



PUBLIC MEETING NOTICE AND AGENDA

PLANNING AND ZONING COMMISSION MEETING

January 14, 2019

7:30 p.m.

1. Call to order
2. Roll call
3. Approval of the December 17, 2018 Planning and Zoning Commission meeting minutes
4. New business
 - a. New Life Baptist Church, 9228 Trinity Drive. Conditional Use for a Religious Use in the B-4 zoning district.
5. Old business--None
6. Items for discussion
7. Staff report
 - a. December Board of Trustee meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for February 18, 2019
11. 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 847-960-7414 (TDD 847-658-4511) promptly to allow the Village to make reasonable accommodations for those persons.

Posted by:

Date:

Time:



PLANNING AND ZONING COMMISSION

December 17, 2018 MEETING MINUTES

Village of Lake In the Hills

Commissioner Borkgren called to order at 7:30 p.m. the meeting of the Lake in the Hills Planning and Zoning Commission.

ROLL CALL

Commissioners Brent Borkgren, Greg Walker, Diane Murphy, Tim Serritella, and Michael Esposito were present. Commissioner Anna Siakel and Chairman Joe DeMay were absent. Also in attendance were Community Services Director Fred Mullard and Recording Secretary Laura Pekovic.

APPROVAL OF MEETING MINUTES

Commissioner Esposito made a motion to approve the Commission meeting minutes of November 12, 2018, and Commissioner Murphy seconded. Motion carried 5-0.

NEW BUSINESS

1. **Variations to various sections of the Zoning Ordinance at 100 through 212 N Randall Road on Parcel 19-30-200-016 reducing various setbacks and increasing the maximum sign height.**

Commissioner Borkgren convened the public hearing at 7:32 p.m. All commissioners that answered roll call were present.

Staff Report

Community Services Director Mullard reviewed the request for public hearing and commission action dated December 17, 2018. The requests were for a variation for front and side yard landscaping, building, and parking setbacks along Randall and Algonquin Roads. There is also a variation request pertaining to the maximum sign height and the setback along Randall Road.

Presentation by Petitioner and Questions and Comments by Planning and Zoning Commission.

Attorney Terrance McCable representing Randall Algonquin Plaza, LLC spoke. He reiterated the the reason of the petition was to allow for right-of-way access to support the Randall Road Improvement Project. Director Mullard answered some questions of the Commission members, stating that only one row of parking will be eliminated, there will be no zoning changes, access to the Algonquin Surgery Center will remain the same, and the entrance points will be right in and right out.

Motion to recommend approval to the Village Board for variations to various sections of the Zoning Ordinance at 100 through 212 North Randall Road on Parcel 19-30-200-016, reducing various setbacks and increasing the maximum sign height was made by Commissioner Serritella and seconded by Commissioner Esposito. On a roll call vote Commissioners Borkgren, Serritella, Esposito, Walker, and Murphy voted Aye. Motion carried 5-0.

2. **Zoning Map Amendment, Conditional Use for Senior Housing, Variations, and Development Plan for Ebbington Senior Living**

PLANNING AND ZONING COMMISSION

December 17, 2018 MEETING MINUTES

Village of Lake In the Hills

Staff Report

Community Services Director Mullard reviewed the request for public hearing and commission action dated December 17, 2018. The requests includes a Zoning Map Amendment to change the zoning classification from B-2, Neighborhood Convenience Business District, to R-4, Multifamily Dwelling District. It also includes a Conditional Use for Senior Housing, variations to reduce the front and rear yard setbacks (Table 7.4 Residential Bulk Chart), changes to Section 18.9, Minimum Off-Street Parking Space Requirements, to reduce required parking spaces from 28 to 17 spaces, and the Development Plan approval.

Presentation by Petitioner and Questions and Comments by Planning and Zoning Commission.

Investors Kristen and Kyle Garifo spoke. They announced that they are changing the name of the project from Ebbington Senior Homes to The Heathers. This is to honor their recently deceased grandmother who was from from Scotland.

They currently operate a similar boutique-style senior home in Ringwood. They spoke of statistics supporting local demand for senior housing. This development's plan is to have three homes house 16 residents per home with 12 bedrooms with luxiorous, homey interiors. Shared spaces in each home would be a kitchen, library, a large front porch, and living room space to encourage socializing. There would be a hair salon, exercise classes onsite, and transportation would be provided for the residents to enjoy outings. The planned staff ratio is one certified nursing assistant per six residents during the daytime hours. Compensation pay for CNAs would be higher than the industry norm, to attract and retain quality employees. E-verify would be used to hire employees. This things are currently in place at Kristen and Kyle Garifo's similar, existing senior home in Ringwood.

Mark Saladin, attorney for the investors spoke about the development and asked the Commission to approve the requests. Developer Tony Sarillo spoke. He showed renderings of the project, pointing out the emphasis on open spaces and dense plantings on the south end of the property instead of fences. He noted the homes are a ranch-style design with front and back porches, that this development is in accordance with the Village's Comprehensive Plan, and and that in 2004 the senior housing at this location was discussed by Village staff. It was stated that previous concerns at the October 2018 meeting about emergency vehicle access was addressed and rectified.

Motion to recommend approval to the Village Board for a Zoning Map Amendment from B-2 to R-4, Conditional Use for Senior Housing, Variations to Table 7.4 and Section 18.9 of the Zoning Ordinance, and Development Plan for Ebbington Senior Living (The Heathers) on Parcel 18-14-411-003 on Princeton Lane was made by Commissioner Esposito and seconded by Commissioner Walker. On a roll call vote, Commissioners Borkgren, Serritella, Esposito, Walker, and Murphy voted Aye. Motion carried 5-0.

OLD BUSINESS – None

ITEM FOR DISCUSSION – None

PLANNING AND ZONING COMMISSION

December 17, 2018 MEETING MINUTES

Village of Lake In the Hills

STAFF REPORT – Director Mullard recapped the Commission’s two recommended items that were presented to the Village Board in November 2019. There was no discussion for the Conditional Use for a school for the mentally and physically challenged at 40 West Acorn Parkland Preparatory Academy, Inc, and it was approved by the Village Board.

The Variation to Section 15.4-2, Separation of Walls/Fences, to allow 18-foot high gate structures in the eight-foot high fence in the front yard at 8 Prosper Court was approved by the Village Board. There were property owners in attendance that spoke to the Village Board regarding the overnight trucking noise. Director Mullard indicated that Village management recently met with property owners to address their concerns. The Police Department continues to do nighttime patrols of the area to monitor/stop high levels of noise. The trucking company owner has mailed letters to residents to keep in contact about their concerns

Director Mullard stated that he has applied for a grant to the Chicago Metropolitan Planning Association. 30-40 percent of grants applications are awarded. If awarded, the grant would provide technical and financial assistance to the Village to update its zoning ordinances and possibly mesh the subdivision control ordinance and zoning. He is considering creating an overlay district that applies to lakefront homes and homes in flood plains. The Village of Cary and the City of Crystal Lake are in the process of doing this. Director Mullard intends to have an update for the Commission at the January 14, 2019 meeting.

AUDIENCE PARTICIPATION – None

TRUSTEE LIAISON REPORT – None

Commissioner Murphy made a motion to adjourn the meeting and was seconded by Commissioner Esposito. All in favor voted Aye. Commissioner Borkgren adjourned the meeting at 8:10 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting will be held Monday, January 14, 2019 at 7:30 p.m.

Respectfully Submitted,

Laura Pekovic,
Recording Secretary



REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: January 14, 2018

DEPARTMENT: Community Services

SUBJECT: Conditional Use for Religious Use at 9228 Trinity Drive

EXECUTIVE SUMMARY

General Information

Requested Action: New Life Baptist Church is requesting a renewal of their conditional use approval to operate a church in the B-4 Commercial Business District.

Owner: New Life Baptist Church

Applicant: New Life Baptist Church, Pastor Mark Wood

Purpose: Continue to operate the New Life Baptist Church in its established location.

Location: 9228 Trinity Drive

Zoning and Land Use:

| | |
|--------|--|
| Site: | B-4, General Business District |
| North: | Village of Cary, E1, Very Low Density Single- Family Residential |
| East: | B-4, General Business District |
| South: | B-4, General Business District |
| West: | B-4 General Business District |

Background

The applicant, New Lift Baptist Church, is requesting a continuation of their conditional use approval which allows them to remain at their established location of 9228 Trinity Drive. The site is currently zoned as B-4, General Business District. The church has existed at this location since their original conditional use approval was granted in December of 1999. The approval has been renewed multiple times, in approximately four- year intervals, since the original approval was granted.

Staff further recommends that no expiration date be attached to the approval as the approval has been granted multiple times over the past 20 years.

Additionally, staff suggests as an item for discussion that religious uses, once granted a conditional use approval, not be routinely subject to an expiration of the approval.

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;**

Per the provisions of Zoning Ordinance Section 24.6, religious uses do not have to affirmatively prove the public convenience requirement.

- B. **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;**

The location of the church has not interfered with the operation of adjacent permitted uses, nor had a detrimental effect on the surrounding neighborhood.

- 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 surrounding area is largely developed with commercial uses and the conditional use has not injured property values or improvements in the vicinity.

- 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 Comprehensive Plan recommends commercial land use for the site and the majority of the building is being operated as commercial business. In 2007, the property owner turned the building into condominiums and the church purchased their space.

- 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;**

Adequate vehicular access is already provided to the site. The majority of traffic generated by the operation occurs on Sunday when other commercial and manufacturing uses in the area are not open for business.

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

There are adequate utilities and infrastructure provided for this site.

- G. **That the 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

1. Application
2. Site Plan

RECOMMENDED ACTION

Commission recommends approval to the Village Board for a Conditional Use for a religious use at 9228 Trinity Drive, parcel number 19-22-129-008.

2066421

DEC 18 2018

APPLICATION

Date Filed (Staff Use Only): _____

Property Information

Common street address: 9228 Trinity Drive

PIN (Property Index Number): 19-22-129-008

Current Zoning: B-4

Proposed Zoning: Conditional Use

Current Use: Church

Proposed Use: Church

Is the request consistent with the Comprehensive Plan? _____

Number of Acres: _____ **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): Attached

Property Owner Information

Name(s): New Life Baptist Church

Business/Firm Name (if applicable): _____

Address: 9228 Trinity Dr

City/State/Zip: Lake in the Hills IL 60156

Phone Number: 847-458-9726

Email: mwcares@aol.com

Applicant Information

Name(s): New Life Baptist Church

Business/Firm Name (if applicable): _____

Address: 9228 Trinity Dr

City/State/Zip: Lake in the Hills IL 60156


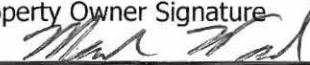
Phone Number: Contact: Mark Wood 847-204-2258

Email: mwcares@aol.com

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 | 500.00 |
| 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 | |
| Total Fees – add column 6 (Separate Check) | | | | | 500.00 |
| 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.

| | | |
|---|------------------|--|
|  Property Owner Signature | 12-13-18 Date | If Owner/Applicant is a School District please, fill out and submit Appendix N |
|  Applicant Signature | 12-13-18 Date | |

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

LEGAL DESCRIPTION

Lots 14 and 15 in D & S Commercial Park, Phase 1, being a Subdivision of part of the Northwest Quarter of Section 22, Township 43 North, Range 8, East of the Third Principal Meridian, according to the Plat thereof, recorded on October 27, 1993 as Document No. 93R065556, Surveyor's Letter of Correction recorded April 7, 1994 as Document No. 94R023205, Surveyor's Letter of Correction recorded May 2, 1994 as Document No. 94R028180 and Surveyor's Letter of Correction recorded October 20, 1994 as Document No. 94R059978, in McHenry County, Illinois.

Appendix I – Conditional Use Requirements

Conditional Use Applying For: Continuation of conditional use permit to operate a church in the B-4 Commercial Business District
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.**

Conditional use request by and for religious use do not have to affirmatively prove the public convenience requirement... (Zoning Ordinance, Section 24.6)

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 location of a church at the current location in the past has not interfered with the operation of adjacent permitted uses, nor had a detrimental effect on the surrounding neighborhood.

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.**

The surrounding area is largely developed with commercial uses and the conditional use has not injured property values or improvements in the vicinity

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.**

The 2002 Comprehensive Plan recommends commercial land use for the site, and the majority of the building is ~~is~~ put to commercial use. In 2007, the property owner turned the building into condominiums and the Church purchased their space.

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.**

Adequate vehicular access is already provided to the site. The majority of traffic generated by the operation occurs on Sunday when other commercial and manufacturing uses in the area are not open for business.

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.**

Adequate utilities and infrastructure are provided for this site.

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 site will comply with all regulations as stated in the Zoning Code and ordinance approving the conditional use permit.

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

Appendix I – Conditional Use Requirements

Mar Hal 12/13/18
Property Owner Signature Date

Mar Hal 12/13/18
Applicant Signature Date

