



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

December 18, 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 November 13, 2023 Planning and Zoning Commission meeting
4. New Business
 - A. Conditional Use for Automotive Service and Conditional Use for Accessory Outdoor Storage of Vehicles to allow the operation of a truck repair business at 8545 Pyott 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 January 15, 2024
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: December 15, 2023

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

NOVEMBER 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, and Chairman Esposito. Commissioners Dixon and Swanlund were not in attendance.

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 July 17, 2023 was made by Commissioner Bolton and seconded by Commissioner Siakel. The motion was approved by a voice vote of 5-0.

New Business

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

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 7:35 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 November 13, 2023.

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



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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.

As for Section 11, Permitted and Conditional Use Chart, staff also proposed changing the definition of "entertainment" to "indoor amusement establishment." This change necessitated a related change to the permitted and conditional use chart.

Commissioner Esposito asked if this terminology change includes what type of entertainment is allowed. Director Svalenka stated that this change does not specifically state the performance and entertainment content, as some of it are protected by statute. This change is only to ensure that the restaurant's main use is just that, not to be mainly an entertainment venue. A commissioner asked if this would stop a restaurant from selling tickets to have fundraisers. Director Svalenka stated that such events could still be allowed with approval of a Temporary Use Permit. Commissioner Bolton asked if this included all Lake in the Hills restaurants. Director Svalenka stated that it does include all, even the ones that currently offer entertainment. This terminology change will just memorialize the current practice, and staff spoke with existing restaurant owners to ensure that it does not cause any unintended consequences.

There being no further public comments or discussion, Commissioner Esposito asked for a motion to close the public hearing. Commissioner Murphy 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 7:42 p.m.

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 was made by Commissioner Walker and seconded by Commissioner Bolton. 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



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

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At the July Planning & Zoning meeting, the Commission recommended approval of the conditional use permit and variation request at 1201 Crystal Lake Road, and the Village Board approved it. The applicant has not yet submitted plans for the buildout, but there is still some time to do that.

Also, the Village Board did approve Teska and Associates to be the firm that helps develop the Village's updated Comprehensive Plan. The last one was completed in 2002. As part of that, an ad hoc steering committee, comprised of local residents and stakeholders, will be formed that can provide local feedback to the consultant. Ideally, the ad hoc committee would include two Planning and Zoning committee members and be held four to five times during the year. Each of those meetings would last up to a maximum of two hours, and the first one would be in the next few weeks. Commissioners Siakel and Bolton and Chairman Esposito volunteered to be appointed by President Bogdanowski to the ad hoc committee.

Audience Participation

None.

Trustee Liaison

Trustee Dustin reported that things are running smoothly in the Village. He added that Sunset Fest, as a whole, was well attended. Commissioner Murphy asked about Plote's variance requests for truck parking on Route 31. Director Svalenka stated that the Village Board approved their request, and Plote's plans are in review.

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.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 7:42 p.m. The next Planning and Zoning Commission meeting is scheduled for December 18, 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: December 18, 2023

DEPARTMENT: Community Development

SUBJECT: Conditional Uses for Automotive Service and Accessory Outdoor Storage of Vehicles at 8545 Pyott Road

EXECUTIVE SUMMARY

General Information

- Requested Action:*
- Conditional Use Permit to allow an automotive service use.
 - Conditional Use Permit to allow the outdoor storage of vehicles accessory to the principal use of automotive service.
- Owner:* LALL, LLC / Chris Gantz
- Applicant:* Oleksandr Kes Kovalskyi / Arias Truck Repair, Inc.
- Purpose:* To allow a truck repair business to operate on the subject property.
- Location and Size:* 8545 Pyott Road. Approximately 1.4084 acres in area.
- Zoning and Land Use:*
- | | |
|------------------|---|
| Site: | AD-2 Airport District 2 – manufacturing/ assembling |
| North: | AD-1 Airport District 1 – airport hanger |
| East: | AD-2 Airport District 2 – automotive service |
| South: | AD-2 Airport District 2 – medical part distribution & service |
| West: | AD-1 Airport District 1 – airport hanger |
| Future Land Use: | Commercial |

Background

Available documents show that the building on the private property at 8545 Pyott Road was originally constructed in 1992 as an airplane hangar. As such, previous property owners had entered into license agreements with the Village of Lake in the Hills to allow ingress and egress from the private hangar facility to the secure areas of the adjacent public airport property for general aviation purposes. The most recent license agreement was signed in 2014. In addition to allowing access to the airport, the agreement gave the Village the right to allow third-party aircraft parking on the western 20,000 square feet of the private property. The 2014 license agreement automatically terminated when the property was sold in March of 2021. Soon thereafter the property was used for non-aviation purposes. It should be noted that such license agreements are considered by the Village Board of Trustees without any review by the Planning and Zoning Commission, so the above is only included here to provide background information.

On March 22, 2021 the Village issued a business license to allow JHB Group to operate from the subject property. The company performs “trailer upfitting” services, which involves the assembling of components inside trailers to create mobile platforms for fire departments, police, military and public health professionals. This industrial assembling work meets the definition of manufacturing in the Zoning Code, which is permitted by right in the subject AD-2 zoning district without the need for approval of a conditional use permit.

The property is currently for sale, and Oleksandr Kes Kovalskiy of Arias Truck Repair, Inc. has a contract to purchase the property. Mr. Kovalskiy currently operates Arias Truck Repair in a leased tenant space in the Village at 14 Prosper Court, and wishes to move his business to the larger space on the subject property at 8545 Pyott Road. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code “automotive service” is allowed in the AD-2 zoning district only with the approval of a conditional use. Therefore, Mr. Kovalskiy has requested approval of this conditional use.

As part of the proposed truck repair business, the applicant desires outdoor space to park trucks that are dropped off for repair or that are waiting for pickup after being repaired. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code “outdoor storage of vehicles accessory to principal use” is allowed in the AD-2 zoning district only with the approval of a conditional use. Therefore, Mr. Kovalskiy has also requested approval of this second conditional use.

Analysis - Conditional Uses

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 uses being requested. The applicant has indicated on his submitted application form how he believes these factors are met. Staff has provided a detailed analysis below of all factors for the requests.

In the review of whether the proposed truck repair business 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, staff notes that the business has operated in various forms for several years. Arias Truck Repair has been licensed by the Village of Lake in the Hills to operate in Unit 10 of the building at 14 Prosper Court since January of 2021. The applicant has indicated that he previously provided such services from a location in Algonquin. The Village does not have record of any complaints regarding the business, and is not aware of any code violations. Staff finds that the approval of the conditional use permit at 8545 Pyott Road would allow the applicant to continue to provide a desirable service to the public.

In the review of whether the accessory outdoor storage of trucks is necessary or desirable and will contribute to the general welfare, staff notes that the submitted application form states that the outdoor parking will be “limited parking of serviced vehicles.” Staff finds that it is common for vehicle repair businesses to allow customers to drop off vehicles outside after hours, and for such businesses to park repaired vehicles outside after they are ready to be picked up by customers. The submitted site plan shows that truck trailers would be parked to the west of the building along the western property line, and that trucks would be parked to the south of the building along the southern property line. In this case, staff finds that allowing such accessory outdoor parking would be desirable because it would eliminate the need for vehicles to park on the east side of the building where they might block access for emergency vehicles, and would eliminate the temptation for drivers to park their vehicles along the entrance drive from Pyott Road where they might block access to the airport.

Next, staff has reviewed whether the proposed truck repair business and accessory parking 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. The property directly to the east hosts a similar auto service business with outdoor parking, and the property to the south is an industrial business with an outdoor vehicle storage lot. These adjacent businesses have not been detrimental to general welfare, and staff finds that the proposed truck repair business would operate similarly. Therefore, staff finds that the proposed truck repair use generally would not be injurious to general welfare or property values in the vicinity. However, if vehicles were to be repaired outside the building or if vehicles in disrepair were to be stored outside the building for a long time, it would cause visual blight that might negatively affect properties values in the vicinity. Therefore, staff could not recommend approval of the proposed conditional uses unless the Planning and Zoning Commission were to include the conditions that all vehicle repairs must take place inside the building and no exterior vehicle repairs be allowed, and that vehicles in disrepair not be allowed to be stored outside the building for longer than 30 days.

Regarding the outdoor storage of trucks and trailers, staff finds two potential issues regarding the safety of persons working in the vicinity due to the location being directly adjacent to the secured airport areas. The Federal Aviation Administration recognizes (in FAA Advisory Circular 150/5210-20A) that there are preventable accidents every year on airports that are related to unnecessary vehicle traffic or untrained drivers. For this reason, the FAA recommends that airport operators keep vehicular activity on the airport to the minimum required for operations, and that vehicles be limited to those necessary. Currently there is no barrier to separate the western parking area on the property from the restricted airport area, which means that drivers of trucks and trailers could inadvertently drive or park in the restricted airport area and cause accidents with aircraft. Therefore, staff could not recommend approval of the proposed conditional uses unless the Planning and Zoning Commission were to include a condition to require that the applicant install a six-foot tall chain link fence around the perimeter of the outdoor vehicle storage areas to prevent unauthorized vehicular access to the restricted airport areas.

Further, as noted above, the previous airport access license agreement for the property allowed third-party aircraft parking on the western 20,000 square feet of the subject property. The result of this agreement was also the preservation of a large open paved area that allowed aircraft to easily access the adjacent hangar building on the airport property directly west of the subject property. The property to the south (8585 Pyott) is also reliant on the western edge of the subject property for planes to access the airport. The addition of fencing and the parking of trailers all the way up to the western lot line of the subject property would make it much more difficult for aircraft to access the adjacent hangar building and impossible for the 8585 Pyott property to access the airport. Specifically, the adjacent hangar building is located approximately 42 feet west of the western lot line of the subject property. However, all of the access aisles between hangar buildings elsewhere on the airport are at least 60 feet wide. If trucks and trailers were to be approved to be stored within 42 feet of the adjacent hangar, staff finds that it would be injurious to property values for the users and owners of the hangar building, in that larger planes would not be able to access the building anymore. Therefore, staff could not recommend approval of the proposed conditional uses unless the Planning and Zoning Commission were to include the condition that the required perimeter fencing and all vehicles stored or parked outside must be set back not less than 60 feet from any hangar building on the adjacent airport property. Further, to ensure that the area west of the fence could be used for the legal ingress and egress of aircraft, staff could not recommend approval of the proposed conditional uses unless the Planning and Zoning Commission were to include the condition that the property owner must dedicate a permanent public access easement to the Village over this area at no cost. It should be noted that the above dimensions were based on measurements taken from Google Earth. If the Planning and Zoning Commission were inclined to recommend

approval of the proposed conditional uses, staff suggests that the commissioners also consider any testimony regarding minimum aisle widths provided from pilots or aircraft owners during the public hearing.

Third, staff has reviewed whether the establishment of the truck repair business and outdoor vehicle storage will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The property directly to the east is already developed with an auto repair business, which will not be affected by the proposed use. The property directly to the south is already developed with a hangar building used for industrial purposes, which will not be affected by the proposed use. However, the land directly to the north and west is Lake in the Hills Airport property owned by the Village. Staff notes that large areas of the airport property remain to be developed, and one of the primary vehicular access points to the airport is located directly north of the building partially on the subject property. It would impede future development of the airport property if this vehicular access point were to be blocked. Legally, the Village owns an access easement along the northern 25.39 feet of the subject property (granted in 1991 per a document recorded with the McHenry County Recorder as document number 91R17119) that ensures public access in this area. Additionally, the Village owns fence and gate on the north side of the building, which was allowed to be installed per an easement granted in 1998 by a document recorded with the McHenry County Recorder as document number 1998R0062992. The fence/gate easement expired automatically after 20 years in 2018. Therefore, staff could not recommend approval of the proposed conditional uses unless the Planning and Zoning Commission were to include a condition that the property owner must dedicate a permanent fence/gate easement to the Village at no cost to replace the 1998 easement. Additionally, staff could not recommend approval of the proposed conditional uses unless the Planning and Zoning Commission were to include a condition prohibiting vehicle parking, stopping or standing on the northern 25.39 feet of the subject property to ensure that access to the airport property is not impeded.

Further, as noted above, the building on the subject property was originally constructed in 1992 as an airplane hangar. It has been used for aviation purposes for over 28 years. During that time such aviation usage has contributed to the development and improvement of the airport through the payment of airport commercial activity fees, payment of airport access license fees, and the purchase of fuel for aircraft. This revenue stream was lost in 2021 when the property stopped being used for aviation purposes, and this loss has reduced the funds available to the airport for future development and improvement. Approval of the proposed conditional uses would continue to eliminate this funding source. The building still has all of the features of a hangar and is in prime condition to be again used for aviation purpose, and the cost to develop a similar public hangar would be prohibitive based on the budget of the airport. Regarding this review factor, the applicant has indicated on his submitted application form the following: *"The location and size of the proposed use (truck repair), and all associated operations, including the intensity of the operation and location of site with respect to the streets, will all be in harmony with the appropriate and orderly development of the district. The proposed use and development will not directly result in the destruction, loss, or actual damage of any natural, scenic, or historic feature of significant importance."*

While the size and intensity of the proposed uses may not be obtrusive in general, staff notes that the applicant's response regarding this factor does not address the loss of airport revenue and the loss of the use of a prime airplane hangar building at the airport. Therefore, staff finds that the establishment of the truck repair business and outdoor vehicle storage would impede the normal and orderly development and improvement of the adjacent airport property for aviation uses permitted in the district, which does not support the requests.

In the review of the extent to which the conditional uses are harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents, staff notes that the map for Subarea 3 in the comprehensive plan calls for commercial development on the subject property. The proposed truck repair business is a commercial business, which is compatible with the plan.

Next, staff has considered the amount of traffic congestion or hazards, if any, that may occur as a result of the proposed conditional uses, 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. The proposed business is not a trucking terminal or distribution business, which would involve many trucks arriving to and leaving from the property on a daily basis. Instead, the proposed business just involves the repair of trucks, and trucks will only leave the property after repairs have been completed. Staff expect that the amount of traffic will be similar to the traffic from the existing "trailer upfitting" business on the property, and staff is not aware of any traffic congestion concerns from this existing business. Therefore, if the owner were to be subjected to compliance with all of the conditions noted above, staff would find that the truck repair business would not result in additional traffic congestion or hazards.

Regarding pedestrian circulation, staff notes that Pyott Road has a rural two-lane cross section with ditches and no sidewalks, so pedestrians are not likely to walk to the site on foot, and additional pedestrian improvements are not necessary.

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 public sewer and water service is not available at the subject property. Instead, the property is currently served by a private well and private septic system. As recently as 2014 the existing well and septic systems were examined by the McHenry County Health Department during a re-subdivision of the subject property, and no issues were identified at that time. The Village is not aware of any new issues with these systems since 2014. The new truck repair business will be required to comply with the requirements of the Lake in the Hills building code and with the requirements of the McHenry County Health Department to ensure that petroleum products from vehicle repairs do not negatively affect the sanitary system, and staff finds that the service demand from the new business will be similar to the existing business. Other utilities such as gas and electrical are already in place, and other public services such as police and fire protection services are already in place.

Finally, staff has examined whether the proposed uses will comply with the regulations and conditions specified in the Zoning Code for such uses. Staff does not have record of any code violations on the subject property at 8545 Pyott Road or at the applicant's current business location at 14 Prosper Court. No new construction is proposed on the property. Therefore, staff finds that the proposed uses will comply with the requirements of the Zoning Code.

Findings – Summary, Conditional Uses

Based on the analysis noted above, staff offers draft findings that support six of the seven review factors in Section 24.6 of the Zoning Code, but that do not support one of the seven factors. Specifically, staff finds that the establishment of the conditional uses will impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. 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 uses on the property at 8545 Pyott Road are necessary or desirable to provide a service or a facility which is in the interest of public convenience and would contribute to the general welfare of the neighborhood or community, in that they would allow an established Village business to continue operating in the vicinity and continue providing a service to local residents and businesses, and in that the short-term parking of serviced vehicles behind the building on the property would allow vehicles to be stored without blocking traffic 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 uses would 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, in that the proposed automotive service use with accessory outdoor storage is similar to existing adjacent uses that are not detrimental, only if the uses were subject to the conditions that all vehicle repairs take place inside the building on the subject property and no exterior vehicle repairs are allowed, that vehicles in disrepair are not be stored outside the building for long periods of time, that a six-foot tall chain link fence be installed by the property owner around the perimeter of the outdoor vehicle storage areas to prevent unauthorized vehicular access to the restricted airport areas, that the required perimeter fencing and all vehicles stored or parked outside be set back not less than 60 feet from any hangar building on the adjacent airport property, and that the property owner dedicate a permanent public access easement to the Village over the areas outside the fence at no cost to the Village.*
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 uses will impede the normal and orderly development and improvement of surrounding airport properties for aviation uses permitted in the district, in that the uses will continue the loss of airport revenue from commercial activity fees, airport access license fees, and fuel purchases, and in that the truck repair business will continue to eliminate the use of a prime airport hangar building for aviation purposes.*
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 uses are harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents in that the map for Subarea 3 in the Village's comprehensive planning documents calls for commercial development on the subject property, and the proposed uses are commercial in nature.*

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 uses would not create traffic congestions or hazards in that the proposed truck repair business would generate a similar amount of traffic as the existing trailer upfitting business on the property, and the existing business does not create any traffic congestion or traffic hazards.*
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 uses can be adequately served by the existing private well and septic systems, can be adequate served by public utilities that already serve the property, and can be adequately served by existing police and fire protection services.*
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 uses will comply with the applicable regulations of the Zoning Code, in that no new buildings or pavement are proposed to be constructed on the property.*

ATTACHMENTS

1. Application
2. Exhibits
3. Survey

RECOMMENDED ACTION

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

A motion to recommend denial of the requested Conditional Use Permits to allow Arias Truck Repair, Inc. to operate an automotive service business with accessory outdoor vehicle storage on the property at 8545 Pyott Road, per the findings noted in the staff report dated December 18, 2023.

RECEIVED

NOV 21 2023

Village of Lake in the Hills
Community Development



Village of Lake in the Hills Development and Zoning Application

Date: 11/17/2023

Property Information

Common street address: 8545 Pyott Rd, Lake In The Hills

PIN (Property Index Number): 19-17-276-003-0000

Current Zoning: AD2 Proposed Zoning: AD2

Current Use: Mechanical assembly/ repairs Proposed Use: trucking repairs with limited parking of serviced vehicles

Is the request consistent with the Comprehensive Plan? _____

Number of Acres: 1.43 acres 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): LALL, LLC - sole manager Chris Gantz

Business/Firm Name (if applicable): LALL, LLC

Address: 211 Bridgle Path Ln

City/State/Zip: Fox River Grove, IL 60061

Phone Number: 847-951-2161

Email: chris@jhbgroup.org

Applicant Information

Name(s): Oleksandr Kes Kovalskyi

Business/Firm Name (if applicable): Arias Truck Repair, Inc.

Address: 12 Bunker Hill Court

City/State/Zip: Algonquin, IL 60102

Phone Number: 224-245-6335

Email: o.kes@yahoo.com

Lake in the Hills Development and Zoning Application
Page 2

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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 Plat		\$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	\$500.-
Rezoning		\$500 + \$10/ac over 2 ac	J	Yes	
Text Amendment		\$500	K	Yes	
Variance – Residential		\$100	L	Yes	
Variance – Non-Residential		0-2 ac = \$250 Over 2 ac = \$500	L	Yes	
Development Plan Review		\$500 + \$10/ac	M	No	
Total Fees					\$500.-
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.-

Chris Gantz
 Property Owner Signature

Nov. 17, 2023

Date

If Owner/Applicant is a School District please, complete and submit Appendix N

Applicant Signature

Date

11/30/23

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

Appendix I
Conditional Use

Conditional Use Applying For: Arias Truck Repair, Inc

**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.**

I do not plan to change the structure or nature of the buildings and property such that it is differs greatly from structures as they are now. Nor do I plan to change the landscaping in a negative manner such that my use would unreasonably hinder or discourage the appropriate development and use of adjacent land/buildings.

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.**

I anticipate that the impact on property values will only be positive. My business is therefore unlikely to negatively impact property values, but is rather likely to increase property value by virtue of increased business, as a vibrant business sector helps create a thriving local economy and attract more capital.

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 location and size of the proposed use (truck repair), and all associated operations, including the intensity of the operation and location of site with respect to the streets, will all be in harmony with the appropriate and orderly development of the district. The proposed use and development will not directly result in the destruction, loss, or actual damage of any natural, scenic, or historic feature of significant importance.

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.**

My business is therefore unlikely to negatively impact property values, but is rather likely to increase property value by virtue of increased business, as a vibrant business sector helps create a thriving local economy and attract more capital.

5. The amount of traffic congestion or hazards, if any, that may occur as a result of the conditional use, as well as the extent and adequacy of pedestrian and vehicular access and circulation. **Explain how this standard is met.**

The proposed use will not cause an exceptional amount of traffic congestion or attract significant amounts of traffic through residential districts.

6. The extent that the conditional use can be adequately served by essential public facilities and services, and by private utilities. **Explain how this standard is met.**

The proposed use will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures.

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.**

The proposed use will comply with the regulations and conditions specified in the Zoning Code as the conditional use of the premises with the conditions outlined in section 24.6.

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

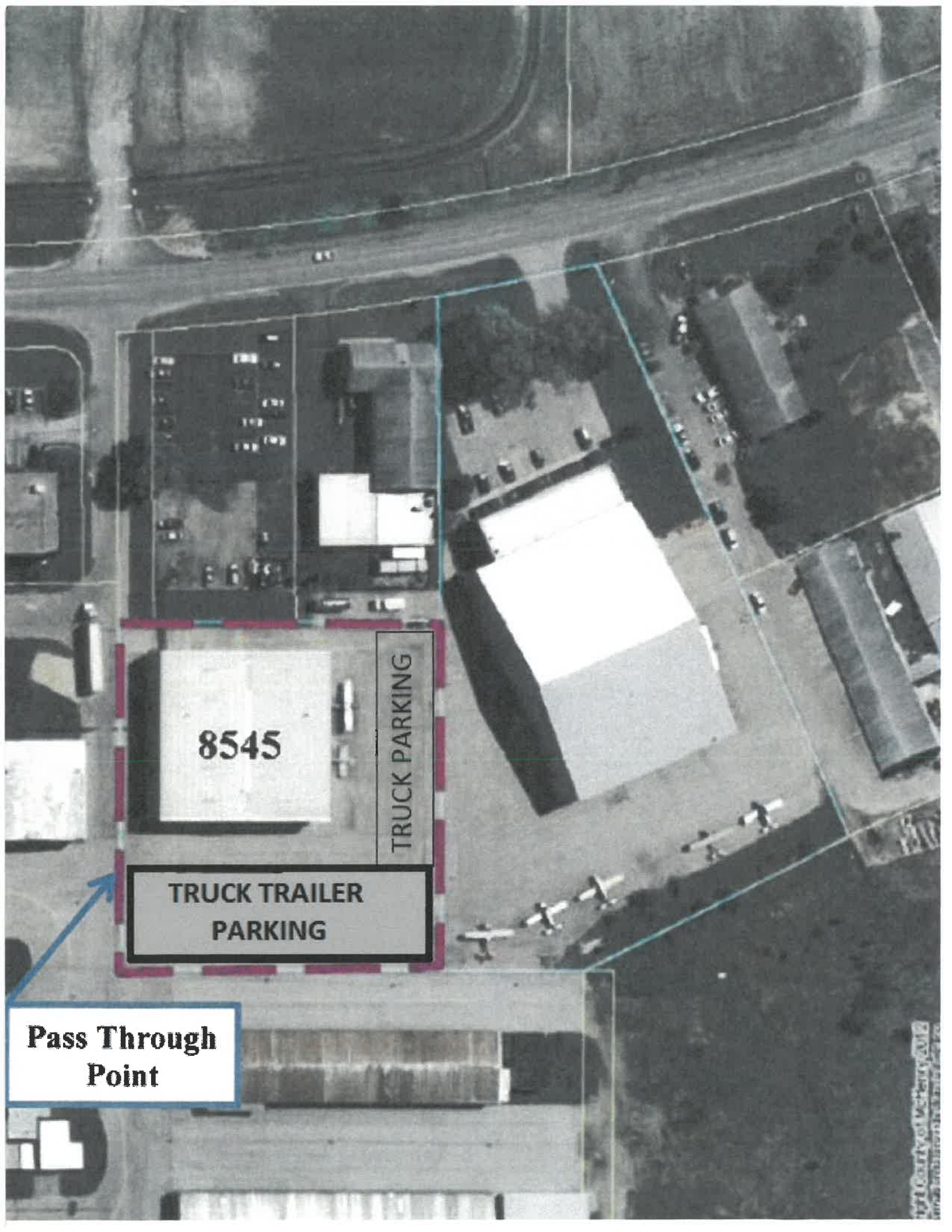
Property Owner Signature

Date


Aleksandr Rex Kovabalyt (Nov 17, 2023 17:06 CST)

Applicant Signature

Date



8545

TRUCK PARKING

TRUCK TRAILER
PARKING

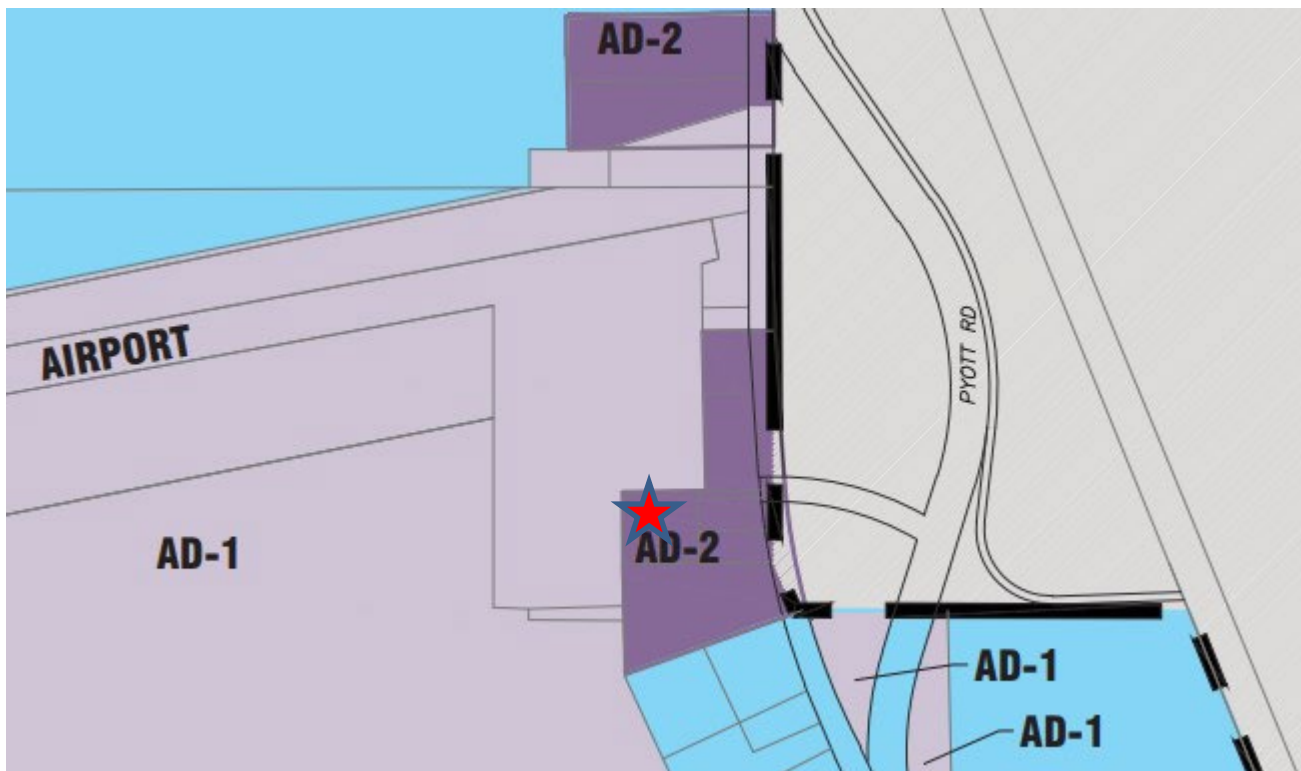
Pass Through
Point

Conditional Uses for Arias Truck Repair at 8545 Pyott Road

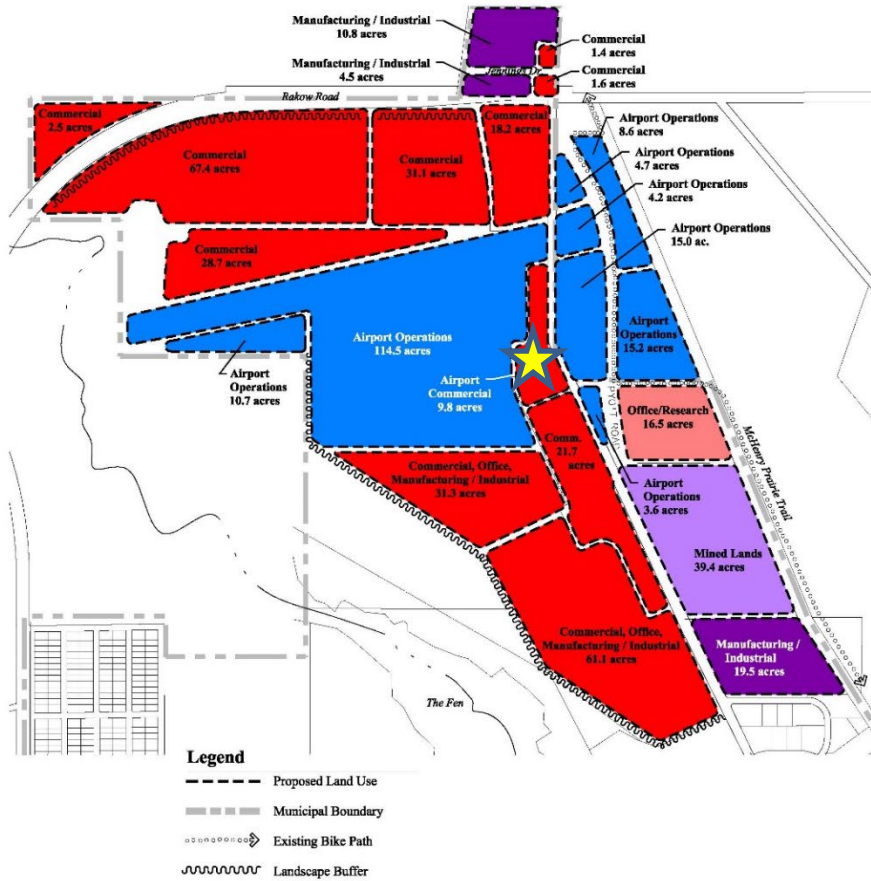


2. EXHIBITS

ZONING MAP



COMPREHENSIVE PLAN, SUBAREA 3 MAP



Lake in the Hills Comprehensive Plan Update Concept Plan Subarea 3

Size: 552.0 Acres



Goals:

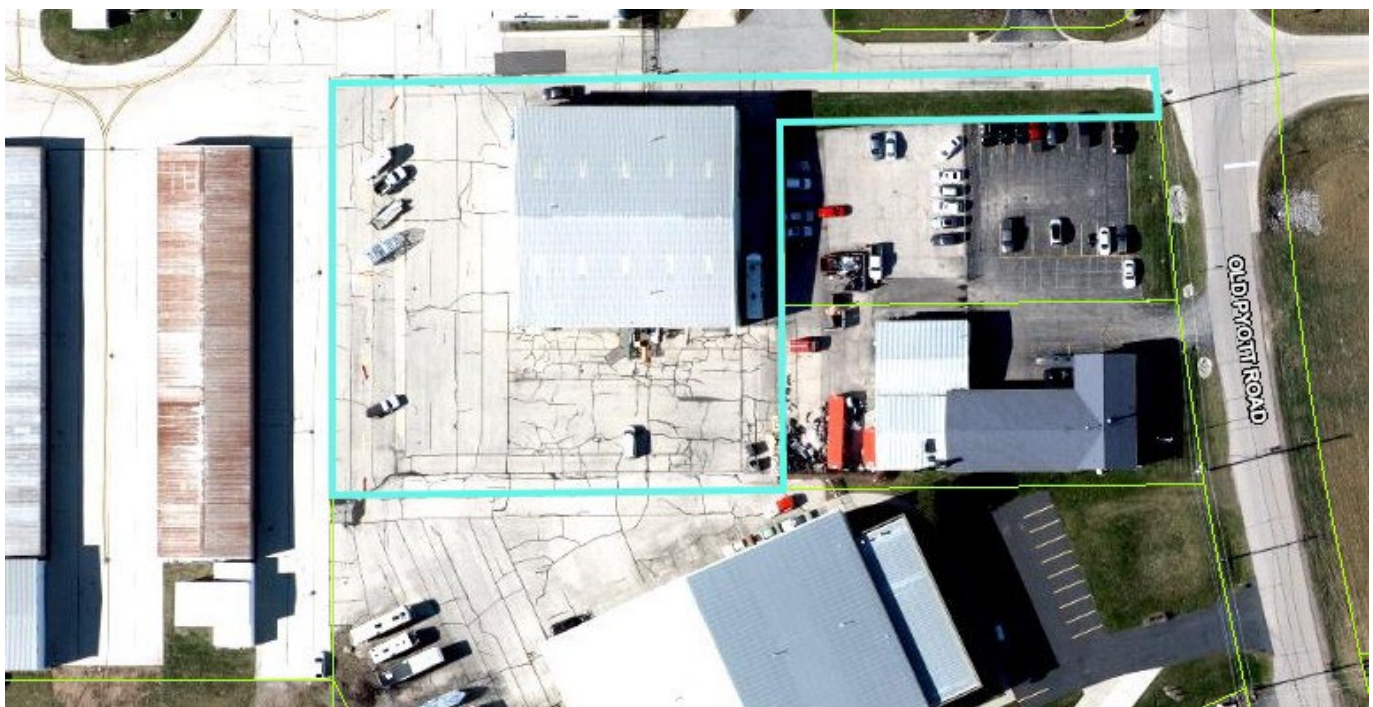
- Create a mixed use regional center that:
 - Establishes a mix of retail/commercial uses along Rakow Road
 - Takes advantage of the existing airport
 - Provides opportunities for corporate offices
 - Includes office, warehouse and distribution centers
 - Establishes locations for office, research and development
- Develop support services for this regional center that includes:
 - Hotel and restaurant
 - Support commercial for employees
- Provide access to existing recreation and open space, such as:
 - Prairie Trail
 - The Fen and surrounding open space
- Integrate airport renovation plans
- Developments should be in compliance with the Airport Hazard Zoning Regulations (chapter 26)
- Integrate Strategic Plan for Economic Development

Potential Uses:

- Retail/Commercial
- Corporate office
- Hotel/Restaurant
- Business services (i.e., printing, photography, etc.)
- Personal services (i.e., hair salon, drycleaning)
- Airport commercial
- Office/warehouse/distribution centers
- Office/research and development

PLANNING
RESOURCES INC.
Date: 3.6.13

AERIAL PHOTO



PROPERTY PHOTOS

View of north and east sides of building



View of west side of building



View of south
and west sides
of building



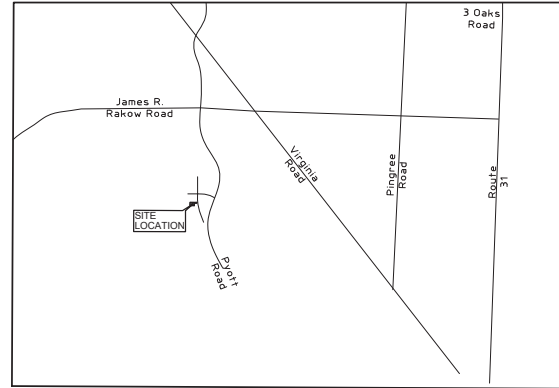
View of inside
the building



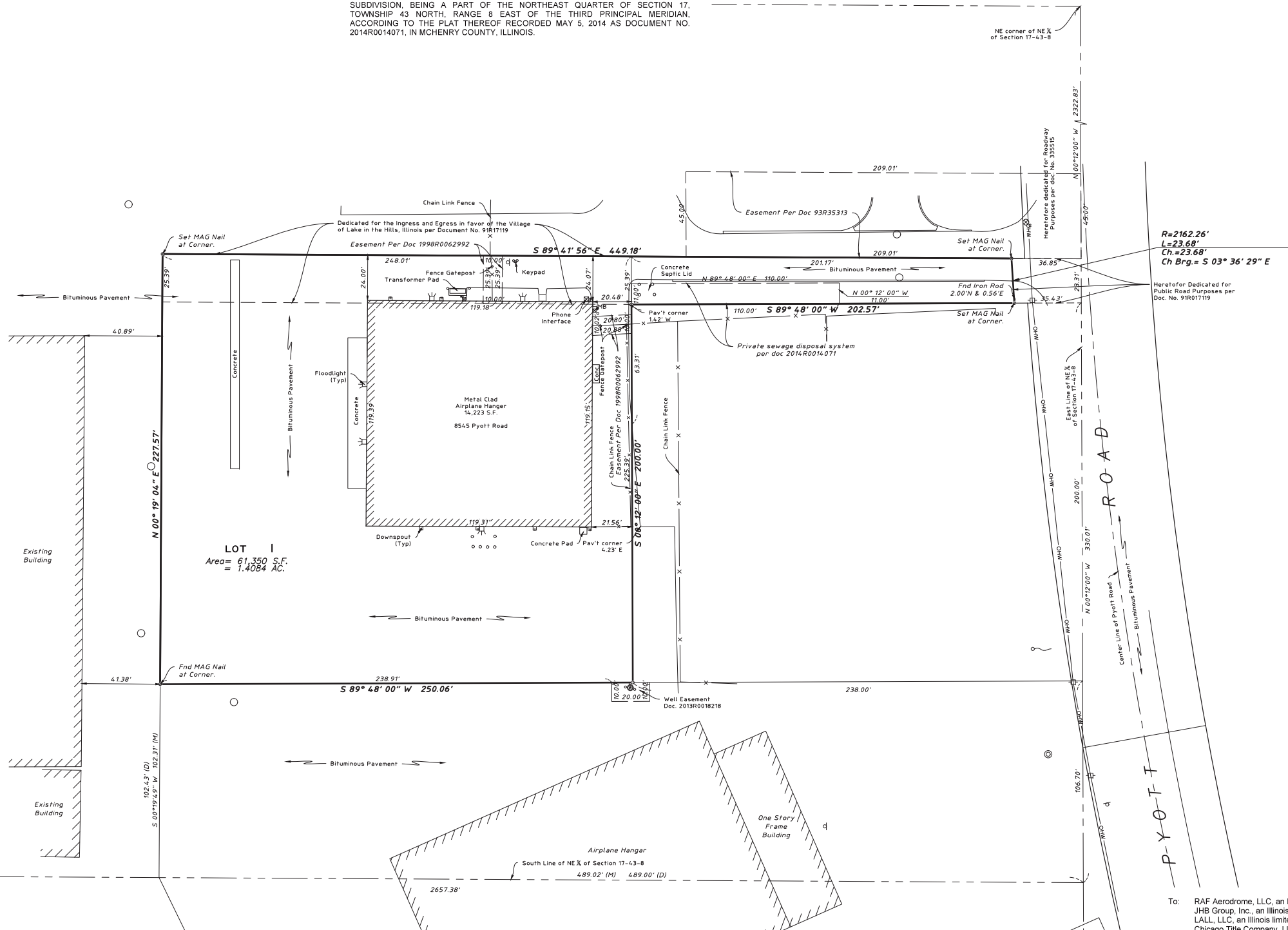
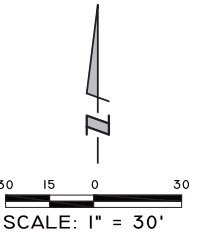
ALTA / NSPS LAND TITLE SURVEY

OF

LOT 1 IN THE FINAL PLAT OF LOTS 1 AND 2 OF STEARMAN SUBDIVISION CONSOLIDATION, BEING A RESUBDIVISION OF LOTS 1 AND 2 IN STEARMAN SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 5, 2014 AS DOCUMENT NO. 2014R0014071, IN MCHENRY COUNTY, ILLINOIS.



VICINITY MAP
NOT TO SCALE



LEGEND

- Manhole
- Catch Basin
- Well Head
- Light Pole
- Fence
- Pipe Bollard
- Sign
- Gas Meter
- Gas Valve
- Electric Meter
- Utility Pole
- Flagpole
- Mailbox
- Overhead Utility Line

Surveyor's notes:

- The basis of bearing shown hereon is based on NAD 83(2011) Illinois East Zone 1201 State Plane Coordinates as referenced from Kara Company's RTK Network.
- Underground utilities are not shown hereon.
- Based on information provided on the Flood Insurance Rate Map Community - Panel No. 1711C0329J dated November 16, 2006 produced by the Federal Emergency Management Agency (FEMA) for Lake County, Illinois, the property shown and described hereon is located within Zone X, which is defined by FEMA as "Areas determined to be outside the 0.2% annual chance floodplain."
- In reference to Table A Item 9, No clearly identifiable parking spaces were observed.
- Due to heavy snow coverage at the subject property while conducting the field work; improvements and features that are obscured by snow may not be shown on this survey.
- In the preparation of this survey reference was made to Chicago Title Insurance Company Commitment for Title Insurance Order No. 21NW7143502EL with an Effective Date of January 6, 2021.

With respect to **Schedule B** of said commitment:

Exception J - Commonwealth Edison Company Easement - Doc. No. 525290 - The easement described hereon is not located on the subject property.

Exception K - Northern Illinois Gas Company Easement - Doc No. 375596 - The easement described hereon is within the Right of Way, not located on the subject property.

Exception L - Rights of the Public, State and Municipality - Doc. Nos. 321553 & 335515 - Document 321553 is not describing the subject property. 335515 is plotted and shown hereon.

Exception P - Terms and provisions - Doc. No. 93R35313 - Plotted and shown hereon, however, it is not located on the subject property.

Exception Q - Terms and provisions - Doc. No. 1998R0062992 - Plotted and shown hereon.

Exception R - Northern Illinois Gas Company Easement - Doc. No. 375596 - Plotted and shown hereon.

Exception T - Road Dedication Easement - Doc No. 96R035941 - The easement described hereon is not located on the subject property, however it appears to benefit the subject property.

Exception V - Terms and conditions - Doc No. 96R035941 Exhibit C - The property described is the property south of the subject property. There are no items to plot.

Exception X - Terms and provisions / Ratification of Declaration - Doc. No. 2013R0018218 & 2014R0016723 - 2013R0018218 is plotted and shown hereon. 2014R0016723, the subject property is described therein, however there are no other items to plot.

Exception W - Note of Final Plat of Consolidation- Doc. No. 2014R0014071 - Plotted and shown hereon.

To: RAF Aerodrome, LLC, an Illinois limited liability company,
 JHB Group, Inc., an Illinois corporation,
 LALL, LLC, an Illinois limited liability company,
 Chicago Title Company, LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7a, 7b(1), 8 and 9 of Table A thereof. The field work was completed on February 10, 2021.

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Schaumburg, Illinois February 25, 2021

By: Jeffrey W. Gullint
 Illinois Professional Land Surveyor No. 3695

Ordered By: JHB Group, INC. Project No. 12-143

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EXPIRES 11-30-22