



PUBLIC MEETING NOTICE AND AGENDA

PLANNING AND ZONING COMMISSION MEETING

May 13, 2019

7:30 p.m.

1. Call to order
2. Roll call
3. Approval of the February 18, 2019 Planning and Zoning Commission meeting minutes
4. New business
 - a. Parkside Apartments LITH, LLC at 9340 Haligus Road. Variation from Section 7.6 of the Zoning Code, Residential Districts, Dwelling Standards Chart.
 - b. Discussion regarding Section 16, Signs, of the Lake in the Hills Zoning Code.
5. Old business--None
6. Items for discussion
7. Staff report
 - a. April Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for June 17, 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

FEBRUARY 18, 2019 MEETING MINUTES

Village of Lake In the Hills

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

ROLL CALL

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

APPROVAL OF MEETING MINUTES

Commissioner Serritella made a motion to approve the Commission meeting minutes of January 14, 2018, and Commissioner Borkgren seconded. Motion carried 7-0.

NEW BUSINESS

1. **Conditional Use for an Automotive Service in the B-4 Zoning District at 9114 Virginia Road, Suite 107 – JD Auto Specialits, Inc.**

Chairman DeMay 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 February 18, 2019. The request was from Jason Dobler of JD Auto Specialists, Inc. for a Conditional Use for an Automotive Service repair facility at 9114 Virginia Road in the B-4 zoning district.

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

The applicant's attorney, James Kaiser, summarized the request. He reiterated that the building has five existing bays and will offer competitive services to Lake in the Hills' and the surrounding area residents.

Motion to recommend approval to the Village Board for a Conditional Use for an Automotive Service, with additional conditions as noted in the staff report, at 9114 Virginia Road on Parcel 19-22-100-014 was made by Commissioner Borkgren and seconded by Commissioner Esposito. On a roll call vote Commissioners Borkgren, Serritella, Siakel, Esposito, Walker, Murphy, and Chairman DeMay voted Aye. Motion carried 7-0.

2. **Conditional Use for Outdoor Sales/Open Sales Lot Accessory to Principle Use at 8595 Pyott Road – Lemon Grove Trucks**

Staff Report

Community Services Director Mullard reviewed the Request for Public Hearing and Commission action dated February 18, 2019. The requests is for a Conditional Use for an Outdoor Sales/Open Sales Lot Accessory to Principle Use at 8595 Pyott Road.

PLANNING AND ZONING COMMISSION

FEBRUARY 18, 2019 MEETING MINUTES

Village of Lake In the Hills

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

Herb Biedermann of Lemon Grove Trucks spoke about his proposed business at this location. It is niche market where he will buy trucks at wholesale and sell high. The trucks will be sold to the public for around \$30,000 to \$60,000. The retail cost would be \$125K+. He is confident that his business will be successful. Commissioner Siakel asked about animals and vandalism around the trucks and test drives. Mr. Biedermann explained the trucks had open beds, but were not extremely low. The property is bordered by Jameson Paving, and they have similar trucks. In addition, it is not a residential area with foot traffic. Test drives would be along Pyott, Algonquin, and Randall Roads. At the most, there would be one test drive a day. In response to Commissioner Esposito's question about signage, Mr. Biedermann indicated that one is planned to be on the the building.

Motion to recommend approval to the Village Board for a Conditinal Use for an Outdoor Sales/Open Sales Lot Accessory to Principle Use, with additional conditions as noted on the staff report, at 8595 Pyott Road, Unit E on Parcel 19-17-400-003 as made by Commissioner Borkgren and seconded by Commissioner Esposito. On a roll call vote, Commissioners Borkgren, Serritella, Siakel, Esposito, Walker, Murphy, and Chairman DeMay voted Aye. Motion carried 7-0.

OLD BUSINESS – None

ITEM FOR DISCUSSION – None

STAFF REPORT – Director Mullard recapped the Commission's one recommended item that was presented to the Village Board in January 2019. There was no discussion for the Conditional Use for for New Life Baptist Church at 9228 Trinity Drive, and it was approved by the Village Board.

AUDIENCE PARTICIPATION – None

TRUSTEE LIAISON REPORT – None

Commissioner Borkgren made a motion to adjourn the meeting and was seconded by Commissioner Esposito. All in favor voted Aye. Chairman DeMay adjourned the meeting at 7:48 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting will be held Monday, March 18, 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: May 13, 2019

DEPARTMENT: Community Services

SUBJECT: Variation to Table 7.6, Dwelling Standards Chart for Unit Size for Parkside Apartments

EXECUTIVE SUMMARY

General Information

Requested Action: Variation to the Table 7.6, Dwelling Standards Chart to reduce the minimum size of a one-bedroom unit from 850 sf to 700 sf and reduce the minimum size of a two-bedroom unit from 1000 sf to 900 sf.

Owner: Parkside Apts, LITH, LLC

Applicant: United Construction Services, Inc.

Purpose: To improve costs of construction and rents creating an affordable apartment at a size that has proven to be marketable.

Location and Size: 9340 Haligus Road / 2.5 acres

Zoning and Land Use:

Site:	R-4 Multiple Family Dwelling District
North:	O-S Open Space District
East:	O-S Open Space District
South:	O-S Open Space District A-1 Agriculture / McHenry County
West:	R-2 One Family Dwelling District
Future Land Use:	Parks / Recreation

Background

The applicants are requesting variations to the Zoning Ordinance to improve the costs of construction and rents to create an affordable apartment at a size proven marketable. The minimum sizes in Table 7.6 are the same for single family attached, multiple family, and two family dwelling units.

A Development Agreement was approved by the Village Board for the apartment buildings at this location in July 2015. This agreement provided for rezoning to R-4 and development of no more than 39 units in three buildings. The applicant intends to reduce the number of buildings to two and reduce the number of units.

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 applicants indicate that current market rates for rent restrict the size of each unit to keep them affordable.

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

The applicants indicate that market rates for apartment rents are driving the request.

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

The applicants indicate this will not alter the essential character of the locality. The appearance of the building will not significantly change due to the reduction of unit sizes. Additionally, the apartment concept fits well with the multiple family district across Haligus Road.

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 applicants indicate that the size of the units is not impacted by the physical conditions of the lot.

- 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 applicants indicate this same need would exist for other building similar units due to current market conditions.

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

The applicants indicate that due to market rates the construction is not cost effective without the reduction.

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

The applicants indicate that due to market rates the construction is not cost effective without the reduction.

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 applicants indicate it will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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 applicants indicate this condition will be met.

ATTACHMENTS

1. Application
2. Site Plan

RECOMMENDED ACTION

Commission recommend approval to the Village Board for variation to Table 7.6 of the Zoning Ordinance at 9340 Haligus Road on Parcel 18-22-200-031 reducing the minimum unit sizes for one and two bedroom apartments.



2067755

APR 24 2019

Village of Lake in the Hills Development and Zoning Application

Date: **April 17, 2019**

Property Information

Common street address: **9340 Haligus Rd. LITH – Corner of Haligus Rd & Grafton Farm Rd**

PIN (Property Index Number): **18-22-200-021**

Current Zoning: **R-4** Proposed Zoning: _____

Current Use: **VACANT** Proposed Use: **APARTMENTS**

Is the request consistent with the Comprehensive Plan? _____

Number of Acres: **2.5 acres** If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.

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

Property Owner Information

Name(s): **PARKSIDE APTS. LITH, LLC**

Business/Firm Name (if applicable): _____

Address: **201 PENNY AVE – APT. 2D**

City/State/Zip: **EAST DUNDEE, IL 60118**

Phone Number: **847.833.5004 – JOSEPH BILLITTERI**

Email: **JOEB@PROFIT-SUCCESS.NET**

Applicant Information

Name(s): **UNITED CONSTRUCTION SERVICES, INC**

Business/Firm Name (if applicable): **UNITED CONSTRUCTION SERVICES, INC**

Address: **1055 NIMCO DR., STE. E**

City/State/Zip: **CRYSTAL LAKE, IL 60014**

Phone Number: **847.417.9884 - JOHN CURTIS**

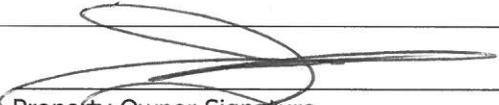
Email: **CSCCOMMERCIAL@GMAIL.COM**

EXHIBIT A

Legal Description of the Property

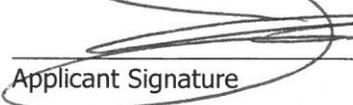
That part of the West Half of the Northeast Quarter of Section 22, Township 43 North, Range 7 East of the Third Principal Meridian, described as follows: commencing at the Northwest Corner of the Northeast Quarter of said Section 22, and running thence South along the West line thereof, 1288.33 feet; thence South 90 degrees 00 minutes 00 seconds East to the East right of way line of Haligus Road, said point also being the point of beginning; thence continuing South 90 degrees 00 minutes 00 seconds East, 214.00 feet; thence South 23 degrees 53 minutes 30 seconds East, 578.10 feet to the North line of the South 826.14 feet of the West half of said section; thence South 89 degrees 45 minutes 01 seconds West along said North line, 230.0 feet; thence North 00 degrees 00 minutes 00 seconds West, 249.57 feet; thence North 90 degrees 00 minutes 00 seconds West 217.83 feet to a point on said East line of Haligus Road; thence North 00 degrees 03 minutes 45 seconds West along said East line, 280.00 feet to the point of beginning, in McHenry County, Illinois.

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	X	\$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					
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance Minor = \$250 Intermediate or Major = \$1,000					
Reimbursement of Fees Required (Attach Appendix B) = \$2,000 + \$100/acre for every acre over 5 acres					



Property Owner Signature
4/24/19
Date

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



Applicant Signature
4/24/19
Date

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:

Requesting a variation from table 7.6 of the Zoning Ordinance.

The property is zoned R-4 so the minimum unit sizes are 850 SF for one (1) bedroom units and 1000 SF for two (2) bedroom units. We are requesting a reduction of the requirements to 700 SF for a one (1) bedroom unit and 900 SF for a two (2) bedroom unit.

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.**

Apartment rent is based on a Square footage number. The going rate is between \$1.40 to \$1.50 per square foot, causing units to be not competitive with current market rents, of less than \$1,100/mo. for a one (1) bedroom unit and less than \$1,350/mo. for a two (2) bedroom unit.

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

Market rents are being driven by unit sizes allowing for more competitive rents.

Site is an Infill site which requires excessive costs in site development, putting pressure on the overall costs and financial returns.

Appendix L – Variance Requirements

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

The development will meet the current high-density zoning in the area. Smaller sized unit will not alter the look that was originally approved.

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.**

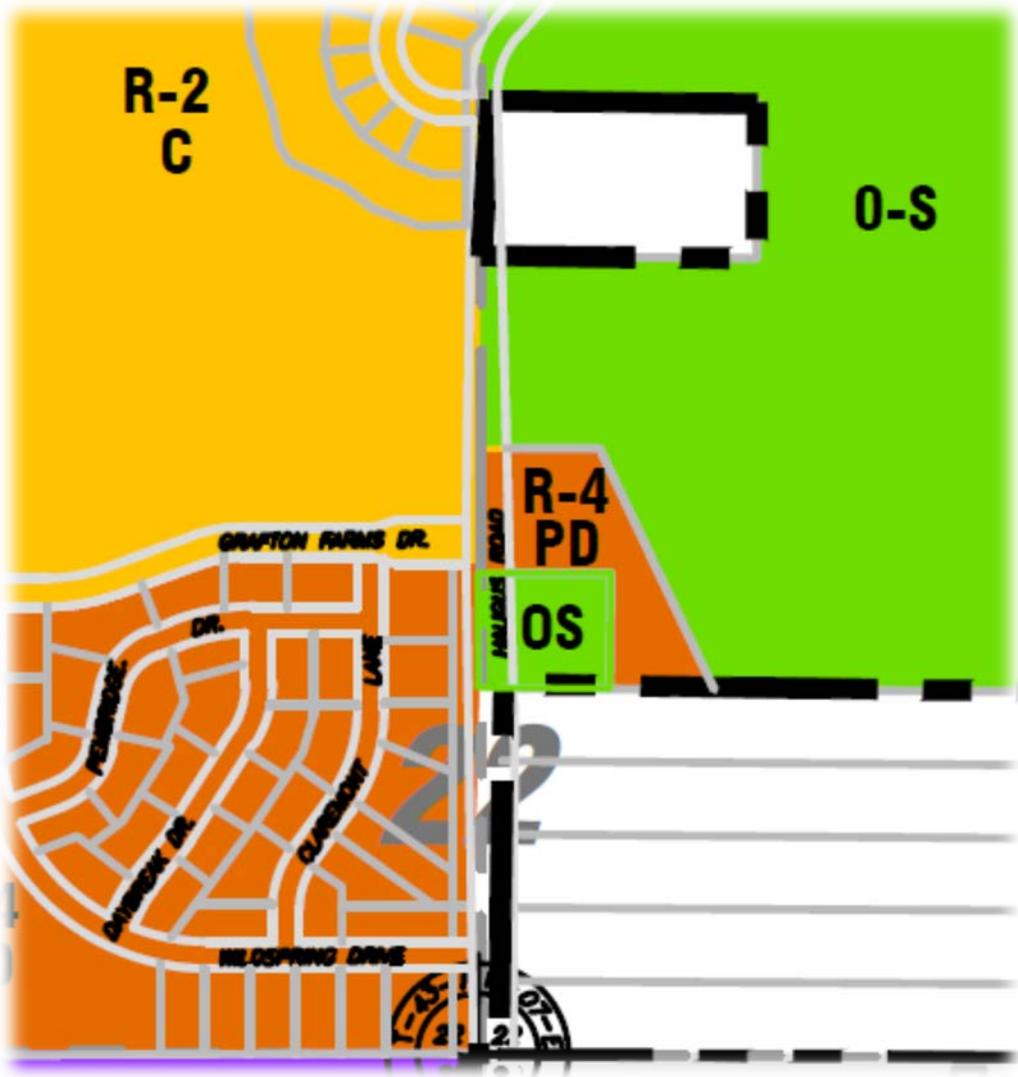
The size of the units is not impacted by the physical conditions of the lot.

-
-
-
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.**

Based upon current market for this product, other property zoned in this classification may indeed need similar relief.

-
-
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.**

Without the variance the project will not be built, with the proposed variance the project hits minimum return standards for a developer. Also increasing R.E. taxes for village benefit.





REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: May 13, 2019

DEPARTMENT: Community Services

SUBJECT: Discussion on Changes to Section 16, Signs of the Zoning Ordinance

EXECUTIVE SUMMARY

In April, the Village Board discussed concerns some businesses have had with the existing sign section of the Zoning Ordinance and requested a review. Staff has contracted Planning Resources, Inc. to assist in the review and help provide technical support to make changes as necessary. Planning Resources will provide an overview of the existing ordinance and point out how our regulations compare with neighboring communities. They will also discuss some possible areas to consider for changes. Following their presentation, the Commission should lead a public discussion of potential changes. Staff anticipates working with the Planning Resources staff to create a draft text amendment for consideration at a public hearing as early as June of this year.

ATTACHMENTS

1. None

RECOMMENDED ACTION

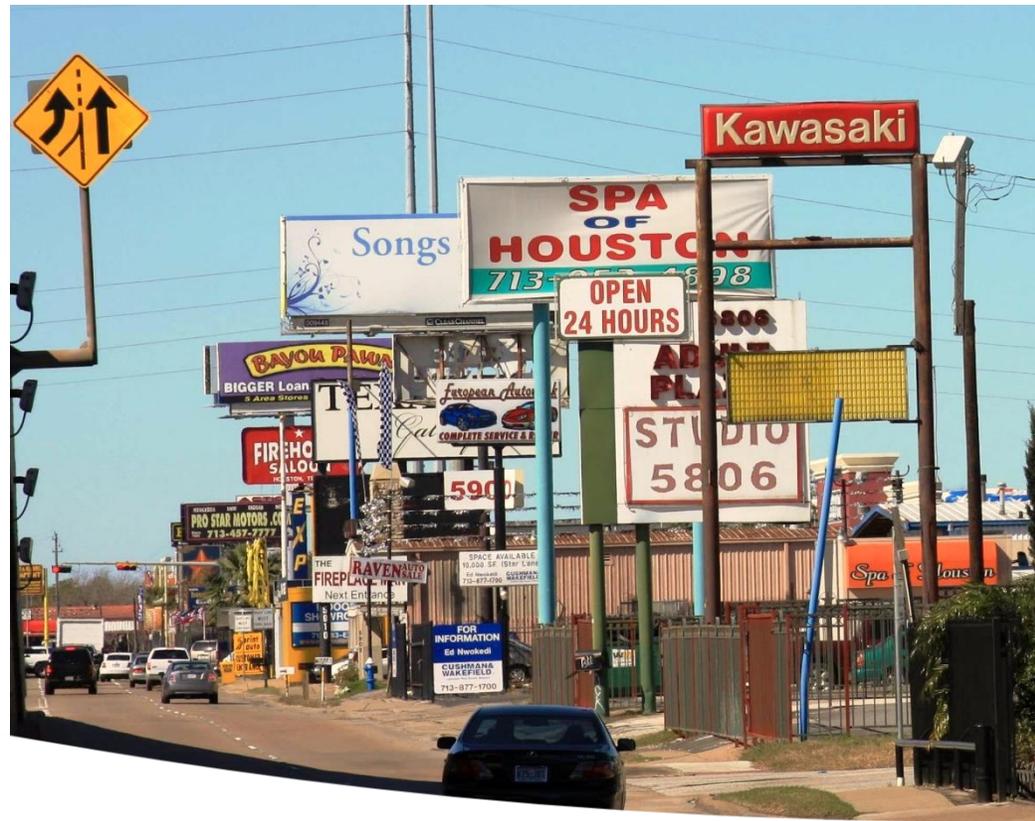
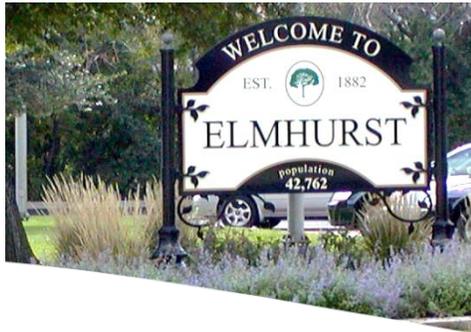
Commission lead a public discussion of potential changes to Section 16 of the Zoning Ordinance and provide recommendations for changes.



Village of Lake in the Hills Sign Ordinance



Planning Resources Inc. (PRI)



Purpose

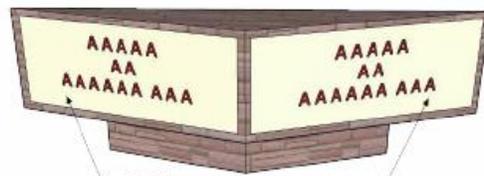
A sign ordinance can help a municipality reduce visual clutter of signage and end business sign wars. It also can help protect, establish or enhance a communities identity.

Existing Sign Ordinance

- States Purpose
- Effective
- Not User Friendly
 - Definitions
 - Graphics & Illustrations
 - Ordinance Section Reference



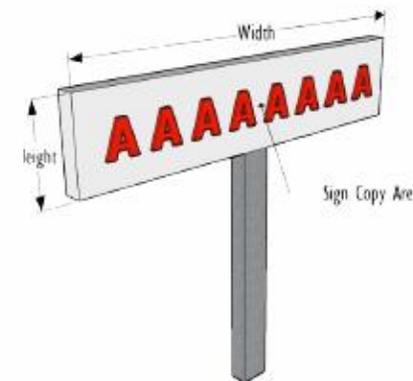
Single face counts towards sign copy area



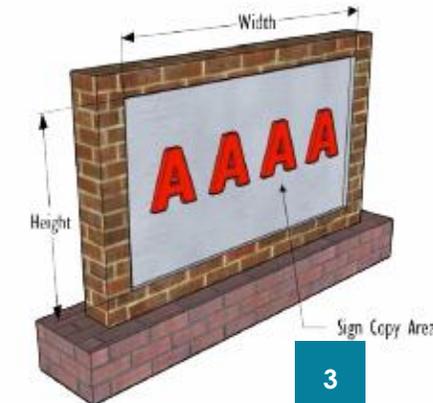
Both faces count towards sign copy area



Single face counts towards sign face area



Sign Copy Area



Sign Copy Area

TYPES OF SIGN

Non-Permanent Sign



Non-Permanent

Temporary signs that are portable and displayed for a limited time period.

Prohibited

Lake in the Hills	Yes *
Algonquin	Yes *
Crystal Lake	No *
Huntley	No *
Cary	Yes *

* Except as permitted by Sign Ordinance

TYPES OF SIGN

Portable Sign



Portable

Signs that designed to be moveable and are not permanently attached to a building or to the ground.

Prohibited

Lake in the Hills	Yes
Algonquin	Yes *
Crystal Lake	No *
Huntley	Yes
Cary	Yes *

* Except as permitted by Sign Ordinance

TYPES OF SIGN

On-premises Freestanding Sign



On-premises Freestanding

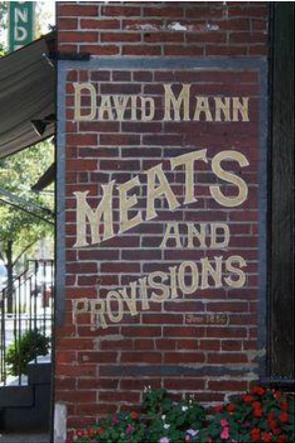
Permanent signs that are supported by structures or supports that are anchored in the ground.

Prohibited

Lake in the Hills	No
Algonquin	No
Crystal Lake	No
Huntley	No
Cary	No

TYPES OF SIGN

Building Signs



Building Signs

Signs attached and supported by a building; whether it is a wall, window or roof of the building.

Prohibited

Lake in the Hills	No *
Algonquin	No *
Crystal Lake	No *
Huntley	No *
Cary	No *

* As permitted by Sign Ordinance

TYPES OF SIGN

Off-premises Signs



Off-premises

Outdoor advertising signs located off-site directing attention to businesses, services, product offered or sold elsewhere.

Prohibited

Lake in the Hills	Yes *
Algonquin	Yes
Crystal Lake	Yes
Huntley	Yes *
Cary	Yes *

* Except as permitted by Sign Ordinance

TYPES OF SIGN

Snipe Signs



Snipe Signs

Sign that are tacked, nailed, taped or pasted to trees, poles, fences, street lights, or places within the public right-of-way.

Prohibited

Lake in the Hills	Yes
Algonquin	Yes
Crystal Lake	Yes
Huntley	Yes
Cary	Yes

Pennants, Banners & Flags



Pennants, Banners & Flags

Signs made of a non-rigid material attached to any structure, staff, pole, rope, wire or framing.

Prohibited

Lake in the Hills	Yes
Algonquin	Yes *
Crystal Lake	Yes *
Huntley	Yes *
Cary	Yes *

* Except as permitted by Sign Ordinance

TYPES OF SIGN

Inflatable Sign



Inflatable Sign

Inflatable objects of various sizes and shapes placed on a ground or structure.

Prohibited

Lake in the Hills	Yes *
Algonquin	Yes
Crystal Lake	Yes
Huntley	Yes
Cary	No

* Size Limitation

Abandoned Sign

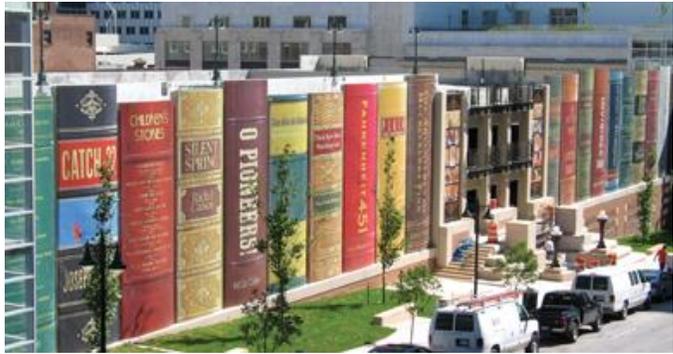


Abandoned Sign

Signs that have no identity, advertisement, or activity.

Prohibited

Lake in the Hills	Yes
Algonquin	Yes
Crystal Lake	Yes
Huntley	Yes
Cary	Yes



TRENDS

in the sign industry that the Village may want to consider

- Use of LED lighting
- Building Wraps
- Perforated Vinyl See-through Window Signs

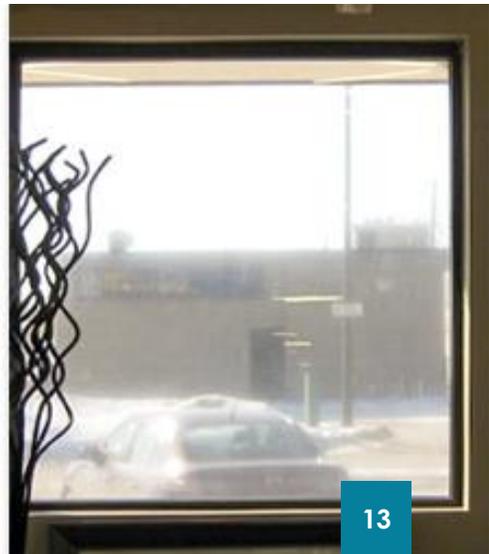
Exterior View



Close-up of Material



View From Inside



Purpose

A sign ordinance can help a municipality reduce visual clutter of signage and aid business sign wars. It also can help protect, establish or enhance a community's identity.

2

Existing Sign Ordinance

- States Purpose
- Effective
- Not User Friendly
 - Definitions
 - Graphics & Illustrations
 - Ordinance Section Reference

3

Non-Permanent Sign

Non-Permanent
Temporary signs that are portable and displayed for a limited time period.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	No*
Huntley	No*
Carly	Yes*

* Except as permitted by Sign Ordinance

4

Portable Sign

Portable
Signs that designed to be movable and are not permanently attached to a building or to the ground.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	No*
Huntley	Yes*
Carly	Yes*

* Except as permitted by Sign Ordinance

5

On-premises Freestanding Sign

On-premises Freestanding
Permanent signs that are supported by structures or supports that are anchored in the ground.

Prohibited

Lake in the Hills	No
Algonquin	No
Crystal Lake	No
Huntley	No
Carly	No

6

Building Signs

Building Signs
Signs attached and supported by a building, whether it is a wall, window or roof of the building.

Prohibited

Lake in the Hills	No*
Algonquin	No*
Crystal Lake	No*
Huntley	No*
Carly	No*

* As permitted by Sign Ordinance

7

Off-premises Signs

Off-premises
Outdoor advertising signs located offsite directing attention to businesses, services, product offered or sold elsewhere.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	Yes*
Huntley	Yes*
Carly	No*

* Except as permitted by Sign Ordinance

8

Snipe Signs

Snipe Signs
Sign that are hooked, nailed, taped or nailed to trees, poles, fences, street lights, or placed within the public right-of-way.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	Yes*
Huntley	Yes*
Carly	Yes*

9

Pennants, Banners & Flags

Pennants, Banners & Flags
Signs made of a non-rigid material attached to any structure, staff, pole, rope, wire or framing.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	Yes*
Huntley	Yes*
Carly	Yes*

* Except as permitted by Sign Ordinance

10

Inflatable Sign

Inflatable Sign
Inflatable objects of various size and shape placed on a ground or structure.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	Yes*
Huntley	Yes*
Carly	No

* Size Limitation

11

Abandoned Sign

Abandoned Sign
Signs that have no identity, disrepairment or quality.

Prohibited

Lake in the Hills	Yes*
Algonquin	Yes*
Crystal Lake	Yes*
Huntley	Yes*
Carly	Yes*

12

TRENDS

may want to consider

- Use of LED lighting
- Building Wrap
- Perforated Vinyl Sign-through Window Signs

13

Thank You