



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING
AGENDA

August 16, 2021
7:30 p.m.

1. Call to order
2. Roll call
3. Approval of the July 12, 2021 Planning and Zoning Commission meeting minutes
4. New business
 - a. Variations to Section 7.4, Residential Bulk Chart, in the R-2 Zoning District for front and side yard setbacks at 65 Hilltop Drive
 - b. Conditional Use for a Drive-Through at 251 North Randall Road
5. Old business—None
6. Item for discussion—None
7. Staff report
 - a. July 2021 Board of Trustees meeting
8. Audience participation
9. Trustee liaison report
10. Next meeting is scheduled for September 13, 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: August 13, 2021

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

JULY 12, 2021

Call to Order

The meeting was called to order at 7:30 pm. By Commissioner Esposito, who served as the acting chairperson in Chairman DeMay's absence.

Roll call was answered by Commissioners Anna Siakel, Michael Esposito, John Murphy, Craig Bolton, and James Dixon. Absent was Commissioner Joe Walker and Chairman Joe DeMay. Also in attendance were Community Development Director Josh Langen, Trustee Bill Dustin, and Administrative Specialist Laura Pekovic.

Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes of May 17, 2021 was made by Commissioner Siakel and seconded by Commissioner Bolton. Motion carried 5-0.

New Business

A. Variations to Section 13.2-1.B and Section 13.2-1.C at 331 Hiawatha Drive

Commissioner Esposito confirmed with staff that the public was given proper notice regarding the public hearing.

Staff Report

Director Langen opened the public hearing at 7:02 p.m. and reviewed the Request for Commission Action dated July 12, 2021. He also read out loud a letter from a neighbor in support of the variations.

Discussion and Comments by the Public, Staff, and the Planning and Zoning Commission
Resident Alicia Stolz spoke regarding the reasons why she needs the pool for her orthopedic health and an at-home activity for her children because of her physical limitations. Commissioner Dixon expressed concern about the drainage, since the surrounding area's topography is inclined. Ms. Stolz indicated that the ground will be leveled to install the pool, and Commissioner Esposito added that the actual property is pretty level and he has seen similar instances where the ground is leveled and backfilled for proper drainage. Director Langen indicated he felt comfortable with Village staff and the Village's stormwater engineer evaluating this issue. Commission members asked about properly fencing the pool, and Director Langen assured them that Village staff would inspect it to ensure it was installed to code. The public hearing closed at 7:47 p.m.

Motion to recommend approval to the Village Board for variations to Section 13.2-1.B and Section 13.2-1.C at 331 Hiawatha Drive with the recommended conditions in the staff report was made by Commissioner Bolton and seconded by Commissioner Murphy. On a roll call vote, Commissioners Siakel, Esposito, Murphy, Bolton and Dixon voted Aye. Motion carried 5-0.

B. Conditional Use for an Automotive Service Use at 8304 Pingree Road

Commissioner Esposito confirmed with staff that the public was given proper notice regarding the public hearing.



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

JULY 12, 2021

Staff Report

Director Langen opened the public hearing at 7:48 p.m. and reviewed the Request for Commission Action dated July 12, 2021.

Discussion and Comments by the Public, Staff, and the Planning and Zoning Commission

Maria Saletnik, of Mega Auto Care, Inc., spoke regarding their wanting to move the business of 18 years to Lake in the Hills from Woodstock. She replied to Commissioner Siakel's question regarding oil disposal, that the building is equipped to contain it, and a service provides pick up. The public hearing closed 7:54 p.m.

Motion to recommend approval to the Village Board for a conditional use for an Automotive Service at 8304 Pingree with the recommended conditions in the staff report was made by Commissioner Murphy and seconded by Commissioner Bolton. On a roll call vote, Commissioners Siakel, Esposito, Murphy, Bolton, and Dixon voted Aye. Motion carried 5-0.

Old Business--None

Item for Discussion--None

Staff Report

Director Langen reported that in May 2021, the Village Board of Trustees determined strategic planning goals and approved the changes to the Comprehensive Plan.

Audience Participation-None

Trustee Liaison report

Trustee Dustin reported that the Village's strategic plan includes commercial expansion of Routes 31 and 47.

Adjournment

A motion to adjourn the meeting was made by Commissioner Siakel and seconded by Commissioner Bolton and approved by a voice vote of 5-0. Motion carried. There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 8:00 p.m. The next Planning and Zoning Commission meeting is scheduled for August 16, 2021.

Submitted by,

A handwritten signature in black ink, appearing to read "Laura Pekovic".

Laura Pekovic/Administrative Specialist



REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: August 16, 2021

DEPARTMENT: Community Development

SUBJECT: Variations to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side yard setbacks at 65 Hilltop Drive

EXECUTIVE SUMMARY

General Information

Requested Action: David Manuel is requesting variations to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side yard setbacks at 65 Hilltop Drive to allow for structural rebuild and construction of elevated deck.

Owner: David Manuel

Applicant: David Manuel

Purpose: Rebuild damaged structure on existing foundation and build elevated deck and associated stairs and access.

Location and Size: 65 Hilltop Drive – approximately 15,140 sq. ft.

Zoning and Land Use:

Site:	R-2 One Family Dwelling/Residential
North:	R-2 One Family Dwelling/Residential
East:	R-2 One Family Dwelling/Residential
South:	R-2 One Family Dwelling/Residential
West:	Woods Creek Lake
Future Land Use:	Low-Density Residential (3.5+ to 4.5 units/ac)

Background

The applicant proposes to rebuild a structure damaged by water drainage on the existing foundation, to build an elevated deck and associated stairs, and access to the rebuilt and surviving portions of the structure. The damage is estimated to be greater than 50 percent of the value of the structure; therefore, the property no longer has legal non-conforming status and will need to be rebuilt to meet the current Village Zoning Ordinance. Where those sections of the zoning ordinance are not met, variations would be needed. The applicant is proposing the front portion of the house to be rebuilt on an existing foundation which is 2'10"

into the required 25' front setback. A variation to the Section 7.4 Residential Bulk chart for R-2 property to allow for a 22' front setback is requested to accommodate the rebuild.

Given the proposed configuration of the house access to the sides or rear of the house or lot would not be possible with current zoning regulations as stairs over four feet in height are considered obstructions within a required setback and are not allowed. The applicant is proposing decking to access the side and rear of the house. The decking would make use of existing concrete steps and would intrude 9'5" into the required 10' side setback. Therefore, a variation to the Section 7.4 Residential Bulk chart for R-2 property to allow for a 7" side setback on the north side lot line is requested to accommodate the proposed decking.

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

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

The applicant indicates current regulations would require extra and unnecessary demolition and alteration to the existing foundation and additional costs would be incurred which would not allow for a reasonable return of the investment necessary to rebuild the house. The applicant also indicates the reliance on steps only to access the house would incur additional costs, further disallowing a reasonable return on the rebuilt investment.

Staff finds pouring a new foundation and relying exclusively on steps would be cost-prohibitive and would likely not allow for a reasonable return on the investment necessary to build/rebuild on the excessive slopes inherent in this property. In addition, exclusive reliance on steps to access a structure on the existing foundation would be cost-prohibitive as the number of steps required would likely not be allowed with the north side lot line setback. However, a narrower deck could be constructed which could still serve as access to the house.

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

The applicant indicates the existing grade at the front of the house has allowed water to drain towards the structure and has caused substantial damage and facilitates the rebuild. There is a substantial grade drop across the property.

Staff finds the property to have unique circumstances. The lot has considerable grade changes and steep slopes. Utilization of the existing foundation requires stairs beyond those allowable by the current zoning regulations on the north side of the house or decking along the north side to gain access. Both methods of access require a variation. The proposed decking addresses these circumstances. However, a narrower deck could also be constructed which could still serve as access to the house and mitigate these circumstances.

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

The applicant indicates the character of the locality will not be altered as the non-conformity of the existing foundation location will not be altered. The design would maintain the existing single story look at the street side. The proposed home will retain the character of other hilltop lake houses.

Staff finds the essential character of the property will remain residential and would not alter the character of the locality. There are other properties in this area with topography, steep slopes, stairs, and decking. The residential property two lots to the north has steep slopes requiring use of the adjacent lot for driveway access. The adjacent property is wooded with the access drive being the only improvement. This provides a

substantial buffer from the proposed decking. Given the size of the lots, topographic constraints and need for side access to the home two lots to the north, it is unlikely the adjacent lot to the north will ever be developed as another home. However, the 2012 building code requires a 5' separation for non-fire-rated decking to the side property line and a 2' separation for fire-related decking, which the proposal does not meet. A narrower deck conforming to either of these standards could be constructed which could still serve as access to the house and meet the 2012 building code.

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 site conditions limit the ability to alter the foundation of the home. Costly construction equipment and methods would be needed to alter the foundation configuration. The use of steps to mitigate topography changes would be an impractical method of accessing the home.

Staff finds the property to have steep slopes and topographic constraints. In addition, the property located in an R-2 zoning district and does not meet the minimum road frontage requirements. Therefore, R-2 setbacks are being applied to smaller lot than required for this district. This combination of conditions brings a construction hardship upon the owner beyond mere inconvenience. However, a narrower deck could be constructed which could still serve as access to the house.

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; or

The applicant indicates their lot is unique due to its close location to the side lot line and the existing nonconforming location of the foundation.

Staff finds the property to be unique to R-2 zoned property. The lot has considerable topographic constraints which can be considered similar to other lots along the lake, however; other properties in the neighborhood have fewer constraints and better access. Many properties with an R-2 zoning classification in the Village do not have steep slopes and do meet the minimum requirements of the R-2 zoning. However, a narrower deck could be constructed which could still serve as access to the house.

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 the purpose of the variation is to re-build a damaged structure on the existing foundation and to provide access to the home using decking instead of stairs.

Staff finds the variation would allow the home to be rebuild on the existing foundation, which represents the most practical method of reconstruction. Using decking to access the house, as opposed to multiple stairs to address multiple grades along the house would be impractical and less safe. The purpose of the variation would be to reconstruct a damaged home which would otherwise could face demolition and represent too great of a challenge to reconstruct given the site constraints. However, a narrower deck could be constructed which could still serve as access to the house.

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

The applicant indicates the site difficulties were present before purchase of the home.

Staff finds the hardship was created when the lot was originally platted and when the house was initially constructed and not by the current owners. However, a narrower deck could be constructed which could still serve as access to the house.

ATTACHMENTS

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

RECOMMENDED ACTION

Planning and Zoning Commission recommend denial to the Village Board for a Variation to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side yard setbacks at 65 Hilltop Drive, Parcel #19-20-455-040, to allow for home reconstruction on the existing foundation with a 22.6' front setback and for proposed decking with a 7" side setback.



PLANNING & ZONING APPLICATION

Property Information

Common street address: 65 Hilltop Dr. Lake In The Hills, IL 60156

PIN (Property Index Number): 19-20-455-040

Current Zoning: R2 Proposed Zoning: R2

Current Use: Residential Proposed Use: Residential

Is the request consistent with the Comprehensive Plan? _____

Number of Acres: - 0.5 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): David Manuel

Business/Firm Name (if applicable): _____

Address: 65 Hilltop Dr. Lake In The Hills, IL 60156

City/State/Zip: _____

Phone Number: 312-813 3390

Email: david.j.manuel@yahoo.com

Applicant Information

Name(s): "

Business/Firm Name (if applicable): "

Address: "

City/State/Zip: "

Phone Number: "


Email: "


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		\$500 + \$10/ac over 2 ac	I	Yes	
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	\$ 100
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees – add column 6 (Separate Check)					\$ 100
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.


7/23/21
If Owner/Applicant Is a School District please, fill out and submit Appendix N
 Property Owner's Signature Date


7/23/21
 Applicant's Signature Date

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

PROPERTY ADDRESS/PIN

65 Hilltop Drive
19-20-455-040

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:

This variance has two parts that are being requested:

A) To permit a portion of the house to be rebuilt on an existing foundation encroaching 2'-10" into the required 25'-0" front yard setback. This would change the front yard setback from 25'-0" to 22'-0" and allow for the rebuilding of the existing structure on the current foundation. Existing site conditions and construction methods of the current structure have led to irreparable damage that requires repair. The variance would allow for the structure to be updated and improved to better match the rest of the residence, while reusing the existing foundation

B) To permit an elevated deck to encroach 9'-5" into the required 10'-0" side yard setback. This will allow the deck to accommodate the accessibility needs of the client while reducing the elevation changes required to access the residence.

While the code allows for a landing and steps for access to the residence, those steps would be required to go directly to grade. This variance will allow the landing to extend along the side of the residence and meet the existing grade. This will reduce the total number of steps required to enter the residence and eliminate the need to step down with grade just to step back up to enter the residence.

This variance will also allow this entry deck to continue past the entry door and connect with the rest of the deck system. This connection keeps the deck as one coherent surface and aids in the accessibility for the Owners and their needs. The width of the deck, that would be allowed with this variance, is to provide ease of access and greater maneuverability for the Owners and is aimed at helping meet their needs that are present from their current disabilities. Needs such as assisted walking, wheelchairs, and intermittent EMT/paramedic assistance.

Variation to Section 7.4 Residential Bulk Chart R-2 Zoning District front and side yard setback requirements.

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.**

A) The current regulations would require extra and unnecessary demolition and alteration to the existing foundation to bring the structure within compliance. These changes would require additional costs that would not translate into a reasonable return while reducing the overall square footage of the residence.

B) The current regulations would require an additional 14 steps for access into the building. 7 additional down steps then followed by 7 up steps. This required up down path is burdensome and would translate to less than a reasonable return. An awkward more exhausting path of travel into the residence would reduce return and require more cost in the installation of accessibility aids. Such a chair lifts.

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

A) The existing grade at the current garage provided for water to drain directly into the garage. As a result of this existing drainage, the wooden floor system had suffered substantial rot and damage. This damage facilitates the demolition, and repair/rebuild of the structure. The existing structure is a nonconforming structure that sits approx. 2'-9.¾" over the front yard setback.

B) Both owners have current disabilities that require the frequent use of a wheelchair, assisted walking, & occasional paramedic assistance. The required use of a wheelchair and other specialized equipment, of the owners, necessitates larger clearances, more room for maneuverability, and simpler paths & access to the property. This necessity is amplified by the substantial grade drop across the property.

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

A) The character will not be altered since we are not increasing the non-conformity just rebuilding and improving the existing non-conforming structure. The design maintains the existing single story look at the street side that is currently there.

B) The essential character of lake houses built into and atop hills will be retained. The proposed deck addresses the site conditions while providing that unique elevated wrap around deck that one can only get from a lake house on a hill.

PROPERTY ADDRESS/PIN 65 Hilltop Drive
19-20-455-040

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.**
 - A) The given site conditions would severely limit the number and type of equipment that could be used in altering the existing foundation. Both the rapidly descending grade and proximity to the property line contribute to this limitation. To overcome this limitation alternative and more costly methods would be required to bring the structure into compliance.
 - B) The rapidly descending grade of the property significantly contributes to limiting and complicating access to the residence. The regulations would require 14 additional steps for a net change in elevation of 0" just to enter the building. These extra steps will only make the residence less accessible for the Owners. The regulations also do not allow for the extra clearances and maneuverability the Owners are seeking to aid with their daily life and accommodation of their disabilities.
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.**
 - A) The nonconforming nature of the existing structure is unique to this property and can't be applied to other properties.
 - B) While other properties may also have significant grade drops, it's the buildings close location to the side lot line and the presence of the Owner's disabilities that make this unique and not applicable to other properties.
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.**
 - A) The desire is to re-build the damaged structure on the existing foundation. The structure would be rebuilt with the same, look, materials, and feel no matter the foundation it sat upon. Whether an all existing foundation or modified to conform foundation is used, the structure would turn out very much the same.
 - B) The desire is to provide large easy to maneuver walkways to accommodate the needs of the Owners disabilities.
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.**
 - A) This difficulty existed prior the purchase of the property by the Owners.
 - B) This hardship is solely that of the Owners and aimed at improving their quality of life.

PROPERTY ADDRESS/PIN 65 Hilltop Dr., LITA, IL 60156

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.**

A) Granting this variation will not be detrimental since it is not increasing the size of the existing non conformity and it allows for the improvement and updating of the existing damaged structure to modern codes and safety guidelines.

B) Granting this variation will not be detrimental as it keeps the deck solely with the Owners property and will be built to modern codes and stands.

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.**

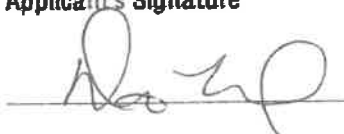
A) This standard is met by updating the construction of the current structure to modern codes while maintaining the same nonconforming footprint. By keeping it a one story element it allows for similar light and air as the previous structure. It also helps improve the curb appeal and at the very least maintain the surrounding property values.

B) The inherent nature and lesser scale of a deck ensures that the supply of air will not be impeded. Given the deck is on the north side of the residence, it will not impair the supply of light to the north any more than the existing residence already does. The deck is in the shadow of the residence. The deck will be located more than adequately away from surrounding structures so as not to impose a fire risk.

 7/27/21

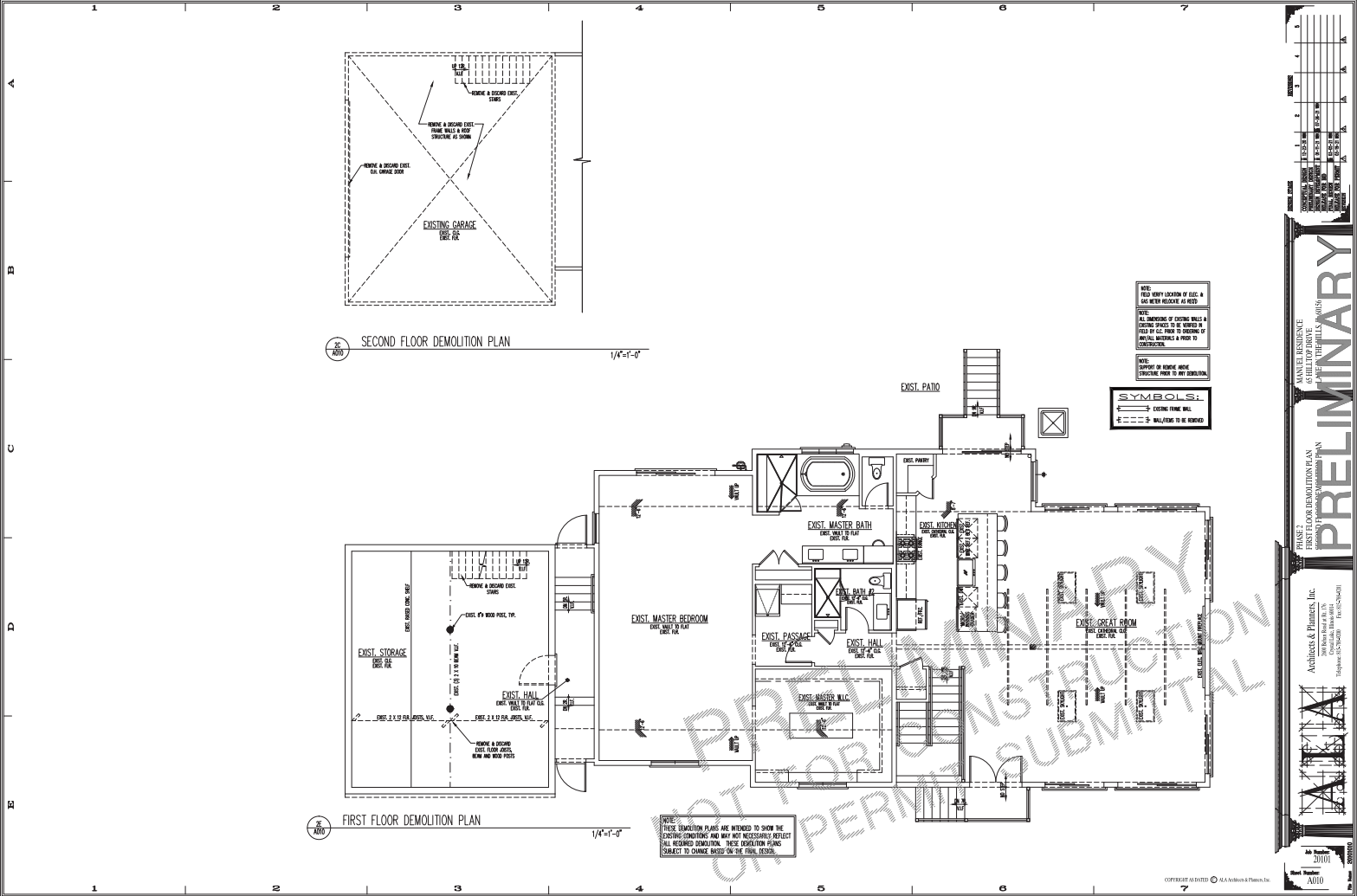
Applicant's Signature

Date

 7/27/21

Property Owner's Signature

Date



SECOND FLOOR DEMOLITION PLAN
1/4"=1'-0"

FIRST FLOOR DEMOLITION PLAN
1/4"=1'-0"

NOTE: CHECK VERIFY LOCATION OF GUC, A GAS METER RELEASE AS NOTED.

NOTE: THE REMOVAL OF EXISTING WALLS & CEILING SPACES ARE NUMBERED IN FIELD BY S.C. PRIOR TO DEMOLITION OF INITIAL WORKING & PRIOR TO CONSTRUCTION.

NOTE: VERIFY OR REMOVE ABOVE STRUCTURE PRIOR TO ANY DEMOLITION.

SYMBOLS:
 - - - - - EXISTING FRAME WALL
 - - - - - WALLS TO BE REMOVED

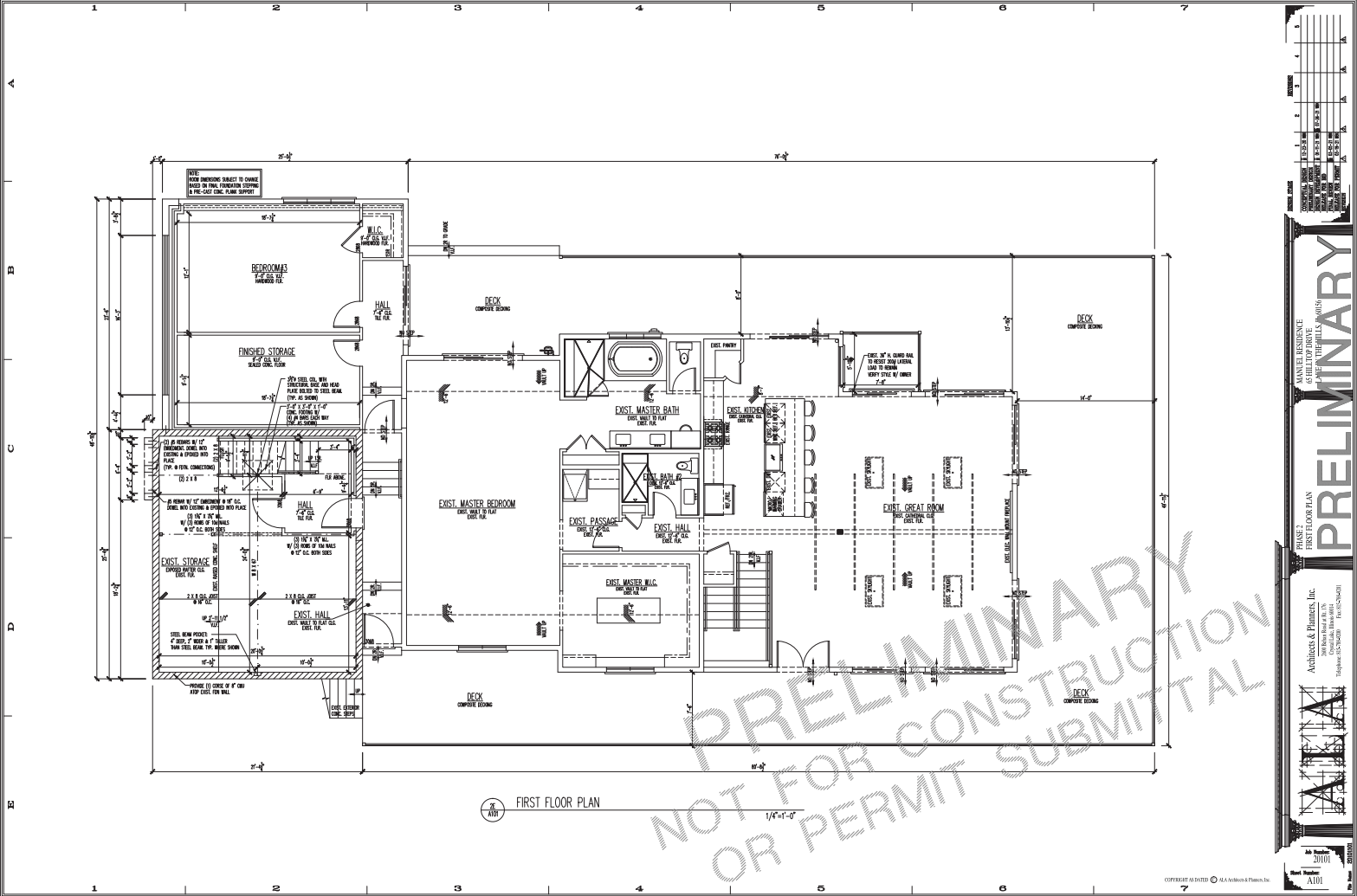
NOTES:
 THESE DEMOLITION PLANS ARE INTENDED TO SHOW THE EXISTING CONDITIONS AND MAY NOT NECESSARILY REFLECT ALL REQUIRED DEMOLITION. THESE DEMOLITION PLANS SUBJECT TO CHANGE BASED ON THE FINAL DESIGN.

MANUEL RESIDENCE
 PHASE 1 - DEMOLITION PLAN
 PROJECT # 2010-001
 DATE 08/10/10

PRELIMINARY

Architects & Planners, Inc.
 10000 E. 1st Avenue, Suite 100
 Denver, CO 80231
 Telephone: 303.755.1111
 Fax: 303.755.1111

July 2010
 2010

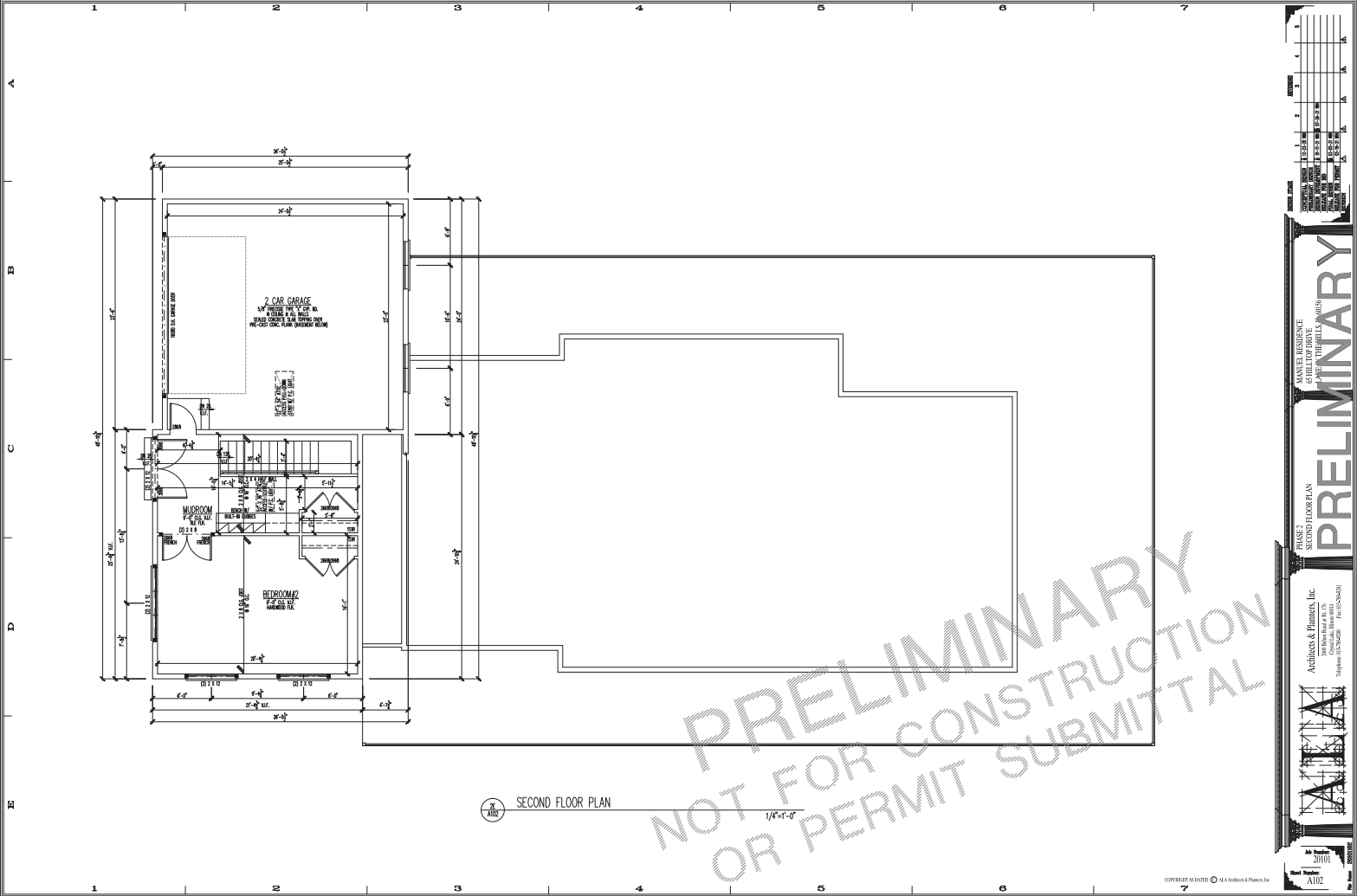


PROJECT: HAVEN RESIDENCE
 ARCHITECT: JAMES W. HARRIS, ARCHITECTS
 DATE: 10/20/11
 SHEET: 101
 SCALE: 1/8" = 1'-0"

PRELIMINARY

Architects & Planners, Inc.
 10000 Woodloch Forest Drive
 Charlotte, NC 28226
 Phone: 704.488.1111
 Fax: 704.488.1112
 Email: info@jwha.com

COPYRIGHT © 2011 JWH Architects & Planners, Inc.
 101



SECOND FLOOR PLAN

1/8"=1'-0"

PRELIMINARY
 NOT FOR CONSTRUCTION
 OR PERMIT SUBMITTAL



MANELL RESIDENCE
 SECOND FLOOR PLAN
 PRELIMINARY

Architects & Planners, Inc.
 10000 Lakeshore Blvd. Suite 1000
 Dallas, Texas 75243
 Telephone: 214.343.1000 Fax: 214.343.1001

2001
 A102



21
RIGHT SIDE ELEVATION

PRELIMINARY
NOT FOR CONSTRUCTION
OR PERMIT SUBMITTAL



PHASE 2
RIGHT SIDE ELEVATION

PRELIMINARY

MANELL RESIDENCE
1000 W. 10TH ST. S.W.
ALBUQUERQUE, NM 87102

Architects & Planners, Inc.
1000 W. 10TH ST. S.W.
ALBUQUERQUE, NM 87102
Tel: 505.263.1111
Fax: 505.263.1111

2001
A301



LEFT SIDE ELEVATION
1/4"=1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION
OR PERMIT SUBMITTAL

MANUEL RESIDENCE
12775 W. WILLOW AVE. WILLOW PARK, CO. 80196

PHASE 1
LEFT SIDE ELEVATION

Architects & Planners, Inc.
10000 E. Harvard Ave. Suite 100
Denver, CO 80231
Tel: 303.751.1000
Fax: 303.751.1001

20101

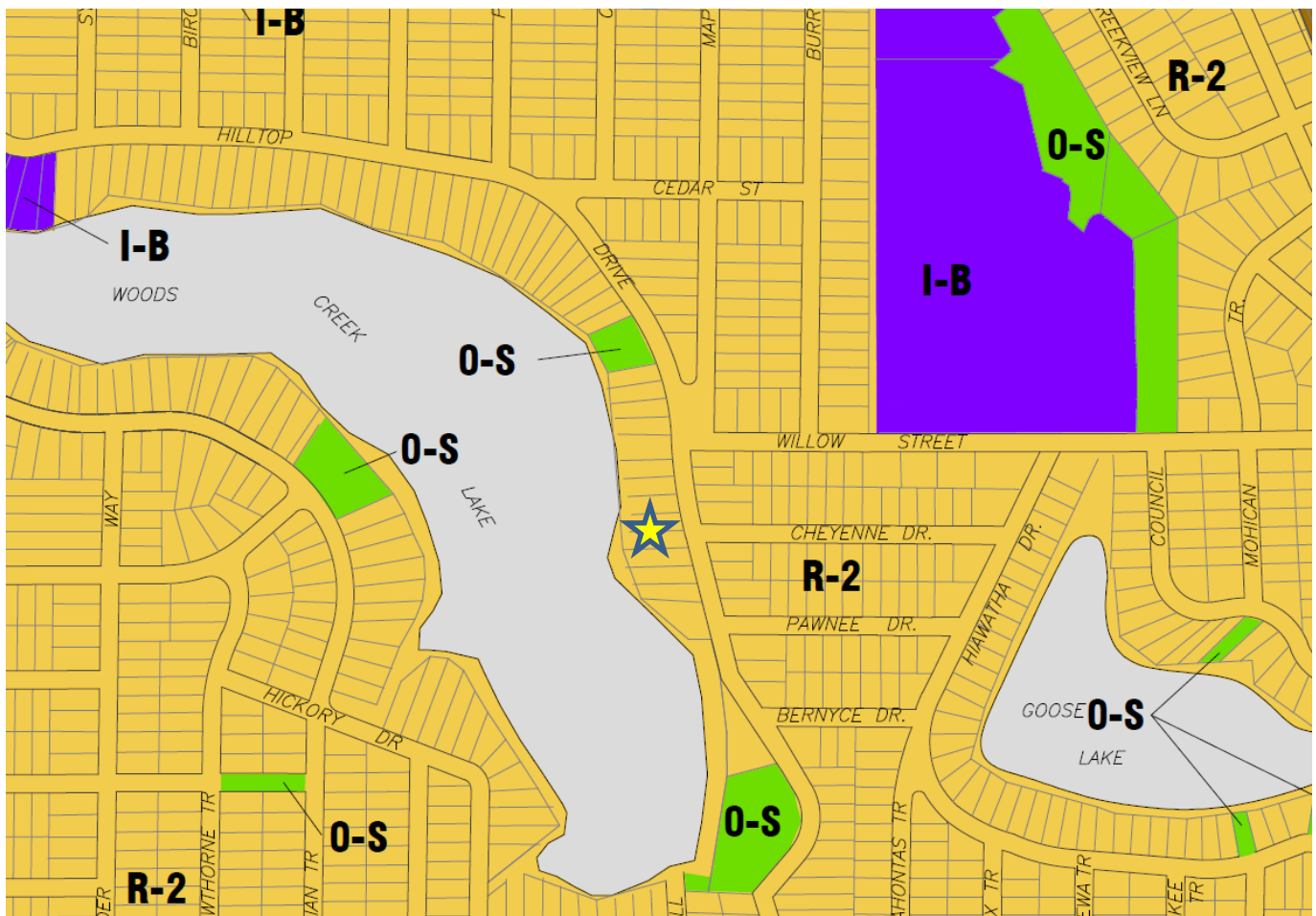
ADIC

Variation request for 65 Hilltop Drive From Section 7.4 Residential Bulk Chart R-2 Zoning District

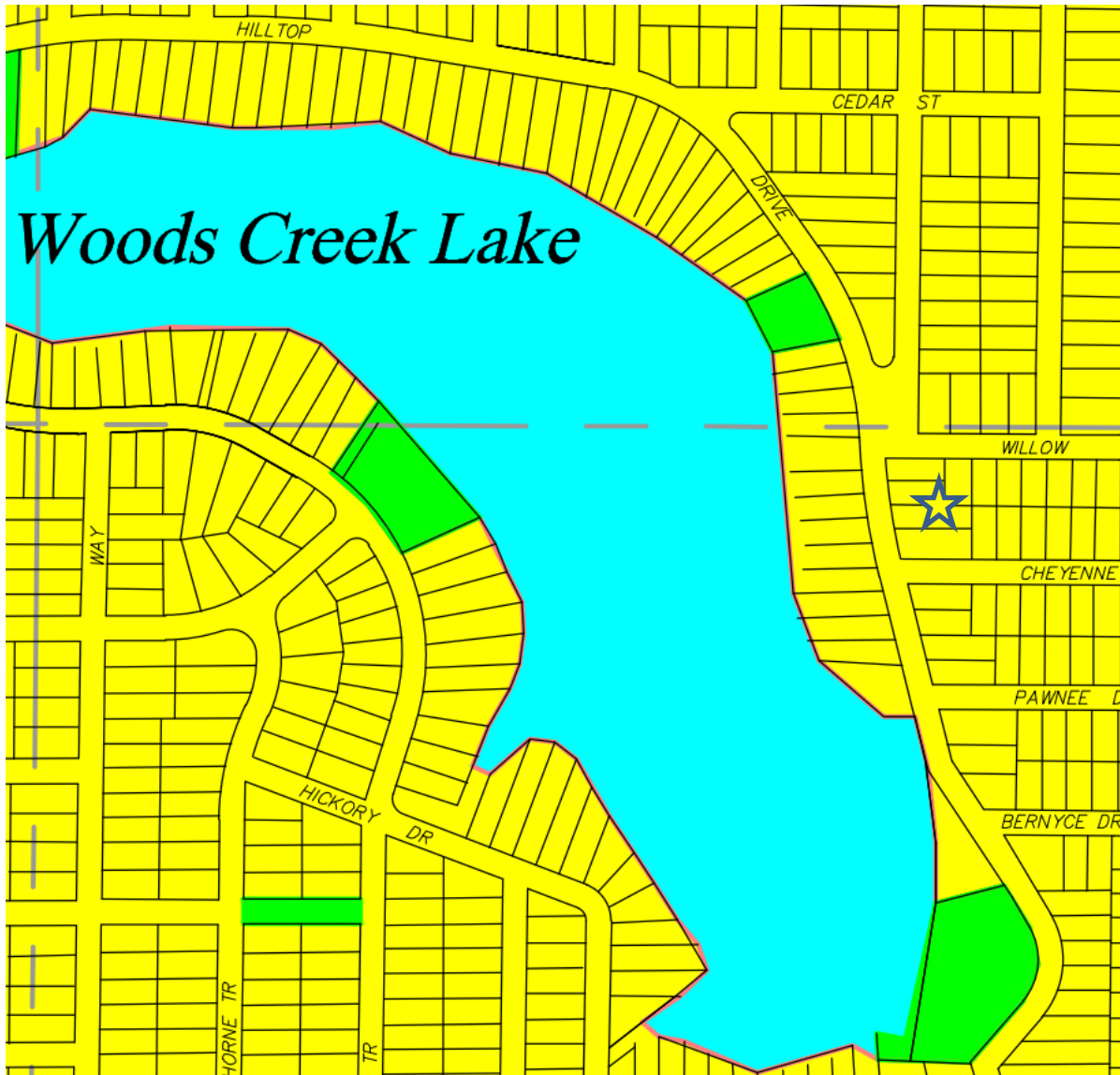


EXHIBITS





3. ZONING MAP



4. FUTURE LAND USE MAP



Legend

-
-  Estate Residential (< 2.0 units/ac.)
 -  Low Density Residential (2.0 to 3.5 units/ac.)
 -  Low Density Residential (> 3.5 to 4.5 units/ac.)
 -  Medium Density Residential (> 4.5 to 7.5 units/ac.)

5. AERIAL PHOTO



6. SITE PHOTOS



View of house from Hilltop Road and neighboring vacant lot and house lot north



View of partial decking





REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: August 16, 2021

DEPARTMENT: Community Development

SUBJECT: Drive-Through use at 251 North Randall Road

EXECUTIVE SUMMARY

General Information

Requested Action: Chris McGuire requests a conditional use permit for installation and operation of a restaurant drive-through use at 251 North Randall Road.

Owner: Dave Abraham – 251 Randall, LLC

Applicant: Chris McGuire – McCON Building Corporation

Purpose: Operation of a restaurant with drive-through service.

Location and Size: 251 N. Randall Road – approximately 1.34 acres.

<i>Zoning and Land Use:</i>	Site:	B-3 Business General/Restaurant Commercial
	North:	B-3 Business General /Retail Commercial
	East:	B-3 Business General /Entertainment Commercial
	South:	B-3 Business General /Restaurant Commercial
	West:	B-3 Business General /Financial Institution
	Future Land Use:	Commercial

Background

The subject property is currently in use as a sit-down restaurant with no drive-through. The applicant proposes a conversion and subsequent operation of a sit-down fast casual restaurant with two drive-through lanes. A drive-through use is allowed as a Conditional Use in the B-3 District. The proposed site plan and preliminary feasibility plan show the existing restaurant structure and layout will be converted to accommodate two drive-through lanes with associated order menu signs, a single pick-up/pay window, bypass lane, and an order waiting area. The required number of parking spaces for the restaurant floor area will be maintained after installation of the proposed drive-through facilities.

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 the proposed drive-through feature on the existing facility will provide a public convenience by offering additional services to guests with limited contact.

Staff finds there to be demand for drive-through service in the area and which will provide dining convenience with the drive-through option. The additional customer traffic and investment into the property will contribute to the welfare and commercial success of the surrounding commercial area and the Village.

- 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 proposed drive-through feature on the existing facility will provide a convenient and accessible benefit to guests without harming the rights or well-being of any of their neighbors. Their order confirmation speakers would be immediately adjacent to the vehicles to control sound and the proposed traffic circulation through the site would not impede the rights of neighboring businesses.

Staff finds the proposed use can be accommodated by the property location and layout. The property has good rear access while still being visible to Randall Road. The parking area is large enough to allow for the drive-through as well as sit-down or carry-out service. Restaurant operations are common in this commercial area and would be complementary to other businesses. Therefore, the proposed use would not be detrimental to the health, safety, morals or general welfare of local residents or workers and would not injure property values or improvements.

- 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 flow and function of the site allows for intuitive operations for the guests while maintaining ample queuing and order waiting with dual order positions.

Staff finds the area to be a commercial area with restaurants, retail, and professional services businesses continuously operating and commercial spaces being remodeled to accommodate new businesses. The proposed restaurant with drive-through will continue the trend of new businesses locating to the area and will not impede the normal orderly development and improvement of the surrounding commercial district.

- 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 states the proposed drive-through would be harmonious with the Village's Comprehensive Plan and would be a continuation of the neighboring uses. Staff finds a restaurant with drive-through service to be a commercial business which is in conformance with the commercial future land use designation on the Village future land use plan. The proposed restaurant is also harmonious and compatible with the Village's Comprehensive Plan commercial goal, "To maintain the quality of existing

commercial development and expand the Village's tax base by creating new areas for retail, restaurant, and service uses, enhancing the identity of Lake in the Hills as a destination shopping area for adjacent communities."

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 proposed drive-through feature has been designed to create separation from the primary pedestrian routes to the facility for dine-in guests.

Staff finds the proposed site plan to have dual access to Acorn Court, more than the required stacking spaces for the drive-through, sufficient parking, a bypass lane, vehicle order waiting area, and circulation throughout the site. Pedestrian accommodations are provided along Randall Road and crosswalks are provided within the parking area. The proposed use is not anticipated to generate traffic congestion or hazards.

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

The applicant states the proposed additional of a drive-through feature to an existing and operating restaurant will not add any additional burden to essential public facilities and services, and private utilities are present on the site.

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 they will comply with zoning code regulations, stipulations, and conditions for the approval of the conditional use for a drive-through feature.

Staff finds the proposed use will comply with related use zoning regulations specified in the zoning code. Staff finds the proposed site plan allows for parking, loading, stacking, and traffic circulation which meets the Village parking requirements.

ATTACHMENTS

- | | | |
|---------------------------------|------------------------|----------------|
| 1. Application | 4. Zoning Map | 7. Site Photos |
| 2. Site Plan | 5. Future Land Use Map | |
| 3. Preliminary Feasibility Plan | 6. Aerial Photo | |

RECOMMENDED ACTION

The Planning and Zoning Commission recommend approval to the Village Board for a Conditional Use for a Drive-Through at 251 North Randall Road on Parcel 19-29-101-036 with the following condition:

1. The development of the site, building, and any other related construction shall comply with all relevant sections of the Village Zoning Ordinance in effect upon date of approval of the proposed Conditional Use.



PLANNING & ZONING APPLICATION

Property Information

Common street address: 251 N Randall Rd, Lake in the Hills, IL 60156

PIN (Property Index Number): 19-29-101-036

Current Zoning: B-3 Business-General Proposed Zoning: B-3 Business-General

Current Use: Restaurant Proposed Use: Restaurant with Drive-Thru

Is the request consistent with the Comprehensive Plan? Yes

Number of Acres: 1.34 **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): _____

DOC 2014R0042977 LT 5 /EX DOC 2017R0033082/ LAKE IN THE HILLS ENTERTAINMENT PARK

Property Owner Information

Name(s): Dave Abraham

Business/Firm Name (if applicable): 251 Randall, LLC

Address: 251 N Randall Road

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

Phone Number: 847-812-7035

Email: dabraham@woodcreektavern.com

Applicant Information

Name(s): Chris McGuire

Business/Firm Name (if applicable): McCON Building Corporation

Address: 1059 Circle Drive

City/State/Zip: Highland, WI 53543

Phone Number: 608-929-7737


Email: cmcguire@mccon.net

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.


7/29/21
 Property Owner's Signature Date *If Owner/Applicant is a School District please, fill out and submit Appendix N*

7/27/2021
 Applicant's Signature Date

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



Property Address/PIN: 19-29-101-036

**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 drive-thru feature on the existing facility will provide public convenience by offering
additional services to guests with limited contact.

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 proposed drive-thru feature on the existing facility will provide a convenient and accessible
benefit to guests without harming the rights or well being of any of our neighbors. Our order confirmation
speakers are immediately adjacent to the vehicles to control sound and our traffic patterns create a
natural flow that does not impede on the rights of our neighbors.

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 flow and function of the site allows for intuitive operations for the guests while maintaining ample
queuing and order waiting especially with the dual order positions.

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 drive-thru feature is harmonious with the comprehensive plan of the Village of Lake in
the Hills and is a continuation of the neighboring uses.

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 proposed drive-thru feature has been designed to create separation from the primary pedestrian
routes to the facility for dine in guests.

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 proposed addition of a drive-thru feature to an existing and operating restaurant will not add any
additional burden to essential public facilities and services, and private utilities that are present on the site.

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

We will comply with all zoning code regulations, stipulations, and conditions for the approval of the
conditional use for a drive-thru feature.

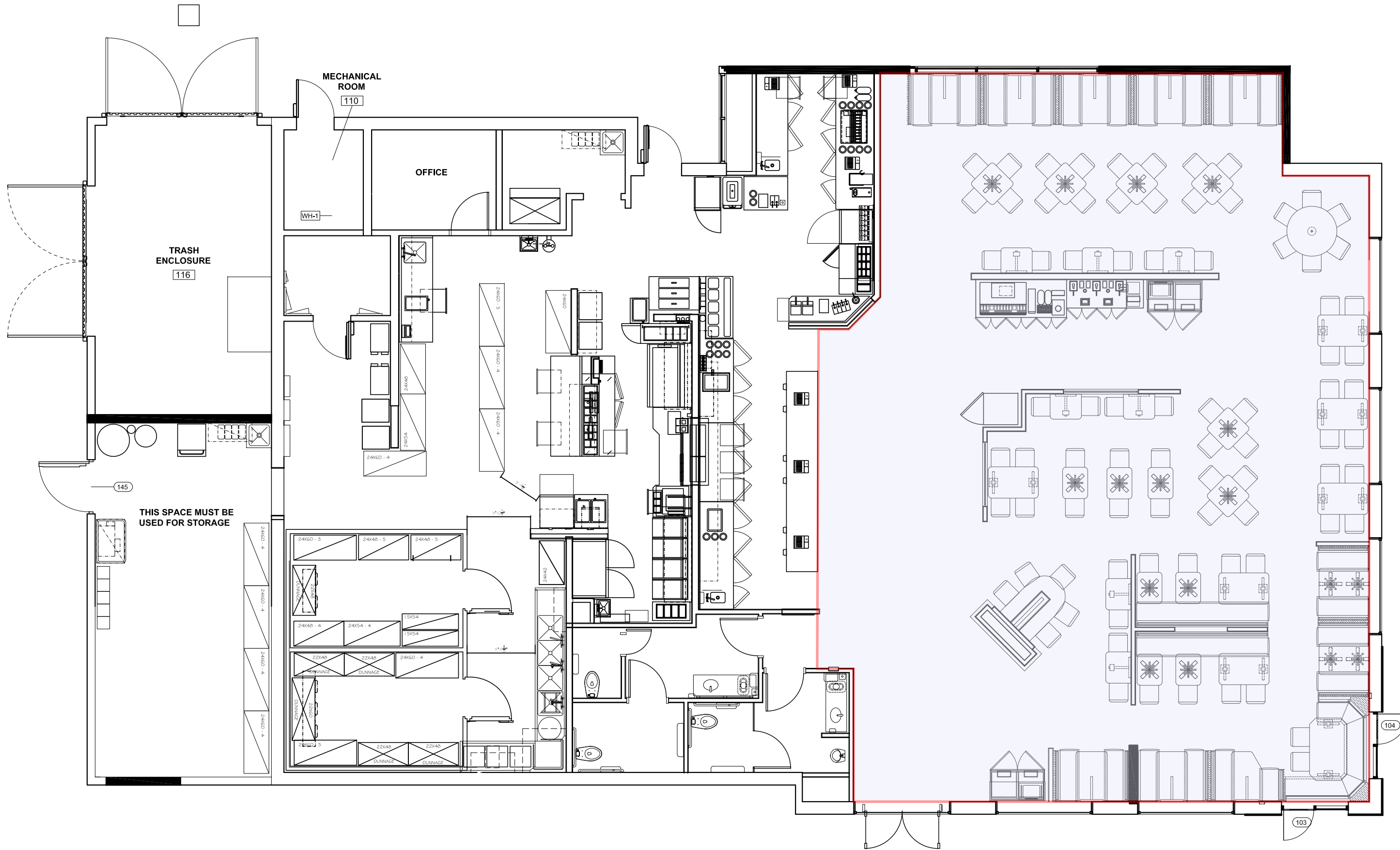
8. The Village may impose any other criteria as identified in the Zoning Code.



Property Owner's Signature 7/29/21
Date

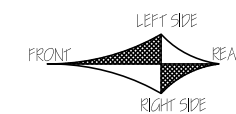


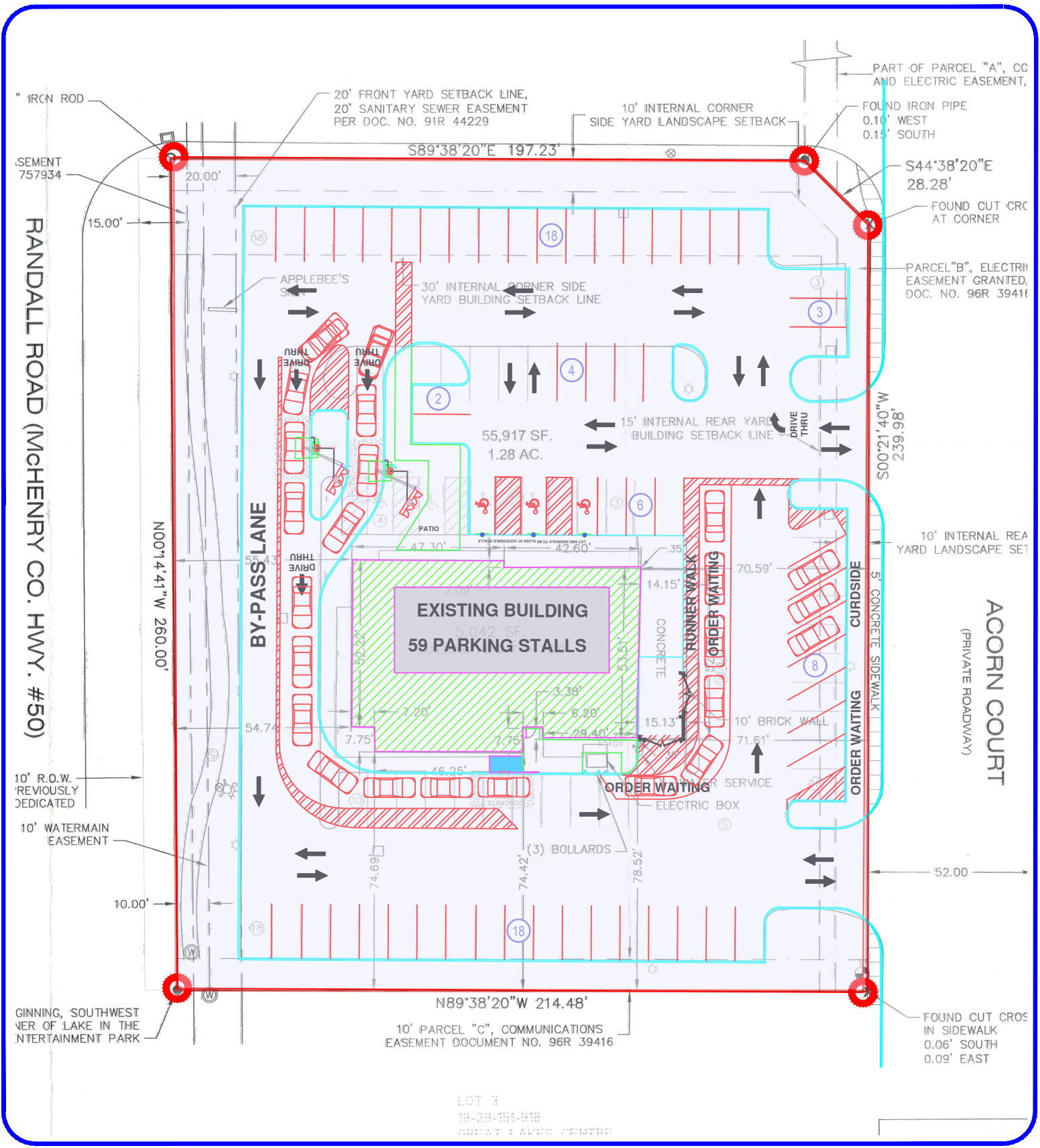
Applicant's Signature 7/27/2021
Date



PRELIMINARY FEASIBILITY PLAN- [REDACTED] OF LAKE IN THE HILLS, IL

SCALE: 1/4" = 1'-0"





THIS DRAWING IS CONCEPTUAL ONLY.
 ALL SHOWN DIMENSIONS, UTILITY EASEMENTS, LOT PROPERTY LINES, GRADING, AND SITE REQUIREMENTS PERTAINING TO THE PROPERTY SHOULD BE VERIFIED BY SURVEYOR AND/OR CIVIL ENGINEER BEFORE ACTUAL CONSTRUCTION.

PROPOSED SITE PLAN
LAKE IN THE HILLS, IL. EXISTING BUILDING SHOWN
LOT AREA EXISTING

LOCATED AT: 42.1788 -88.3347

SCHEME: 2

Drawn By: **SPH**

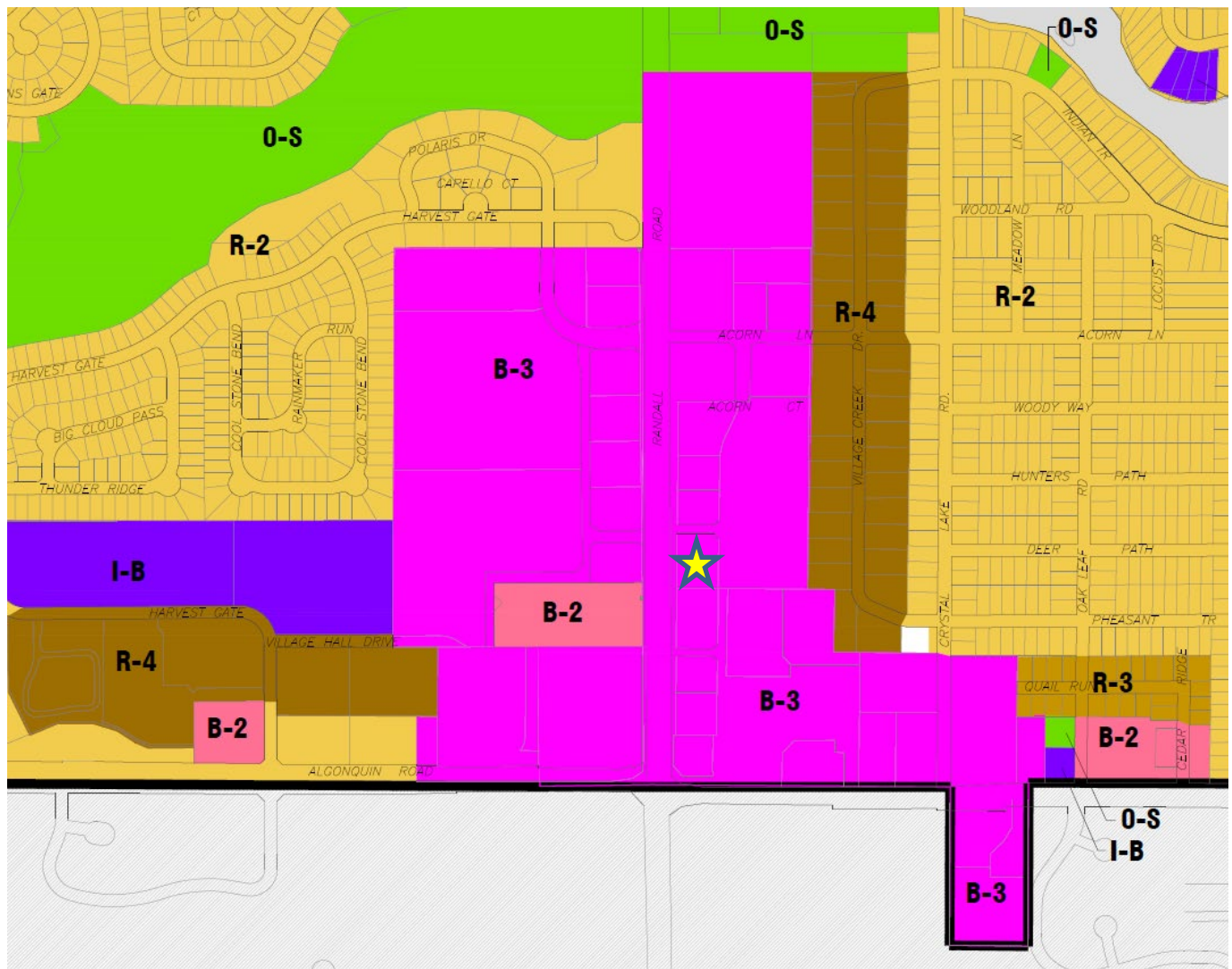
6/7/2021

Conditional Use request for 251 North Randall Road For Drive-Through Use

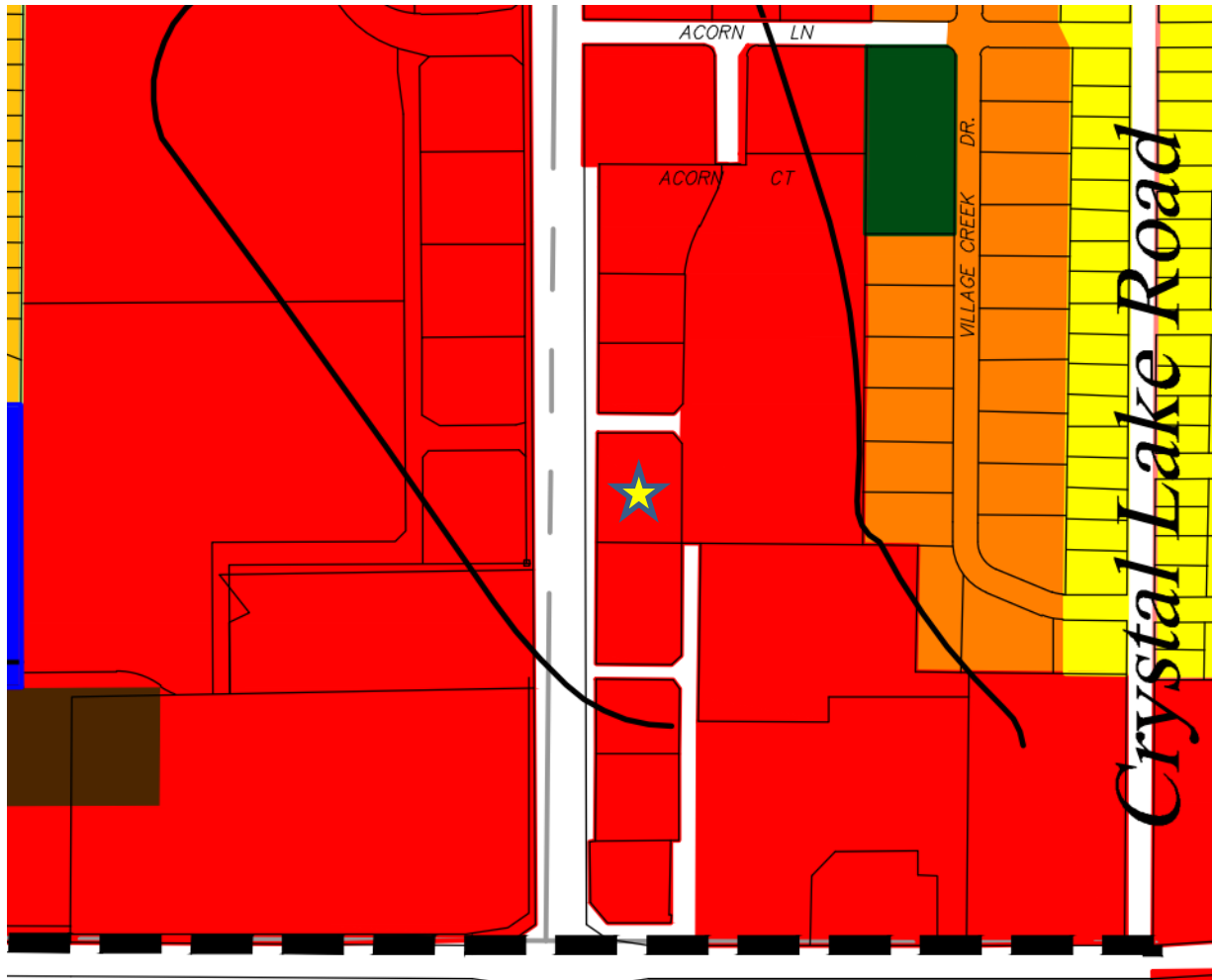






EXHIBITS

3. ZONING MAP

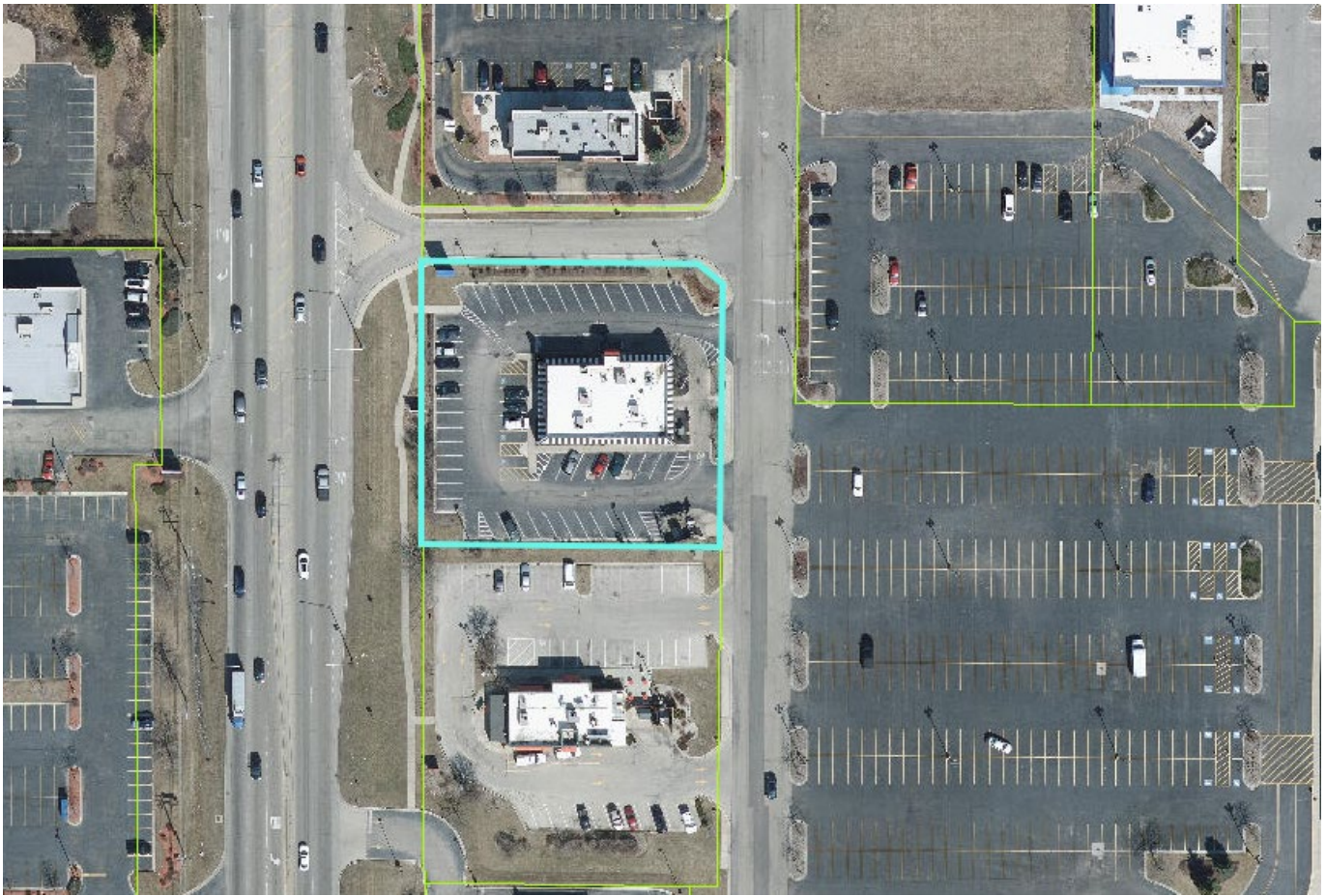


4. FUTURE LAND USE MAP



-  Commercial
-  Municipal/Government
-  Institutional
-  Manufacturing/Industrial

5. AERIAL PHOTO



6. SITE PHOTOS



View of building from Randall Road looking South-East



View of building from Randall Road looking North-West