



# 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



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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