



PUBLIC MEETING NOTICE AND AGENDA  
PLANNING AND ZONING COMMISSION MEETING

June 17, 2024  
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 April 15, 2024 Planning and Zoning Commission meeting
4. New Business
  - A. Zoning Code Text Amendments to Section 12, Temporary Uses
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 July 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: June 14, 2024

Time:



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

APRIL 15, 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, and Chairman Esposito. Commissioner Swanlund was absent.

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 February 12, 2024 was made by Commissioner Siakel and seconded by Commissioner Walker. The motion was approved by a voice vote of 6-0.

## New Business

### **Conditional Use for a Drive Through and Variations for Consumers Credit Union at 2450 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 Walker seconded. On a voice vote, the entire commission voted Aye, no Nays. Chairman 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 April 15, 2024.

The subject property on the northeast corner of Randall Road and Algonquin Road at 2450 W Algonquin Road is within the B-3 General Business zoning district. The property includes an existing 4,570 square-foot building with a 1,730 square-foot drive-through canopy that was constructed in 2004 and originally occupied by Bank of America. The building has been vacant and unoccupied since 2014. From 2019 to 2021 the McHenry County Division of Transportation reconstructed and widened Randall Road adjacent to the subject property, and the County acquired portions of the property along the western and southern lot lines for right-of-way purposes. As part of a court case to determine the just compensation for the right-of-way, McHenry County became owner of the whole property in May of 2023. As the County has no planned use for the subject property, the property has been made available for sale. Early in 2024 McHenry County entered into a contract to sell the property to Consumers Credit Union, an Illinois Chartered Credit Union that has served the north and northwest suburbs of Chicago since 1930.

Consumers Credit Union (CCU) is now proposing to renovate and occupy the existing building as a new retail banking location, which is a permitted use in the B-3 zoning district. CCU is also proposing to remove the existing 1,730 square-foot drive-through canopy and associated site improvements, and construct a new 545 square-foot drive-through canopy in a new location with re-configured drive-through lanes. Per Section 24.9 of the Zoning Code, whenever any conditional use has been discontinued for a period of one year, such use shall not be reestablished without a public



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

APRIL 15, 2024

hearing as provided for the establishment of conditional uses. Therefore, CCU has applied for approval of a conditional use permit to reestablish the drive-through use and reconfigure the drive-through canopy and lanes

Prior to development of the Bank of America building in 2004, the subject property was used as an Amoco gas station. Due to the potential for environmental contamination from underground fuel storage tanks used by the gas station, the recorded deed selling the property included restrictive covenants stipulating strict requirements to protect the public from potential hazardous material contamination. Among other requirements, the covenants require all portions of the property to be covered with an engineered barrier consisting of a concrete or asphalt surface at all times. Even though the property included significant code-compliant landscaped areas while the property was used by Bank of America for ten years, and even though the Illinois Environmental Protection Agency issued a "No Further Remediation Letter" on July 22, 2008 indicating that no further corrective actions are required on the property for the protection of human health and safety, the restrictive covenants from the deed remain in full force and effect indefinitely unless waived in writing by the parent company of Amoco Oil Company. Therefore, out of an abundance of caution, the applicant has proposed extending the existing pavement areas up to the edge of the existing property lines with no setback and no perimeter landscaping to create a full barrier in compliance with the deed restrictions.

The applicant has requested several zoning variations, as detailed below.

- A variation from Section 18.6-2 of the Zoning Code to allow parking spaces to be located within the required front yard along Algonquin Road, with the parking setback reduced from two feet to zero feet;
- A variation from Section 18.6-2 of the Zoning Code to allow parking spaces to be located within the required front yard along Randall Road, with the parking setback reduced from four feet to zero feet;
- A variation from Section 26.4-2 and Table 26.5 of the Zoning Code to reduce the perimeter landscaping yard along Algonquin Road from two feet to zero feet and to eliminate all required landscape plantings within the yard;
- A variation from Section 26.4-2 and Table 26.5 of the Zoning Code to reduce the perimeter landscaping yard along Randall Road from four feet to zero feet and to eliminate all required landscape plantings within the yard; and,
- Variations from Section 26.4-6 and Table 26.6 of the Zoning Code to eliminate all required landscape plantings within the rear perimeter landscaping yard along the north property line and within the side perimeter landscaping yard along the east property line.

Director Svalenka noted that staff has reviewed the requests, and recommends that any approval be subject to compliance with the following conditions:

1. The applicant must obtain a permanent easement from the owner of the adjacent property to the east with the PIN 19-29-151-032 to allow construction of the new entrance driveway shown on the submitted plans and to allow access to the driveway by the public.
2. Final engineering details must be submitted to the Village and shall be subject to final approval by the Village Engineer.
3. The building must include decorative exterior elevations consisting of a minimum of 75 percent brick, stone, or other masonry material in compliance with Section 24.16 of the Municipal Code.



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

APRIL 15, 2024

4. The two diagonal striped areas shown on the plans along the western lot line must be landscaped in the future in compliance with Section 26.4-2 and Table 26.5 of the Zoning Code if the restrictive covenants requiring an engineered barrier are ever formally waived in writing.
5. Live plantings must be maintained in the raised planters shown in the three parking lot landscape islands on the plans to meet the intent of the requirements in Section 26.10-3 of the Zoning Code and subject to review and approval by the Director of Community Development per Section 26.14 of the Zoning Code

Director Svalenka recommended approval of the conditional use and variations for Consumers Credit Union at 2450 West Algonquin Road, with the five conditions, per the findings noted in the staff report dated April 15, 2024.

The applicant, Scott Hezner of the Hezner Corporation spoke at the podium. He presented to the Commission the renderings, reviewed the drive-through traffic pattern design, and reviewed the exterior building and sign materials.

Commission members inquired about the number of planned employees for the credit union, other Consumer Credit Union locations, construction timeline, and stormwater concerns. Mr. Hezner clarified that there is a plan for four credit union employees at the Lake in the Hills location. Other nearby Consumer Credit Union locations are in Volo, Streamwood, and Schaumburg. He also indicated that stormwater management would not be needed, per his engineer. Construction would start after the easement could be secured in order to create the new property entrance. Mr. Hezner also clarified the planned traffic flow.

There being no further public comments or discussion, Chairman Esposito asked for a motion to close the public hearing. Commissioner Dixon 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 7:53 p.m.

Commissioner Bolton made a motion to recommend approval of the requested Conditional Use Permit for a drive-through; variations from Section 18.6-2 of the Zoning Code to allow parking spaces to be located within required front yards along Algonquin Road and Randall Road with a setback of zero feet; variations from Section 26.4-2 and Table 26.5 of the Zoning Code to reduce the perimeter landscaping yards along Algonquin Road and Randall Road to zero feet and eliminate all required landscape plantings within the yards; and variations from Section 26.4-6 and Table 26.6 of the Zoning Code to eliminate all required landscape plantings within the perimeter landscaping yards along the north and east property lines, all to allow for the development of a Consumers Credit Union business with three drive-through lanes on the property at 2450 W. Algonquin Road, per the findings and with the five conditions noted in the staff report dated April 15, 2024. Commissioner Dixon seconded the motion. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, and Esposito voted Aye. No Nays. Motion to approve passed 6-0.

## Old Business

None

## Item for Discussion

None



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

APRIL 15, 2024

## Staff Report

Director Svalenka reported that the Village Board was presented with the petitions for the new Starbucks at 4501 West Algonquin Road and Dorner Jewelers at 9239 South Illinois Route 31, and both were approved. He also stated that the open house for the Village's comprehensive plan is scheduled for Thursday, April 18, 2024 from 6-8 p.m. Director Svalenka spoke about the plan to store the Village's veteran's memorial during the new police department construction and its new location after construction is complete. In response to Commissioner Walker's request, Director Svalenka spoke about the proposed roundabout at Miller and Lakewood Roads. Since this is a McHenry County Department of Transportation project, Director Svalenka indicated that he would send an informational link to the Commission members that has a lot more detail.

## Trustee Liaison

Trustee Dustin spoke more regarding the roundabouts and past traffic light studies at Reed and Lakewood Roads and Lakewood and Miller Roads.

## 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 6-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 8:09 p.m. The next Planning and Zoning Commission meeting is scheduled for May 13, 2024.

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:** June 17, 2024

**DEPARTMENT:** Community Development

**SUBJECT:** Zoning Code Text Amendments to Section 12, Temporary Uses

## EXECUTIVE SUMMARY

---

The Village has comprehensive regulations in Section 8.14 of the Lake in the Hills Municipal Code regarding special event permits for events in Village parks and rental facilities. These Special Event Permit regulations include requirements for sound amplification, food vendors, signage, tents, lighting, electrical systems, liquor licensing, raffle licensing, insurance, and public safety issues, and all such special event permits must be approved by the Village Board. These existing regulations have served the Village well for the review and approval of large events in Village parks, such as the annual Summer Sunset Festival and Rockin' Rib Fest.

Temporary outdoor events on private property are currently regulated by the temporary use regulations in Chapter 12 of the Zoning Code. This chapter primarily includes standards for the temporary outdoor activities of commercial businesses, such as outdoor sales and displays of merchandise, which can be reviewed and approved by Village staff. Section 12.3 lists tent meetings, carnivals, circuses and civic use of public property as special temporary uses, and these specific uses require additional approval by the Village Board. For example, Village Board approval was required for the carnival hosted by the Algonquin/Lake in the Hills Chamber of Commerce in April 2024 in the parking lot of the At Home store at 101 N. Randall Road.

While all carnivals and similar events require Village Board approval, carnivals operated on private property are not subject to the full list of standards in the Special Event Permit regulations that apply to carnivals operated in public parks. Village experience with existing annual events has shown that the Special Event Permit regulations are effective in ensuring that large public events are operated safely, in that the standards require submittal of an emergency action plan or incident action plan. Therefore, staff will be proposing several code amendments to make the same review standards apply to all large outdoor events. Specifically, staff will propose that the Special Event Permit regulations be moved to a separate chapter of the Municipal Code (a new Section 20), and be amended to apply throughout the Village. Also, staff has proposed amendments to Section 12 of the Zoning Code, as detailed below.

The Temporary Use Chart in Section 12.4 of the Zoning Code lists all of the authorized temporary uses, and Section 12.3 lists the “special” temporary uses that require additional Village Board approval. Currently the list of special temporary uses in Section 12.3 only includes tent meetings, carnivals, circuses and civic use of public property. Staff has proposed amending Section 12.3 by expanding this list to match the list of uses in the Special Event Permit regulations. As proposed, carnivals, circuses, car shows, races, and parades would always require approval of a Special Event Permit instead of a temporary use permit, regardless of the anticipated number of attendees. A list of other similar events would require approval of a Special Event Permit when the anticipated number of attendees will exceed 100 people. On residential properties, a Special Event Permit would only be required for outdoor events that are operated for profit and when the anticipated number of attendees will exceed 100 people.

Within the Temporary Use Chart in Section 12.4, carnivals are listed as only being allowed in the B-2, B-3, B-4 and M-1 zoning districts, subject to limits on the time, days, number, and parking. Since carnivals would always require a Special Event Permit under the proposed regulations, they are proposed to be deleted from the chart in Section 12.4. Further, the language in the first row of the Temporary Use Chart in Section 12.4 has been completely revised to clarify the types of outdoor shows and sales that are subject to temporary use regulations.

The proposed amendments to Section 12 of the Zoning Code are shown below. Additions to the code are blue and underlined; deletions are ~~blue and struck through~~.

## Section 12

### Temporary Uses

\* \* \*

#### 12.3 SPECIAL TEMPORARY USES:

~~Tent meetings, carnivals, circuses and civic use of public property~~ The following outdoor uses are considered special temporary uses and shall require approval of a Special Event Permit by the Village Board. ~~in accordance with Chapter 20 of the Lake in the Hills Municipal Code instead of a temporary use permit:~~

1. Carnivals, circuses, car shows, races, and parades;
2. The following events when the number of persons will exceed 100: tent meetings, exhibitions, fairs, shows, musical performances, speeches, rallies, plays, and motion pictures; and
3. Any event on residential property that is operated for profit and when the number of persons will exceed 100.

\* \* \*

Temporary Use Chart

Permitted Temporary Use	Zoning District	Time Limited	Number Limited	Parking	Additional Limitations
<p><del>Indoor/Outdoor Craft, Art, Rummage, Plant Show, Exhibits, Sales and Carnivals</del>  <u>Outdoor craft shows or sales, art shows or sales, rummage sales, and any other outdoor exhibits or sales.</u></p>	<p>B-2, B-3, B-4, M-1</p>	<p>Maximum of 4 consecutive days</p>	<p>No more than 2 times in a 12-month period.</p>	<p>As required by the type of business; see Section 18</p>	<p>Regular business hours</p>
<p>* * *</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 12, Temporary Uses, as noted in the staff report dated June 17, 2024.