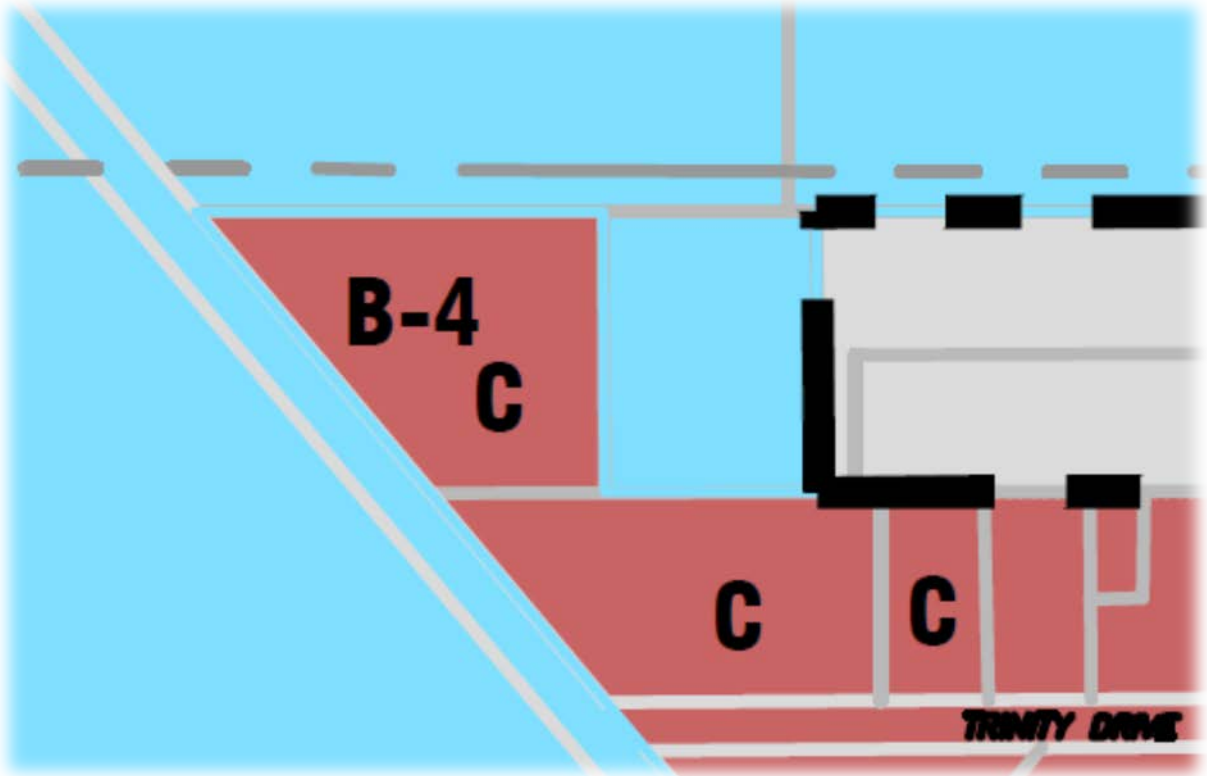
1. Application
2. Site Plan
3. Photos

#### **RECOMMENDED ACTION**

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Commission recommend approval to the Village Board for a conditional use for automotive service with additional conditions as noted at 9114 Virginia Road, Unit 107 on Parcel 19-22-100-014.







VILLAGE OF LAKE IN THE HILLS

ORDINANCE NO. 2019-\_\_\_\_\_

**An Ordinance Granting a Conditional Use for an  
Automotive Service at 9114 Virginia Road, Unit 7  
PIN 19-22-100-014**

WHEREAS, the Village of Lake in the Hills, McHenry County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, Jason Dobler of JD Auto Specialists, Inc, applicant, of the Subject Property located at 9114 Virginia Road, Unit 7, with a PIN of 19-22-100-014 petitioned the Village of Lake in the Hills requesting an Automotive Use at 9114 Virginia Road.

WHEREAS, a public hearing was held by the Village of Lake in the Hills Planning and Zoning Commission, after due notice in the manner provided by law; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report and its recommendation relative to the said requests for the subject property; and

WHEREAS, the President and Board of Trustees of the Village of Lake in the Hills have considered the report of the Planning and Zoning Commission and all of the evidence presented by the petitioner at the public hearing before the Commission; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake in the Hills, McHenry County, Illinois, as follows:

SECTION 1: The Corporate Authorities find that the statements in the foregoing preamble are true.

SECTION 2: The findings and recommendations of the Planning and Zoning Commission on the question of approving a Conditional Use for an Automotive Service are hereby accepted.

SECTION 3: Approval of the Conditional Use for an Automotive Service is hereby granted on the subject property. All plans shall comply with Village ordinances.

SECTION 4: Conditions. The approvals granted in this Ordinance are granted expressly and specifically subject to the following conditions:

1. All automotive service work will be performed inside the building.
2. No inoperative vehicles will remain outside the building overnight.
3. All new and used automotive parts will be stored inside the building.

SECTION 5: All other requirements set forth in the Zoning Ordinance of the Village of Lake in the Hills, as would be required by the Village as to any owner of the property zoned in the same manner as the subject property shall be complied with.

SECTION 6: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall continue in full force and effect.

SECTION 7: All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (Which publication is hereby authorized) as provided by law.

Passed this 28<sup>th</sup> day of February, 2019 by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Stephen Harlfinger	_____	_____	_____	_____
Trustee Ray Bogdanowski	_____	_____	_____	_____
Trustee Bob Huckins	_____	_____	_____	_____
Trustee Bill Dustin	_____	_____	_____	_____
Trustee Suzanne Artinghelli	_____	_____	_____	_____
Trustee Suzette Bojarski	_____	_____	_____	_____
President Russ Ruzanski	_____	_____	_____	_____

APPROVED THIS 28TH DAY OF FEBRUARY, 2019

\_\_\_\_\_  
Village President, Russ Ruzanski

(SEAL)

ATTEST:

\_\_\_\_\_  
Village Clerk, Cecilia Carman

Published: