



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

FEBRUARY 12, 2024

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 January 15, 2024 was made by Commissioner Siakel and seconded by Commissioner Walker. The motion was approved by a voice vote of 7-0.

New Business

Conditional Uses and Development Plan for a Starbucks Café with a Drive-Through and Outdoor Patio at 4501 W. Algonquin Road

Chairman Esposito asked for a motion to open the public hearing. Commissioner Siakel made a motion to open the public hearing, and Commissioner Swanlund 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.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated February 12, 2024.

Wilhelm Kreuzer of Evolve Commercial Real Estate, on behalf of Algonquin LIH, LLC, proposes to develop a 2,450-square-foot Starbucks café with a drive-through and outdoor patio on an existing vacant lot at 4501 W. Algonquin Road. The subject property is Lot 2 within the Lake Pointe Center commercial development owned by Plote at the northeast corner of Algonquin Road and Lakewood Road. The lot is located directly east of the existing CVS Pharmacy at 4511 W. Algonquin Road.

The subject property is within the B-3 General Business zoning district. The Starbucks café meets the definition in the Zoning Code of a restaurant, which is permitted by right in the B-3 zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the proposed drive through is allowed in the B-3 zoning district only with the approval of a conditional use. Also, per the Permitted and Conditional Use Chart, the proposed accessory outdoor patio is allowed in the B-3 zoning district only with the approval of a conditional use for an "outdoor use accessory to a principal use." The applicant has requested approval of both of these conditional uses.

In 2004, the entire Lake Pointe Center development was approved as a Planned Development, which includes the subject property. In accordance with Section 25.5 of the Zoning Code, a Development Plan must be prepared and submitted for all new construction within a Planned Development. Therefore, the applicant has also requested approval of a development plan for the Planned Development on the subject property.



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Director Svalenka gave a detailed analysis of the seven factors to be considered by the Planning and Zoning Commission regarding how they are relevant to the specific conditional uses being requested.

Petitioner Wilhelm Kreuzer, of Evolve Real Estate, LLC, was sworn in and spoke at the podium. It is his opinion that this property is a great location to have a second Lake in the Hills Starbucks location. He was accompanied by Joseph Mayer and Brett Hickey of Kimley-Horn and Associates, LLC, an engineering, planning, and design consultant company. Brett Hickey of Kimley-Horn and Associates spoke to the Commission. He answered their questions regarding how the entire property is going to be developed, clarification on how the drive-through is going to connect to the other service road, and traffic flow between CVS and Starbucks. He added that a bypass lane will be built, and the drive-through is designed for up to 14 cars.

There being no further public comments or discussion, Chairman Esposito asked for a motion to close the public hearing. Commissioner Siakel made a motion to close the public hearing, and Commissioner Swanlund seconded. On a voice vote, the entire commission voted Aye, no Nays. Chairman Esposito closed the public hearing at 7:43 p.m.

Commissioner Swanlund made a motion to recommend approval of the requested Conditional Use Permit to allow a drive-through, approval of the requested Conditional Use Permit to allow an outdoor patio accessory to a principal use, approval of the requested Conditional Use Permit to allow a Planned Development, and approval of a Development Plan, all to allow construction of a 2,450-square-foot Starbucks café on the property at 4501 W. Algonquin Road, per the findings and with the three conditions and one exception noted in the staff report dated February 12, 2024. The motion was seconded by Commissioner Dixon. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, Swanlund and Chairman Esposito voted Aye. No Nays. Motion passed 7-0.

Conditional Use for a Pawn Shop for Niles Loan and Diamond Brokers, Inc. and Doerner Jewelers at 9239 S. IL Route 31

Chairman Esposito asked for a motion to open the public hearing. Commissioner Dixon made a motion to open the public hearing, and Commissioner Siakel seconded. On a voice vote, the entire commission voted Aye, no Nays. Chairman Esposito opened the public hearing at 7:45 p.m. and confirmed with staff that the public was given proper notice.

Director Svalenka reviewed the Request for Public Hearing and Commission Action dated February 12, 2024.

Doerner Jewelers is family-owned full-service jewelry store business founded in 1963. Their current store at 115 S. Main Street in downtown Algonquin has an in-house master jeweler, provides onsite repairs and custom design, carries loose diamonds and offers a full line of jewelry. The Algonquin store location is closing soon, and the owners of Doerner Jewelers have signed a lease to move their retail store to the tenant space at 9239 S. IL Route 31 in Lake in the Hills. The subject property at 9239 S. IL Route 31 is within the B-4 Commercial Business zoning district, where retail sales is listed as a permitted use. However, in addition to retail jewelry sales, the owners also operate a business named Niles Loan and Diamond Brokers, Inc. that offers loans on the collateral of diamonds, jewelry, coins, watches, silver flatware, etc. To lend money on the deposit or pledge of physically delivered personal property meets the definition of a pawnbroker in Illinois. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code



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a “pawn shop” is allowed in the B-4 zoning district only with the approval of a conditional use. Therefore, Gabrielle Gutierrez of Doerner Jewelers has requested approval of this conditional use.

Petitioner Gabrielle Gutierrez was sworn in and spoke at the podium. She explained that she is a licensed gemologist, and her business is a family jewelry business that includes jewelry design, repairs, and appraisals. She took over the business in 2004 and has never had an issue with a pawn. She indicated that she is closing her downtown location and wants to move to Lake in the Hills, where the selected location on South Route 31 is more retail friendly. She stated that the jewelry loan part of her business is just a small percentage, and that she has to have an Illinois pawn license to do jewelry loans. She does not do loans for musical instruments, but in the past she has done loans for flatware. When doing loans, she has to see identification from everyone, and their information is uploaded to LEEDS online. Commissioner Dixon asked her to comment on a complaint he found when researching her business. She explained that there was an issue between a divorcing couple pertaining to the ownership of the item, and the issue was ultimately resolved. She said that she does not have problems with her business, and an example of her customers are people with occupations such as teachers and lawyers.

Chairman Esposito read aloud a letter from Alan Owens, of Owens and Associates Counseling Center. He was opposed to the business because he felt a pawn shop was not compatible with the surrounding area and established businesses.

Liz Chabalowski, owner of Crystal Blue Diving, was sworn in and spoke at the podium. She expressed her concern of safety for herself, employees, and customers.

Ron Stoblel of Simply Windows and Doors, was sworn in and spoke at the podium. He said his business would be right next door to the business. He spoke of his concern of stolen merchandise being pawned at the jewelry store, and that the pawn business takes advantage of people that don't have a lot of resources. He asked the Commission to vote no.

Shannon Olson of Owens & Associates Counseling & Therapy Center, LLC, was sworn and spoke at the podium. She stated that the business has grown since opening in Lake in the Hills, and they treat people with a variety of mental health conditions and conflict issues. She felt that having a pawn shop next door to their place of healing is not compatible with the needs of their clientele and is in direct contradiction with the surrounding area and businesses.

Christina Kastning of Lash Out Spa and Permanent Makeup, was sworn in and spoke at the podium. She stated that the jewelry store could bring a benefit to her business, as her clients pay a premium for her business' services. Yet, some do drive luxury cars, and a pawn shop next door could put them at risk for property damage.

Shanna Zallud was sworn and spoke at the podium. She stated that in the past, there was a massage establishment business on the property that got shut down by the Village, and she does not want to have problems again. Also, she looked online and did not see a lot of online presence for Doerner Jewelers.

Mathew Muchan, co-owner of Complete Family Wellness, was sworn and spoke at the podium. He said he is a police sergeant and has knowledge of the issues that loans for cash jewelry stores and any type of pawn shop can bring to the neighborhood. He spoke in detail about the possibilities of what crime it could bring to the neighborhood. When questioned by Chairman Esposito, he said he felt that this location is too remote for a jewelry store.



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Emily Reego, daughter of Gabriele Gutierrez, was sworn and spoke at the podium. She has not seen problems in the 28 years that her mother has been in business. Also, the loans bring in people who simply need help. Furthermore, she stated that the jewelry store is very beautiful.

Gabrielle Gutierrez spoke again at the podium and answered some more questions from the Commissioners and Chairman Esposito. Regarding advertising the pawn portion of the business, she said it is only about 25 percent of the business, depending upon the economy. The sign in the front window will read "Niles Loan and Diamond Brokers". It will not have the word "pawn" on it. Also, she stated that she does not have a license for firearms, the items pawned will not be displayed, 99 percent of the items are picked back up, and she has never put a pawn out on a stolen item. Regarding building/business security, they will buzz people in the store, the jewelry will be secured in the safe overnight, and the business will have an alarm. Gabrielle noted that she owns a successful business of rental properties, and she invited everyone to stop by her current jewelry store location in Algonquin to see what it is all about.

There being no further public comments or discussion, Chairman Esposito asked for a motion to close the public hearing. Commissioner Siakel made a motion to close the public hearing, and Commissioner Bolton seconded. On a voice vote, the entire commission voted Aye, no Nays. Chairman Esposito closed the public hearing at 8:38 p.m.

Commissioner Murphy made a motion to recommend approval of the requested Conditional Use Permit to allow Doerner Jewelers and Niles Loan & Diamond Brokers to operate a pawn shop on the property at 9239 S. IL Route 31, per the findings and with the conditions noted in the staff report dated February 12, 2024. The motion was seconded by Commissioner Swanlund. 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 was presented with the petition for fence variations at 2840 Briarcliff Lane. The Village Board agreed with the Planning & Zoning Commission's recommendation to deny the petitioner's request. However, they did ask for recommendations from staff, and those were discussed. Ultimately, since the Village Board meeting, it was decided that the privacy screening fence will be taken down and a cooling down period will begin.



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Audience Participation

None.

Trustee Liaison

Trustee Dustin reiterated that there was considerable amount of discussion regarding the petition for fence variations at 2840 Briarcliff Lane. He said it was determined that if problems between neighbors start again during the cooling off period, that the screen will be reinstalled.

Adjournment

A motion to adjourn the meeting was made by Commissioner Swanlund and seconded by Commissioner Dixon. 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 8:44 p.m. The next Planning and Zoning Commission meeting is scheduled for March 18, 2024.

Submitted by,

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

Laura Carpenter
Recording Secretary