



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

July 17, 2023
7:30 P.M.

AGENDA

1. Call to Order
2. Roll Call
3. Consent Agenda
 - A. Motion to accept and place on file the minutes of the May 15, 2023 Planning and Zoning Commission meeting minutes
4. New Business
 - A. A variation from Sections 18.2-2.C and 18.9 of the Zoning Code regarding parking and a conditional use permit to allow the outdoor storage of a food truck accessory to a carry-out restaurant at 1201 Crystal Lake Road
5. Old Business
6. Items for Discussion
7. Staff Report
8. Audience Participation
9. Trustee Liaison Report
10. Next Planning & Zoning meeting is scheduled for August 14, 2023
11. Adjournment

MEETING LOCATION
Lake in the Hills Village Hall
600 Harvest Gate
Lake in the Hills, IL 60156

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (847) 960-7400 [TDD (847) 658-4511] promptly to allow the Village to make reasonable accommodations for those persons.

Posted by:

Date: July 14, 2023

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

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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 April 17, 2023 was made by Commissioner Siakel and seconded by Commissioner Bolton. The motion was approved by a voice vote of 7-0.

New Business

Variation from Section 7.4 of the Zoning Code to Reduce the Minimum front Yard for an Attached Garage at 332 Hiawatha Drive

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 May 15, 2023.

The existing single-family detached residence at 332 Hiawatha Drive is a typical raised ranch constructed in 1973, with three bedrooms and two bathrooms. The home has 1,080 square feet of living area on the upper level and 528 square feet on the lower level, along with a 428-square-foot two-car garage on the lower level. The applicant, Peter Wisniewski, purchased the home on February 26, 2007

Mr. Wisniewski would like to renovate and construct additions onto the front and rear of the residence to add living space and create a more usable garage. The lot is steeply sloped and drops 22 feet in elevation from the front lot line along Hiawatha Drive to the rear lot line along Goose Lake. The floor of the existing lower-level garage is over 14 feet lower than the street, and is accessed by a steep asphalt driveway. As a part of the project, the existing garage is proposed to be converted to living space, and a new two-car garage is proposed to be added onto the front of the upper level of the house. A basement recreation room is proposed to be built into the hill underneath the garage. The additions would add over 2,300 square feet to the house and increase the living areas to four bedrooms and 3½ bathrooms.

The subject property is within the R-2 One-Family Dwelling zoning district. In accordance with Section 7.4 of the Zoning Code a minimum front yard of 25 feet is required to be maintained in the R-2 zoning district. The proposed new attached garage would be set back only 6.66 feet from the front lot line. Therefore, the applicant has requested



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approval of a variation from Section 7.4 of the Zoning Code to reduce the required front yard from 25 feet to 6.66 feet.

Director Svalenka continued with a detailed staff analysis of all of the petitioner's variation request and noted that staff found positively on all review criteria.

Petitioner, Peter Wisniewski, was sworn in and spoke. He reiterated about the difficulty in maintaining the driveway in keeping it clear of snow, ice, and rainwater because of its steepness. There was discussion and clarification regarding the proposed garage size, and the variation setback that was requested. There was also discussion about the drainage, a possible French drain, landscape modifications, the existing utility lines, and applicable stormwater permit. Director Svalenka confirmed that the stormwater management would be completed with the construction of this project, if approved. Despite the variation, staff will ensure the drainage design will not negatively affect the neighbors. Director Svalenka read aloud an email from the resident at 336 Hiawatha in regards to their opposition to the variation request.

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 7:45 p.m.

A motion to recommend approval of the requested variation from Section 7.4 of the Zoning Code to reduce the required yard setback from 25 feet to 6.66 feet to allow the construction of an attached garage on the property at 332 Hiawatha Drive, per the findings noted in the staff report dated May 15, 2023 was made by Commissioner Swanlund 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 passed 7-0.

Old Business

None.

Item for Discussion

None.

Staff Report

Director Svalenka reported that the Village Board of Trustees approved the two conditional use permits and development plan from FFP IL Community Solar, LLC for a solar energy farm at 6000 Grafton Farm Drive. Director Svalenka reported that the petitioner provided to him the solar farm tree-lined landscape plan that the Commission requested at the public hearing. The Village Board of Trustees also approved the permanent conditional use permit for a religious use for BAPS Midwest at 1300 Cunat Court and the conditional use permit for the carwash at 8302 Pingree Road. Also, the variation for 255 Indian Trail was approved based upon modifications to the project to allow a carport.



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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 7-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 7:50 p.m. The next Planning and Zoning Commission meeting is scheduled for June 12, 2023.

Submitted by,

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

Laura Carpenter
Recording Secretary

DRAFT

REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: July 17, 2023

DEPARTMENT: Community Development

SUBJECT: Variation and Conditional Use for Stix & Noodles Restaurant at 1201 Crystal Lake Road

EXECUTIVE SUMMARY

General Information

- Requested Action:*
- Variation from Sections 18.2-2.C and 18.9 of the Zoning Code to allow the existing commercial building on the property to be converted to a carry-out restaurant without providing additional parking spaces.
 - Conditional Use Permit to allow the outdoor storage of a food truck vehicle accessory to the principal use of a carry-out restaurant

Owner: Michael Huppert

Applicant: Maria Calara, Stix and Noodles LLC

Purpose: To allow the existing commercial building on the property to be converted to a carry-out restaurant, and to allow storage of a food truck

Location and Size: 1201 Crystal Lake Road. Approximately 15,442 square feet in area.

Zoning and Land Use:

Site:	B-2 Business – Neighborhood Convenience. Commercial and Single-Family Residential
North:	B-1 Transitional Business. Single-Family Residential
East:	R-2 One-Family Dwelling. Single-Family Residential
South:	IB Institutional Buildings. Police Station
West:	R-2 One-Family Dwelling. Vacant
Future Land Use:	Commercial

Background

The subject property at 1201 Crystal Lake Road is within the B-2 Neighborhood Convenience Business zoning district. The west side of the property includes a 744-square-foot single-family detached residence. The east side of the property includes a 1,228-square-foot one-story commercial building. Available records from the Algonquin Township Assessors Office indicate that both buildings were constructed in 1953. The commercial building was most recently used for a repair shop named Guaranteed Appliance Parts and Service. Available records show that Guaranteed Appliance operated on the subject property from approximately 1991 until 2022. Michael Huppert purchased the property in 1995 and ran the business.

On February 1, 2022 Mr. Huppert signed an agreement to sell the subject property to Maria Calara. The agreement is essentially a rent-to-own agreement, where Ms. Calara has possession of the property and makes monthly payments to Mr. Huppert, but will not obtain the deed to the property until Mr. Huppert receives the full amount of the agreed upon purchase price. Ms. Calara now wishes to convert the commercial building to a carry-out restaurant named Stix & Noodles to sell homestyle Filipino food. Restaurants are a permitted use in the subject B-2 zoning district.

Per Section 18.2-2.C of the Zoning Code, when a building undergoes any increase in the unit of measure specified in Section 18 for the calculation of required parking, then the parking facilities shall be increased accordingly to at least equal the minimum parking required. Per Section 18.9 of the Zoning Code, the appliance service business would have been required to provide one parking spaces for every 200 square feet, but restaurants are required to provide one parking space for every 70 square feet of area used for service to customers and for food preparation. Based on calculations by Village staff, the current code would require six parking spaces for the appliance service business, but would require ten parking spaces for the proposed restaurant. The existing asphalt parking area is not currently striped for parking spaces, but it is wide enough to accommodate a maximum of seven parking spaces. Therefore, the applicant has requested a variation from Sections 18.2-2.C and 18.9 of the Zoning Code to reduce the required number of parking spaces from ten to seven.

In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the outdoor storage of vehicles accessory to a principal use is allowed in the B-2 zoning district only with the approval of a conditional use. The applicant owns a food truck that is stored on the subject property when it is not in use and has, therefore, requested approval of this conditional use.

Analysis - Zoning Variation

Per Section 18.2-2.C of the Zoning Code, when a building or structure undergoes any increase in the gross floor area, seating capacity, or other unit of measurement specified for the required parking spaces, and further, when said increase would result in a requirement for additional total parking spaces, then the parking facilities shall be increased accordingly, to at least equal the parking required for the building or structure as modified. Per Section 18.9 of the Zoning Code, restaurants are required to provide one parking space for every 70 square feet of gross floor area of the building or structure used or intended to be used for service to the public as customers or patrons, and areas used for food preparation. Based on the attached floor plan submitted by the applicant, 691 square feet of the 1,228-square-foot building would be used for service to the public and for food preparation. Based on the standard of providing one parking space for every 70 square feet, a total

of ten parking spaces are required for the existing commercial building. As shown on the submitted plat of survey, the subject property includes an existing asphalt parking area that is approximately 72 feet wide. A standard parking spaces is required to be nine feet wide, and a handicapped accessible parking space is required to be 16 feet wide. With these dimensions, there is enough space on the parking area to accommodate a maximum of seven parking spaces (six regular spaces and one accessible space). Therefore, the applicant has requested a variation from Sections 18.2-2.C and 18.9 of the Zoning Code to eliminate the requirement to provide additional parking spaces, and to reduce the required number of parking spaces from ten to seven.

Per Section 23.7 of the Zoning Code, there are three conditions and six supplemental standards that shall be considered by the Planning and Zoning Commission in determining whether to recommend approval of a variation. The applicant has indicated on their submitted application form how they believe these factors are met. Staff will provide a detailed analysis below of all factors for the request.

Staff has reviewed whether the subject property could yield a reasonable return if required to comply with the minimum parking requirements. As noted on the submitted application, the restaurant will not have any indoor or outdoor dining areas, and will only offer carry-out service to customers. Staff finds that the building is relatively small for a restaurant, and notes that the subject property is located in the middle of a neighborhood that has only a moderate amount of vehicular traffic. This means that the restaurant will have less visibility than similar spaces located along major commercial corridors like Randall Road and Algonquin Road, and means that the number of patrons visiting the building is likely to be low. As noted below in this report, it likely would be very difficult to construct any additional parking spaces on the subject property. However, if the applicant were able to construct the required three additional parking spaces, staff finds that the construction would require long additional drive aisles and extra pavement. Such construction would be very expensive. Essentially, the restaurant will have less walk-in business than other similar spaces, and the cost to install more parking would be greater than for other properties. Therefore, staff finds that the property would yield a reduced return without the granting of the requested variation.

Staff has reviewed whether the plight of the owner is due to unique circumstances. The definition of "restaurant" in Section 3 of the Zoning Code lists five different classes of restaurants, including Class I restaurants will all patrons sitting at indoor tables, Class II restaurants with mostly indoor tables and some carry-out, Class III restaurants with mostly carry-out business and some indoor tables, Class IV restaurants with all carry-out business, and with Class V restaurants being concession shops. The proposed Stix & Noodles restaurant would be a Class IV restaurant. Regardless of the fact that the code identifies five different classes of restaurants, the parking regulations in Section 18.9 of the Zoning Code require all restaurants to provide the same parking as a Class I restaurant. At a sit-down restaurant where patrons place their food order with a server at a table, patrons may spend as much as an hour inside the restaurant. This means that their vehicle would occupy a parking space for an hour as well. For a carry-out restaurant, the patrons only spend as much time in the restaurant as it takes for their food to be prepared. This means that their vehicle would only occupy a parking space for a few minutes. Therefore, carry-out restaurants actually require far less parking than sit-down restaurants. Further, staff finds that carry-out only restaurants are typically located within strip malls or within larger shopping centers with larger shared parking lots. In this case, the carry-out restaurant is located in a stand-alone building with its own small parking lot. Staff finds that these are unique circumstances that support the variation request, in

that carry-out restaurants do not typically require as much parking as sit-down restaurants, and other carry-out restaurants in the Village typically have access to shared parking.

Staff has reviewed whether the variation, if granted, would alter the essential character of the locality. If the variation is approved, no new parking will be installed, so the visual character of the property will remain the same. While it is not likely that the existing parking lot would ever be full for the proposed small carry-out restaurant, staff has also considered where patrons might park if the parking lot did become full. The subject property is located directly across the street from the current Village police station building that has a large parking lot. Therefore, any extra patrons would likely park in the police station parking lot and not on the street in the surrounding neighborhood, so the essential character of the area will remain the same. Certainly, the Village would not encourage restaurant patrons or employees to park in the police station parking lot, but staff finds that it would be the likely parking location for any hypothetical overflow parking.

In review of whether the physical surroundings, shape or topographical conditions of the specific property would bring a particular hardship upon the owner as distinguished from a mere inconvenience, staff has considered where additional parking spaces could be constructed. Per Section 18.6-2 of the Zoning Code, off-street parking spaces and access drives shall not be located within a required front yard. The subject property abuts three streets, and has 30-foot deep required front yards along the east, south, and west property lines. Therefore, based on the location of the buildings, there is not sufficient space on the property to install new parking spaces along Crystal Lake Road, Oak Street, or Decatur Lane. There is a small area directly north of the commercial building where there is a potential to install a few parking spaces, but staff finds that it would be difficult to provide vehicular access to the area north of the building, and such parking would require significant additional paving to provide access driveways without a dead end. Therefore, staff finds that the physical conditions of the property bring a hardship upon the owner.

The subject property is in the B-2 zoning district. All of the other restaurant properties in the Village within the B-2 district are in strip malls or have large sit-down restaurants. For example, Dino's Pizza & Pasta at 6 Miller Road is in the B-2 zoning district and is located in a multi-tenant building with a larger shared parking lot. The dine-in patrons at Dino's can use the adjacent parking spaces in the evening when other businesses in the building are closed. This example is also similar to the Prairie Shops shopping center at the intersection of Ackman Road and Lakewood Road and the Cedar Ridge Plaza shopping center at the intersection of Algonquin Road and Cedar Ridge Drive. The subject property is the only one in the B-2 district proposed to have a small carry-out restaurant located in a stand-alone building without any other adjacent businesses. Therefore, staff finds that the conditions upon which the petition for variation is based would not be applicable generally to other properties within the same zoning classification.

In review of whether the purpose of the variation is based exclusively upon a desire to make more money out of the property, the submitted application form states that the variation is simply based upon the fact that the existing parking is sufficient to meet the needs of the business. Therefore, it is likely that the business would generate the same revenue with or without the construction of additional parking. Approval of the variation would allow the owner to avoid an unnecessary expense for construction of parking that would not be used.

Staff has reviewed whether the alleged difficulty or hardship has been created by any person presently having interest in the property. As noted above, the existing parking area was used by a previous business since at least the 1990's, and the applicant only obtained the rights to use the property starting in 2022. The applicant did not construct the building or existing parking area, and did not create the situation where the property has limited areas available for additional parking.

Staff has reviewed whether the granting of the variation will be detrimental to the public welfare or injurious to other property in the neighborhood. As detailed above, staff finds that the proposed carry-out restaurant will not use as many parking spaces as a sit-down restaurant, and the granting of the variation will not result in Stix & Noodles customers parking on the streets in the neighborhood. Therefore, the variation will not cause injury to other properties in the vicinity.

Finally, staff has reviewed whether the proposed variation will 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. No new parking is proposed to be constructed, so the supply of light and air will remain unchanged, and the danger of fire will not increase. Again, as there will not be a need for additional parking, the variation will not affect property values in the vicinity.

Findings - Summary, Zoning Variation

Based on the analysis noted above, staff offers draft findings that support the approval of the requested variation. The Planning and Zoning Commission's decision must be consistent with the findings, otherwise the commissioners should deliberate new findings at the public hearing.

Findings - Detail, Zoning Variation

The Planning and Zoning Commission may recommend and the Board of Trustees shall permit a variation of the provisions of the Zoning Code 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 property would yield a reduced return without the granting of the requested variation in that the business will likely have fewer customers than similar businesses along major commercial corridors, and in that the cost to install additional parking would be more than for other properties.*
- B. The plight of the owner is due to unique circumstances: *The plight of the owner is due to the unique circumstance in that less parking is required for a carry-out only restaurant as compared to a sit-down restaurant, and in that most other carry-out only restaurants are in multi-tenant shopping centers with access to shared parking areas.*
- C. The variation, if granted, will not alter the essential character of the locality: *The variation, if granted, would not alter the essential character of the locality, in that no new parking areas would be constructed, and that any potential additional patrons would likely park in the existing police station parking lot instead of on the street in the surrounding neighborhood.*

For the purpose of supplementing the above standards, the Village, in making its determination whether 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 that:

- D. 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 physical conditions of the specific property would bring a hardship upon the owner if the strict letter of the regulation were to be carried out in that new parking spaces are prohibited in the three required front yards on the property, and the area available for new parking spaces to the north of the building is limited and less than ideal.*
- E. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification: *The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification, in that the subject property is in the B-2 zoning district, and it is the only property in the B-2 district with a small carry-out restaurant in a stand-alone building.*
- F. The purpose of the variation is not based exclusively upon a desire to make more money out of the property: *The purpose of the variation is not based exclusively upon a desire to make more money out of the property, but rather is based upon the fact that the existing parking is sufficient to meet the needs of the business and that the construction of additional parking spaces would not change the amount of money to be generated by the business.*
- G. The alleged difficulty or hardship has not been created by any person presently having interest in the property: *The alleged difficulty or hardship has not been created by any person presently having interest in the property in that the existing buildings and parking area were created before the applicant gained an interest in the property in 2022.*
- H. 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: *The granting of the requested 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, in that the proposed carry-out restaurant will not generate a demand for additional parking on the subject property or in the neighborhood.*
- I. 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 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 in that no new parking spaces would be constructed and there will not be a demand for additional parking.*

Analysis – Conditional Use

The outdoor storage of vehicles accessory to a principal use is allowed in the B-2 zoning district only with the approval of a conditional use. The applicant has requested approval of a conditional use

to store one food truck on the subject property when it is not in use. Per Section 24.6 of the Zoning Code, there are seven factors that shall be considered by the Planning and Zoning Commission regarding how they are relevant to the specific conditional use being requested. The applicant has indicated on their submitted application form how they believe these factors are met. Staff has provided a detailed analysis below of all factors for the request.

In the review of whether storage of the proposed food truck is necessary or desirable to provide a service or facility which is in the interest of public convenience and will contribute to the general welfare, the submitted application form states that the truck will allow the restaurant to serve Filipino dishes which offer different tastes than other restaurants in the Village. Staff finds that the food truck is also a vital part of the subject business, as they will only offer carry-out service on the property, and the owner will rely upon the business from food truck events. The carry-out restaurant will also act as a commissary for the food truck, whereby the truck will be re-stocked directly from the restaurant. Allowing the food truck to be stored directly adjacent to the restaurant will reduce the traffic in the neighborhood of the truck having to make extra trips travel back and forth between the restaurant and an off-site storage location.

Next, staff has reviewed whether the storage of the proposed food truck will 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. Staff notes that the code specially allows outdoor “storage” of the vehicle with approval of a conditional use. The truck is the size of small delivery van, similar to a UPS or Amazon truck. Therefore, if the truck is just parked in a legal parking space and is not running, it will not be likely to have any negative effect on the surrounding properties. However, if the truck were to be left running or be used to serve food directly on the subject property, the constant noise and exhaust fumes would be detrimental to the public health and welfare. Staff find that there would also be not be a need to serve food directly from the food truck on the subject property, as patrons could simply walk inside the restaurant building to place carry-out orders. Therefore, if the Planning and Zoning Commission recommends approval of the conditional use, staff suggests that the recommendation include the condition that the food truck be prohibited from being used to serve food on the subject property.

Regarding how storage of the food truck might affect property value or improvements in the vicinity, staff has considered how the truck might be parked. Currently the parking lot is not striped for parking spaces, and the truck is typically parked at an angle near the southwest corner of the building. After the carry-out restaurant is open for business, all seven parking spaces will need to be available for parking. If the truck is parked at an angle, it will take up the space of two or three parking spaces. This could potentially lead to a situation where there is not enough on-site parking for the restaurant, which might result in patrons parking off site on a regular basis. Consistent off-site parking by restaurant patrons might have a negative effect on surrounding property values. Therefore, if the Planning and Zoning Commission recommends approval of the conditional use, staff suggests that the recommendation include the condition that the existing parking lot must be seal coated and striped for code-compliant parking spaces, and that the food truck must be stored within one of the striped parking spaces.

Third, staff has reviewed whether the storage of the food truck will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The property is within the B-2 Neighborhood Convenience Business zoning district. The property is

bounded by streets on three sides, which provides a buffer between the truck and adjacent buildings. The properties to the south and southeast are existing Village-owned buildings. The properties across the streets to the east and west are zoned for residential uses, and include a single-family residence at 1 E. Oak Street and vacant residential lots on the west side of Decatur Avenue. Staff finds that both of these residential properties are far enough away from the food truck to be unaffected. The existing house on the subject property is controlled by the applicant. The nearest adjacent property used for residential purposes is the Quonset hut located directly north of the subject property. The Quonset hut is on a property in the B-1 zoning district, but it is currently being converted into a dwelling unit. Staff notes that the food truck is proposed to be stored on the south side of the restaurant building, so the building will screen the view of the food truck from the Quonset hut building. Therefore, staff finds that the establishment of the proposed use will not impede the normal and orderly development and improvement of the surrounding property.

In the review of the extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents, staff notes that the future land use map calls for commercial development on the subject property and the proposed outdoor storage of a food truck is part of a commercial restaurant business. Further, one of the objectives in the Land Use and Development Policies chapter is to attract restaurants. Staff finds that the proposed outdoor storage of a food truck will help to support a newly proposed restaurant.

Next, staff has considered the amount of traffic congestion or hazards, if any, that may occur as a result of the proposed conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. All pedestrian pathways, vehicular drives, and parking lots are already in place on the subject property and function well without any congestion or hazards. Subject to the condition noted above about the food truck being parked within a standard striped parking space, staff finds that the truck will not result in additional traffic congestion or hazards.

In review of the extent that the conditional uses can be adequately served by essential public facilities and services and private utilities, staff notes that all utilities are already in place. The applicant has indicated that the truck will receive electrical power from the building while it is stored on the property, and staff finds that this minimal electrical draw will likely not require any unusual additional utility services.

Finally, staff has examined whether the proposed use will comply with the regulations and conditions specified in the Zoning Code for such uses. Please see the section of this report above regarding a zoning variation regarding parking. Other than the parking variation, the business will comply with all code requirements.

Findings - Summary, Conditional Uses

Based on the analysis noted above, staff offers draft findings that support the approval of the requested conditional use. The Planning and Zoning Commission's decision must be consistent with the findings, otherwise the commissioners should deliberate new findings at the public hearing.

Findings – Detail, Conditional Uses

The commissioners shall arrive at findings relevant to the conditional use request. There are seven review factors listed in the Zoning Code that need to be addressed by the applicant. Below are the seven criteria and staff findings for each based on the application:

1. The Planning and Zoning Commission may recommend and the Board of Trustees shall find 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 requested conditional use on the property at 1201 Crystal Lake Road 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, in that it will help a business to introduce Filipino dishes to the community, and in that storing the vehicle directly adjacent to the restaurant on the property will reduce the number of vehicular trips in the vicinity.*
2. The Planning and Zoning Commission may recommend and the Board of Trustees shall find 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 requested conditional use will not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, in that the proposed food truck is small and similar to a parcel delivery van, subject to the condition that the truck shall not be used to serve food directly to customers on the subject property. The requested conditional use will not be injurious to property values or improvements in the vicinity, subject to the condition that the existing parking lot must be seal coated and striped for code-compliant parking spaces, and that the food truck must be stored within one of the striped parking spaces.*
3. The Planning and Zoning Commission may recommend and the Board of Trustees shall find 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 requested conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district, in that the surrounding properties are either used for governmental uses, or are used for residential purposes that are distant from the proposed truck storage location.*
4. The Planning and Zoning Commission and the Board of Trustees shall consider the extent to which the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents: *The requested conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents in that the proposed use is commercial in nature and the Future Land Use Map calls for commercial development on the subject property.*
5. The Planning and Zoning Commission and the Board of Trustees shall consider 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 requested conditional use will not create traffic congestions or hazards in that all vehicular access drives and parking areas are existing, and in that the requested conditional use has access to adequate existing pedestrian facilities.*

6. The Planning and Zoning Commission and the Board of Trustees shall consider the extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities: *The requested conditional use can be adequately served by the existing private utilities that already serve the property, in that the stored food truck will only require minor electrical service.*
7. The Planning and Zoning Commission may recommend and the Board of Trustees shall find 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 requested conditional use will comply with the applicable regulations in the district, subject to the granting of a zoning variation regarding parking.*

ATTACHMENTS

1. Applications
2. Exhibits
3. Floor Plan
4. Plat of Survey

RECOMMENDED ACTION

Staff recommends that the Planning and Zoning Commission (PZC) review, deliberate, and make the following motion:

A motion to recommend approval of the requested variation from Sections 18.2-2.C and 18.9 of the Zoning Code to reduce the number of required parking spaces from ten to seven, and approval of the requested Conditional Use Permit to allow the outdoor storage of one food truck vehicle accessory to the principal use of a carry-out restaurant, all for the Stix & Noodles restaurant on the property at 1201 Crystal Lake Road, per the findings and with the three conditions noted in the staff report dated July 17, 2023.

Staff recommends that the approvals noted above be subject to compliance with the following conditions:

1. The food truck be prohibited from being used to serve food on the subject property.
2. The existing parking lot on the subject property must be seal coated and striped for code-compliant parking spaces.
3. The food truck must be stored within one code-compliant striped parking space.

2086032



RECEIVED

JUN 16 2023

Village of Lake in the Hills
Community Development

Village of Lake in the Hills Development and Zoning Application

Date: 6/2/2023

Property Information

Common street address: 1201 Crystal Lake Rd Lake in the Hills, IL 60102

PIN (Property Index Number): 1920308007

Current Zoning: B2

Proposed Zoning: N/A

Current Use: _____

Proposed Use: _____

Is the request consistent with the Comprehensive Plan? _____

Number of Acres: 3.55 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): Maria Calara

Business/Firm Name (if applicable): Stix and Noodles LLC

Address: 1510 Industrial Drive Unit D

City/State/Zip: Lake in the Hills, IL 60102

Phone Number: 312 866 1456

Email: stix and noodles@gmail.com

Applicant Information

Name(s): same as above

Business/Firm Name (if applicable): _____

Address: _____


City/State/Zip: _____


Phone Number: _____

Email: _____

Lake in the Hills Development and Zoning Application
Page 2

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	
Variance – Non-Residential	✓	0-2 ac = \$ 250 Over 2 ac = \$ 500	L	Yes	
Development Plan Review		\$ 500 + \$ 10/ac	M	No	
Total Fees					750
Additional Fees					
Stormwater Permit Application Fee to be paid at time of permit issuance Minor = \$ 250 Intermediate or Major = \$ 1,000					
Reimbursement of Fees Required (Attach Appendix B) = \$ 2,000 + \$ 100/acre for every acre over 5 acres					2,000


6/2/2023
If Owner/Applicant is a School District please, complete and submit Appendix N
 Property Owner Signature Date


6/2/2023
 Applicant Signature Date

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

PROPERTY ADDRESS/PIN 192038007

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:

Stix and Noodles will only strictly offer
pick up and to go for our customers. We
have a gn existing lot that would be ample
to serve the customers. The lot is paved
and well currently

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.**

We will not have a sit down in the future

nor plan to.

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

We do not have any more room in the lot
to create more parking space for customers,
but ~~space~~ is enough to carry out our
daily business

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

It will not alter the essential character
since the property is across the KITH police
station and has a stop sign on the corner
of the lot.

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.**

No hardship since it's already has the existing
parkment lot

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification. **Explain how this standard is met.**

~~Hotel~~ Restaurant would not be asit down,
but would just be pick up and go. So
Customers will not stay long in the locations

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.**

It is not based to make more money, but
to fit our business needs. The space is
enough to meet our needs

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.**

It is an existing appliance store repair shop, but
not been changed since.

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.**

It will not be detrimental to the public space
it is gross from the police station.

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.**

~~7~~ 7 vehicle parking is enough for customers
no street light or any increase of danger
will occur

Murcan 6/2/2023

Applicant's Signature Date
Murcan 6/2/2023

Property Owner's Signature Date

Appendix I
Conditional Use

Conditional Use Applying For: Outdoor Storage of Vehicle Accessory
to Principal use
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.**

It will service the community with Filipino
dishes which offers different taste.

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.**

We have the food truck is regular
The food truck is regularly inspected by IL safety
with ~~the~~ Department of transportation. Also is inspected
by McHenry Health Department on regular basis

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 property sits right across the street from
LITH police station which has ample parking lot.
The property also has its own parking lot.

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.**

We will comply with the Truck is currently holds approval with the McHenry County Health department as well as state inspection approval

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.**

Property sits on a lot with 7 vehicle parking space we will not offer sit down for customers and will be only to go and pickup restaurant.

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.**

sewer, electricity and gas will be in compliance order to comply

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 the village requirement in order to meet standard and expectations

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

Mr. Calh 6/27/2023
Property Owner Signature Date

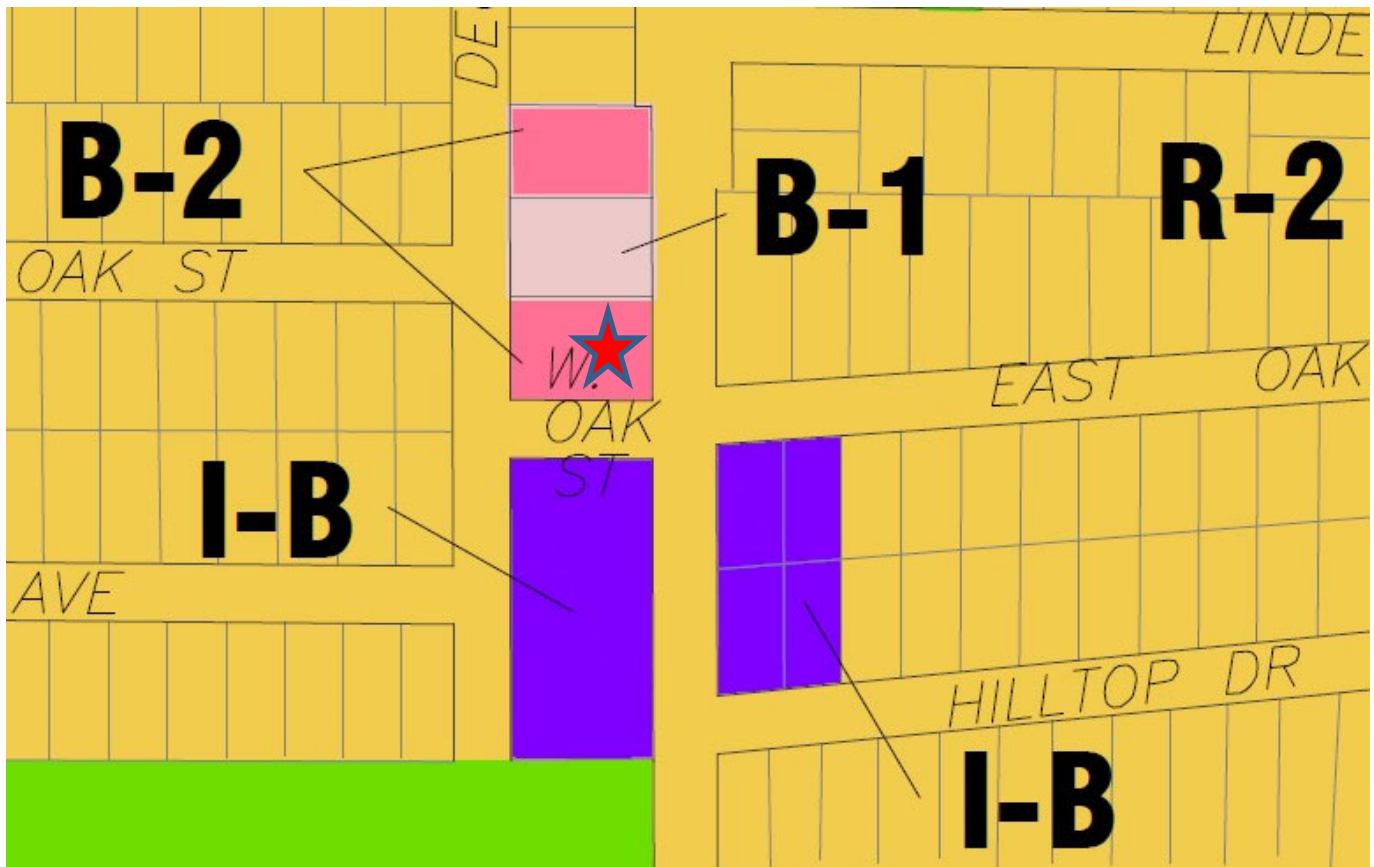
Mr. Calara 6/2/2023
Applicant Signature Date

Variation and Conditional Use for Stix & Noodles at 1201 Crystal Lake Rd



2. EXHIBITS

ZONING MAP

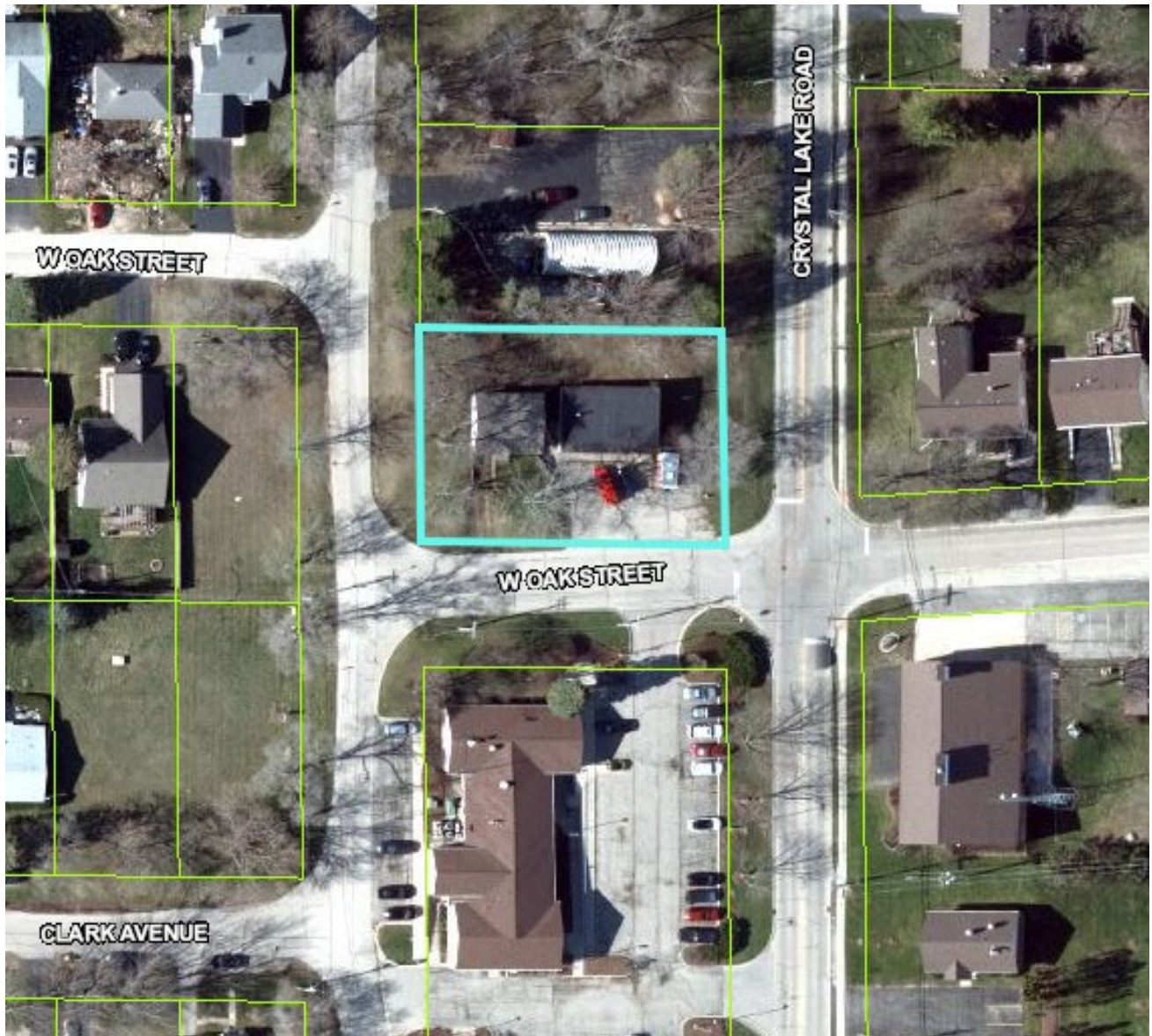


FUTURE LAND USE MAP



 Commercial

AERIAL PHOTO

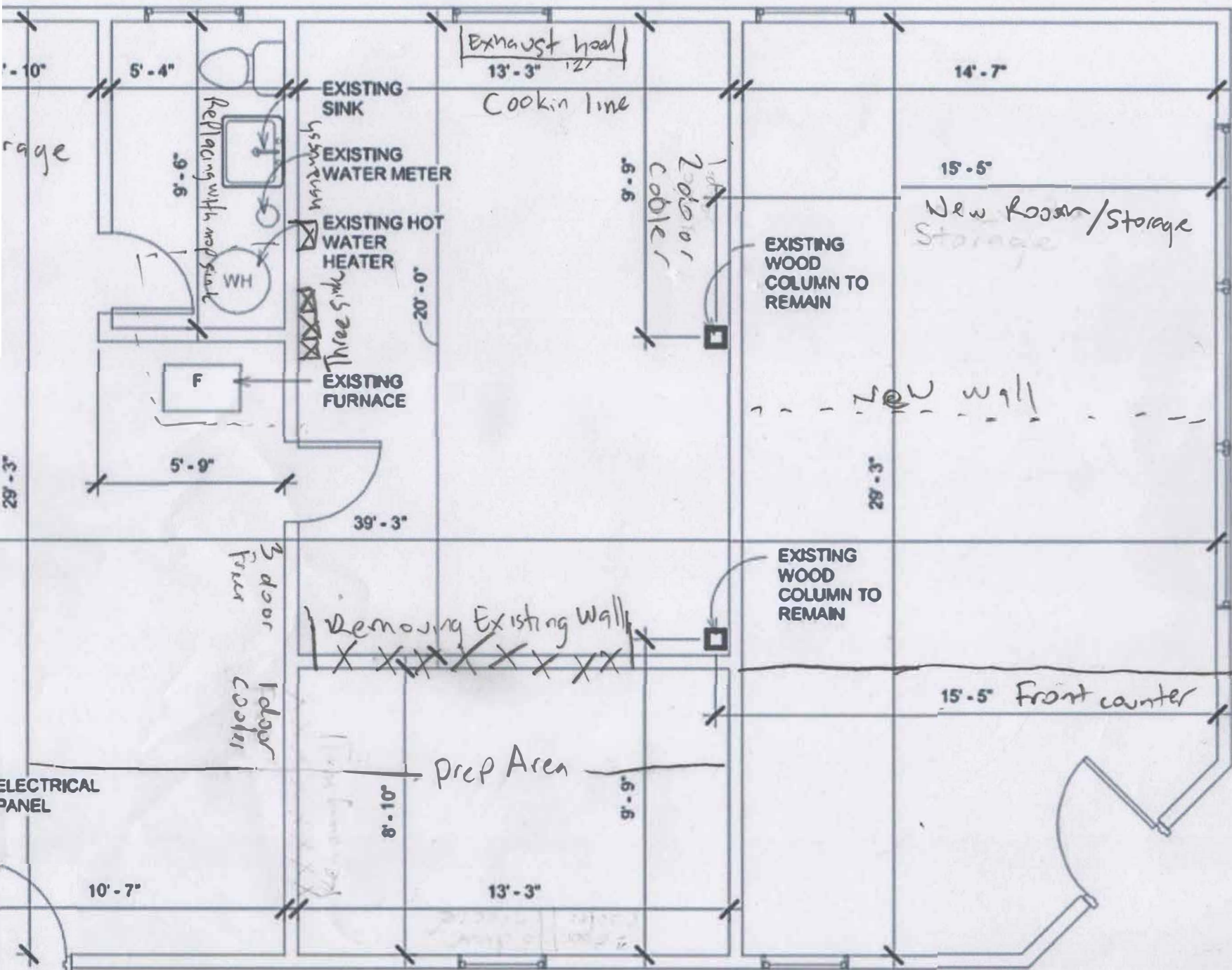


PROPERTY PHOTO

View of building
and parking area



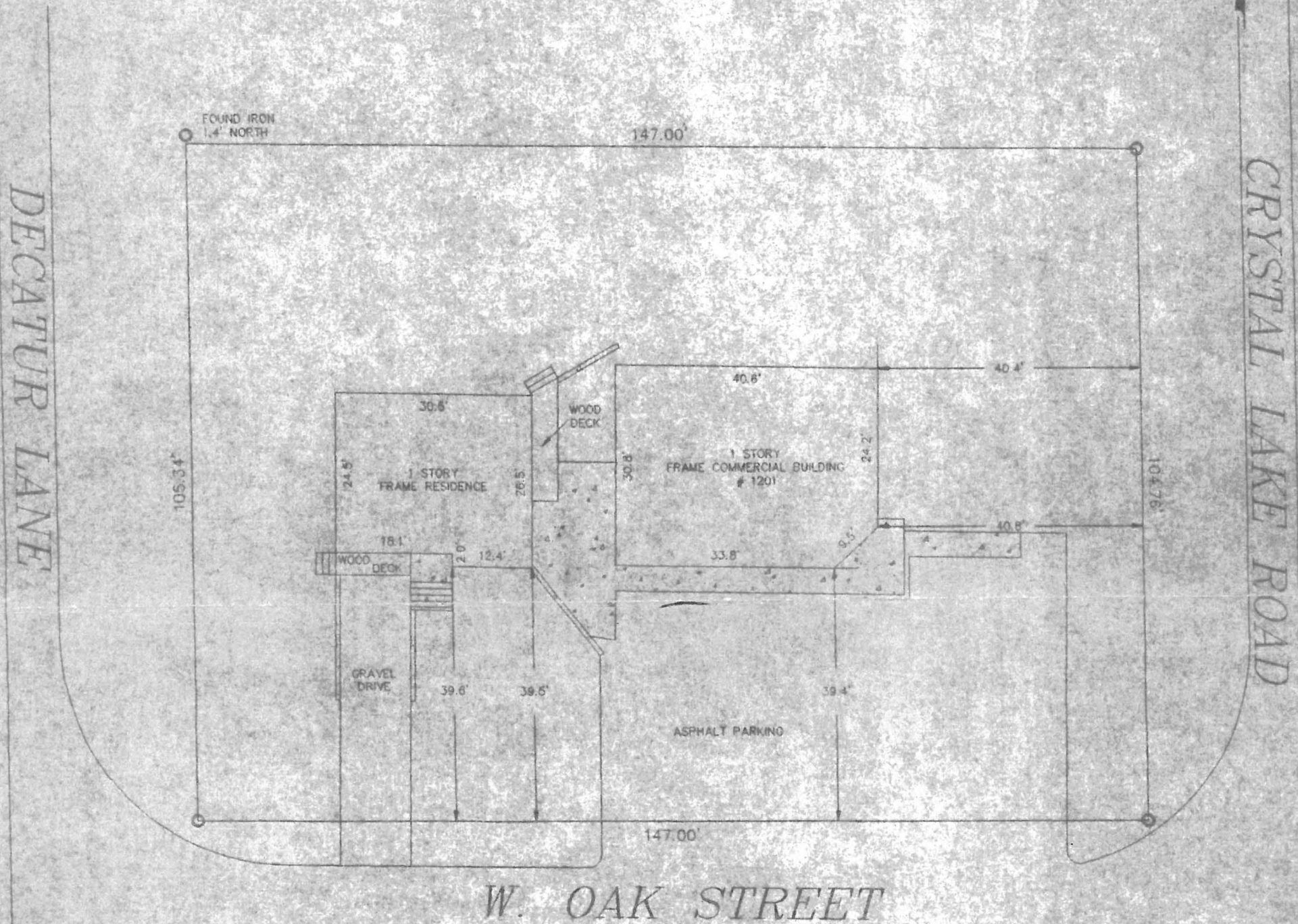
GAS LINE



PLAT OF SURVEY

OF PROPERTY DESCRIBED AS

LOT 3 IN BLOCK 1 IN LAKE IN THE HILLS ESTATES UNIT 5, BEING A SUBDIVISION OF PART 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 16, 1949 AS DOCUMENT NO. 222260, IN BOOK 10 OF PLATS, PAGE 117, IN McHENRY COUNTY, ILLINOIS.



STATE OF ILLINOIS))SS
 COUNTY OF McHENRY)

WE, ABACUS LAND SURVEYING INC., AS ILLINOIS PROFESSIONAL LAND SURVEYORS, HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ACCORDING TO THE FOUND ARTIFICIAL MONUMENTATION AND THAT THE PLAT DRAWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

R.L.Y.

NOTE: ACCORDING TO FIRM MAP, COMMUNITY PANEL NO170481 0002B1, EFFECTIVE JULY 5, 1983 THIS PROPERTY DOES NOT FALL WITHIN A FLOOD HAZARD AREA.

NOTE: COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.
 NO DISTANCE SHOULD BE ASSUMED BY SCALING.
 NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS SHOWN AND NOTED.
 NO REPRESENTATION AS TO OWNERSHIP, USE, OR POSSESSION SHOULD BE HEREON IMPLIED.
 REFER TO ABSTRACT, TITLE OR LOCAL ORDINANCES FOR ANY ADDITIONAL RESTRICTIONS, EASEMENTS OR BUILDING LINES.
 NO ABSTRACT, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR. THERE MAY EXIST DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL.

JOB #	9507L	DATE	224/95	SCALE	1"=20'	SHEET	1/1	PREPARED FOR	UNIVERSAL - 10262
DRAWN BY	H.P.P.	CHECKED BY	R.L.Y.	ABACUS LAND SURVEYORS, INC.					
				118 NORTH KENT ROAD			815		
				McHENRY, ILLINOIS, 60050			344-1304		