



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING

JULY 15, 2024

## Call to Order

The meeting was called to order at 7:32 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 June 17, 2024 was made by Commissioner Walker and seconded by Commissioner Siakel. The motion was approved by a voice vote of 7-0.

## New Business

### **Conditional Uses and Development Plan for the Outdoor Storage of Vehicles at 8907 South Illinois Route 31**

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 announced that he would be recusing himself for this public hearing because of a possible conflict of interest. He announced that Commissioner Siakel would be the acting chairwoman for this public hearing, and he left the room.

Acting Chairwoman Siakel opened the public hearing at 7:33 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 July 15, 2024 and reviewed in detail his analysis, summary, and recommendations (including conditions and exceptions) of the Conditional Use and Development Plan requests.

Attorney Rich Guerard has submitted applications to the Village on behalf of Southwind Industries, Inc. to allow for the outdoor storage of vehicles on a group of parcels totaling 75.2 acres on the west side of Illinois Route 31, approximately one-quarter of a mile north of Trinity Drive. The owner, Southwind Industries, commonly operates the site under the name Bluff City Materials. Significant portions of the property have been mined for sand and gravel, and the owner has a permit from the Illinois EPA to fill the quarried areas with Clean Construction or Demolition Debris (CCDD). CCDD materials typically consist of broken concrete and asphalt. After filling of the quarry site, the property can be made ready for future development. However, in the interim, the owner wishes to lease portions of the property to individual tenants for outdoor truck and trailer storage to supplement the property owner's income. Available aerial photos indicate that the owner began allowing vehicle storage on the property in 2021 without the necessary zoning approvals and permits from the Village. Community Development Department staff became aware of the unauthorized vehicle storage earlier this year after the Police Department responded to the site multiple times for reports of burglary to motor vehicles and the theft of motor vehicles from



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the property. Therefore, Southwind Industries is now requesting the necessary zoning approvals to make the existing outdoor storage legal and to gain approval to expand the storage areas in the future as additional areas of the quarry are filled.

The subject property is within the M-1 Limited Manufacturing zoning district. In accordance with the Permitted and Conditional Use Chart in Section 11 of the Zoning Code, the “outdoor storage of vehicles as a principal use” is allowed in the M-1 zoning district only with the approval of a conditional use. Therefore, the applicant has requested approval of this conditional use.

As noted in the definition of “Planned Development” in Section 3 of the Zoning Code, if land is zoned for manufacturing and is greater than five (5) acres in size it shall be developed as a Planned Development. Therefore, the applicant has requested approval of a conditional use for a planned development on the subject property in the manufacturing zoning district. In accordance with Section 25.5 of the Zoning Code, a Development Plan must be prepared and submitted for any Planned Development. Therefore, the applicant also requested approval of a development plan. As allowed by Section 25.4 of the Zoning Code, the development will also require the approval of several exceptions from the Zoning Code regulations as part of the planned development, as detailed below. Staff recommended that the approvals be subject to compliance with the following 13 conditions:

1. The requested conditional uses shall be initially approved for a period not to exceed ten years, and the approval shall automatically be void after ten years. However, upon the written request by the applicant, the President and Board of Trustees may approve additional five-year extensions of the uses without the need for additional public hearings.
2. One year after operable public water lines and public sanitary sewer lines are installed within 100 feet of the boundaries of the subject property, the conditional use approval shall automatically be void, and all outdoor storage shall be removed from the entirety of the property within that one-year period.
3. The temporary outdoor storage of semi-trucks and semi-trailers shall be the principal use of the property, and the outdoor storage of any other vehicles shall not cover more than 50 percent of the approved storage areas on the property.
4. Fuel storage tanks and fueling pumps shall be prohibited on the subject property.
5. Any vehicles used to transport fuels or other hazardous materials shall be prohibited from being stored on the property.
6. The repairing and servicing of vehicles and trailers shall be prohibited on the subject property.
7. All trailers and vehicles with storage compartments must be empty while stored on the property.
8. The dumping of landscape waste or other waste shall be prohibited on the subject property.
9. The bulk storage of mulch shall be prohibited on the subject property.



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10. All tenants on the property must register with the Village in accordance with the business regulations in Chapter 32 of the Municipal Code, unless the tenant already has a valid business registration for a location elsewhere in the Village.
11. A formal traffic impact study must be submitted to the Village and be revised as needed to comply with the all of the Village's engineering consultant's review comments prior to consideration of the proposed uses by the Board of Trustees.
12. Final engineering plans shall be submitted to the Village for review and must be revised to comply with the all of the Village's engineering consultant's review comments prior to consideration of the proposed uses by the Board of Trustees.
13. The applicant must submit photometric site plans to demonstrate the proposed lighting for the full extent of the requested outdoor storage area prior to consideration of the proposed uses by the Board of Trustees.

Staff recommended that the approval of the requested conditional use for a Planned Development include the granting of the following exceptions from the applicable bulk regulations of the Zoning Code:

1. Exceptions from Sections 26.4-2 & Table 26.5 of the Zoning Code to reduce the required number of understory trees and shrubs along Route 31 in exchange for an increase number of evergreen trees.
2. An exception from Sections 26.7 of the Zoning Code to eliminate the required landscape screening along the north side lot line and rear lot line, and to allow existing preserved vegetation to meet the requirement for landscape screening along the south side lot line and the front lot line.
3. An exception from Section 18.2-7 of the Zoning Code to allow the percentage of ground asphalt / broken concrete to exceed ten percent of the storage area.

Director Svalenka noted that the Commission could continue the public hearing to future meeting based upon the engineer's findings or recommend approval contingent upon compliance with some or all of the recommended conditions.

Director Svalenka clarified Commissioner Walker's concern about foliage reduction. He also responded to Commissioner Dixon's question about when the 10-year approval timeline would start, which would be the date the Village Board of Trustees approves the request.

Acting Chairwoman Siakel swore in the petitioner, Rich Guerard, who is the General Counsel for Southwind Industries. Also sworn in was John Huenke, Facilities and Project Manager, for this project and other properties owned by Southwind Industries. Mr. Guerard agreed with all of Director Svalenka's findings of fact and conditions, with the exception of Condition 10. That exception was that all tenants on the property must register with the Village in accordance with the business regulations in Chapter 32 of the Municipal Code, unless the tenant already has a valid business registration for a location elsewhere in the Village. It is their opinion that would be challenging,



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as their customers are tenants of a parking space and not running a business. He did suggest that Southwind Properties could provide to the police department a regular report of name, contact, and license plate information.

Commissioner Walker asked about previous police department reports citing vehicle repairs that were being done on the property. It was explained by Mr. Guerard that those repairs were done without their knowledge or consent, and that he agrees that they should not be done on the property. There was concern that it can be challenging to ascertain if the vehicle is being repaired or if there is a burglary in progress. There was also clarification to Commissioner Bolton's question about lighting. Mr. Huenke stated that the photometric plan has been approved by the Village, and more lighting will be added as the operation expands. There was discussion among the group about the tenants obtaining a Lake in the Hills business license, which could be easier to enforce, versus the property owner providing a contact list.

There being no further public comments or discussion, Acting Chairwoman Siakel asked for a motion to close the public hearing. Commissioner Walker made a motion to close the public hearing, and Commissioner Swanlund seconded. On a voice vote, the entire commission voted Aye, no Nays. Acting Chairwoman Siakel closed the public hearing at 7:49 p.m.

Acting Chairwoman Siakel asked for a motion. Commissioner Swanlund made a motion to recommend approval of the requested Conditional Use Permit to allow outdoor storage of vehicles as a principal use, approval of the requested Conditional Use Permit to allow a Planned Development, and approval of the requested Development Plan, all on the property at 8907 S. Route 31, per the findings in the staff report dated July 15, 2024, and subject to the 13 conditions and with the granting of the three exceptions noted in the staff report dated July 15, 2024, with an amendment to Condition 10 to require the owner to provide a monthly report to the Village with all tenant contact info instead of requiring all tenants on the property to register with the Village as a business. Commissioners Walker seconded the motion. On a roll call vote, Commissioners Siakel, Walker, Murphy, Bolton, Dixon, and Swanlund voted Aye. No Nays. Motion to approve passed 6-0.

Chairman Esposito returned to the room and resumed chairing the meeting.

## Old Business

None

## Items for Discussion

None

## Staff Report

Director Svalenka reported that the Village Board approved the recommended text amendments to Section 12, Temporary Uses, of the Zoning Code.

## Trustee Liaison

Trustee Dustin had nothing to report.



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## 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 7-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 7:55 p.m. The next Planning and Zoning Commission meeting is scheduled for August 12, 2024.

Submitted by,

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

Laura Carpenter  
Recording Secretary