



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

APRIL 17, 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, and Chairman Esposito. Commissioner Swanlund was absent.

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 March 13, 2023 was made by Commissioner Dixon and seconded by Commissioner Siakel. The motion was approved by a voice vote of 6-0.

## New Business

### **Conditional Use for a Religious Use for BAPS Midwest at Cunat Court**

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Bolton seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 7:31 p.m. and confirmed with staff that the public was given proper notice regarding it.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated April 17, 2023.

On December 14, 2017 the Village President and Board of Trustees passed Ordinance 2017-65 granting a conditional use at 1300 Cunat Court to allow Bochasanwasi Shri Akshar Purushottam Swaminarayan Sanstha Midwest, Inc (BAPS Midwest) to operate a religious use on the subject property. The ordinance approved the conditional use for a term of five years with the option to request renewal. The original approval expired on December 14, 2022. Therefore, BAPS Midwest has requested approval to renew the conditional use permit and make the use permanent.

Director Svalenka continued with a detailed staff analysis of all of the petitioner's conditional use and the staff recommended conditions. Those conditions are as follows:

1. The landscaping and lawn on the site must be maintained in a code-compliant condition at all times.
2. The sand volleyball court and net at the northeast corner of the property must be removed and lawn grass must be established not later than October 31, 2023.
3. The number of people in the building at any one time shall be limited to 444 people or the occupancy limit of the building as required by the Fire Code, whichever is less.
4. All waste receptacles and dumpsters must be stored inside the building, or a dumpster enclosure compliant with Municipal Code Section 13.02 must be constructed.



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5. The existing asphalt parking lot must be repaired to a code-compliant condition not later than October 31, 2023, as detailed in the attached proposals.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner's requests with the conditions noted in the staff report.

Representing the applicant, Yash Patel was sworn in and spoke. He said he had read through all the conditions and BAPS Midwest will comply with all the conditions.

Mary Ann Benson, homeowner and PPMCA (HOA) Board President was sworn in and spoke. She expressed her concern about granting a permanent conditional use because of the poor property maintenance, road condition and congestion, and future drainage issues if the petitioner decides to expand and build a new building. There was discussion amongst Ms. Benson and the Commission about these issues. Director Svalenka said Village staff can check into the drainage issue and stormwater would be addressed when and if a building permit was submitted for a new building. However, he and Chairman Esposito confirmed this public hearing is to determine if there should be a permanent conditional use for BAPS Midwest at 1300 Cunat Court, and no new building or paving are proposed at this time.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Siakel made a motion to close the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 7:55 p.m.

A motion to recommend approval of the requested Conditional Use Permit to allow BAPS Midwest to operate a religious use on the property at 1300 Cunat Court, per the findings and with the conditions noted in the staff report dated April 17, 2023 was made by Commissioner Bolton and seconded by Commissioner Siakel. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, and Chairman Esposito voted Aye, no Nays. Motion passed 6-0

## **Conditional Uses and Development Plan for a Class 3 Solar Energy System at 6000 Grafton Farm Drive**

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 8:00 p.m. and confirmed with staff that the public was given proper notice regarding it.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated April 17, 2023.

FFP IL Community Solar, LLC proposes to develop a 2.75 megawatt (MW) solar facility on an approximately 14-acre tract of land located just south of the intersection of Grafton Farm Drive and Lucerne Lane. The property is part of a larger 70-acre parcel of land owned by Huntley Community School District 158 as part of the district's Reed Road



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Campus. The applicant intends to lease the 14 acres from the school district. The facility will be comprised of rows of photovoltaic (PV) cell panels mounted on posts set into the ground (solar arrays). The solar arrays will tilt between 60-degree/negative 60-degree angles, and the height will not exceed 12-feet. The facility will be enclosed by a chain link security fence and maintenance vehicles will access the site from a 25-foot-wide asphalt driveway.

The subject property is within the I-B Institutional Buildings zoning district. Any solar energy system greater than 10 acres in size is defined as a Class 3 Solar Energy System. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, a Class 3 Solar Energy System is allowed in the I-B zoning district only with the approval of a conditional use. The applicant has requested approval of this conditional use.

As noted in the definition of “Planned Development” in Section 3 of the Zoning Code, if land is greater than four (4) acres in size it shall be developed as a Planned Development. Therefore, the development of the subject 14-acre property would require the approval of a conditional use for a planned development. 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 a conditional use for a Planned Development and approval of a development plan for the subject property.

Director Svalenka continued with a detailed staff analysis of all of the petitioner’s conditional use and the staff recommended conditions. Those conditions are as follows:

1. The solar energy system must be decommissioned at the end of its useful life in accordance with the submitted decommissioning plan.
2. The plans must be revised to provide stormwater management facilities if required by the Village Engineer to comply with all stormwater management requirements.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner’s requests with the conditions noted in the staff report.

Applicant, Matthew Vollbrecht, was sworn in and spoke. He said that the solar farm will provide energy for about 400 homes for alternative energy for those that want to subscribe, and that this is the same company that currently has a solar farm at Huntley High School. He would make a vegetative buffer a condition, as Commissioner Siakel suggested, if that is what the commission wanted. Mark Altmeyer, Chief Financial Officer of District 158, was sworn in and spoke. He indicated that the land is unbuildable and talked about the solar farm advantages from a finance standpoint. Kelsey Crane of Forefront Power, was sworn in and spoke. She gave more details about the solar farm project scope.

Resident Mike Benkusky was sworn in and spoke about his concern that this solar farm will only benefit a small number of homes, that there is no data regarding any health hazards from the solar panels, and that the property is tax exempt so the Village will not get any tax benefit. Resident Andrew Vasis was sworn in and spoke about his concern regarding the need and type of vegetative buffer to be added between the existing homes and the solar farm. There was discussion back and forth about the details of the landscaping. The Commission agreed that if this request is approved, there should be a condition regarding the vegetative buffer and a maintenance plan.



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Doug Renkosky, School District 158 Director of Operations and Maintenance was sworn in and spoke about the school district's plans for the solar farm.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Dixon made a motion to close the public hearing, and Commissioner Bolton seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 8:22 p.m.

A motion to recommend approval of the requested Conditional Use Permit to allow a Class 3 Solar Energy System, approval of the requested Conditional Use Permit to allow a Planned Development, and approval of a Development Plan, all to allow construction of a 14-acre solar energy system on the property at 6000 Grafton Farm Drive, per the findings and with the conditions noted in the staff report dated April 17, 2023, with the added condition of a vegetative buffer to be maintained was made by Commissioner Dixon and seconded by Commissioner Walker. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, and Chairman Esposito voted Aye, No Nays. Motion passed 6-0.

Commissioner Dixon left the meeting.

## **Conditional Use for an Automotive Service at 8302 Pingree Road**

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito opened the public hearing at 8:30 p.m. and confirmed with staff that the public was given proper notice regarding it.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated April 17, 2023.

Public documents available from the McHenry County Recorder's Office show that James and Charleen Augustine purchased the property at 8304 Pingree Road in February 2000. Soon thereafter they began operating a car wash business named Jetstream Detail & Wash on the property. In September 2001 Mr. & Mrs. Augustine purchased the residential property next door at 8302 Pingree Road and made it their home. In October 2018 Mr. & Mrs. Augustine deeded the property at 8304 Pingree Road to an organization named Chicago Urban Missions Foundation in lieu of foreclosure on the mortgage for the property. Chicago Urban Missions Foundation then sold the property in November 2021 to an LLC owned by Mr. Dariusz Saletnik.

Today, Mr. & Mrs. Augustine still own and live on the property at 8302 Pingree Road. Mr. Saletnik owns the property at 8304 Pingree Road and operates an automobile repair business named Mega Auto Collision and Repair. Mr. & Mrs. Augustine still operate their car wash business in a part of the building at 8304 Pingree Road, but as a tenant. Their lease at 8304 Pingree Road ends later this year. Therefore, they would like to move the car wash business into a recently constructed detached garage behind their residence at 8302 Pingree Road.



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The subject property at 8302 Pingree Road is currently used for residential purposes, but is within the B-4 General Business zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code "automotive service" is allowed in the B-4 zoning district only with the approval of a conditional use. Therefore, James and Charleen Augustine have requested approval of this conditional use. They have indicated that they will continue to live in the house on the property, which is allowed to remain as a legal non-conforming use.

Director Svalenka continued with a detailed staff analysis of all of the petitioner's conditional use and the staff recommended conditions. Those conditions are as follows:

1. Not more than eight cars may be parked outside on the subject property at any one time, and that all cars parked outside must be located on a paved surface located north and east of the fence shown on the plat of survey.
2. The applicant must obtain a written access easement from the owners of 8304 Pingree Road that is recorded with the McHenry County Recorder of Deeds not later than one year after approval of the conditional use, or the applicant must install a code compliant asphalt or concrete driveway with a valid building permit on the subject property to provide access to Pingree Road not later than one year after approval of the conditional use.
3. Vehicles may only be washed inside the detached garage.
4. No automatic car wash equipment may be installed or used on the subject property.
5. The proposed car wash must stop operating if the existing private sewage disposal system fails or if a new driveway is constructed at 8302 Pingree Road, and the business may not resume operations until a private sewage disposal system in compliance with the McHenry County Health Department requirements is established.
6. The applicant must obtain a building permit for a paved driveway expansion in the area of the gravel shown on the attached photos not later than one month after approval of the conditional use, or the applicant must remove all of the gravel from the property and restore all non-paved areas to lawn grass not later than one month after approval of the conditional use.

In conclusion, Director Svalenka recommended that the Planning and Zoning Commission review, deliberate, and make a motion to approve the petitioner's requests with the conditions noted in the staff report.

Applicant, Charlene Augustine, was sworn in and spoke about her and her husband's business, the driveway, septic system and available storage space for the cars while operating their business.

Maria Saletnik, owner of 8304 Pingree and Mega Auto Collision and Repair, was sworn in and spoke about their business, their concerns about the driveway, septic system, and car wash waste water discharging from Jetstream Detail & Wash onto their property. Currently, there is no agreement between property owners of access to the driveway. There was discussion and disagreement between the two parties regarding a septic field at 8304 Pingree.



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Commissioner Esposito suggested that Jetstream Detail & Wash should have access to the shared driveway as long as a lease is in place, and asked when the lease would expire. Mrs. Augustine stated that the lease ends on November 30, 2023 with an option to renew. Commissioner Esposito stated that the deadline for compliance with the condition to provide a recorded access easement or paved driveway should be changed from one year to no later than November 30, 2023.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Siakel made a motion to close the public hearing, and Commissioner Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 9:04 p.m.

A motion to recommend approval of the requested Conditional Use Permit to allow James and Charleen Augustine to operate an automobile detailing business in the detached garage on the property at 8302 Pingree Road, per the findings and with the conditions noted in the staff report dated April 17, 2023, with the added condition that Condition number 2 must be complied with by November 30, 2023, was made by Commissioner Murphy and seconded by Commissioner Walker. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton and Chairman Esposito voted Aye, No Nays. Motion passed 5-0.

## Old Business

None.

## Item for Discussion

None.

## Staff Report

Director Svalenka reported that the Village Board of Trustees approved the request from Moretti's for a conditional use, variation, and a development plan for an outdoor deck at 220 N. Randall Road.

## Audience Participation

None.

## Trustee Liaison

Trustee Dustin had nothing to report.

## Adjournment

A motion to adjourn the meeting was made by Commissioner Siakel and seconded by Commissioner Walker. The motion was approved on a voice vote of 5-0



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There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 9:06 p.m. The next Planning and Zoning Commission meeting is scheduled for May 15, 2023.

Submitted by,

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

Laura Carpenter  
Recording Secretary