

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

Chairman Thomas Stock called the meeting of the Lake in the Hills Planning and Zoning Commission to order at 7:31 pm at the Village Hall.

**ROLL CALL**

Commissioners Brent Borkgren, Bob Huckins, Anna Siakel, Frank Covone, Chuck Rambo and Chairman Stock were present. Commissioner Ira Stroud was absent.

Also in attendance were Director of Community Development Dan Olson, Development Coordinator Lynn Stevens, Recording Secretary Joyce Griggel, petitioners, witnesses, objectors, and observers.

**APPROVAL OF MEETING MINUTES**

Commissioner Huckins moved to approve the May 14, 2007 Planning and Zoning Commission meeting minutes as presented. Commissioner Siakel seconded the motion. There was no discussion. Motion unanimously approved by a sign of Aye.

Chairman Stock welcomed the newest Planning and Zoning Commissioner Bob Huckins. He noted that Commissioner Huckins had sat on the Village's Park Board and Business Relations Committee.

**NEW BUSINESS**

**Public Hearings**

**Variance to Section 9.4, Section 26.3-1, Section 26.3-6 and Section 26.6-1 of the Lake in the Hills Zoning Ordinance in order to construct a building within the required side yard setback, to pave parking stalls within the required side perimeter landscape yard, and to install no landscape plantings in the side and rear perimeter yards as required – 8713 Pyott Road**

Chairman Stock convened the public hearing at 7:33 PM. All Commissioners that answered the general roll call were present.

Chairman Stock swore in the petitioner, witnesses, objectors, and observers.

The Recording Secretary was presented with the proof of notification to the surrounding property owners and certification of publication in the newspaper.

Rich Hagele, petitioner and property owner, noted that his lot was only 100 ft wide and was requesting a variance for a side set back to construct a building with the required parking. He would like to continue to use the rear part of the lot for storage of his equipment. He indicated that he was asking for a landscaping variance on the side yards to fit in the parking lot and building right up to the north and south property lines. In the rear yard a landscape variance is need for storage of equipment that wouldn't be used or seen by public.

**VILLAGE OF LAKE IN THE HILLS**  
**PLANNING AND ZONING COMMISSION MEETING MINUTES**  
**JULY 16, 2007**

Commissioner Siakel recalled that Mr. Hagele was proposing a similar request that was already brought in front of the Commission. Mr. Hagele replied yes and added that there was an additional request for the landscaping. He noted that he was unable to apply for a building permit within the one year timeframe. Commissioner Siakel inquired if he had any tenants already lined up to occupy this building. Mr. Hagele stated that he was going to be constructing the building in phases. The first phase would be two units. He remarked that he had someone that wanted to rent one of the units and that he would occupy the other unit. Commissioner Huckins asked when he would break ground on phase 1. Mr. Hagele stated this fall.

Commissioner Siakel questioned if there would be any mobile home sales on the site. Mr. Hagele stated that there wouldn't be.

Mr. Hagele added that there would be 3 parking stalls for each unit.

Commissioner Siakel asked for additional details on the landscape request. Mr. Hagele noted that there is not enough room on the sides or for parking islands so it will have to be planted in the front yard.

Chairman Stock noted that there are some very large trees in the back of his lot and questioned what was going to happen to them. Mr. Hagele indicated the trees were not on his property.

Commissioner Siakel questioned what would be stored on the back half of his property. Mr. Hagele said that it would be concrete forms, gravel piles, lumber, and heavy equipment. Commissioner Siakel stated that the items he is storing need to be screened. Mr. Hagele felt that it was unfair to make him do that, since no one around him has. Commissioner Siakel explained that the Village is trying to make improvement little by little. She stated that he was the first one in the improvement process and that his neighbors will have to do the same once they need a variance or redevelop. Ms. Stevens noted these landscape requirements are part of the Village's Zoning Ordinance and that all of the surrounding properties will be held to the same landscape standards as they redevelop or as future new development occurs. Chairman Stock pointed out that the current landscape standards require less than the previous outlot standards used by the Village when this project was originally approved.

Commissioner Siakel questioned if staff felt that the alternate plan on page 6 of the staff report dated 7/11/07 was a good compromise. Ms. Stevens mentioned that on page 5 of the report she drew up a potential site plan with the building in the same location, however the parking was changed to allow for certain landscape set backs and a reduction in landscaping. Mr. Hagele replied that with parking being located behind the building/towards the rear of the lot there wouldn't enough room for storing his equipment. Ms. Stevens noted that both site plans show excess parking (22 spaces) since the requirement is 3 parking spaces per unit. Mr. Hagele stated not having enough close parking and parallel parking across from each unit would make renting out the building much harder. He noted that he is constructing 5 units that are 30 feet wide. Commissioner Stock remarked that 15 parking spaces were then required. Mr. Hagele added that he needed a few additional parking spaces for himself.

Commissioner Borkgren questioned if Mr. Hagele would be willing to install a privacy fence to screen the items he would be storing instead of installing the landscaping. Mr. Hagele stated that he would be willing to install a fence since any landscaping would get run over or encroach into the area that he needs

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

for storage. Commissioner Borkgren explained the fencing would need to be installed along the entire rear property line and along both sides up to the building and parking lot.

Commissioner Borkgren asked how much of the required landscaping on the sides and rear was being moved into the front. Mr. Hagele remarked however much the Commission requires.

Chairman Stock inquired if there was enough room for the 90 degree parking spaces and drive aisle in front of each unit. Ms. Stevens commented that there was as long as the landscape variance is granted.

Commissioner Borkgren questioned the anticipated types of tenants. Mr. Hagele stated small contractors. Commissioner Borkgren noted that they would be driving large vehicles and wouldn't want to parallel park. Ms. Stevens pointed out that the alternative staff site plan allows for parallel parking spaces with a 22 ft. length.

Commissioner Siakel asked how high the fence would be. Mr. Olson stated that 6 ft high board on board fence is typical. Commissioner Siakel did not feel that a 6 foot high fence would adequately conceal the tall piles for gravel and trucks. She wanted an 8 ft high fence. Mr. Hagele was in agreement with the 8 ft high fence. Commissioner Borkgren wanted the 8 ft fence as well. Mr. Olson wanted to clarify if the type of fence should be board on board. The Commission agreed that it should be.

Commissioner Borkgren wanted to make sure that the quantity of landscaping in the front yard was properly addressed to make up for the areas that would be lacking the required landscaping.

Commissioner Huckins questioned what would separate the parking lot from the northern property. Ms. Stevens replied nothing if the variance is approved.

Commissioner Huckins asked if the driveway would be paved. Mr. Hagele remarked that it would be paved and gravel in the back.

Chairman Stock questioned the one year time constraint. Ms. Stevens commented that a building permit must be issued one year from the date that the variance is granted otherwise the variance expires.

Commissioners Siakel and Borkgren wanted to ensure the fence and landscaping are completed with the construction of phase 1. Commissioner Huckins inquired on his construction schedule. Mr. Hagele stated that phase 1 would begin this fall and be completed by spring with phase 2 starting within a year of completing phase 1.

Ms. Stevens asked for clarification from the Commission on whether they wanted landscaping in the side yards. Commissioner Borkgren remarked that the fencing is in lieu of the side yard landscaping. Ms. Stevens noted that there would not be a buffer between the properties. She pointed out the important benefits of having landscaping in the Village including stormwater and pollution irrigation and shade. Commissioner Siakel and Borkgren agreed that was important and added that was why the Commission would be requiring so much additional landscaping in the front of the site.

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

Commissioner Siakel wondered how the relocation of Pyott Road would affect this parcel. Mr. Olson stated that the construction work on Pyott Road would be taking place north of this site and would not affect it at all.

Commissioner Rambo agreed with fencing in the rear of the lot and pushing the landscaping into the front yard.

**AUDIENCE PARTICIPATION**

Rob Parrish, 8715 Pyott Road, noted that 2 years ago he was unable to attend the public hearing for this. He indicated that he was here tonight asking the Commission to deny this variance request because there is no hardship. He noted that his own property is less than 150 feet wide and that he was forced by the Village to follow the side yard setbacks. He feels a hardship would be placed on him when he needs to rebuild because they would be limited to one egress with Mr. Hagele's building being so close to the property line. He stated that Mr. Hagele moved his access point on Pyott Road without a County permit. He questioned why he could not construct a 40 ft wide building instead. He said that he has not been a good neighbor, the grass is tall, there is open dumping and burning and semi-trucks bolted together. He inquired on the stormwater drainage plan for the site. He questioned where he would be placing his well and septic due to the fact that it can't be located within 75 feet from neighboring wells. He asked how the snow removal would be managed. He wanted to know if the 6 foot area south of the building would be paved shedding water onto his property. He wants the property cleaned up and a development without an impact on his property.

Chairman Stock questioned the width of Mr. Parrish's building? He replied 90 ft wide 50 ft deep. Ms. Stevens noted that Parrish's building is oriented differently and that his lot is 25% wider. Mr. Parrish stated that his lot is 134 feet wide along Pyott Road and 125 ft wide at the back.

Commissioner Siakel agrees and understands Mr. Parrish issues with the maintenance of this site. She questioned if the other issues he brought up with the drainage, snow removal, etc...would be addressed by the Building Department. Mr. Olson stated that once a building permit is applied for they must meet the Village's stormwater ordinance, and get approval from County for septic and access. Commissioner Siakel reiterated that even if the Commission recommends approval of these variances it doesn't mean he can just start building without these other approvals. Mr. Parrish welcomes the fence and landscaping, but doesn't want it all pushed on his property. He had concerns with moving of the egress and said the County stated there was no permit on file.

Mr. Hagele remarked that he was not aware that a permit was needed for the temporary drive lane. He noted that he is trying to make the property look better.

Chairman Stock asked Mr. Hagele why he could not construct a 45 ft building. Mr. Hagele stated that the smaller he makes the building the harder it is going to be to rent the units since a tenant would want to be able to pull a trailer or truck in and walk around it. He added as a builder he realizes the need for the additional space.

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

Commissioner Borkgren inquired if he had any issues with mirroring the building and parking lot to line up with the original egress on Pyott Road. Mr. Hagele replied that he would prefer things to remain as is, since it looks better. Commissioner Borkgren asked if the County does not approve the new access location and the Village approves his requests will he need to flip everything. Mr. Hagele was unsure of what he would do right now.

Ms. Stevens mentioned the site plan showing a septic plan on the subject property in front also illustrates the Parrish well location, which is 75 feet from Mr. Hagele's septic plan; however there is no well location marked for the property to the north.

Mr. Hagele stated that he has hired an engineer to design a septic system, storm drainage plan and has had borings done on the property. Commissioner Borkgren asked if a septic plan had been submitted to the County. Mr. Hagele said that it had not been submitted.

Les Barnes, 8705 Pyott Road, stated that the current condition of the property was an eye sore and that he really wanted to see it cleaned up. He requested that the phases of building construction be reversed, working from back to front.

Chairman Stock went over the findings of fact for a variance as stated in the staff report prepared by the Development Coordinator on July 11, 2007.

Ms. Stevens noted the following correction in the findings of fact base upon Mr. Parrish's testimony that he is in compliance of the 20 ft. setback.

**C. The variation, if granted, will not alter the essential character of the locality.**

The lot is surrounded by other commercial uses and mining areas. The adjacent lot to the north has a building setback also inferior to the current standards.

Chairman Stock agreed and requested that the correction be done.

Mr. Olson also suggested in findings "C" there is a reference to landscaping so the motion needed to be altered to include the fence the Commission spoke of.

Motion to recommend approval based upon the Staff Report and Findings of Fact for the purpose of constructing a 12,000 square foot commercial building on the subject property as depicted on the site plan received by the Village on March 29, 2007, approval of a variance to Section 9.4 of the Zoning Ordinance to decrease the south side yard building setback requirement from 20 feet to 6 feet, and approval of a variance to Sections 26.3-1, Section 26.3-6 and Section 26.6-1 to reduce the north pavement setback from 10 feet to 0 feet and to reduce the required perimeter plantings in the side and rear yards to 0 plantings, subject to the following conditions: 1) that the applicant first construct an 8 foot tall board-on-board fence to extend, along the south side lot line, from the rear end of the current phase of building to the rear lot line, along the whole of the rear lot line, and, on the north lot line, from the rear lot line for 100 feet, and 2) that the applicant plant 150% of the required front yard landscape plantings in the front yard was made by Commissioner Borkgren and seconded by Commissioner Siakel. On a roll call vote Commissioners

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

Borkgren, Huckins, Siakel, Rambo and Chairman Tom Stock voted Aye. Commissioner Covone voted Nay. Commissioner Stroud was absent. Motion approved 5-1.

Chairman Stock closed the public hearing at 8:30 pm.

**Plan Review**

**Final Plat & Final Landscaping – Bentley Place**

Keith DuShane, Homes by Legacy, recalled that Bentley Place is a 24 unit traditional townhome development. He commented the anticipated selling price was in the upper \$200,000's with construction beginning later this year. He indicated that the final plat was in substantial conformance with the approved tentative plat. He noted that the number, print and size of the homes, design of the roadways and parking areas have not been changed. The development will be serviced by private interior roadways and driveways, a private stormwater system, the Village's water service and the Lake in the Hills Sanitary District's sanitary system. He noted that most of the 2005 discussion included general landscaping issues. He commented that the landscape plan presented tonight has adequately addressed the outstanding issues and been recommended for approval by the Village's consultant. There are a few minor outstanding issues that they will address through staff.

Chairman Stock asked for details on how a homeowner would access their rear garage. Mr. DuShane replied that there is a central boulevard through the middle of the development with private drives looping to the back of the garages. Chairman Stock noted that there was a substantial amount of landscaping throughout the development.

Mr. DuShane added that all of the homes are a traditional 2-story design with front porches giving a 1930's era feel.

Commissioner Siakel inquired on additional access points for emergency vehicles. Mr. DuShane explained that there were two emergency grass creek access pavers off of Miller Road.

Commissioner Siakel recalled that the Commission had issues with snow removal when reviewing the tentative plat. Mr. DuShane noted that a substantial easement had been provided behind the private driveways for the snow.

Commissioner Siakel was concerned with garbage trucks and emergency vehicles being able to get behind the homes. Mr. DuShane stated that the turn radius for these vehicles were looked at by Smith Engineering and incorporated.

Commissioner Siakel questioned if parking would be allowed on the main boulevard. Mr. DuShane commented that there is room for parking on the side of the boulevard, however in the covenants no overnight parking is allowed. Day time guest parking can be along the boulevard, but overnight guest parking needs to be behind the townhome, which has two driveway spaces and the garage. Commissioner

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

Borkgren recalled that parking was one of the issues the Commission had at the time of tentative plat review.

Mr. DuShane noted that each unit would be 2,350 to 2,520 sq ft. with a basement, a courtyard, 2 car garage a more upscale multifamily development with two/three bedrooms, master bath and 2.5 bathrooms

Commissioner Huckins asked if there would be a park site within the development. Mr. DuShane stated that there weren't any parks, but benches adjacent to the walkways.

Mr. Olson noted in the October, 2005 Planning and Zoning Commission minutes Chairman Mulcahy had concerns with tree preservation and a resident at 7 Hollyhock wanted to know if a safety fence would be installed during construction, and had a interest in the endangered species and screening between the two developments. Mr. Olson added that they have gone through the endangered species process.

Chairman Stock questioned if the items in Smith Engineering's letter dated July 3<sup>rd</sup> have been taken care of. Mr. DuShane stated that they have not, however they do not have issues with any of the outstanding comments. Chairman Stock inquired if there were any outstanding IDNR issues with the endangered species. Mr. DuShane remarked that their authorization is in place.

Motion to approval the Final Plat dated 5/16/07 and Final Landscape Plan dated 3/01/07 subject to all staff comments being addressed prior to Village Board approval was made by Commissioner Covone and seconded by Commissioner Borkgren. On a roll call vote Commissioners Borkgren, Huckins, Siakel, Covone, Rambo and Chairman Tom Stock voted Aye. There were no Nays. Commissioner Stroud was absent. Motion approved 6-0.

**OLD BUSINESS**

None.

**ITEMS FOR DISCUSSION**

Chairman Stock asked each Commissioner to think about their vision for the Village and what they want to accomplish on this Board. He plans on surveying their input.

**AUDIENCE PARTICIPATION**

None.

**CALENDER**

Commission members discussed who would be attending the Committee of the Whole and Village Board meetings for the month of August, 2007.

**VILLAGE OF LAKE IN THE HILLS  
PLANNING AND ZONING COMMISSION MEETING MINUTES  
JULY 16, 2007**

**TRUSTEE LIAISON REPORT**

There was no Trustee Liaison Report.

Commissioner Borkgren moved to adjourn the meeting. Commissioner Rambo seconded the motion. Motion unanimously approved by a sign of Aye.

Chairman Stock adjourned the meeting at 8:47 pm.

The next meeting of the Village of Lake in the Hills Planning and Zoning Commission will be Monday, August 13, 2007 at 7:30 pm.

Respectfully Submitted,

*Joyce Griggel*

Recording Secretary