



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

FEBRUARY 13, 2023

Call to Order

The meeting was called to order at 7:30 p.m.

Roll call was answered by Commissioners Siakel, Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito.

Also present were Director of Community Development John Svalenka, Trustee Bill Dustin, and Recording Secretary Laura Carpenter.

Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes from January 16, 2023 was made by Commissioner Dixon and seconded by Commissioner Bolton. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion carried 7-0.

New Business

Conditional Uses, Variation, and Development Plan for the Outdoor Storage of Vehicles at 8525 South Illinois Route 31

Commissioner Esposito opened the public hearing at 7:31 p.m. and confirmed with staff that the public was given proper notice regarding it.

Staff Report

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated February 13, 2023. The requested actions from the applicant were as follows:

- ❖ Conditional Use Permit to allow outdoor storage of vehicles as principal use
- ❖ Conditional Use Permit to allow outdoor storage of materials/vehicles/ equipment accessory to a principal use
- ❖ Conditional Use Permit to allow a Planned Development, with exceptions
- ❖ Variations from Sections 25.3.C and 25.4.B of the Zoning Code to allow a Planned Development with yards around the periphery/boundary that are less than the yard requirements of the district
- ❖ Development Plan for a Planned Development

Kevin Seay, Vice President of Entitlements & Development for Plote Properties, has submitted completed applications to the Village to allow for the outdoor storage of vehicles and equipment on a group of parcels totaling 23.53 acres on the west side of Illinois Route 31, approximately one-half mile south of James R. Rakow Road. The applicant will maintain ownership of the property and lease out the property to several different tenants for outdoor storage. He anticipates that most of the tenants would store semi-trucks and trailers, but that some tenants might be contractors who store equipment and bulk materials, such as a landscape contractor for example.



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The subject property is within the M-1 Limited Manufacturing zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the “outdoor storage of vehicles as a principal use” is allowed in the M-1 zoning district only with the approval of a conditional use.

The applicant has requested approval of this conditional use. Per Section 11 of the Zoning Code, the “outdoor storage of materials/vehicles/equipment accessory to a principal use” is allowed in the M-1 zoning district only with the approval of a conditional use. Therefore, the applicant has requested approval of this additional conditional use to allow accessory storage of equipment and bulk materials.

As noted in the definition of “Planned Development” in Section 3 of the Zoning Code, if land is zoned for manufacturing and is greater than five (5) acres in size it shall be developed as a Planned Development. Therefore, the applicant has requested approval of a conditional use for a planned development on the subject 23.53-acre property in the manufacturing zoning district. In accordance with Section 25.5 of the Zoning Code, a Development Plan must be prepared and submitted for any Planned Development. Therefore, the applicant has also requested approval of development plan. As allowed by Section 25.4 of the Zoning Code, the applicant is also requesting the approval of several exceptions from the Zoning Code regulations as part of the planned development, as detailed below.

Per Sections 25.3.C and 25.4.B of the Zoning Code, the yards and open spaces adjoining the boundaries of a planned development shall not be less than the yard requirements of the district in which it is located, and yards shall be provided along the periphery of planned developments as required by the regulations of the district in which said development is located. One of the exceptions noted above is a request to reduce the required minimum setbacks around the boundary/periphery of the planned development, which would not be allowed by the code. Therefore, the applicant has also requested variations from Sections 25.3.C and 25.4.B of the Zoning Code to allow the planned development to include such an exception.

The subject property is within the M-1 Limited Manufacturing zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the “outdoor storage of vehicles as a principal use” is allowed in the M-1 zoning district only with the approval of a conditional use. The applicant has requested approval of this conditional use. Per Section 11 of the Zoning Code, the “outdoor storage of materials/vehicles/equipment accessory to a principal use” is allowed in the M-1 zoning district only with the approval of a conditional use. Therefore, the applicant has requested approval of this additional conditional use to allow accessory storage of equipment and bulk materials.

As noted in the definition of “Planned Development” in Section 3 of the Zoning Code, if land is zoned for manufacturing and is greater than five (5) acres in size it shall be developed as a Planned Development. Therefore, the applicant has requested approval of a conditional use for a planned development on the subject 23.53-acre property in the manufacturing zoning district. In accordance with Section 25.5 of the Zoning Code, a Development Plan must be prepared and submitted for any Planned Development. Therefore, the applicant has also requested approval of development plan.



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As allowed by Section 25.4 of the Zoning Code, the applicant is also requesting the approval of several exceptions from the Zoning Code regulations as part of the planned development, as detailed below.

Per Sections 25.3.C and 25.4.B of the Zoning Code, the yards and open spaces adjoining the boundaries of a planned development shall not be less than the yard requirements of the district in which it is located, and yards shall be provided along the periphery of planned developments as required by the regulations of the district in which said development is located. One of the exceptions noted above is a request to reduce the required minimum setbacks around the boundary/periphery of the planned development, which would not be allowed by the code. Therefore, the applicant has also requested variations from Sections 25.3.C and 25.4.B of the Zoning Code to allow the planned development to include such an exception.

Director Svalenka continued the public hearing with a detailed staff analysis of all of the petitioner's conditional use, variation, and development plan requests with their exceptions.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner's requests and grant exceptions as outlined below.

1. The requested conditional uses shall be initially approved for a period not-to-exceed five years, and the approval shall automatically be void after five years. However, upon the written request by the applicant, the President and Board of Trustees may approve additional five-year extensions of the uses without the need for additional public hearings.
2. One year after operable public water lines and public sanitary sewer lines are installed within 100 feet of the boundaries of the subject property, the conditional use approval shall automatically be void, and all outdoor storage shall be removed from the entirety of the property within that one-year period.
3. The temporary outdoor storage of semi-trucks and semi-trailers shall be the principal use of the property, and the outdoor storage of any other materials/vehicles/equipment shall not cover more than 50 percent of the area of the property.
4. Fuel storage tanks and fueling pumps shall be prohibited on the subject property.
5. Any vehicles used to transport fuels or other hazardous materials must be empty while stored on the property.
6. The dumping of landscape waste or other waste shall be prohibited on the subject property.
7. The bulk storage of mulch shall be prohibited on the subject property.
8. All vehicles used for landscaping purposes must be empty while stored on the subject property.
9. All tenants on the property must register with the Village in accordance with the business regulations in Chapter 32 of the Municipal Code, unless the tenant ready already has a valid business registration for a location elsewhere in the Village.



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10. The traffic impact study dated November 17, 2022 prepared by KLOA must be revised to comply with the all of the Village's engineering consultant's review comments prior to consideration of the proposed uses by the Board of Trustees.
11. Final engineering plans shall be submitted to the Village for review and must be revised to comply with the all of the Village's engineering consultant's review comments prior to issuance of a building permit.

Director Svalenka recommended approval of the requested conditional use for a Planned Development include the granting of the following exceptions from the applicable bulk regulations of the Zoning Code:

1. An exception from Section 9.4 of the Zoning Code to allow the storage of materials, equipment or vehicles to take place within less than 10 feet of any rear or side yard.
2. Exceptions from Sections 26.4-2 & Table 26.5 of the Zoning Code to reduce the number of overstory trees along Route 31 from 3 per 100 feet to zero, to reduce the number of understory trees along Route 31 from 2 per 100 feet to zero, to reduce the number of large shrubs along Route 31 from 12 per 100 feet to zero, and to reduce the number of small shrubs along Route 31 from 6 per 100 feet to zero.
3. An exception from Sections 26.7 of the Zoning Code to eliminate the required landscape screening along the side and rear lot lines.
4. An exception from Section 18.2-7 of the Zoning Code to increase the percentage of ground asphalt from ten percent to 74 percent of the site.

Applicant Kevin Seay, Vice President of Entitlements & Development for Plote Properties, spoke. He mentioned that Plote did add landscaping to the drawing based upon the Planning & Zoning commissions feedback from last month's meeting. As for the staff recommended condition that the conditional use be for a five-year time period, Plote stands firm that they seek a ten-year conditional use. The reason is because Plote has owned the property for 20+ years, and it has sat mostly vacant. Resurfacing, lighting, and fencing would be a substantial investment, and Plote has a concern that if the conditional use is only for five years, it could be a risky investment. They understand that this truck parking is not the most desired use for this property, but market forces can only determine the best use of this property at the time. Since Plote Properties is a developer, they would be interested in developing the property if there was future interest. Also, it could take three to four years to fully develop the property and fill it up with tenants. Furthermore, Mr. Seay explained the requested exception to storing landscape waste is needed so companies can store it in the short-term on Friday to get them through the weekend and dispose of it properly on Monday.

Ryan Trottier, of Plote Properties, spoke about Plote's grinding and detention pond improvements to the property. The company also has also done studies, used ICSC and other marketing efforts, but has not gotten any activity because of the property's lack of utilities. He realized that there will not be an immediate retail tax to the Village, but those people accessing the property will be doing business in the area. Furthermore, this truck parking could alleviate traffic in Lake in the Hills since companies will have a safe place to park their trucks.



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

There was discussion amongst the staff, Planning & Zoning Commission, and Mr. Seay about the length of the conditional use, and Plote putting in their leases that tenants can't store landscape waste longer than 72 hours. There was concern about the benefit to the Village for this use. Taxes have been paid on this unused property for decades, property taxes may increase, and this could have a good roadside appearance with the landscaped berm. It was clarified that the Village has not spoken with the fire department, and regardless if there was a fire or medical emergency there, it would be addressed then the same way it is now.

There were no further public comments or discussion, and Commissioner Esposito closed the public hearing at 7:54 p.m.

Director Svalenka read the motion as follows: Recommend approval of a Conditional Use Permit to allow outdoor storage of vehicles as a principal use, approval of the requested the Conditional Use Permit to allow outdoor storage of materials/vehicles/equipment accessory to a principal use, approval of the requested Conditional Use Permit to allow a Planned Development, approval of the requested variations from Sections 25.3.C and 25.4.B of the Zoning Code to allow a Planned Development with yards around the periphery/boundary that are less than the yard requirements of the district, and approval of the development plan, all on the property at 8525 South. Route 31 and per the findings of the staff report dated February 13, 2023 subject to the 11 conditions and with the granting of the four exceptions noted in that same staff report. Commissioner Walker said that this would be the motion, and it was seconded by Commissioner Dixon. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito voted Aye, No Nays. Motion passed 7-0.

Commissioner Esposito suggested a motion be added to amend Condition 1 to change the use for a period not-to-exceed ten years and to amend Condition 8 that all vehicles used for landscaping purposes must be emptied within 72 hours after use. Commissioner Siakel approved the motion and it was seconded by Commissioner Murphy. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion passed 7-0.

David Plote spoke and thanked staff and the Planning and Zoning Commission.

Old Business---None

Item for Discussion--None

Staff Report-- Director Svalenka reported that there were no updates.

Audience Participation--None



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Trustee Liaison-Trustee Dustin had nothing to report.

Adjournment--A motion to adjourn the meeting was made by Commissioner Siakel and seconded by Commissioner Dixon. On a roll call vote, Commissioners Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion 6-0.

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 March 13, 2023.

Submitted by,

A handwritten signature in blue ink that reads "Laura Carpenter".

Laura Carpenter
Recording Secretary