



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING
AGENDA

February 16, 2021
7:30 p.m.

1. Call to order
2. Roll call
3. Approval of the January 18, 2021 Planning and Zoning Commission meeting minutes
4. New business
 - a. Request approval of a Conditional Use for a daycare center in the B-3 General Business District at 40 West Acorn Lane.
 - b. Request approval of a Conditional Use to allow Outdoor Storage of Vehicles as a principle use in the M-1 Zoning District, a Variation to Zoning Ordinance Section 9.4, Manufacturing Districts Bulk Chart, and a Variation to Zoning Ordinance Section 15.3, Permitted Fencing at 1511 Imhoff Drive.
 - c. Request approval of a Map Amendment to rezone 1203 Crystal Lake Road from B-2, Business-Neighborhood Convenience, to B-1, Business Transitional.
5. Old business—None
6. Items for discussion—None
7. Staff report
 - a. January Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for March 15, 2021
11. Adjournment

Village of Lake in the Hills
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:** February 12, 2021

Time: 1:15 p.m.



PLANNING AND ZONING COMMISSION

January 18, 2021 MEETING MINUTES

Village of Lake In the Hills

Chairman DeMay called to order at 7:30 p.m. the meeting of the Lake in the Hills Planning and Zoning Commission. This meeting was held remotely via Go To Meeting.

ROLL CALL

Commissioners Anna Siakel, Craig Bolton, John Murphy, Michael Esposito, Greg Walker, and Chairman DeMay were present. Also in attendance were Community Development Director Josh Langen, Assistant Community Development Director Ann Marie Hess, Village Consultant Paul Evans, Trustee Bill Dustin, and Administrative Specialist Laura Pekovic.

APPROVAL OF MEETING MINUTES

Commissioner Siakel made a motion to approve the Commission meeting minutes of December 14, 2020, and Commissioner Murphy seconded. Motion carried 6-0.

NEW BUSINESS

- a. **Request for approval of a text amendment to the zoning ordinance, Section 11, Permitted and Conditional Use Chart, to allow "Outdoor Storage of Materials/Vehicles/Equipment Accessory to Principle Use" in the B-2 zoning district**

Chairman DeMay confirmed that staff confirmed that the public hearing was given proper notice.

Staff Report

Assistant Director Hess reviewed the Request for Commission Action dated January 18, 2021.

Discussion and Comments by Staff and the Planning and Zoning Commission

There was no comment by the staff, Planning and Zoning Commission members, or the public.

Commissioner Siakel made a motion to recommend approval for a text amendment to the zoning ordinance, Section 11, Permitted and Conditional Use Chart, to allow "Outdoor Storage of Materials/Vehicles/Equipment Accessory to Principle Use" in the B-2 zoning district. The motion was seconded by Commissioner Esposito. On a roll call vote Commissioners Murphy, Bolton, Siakel, Esposito, and Chairman DeMay voted Aye. Commissioner Walker had connectivity issues and did not vote. Motion carried 5-0.

- b. **Request for approval of text amendments to the zoning ordinances Section 3, Definitions, and Section 15, Fences**

Staff Report

Community Development Director Josh Langen introduced himself and reviewed the Request for Commission Action dated January 18, 2021. He reviewed with the Commission via a Power Point presentation the recommend updates to Sections 3 and 15. The recommended updates include a new fence reference table, updates to administrative approval guidelines, separation fencing criteria, new

PLANNING AND ZONING COMMISSION

January 18, 2021 MEETING MINUTES

Village of Lake In the Hills

diagrams, and allowable fence materials, fence heights and types on all lots, including buffer and corner lots.

Discussion and Comments by Staff and the Planning and Zoning Commission

Director Langen read aloud comments from Village Residents Vincent and Natalia Heard that were emailed to him that day. The comments were regarding the fence height at his home. Director Langen indicated that he contacted the residents that day, and their concerns did not specifically relate to the ordinance changes, and he was able to answer his questions.

Commissioner Bolton made a motion to recommend approval for text amendments to the zoning ordinances Section 3, Definitions, and Section 15, Fences. The motion was seconded by Commissioner Siakel. On a roll call vote Commissioner Murphy, Esposito, Bolton, Siakel, and Chairman DeMay voted Aye. Commissioner Walker had connectivity issues and did not vote. Motion carried 5-0.

OLD BUSINESS – None

ITEMS FOR DISCUSSION – Chairman DeMay thanked Assistant Director Hess for her recent leadership and expertise with the Planning & Zoning Commission .

STAFF REPORT

- a. December 2020 Board of Trustees meeting – Assistant Director Hess reported to the Commission that the variance requests for 104 Deer Path and 8302 Pingree Road were both passed by the Village Board of Trustees.

AUDIENCE PARTICIPATION – None

TRUSTEE LIAISON REPORT – Nothing to report from Trustee Dustin. Commissioner Walker asked Trustee Dustin for VBOT update regarding his inquiry about the Village assisting to maintain buffer fences. Trustee Dustin indicated that there was no discussion among them, and the issue was not moving forward at this time.

Commissioner Siakle made a motion to adjourn the meeting and was seconded by Commissioner Bolton . All in favor voted Aye. Chairman DeMay adjourned the meeting at 8:08 p.m.

The next Lake in the Hills Planning and Zoning Commission meeting is scheduled for Tuesday, February 16, 2021 at 7:30 p.m.

Laura Pekovic
Administrative Specialist



REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: February 16, 2021
DEPARTMENT: Community Development
SUBJECT: Conditional Use for Day Care Center as a Principle Use at 40 West Acorn Lane

EXECUTIVE SUMMARY

General Information

Requested Action: Dean W. Kelley of Abbott Land and Investment Corporation requests a conditional use permit for operation of a day care center as a principle use at 40 West Acorn Lane.

Owner: Southwind Investment II, LLC

Applicant: Dean W. Kelley of Abbott Land and Investment Corporation

Purpose: Operation of a day care center as a principle use.

Location and Size: 40 West Acorn Lane – approximately 1.761 acres

Zoning and Land Use:

Site:	B-3 General Business/Children’s Learning & Vacant
North:	B-3 General Business/Auto Service
East:	R-4 Multi-Family Dwelling/Residential
South:	B-3 General Business/Retail
West:	B-3 General Business/Retail
Future Land Use:	Commercial

Background

The subject property has been in use as both children’s learning and/or day care since 1993. The following is a brief timeline of the building use and structural changes;

- In 1993, an 8,000 square foot structure was constructed, with the first tenant being a daycare center.
- In 2010 the building was doubled in size to its present footprint and occupied by KinderCare
- KinderCare closed its operation at this location and the building was left vacant.

- The building established divided tenant space in 2018 as shown on the submitted site plan.
- Parkland Preparatory Academy occupies the eastern half of the building and has so since December, 2018.
- Little Minds Day Care was approved as a conditional use in 2019 and occupied the western half of the building for a brief period of time, before vacating the space.

Recently, the parking lot was restriped to redistribute handicap parking to better serve the two separate entrances. Daycare facilities are allowable as a conditional use the B-3 General Business district. Daycare operations have been approved for different applicants since 1993; however, as those approvals have expired, the current applicant is required to receive approval for a new daycare operation.

Standards and Findings of Fact for a Conditional Use

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

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

The applicant indicates a daycare has been in operation periodically since 1993 and another daycare at this facility would be in the interest of public convenience and general welfare of the neighborhood and community.

Staff finds a new daycare at this facility would make a positive contribution to the community and provide a necessary service to the area.

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

The applicant indicates the intended daycare use is harmonious with the residential and commercial nearby areas. The property has been remodeled and is well-maintained.

Staff finds the proposed use will not be detrimental to the health, safety, morals, or welfare of those working or living in the area and will not injure property values.

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

The applicant indicates a conditional use for daycare would be in keeping with similar daycare conditional uses which have existed at the facility for a number of years and would no impact on the orderly development or improvement of the surrounding area.

Staff finds the proposed daycare would not impede the normal an orderly development or improvement of the surrounding area.

- 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 applicant has stated the property has been zoned B-3 General Business for approximately 28 years and is in compliance with the Village's Comprehensive Plan.

Staff finds daycare to be allowable as conditional use in the B-3 General Business zoning district and that the subject property is located in a compatible “Commercial” land use district on the Future Land Use Map.

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

The applicant indicates the facility has adequate parking for a daycare use, in addition to the existing Parkland Preparatory Academy parking needs, and that there are two access points and good vehicular and pedestrian circulation in and around the subject property.

Staff finds the proposed daycare will occupy 7,700 square feet and will therefore require 19 spaces. The proposed layout provides 24 spaces for the daycare. The use will likely not increase traffic congestion or hazards beyond any allowable use in the B-3 district or previous tenant. Vehicular access will likely not be negatively impacted. Pedestrian circulation is limited in this area and, therefore, likely will not be impacted by the proposed use.

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

The applicant indicates this action will not impact essential public facilities and services nor private utilities.

Staff finds the use can be adequately served by essential public and private facilities, services, and utilities.

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

The applicant indicates the proposed use and building space will continue to comply with all applicable regulations of the zoning code.

Staff finds proposed use will comply with related use zoning regulations specified in the zoning code and that any site plan review needed will require the applicant to comply with any applicable regulations.

ATTACHMENTS

1. Application
2. Site Plan
3. Zoning Map
4. Future Land Use Map
5. Aerial Photo
6. Site Photos

RECOMMENDED ACTION

The Planning and Zoning Commission recommend approval to the Village Board for a conditional use for daycare as a tenant use at 40 West Acorn Lane on Parcel 19-29-101-032.



PLANNING & ZONING APPLICATION

Property Information

Common street address: 40 W. Acorn Lane, Lake in the Hills, IL 60156

PIN (Property Index Number): 19-29-101-032

Current Zoning: B-3 General Business District Proposed Zoning: B-3 General Business Conditional Use

Current Use: Day Care Proposed Use: Day Care

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 1.761 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): LOT 1 in Children's World Learning Center Resubdivision, being a Resubdivision of Lot 1 in Acorn Lane Commercial Center Unit 2 and Lot 1 in Acorn Lake Commercial Center Unit 3, in the West half of the Northwest Corner of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, and the Southwest Corner of the Southwest Quarter of Section 20, Township 43 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded July 27, 2001 as Document Number 2001R0053521, in McHenry County, Illinois

Property Owner Information

Name(s): John Harris

Business/Firm Name (if applicable): Southwind Investment II, LLC

Address: 2250 Southwind Blvd.

City/State/Zip: Bartlett, IL 60103

Phone Number: 630-497-9440

Email: jharris@grp7.com

Applicant Information

Name(s): Dean W. Kelley

Business/Firm Name (if applicable): Abbott Land and Investment Corporation

Address: 2250 Southwind Blvd.

City/State/Zip: Bartlett, IL 60103


Phone Number: 630-497-9440 Ext. 4


Email: dean@abbottland.com

PLANNING & ZONING APPLICATION
Page Two

1	2	3	4	5	6
Request	Select Request with "X"	Required Fee ac = acre	For Requirements See Appendix	Public Hearing Required See Appendix A2	Total Fee (enter amount per column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use	X	\$500 + \$10/ac over 2 ac	I	Yes	\$500
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees – add column 6 (Separate Check)					\$500
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.


4 JAN 2021
If Owner/Applicant is a School District please, fill out and submit Appendix N
 Property Owner's Signature Date


1/4/2021
 Applicant's Signature Date

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



Property Address/PIN: 19-29-101-032

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

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

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

The proposed day care use has existed at the subject property since 1993 and has served the
neighborhood and community in providing childcare over those years. It is located close to
residential and has access to Randall Road.

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 property is harmonious with the residential to the east and the commercial to the south and west.
The property has been remodeled and is well-maintained both in the interior and the perimeter
landscaping.

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.**

This is a renewal of a conditional use and the property has been in existence for a number of years.
It will have no impact regarding the orderly development or improvement of surrounding property
or uses within the district.

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 property has been zoned B-3 General Business District for approximately twenty-eight years and is
in compliance with the Village's comprehensive plan.

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.**

The facility has adequate parking for a day care use and also similar uses. There are two access points
that provide for a smooth flow of traffic both in and out of the facility at all hours of the day. There is
also pedestrian access by sidewalks along Acorn Lane.

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

The property is being adequately served by essential public facilities and services and by private utilities
as applicable. That will continue with the renewal of the special use.

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 building has been remodeled and any and all regulations and conditions within the Zoning Code were
followed. We will work with staff to obtain the proper permits and licenses to continue to operate the
day care facility.

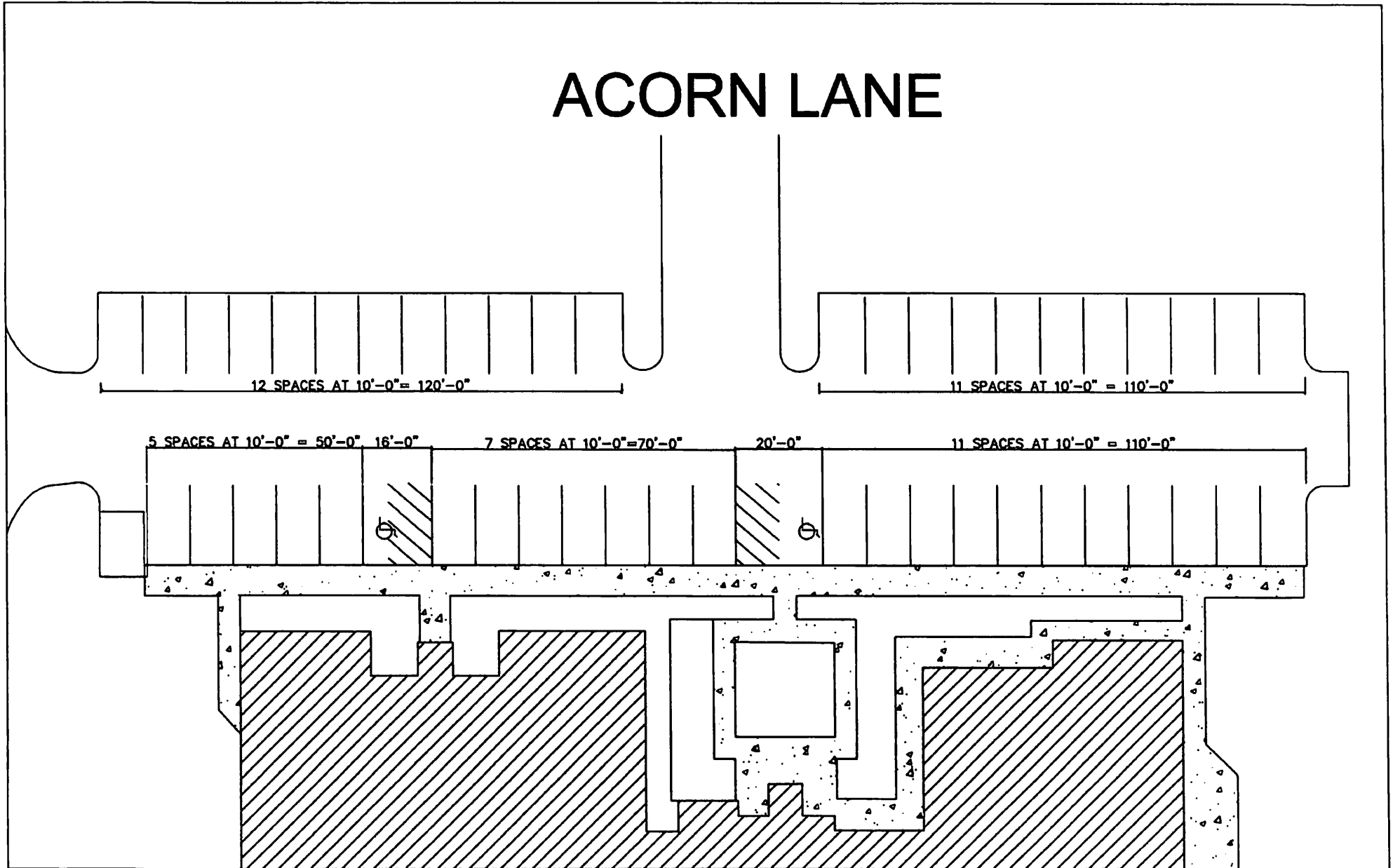
8. The Village may impose any other criteria as identified in the Zoning Code.

 4 JAN 2021
Property Owner's Signature Date

 1/4/2021
Applicant's Signature Date

EXHIBIT A-1
SITE PLAN and PARKING EXHIBIT
40 W. ACORN LANE, LAKE IN THE HILLS, IL

ACORN LANE

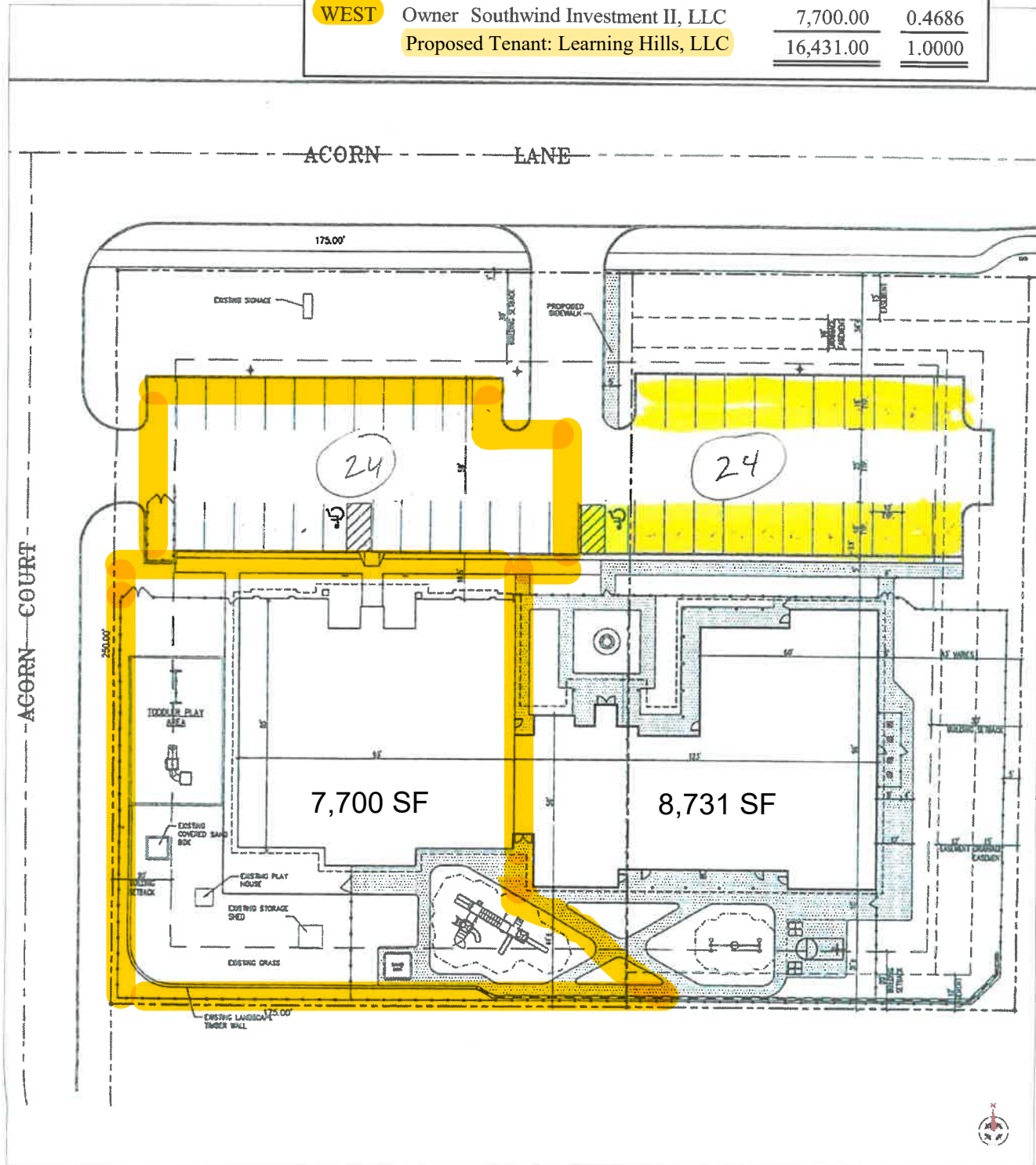


40 WEST ACORN LANE

Lake In The Hills, IL 60156

SITE PLAN

Part of Building	TENANT/OWNER NAME	SF	%
EAST	Tenant Parkland Preparatory Academy	8,731.00	0.5314
WEST	Owner Southwind Investment II, LLC	7,700.00	0.4686
	Proposed Tenant: Learning Hills, LLC	16,431.00	1.0000

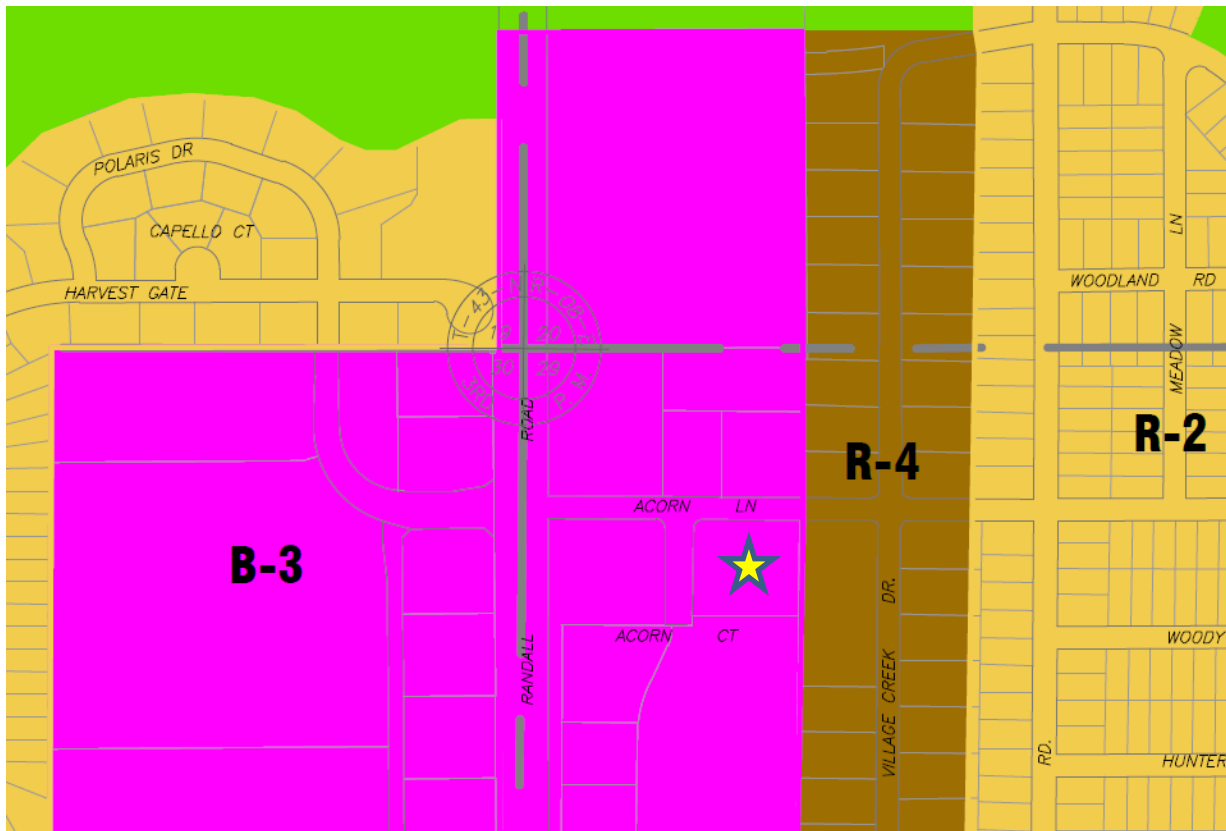


Conditional Use for daycare at 40 West Acorn Lane

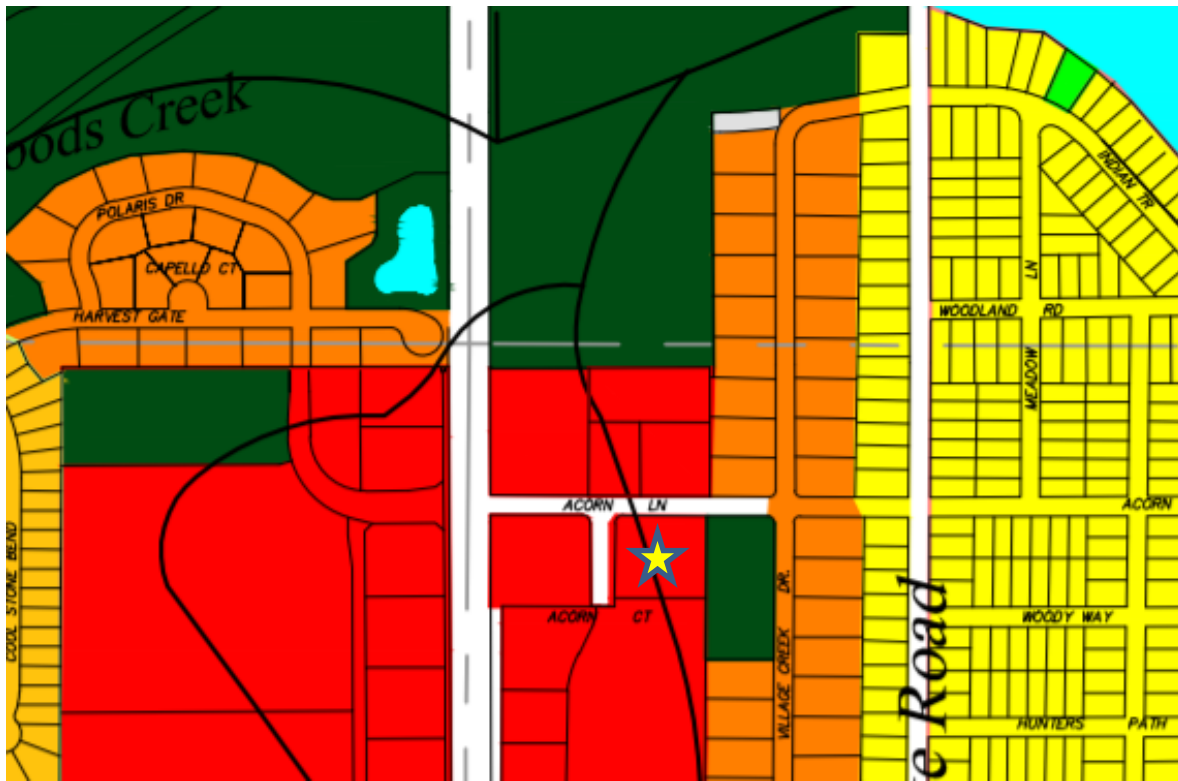


EXHIBITS

ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



SITE PHOTOS





REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: February 16, 2021

DEPARTMENT: Community Development

SUBJECT: Conditional Use for Outdoor Storage of Vehicles as a Principle Use at 1511 Imhoff Drive

EXECUTIVE SUMMARY

General Information

Requested Action: Kyle Lindley of Big Stuff Storage/Prairie Enterprises Inc., LLC requests a conditional use permit in accordance with a new site plan for outdoor storage of vehicles as a principle use at 1511 Imhoff Drive.

Owner: Prairie Enterprises Inc., LLC

Applicant: Kyle Lindley of Big Stuff Storage/Prairie Enterprises Inc., LLC

Purpose: Construct and operate a recreational vehicle storage facility.

Location and Size: 1511 Imhoff Drive - approximately 1.29 acres

Zoning and Land Use:

Site:	M-1 Limited Manufacturing
North:	M-1 Limited Manufacturing
East:	M-1 Limited Manufacturing
South:	M-1 Limited Manufacturing
West:	M-1 Limited Manufacturing
Future Land Use:	Manufacturing/Commercial

Background

The applicant applied for and received approval for an outdoor storage of vehicles as a principle use conditional use in October of 2019 in order to operate a recreational vehicle storage business. The conditional use application included a sketch plan showing storage area for 52 recreational vehicles, chain link fencing along south and west property lines, pavement within 12' of the front property line,

pavement within 10' of side property lines, a fence 10' from the front property line, and other site details. No landscaping plan was submitted as part of the application.

A variation was also granted in conjunction with the conditional use approval in October of 2019. The variation allowed for the front fencing along the front yard and for the fence to be within 10' of the front property line. The variation also allowed for the pavement to be extended closer to the side and front property lines than allowed for in the Manufacturing Districts Bulk Chart in Section 9.4.

The site was constructed in late 2020; however, the site was not constructed in accordance with the site plan submitted with the conditional use that was approved in October, 2019. The site now includes an additional six (6) storage/parking areas for recreational vehicles and front fencing along the front property line. The applicant is requesting conditional use approval for outdoor storage of recreational vehicles in accordance with the attached site plan reflecting the increase in the number of spaces as well as the movement of the front fence from the previously approved 10' setback to the front property line. A variation request has been submitted in conjunction with the conditional use request to allow for the fence location at the front property line.

Standards and Findings of Fact for a Conditional Use

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

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

The applicant indicates their proposed operation will meet a consumer demand that is not presently being met.

Staff has found demand to be present as the facility is currently operating at near-capacity.

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

The applicant indicates that since the proposed operation is similar to others in the area, it will not have any detrimental effect and fits squarely with the existing surrounding properties.

Staff has found different fencing, landscaping, and parking layouts along Imhoff Drive. Some properties do have outdoor storage. However, the properties to the west of the subject property have parking along the side of their buildings and extensive landscaping in the front property area shielding vehicles from view. They also have no fencing in the front yards. The nearby Grand Sports Center boat dealer has outdoor storage of recreational vehicles which is located to the rear of the building and is heavily landscaped. The pavement, storage, and fencing are considerably closer to property lines than other uses in the area and could impact the value of the improvements other businesses have made. In addition, the fencing intrudes an additional nine feet into the public utility/water main easement running along Imhoff Lane. Any future water main improvements, repair, or replacement would be hindered by the presence of a fence within the easement. Any water main improvements would need to remove the fencing, erect temporary security fencing, and replace fencing with new, at considerable cost.

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

The applicant indicates the parking will be more orderly than the parking and storage on many surrounding properties and will be indistinguishable from other operations.

Staff has found the properties to the west of the subject property and other businesses along Imhoff Drive have extensive landscaping in the front property area, with no fencing, that provide a pleasing entrance to the industrial park. The lack of landscaping along with the fencing along the property line of the proposed layout could make the industrial park less appealing should any underutilized or older business parcels be put on the market for sale and/or redeveloped in the future. In addition, the fence further encroaches by nine feet into the water main easement running along Imhoff Drive, which would complicate any maintenance or replacement of that water main, should the need occur in the future.

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 applicant has stated the conditional use is a permissible use and complies with the uses permitted in the M-1 zoning district.

Staff finds the proposed use to be compatible with the future land use map, which indicates "Manufacturing/Industrial" for this area.

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

The applicant believes the proposal will not disrupt current vehicular circulation nor create traffic congestion in the area as the use would have less frequent vehicular trips compared to a business with employees.

Staff finds the use will likely not increase traffic congestion or hazards. Vehicular access will likely not be negatively impacted. Pedestrian circulation is limited in this area and, therefore, likely will not be impacted by the proposed use.

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

The applicant indicates this action will not impact essential public facilities and services nor private utilities.

Staff finds the use can be adequately served by essential public and private facilities, services, and utilities.

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

The applicant indicates the proposed use complies with the M-1 zoning district.

Staff finds the proposed use will not comply with Section 26, landscaping, as currently indicated on the proposed site plan. The previously adopted sketch plan in October 2019 did not include landscaping; however, the new proposed site plan, which includes a fence along the front property line and more parking, will be more intrusive in appearance and would benefit from a landscaping plan drawn in conformance with Section 26.

ATTACHMENTS

1. Application
2. Site Plan
3. Zoning Map
4. Future Land Use Map
5. Aerial Photo
6. Site Photos

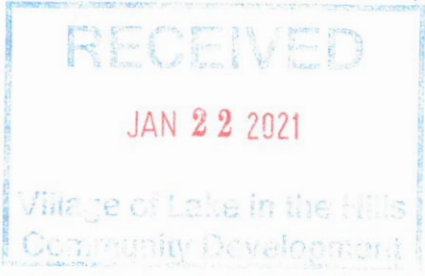
RECOMMENDED ACTION

Planning and Zoning Commission recommend approval to the Village Board for a conditional use for outdoor storage of vehicles as a principle use at 1511 Imhoff Drive on Parcel 19-21-127-005 with the following conditions;

- 1) A landscaping plan be submitted and approved in accordance with Section 26, Landscaping to the greatest extent possible, as determined by the Community Development Director. Optimal placement and tree and shrubs types shall be derived which minimizes the impact of plantings on the public utility easement, fencing, and snow removal.
- 2) An agreement signed between the property owner and the Village to hold the property owner responsible for any costs associated with removal of fencing, placement of temporary security fencing, and replacement of permanent fencing associated with any improvements, replacement, or repair the water main located within the easement.
- 3) An automatically-renewing bond or surety submitted to the Village by the property owner equal to the cost, in labor and materials, of the section of fence located within the public utility easement.

This application and request for conditional use approval would be an amendment to the previously approved October 2019 conditional use adopting ordinance with the submitted site plan in this application being the approved site plan and replacement of the previous site plan.

Conditional Use-2074190
Variance -2074192



PLANNING & ZONING APPLICATION

Property Information

Common street address: 1511 Imhoff Drive

PIN (Property Index Number): 19-21-127-005

Current Zoning: M-1 Proposed Zoning: M-1

Current Use: Outdoor Storage of Vehicles Proposed Use: Outdoor Storage of Vehicles

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 1.29 **If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.**

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

Property Owner Information

Name(s): Kyle Lindley

Business/Firm Name (if applicable): Big Stuff Storage

Address: 1511 Imhoff Drive

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

Phone Number: (815) 568-1307

Email: kyle.lindley@outlook.com

Applicant Information

Name(s): Kyle Lindley

Business/Firm Name (if applicable): Big Stuff Storage

Address: 1511 Imhoff Drive

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

Phone Number: (815) 568-1307


Email: kyle.lindley@outlook.com

PLANNING & ZONING APPLICATION

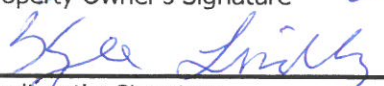
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Request	Select Request with "X"	Required Fee ac = acre	For Requirements See Appendix	Public Hearing Required See Appendix A2	Total Fee (enter amount per column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use	X	\$500 + \$10/ac over 2 ac	I	Yes	\$500
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential	X	0-2 ac = \$250 Over 2 ac = \$500	L	Yes	\$250
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees – add column 6 (Separate Check)					\$750
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.

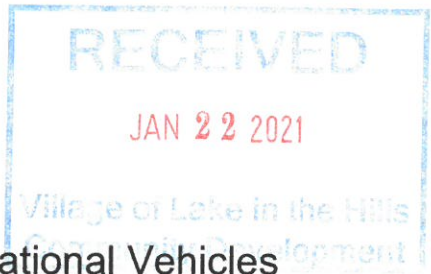
 1/22/21
 Property Owner's Signature Date

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

 1/22/21
 Applicant's Signature Date

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

Appendix I
Conditional Use



1511 Imhoff

Conditional Use Applying For: Outdoor Storage of Recreational Vehicles

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

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

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

Applicant operates two outdoor storage facilities approximately 300 feet south of the subject property.

In the Applicant's opinion, there is a need for additional storage facilities in the community, and the demand for such facilities is not presently being satisfied in Lake in the Hills.

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 property is located in a new area where outdoor storage of commercial vehicles is common.

Properties to the north and east of the subject property have numerous vehicles stored thereon as part of the primary use thereof. Applicant operates two additional outdoor storage facilities 300' to the south of the subject property. The proposed use fits squarely with the existing surrounding uses.

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 proposed use will be nearly indistinguishable from the existing uses of the surrounding properties.

However, the parking activities at the property will be neater and more orderly than the commercial vehicle parking and storage at many of the surrounding properties.

Appendix I
Conditional Use

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 proposed use is permissible in and complies with the uses permitted in the zoning district in which it is located.

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.**

Traffic and congestion will be less with the proposed use than if the property had employee vehicles coming and going daily to the property. Vehicular circulation has been designed by the applicant's engineers to minimize congestion on surrounding streets and within the facility itself.

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

The site is served by electric service for lighting. No other public facilities should be necessary.

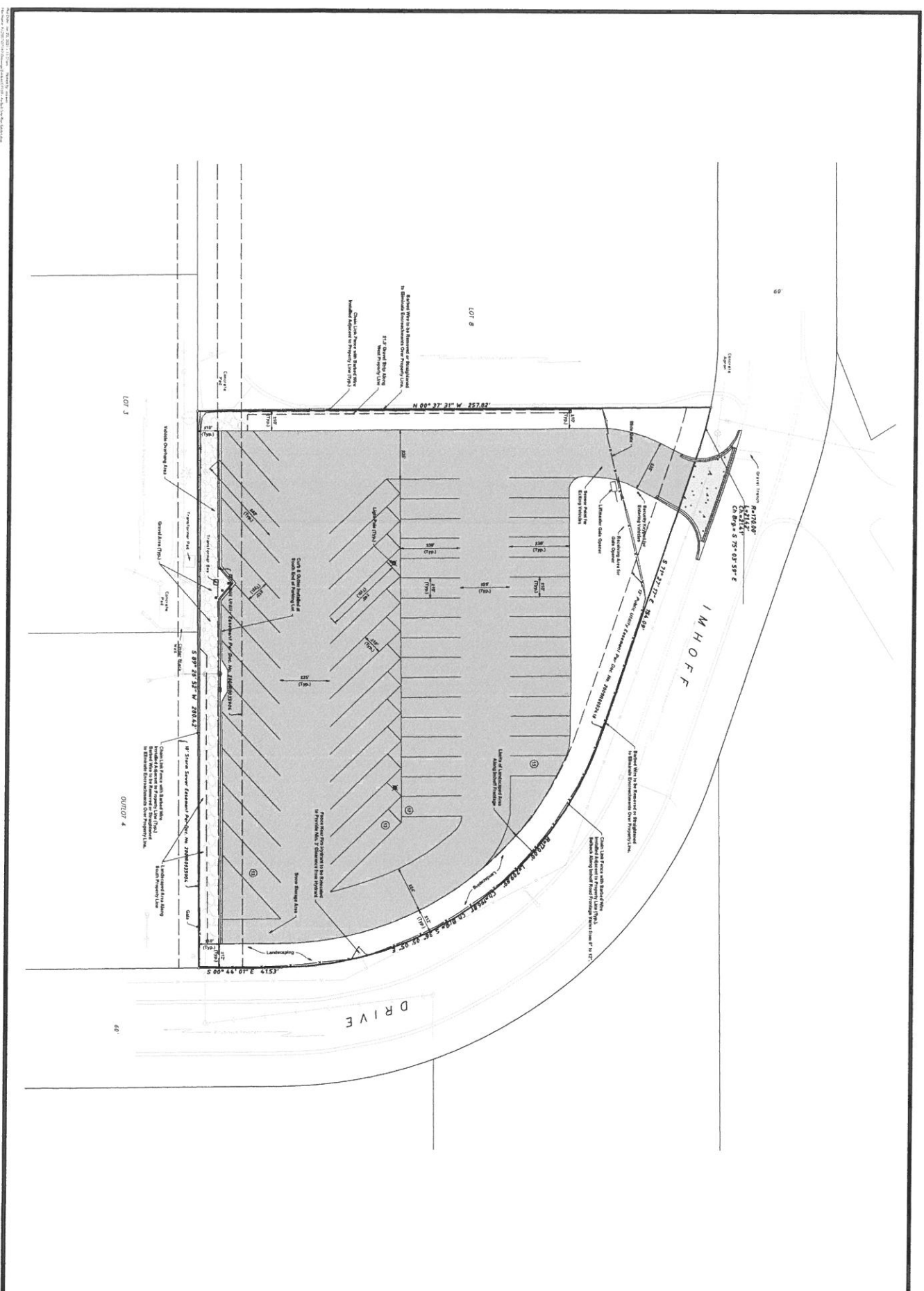
7. That the proposed use will comply with the regulations and conditions specified in this Zoning Code for such use, and with the stipulations and conditions made a part of the authorization granted by the Board of Trustees. **Explain how this standard is met.**

The proposed use complies with the zoning district in which the property is located. Applicant operates other facilities within the zoning district, the operation of which has been in full compliance with the ordinance, and without incident.

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

Kyle Smilly 1/22/21
Property Owner Signature Date


Kyle Smilly 1/22/21
Applicant Signature Date



Project Manager: J. O. T.
 Engineer: M. D. H.
 Date: 2023-02-22
 Sheet No.: 1/1
 Scale: 1/8" = 1'-0"

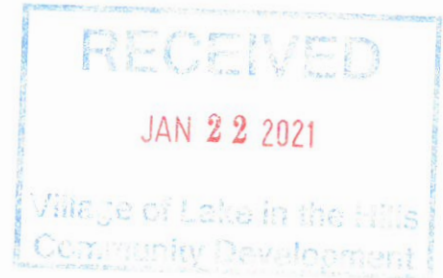
SITE PLAN EXHIBIT
BIG STUFF II
SITE IMPROVEMENT PLANS
 LAKE IN THE HILLS, ELKHORN

HAEGER ENGINEERING
 consulting engineers • land surveyors
 100 East State Parkway, Schaumburg, IL 60173 • Tel: 847.394.6000 Fax: 847.394.6008
 Illinois Professional Design Firm License No. 18A-000152
 www.haegerengineering.com

No. _____ Date _____ Revision _____


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 2001R0035904, IN MCHENRY COUNTY, ILLINOIS.

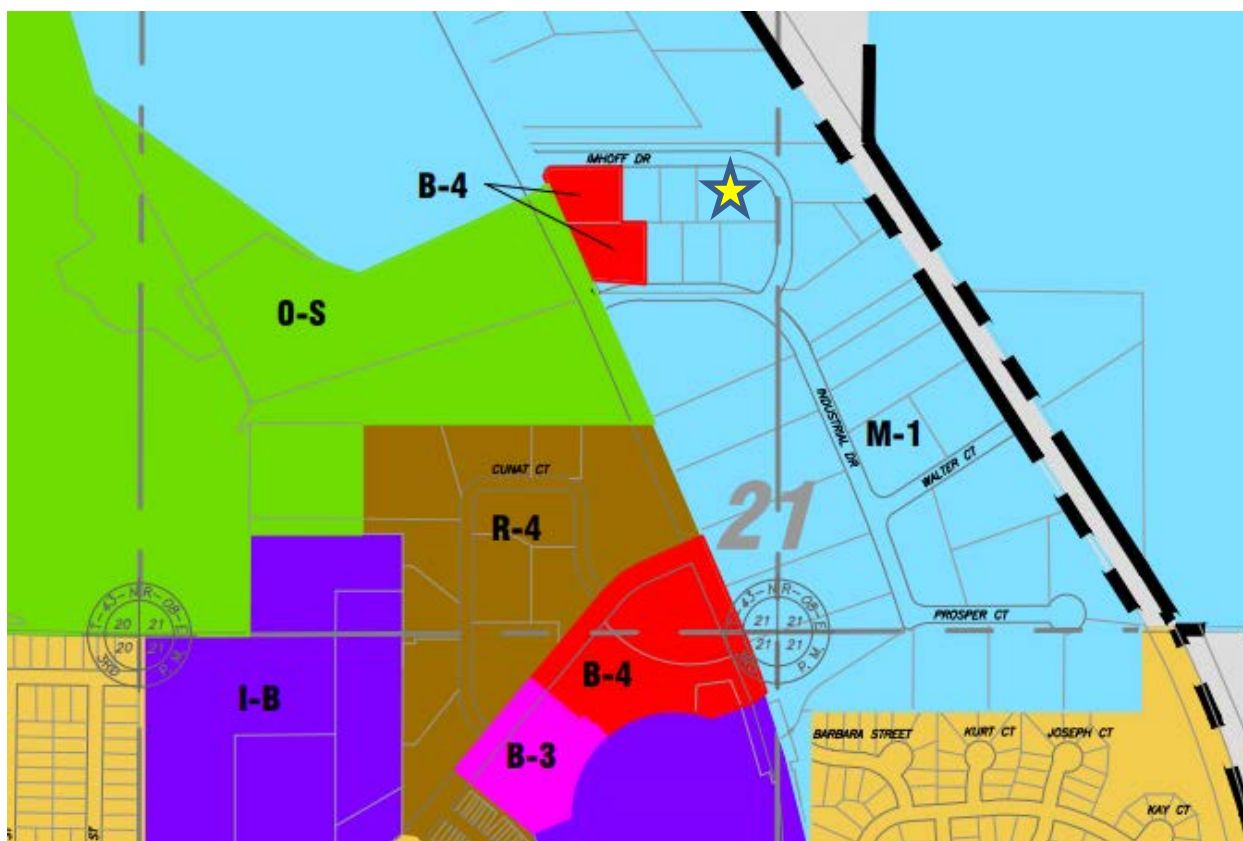


1511 Imhoff Drive

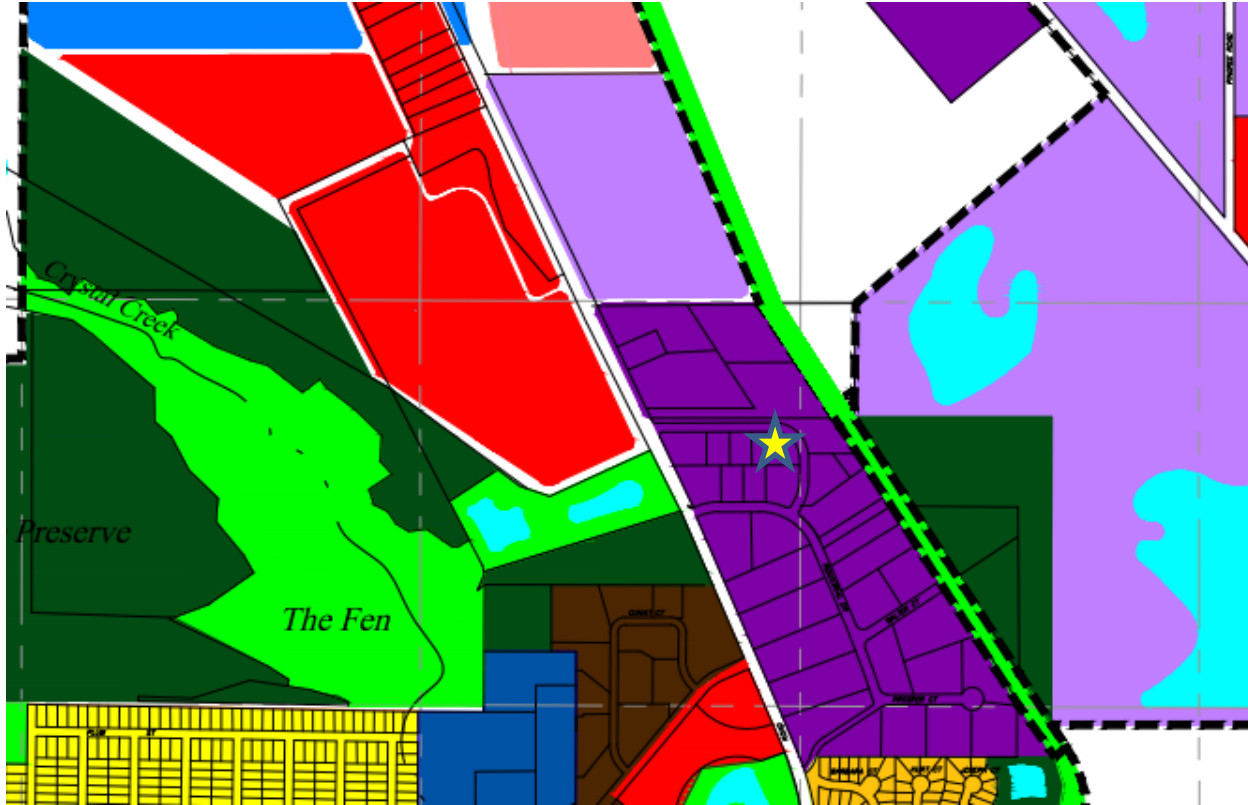


EXHIBITS

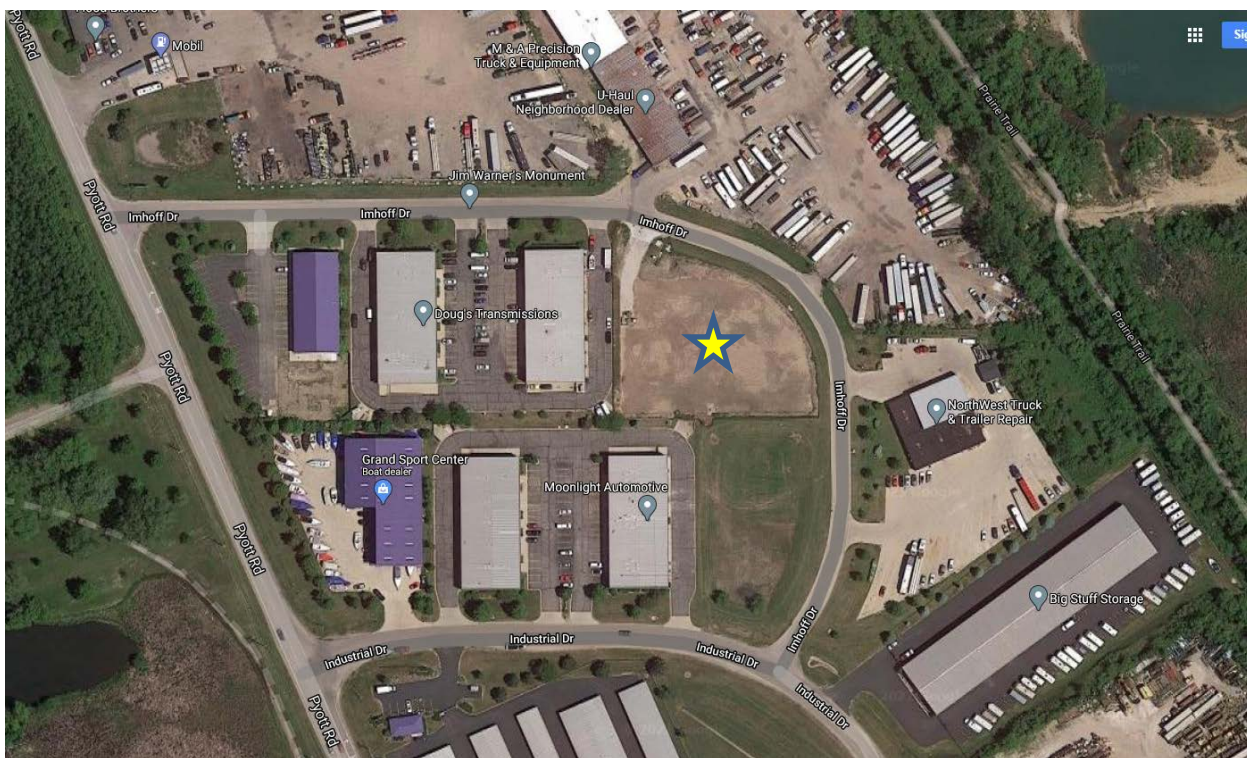
ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



SITE PHOTOS



Photo showing front of subject property and built fence along front property line.



Photo showing front of neighboring property and existing landscaping along front property line.



Photo showing front of property across Imhoff Road and mix of landscaping and fencing along front property line.



REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: February 16, 2021
DEPARTMENT: Community Services
SUBJECT: Variations to Section 9.4, Manufacturing Districts Bulk Chart and Section 15.3, Permitted Fencing, at 1511 Imhoff Drive

EXECUTIVE SUMMARY

General Information

Requested Action: Kyle Lindley of Big Stuff Storage/Prairie Enterprises Inc., LLC requests variations to Section 9.4 and Section 15.3 to construct an outdoor parking facility at 1511 Imhoff Drive.

Owner: Prairie Enterprises Inc., LLC

Applicant: Kyle Lindley of Big Stuff Storage/Prairie Enterprises Inc., LLC

Purpose: Construct and operate a recreational vehicle storage facility.

Location and Size: 1511 Imhoff Drive – approximately 1.29 acres

Zoning and Land Use:

Site:	M-1 Limited Manufacturing
North:	M-1 Limited Manufacturing
East:	M-1 Limited Manufacturing
South:	M-1 Limited Manufacturing
West:	M-1 Limited Manufacturing
Future Land Use:	Manufacturing/Industrial

Background

The applicant applied for and received conditional use approval for an outdoor storage of vehicles as a principle use in October of 2019 in order to operate a recreational vehicle storage business. The conditional use application included a sketch plan showing storage area for 52 recreational vehicles, chain link fencing along south and west property lines, pavement within 12' of the front property line,

pavement within 10' of side property lines, a fence 10' from the front property line, and other site details. No landscaping plan was submitted as part of the application.

A variation was also granted in conjunction with the conditional use approval in October of 2019. The variation allowed for the front fencing along the front yard and for the fence to be within 10' of the front property line. The variation also allowed for the pavement to be extended closer to the side and front property lines than allowed for in the Manufacturing Districts Bulk Chart in Section 9.4. By allowing the pavement to be closer to front and side lots lines the variation effectively allowed for lot coverage in excess of than allowed for in the Manufacturing Districts Bulk Chart in Section 9.4.

The site has been constructed in accordance with the sketch plan adopted along with the conditional use approval in October, 2019, with the exception of an additional six (6) storage/parking areas for recreational vehicles and fencing along the front property line. The applicant is asking for a variation from Section 9.4 Bulk Chart and Section 15.3 to allow for the movement of the front fence from the previously approved 10' setback to the front property line, as shown on the submitted site plan. The variations are requested due to a field change during construction, increased snow storage, maneuvering of large recreational vehicles, and to accommodate additional parking spaces resulting from the expansion of the operation. Without the variations, the applicant feels the relocation of the fence to the original location would be economically challenging and would result in more fence maintenance.

Section 9 requires structures, including fencing, to be setback 30 feet from the property line along Imhoff Drive and Section 15.3 requires front fencing to be at least 10 feet of front property lines. The fence is currently installed outside the road pavement and within 1 foot from the front property line. The fence is a 6 foot chain link fence with up to 12" of barbed wire, a type allowed by Section 15.14.

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;**

Without the variations, the applicant feels the relocation of the fence to the original location would be economically challenging and would result in more fence maintenance.

Staff finds the property could yield a reasonable return as the operation could continue with the fence at the 10' front setback, as originally allowed for in 2019. Moving the fence from the current location to the 10' setback would, however, result in a relocation cost and could result in additional maintenance during operation.

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

The applicant indicates the field change during construction was not anticipated by him.

Staff finds fence construction could have been anticipated, given the location and amount of fill dirt needed to grade the site. However, the extent of the mitigation measures needed stabilize the fence at the 10' setback would require field/site inspection and soil testing which could be beyond that anticipated during construction plan drafting and review.

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

The applicant feels the variation would not alter the character of the industrial park subdivision as the property across Imhoff Drive has similar fencing type and location and a property on Industrial Drive also has similar fencing type and location.

Staff finds those properties located between Imhoff Drive and Industrial Drive do not have fencing in the front yard. Most of those properties have landscaping in the front yard. Some properties along the northern and eastern side of Imhoff Drive do have chain link fencing along the front property line, others do not. In general, older properties have the fences along the properties, newer properties have landscaping, with any fencing located in the side or rear yards. Therefore, fencing along the front property line cannot be considered the essential character of the industrial park. Landscaped front yards with fences set back from the road is considered the park's essential character. Allowing for fencing along the front property line on this property would negatively alter that character.

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 indicates the nearby businesses currently have the same fence layout as proposed by the applicant and his business would be disadvantaged in comparison if the variation is not granted. The curve of Imhoff Drive and resulting larger front yard is also cited as a factor.

Staff finds the property to have been relatively flat, before grading for the operation was conducted, with no natural vegetation, rock outcropping or other environmental constraints. The curvature of Imhoff Drive does require a larger front yard; however, placement of the fence at the 10' setback does not appear to interfere with storage and circulation of the stored vehicles, as indicated by the 2019 site plan. Increasing the number of parking spaces and field conditions imposed by the grading of the site bring the particular hardships listed by the applicant.

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 indicates the conditions of the variation request are due to discussions with the fence contractor, the parking of large recreation vehicles, and the property having an extended front yard due to the curvature of Imhoff Drive.

Staff finds the property was essentially flat and free from environmental or natural constraints, before grading. The property is located on a curve; however, other properties are located at intersection corners, which produce similar constraints, and either have no fencing, fencing off of Imhoff, and/or landscaping on one or both of the corner lot front yards

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

The applicant indicates that in addition to economic concerns, the purpose of the variation request is due to long-term stability concerns, fence maintenance, security, and personal property concerns of larger vehicles driving too close to the fence at the 10' setback. The applicant also has concerns regarding snow removal and storage without approval of the variations requested.

Staff finds there are other factors beyond making more money to the variation request, such as snow removal. However, some of the concerns, such as parking of larger vehicles and potential for fence damage are at least partially caused by the desire to enlarge the previously approved operation by 6 additional lots.

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

The applicant indicates the difficulty resulted from discussion with the fence contractor regarding stability issues if installed at the 10' setback line.

Staff finds the difficulty is a result of inadequate preparation for the installation of a fence on a graded site and the desire to expand operations by adding additional parking spaces.

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 indicates the variations would not cause negative impacts to public welfare or property and would match fence layout of multiple properties in the area. The applicant also indicates the variations would improve safety of the property of client by allowing more room to maneuver and park large vehicles.

Staff finds the request for a fence topped with barbed wire along the front property line without any landscaping on site to soften the impact would not match the landscaped appearance of neighboring properties and other properties in the industrial park, causing potential detrimental impact to the value of those properties and the overall attractiveness and marketability of the industrial park. In addition, the fence now intrudes into the public utility/water main easement by an additional nine feet than was previously approved. This further intrusion would cause future improvements to the water main to be more costly and difficult.

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 indicates the fence is a chain link fence allow light to pass through, is not flammable, and matches multiple other chain link fences with barbed wire and would fit well into the character of the area.

Staff finds the proposed fence location would not impair supply of light and air or increase danger by fire or other manner which would endanger public safety. However, the fence location and type would not match the neighboring properties west of the subject property, potentially diminishing property values, and would not include landscaping, potentially further diminishing property values.

ATTACHMENTS

1. Application
2. Site Plan
3. Zoning Map
4. Future Land Use Map
5. Aerial Photo
6. Site Photos

RECOMMENDED ACTION

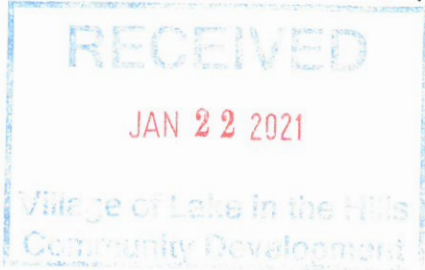
Planning and Zoning Commission recommend approval to the Village Board for additional variations, from those granted in 2019, to Section 9.4, Manufacturing Districts Bulk Chart and Section 15.3, Permitted Fencing, at 1511 Imhoff Drive on Parcel 19-21-127-005 to allow a six foot fence with up to 12 inches of barbed wire within 12" of the front yard property line with the following conditions;

- 1) A landscaping plan be submitted and approved in accordance with Section 26, Landscaping to the greatest extent possible, as determined by the Community Development Director. Optimal placement and tree and shrubs types shall be derived which minimizes the impact of plantings on the public utility easement, fencing, and snow removal.
- 2) An agreement signed between the property owner and the Village to hold the property owner responsible for any costs associated with removal of fencing, placement of temporary security fencing, and replacement of permanent fencing associated with any improvements, replacement, or repair the water main located within the easement.
- 3) An automatically-renewing bond or surety submitted to the Village by the property owner equal to the cost, in labor and materials, of the section of fence located within the public utility easement.

This application for variances would be an amendment to the previously approved October 2019 variation adoption ordinance, allowing for the requested variances in addition to those already approved.



Conditional Use - 2074190
Variance - 2074192



PLANNING & ZONING APPLICATION

Property Information

Common street address: 1511 Imhoff Drive

PIN (Property Index Number): 19-21-127-005

Current Zoning: M-1 Proposed Zoning: M-1

Current Use: Outdoor Storage of Vehicles Proposed Use: Outdoor Storage of Vehicles

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 1.29 **If greater than 4 acres, 2 acres for government property or 5 acres for manufacturing zoned land, application shall be processed as a Planned Development as a Conditional Use. See definition of Planned Development and PD Section of Zoning Ordinance.**

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

Property Owner Information

Name(s): Kyle Lindley

Business/Firm Name (if applicable): Big Stuff Storage

Address: 1511 Imhoff Drive

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

Phone Number: (815) 568-1307

Email: kyle.lindley@outlook.com

Applicant Information

Name(s): Kyle Lindley

Business/Firm Name (if applicable): Big Stuff Storage

Address: 1511 Imhoff Drive

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

Phone Number: (815) 568-1307

Email: kyle.lindley@outlook.com

PLANNING & ZONING APPLICATION

Page Two

1	2	3	4	5	6
Request	Select Request with "X"	Required Fee ac = acre	For Requirements See Appendix	Public Hearing Required See Appendix A2	Total Fee (enter amount per column 3)
Annexation		\$1,000/ac payable upon annexation	D	Yes	
Sketch Plan		\$0	E	No	
Tentative Plan		\$500 + \$10/ac	F	No	
Final Plat		\$500 + \$10/ac	G	No	
Plat of Vacation and/or Resubdivision Plat		\$500 + \$10/ac	H	No	
Conditional Use	X	\$500 + \$10/ac over 2 ac	I	Yes	\$500
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential	X	0-2 ac = \$250 Over 2 ac = \$500	L	Yes	\$250
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees – add column 6 (Separate Check)					\$750
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.

Kyle Smelly 1/22/21
 Property Owner's Signature Date

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

Kyle Smelly 1/22/21
 Applicant's Signature Date

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

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 variation being sought is to allow for a fence within a front yard setback. Section 9.4 of the Zoning Ordinance (Bulk Chart) indicates that M-1 zoning does not allow for a "structure of any kind" within a setback (Section 9, Page 3, Note 3). Per the applicant's previous request in 2019, this setback is 10'. (Staff Report Dated October 14, 2019, Page 2 under "Background", second paragraph on Page 2.)

The proposed fence was constructed on the front yard property line, ranging from 0 to 12 inches off the front property line, which is within the front yard 10' setback. The fence was constructed here due to a field change, based on discussions with the contractor installing the fence. The contractor had concerns about the stability of the fence if it was installed right next to the pavement due to the uneven compaction levels between the pavement subgrade and the perimeter ground, and he recommended installing the fence further away from the pavement. For this reason, the fence was shifted to the front property line, which has prompted this request. Since then, operations during the winter season have now shown that the current fence location provides further benefits for snow removal and storage, which in turn allows for better traffic flow through the site, as there is more room for vehicles when traveling through the site.

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 relocation of the fence to remove it from the front yard setback would be economically challenging due to the cost, and also poses long term maintenance issues if placed right next to the pavement due to potential damage to and from RV vehicles and snow plow equipment. Additionally, the weight of removed snow against the fence would pose a risk of collapsing the fence. If the fence collapsed, this would also weaken the security of the site.

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

I did not expect this issue to come up until discussing it on the property with the fence contractor during construction and learning about potential fence stability issues from the contractor, and his recommendation to install the fence further away from the pavement.

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

The variation would not alter the character of the subdivision, as the neighboring property owner

across Imhoff Drive already has this exact situation - a chain link fence with barbed wire located on

the front property line. I operate another business just around the corner at 1401 Industrial Drive

that also has a chain linked fence with barbed wire located at the front property line next to the street.

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.**

Multiple nearby businesses currently have the same fence layout I am seeking a variance for, if this lot can't also have that setup, it would be disadvantaged compared to some of the other lots in the area. Additionally, the shape of my lot is set by the curve of Imhoff Drive, which results in a longer and more significant front yard area.

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 conditions of my request are due to my discussion with the fence contractor, the conditional use of my property involving large recreational vehicles (not a typical use for this zoning), and my property having an extended front yard area due to the shape of Imhoff Drive.

-
-
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.**

In addition to the economic concerns, the purpose is also due to long term stability concerns regarding the fence, maintenance / security / personal property concerns with vehicles driving too close to the fence, snow removal and storage concerns, and to match the nearby parcels in the character of the fence / lot layout.

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 difficulty resulted from discussions with the fence contractor about fence stability and his professional opinion that the fence would not have adequate stability if installed next to the pavement, so he suggested installing the fence away from the pavement.

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.**

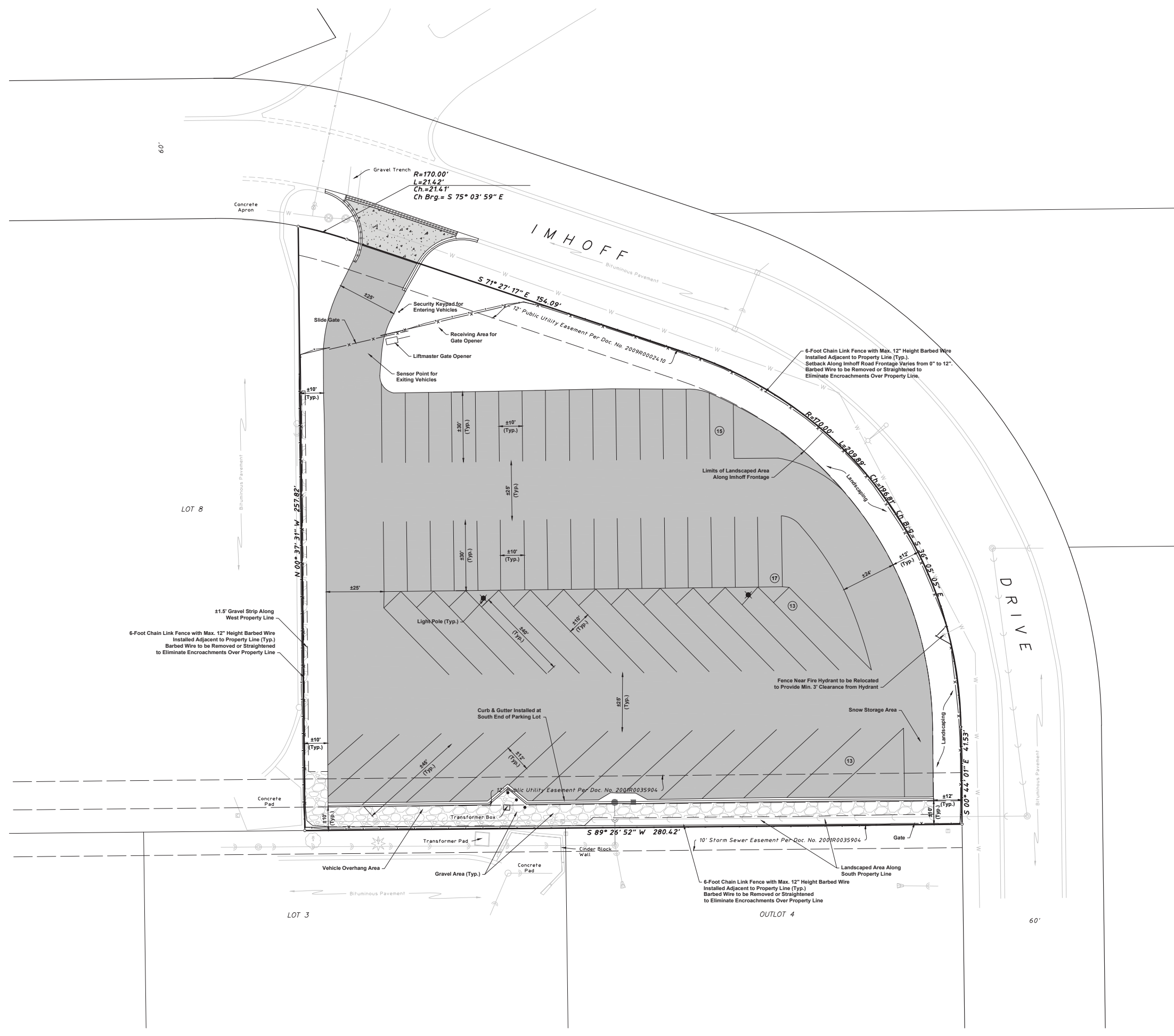
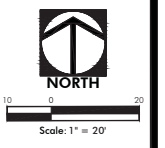
I understand there is currently an issue with the fence being located too close to an existing fire hydrant. If the variation is granted, I will move that section of the fence to be further away from the fire hydrant, to the satisfaction of the Village and fire department. Once that change is made, the fence would not cause negative impacts to public welfare or property, and would match the fence layout of multiple properties in the area that already have fences on their front property lines along roads. If granted, this fence location would improve the safety of the property of my clients, giving their vehicles more room to move near the edge of pavement.

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 fence is a metal chain link fence which allows light to pass through and is not flammable. It matches multiple other chain link fences with barbed wire in the area and would fit well into the character of the area.

Kyle Smilly 1/22/21
Applicant's Signature Date

Kyle Smilly 1/22/21
Property Owner's Signature Date



HAEGER ENGINEERING
consulting engineers • land surveyors
100 East State Parkway, Schaumburg, IL 60173 • Tel: 815.374.6600 Fax: 815.374.6606
Illinois Professional Design Firm License No. 184-000152
www.haegerengineering.com

**SITE PLAN
EXHIBIT**
BIG STUFF II
SITE IMPROVEMENT PLANS
LAKE IN THE HILLS, ILLINOIS

Project Manager: J D T
Engineer: M D M
Date: 2021-01-26
Project No. 07-169
Sheet 1/1

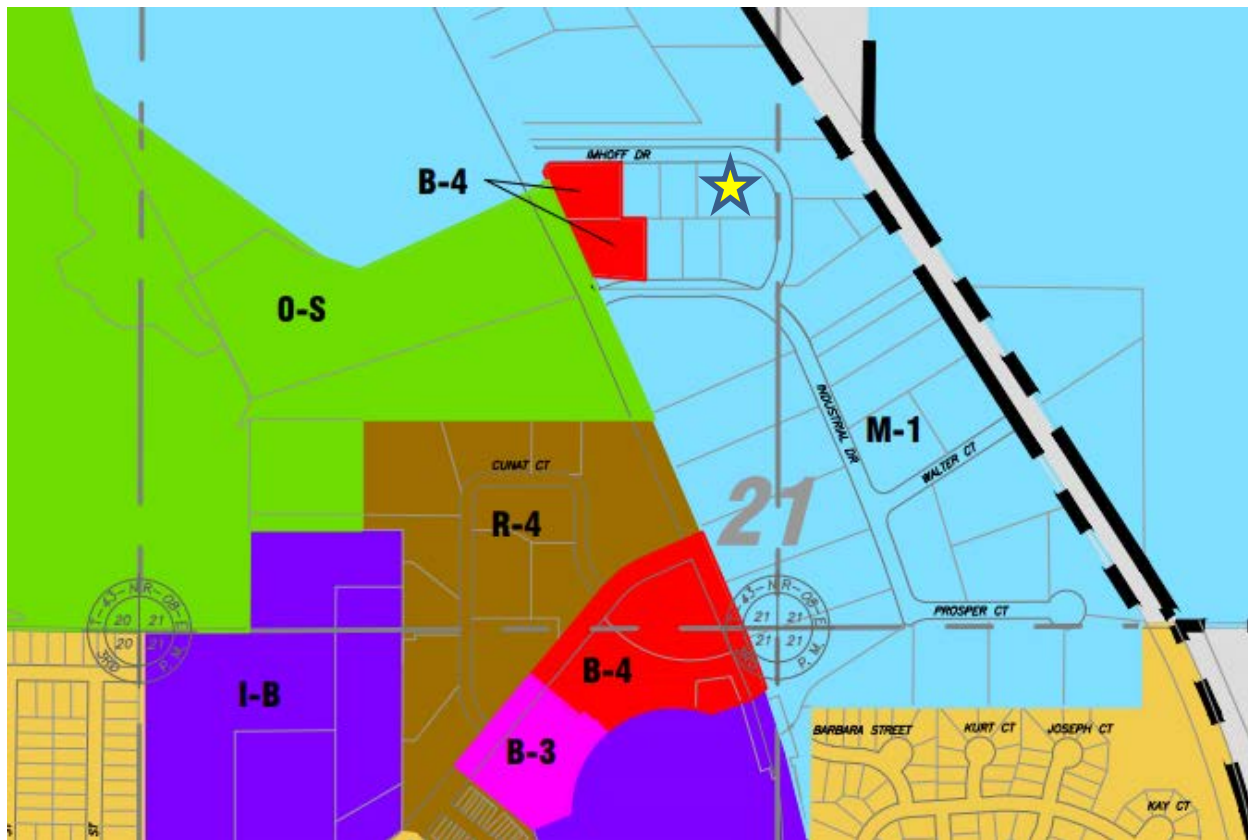
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File Name: P:\2007\07169\Drawings\Exhibit\07169 - As-Built Site Plan Exhibit.dwg

1511 Imhoff Drive

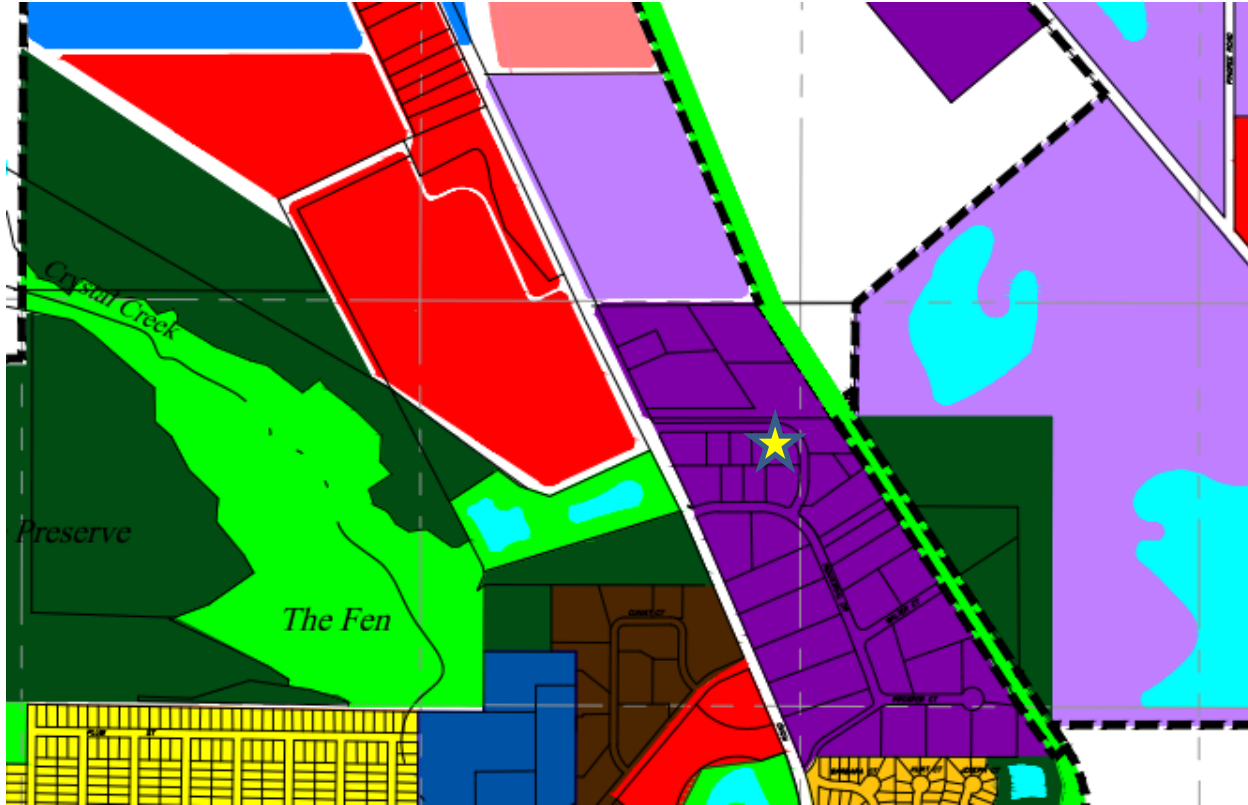


EXHIBITS

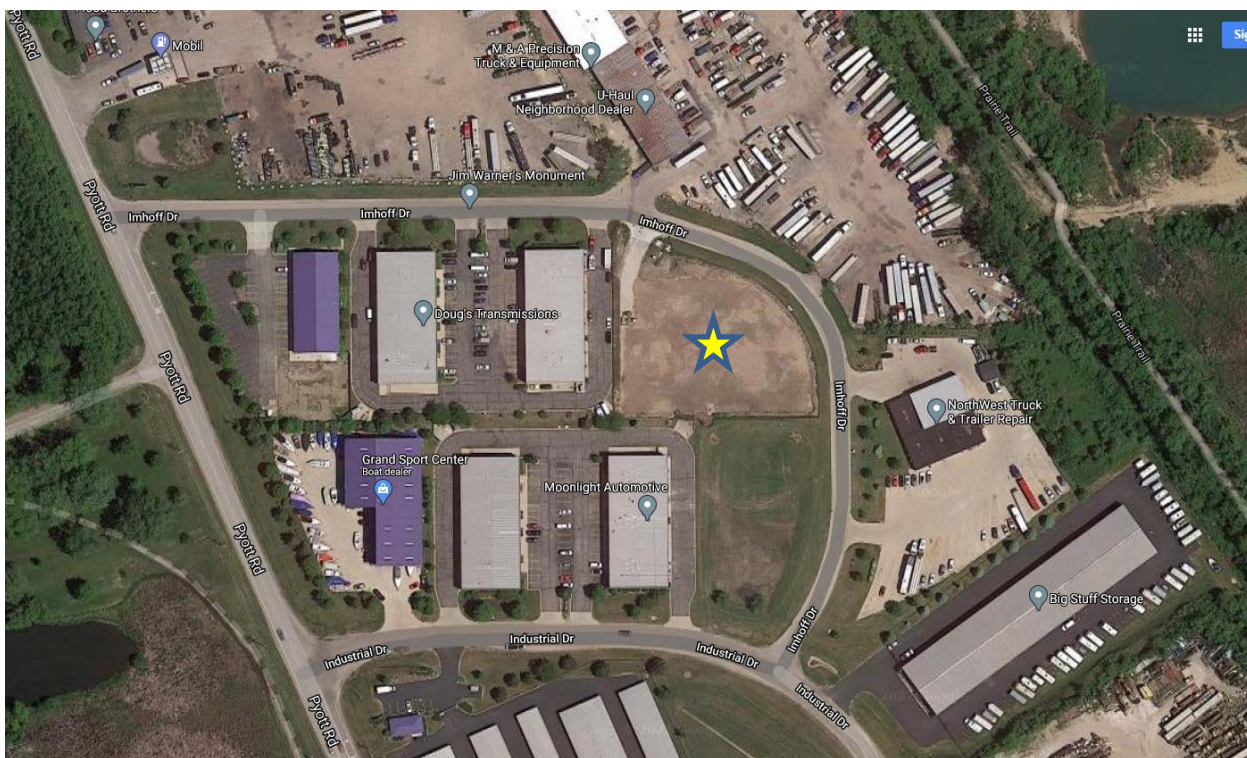
ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



SITE PHOTOS



Photo showing front of subject property and built fence along front property line.



Photo showing front of neighboring property and existing landscaping along front property line.



Photo showing front of property across Imhoff Road and mix of landscaping and fencing along front property line.

REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: February 16, 2021
DEPARTMENT: Community Development
SUBJECT: 1203 Crystal Lake Road - Rezoning from B-2 to B-1

EXECUTIVE SUMMARY

General Information

Requested Action: Rezoning of 1203 Crystal Lake Road - Parcel 19-20-308-006-000 from B-2 to B-1

Owner: Granchar, Inc./Kris Karter Grand

Applicant: Kris Karter Grand

Purpose: Change the zoning classification of the parcel to permit a single-family residential use.

Location and Size: 1203 Crystal Lake Road; .33 acres

Zoning and Land Use:

Site:	B-2, Neighborhood Convenience Business District
North:	B-2, Neighborhood Convenience Business/Vacant
East:	R-2, One Family Dwelling/Residential
South:	B-2, Neighborhood Convenience Business/Appliance parts retail
West:	R-2, One Family Dwelling/Residential

Background

The petitioner is requesting an amendment of the current zoning classification of the parcel to lower the intensity of the current B-2 zoning to a lower intensity B-1 zoning and to allow for use of the property as a single-family detached dwelling or dwelling with business. The petitioner had previously requested in December of 2020 a rezoning of the property from B-2 zoning to B-1 zoning to allow for a dwelling with business and overnight parking of a commercial semi-trailer and truck cab as an accessory to that business. The request was denied by the Village Board.

The current request is for a B-1 zoning to allow for a dwelling with business and no request for parking of commercial vehicles. A dwelling with business use is considered to have dwelling, or residential, as the primary use. Section 18.4-4 Overnight Parking states;

In all Business, Manufacturing and Airport zoning districts overnight parking shall not be permitted except for vehicles accessory to the principal use of the lot and in the case of a vehicle owned by an employee at a business that operates 24 hours a day.

Where a dwelling is the principal use, commercial parking would not be considered accessory to that principal use, as opposed to a business and, therefore, would not be allowed. Only residential passenger vehicles and those vehicles accessory to residential land uses would be allowed to be parked overnight.

Standards and Findings of Facts for Rezoning per Section 22.5 of the Zoning Ordinance

Before recommending any Zoning Map Amendment (Rezoning), the Planning and Zoning Commission and the Board of Trustees shall first determine and record its findings based on the following criteria :

1. What are the existing uses of the property within the general area of property in question?

The majority of parcels in the general area are being used as single-family residences, with two business properties adjacent to the subject property, one vacant and one currently being used for an appliance parts retail business. The Village Police Department is located further south of the property along Crystal Lake Road.

2. What are the zoning classifications of the property within the general area of property in question?

The majority of parcels in the general area are being used as single-family residences zoned R-2 One Family residential, with two B-2 properties adjacent to the north and south. There are also I-B Institutional Buildings zoned properties further to the south and southeast of the subject property, as well all O-S Open Space properties south of the I-B properties.

3. What is the suitability of the property in question of the uses permitted under the existing zoning classification(s)?

The property is located in a largely residential area and use of the property as a single-family detached dwelling or as a dwelling with business would be suitable, given that any business as a principal use would be constrained by the lack of screening, adequate parking/loading, and size of lot. Any business as a principal use would require property upgrades and/or a conditional use permit. Only single family detached dwellings, dwellings with business, and various utilities are allowed as a permitted use within the B-1 district. As the primary use of the property for either a single family dwelling or a dwelling with business use would be residential, parking would be limited to residential vehicles and parking as allowed on residential lots. Commercial parking would not be allowed.

The uses allowed in the B-1 district would be less intense, and therefore more suitable, than the uses permitted with the current B-2 district.

4. What is the trend of development, if any, in the general area of the property in question?

The trend is for this area to remain a stable predominately residential area with scattered neighborhood business and institutional uses.

5. **What is the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property?**

The property has been listed as available for approximately one year and has been vacant for a year or more.

6. **What is the projected use of the property, as indicated in the Comprehensive Plan?**

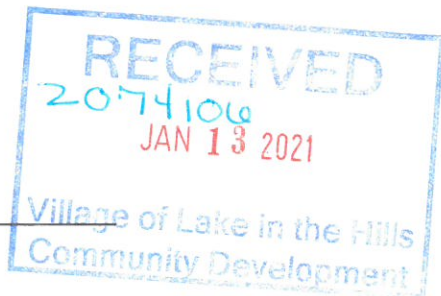
The property falls within a small area, the three properties currently zoned B-2, indicated for "Commercial" use. This commercial district falls within a larger "Medium Density Residential" land use district.

ATTACHMENTS

1. Application
2. Zoning Map
3. Future Land Use Map
4. Aerial Photo
5. Site Photos

RECOMMENDED ACTION

The Planning and Zoning Commission recommend approval to the Village Board for the rezoning of 1203 Crystal Lake Road - Parcel 19-20-308-006-000 from B-2 to B-1.



APPLICATION

Date Filed (Staff Use Only): _____

Property Information

Common street address: 1203 Crystal Lake Rd

PIN (Property Index Number): 19-20-308-006-0000

Current Zoning: B-2

Proposed Zoning: B-1

Current Use: B-2

Proposed Use: B-1

Is the request consistent with the Comprehensive Plan? _____

Number of 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): _____

Property Owner Information

Name(s): Kris Carter Grand

Business/Firm Name (if applicable): Granchar Inc.

Address: 509 Eagle Ct

City/State/Zip: Schaumburg IL 60194

Phone Number: 630-802-1345

Email: granchar.inc@gmail.com

Applicant Information

Name(s): Kris Carter Grand

Business/Firm Name (if applicable): —

Address: 509 Eagle Ct

City/State/Zip: Schaumburg IL 60194

Phone Number: 630-802-1345

Email: granchar.inc@gmail.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		\$500 + \$10/ac over 2 ac	I	Yes	
Rezoning	X	\$500 + \$10/ac over 2 ac	J	Yes	0
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)					
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

Date

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



Applicant Signature

Date

Appendix N

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

PIN: 19-20-308-006-0006

Property Index Number/Address:

1203 Crystal Lake Rd

Current Property Zoning:

B 2

Proposed

Current Property Zoning:

B-1

Standards and Findings of Facts for Rezoning per Section 22.5 of the Zoning Ordinance

Before recommending any Zoning Map Amendment (Rezoning), the Planning and Zoning Commission and the Board of Trustees shall first determine and record its findings based on the following criteria. Please answer the following questions.

1. What are the existing uses of the property within the general area of property in question?

The existing uses of the property is
B 2 commercial

2. What are the zoning classifications of the property within the general area of property in question?

Mixed R-2, B-2, I-B, O-S

3. What is the suitability of the property in question of the uses permitted under the existing zoning classification(s).

Similar to B-2 without the residential exception

4. What is the trend of development, if any, in the general area of the property in question?

The trend is stable and B-1 will have only positive impact on the area.

5. What is the length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property?

It was on the market at least for 1 year, and vacant for a year or more.

6. What is the projected use of the property, as indicated in the Comprehensive Plan?

B-1 Transitional Business District
(office-dwelling)



Property Owner's Signature

01-12-2021

Date



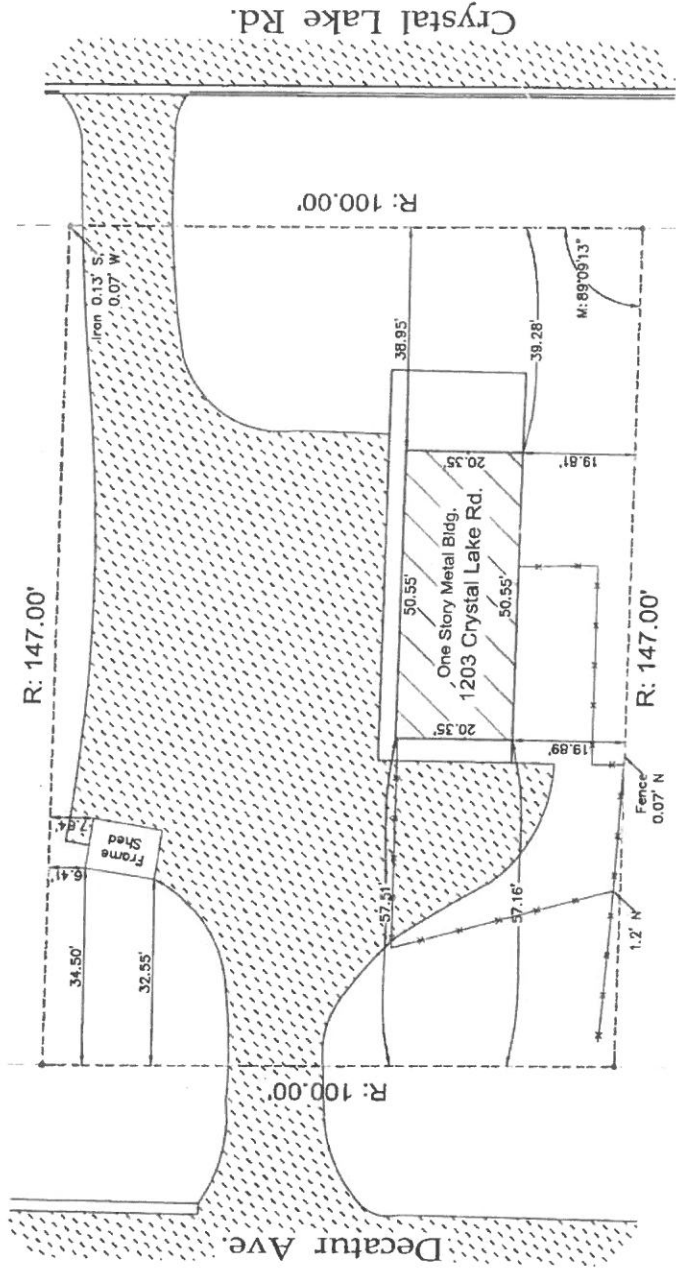
Applicant's Signature

01-12-2021

Date

PLAT OF SURVEY

LOT 2 IN BLOCK 1 IN LAKE IN THE HILLS ESTATES UNIT NO. 5, A SUBDIVISION OF PART OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1949 AS DOCUMENT NO. 222260, IN BOOK 10 OF PLATS, PAGE 117, IN MCHEMERY COUNTY, ILLINOIS.



LEGEND

- R - RECORD DISTANCE
- M - MEASURED DISTANCE
- PROPERTY LINE
- FENCE LINE
- UTILITY POLE W/O VHD. WIRES
- CONCRETE
- ASPHALT

SCALE: 1" = 20'

SCHLAF-SEDIG & ASSOCIATES, INC.
 130 GATES STREET
 ELBURN, ILLINOIS 60119
 (630) 365-8831
 schlafsedig@comcast.net

Note: Document no. 251130 has not been provided to the surveyor. Building lines and easements, if any, described in it have not been shown.

PROPERTY AREA: 14693.7 SQ. FT.
 CLIENT: ATTY. NICHOLAS
 JN 20635



I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THE ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES, AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCROUGH ON THE ABOVE DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Vincent B. Frye
 MY LICENSE EXPIRES 11-30-2020

COMPARE THE DESCRIPTION OF THIS PLAT WITH DEED. REFER TO THE TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN ABOVE. UNLESS OTHERWISE NOTED, UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLE (IF ANY) HAVE NOT BEEN SHOWN HEREON.

ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYING CORPORATION NO. 4183

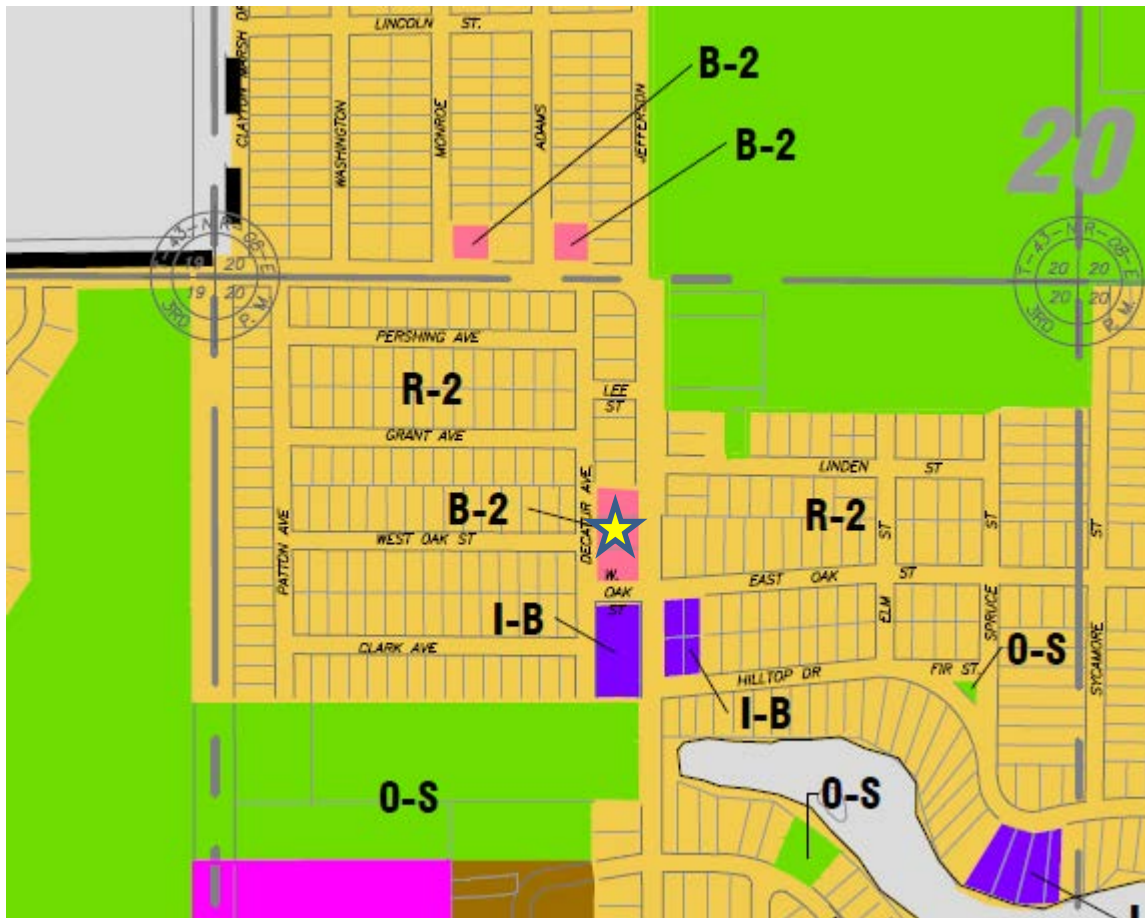
DATE OF SURVEY: AUGUST 25, 2020
 STATE OF ILLINOIS
 COUNTY OF KANE

Rezoning of 1203 Crystal Lake Road From B-2 to B-1

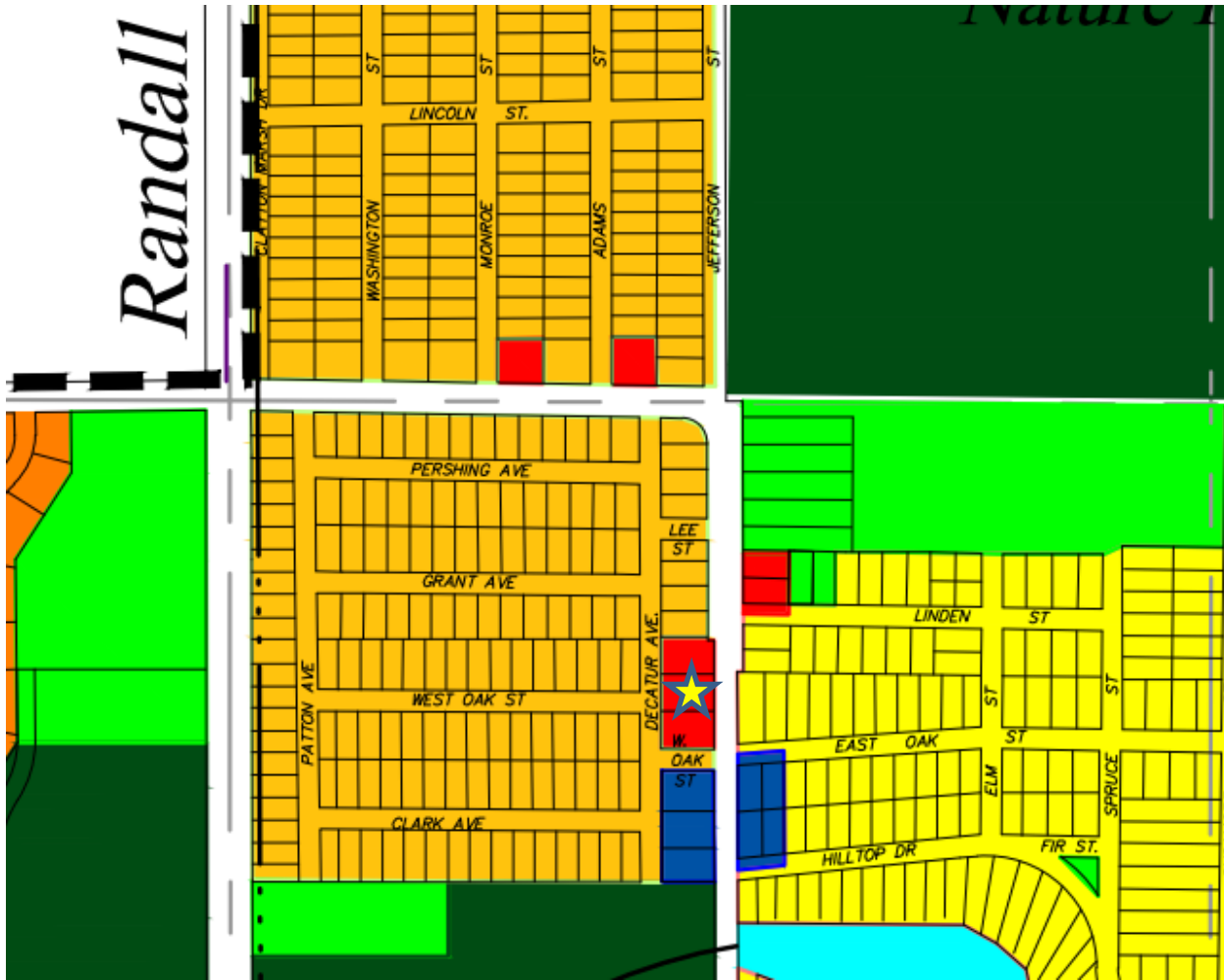


EXHIBITS

ZONING MAP



FUTURE LAND USE MAP



AERIAL PHOTO



SITE PHOTOS

