



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

November 13, 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 July 17, 2023 Planning and Zoning Commission meeting minutes
4. New Business
 - A. Zoning Code Text Amendments to Section 3, Definitions, and Section 11, Permitted and Conditional Use Chart
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 December 18, 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: November 9, 2023

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

JULY 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, 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 May 15, 2023 was made by Commissioner Siakel and seconded by Commissioner Walker. The motion was approved by a voice vote of 7-0.

New Business

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

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 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 July 17, 2023.

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



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restaurant named Stix & Noodles to sell homestyle Filipino food. Restaurants are a permitted use in the subject B2 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.

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, Sherwin Calaras, was sworn in and spoke. He stated that the food truck, which is an international van, is currently being stored on a lot near Pyott Road, and the lease ends at the end of July, 2023. There was clarification about when the truck would be parked at the building. In response to a question from Commissioner Dixon, Mr. Calaras stated that he intends to install standard signage on the building. Commissioner Bolton asked if the house on the property is involved with the business and whether the house would require additional parking, and Mr. Calaras confirmed that they own the house and it has its own separate parking.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Swanlund made a motion to close the public hearing, and Commissioner Siakel seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 7:40 p.m.

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 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 passed 7-0.



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Old Business

None.

Item for Discussion

None.

Staff Report

Next meeting is scheduled for August 14, 2023

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 7:41 p.m. The next Planning and Zoning Commission meeting is scheduled for August 14, 2023.

Submitted by,

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

Laura Carpenter
Recording Secretary

REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION



PLANNING AND ZONING COMMISSION

MEETING DATE: November 13, 2023

DEPARTMENT: Community Development

SUBJECT: Zoning Code Text Amendments to Section 3, Definitions, and Section 11,
Permitted and Conditional Use Chart

EXECUTIVE SUMMARY

In an effort to clarify the Zoning Code and make it more effective moving forward, staff is proposing amending two sections of the code related to Definitions and the Permitted and Conditional Use Chart, specifically to clarify the types of entertainment that can be offered accessory to restaurants.

Section 3, Definitions

The Zoning Code generally defines a restaurant as a place where food is served that includes kitchen and dining room equipment. It is common for restaurants to also offer various types of entertainment to attract customers, such as live music or performances. However, the current code language is unclear about whether such entertainment is actually allowed, and “entertainment” is separately defined as an establishment that offers indoor amusement activities such as games and rides. Therefore, staff has proposed amendments to the definitions of entertainment and restaurant.

As currently defined by the Zoning code, entertainment refers to the type of businesses that include indoor arcades, rides, and games, similar to a Chuck-E-Cheese business. The definition also includes bowling alleys and movie theaters. These uses are clearly different than the types of entertainment offered at restaurants. Therefore, staff has proposed changing the definition of “entertainment” to “indoor amusement establishment” to differentiate the two uses. Staff has also updated the definition language to clarify how similar uses can be approved.

While limited entertainment is customary at restaurants, ticketed events such as concerts or live shows have the potential to cause negative impacts to adjacent businesses and surrounding neighborhoods, such as extra noise and traffic along with a greater parking demand. Therefore, staff has also proposed adding additional language to the definition of restaurant to limit allowable accessory entertainment uses. Several points should be noted about the proposed code language. First, the proposed language would only allow the entertainment to be offered accessory to the restaurant. Accessory uses are subordinate and incidental to the principal use at a premises. This means that a restaurant space would not be allowed to be completely converted to being 100-percent

used for entertainment such as a live concert or show, and an operating restaurant must be the primary use of the space. Second, staff has proposed code language that would prohibit restaurants from selling tickets, collecting a cover charge, or requiring a minimum drink purchase for accessory entertainment. Such practices tend to result in much larger crowds than are acceptable at a restaurant, and would lead to the above-mentioned issues with noise, traffic and parking.

The proposed amendments to the specific definitions in Section 3 of the Zoning Code are shown below. Additions to the code are blue and underlined; deletions are blue and struck through.

Section 3

Definitions

* * *

~~Entertainment~~ **Indoor Amusement Establishment**: An establishment which sells or provides entertainment on site and for indoor purposes as a principal use~~(, including~~ arcades, amusement rides, laser tag, go-carts, movie theaters, bowling alleys, skating rinks, dance halls, ~~etc.)~~ and other similar uses as determined by the Director of Community Development.

* * *

Restaurant: Any public place kept, used, maintained, advertised, or held out to the public as a place where food is regularly served, and without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Restaurants may provide clearly incidental and accessory indoor entertainment such as live music or stage performances during customary hours of operation and while food is being served, subject to the conditions that the restaurant must remain open to the public during the entertainment, that no minimum drink purchase or admission charge shall be levied to patrons of such places, and that any fee charged to patrons shall be for goods or services and not for the passive viewing of the entertainment.

Class I: Sit down, substantially all the patrons sit at tables inside.

Class II: A predominant percentage of patrons sit down inside, although some may carry out food.

Class III: A predominant number of patrons carry out food although some inside seating is provided.

Class IV: All patrons carry food out.

Class V: Concession shops without seating, selling ice cream, popcorn and comparable items as the primary use.

* * *

Section 11, Permitted and Conditional Use Chart

As noted above, staff has proposed changing the definition of “entertainment” to “indoor amusement establishment.” This change necessitates a related change to the permitted and conditional use chart as shown below. Staff has only proposed a change to the name of this use, and it will still be a permitted or conditional use in the same zoning districts.

The proposed amendments to the use chart in Section 11 of the Zoning Code are shown below. Additions to the code are blue and underlined; deletions are ~~blue and struck through~~.

**SECTION 11
PERMITTED AND CONDITIONAL USE CHART**

P - Permitted Use
C - Conditional Use

A 1	R E 5	R E 2	R E 1	R 1 A & B	R 2	R 3	R 4	USE	B 1	B 2	B 3	B 4	B 5	M 1	M 2	O S	I B	A D 1	A D 2
								* * *											
								<u>Entertainment Indoor Amusement Establishment</u>			P	P		P		P	P	C	P
								* * *											

RECOMMENDED ACTION

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

A motion to recommend approval of the proposed amendments to Section 3, Definitions, and Section 11, Permitted and Conditional Use Chart of the Zoning Code, as noted in the staff report dated November 13, 2023.