



PUBLIC MEETING NOTICE AND AGENDA
COMMITTEE OF THE WHOLE MEETING

SEPTEMBER 24, 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. Administration
 1. Informational Item concerning a Presentation from May's Lounge (Liquor License & Video Gaming)
 2. Video Gaming License Request for Dino's Enterprises, LLC d/b/a Dino's Pizza & Pasta
 - B. Finance
 1. Ordinance Amending Chapter 34, Occupation and Other Taxes, of the Municipal Code
 - C. Police
 1. Ordinance Amending Chapter 1, General Provisions and Chapter 15, Code Hearing Department, of the Municipal Code
 - D. Community Services
 1. Informational Item concerning 1511 Imhoff Drive Sketch Plan Review
 2. Informational Item concerning Proposed Cannabis Business Zoning Concepts
 3. Ordinance Granting a Variance to Sections 15.3-1C, Front Yards, & 13.5-1, Permitted Accessory Structures of the Zoning Ordinance for 5400 Avalon Lane
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 Bojarski
 - F. Trustee Murphy
 1. Parks and Recreation Board Liaison Report

6. Village President
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: _____



INFORMATIONAL MEMORANDUM

MEETING DATE: September 24, 2019

DEPARTMENT: Administration

SUBJECT: Presentation from May's Lounge (Liquor License & Video Gaming)

EXECUTIVE SUMMARY

Attached please find information regarding a proposed Café. The owner, May's Lake in the Hills LLC, seeks a Class A-2 Liquor License and Video Gaming License in order to open up a May's Lounge at 273 N. Randall Road. The standard for May's is to operate an upscale premium Gaming Café offering locally crafted beers, fine wine, coffee, and a casual food menu including Breakfast, Sandwich's, Pizza, and Sweets.

On August 22, 2019, the Village Board approved a change to Chapter 33.31 Video Gaming Terminals, to allow businesses with 2,001 square feet to have up to six video gaming terminals. May's Lounge meets this requirement with 2,320 square feet.

A representative from May's Lounge will be in attendance at the September 24, 2019 Committee of the Whole meeting.

FINANCIAL IMPACT

None.

ATTACHMENTS

1. Letter from May's Lounge
2. Business Concept

SUGGESTED DIRECTION

Provide feedback on the business concept.

May's LOUNGE

September 16, 2019

MAYS LAKE IN THE HILLS LLC
273 N. Randall Road
Lake In The Hills, IL 60156

Village Board Members,

I would like to present and introduce to you May's Lounge, the small ultra-lounge that's big on details.

May's is a luxury gaming and entertainment lounge. We are dedicated to giving our guests the best possible experience in a comfortable and relaxing atmosphere. We offer exciting entertainment options along with gourmet tapas style dishes, seasonal selection of fine wines, locally crafted beers, as well as coffee from fair trade growers.

May's is designed to create an all-around luxurious and exciting experience. Meticulous attention is paid to every design detail. We invest an estimated amount of \$250,000 thousand dollars into each of our location's development and building improvements. May's lounge in Lake In The Hills is under a tentative lease contract located at 273 N. Randall Road, Lake In The Hills, IL. Total leased space would be 2,320 SF for a term of five years.

May's Lounge will need to obtain and apply for a Class A-2 Liquor License from the Village of Lake In The Hills. Our lounge will generate an estimated total amount of \$100,000 to \$200,000 thousand dollars from food and beverage sales annually.

May's Lounge is the perfect addition to the Lake In The Hills community. We're excited to open another location and would be a proud part of your community and entertainment district.

Sincerely,
Joe Elias II
Managing Member/Owner

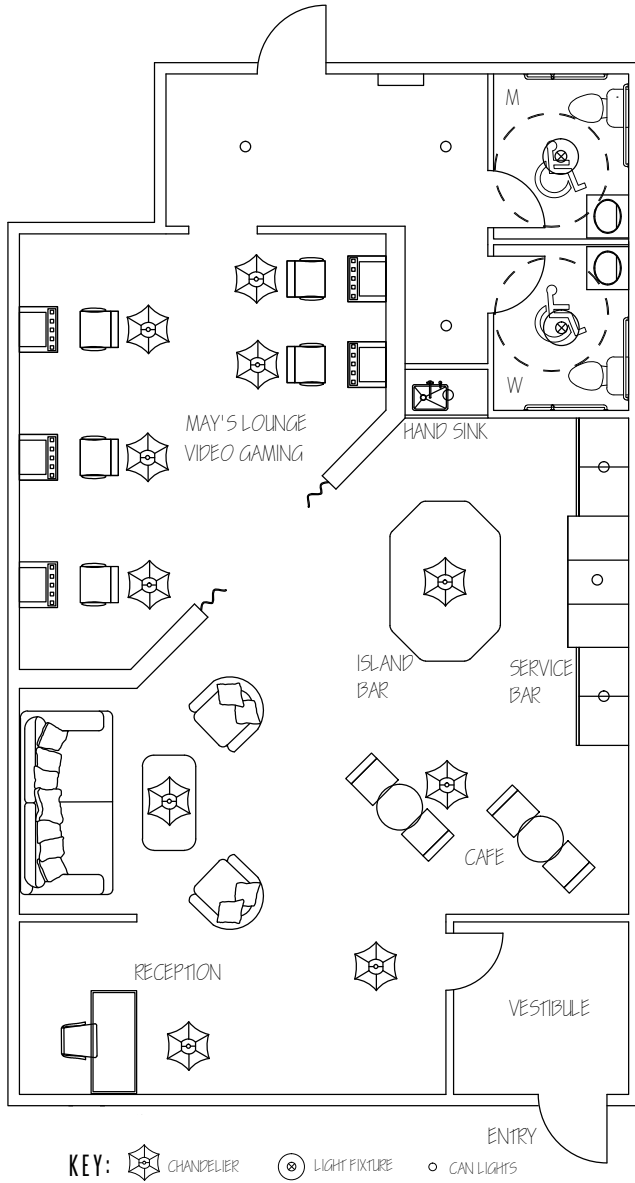


SPECIFICS

NAME:	May's Lounge
LOCATION:	273 N. Randall Road Lake in the Hills, IL 60156
SIZE:	2,320 SF
HOURS OF OPERATION:	8am-2am

May's LOUNGE

MAY'S FLOOR PLAN



PLAN VIEW

FRONT ELEVATION



May's LOUNGE

STYLE & EXPERIENCE



May's LOUNGE

May's TAPAS MENU

TAPAS
\$5

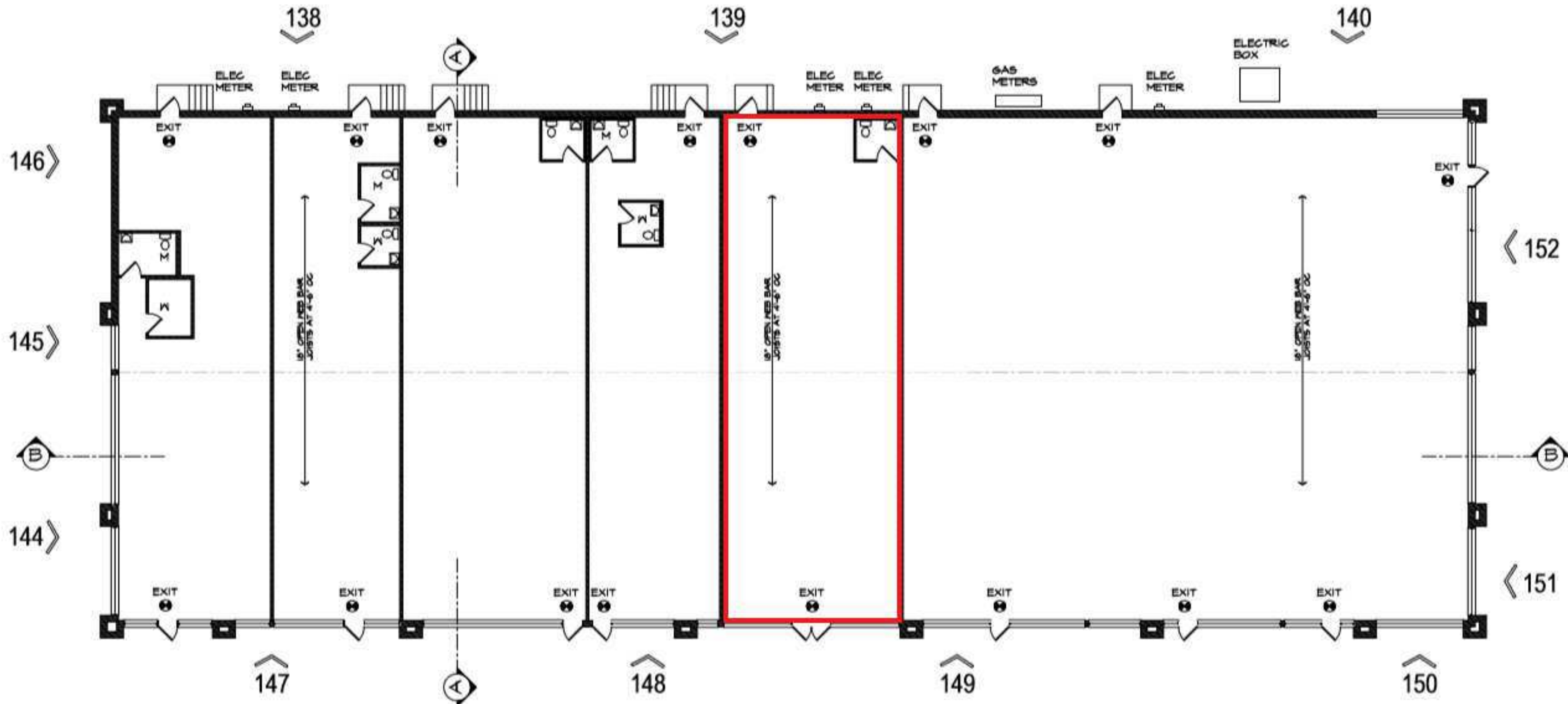
Mini Philly Cheese Steak Sandwich
Gruyer and Summer Leek Tart
Goat Cheese Quiche
Deep Dish Pepperoni Pizza
Deep Dish Mushroom Pizza
Cubano Sandwich
Chorizo Empandas
Short Rib Manchango Empanda
Tropical Cheese Cakes
Gourmet Cake Pops

BEVERAGES

Coffee and Bottled Water \$1
Craft Beer, Red and White Wine \$5

Play at May's!





MAYS LAKE IN THE HILLS LLC
 Please see red outline; May's tentative space.

 **FIRST FLOOR PLAN**
 SCALE: 3/32" = 1'-0"



REQUEST FOR BOARD ACTION

MEETING DATE: September 24, 2019

DEPARTMENT: Administration

SUBJECT: Video Gaming License Request for Dino's Enterprises, LLC d/b/a Dino's Pizza & Pasta

EXECUTIVE SUMMARY

Mrs. Mary Mondelli, of Dino's Pizza & Pasta, presented the Village Board with an expansion plan in June of 2017. When the expansion was complete, a waiver of the square footage requirements per video gaming terminal was requested, along with approval of Video Gaming licenses for three or more video gaming terminals, at the June 12, 2018 Committee of the Whole meeting. The Village Board approved four video gaming terminals at the June 14, 2018 Village Board Meeting.

On August 22, 2019, the Village Board approved a change to Chapter 33.31 Video Gaming Terminals, to allow businesses with 2,001 square feet to have up to six video gaming terminals. Dino's Pizza & Pasta meets this requirement with 2,100 square feet and is requesting a license for a fifth video gaming terminal.

In addition to the license fees of \$500 per machine, a tax of 30% is imposed on the net terminal income and is collected by the Illinois Gaming Board. One-sixth of this tax is collected and deposited into the Local Government Video Gaming Distributive Fund. These monies are distributed on a monthly basis across those municipalities that have not prohibited video gaming. The amount will be in proportion of the tax revenue generated from video gaming within Lake in the Hills as compared to the total revenue generated statewide.

FINANCIAL IMPACT

\$2,500 annually in license fees and 1/6 of the 30% tax imposed by the state on the net terminal income.

ATTACHMENTS

1. Video Gaming Application

RECOMMENDED MOTION

Motion to approve the Video Gaming License request from Dino's Pizza & Pasta and issue another license bringing them up to five.



VILLAGE OF LAKE IN THE HILLS

VIDEO GAMING TERMINAL OPERATOR APPLICATION FORM

Applicant Information

Business Name: Dinos Pizza & Pasta Date: 7/14/19
Business Owner: Leonardo (DINO) Mondelli
Business Address: 6 Miller Rd LITH IL 60156
Business Phone Number: 847-658-3300
Business Square Footage (total interior space):

Terminal Operators Information

Business Name: GOLD RUSH
Business Owner: Rick Heidner / George Strange 847-641-1002
Business Address: 5277 Trillium Hoffman Estates IL 60192
Business Phone Number: Blvd & 6

MACHINE SERIAL NUMBER

B131092532

LICENSE NUMBER ISSUED
(For Village Use Only)

The annual fee payable to the Village shall be \$500 for each video gaming terminal/device and \$300 per terminal/device for establishments with a Class C liquor license. The annual fee shall be due and payable on March 1st of each year. All issued licenses shall expire on April 30th of the following year. This fee is not in lieu of any fee or payment payable to the State or the Illinois Gaming Board. The applicant must obtain proper federal and state licenses and exhibit proof of said licenses. This proof shall be submitted along with a copy of their signed agreement with the Terminal Operator to the Village prior to the issuance of a license. I have read and will comply with Chapter 33, Section 33.31 of the Lake in the Hills Municipal Code.

Business Owner Signature

For Village Use Only

Received copy of Terminal Operator's Federal/State Licenses: Yes [checked] No []

Received copy of Agreement with Terminal Operator: Yes [checked] No []

Total Paid \$ Cash/Check# Date:

Board Approved Denied Date:

Village President

Attest: Village Clerk



REQUEST FOR BOARD ACTION

MEETING DATE: September 24, 2019

DEPARTMENT: Finance

SUBJECT: Ordinance - Amending Chapter 34, Occupation and Other Taxes, of the Lake in the Hills Municipal Code

EXECUTIVE SUMMARY

An informational item concerning recreational cannabis was presented by Village Attorney Stewart at the August 22, 2019 Village Board meeting. One of the central items covered was the additional retailers occupation tax that a municipality may implement in $\frac{1}{4}\%$ increments up to a maximum of 3%. This additional tax is in addition to the 1% local sales tax and 1% home-rule sales tax. Based on Village Board discussion that evening the direction was to establish this tax in the amount of 2%. As such, the attached ordinance amends Chapter 34 of the Lake in the Hills Municipal Code by adding section 34.12, Establishment of a Municipal Cannabis Retailers Occupation Tax.

FINANCIAL IMPACT

Based on the Illinois Economic Policy Institute projecting \$1.62 billion in annual cannabis sales in Illinois, the Village of Lombard's analysis and calculation estimated roughly \$437,000 in potential revenue from a single dispensary at the maximum 3% tax rate. Based on establishing a 2% tax as proposed in the Ordinance, the potential revenue would be estimated at roughly \$350,000.

ATTACHMENTS

1. An Ordinance Amending Chapter 34, Adding Section 34.12, Establishment of a Municipal Cannabis Retailers' Occupation Tax, of the Lake in the Hills Municipal Code.

RECOMMENDED MOTION

Motion to adopt the Ordinance and approve amendments to Chapter 34 of the Village's Municipal Code.

VILLAGE OF LAKE IN THE HILLS

ORDINANCE NO. 2019 - _____

**An Ordinance Amending Chapter 34, Adding Section 34.12,
Establishment of a Municipal Cannabis Retailers' Occupation Tax,
of the Lake in the Hills Municipal Code**

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; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of the citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/8-11-22; and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Illinois Municipal Cannabis Retailers' Occupation Tax Law providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue;

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 facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: A new section is hereby created to the Municipal Code, Chapter 34, Section 34.12 "Municipal Cannabis Retailers' Occupation Tax", that will read as follows:

34.12 Municipal Cannabis Retailers' Occupation Tax

A. TAX IMPOSED; RATE: A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village at the rate of two percent (2%) of the gross receipts from these sales made in the course of that business.

The imposition of this tax is in accordance with the provisions of Section 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

B. COLLECTION OF TAX BY RETAILERS: The tax imposed by this Section shall be remitted by such retailer to the Illinois Department

of Revenue. Any tax required to be collected pursuant to or as authorized by this Section and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State of Illinois. A retailer may reimburse itself for its seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State of Illinois tax that a seller is required to collect.

The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Section.

C. EFFECTIVE DATE: The tax shall take effect for all sales on or after the first day of January, 2020.

SECTION 3: If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4: A copy of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to September 30, 2019.

SECTION 5: 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 26th day of September 2019 by roll call vote as follows:

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

APPROVED THIS 26TH DAY OF SEPTEMBER, 2019

Village President, Russ Ruzanski

(SEAL)

ATTEST: _____
Village Clerk, Cecilia Carman

Published: _____



REQUEST FOR BOARD ACTION

MEETING DATE: September 24, 2019

DEPARTMENT: Police

SUBJECT: Amending Chapter 1; Section 1.05, Section 1.06 of General Provisions and Chapter 15; Section 15.04, Section 15.05 of Code Hearing Department, of the Municipal Code

EXECUTIVE SUMMARY

Attached please find an Ordinance amending Chapter 1; Section 1.05, Section 1.06 of General Provisions and Chapter 15; Section 15.04, Section 15.05 of Code Hearing Department, of the Municipal Code. In June 2019 the Village entered into a service agreement with Duncan Solutions for the processing and management of local ordinance violations. In addition to several other components, the outsourcing of this operation streamlines and specifies efforts in the areas of late penalty application and collections. Specifically, a late penalty will be applied after (21) days if the violation has not been fully paid or a hearing request has been received. The current practice applies the late penalty after seven days. In the area of collections, if payment has not been received after (90) days, debt collection services will be provided by Duncan Solutions, or their designee, using a full service secondary collections process. The current practice for collections is the utilization of the Illinois Local Debt Recovery Program.

The service further provides for an expansion of the administrative adjudication process. Defendants will now have the option to contest their violation via the internet and not solely by personal appearance with the Hearing Officer.

The changes highlighted above required the noted Chapters to be modified accordingly.

FINANCIAL IMPACT

None

ATTACHMENTS

1. Proposed Ordinance for changes to Chapter 1, Section 1.05; Section 1.06, General Provisions and Chapter 15, Section 15.04; Section 15.05, Code Hearing Department, of the Municipal Code.

RECOMMENDED MOTION

Motion to approve the ordinance amending changes to Chapter 1, Section 1.05; Section 1.06, General Provisions and Chapter 15, Section 15.04; Section 15.05, Code Hearing Department, of the Municipal Code.

VILLAGE OF LAKE IN THE HILLS

ORDINANCE NO. 2019 - _____

An Ordinance Amending Chapters 1 and 15 of the Lake in the Hills Municipal Code for an Automated Ordinance Processing System

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; and

WHEREAS, the Village is moving to an automated ordinance processing system.

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: That Chapter 1, General Provisions, Section 1.05, Penalties, of the Lake in the Hills Municipal Code shall be amended by adding the underlined language and deleting the stricken language, as follows:

1.05 PENALTIES

A. **STANDARD PENALTY:** Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted herein by reference, shall, upon conviction, be subject to a fine not to exceed \$750.00 and prosecution fees if allowable.

B. **LATE PENALTY:** In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Village (i) has not been fully paid within 21 calendar days after the rendition of an invoice or notice, and (ii) no adjudication of the violation has been requested, such fee shall be deemed and is hereby declared to be delinquent, and, thereafter, the Village may assess a late penalty in an amount equal to the fee.

~~B.C.~~ **COMMITMENT:** The person upon whom any fine or penalty is imposed for violation of any provision of this Code or any ordinance of the Village, upon order of the court before whom the conviction is had, may be committed to the County or State jail, as provided by law, or to any other place provided by statute.

~~C.D.~~ **EACH DAY OF VIOLATION:** Each act of violation and each day upon which a violation occurs constitutes a separate offense.

~~D.E.~~ **APPLICABILITY:** The penalty provided by Appendix B, Comprehensive Fine and Fee Schedule, applies to the amendment of any section of this Code or a Code adopted herein by reference whether or not such penalty is reenacted in the amendatory ordinance.

EF. REFERENCE TO SECTIONS: Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

FG. FAILURE OF OFFICERS TO PERFORM DUTIES: The failure of any officer or employee of the Village to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty.

GH. COLLECTION: In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the Village and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

In the event the ~~charges fee~~, including any penalty then due ~~are is~~ not fully paid within ~~4190~~ calendar days after the rendition of an invoice or notice, ~~such charges and penalty shall be deemed and are hereby declared to be delinquent, and thereafter,~~ the Village may file a lien claim with the McHenry County Recorder of Deeds, collect or attempt to collect the debt, and/or assign to a collection agency for collection on the debt. This statement of lien claim shall include the legal description of the property and the amount of the unpaid charges and penalties. A lien recording fee of \$50.00 shall be assessed to cover the costs of recording the lien.

SECTION 2: That Chapter 1, General Provisions, Section 1.06, Settlement of Offenses, Paragraphs B and C, of the Lake in the Hills Municipal Code shall be amended by adding the underlined language, as follows:

1.06 SETTLEMENT OF OFFENSES

A. PAYMENTS: Any offenses arising under the ordinances of the Village of Lake in the Hills eligible for adjudication may be settled and compromised by the offender in accordance with Appendix B, Comprehensive Fine and Fee Schedule, with the exception of Notice to Appear citations.

B. SETTLEMENTS: Settlement payments shall be made to the Village of Lake in the Hills ~~Police Department, or its designated agent~~, which shall provide the alleged offender with a receipt in the amount of such payment.

C. DISPOSITION OF PAYMENTS: The amounts paid to the Village of Lake in the Hills ~~Police Department, or its designated agent~~, in settlement of the foregoing claims shall be promptly deposited ~~by the Police Department~~ with the Village Treasurer and shall be credited by the Treasurer to the appropriate Fund.

D. PROSECUTION: The Village shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment.

SECTION 3: That Chapter 15, Code Hearing Department, Section 15.04, Hearing Officer, Paragraph B(5), of the Lake in the Hills Municipal Code shall be amended by adding the underlined language, as follows:

B. POWERS AND DUTIES: The powers and duties of the Hearing Officer shall include:

* * *

5. Imposing penalties consistent with applicable Code provisions and assessing a \$50 fee upon finding a party liable for the charged violation. However, in no event shall the Hearing Officer have authority to (i) impose a penalty of incarceration, or (ii) impose a fine in excess of \$50,000, or at the option of the Village, such other amount not to exceed the maximum amount established by the Mandatory Arbitration System as prescribed by the Rules of the Illinois Supreme Court from time to time for the 22nd Judicial Circuit. The maximum monetary fine under this Section shall be exclusive of costs of enforcement or costs imposed to secure compliance with the Village's ordinances, including, but not limited to, any late penalty or collection cost, and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village.

* * *

SECTION 4: That Chapter 15, Code Hearing Department, Section 15.05, Rules Application to All Code Violations, Paragraphs B and F, of the Lake in the Hills Municipal Code shall be amended by adding the underlined language and deleting the stricken language, as follows:

15.05 RULES APPLICATION TO ALL CODE VIOLATIONS

* * *

B. HEARING: Any person receiving a violation shall have an opportunity for a hearing in which a party may contest the merits of the alleged violation. A hearing, for purposes of this section, shall include, without limitation, access to an internet-based portal wherein text entry and documentation may be provided in advance to the Hearing Officer. Persons appearing at the hearing may be represented by counsel at their own expense. At the hearing, a Hearing Officer shall preside and hear testimony and accept evidence as to the existence or non-existence of a Code violation.

* * *

F. DETERMINATION: At the conclusion of the hearing, the Hearing Officer shall make a determination based upon the evidence presented. The determination shall be in writing. The findings, decision and order shall include:

1. The Hearing Officer's finding of facts;
2. A decision whether or not the Code violation exists based upon the finding of facts;
3. An order that states the sanction, including any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, and collection cost

found in any section of the Code that is due the Village, or dismisses the case if a violation if not proven.

A copy of the findings, decision and order shall be served on the defendant within five days after it is issued.

SECTION 5: 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 judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: 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 26th day of September 2019, pursuant to a roll call vote as follows:

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

APPROVED THIS 26TH DAY OF SEPTEMBER 2019

Village President, Russ Ruzanski

(SEAL)

ATTEST: _____
Village Clerk, Cecilia Carman

Published: _____



INFORMATIONAL MEMORANDUM

MEETING DATE: September 24, 2019
DEPARTMENT: Community Services
SUBJECT: 1511 Imhoff Drive Sketch Plan Review

EXECUTIVE SUMMARY

The applicant proposes development of a recreational vehicle storage area on the vacant lot at 1511 Imhoff Drive. The applicant believes there is a need for additional recreational vehicle storage in the area. This facility would supplement their existing storage businesses at Big Stuff Storage, 1400 Industrial Drive, and Pyott Road Self Storage, 1401 Industrial Drive. Both are located about 300 feet to the south. The developer presented the plan to the Planning and Zoning Commission on September 16, 2019, and they were generally in favor of the plan.

This lot is considered for manufacturing or industrial use in the Comprehensive Plan. Outdoor storage of vehicles as a principle use would require approval of a conditional use in this zoning district. This type of use is common on parcels near this one, but is not commonly the only improvement to the parcel. A conditional use for outside storage of vehicles was approved in 2010 at 1440 Imhoff Drive.

In addition to the request for conditional use approval, the applicant intends to request variations to the Zoning Ordinance related to setbacks. Section 9 of the Zoning Ordinance requires a 30 foot minimum setback in the front yard, along Imhoff Drive. The current plan calls for pavement up to 12 feet from the front property line. Additionally, a chain link fence would be placed outside the pavement and Section 15 does not allow fences in front yards. The applicant was granted a variation in 2001 to place a chain link fence in the front yard of the parcel at 1401 Industrial Drive. In 2004, a variation was granted to place a chain link fence in the front yard of the parcels at 1470 and 1480 Imhoff Drive.

Side yard fences would be placed along the property lines and the pavement is ten feet from the lot line, which is permitted. The applicant desires to allow the vehicles to overhang the edge of the pavement. Section 9 does not allow for the storage of vehicles within ten feet of a side yard lot line. This would also require a variation.

While the sketch plan does not show it, the parcel would drain to the existing detention facility immediately south of this parcel. Lighting, fencing, and landscaping will also be added based on input provided from the sketch plan. These would be similar to the existing conditions on their two nearby lots.

The developer would like to know about any concerns the Village Board might have about this development so it can make a final decision on the viability of the project.

The purpose of this submission is to allow the Village and applicant an opportunity to discuss layout, and other considerations before detailed engineering is done. It is not intended in any way to replace the preliminary plan, but rather to give the applicant guidance in preparing the much more detailed preliminary plan. Recommendations and comments made in response to Sketch Plan submission shall in no way be regarded as an official approval, nor shall such action grant any legal rights to the applicant or immunity from full compliance with requirements and procedures set forth for preliminary and final plans.

FINANCIAL IMPACT

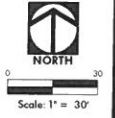
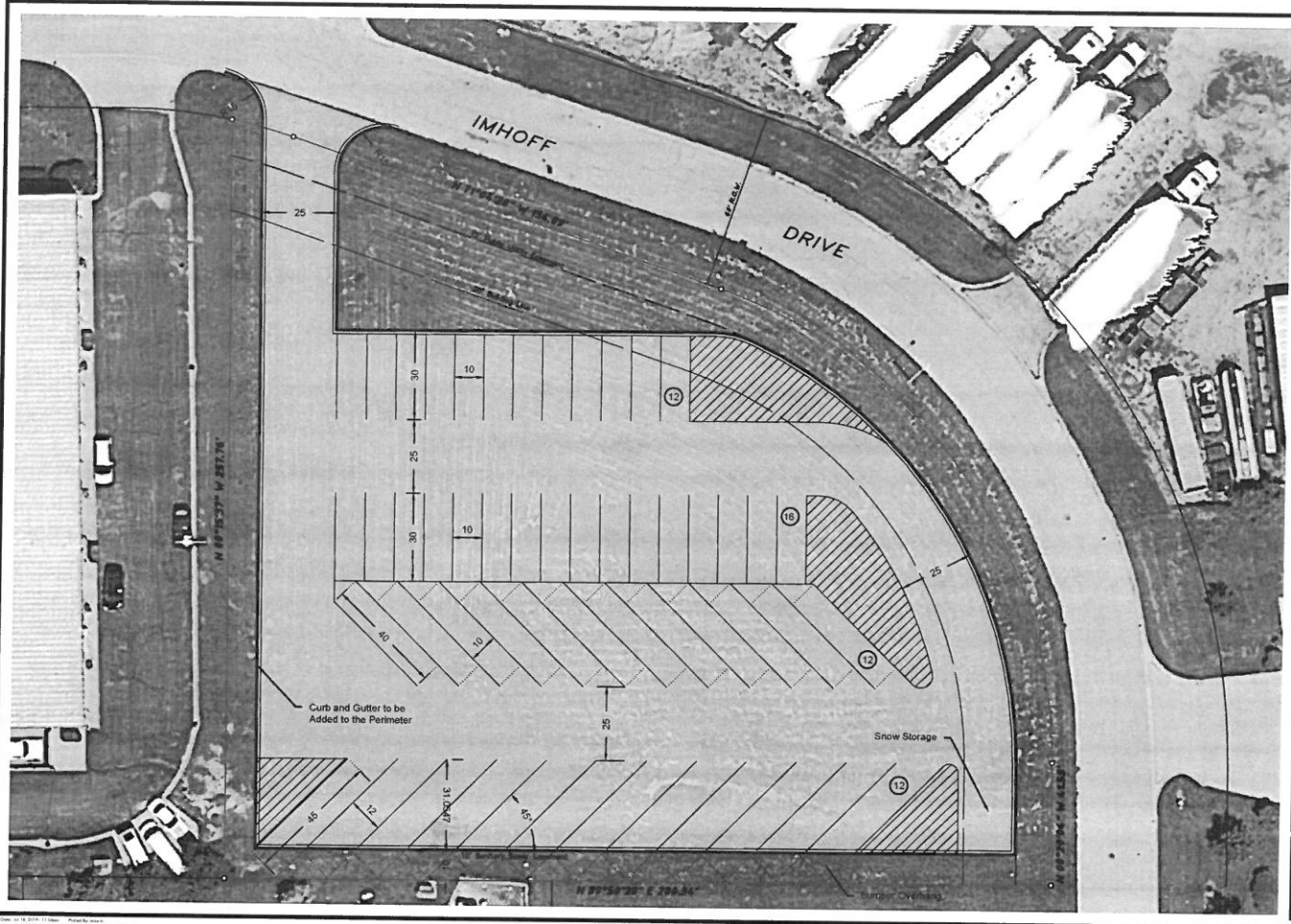
None

ATTACHMENTS

1. Concept Site Plan
2. Plat

SUGGESTED DIRECTION

Provide feedback and concerns regarding the proposed development which may adversely affect approval of the development at a future date.



HAEGER ENGINEERING
 consulting engineers • land surveyors
 100 East Lane Parkway, Schaumburg, IL 60193 • Tel: 815-394-6600 Fax: 815-394-6608
 Illinois Professional Design Firm License No. 154-000132
 www.haegerengineering.com

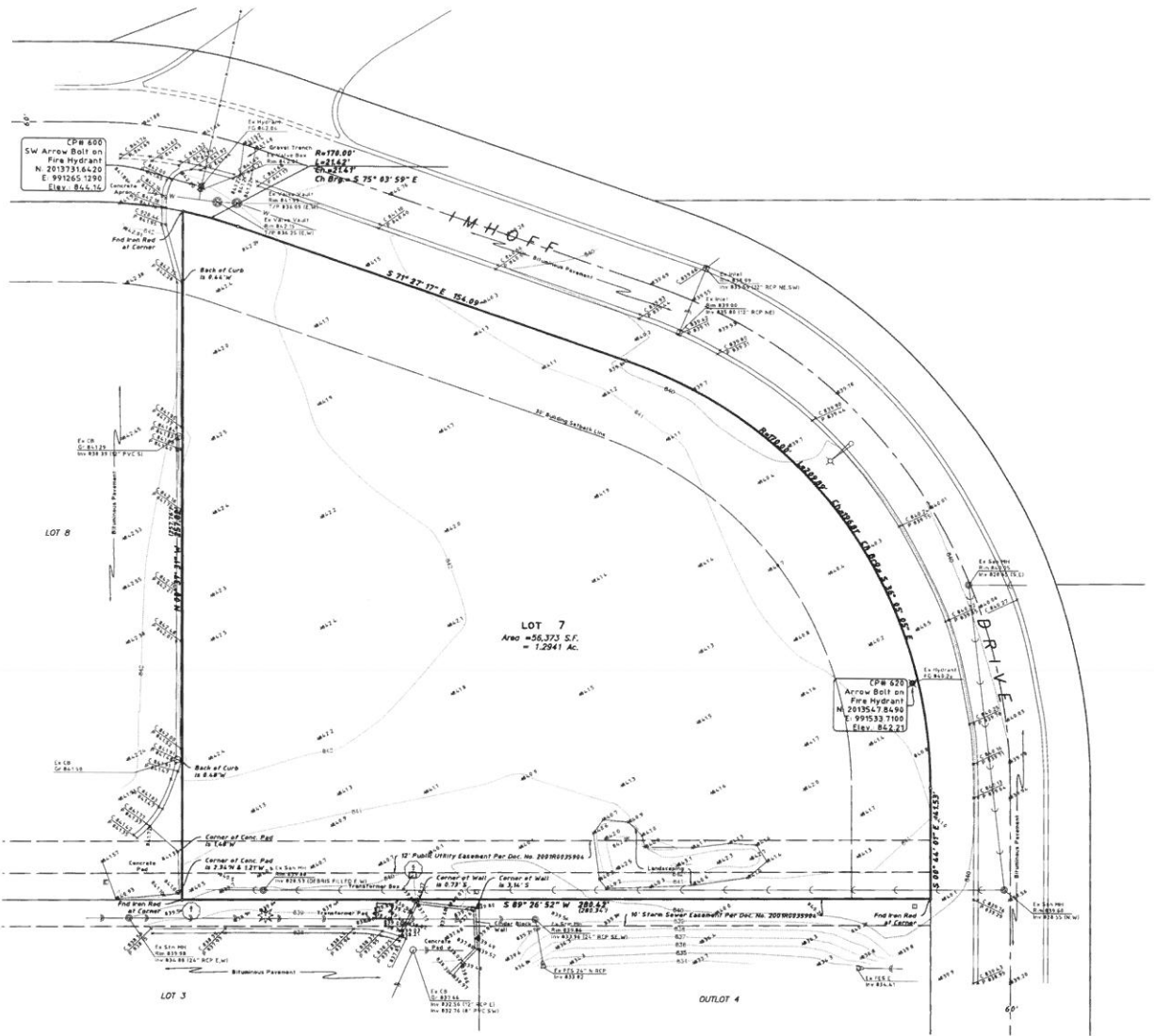
**CONCEPT SITE PLAN
 PARKING LOT
 IMHOFF DR
 JERRY LINDLEY
 LAKE IN THE HILLS, IL**

Project Manager: TJB
 Engineer: TJB
 Date: 7/18/2019
 Project No. 07-165
 Sheet 1

Plot Date: 07/18/2019 11:00am - Plotted By: tjb
 Path: P:\2019\07\18\07-165\07-165-01.dwg - Plot: Concept Site Plan.dwg

LEGAL DESCRIPTION

LOT 7 IN IMHOFF INDUSTRIAL PARK BEING A SUBDIVISION IN PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED MAY 30, 2001 AS DOCUMENT NUMBER 2011040504, IN MCHEENY COUNTY, ILLINOIS.



LEGEND

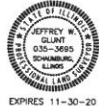
○	Manhole	=====	Curb & Gutter
○	Catch Basin	-----	Depressed Curb
○	Inset	-----	Retaining Wall
○	Flared End Section	-----	Curb Elevation and Gutter/Pavement Elevation
○	Storm Sewer	-----	Pavement Elevation
○	Sanitary Sewer	-----	Ground Elevation
○	Water Main	-----	Contour Line
○	Fire Hydrant	-----	Deciduous Tree
○	Valve Vault	-----	Coniferous Tree
○	Valve Box	-----	Record
○	Light Pole With Mast Arm	-----	
○	Telephone Pedestal	-----	
○	Cable TV Pedestal	-----	

Surveyor's Notes:

- Field work was completed on August 2, 2019.
- The horizontal coordinates and basis of bearing shown herein are based on NAD 83(2011) Illinois East Zone 1201 State Plane Coordinates as referenced from Kats Company's RTK Network.
- The Vertical Datum referenced herein is based on NAVD 88 (Geoid 12a) as referenced from Kats Company's RTK Network.
- A title commitment policy was not provided for this survey. This property may be subject to easements and/or restrictions not provided to the surveyor prior to the completion of this survey.
- Utility information shown herein is based upon field measurements, available records information from field data is limited to that which is visible and can be measured. This survey does not exclude the possibility of the existence of other underground utilities and/or structures. Record information is based upon data collected from both public and private sources. The completeness and/or accuracy of these records cannot be guaranteed, except for those items that can be verified by field measurement. Prior to any excavation contact J.U.L.E. (1-800-882-0129).

Benchmarks	
CP # 600 (see survey)	Description: SW Corner Natch on Arrow Bolt on Fire Hydrant
Elevation: 844.14	NAVD 88 (Geoid 12A)
CP # 600 (see survey)	Description: Cross Hatch on Arrow Bolt on Fire Hydrant
Elevation: 842.21	NAVD 88 (Geoid 12A)

State of Illinois) SS.
 County of Cook)
 This professional service conforms to the current Illinois minimum standards for a boundary and topographic survey.
 Schaumburg, Illinois, August 6, 2019
 By: *[Signature]*
 Illinois Professional Land Surveyor No. 3695



Ordered By: Jerry Lindley
 Order No.: 07-189

EXPIRES 11-30-20

BOUNDARY & TOPOGRAPHIC SURVEY
LOT 7
IMHOFF INDUSTRIAL PARK
 CASE IN THE HILLS, ILLINOIS

HAEGER ENGINEERING
 consulting engineers • land surveyors
 130 East Lake Parkway, Schaumburg, IL 60173 • 630.847.3144 FAX 630.847.3144
 www.haegerengineering.com



No. Date Revision



INFORMATIONAL MEMORANDUM

MEETING DATE: September 24, 2019
DEPARTMENT: Community Services
SUBJECT: Proposed Cannabis Business Zoning Concepts

EXECUTIVE SUMMARY

In response to the State of Illinois approval of the Cannabis Regulation and Tax Act that takes effect January 1, 2020, staff is preparing a text amendment to the Zoning Ordinance related to regulation of cannabis businesses. The Village has the ability to establish zoning regulations that do not conflict with the Act. Attached are the proposed concepts to the key elements of the text amendment for the Village Board to provide input on to guide the final development of the text amendment.

The current Zoning Ordinance contains regulations related to Medical Cannabis Businesses that would require changes. The following concepts are provided for consideration.

- Section 3, Definitions – Remove the existing definitions for “Cannabis Cultivation Center” and “Cannabis Dispensing Organization” that only apply to the Compassionate Use of Medical Cannabis Pilot Program Act.
- Section 11, Permitted and Conditional Use Chart - Remove the existing references to “Cannabis Cultivation Center” and “Cannabis Dispensing Organization” that only apply to the Compassionate Use of Medical Cannabis Pilot Program Act.

New material is proposed to be added to the Zoning Ordinance based on the following concepts.

- Section 3, Definitions – Add the definitions shown in the attached Cannabis Business Establishments list to include all cannabis-related businesses in the new Cannabis Regulation and Tax Act.
- Section 11, Permitted and Conditional Use Chart – Add the permitted use for cannabis business establishments as shown in the attached Cannabis Permitted Uses list. Also attached are maps of the affected areas.
- Create a new Section 30, Cannabis Business Establishments, and renumber the existing Sections 30 through 33. The new Section 30 will contain the concepts listed in the Cannabis Zoning Regulation attachment.

The focus of these concepts is to allow reasonable locations for dispensing establishments in our most robust business districts and generally allow cannabis businesses within our industrial and agricultural districts. Setbacks are established to help ensure cannabis-related businesses maintain a reasonable separation from residences, schools, and public parks. These regulations are intended to allow the Village to be in a position to effectively compete with other municipalities for these types of businesses and the tax revenue gained by their presence.

The concepts do not address the following issues already covered in the Cannabis Regulation and Tax Act.

- Buildings shall comply with zoning and building codes
- Lighting and security cameras shall be kept in good working order
- Building shall be free from infestations
- Dispensary operations are only allowed between 6 am and 10 pm
- Dispensary operations shall not operate a drive-through window or allow use of cannabis vending machines
- Dispensaries shall not be located within 1,500 feet of another dispensary
- Craft growers shall not be located within 1,500 feet of another craft grower or cultivation center
- Cultivation and infusion only in an enclosed, locked facility
- Craft grower or infuser may not be located in an area zoned for residential use
- Infusers, craft growers, and dispensaries may be co-located

Results from the Village Board discussion on this topic will be used in preparing a text amendment to the Zoning Ordinance and presented to the Planning and Zoning Commission for their consideration. Staff anticipates a public hearing on a text amendment before the end of the year. Staff requests any inputs the Board wishes to provide concerning development of the text amendment.

FINANCIAL IMPACT

None

ATTACHMENTS

1. Cannabis Business Establishments
2. Cannabis Permitted Uses and maps
3. Cannabis Zoning Regulation

SUGGESTED DIRECTION

Provide desired direction to be used in preparing a text amendment to the Zoning Ordinance regulating cannabis business zoning.

Cannabis Business Establishments

Cannabis Business Establishment: A cannabis craft grower, cannabis cultivation center, cannabis dispensing organization, cannabis infuser organization, cannabis processing organization, cannabis testing facility, or cannabis transporting organization.

Cannabis Craft Grower: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

Cannabis Cultivation Center: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

Cannabis Dispensing Organization or Cannabis Dispensary: A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers.

Cannabis Infuser Organization or Cannabis Infuser: A facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

Cannabis Processing Organization or Cannabis Processor: A facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

Cannabis Testing Facility: An entity registered by the Department of Agriculture to test cannabis for potency and contaminants.

Cannabis Transporting Organization or Cannabis Transporter: An organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

Cannabis Permitted Uses

	A-1	B-3	B-4	M-1	M-2	AD-2
Cannabis Craft Grower	Permitted			Permitted	Permitted	
Cannabis Cultivation Center	Permitted			Permitted	Permitted	
Cannabis Dispensing Organization		Permitted	Permitted	Permitted	Permitted	Permitted
Cannabis Infuser Organization	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Cannabis Processing Organization				Permitted	Permitted	
Cannabis Testing Facility	Permitted			Permitted	Permitted	
Cannabis Transporting Organization				Permitted	Permitted	

Zoning Districts

The **A-1 Agricultural District** is designed to maintain an environment where agricultural purposes may be served. Agricultural purposes consist of the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use.

- *There are currently no districts zoned A-1 in the Village.*

The **B-3 General Business District** is established to provide for a more intense amount of business than found in the B-2 District. This district will provide a large variety of facilities, stores, and services.

- *Current B-3 districts include Lakewood and Algonquin Roads, Randall and Algonquin Roads, Pyott and Algonquin Roads, Plus Oak Street at Cunat Court.*

The **B-4 Commercial Business District** is established to provide locations for major commercial centers that would facilitate large volumes of traffic. This District is intended to provide for a broad base of commercial users and services.

- *Current B-4 districts include the Route 47 corridor, Pyott Road north of Rakow Road, Pingree Road south of Rakow Road, Route 31 – Virginia Road – Trinity Drive, plus Oak Street at Pyott Road.*

The **M-1 Limited Manufacturing District** allows adequate space for high quality, nuisance free, light manufacturing, wholesale, research, administrative and related uses of such nature that they do not create significant problems of compatibility with other types of land uses.

- *Current M-1 districts include south of Rakow Road to the Airport, south of the Airport along Pyott Road to Hidden Valley, all parcels east of Pyott Road not zoned B-4.*

The **M-2 General Manufacturing District** allows adequate space for more intensive operations than can be found in the M-1 Zoning District. The uses must be so regulated and located as to avoid adverse impacts on residential and other less intensive districts.

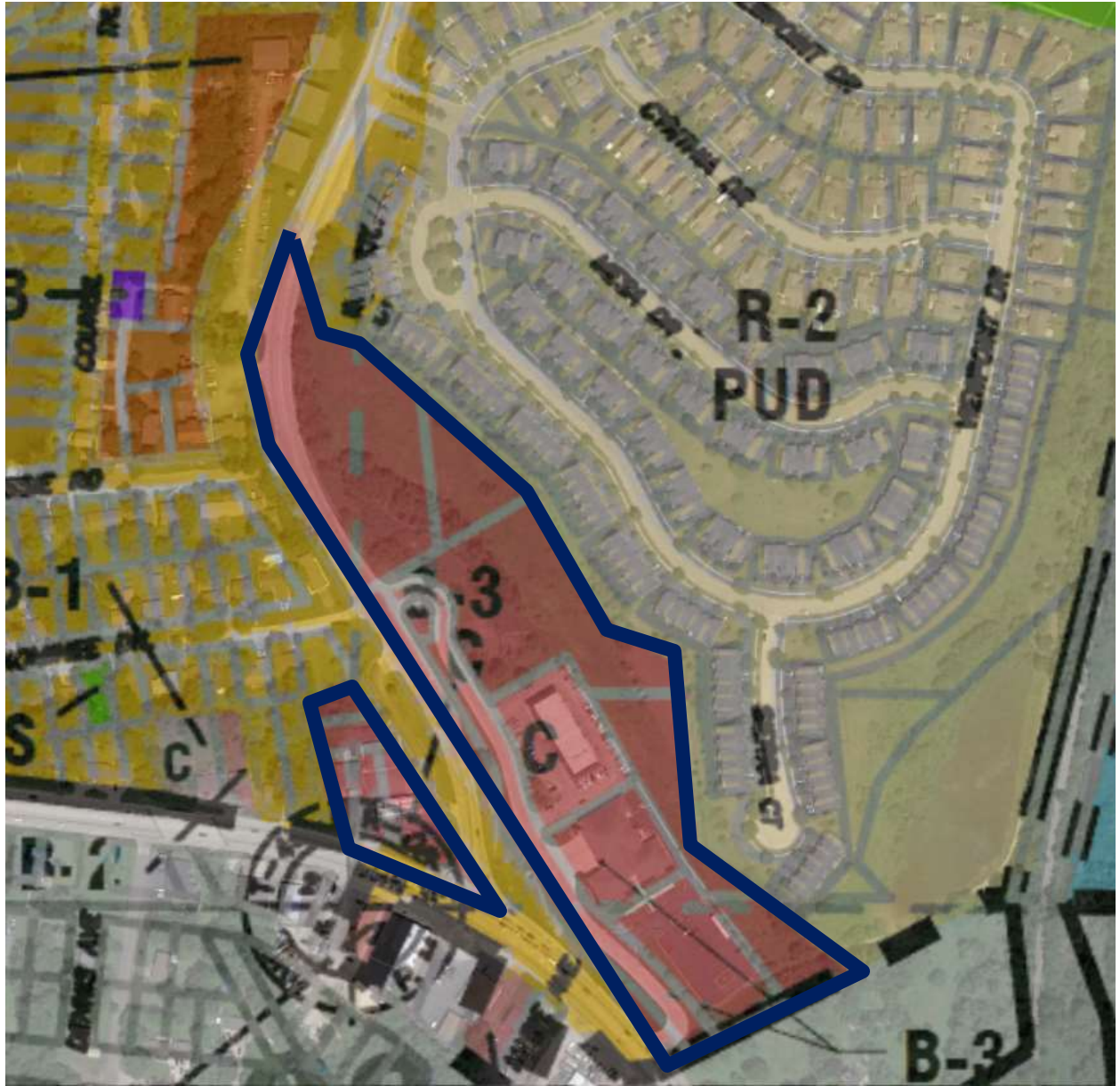
- *There are currently no districts zoned M-2 in the Village.*

The **AD-2 Airport District 2** is intended as a designation assigned to areas adjacent and related to land zoned AD-1, which include a reliever category airport, by allowing mixed land uses, flexible, yet orderly development, to protect and promote public safety, comfort, convenience and the general public welfare, and to protect and enhance the economic value of parcels the district includes.

- *Current AD-2 districts include the land immediately north and south of the Airport along Pyott Road.*



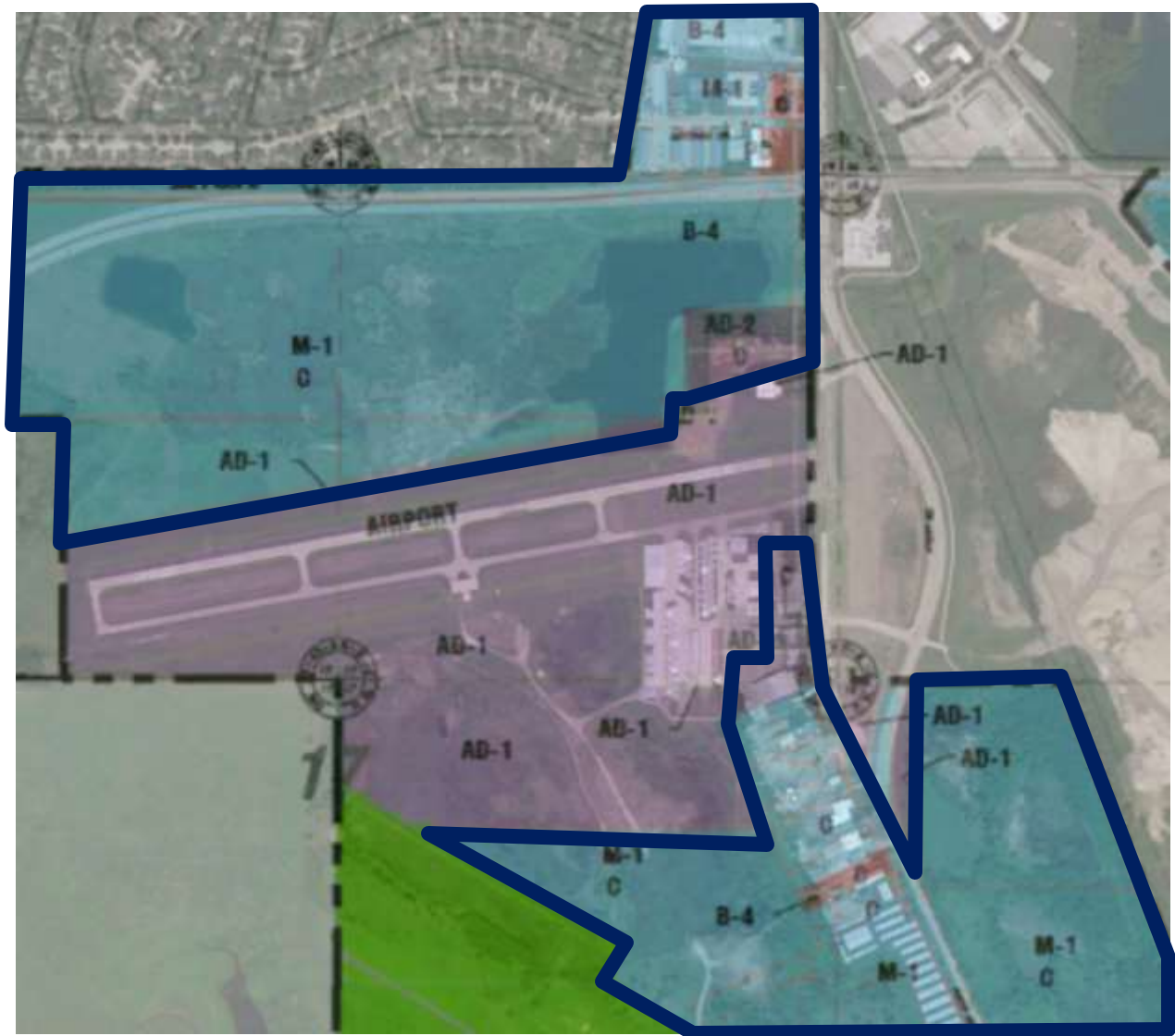
Algonquin Road and Lakewood Road



Algonquin Road and Pyott Road



Pyott Road and Oak Street



**Airport and Vicinity
Including
Rakow Road and Pyott Road**



**Route 31 and Virginia Road
To
Route 31 and Rakow Road**



Route 47

Cannabis Zoning Regulation

- All operations of a cannabis business establishment shall be in compliance with all requirements of the Cannabis Regulation and Tax Act (PA 101-0027) as it may be amended from time to time.
- A cannabis business establishment having on site retail sales shall be no closer than 300 feet to any residence, school, or public park, irrespective of municipal boundaries. The setback distance shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the principal entry door of each facility except for public parks. The setback distance for public parks shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the principal entry door of the cannabis business establishment to the nearest property line of the public park.
- A cannabis business establishment not having on site retail sales shall be no closer than 100 feet to any residence, school, or public park, irrespective of municipal boundaries. The setback distance shall be the horizontal distance measured in a straight line, without regard to intervening structures, from the nearest regularly used personnel or vehicle door to the nearest property line of the residence, school, or public park. If both uses are on the same parcel, the setback distance shall be measured between the nearest regularly used personnel or vehicle doors.
- The setback distances specified in this section may be reduced by half under a conditional use permit according to Section 24 of this Zoning Ordinance. The granting authority must make a finding that the proposed cannabis activity is not detrimental to the safety, morals, or general welfare of persons residing or working within the normal setback distances specified in this section.
- The addition of a new property use near the existing, approved cannabis business establishment, after establishment of the cannabis business establishment at a specific location, which places the cannabis business establishment in violation of this section shall not adversely impact the zoning of the cannabis business establishment's permitted zoning status. This shall not create, confer, or convey any nonconforming right to the cannabis business establishment for any activities beyond those licensed and in operation for at least 60 calendar days before the new property use starts construction or begins legal operations. Any lapse in licensing eliminates the right to operate outside of full compliance with this section.
- For purposes of determining required parking, cannabis business establishments shall be classified as "Retail / Service Establishment" for activities having on site retail operations and as "Industrial Use" for activities without retail sales operations.



REQUEST FOR BOARD ACTION

MEETING DATE: September 24, 2019

DEPARTMENT: Community Services

SUBJECT: Variations to Section 15.3-1C, Front Yards, and Section 13.5-1, Permitted Accessory Structures

EXECUTIVE SUMMARY

There are two variations to the Zoning Ordinance requested for this property.

The first variation is to allow for installation of a five-foot, 30 percent open wooden fence in the front yard (side) at 5400 Avalon Lane. The Village submitted the variation request for the property owner due to a staff error that approved placement of a fence in the front yard (side) of this property. Section 15.3-1.C allows the fence in the location it was approved except where the fence extends to the front yard of the adjacent lot. Where the fence is currently located extends about 25 feet along the front yard of the adjacent lot. There is one other property within 1000 feet with a similar situation that was previously approved by variation. No complaints have been received related to this parcel. The property owner properly requested a permit and installed the fence as approved in the permit. This is solely a mistake on the part of the Village staff. The variation will protect the property owner from being forced to relocate the fence in the future.

The second variation is to allow a swimming pool in the front yard (side) of the subject property inside the existing fence. Section 13.5-1 only allows swimming pools in rear yards. Due to the layout of the corner lot, existing utility easements, and the existing patio in the rear yard, the only location a 24 foot round pool will fit is in the corner of the fenced yard which is within the front yard (side) of the home. The largest pool that could fit the existing space is only about a 12 foot diameter.

The Planning and Zoning Commission conducted public hearings for each variation on September 16, 2019. There were no public comments and Commissioners voted 7-0 to recommend approval of the variations as requested.

FINANCIAL IMPACT

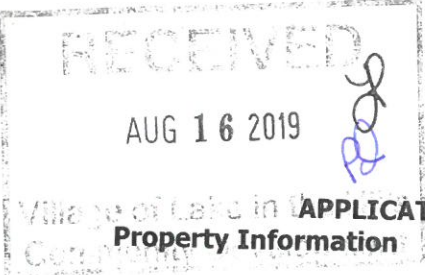
None

ATTACHMENTS

1. Application
2. Staff Report – Fence Variation
3. Staff Report – Pool Variation
4. Plat
5. Site Plan
6. Photo
7. Ordinance

RECOMMENDED MOTION

Motion to approve an ordinance accepting variations to Section 15.3-1C, Front Yards, allowing a wooden fence in the front yard (side) and Section 13.5-1, Permitted Accessory Structures, to allow a swimming pool in the front yard (side) within the fenced area at 5400 Avalon Lane on Parcel 18-15-453-005.



AUG 16 2019

**APPLICATION
Property Information**

Date Filed (Staff Use Only): 2069279

Common street address: 5400 Avalon Ln.

PIN (Property Index Number): 18-15-453-005

Current Zoning: R-2 Proposed Zoning: W/A

Current Use: Residential Proposed Use: W/A

Is the request consistent with the Comprehensive Plan? YES

Number of Acres: 2.25 **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):

Property Owner Information

Name(s): WAYNE & Amy Kesul

Business/Firm Name (if applicable): _____

Address: 5400 Avalon Ln.

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

Phone Number: (847) 514-7900

Email: _____

Applicant Information

Name(s): _____

Business/Firm Name (if applicable): _____

Address: SAME AS ABOVE

City/State/Zip: _____

Phone Number: _____

Email: _____

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		\$500 + \$10/ac over 2 ac	I	Yes	
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance - Residential		\$100	L	Yes	\$100
Variance - Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees – add column 6 (Separate Check)					
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance (Separate Check) Minor = \$250 Intermediate or Major = \$1,000					
Reimbursement of Fees Required Appendix B = \$2,000 + \$100/acre for every acre over 5 acres (Separate Check)					

If the Village provides a sign to publicize a public hearing related to this application, the applicant accepts responsibility to ensure the sign is returned within one week after completion of the hearing. The applicant further agrees that if the sign is not returned, they will compensate the Village \$75.00 to allow for a replacement of the lost sign and agrees the Village may withhold approval of their application until payment is received.

Wayne Kauf
 Property Owner Signature

Wayne Kauf
 Applicant Signature

Date 8/15/19

Date 8/15/19

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

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

Appendix L – Variance Requirements

1. Please indicate the variation that is being sought, include section(s) and paragraph(s) of the Zoning Ordinance and any dimension(s) and a brief description of the proposed use, construction or development that prompted the request:

The Village is submitting a variation request for the property owner due to a staff error which approved placement of a fence in the Front Yard (Side) at 5400 Avalon Lane. Section 15.3-1.C allows the fence in the location it was approved except where the fence extends to the front yard of the adjacent lot. Where the fence is located extends about 25 feet along the front yard of the adjacent lot. This is solely a mistake on the part of the Village staff.

Standards and Findings of Facts for a Variance per Section 23.7 of the Zoning Ordinance.

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. **Explain how this standard is met.**

The fence was located by the property owner as approved by the Village. There is one other property within 1000 feet with a similar situation but was previously approved by variation.

2. The plight of the owner is due to unique circumstances. **Explain how this standard is met.**

The fence was located by the property owner as approved by the Village.

3. The variation, if granted, will not alter the essential character of the locality. **Explain how this standard is met.**

There is one other property within 1000 feet with a similar situation but was previously approved by variation. No complaints have been received.

Appendix L – Variance Requirements

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

4. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. **Explain how this standard is met.**

The fence was located by the property owner as approved by the Village.

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. **Explain how this standard is met.**

The fence was located by the property owner as approved by the Village.

6. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property. **Explain how this standard is met.**

The fence was located by the property owner as approved by the Village.

7. That the alleged difficulty or hardship has not been created by any person presently having interest in the property. **Explain how this standard is met.**

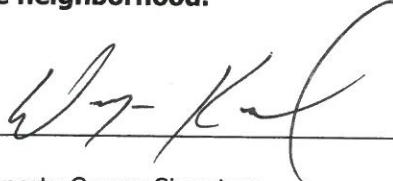

The fence was located by the property owner as approved by the Village.

8. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. **Explain how this standard is met.**

This situation has not been detrimental to public welfare or injurious to other properties in the neighborhood. There is one other property within 1000 feet with a similar situation but was previously approved by variation. No complaints have been received.

9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. **Explain how this standard is met.**

This situation does not endanger the public or substantially diminish the property values of the neighborhood.

	9-11-2019		9/11/2019
Property Owner Signature	Date	Applicant Signature	Date

Appendix L - Variance Requirements

1. Please indicate the variation that is being sought, include section(s) and paragraph(s) of the Zoning Ordinance and any dimension(s) and a brief description of the proposed use, construction or development that prompted the request:

THE VARIANCE BEING SOUGHT IS FOR
A 24' ROUND ABOVE GROUND POOL.
WHERE THE VILLAGE ORDINANCE STATES
THAT I HAVE A BACK SIDE FRONT YARD
OF 5400 AVAION LN. AS PROPOSED IN
PLOT OF SURVEY & DRAWINGS, I WOULD LIKE
TO INSTALL MY POOL IN THE S.E. CORNER
OF MY LOT IN MY FENCED BACK YARD.
POOL WOULD NOT BE ABLE TO GO
DIRECTLY BEHIND THE HOUSE DO TO
MY UNIQUE LOT.

Standards and Findings of Facts for a Variance per Section 23.7 of the Zoning Ordinance.

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. **Explain how this standard is met.**

IT IS NOT POSSIBLE TO PUT MY
POOL DIRECTLY BEHIND THE HOUSE DO
TO A PATIO & TREES + EASEMENTS.

Appendix L – Variance Requirements

2. The plight of the owner is due to unique circumstances. **Explain how this standard is met.**

EASEMENT & SHAPE OF MY LOT
DOES NOT ALLOW FOR INSTALLATION
IN ANY OTHER AREA

3. The variation, if granted, will not alter the essential character of the locality. **Explain how this standard is met.**

MY POOL IS GOING TO BE PROFESSIONALLY
INSTALLED BY "OMNI POOL INSTALLERS"
AND WILL ADD TO THE CHARACTER OF
THE HOUSE.

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

4. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. **Explain how this standard is met.**

MY FAMILY WOULD NOT BE ABLE TO
ENJOY THE BACKYARD AS OFTEN

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. **Explain how this standard is met.**

THE INSTALLATION OF THE POOL IN
THE AREA PROPOSED WOULD NOT EFFECT
ANY OTHER SURROUNDING HOMES.

Appendix L – Variance Requirements

6. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property. **Explain how this standard is met.**

THE PURPOSE OF THE VARIANCE IS FOR MY FAMILY TO ENJOY THE BACKYARD FOR THE SHORT SUMMER SEASON.

7. That the alleged difficulty or hardship has not been created by any person presently having interest in the property. **Explain how this standard is met.**

THE INSTALLATION OF THE PROPOSED POOL WOULD BE IN THE SAFEST AREA IN THE YARD AND CAN BE SEEN FROM EVERY DIRECTION.

8. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. **Explain how this standard is met.**

WOULD BE INSTALLED BY A PROFESSIONAL WHO IS REGISTERED IN THE VILLAGE OF C. I. T. H.

9. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. **Explain how this standard is met.**

THE PROPOSED LOCATION OF THE POOL WOULD IN NO WAY CAUSE ANY DANGER OF THE ABOVE LISTED CONCERNS.

Wjy K-L

Property Owner Signature

8/15/19

Date

Wjy K-L

Applicant Signature

8/15/19

Date

REQUEST FOR PUBLIC HEARING AND COMMISION ACTION



PLANNING AND ZONING COMMISION

MEETING DATE: September 16, 2019
DEPARTMENT: Community Services
SUBJECT: Variation to Section 15.3-1C, Front Yards

EXECUTIVE SUMMARY

General Information

Requested Action: Variation to Section 15.3-1C of the Zoning Ordinance to allow fence in the front yard (side) that extends along the front yard of the adjacent property.

Owner: Wayne and Amy Kesul

Applicant: Village of Lake in the Hills

Purpose: Allow a wooden fence in the front yard (side) that extends along the front yard of the adjacent property.

Location and Size: 5400 Avalon Lane / 0.25 acres

Zoning and Land Use:

Site:	R-2 One Family Dwelling District
North:	R-2 One Family Dwelling District
East:	R-2 One Family Dwelling District
South:	R-2 One Family Dwelling District
West:	R-2 One Family Dwelling District

Background

The Village submits a variation request for the property owner due to a staff error that approved placement of a fence in the front yard (side) at 5400 Avalon Lane. Section 15.3-1.C allows the fence in the location it was approved except where the fence extends to the front yard of the adjacent lot. Where the fence is currently located extends about 25 feet along the front yard of the adjacent lot. This is solely a mistake on the part of the Village staff.

The property was reviewed for approval under Section 15.3-1G by the Community Services Director, but the conditions did not meet the standard.

Standards and Findings of Fact for a Variation

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

- A. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;**

The fence was located by the property owner as approved by the Village. There is one other property within 1000 feet with a similar situation but was previously approved by variation.

- B. The plight of the owner is due to unique circumstances; and**

The fence was located by the property owner as approved by the Village.

- C. The variation, if granted, will not alter the essential character of the locality.**

There is one other property within 1000 feet with a similar situation but was previously approved by variation. No complaints have been received.

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- D. That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;**

The fence was located by the property owner as approved by the Village.

- E. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;**

The fence was located by the property owner as approved by the Village.

- F. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;**

The fence was located by the property owner as approved by the Village.

- G. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;**

The fence was located by the property owner as approved by the Village.

H. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

This situation has not been detrimental to public welfare or injurious to other properties in the neighborhood. There is one other property within 1000 feet with a similar situation but was previously approved by variation. No complaints have been received.

I. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

This situation does not endanger the public or substantially diminish the property values of the neighborhood.

ATTACHMENTS

1. Application
2. Site Plan
3. Plat
4. Photos

RECOMMENDED ACTION

Commission recommend approval to the Village Board for a variation to Sections 15.3-1C of the Zoning Ordinance at 5400 Avalon Lane on parcel 18-15-453-005 allowing placement of a wooden fence in the front yard (side) where the fence extends to the front yard of the adjacent lot.

REQUEST FOR PUBLIC HEARING AND COMMISION ACTION



PLANNING AND ZONING COMMISION

MEETING DATE: September 16, 2019

DEPARTMENT: Community Services

SUBJECT: Variation to Section 13.5-1, Accessory Structures, Permitted Accessory Structures Table

EXECUTIVE SUMMARY

General Information

Requested Action: Variation to Section 13.5-1 of the Zoning Ordinance to allow a swimming pool in the front yard (side) of the subject property.

Owner: Wayne and Amy Kesul

Applicant: Wayne and Amy Kesul

Purpose: Allow a 24 foot round swimming pool in the front yard (side).

Location and Size: 5400 Avalon Lane / 0.25 acres

Zoning and Land Use: Site: R-2 One Family Dwelling District

North: R-2 One Family Dwelling District

East: R-2 One Family Dwelling District

South: R-2 One Family Dwelling District

West: R-2 One Family Dwelling District

Background

The applicant requests a variation to allow placement of a 24foot round swimming pool in the front yard (side), but within the fenced yard. Due to the layout of the corner lot, existing utility easements, and the existing patio in the rear yard, the only location a 24 foot round pool will fit is in the corner of the fenced yard which is within the front yard (side) of the home. The largest pool that could fit the existing space is only about a 12 foot diameter. Section 13 only allows swimming pool in rear yards.

Standards and Findings of Fact for a Variation

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of this Zoning Code, as authorized in this Section, only if the evidence, in the judgement of the Village sustains each of the following three conditions:

- A. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;**

The applicant feels it is not possible to locate a pool in the rear yard of the home.

- B. **The plight of the owner is due to unique circumstances; and**

The applicant feels the shape of the lot and existing easements do not allow locating the pool in the rear yard.

- C. **The variation, if granted, will not alter the essential character of the locality.**

The applicant feels the pool will not alter the character of the locality because it will be located within the fenced yard.

For the purpose of supplementing the above standards, the Village, in making this determination whenever there are practical difficulties or particular hardship, also shall take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

- D. **That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;**

The applicant feels the shape of the lot and existing easements do not allow locating the pool in the rear yard.

- E. **That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification;**

The applicant feels the shape of the lot and existing easements do not allow locating the pool in the rear yard.

- F. **That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;**

The applicant states the purpose is to allow the family to enjoy a swimming pool during the summer season.

- G. **That the alleged difficulty or hardship has not been created by any person presently having interest in the property;**

The applicant feels the shape of the lot and existing easements do not allow locating the pool in the rear yard.

H. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

The applicant feels these conditions have been met.

I. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The applicant feels these conditions have been met.

ATTACHMENTS

1. Application
2. Site Plan
3. Plat
4. Photos

RECOMMENDED ACTION

Commission recommend approval to the Village Board for a variation to Section 13.5-1 of the Zoning Ordinance at 5400 Avalon Lane on parcel 18-15-453-005 allowing placement of a swimming pool in the front yard (side) and inside the fenced yard.

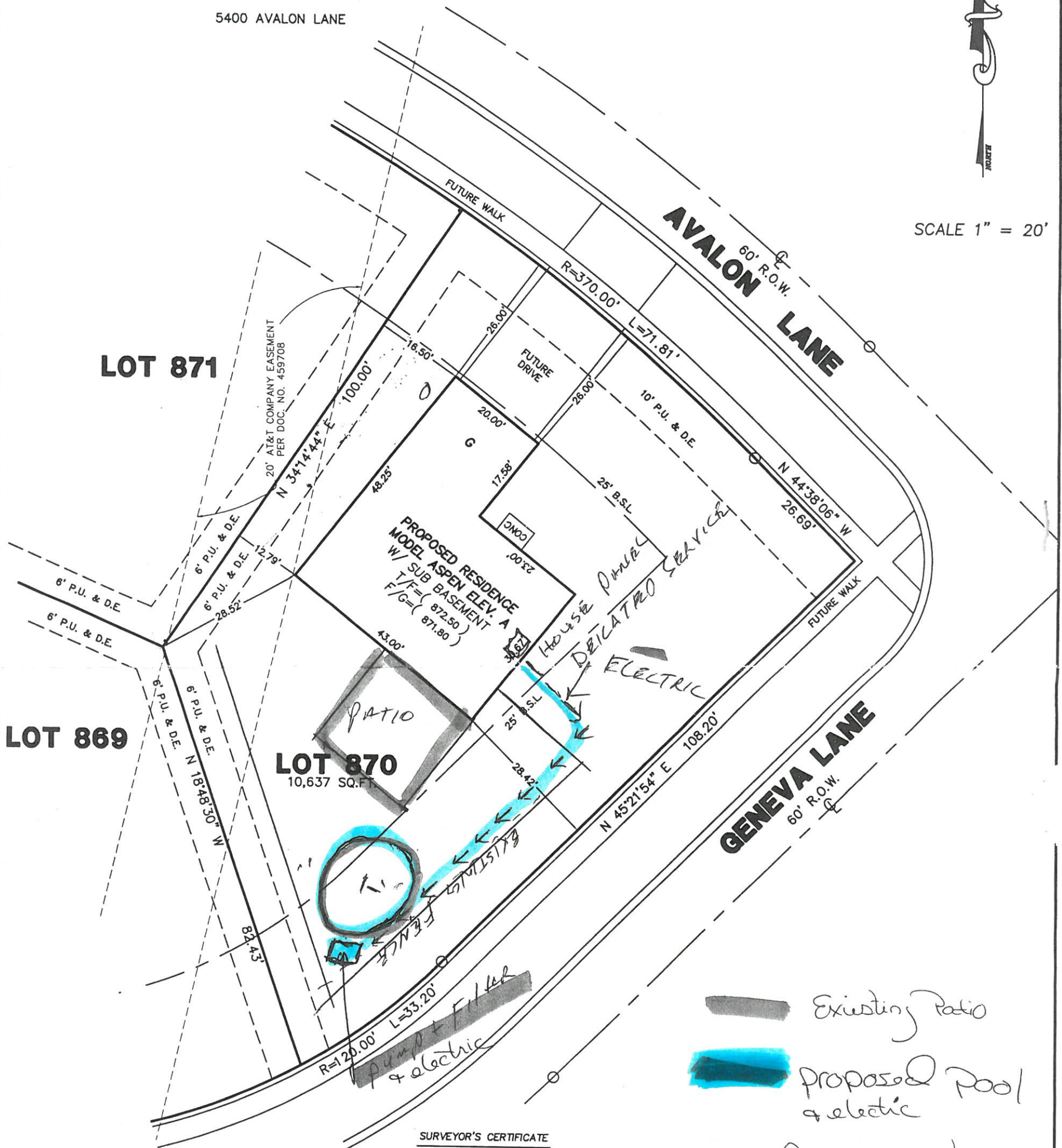
PLAT FOR BUILDING PERMIT

LOT 870 IN MEADOWBROOK UNIT 18 BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 7 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON MAY 10, 2000 AS DOCUMENT NO. 2000R0023877 IN McHENRY COUNTY, ILLINOIS.

5400 AVALON LANE



SCALE 1" = 20'



SURVEYOR'S CERTIFICATE

NOTE: THERE IS A 4.0' SIDE YARD PUBLIC UTILITY & DRAINAGE EASEMENT ON ALL LOTS FOR A TOTAL OF 8.0, UNLESS OTHERWISE NOTED.

STATE OF ILLINOIS }
COUNTY OF DUPAGE }

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED BY HAGENSEE SURVEYING, LLC. UNDER THE DIRECTION OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT DOWNERS GROVE, ILLINOIS THIS 4th DAY OF December, A.D., 2000.

BY: David P. Withaar
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3357

LOT SVY	12-04-00 JAM
PERMIT	12-04-00 JAM
SPOT	
FINAL	

May 17, 2000 - 17:14 Dwg Name: \\Mcl_dg\data\PROJECTS\H517\Perm18.dwg Updated By: jmaynard



Hagensee Surveying, LLC

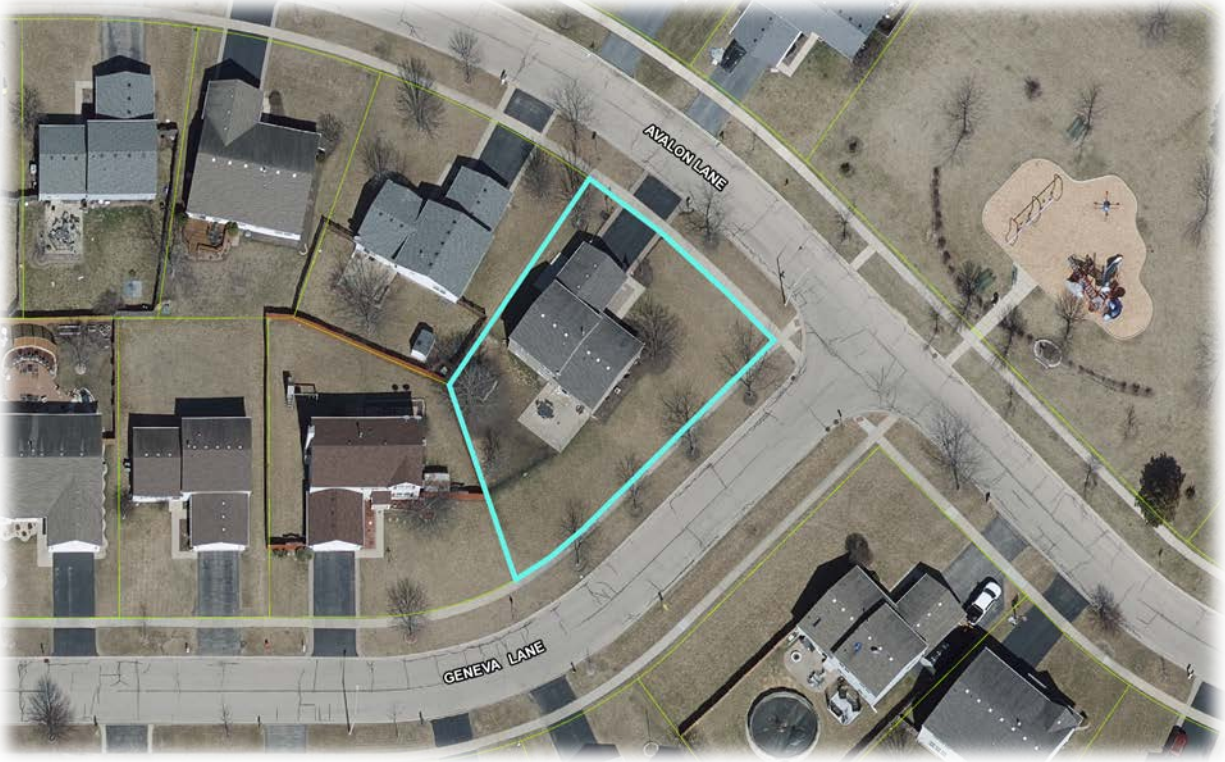
3050 Finley Road, Suite 302
Downers Grove, IL 60515
(630) 369-1000
FAX (630) 369-1374

REVISIONS

LEGEND

- o - FOUND IRON PIPE (F.I.P.)
- T/F - TOP OF FOUNDATION
- T/C - TOP OF CURB
- F/G - FINISH GRADE
- B.S.L. - BUILDING SETBACK LINE
- P.U. & D.E. - PUBLIC UTILITY & DRAINAGE EASEMENT
- P.U.E. - PUBLIC UTILITY EASEMENT
- U.E. - UTILITY EASEMENT
- 725.0 - EXISTING GRADES
- (725.2) - PROPOSED GRADES

Drawn By: JAM Date: 12-04-00 Job No. PQLH18/H517



5400 Avalon Lane Site Plan



5400 Avalon Lane

VILLAGE OF LAKE IN THE HILLS

ORDINANCE 2019 - ____

An Ordinance granting a variance to Section 15.3-1C of the Zoning Ordinance to allow for placement of a five-foot high, 30 percent open wooden fence in the front yard (side) where the fence extends to the front yard of the adjacent lot.

Also to grant a variance to Section 13.5-1 of the Zoning Ordinance to allow a swimming pool in the front yard (side) of 5400 Avalon Lane on Parcel 18-15-453-005

WHEREAS, the Village of Lake in the Hills, McHenry County, Illinois (the "Village"), 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; and

WHEREAS, the Village of Lake in the Hills, applicant petitioned the Village of Lake in the Hills for a variance to Section 15.3-1C, Permitted Fencing, Front Yards, to allow for installation of a five-foot high, 30 percent open wooden fence in the front yard (side). The Subject Property is located at 5400 Avalon Lane, Lake in the Hills, IL 60156 with a PIN of 18-15-453-005; and

WHEREAS, Wayne and Amy Kesul, owner and applicant, of the Subject Property located at 5400 Avalon Lane, Lake in the Hills, IL 60156 with a PIN of 18-15-453-005, petitioned the Village of Lake in the Hills for a variance to Section 13.5-1 of the Zoning Ordinance to allow for installation of a swimming pool in the front yard (side) of the residence; and

WHEREAS, the Planning and Zoning Commission, after deliberation, has made a report and its recommendation relative to the variations 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 that:

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 granting variances for the Subject Property at 5400 Avalon Lake are hereby accepted.

SECTION 3: A variance to Section 13.3-1C, Front Yards, of the Zoning Ordinance to allow a five-foot high, 30 percent open wooden fence in the front yard (side) of the residence on the Subject Property is hereby granted; and

SECTION 4: A variance to Section 13.5-1, of the Zoning Ordinance to allow a swimming pool within the fenced yard of the front yard (side) of the residence on the Subject Property is hereby granted.

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 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 ordinances 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 26th day of September, 2019 by roll call vote as follows:

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

APPROVED THIS 26TH DAY OF SEPTEMBER, 2019

Village President, Russ Ruzanski

(SEAL)

ATTEST: _____
Village Clerk, Cecilia Carman

Published: _____

