Call To Order
The meeting was called to order at 7:30 p.m. Present were Trustees Harlfinger, Bogdanowski, Huckins (telephonically), Ruzanski, Cummings (telephonically), McPhee and President Mulcahy.

Also present were Assistant Village Administrator Jennifer Clough, Deputy Chief of Support Services Mary Frake, Finance Director Shane Johnson, Community Development Director Michael Brown, Village Attorney Brad Stewart and Joyce Griggel, Recording Secretary.

Audience Participation: None

Administration:
Ordinance Amending Chapter 33, Section 33.08B “Number of Licenses Issued” – presented by Assistant Village Administrator Jennifer Clough – Coffee House Holdings, Inc. d/b/a Starbucks Coffee was issued a Class D Liquor License on March 24, 2016 under Liquor License #L010521 with an expiration date of April 30, 2017. On March 2, 2017 the Village received a letter from Coffee House Holdings, Inc. d/b/a Starbucks Coffee stating that Starbucks Coffee is no longer selling alcohol at 343 N. Randall Road and is requesting that Liquor License #L010521 be relinquished. Chapter 33, Section 33.08 B “Number of License Issued” of the Village Code needs to be updated to show this change. The ordinance would reduce the Class D Liquor Licenses allowed by the Village Code from four to three. Motion was made to place this item on the Village Board Agenda.

Ordinance Amending Chapter 3, Section 3.07 “Village Administrator” – presented by Assistant Village Administrator Jennifer Clough – Chapter 3, Village Administration, Section 3.07 “Village Administrator” of the Lake in the Hills Municipal Code authorized the Village President and Board of Trustees to employ a Village Administrator to serve as the chief administrative officer of the Village responsible for the proper administration of all affairs of the Village. The attached ordinance allows the Village President and Board to retain for an additional administrator at a time in which the Village Administrator is unable to perform one or more of his/her duties as described by Village Code. Motion was made to place this item on the Village Board agenda.

Community Development:
Ordinance Approving a Variation to Section 7.4 and 13-3.2 of the Zoning Ordinance for 5564 Savoy Drive – presented by Community Development Director Michael Brown - Rene Gonzalez Martinez, applicant, has submitted a request for variations to Section 7.4 of the Zoning Ordinance to exceed the maximum lot coverage requirement of 35% at 38% and Section 13-3.2 of the Zoning Ordinance to exceed the maximum square footage of an accessory structure of a gazebo of 150 square feet with dimensions of 11.5’ x 17’. The property is zoned R-2 PUD One Family Dwelling District is 10,147 square feet in size and is surrounded by residential uses and farmland to the north.

The applicant is a local contractor found to be doing work on his property without a permit which included installation of a shed, patio and gazebo. Upon submission of a permit for the work it was determined that the lot coverage threshold of 35% was exceeded totaling 38%. In addition, the gazebo...
that was built exceeded the accessory structure size maximum of 150 square feet at 195.5 square feet with dimensions of 11.5’ x 17’.

The Planning and Zoning Commission held a public hearing and considered the variation requests at its March 13, 2017 meeting. Some commission members had concerns that a contractor did work without a permit; however, found the applicant met all Standards and Findings of Fact to grant a variation. By a vote of 5-1, the Planning and Zoning Commission recommended approval of the conditional use.

Trustee Ruzanski wondered about the work that was done without a permit. Community Development staff noticed there were no permits issued and the construction exceeded Village ordinances. The applicant mentioned that he has done this project over several years and he knew that permits came with a time limitation. The applicant mentioned that he worked on the project in small pieces. He’d be willing to pay any fees associated not pulling permits. He is a contractor and knows that permits needed to be pulled. Trustee Harlfinger is concerned that the applicant did not come to the Village and explain that this would be an on-going weekend-warrior type project. Mr. Brown has noted that although zoning variations have been exceeded there are no issues with actual construction. No safety violations, etc. Trustee Ruzanski mentioned that the reason for a permit is also to keep people from being under a constant state of construction. Trustee Ruzanski believes the neighbors may think that they can do construction without permits as well. He thinks it’s inexcusable that the applicant has not got any permits. If the Board doesn’t approve the variances then the applicant will need to tear down all work completed to date. Trustee Harlfinger is not comfortable having the applicant tear everything down. He thinks we use this as a learning situation and maybe staff needs to be more diligent when in neighborhoods checking on other projects. Trustee Bogdanowski agrees with Trustee Harlfinger. Trustee Ruzanski would like the applicant to go through the process now. Mr. Brown did mention that he has gone through the Planning and Zoning commission. Trustee Bogdanowski thinks we should review our policies for those who don’t comply with Village ordinances. Currently there is nothing on the Village books as to protocol. President Mulcahy asked the applicant to follow the rules from now on. Motion was made to place this item on the Village Board Agenda.

**Ordinance Amending Sections 3, 4, 11, 16, 17 and 21 of the Zoning Code** – presented by Community Development Director Michael Brown - The Planning and Zoning Commission has been discussing a number of amendments over several months to the Zoning Code. There are two reasons this review was completed. The first is that reviewing and amending the Zoning Code is a best practice the Village should conduct on a regular basis. The seconded is the Village Board directed the Commission to develop an ordinance to replace Ordinance 2016-11 that was required non-retail/non-sales tax generating uses to be processed as a conditional use. Members of the business community attended Village Board and Planning and Zoning Commission meetings in opposition to the ordinance after it was adopted. The business community indicated this regulation would make it more difficult to attract tenants, causing vacancies, which would lead to lower property value that would ultimately lead to less property tax revenue for the Village. The Planning and Zoning Commission and Village Board reviewed the ordinance and repealed it.

The Village Board asked that the business community be involved during the development of a new ordinance. The Village sent a draft of the proposed amendments to the business community through its Business Insider Email Newsletter and through the Algonquin/Lake in the Hills Chamber of Commerce Email Newsletter in January 2017 to solicit feedback. The Village received positive feedback from three local developers on the proposed amendments with no objections from the business community.
Discussion were held in August, September, October and November of 2016 and January and February of 2017 regarding the Permitted and Conditional Use Chart and use definitions while the remainder of the amendments were discussed in January and February of 2017. Staff also provided updates on the use amendments to the Village Board during the fall of 2016. The Village attorney has reviewed the proposed amendments. Below is a summary of those amendments.

**Section 3 Definitions & Sections 11 Permitted and Conditional Use Chart**
The Commission directed staff to simplify the use list by generalizing many of the uses into categories while still preserving conditional uses that are necessary to control for and update the use definitions. The new list will be shorter, easier to understand will remove barriers to economic development by allowing more permitted uses across more zoning districts.

**Section 3 Definitions & 4 General Provisions**
There was a conflict with the definition of Planned Development in Section 3 and Section 4.8 of the Zoning Code. The definition in Section 3 has been modified, as provided below, and eliminated in Section 4.8.

**Section 3 Planned Development Definition:** Land may be developed as a Planned Development as regulated in the Planned Development Section of this ordinance. Unless otherwise stated herein, land shall be developed as a Planned Development as regulated in the Planned Development Section of this Ordinance if it is greater than four (4) acres in area. If the land is owned and operated by a governmental entity and is greater than two (2) acres in size it shall be developed as a Planned Development as regulated in the Planned Development Section of this Ordinance. If the land is zoned for manufacturing and is greater than five (5) acres in size it shall be developed as a Planned Development as regulated in the Planned Development Section of the Ordinance.

**Section 16 - Signs**
Larger real estate signs for large vacant residential lots and non-residential lots are common in the Village and surrounding communities; however there were no rules regulating them. Therefore, the Commission added a provision for real estate type signs as an exempt sign that provides one sign per street frontage, no larger than 32 square feet or taller than 10 feet on vacant residentially zoned property (greater than one acre) and all non-residential zoned properties. Additionally, the Village attorney has reviewed the sign section and has proposed amendments based on the recent Supreme Court Case Gilbert v. Reed related to content based signage.

**Section 17 - Home Occupations**
The Village attorney has advised the Village should update its Home Occupation Section related to Home Kitchen Operation to comply with State Statute; the following language would be added:

The use of a home occupation as a home kitchen operation is specifically permitted, as defined in 410 ILCS 625/0.01 et.seq., as may be amended, and all requirements of the Zoning Ordinance, including this Section 17.

In order to reduce costs to zoning applicants the Certified Mail Return Receipt Requested property owner notification will be replaced with First Class Mail notification and an affidavit to be submitted with a list of those mailed to. In addition, public hearing signs would not be required for Village initiated zoning map amendments.

The Planning and Zoning Commission held a public hearing and considered the zoning text amendments at its March 13, 2017 meeting. By a vote of 6-0, the Planning and Zoning Commission recommended approval of the zoning text amendments.
A larger use space is going to have to go through P&Z anyway, according to Attorney Stewart. Motion was made to place this item on the Village Board Agenda.

**Informational Item Concerning a Concept Plan for Beehive Assisted Living of Lake in the Hills**—presented by Community Development Director Michael Brown - Mon Ami Properties LLC, property owner, and Mark Mojsa, applicant, submitted an application for a concept plan on February 8, 2017, titled Beehive Assisted Living of Lake in the Hills prepared by Hatch Design Architecture. The applicant is proposing three assisted living facility buildings located at the southeast corner of Ackman Road and Ronan Drive on Lot 1 of the Princeton Crossing Subdivision. Each building would have 21 rooms with up to 24 resident and have 24 employees rotating between there shifts. The property is 4.39 acres and is zoned B-2 Neighborhood Convenience with a Planned Development that was adopted by Ordinance 2003-52 on November 13, 2003. The adjacent land uses consist of residential to the north and south, commercial to the west and vacant land to the east. The Village’s Comprehensive Plan and Future Lane Use Map proposes commercial for the property.

The Planned Development Ordinance specifies the permitted and conditional uses for the property; however, assisted living facilities are not a permitted or conditional use. The applicant is requesting the Village consider amending the Planned Development to include assisted living facilities for the property. If the Village were interested the applicant would be required to go through the zoning and development application process. As part of that application a request would be made for a conditional use to amend the current Planned Development Ordinance. The applicant would still be required to comply with all other applicable codes (subdivision, zoning, storm water, etc.) as well as the design standards set forth in the Planned Development Ordinance.

Staff is requesting the Village Board contemplate if the proposed use of an assisted living facility is appropriate for this location. The Village’s Future Land Use Map and the Planned Development propose commercial. If the Village considers this use, staff recommends it be processed as a conditional use as senior housing is currently a conditional use in the zoning code.

The Planning and Zoning Commission reviewed the request at its March 13, 2017 meeting. The Commission raised concerns with whether or not the use was appropriate for this location, the aesthetics of the buildings and what type of common space and green space would be available.

By a vote of 3-3, the Planning and Zoning Commission were split on recommending approval of the concept plan.

Trustee Harlfinger is not against this concept, just not convinced this is the parcel for that venture. If this does move forward he would like to see retail services there that may cater to the senior population, hair salon, nail salon, etc. If there is room for discussion for retail within the facilities he would be more inclined to agree to this venture.

The applicant took to the podium and mentioned there would be a salon housed on site for the residents of the proposed development. They would bring in groups and entertainment to the facilities as well. Again Trustee Harlfinger mentioned that he can see the need in this area for such a facility. He realizes that commercial of space will be gone, but with this project, the senior residents will be spending money in the community. Trustee Ruzanski would like to see a developer come in and offer some subsidy to Costco, maybe offer a reduced membership to residents. Trustee Harlfinger would like to see the Village focus more on the senior population. Trustee Huckins doesn’t think that the residents of this proposed development are the folks that would utilize much retail. This is an assisted living facility with
approximately 24 units. President Mulcahy believes the Board got it right originally for that parcel that is being discussed. He believes this is prime commercial property.

Mr. Brown mentioned that it’s clear that the area will support commercial development.

John (last name spelling not given) - He has been dreaming of having a senior living facility in this area. He is the Senior Director of one of the largest senior facilities in DuPage County. He resides in Lake in the Hills and is speaking in support of such a facility. A senior living program is not just a building, it addresses specific needs. He doesn’t believe the Board should just look at the project from a sales standpoint. This is about facilities for baby boomers. This project could bring in more doctors facilities and other services. He wants to stay in this area. He wants to make sure that he and others have facilities in this area to house parents. The location that is being targeted is only about two miles from the hospital. It’s a good location and a needed amenity for the village. John clarified that it appears there are three building with the capacity to house up to 24 in each building. That’s 70+ residents.

The possible applicant mentioned that visitors coming to the senior facility will visit business in the community. This will bring extra dollars to the Village. The adjustments of aesthetics will be made as the company will work with the Village. They picked the particular location because of what is around; facilities, strip malls, etc. Trustee Bogdanowski does not have issue with the plans at all. He is just not sure the location being discussed is the right fit. President Mulcahy agrees completely. He sees the need and the desirability however he thinks it’s the wrong location. Trustee Harlfinger again stated that he is not crazy about this local but he is in favor of seeing senior communities. He is in favor of letting them move forward to provide the board with more information. Trustees Huckins, Cummings, Ruzanski and Bogdanowski are not in favor of this project moving forward in the presented location. Trustee McPhee agrees that having the facility would bring in extra business. He is in favor of moving forward. Trustee Ruzanski is not in favor of this moving forward. President Mulcahy is not questioning the need for senior residences but just the right use of the presented location.

Mark Mojsa – that lot has been sitting for many years, the original developer when bankrupt. It’s sitting since 2003. It was originally multi-family. He is not understanding why the Board is turning this down. This would have been a great opportunity for all involved.

Informational Item Concerning Concept Plan for Crestwell Senior Living Development – presented by Community Development Director Michael Brown - Randy Well of Crestwell Investments, LLC, property owner, and Anthony Sarillo, applicant, submitted an application for a concept plan on February 10, 2017. The plan is titled Concept Site Plan C dated January 20, 2017 and prepared by Haeger Engineering. The applicant is proposing a senior townhome development comprised of 18 single story residences arranged in six separate buildings located at 4570 Princeton Lane on Lot 3 of the Lakewood Pointe Subdivision. The property is 2.5 acres and is zoned B-2 Neighborhood Convenience with a Planned Development that was adopted by Ordinance 2004-73 on October 28, 2004. The adjacent land uses consist of a detention pond to the west and east, residential to the south and east, and a private road to the north. The Village’s Comprehensive Plan and Future Land Use Map proposes commercial for the property with senior housing contemplated.

The Planned Development Ordinance specifically permits up to 50 residential units of senior housing on this property as a conditional use. The ordinance outlines specific restrictions and design standards for a senior housing development of which the applicant has requested some relief on the setbacks at the southwest and northwest corners of the property as well as along the northern frontage along Princeton Lane from 30 feet to 25 feet. The Village engineer has identified other ordinance requirements that are
not met. If the applicant desires relief in these areas they should be included in future plan submittals and processed as a Planned Development.

The applicant has also requested relief from the development fees that are outlined in the annexation agreement from 2004 noting the economic conditions at that time supported fees of much greater magnitude than today and that the project is not financially feasible with the fees include in the 2004 annexation agreement. Staff has reviewed the agreement and determined it has expired and therefore the fees listed no longer apply. However, the fees set forth in the Village’s Subdivision Ordinance would apply. The applicant should review the Subdivision Ordinance schedule of fees to determine what if any relief is still requested. The proposed concept plan is consistent with the approved Planned Development Ordinance and Comprehensive Plan, therefore staff recommends the Village Board direct the applicant to move forward with the necessary zoning and development plan approval application process.

The Planning and Zoning Commission reviewed the request at its March 13, 2017 meeting. By a vote of 6-0 the Planning and Zoning Commission recommended approval of the Concept Plan.

Anthony Sarillo from the project is available for questions. Trustee Huckins believe this concept fits the area. Trustee Harlfinger is questioning the Boards action of not supporting the previous senior facility but is in support of this project which is asking for the Village to reduce their fees. Mr. Sarillo gave a brief summary of the plans/intent for the project. Trustee Bogdanowski asked for clarification of the annexation agreement. Though the annexation agreement is expired several of the fees (park donations, water tap on fees, etc.) are still in effect. Trustee Ruzanski wondered if these would be rental units. Numbers are still being worked out, but they would like this to be rental properties. Trustee Harlfinger is in favor of the plan. Trustee Ruzanski wondered about if the builder would be offering local business incentives for the residents, as he mentioned earlier with Costco. President Mulcahy mentioned there is a general consensus for them to move forward.

**Board of Trustees:**

Trustee Harlfinger – Nothing to report

Trustee Huckins – **Parks and Recreation Board Liaison Report** – Nothing to report

Trustee Bogdanowski – **Planning and Zoning Liaison Report** – Nothing to report

Trustee Ruzanski – **Airport Marketing Committee Liaison Report** - Nothing to report

Trustee Cummings – Nothing to report

Trustee McPhee - Nothing to report

**President:**

**Audience Participation:**

**Closed Session:**

Motion to enter Appointment, employment, compensation, discipline, performance, and/or dismissal of specific employees (5 ILCS 120/2(c1)) was made by Trustee Harlfinger and seconded by Trustee Huckins. On roll call vote Trustees Harlfinger, Bogdanowski, Ruzanski, McPhee, Cummings and Huckins voted Aye. No Nays. Motion carried.
Adjournment: There being no further business to discuss, the Committee of the Whole meeting was adjourned at 9:24 p.m.

Submitted by,

Denise Wasserman
Village Clerk
(Written minutes taken via audio recording)