



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

DECEMBER 18, 2023

## Call to Order

The meeting was called to order at 7:30 p.m.

Roll call was answered by Commissioners Walker, Murphy, Bolton, Dixon and Swanlund, and Chairman Esposito. Commissioner Siakel was not in attendance.

Also present were Director of Community Development John Svalenka, Trustee Bill Dustin, Director of Public Works Ryan McDillon, Village Attorney Brandy Quance, and Recording Secretary Laura Carpenter.

## Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes from November 13, 2023 was made by Commissioner Walker and seconded by Commissioner Bolton. The motion was approved by a voice vote of 6-0.

## New Business

### **Conditional Uses for an Automotive Service and Accessory Outdoor Storage of Vehicles at 8545 Pyott Road**

Chairman Esposito asked for a motion to open the public hearing. Commissioner Murphy 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 7:32 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 December 18, 2023.

Available documents show that the building on the private property at 8545 Pyott Road was originally constructed in the early 1990s 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.



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PLANNING AND ZONING

DECEMBER 18, 2023

The property is currently for sale, and Oleksandr Kes Kovalskyi of Arias Truck Repair, Inc. has a contract to purchase the property. Mr. Kovalskyi 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. Kovalskyi has requested approval of this conditional use.

As part of the proposed truck repair business, the applicant needs 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. Kovalskyi has also requested approval of this second conditional use. Per Section 26.6 of the Zoning Code Director Svalanka reviewed the 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 indicated on his application form how he believes these factors are met. Director Svalanka provided a detailed analysis of all the factors for the requests.

In summary, staff offers draft findings that support six of the seven review factors that was reviewed, but staff does 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, or the commissioners should deliberate new findings at the public hearing. Director Svalanka reviewed the seven criteria and staff findings based on the application.

Based upon the staff findings, Director Svalanka recommended denial of the 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.

The applicant, Oleksandr Kes Kovalskyi, of Arias Truck Repair, Inc. and his attorney, Aaron Tenenbaum, were sworn in. Mr. Tenenbaum stated that his client is experienced in truck repair, his request is within the permitted zoning use, and has he always been compliant with all zoning laws and ordinances. It is also his belief that Arias Truck Repair at this new location will bring in additional business to the Village. He furthermore stated that all truck repairs will be done inside the building. There were multiple offers on this property, and none of them were aviation related. If Mr. Oleksandr Kes Kovalskyi does not get this conditional use approval, there could potentially be another buyer of the property that would use the building as a warehouse, and no Village permission would be needed. Commissioner Walker asked how this business could bring in revenue, in addition to property taxes, as according to his sources, the aviation industry is growing at 2.5-3 percent. There was discussion about taxes on services and parts. The attorney said that by Arias expanding the business at this location, it could create more jobs and would attract people to Lake in the Hills.

Kevin Kovarik of Lakes Aviation LLC was sworn in and spoke. He indicated that there are a lot of unfamiliar cars in the airport area, and he would like to see this property return to mostly aircraft-related uses.



# Village of Lake in the Hills

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DECEMBER 18, 2023

Joseph Kovarik of Lakes Aviation LLC was sworn in and spoke. He said he has security concerns. Also, since the existing gate is the only access to the business, he feels non-aviation interests allowed inside a gated area is not a good idea. He recommends the Village consider a way to return the area to an aviation use, which is on the upswing.

James Finefield of Finefield Aviation was sworn in and spoke. He said the hangar at 8545 Pyott Road would hold about 14 airplanes that could create Village revenue via fuel and storage fees. He is unhappy about a non-aviation business at this location.

Eric Langsfeld, was sworn in and spoke. He currently owns EL Parts, LLC, which is a neighboring business at the airport property. He said he does not have an airplane nor plans to have an airplane. He spoke about the 15 foot easement around his property, and the building can only be accessed via the northside. He noted that no aviation enthusiasts offered to purchase 8545 Pyott, and that other industries are growing faster than the aviation industry.

Kimberly Monreal was sworn in and spoke. She is a pilot, current airplane owner, and hanger owner/renter. She heard that the FAA has granted money to the Village for improvements. Her main concern is safety of the airplanes and people when trucks are moving around. The Village is putting more people at risk by allowing this to happen. She would like the Village to buy the property and have an easement agreement. The aviation community is passionate, and they will come to any future meetings, if needed.

Michael Monreal was sworn and spoke. He is a hangar owner. He agreed that safety is a concern, as truck drivers are not trained to drive around airplanes. Furthermore, he knows the airport needs to be secure, and letting people come and go through the fenced area is not good. He further stated that if this conditional use is approved, then there needs to be a secured area with barbed-wire fence. He also indicated that there is not a lot of parking at the airport; and if it is not addressed, the airport could close down. Also, the only way he knew the building was for sale was the public hearing sign posted on the property. There was no for sale sign out front.

John Gritschke was sworn and spoke. He is an aircraft owner and has rented a hangar at the airport for about three years. He supports the staff recommendation to deny the request. Or if it is approved, require at the minimum the conditions and an easement agreement. He stated that the Village already owns T-hangars and rents them to people to store their cars. He feels there is too much non-aviation traffic at the airport, and is dangerous to bring more foreign object debris (FOD) to the airport that can damage airplanes.

John O'Hara was sworn and spoke. He has owned PAP-28 for about 20 years. He has concerns about safety and room to maneuver the airplanes around truck traffic. He feels that there needs to be parking and lighting requirements with this conditional use approval, and all of these would need to comply with FAA rules and building codes. According to the airport rules, the new buyers would need to have a licensed access agreement.

Louis Gantz was sworn and spoke. He represents JHB Group, which is the business currently in the hangar at 8545 Pyott Road. He expressed concerns about the recommendation of denial from the Village. He feels that the Village needs to support small business and help them to grow, as they bring in tax revenue. Furthermore, he stated that there are a lot of commercial properties on airport property that are not being used for aviation use purposes, and those commercial properties should no longer not be considered hangars.



# Village of Lake in the Hills

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PLANNING AND ZONING

DECEMBER 18, 2023

Dan Benassi was sworn and spoke. He is the real estate broker for Entre Commercial Realty that represents JHB Group in the sale of this property. He reiterated the positive aspects of the conditional use being granted and allowing the sale to proceed.

Mike Carzoli was sworn and spoke. He has been the owner of Blue Skies Flying Service for over 30 years at the airport. He said that he would like to expand his business, but he can't because of a lack of space. It is his opinion that the Village of Lake in the Hills is using losing thousands of dollars in lost fuel revenue because pilots can't fly into 3CK because there is nowhere for them to go once they get here. Also, he voiced concern about foreign object damage (FOD) and non-aviation vehicles maneuvering around airplanes. It was his opinion that the airport needs to be secured down, and he supports the staff's denial.

Matt VanBergen was sworn and spoke. He is the current president of EAA Chapter 790. He agrees with the safety and security concerns voiced by the previous speakers. Due to the lack of transit space, their group can now only provide limited services to the community. For example, the Young Eagles and annual pancake breakfast events had to stop and be moved from 3ck to the Schaumburg airport because of the lack of parking space. The EAA Chapter 790 membership urges the Village to consider the impact of the interest of the community. If the airport trickles away, then the programs and education fall to the wayside.

Commissioner Dixon spoke to Mr VanBergen, EAA Chapter 790 President about Mr. VanBergen's desire to see the hangar property return to being used for airplanes and parking.

Chairman Esposito gave the petitioner the opportunity to respond. Oleksandr Kes Kovalskyi, of Arias Truck Repair, Inc. and his attorney, Aaron Tenenbaum returned to the podium.

The attorney said that his client wants to be a good neighbor. Nobody will be driving on the airport road, and trucks will be accessing the building via Pyott Road. Also, the truck drivers have a commercial driver's license (CDL) which indicates that they are good drivers. Mr. Kovalskyi said he would be willing to install a fence and contribute \$10K worth of fuel to bring Young Eagles back. Commissioner Esposito asked the petitioner about after-hours parking. He responded that customers would only be able to pick up trucks during business hours, and trucks won't be able to be dropped off during non-working hours.

Commissioner Dixon asked the petitioner about his vision of expanding his business, as this location could have expansion limitations. He responded that he is willing to invest money into the business and possibly open another business location.

Chairman Esposito questioned the petitioner about trucks maneuvering and turning around if a fence was built. There was discussion about access and fence location. Director Svalenka said that the business can only be accessed using non-airport property.

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 Dixon seconded. On a voice vote, the entire commission voted Aye, no Nays. Commissioner Esposito closed the public hearing at 8:48 p.m.



# Village of Lake in the Hills

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PLANNING AND ZONING

DECEMBER 18, 2023

Director Svlaneka reminded the Commissioners that they could recommend a denial of the conditional use or an approval with any of the suggested listed conditions that were written on a motion sheet.

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, was made by Commissioner Walker and seconded by Commissioner Bolton.

On a roll call vote, Commissioners Walker, Murphy, Bolton, Dixon, Swanlund, Chairman Esposito voted Aye, No Nays. Motion to deny passed 6-0.

## Old Business

None

## Item for Discussion

None

## Staff Report

The Village Board approved amendments to Section 3, Definitions, and Section 11, Permitted and Conditional Use Chart of the Zoning Code. The amendment added the definition of indoor amusement establishment and clarified the use of a restaurant.

## Audience Participation

None

## Trustee Liaison

Trustee Dustin had nothing to report.

## Adjournment

A motion to adjourn the meeting was made by Commissioner Walker and seconded by Commissioner Swanlund. The motion was approved on a voice vote of 6-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 8:51 p.m. The next Planning and Zoning Commission meeting is scheduled for January 15, 2024.

Submitted by,

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

Laura Carpenter, Recording Secretary