

PUBLIC MEETING NOTICE AND AGENDA
VILLAGE OF HUNTLEY
COMMITTEE OF THE WHOLE MEETING



THURSDAY, OCTOBER 7, 2010
7:00 P.M.
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comments
4. Items for Discussion
 - a) Discussion – Approval of the September 2, 2010 Committee of the Whole, September 9, 2010 Liquor Commission, September 9, 2010 Village Board, September 16, 2010 Committee of the Whole and September 23, 2010 Village Board Meeting Minutes
 - b) Discussion – October 14, 2010 Bill List in the amount of \$1,848,225.91
 - c) Discussion – Resolution (R)2010-10.41 – Granting Exemptions from Provisions of the Sign Regulations to Allow Off-Premise Signs for Cub Scout Pack 467 and Waiver of Sign Permit Fees
 - d) Discussion – Resolution (R)2010-10.42 – Approval of a Temporary Use Permit for Exemptions from the Provisions of the Sign Ordinance to allow a Temporary Banner and waiver of permit fees for Faith Community Church, 10547 Faiths Way
 - e) Discussion – Approval of Resolution (R)2010-10.43 - Granting a Temporary Use Permit to allow a temporary banner for Julie’s Nails, 10428 Route 47
 - f) Discussion – Ordinance (O)2010-10.51 – Approval of a Zoning Map Amendment from B-3 Shopping Center Business to B-2 Highway Service, Special Use Permits for Used Automobile Sales and Major Automobile Repair, and allowing 10501 Route 47 to be considered legal non-conforming Radak Auto Sales
 - g) Discussion - Payout Request No. 1 in the amount of \$30,873.92 – Chicagoland Paving Contractors, Inc. – Marlowe Bike Path Project
 - h) Discussion - Payout Request No. 2 in the amount of \$79,411.12 – Big Time Construction, Inc. – Northbridge Subdivision Public Improvement Concrete Repairs
 - i) Discussion – Transmittal – Fiscal Year (FY)2011 Budget Calendar
5. Village Attorney’s Report
6. Village Manager’s Report

7. Village President's Report
8. Unfinished Business
9. New Business
10. Executive Session
 - a) Probable or Imminent Litigation and Pending Litigation
 - b) Contractual
 - c) Property Acquisition, Purchase, Sale or Lease of Real Estate
 - d) Appointment, Employment, Dismissal, Compensation, Discipline and Performance of an Employee of the Village of Huntley
 - e) Collective Bargaining
 - f) Appointment, Discipline or Removal Public Officers
 - g) Appointment of a Public Officer
 - h) Review of Closed Session Minutes
 - i) Other
11. Possible Action on any Closed Session Item
12. Adjournment

MEETING LOCATION
Village of Huntley Municipal Complex
10987 Main Street
Huntley, IL 60142

The Village of Huntley 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 in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, are requested to contact Mr. David Johnson, Village Manager at 847-515-5200. The Village Board Room is handicap accessible.



David J. Johnson, Village Manager

Agenda Item: **Approval of the September 2, 2010 Committee of the Whole,
September 9, 2010 Liquor Commission, September 9, 2010 Village
Board, September 16, 2010 Committee of the Whole and
September 23, 2010 Village Board Meeting Minutes**

Department: **Village Manager's Office**

Introduction

The following meeting minutes are being presented for Village Board approval:

- September 2, 2010 Committee of the Whole
- September 9, 2010 Liquor Commission
- September 9, 2010 Village Board
- September 16, 2010 Committee of the Whole
- September 23, 2010 Village Board Meeting Minutes

Action Requested

A consensus of the Committee of the Whole to forward on to the Village Board for approval the above referenced meeting minutes.

Petition: **Approval of Resolution (R)2010-10.41 – Granting Exemptions from Provisions of the Sign Regulations to Allow Off-Premise Signs for Cub Scout Pack 467 and Waiver of Sign Permit Fees**

Petitioner: **Cub Scout Pack 467, Michelle Conti**

Department: **Development Services, Planning and Zoning Division**

Introduction

The Development Services Department has received a request from Cub Scout Pack 467 of Huntley/Lake-in-the-Hills for a three-year approval to display five (5) off-premise signs advertising their annual pancake breakfast held at the Huntley American Legion. This year the event will be held on Sunday, November 21st. All signs will be 18”x 24” and installed one (1) week before the event on Friday, November 12th and removed the day after the event. The proposed signs would be located within right-of-way at the following locations:

Ruth Road & Algonquin Road (county right-of-way)
Ruth Road & Huntley-Dundee Road
Main Street & Church Street
Route 47 & Del Webb Blvd (state right-of-way)
Route 47 & Jim Dhamer Road (state right-of-way)

Staff Analysis

The Village Board granted Cub Scout Pack 467 a similar three-year approval for their pancake breakfast signage in September 2007 (Ordinance (O) 2007-09.45).

Financial Impact

The petitioner is requesting a waiver of the sign permit fees for the three-year period. The Village Board granted a waiver of sign permit fees as part of the September 2007 approval.

Legal Analysis

The Village Board’s authorization for this request is required in accordance with Zoning Ordinance - Sign Regulations §156.125 (G) (1) pertaining to Off-Premise Signs.

Action Requested

A consensus of the Committee of the Whole to forward on to the Village Board for approval Resolution (R)2010-10.41 – Granting Exemptions from Provisions of the Sign Regulations to Allow Off-Premise Signs for Cub Scout Pack 467, waiver of sign permit fees and approval of the request for three (3) years through November 2012.

Staff recommends the following conditions be applied should the Village Board approve the request:

1. The petitioner shall obtain a sign permit from the Development Services Department prior to installing the banner; fees to be waived.
2. Signs shall be installed no more than seven (7) days before the event and shall be removed within one (1) day following the event.
3. The Village of Huntley does not authorize the installation of any signage within State of Illinois or McHenry County right-of-way.

Exhibits

- Letter from Cub Scout Pack 467 Secretary Michelle Conti
- Map of Sign Locations and Sign Photo
- Draft Resolution

Petition: **Resolution (R)2010-10.42 – Approval of a Temporary Use Permit for Exemptions from the Provisions of the Sign Ordinance to allow a Temporary Banner and waiver of permit fees for Faith Community Church, 10547 Faiths Way**

Petitioner: **Faith Community Church**

Department: **Development Services – Planning and Zoning**

Introduction

The Development Services Department is in receipt of a request from Faith Community Church to install two (2) 2.5' by 6' (15 sq. ft.) temporary banners advertising their holiday bazaar on Saturday, November 6, 2010. The proposed banners will be single-sided and located on the church's property at the northwest corner of Algonquin and Haligus Roads and the southwest corner of Faith's Way and Haligus Road. Faith Community Church has requested the Village Board to approve the request each year through November, 2014. Typically, banners are permitted for no more than 15 days, therefore, this year the banners will be installed no sooner than Saturday, October 23, 2010 and removed no later than November 7th.

Staff Analysis

The Village Board granted Faith Community Church approval for a single banner for this event last November per Ordinance (O) 2009-11.68.

Financial Impact

The petitioner is requesting waiver of the sign permit fees through November, 2014.

Legal Analysis

The Village Board's authorization for this request is required in accordance with Chapter 156: Zoning Ordinance, Article XIII Sign Regulations, Section 156.125 Prohibited Signs, subparagraph (K) Banners or Flags.

Action Requested

A consensus of the Committee of the Whole to forward on to the Village Board for approval Resolution (R)2010-10.42 – Granting Exemptions from Provisions of the Sign Regulations to Allow two (2) Temporary Banners, waiver of sign permit fees and approval of the request for five (5) years (2010, 2011, 2012, 2013, 2014).

Staff recommends the following conditions be applied should the Village Board approve the Temporary Use Permit:

1. The petitioner shall obtain a sign permit from the Development Services Department
2. The banners will be installed no sooner than 15 days prior to the holiday bazaar
3. The petitioner shall remove the banner and all temporary sign posts and frames from the site no later than the day after the holiday bazaar

Exhibits

- Letter of Request from Faith Community Church
- Site Plan
- Banner Drawing
- Draft Resolution

Petition: **Approval of Resolution (R)2010-10.43 - Granting a Temporary Use Permit to allow a temporary banner for Julie's Nails, 10428 Route 47**

Petitioner: **Julie Huynh, Julie's Nails**

Department: **Development Services – Planning and Zoning**

Introduction

Julie's Nails is requesting approval to display a temporary banner advertising their grand opening special. The proposed banner will measure 3'-4" high by 15'-0" wide (50 sq. ft.) and will be located over their storefront within the Bakley Shopping Center. The banner would be displayed for 30 days upon approval by the Village Board.

Staff Analysis

The petitioner was previously issued a 15 day temporary sign permit for a "Grand Opening" banner on August 19, 2010. The Village's Sign Ordinance allows a new business to display a "Grand Opening" banner for up to 15 days within 90 days after their opening date.

Financial Impact

The petitioner will be required to pay applicable sign permit fees.

Legal Analysis

The Village Board's authorization for this request is required in accordance with Sign Ordinance §156.125 Prohibited Signs, subparagraph (K) Banners and Flags.

Action Requested

A consensus of the Committee of the Whole to forward on to the Village Board for approval Resolution (R)2010-10.43 – A Resolution Granting a Temporary Use Permit to allow a temporary banner for Julie's Nails, 10428 Route 47.

Staff recommends the following conditions be applied should the Village Board approve the Temporary Use Permit:

1. The petitioner shall obtain a sign permit from the Development Services Department prior to installing the banner.
2. The Temporary Use Permit is not transferable to other events or dates.
3. The banners shall be maintained in good condition at all times.

Exhibits

- Proposed Banner
- Draft Resolution

Petition: **Ordinance (O)2010-10.51 – Approval of a Zoning Map Amendment from B-3 Shopping Center Business to B-2 Highway Service, Special Use Permits for Used Automobile Sales and Major Automobile Repair, and allowing 10501 Route 47 to be considered legal non-conforming**

Petitioner: **Maggie Gogol and DNT Properties, Inc.**

Department: **Development Services – Planning and Zoning**

Introduction

The petitioner, Maggie Gogol, has submitted a request to operate a used automobile dealership at 10501 Route 47, which is currently zoned B-3 Shopping Center Business. The petitioner's husband, Radek Gogol, was previously issued a special use permit on March 27, 2008, for used automobile sales; however, the special use permit expired because the use was not established within six months of Village Board approval as required by the Zoning Ordinance.

The petitioner's husband currently operates Auto Crafters within the northern-most portion of the building and Ms. Gogol would operate the used automobile dealership out of the showroom portion of the building (formally occupied by Grand Rental) and display automobiles in the south parking lot. The remaining portion of the building is occupied by MB Garage, which was issued a special use permit for automobile repair by the Village Board on June 12, 2008.

The petitioner was before the Village Board on August 19, 2010, for referral to the Plan Commission to begin the formal development review process. The Village Board's discussion centered around the existing condition of the property and the need to better maintain the site. The Board also inquired about the existing light fixtures adjacent to Route 47 and Algonquin Road. Staff has confirmed the light fixtures are within the Route 47 and Algonquin Road expanded right-of-way and will be removed as part of the road widening project.

Staff Analysis

Under the revised Zoning Ordinance approved by the Village Board in October 2009, used automobile sales is not a permitted or special use in the B-3 Shopping Center Business zoning district. As a result, the petitioner, with the consent of the property owner DNT Properties, Inc., is requesting to rezone the property to B-2 Highway Service which allows both used automobile sales and auto body repair as special uses and automobile repair as a permitted use. The petitioner is concurrently requesting a special use permit for used automobile sales and for their auto body repair business currently operating on the site.

The proposed Route 47 Auto Sales and MB Garage will share parking at the south end of the site, which consists of approximately 48 parking spaces. Staff will require the petitioner to stripe the parking lot and define which parking spaces are dedicated to MB Garage, Route 47 Auto Sales vehicle display, and customer and handicap parking. Similarly, Auto Crafters customer parking must be defined at the north end of the property (two (2) parking spaces must be provided per bay; therefore, eight (8) customer spaces, including one handicap space, is required.

Rezoning the property to B-2 Highway Service would also reduce the amount of relief required as a result of the property taken by the Illinois Department of Transportation (IDOT) for the Route 47

widening. The following chart compares existing and resulting conditions to the bulk regulations for the B-2 and B-3 zoning districts:

	10501 Route 47 (BEFORE IDOT TAKE)	10501 Route 47 (AFTER IDOT TAKE)	B-2 Highway Service Requirements	B-3 Shopping Center Business Requirements
Lot Area	91,200 sq. ft.	79,322 sq. ft.	5,000 sq. ft.	80,000 sq. ft. (RELIEF REQUIRED DUE TO TAKE)
Lot Width	559.60 ft.	559.60 ft.	50 ft.	200 ft.
SETBACKS				
Front	50.67 ft.	31.96 ft.	30 ft.	50 ft. (RELIEF REQUIRED DUE TO TAKE)
Rear (NON-CONFORMING STATUS IS NOT IMPACTED BY TAKE)	7.89 ft.	7.89 ft.	20 ft.	20 ft.
Corner Side (ALGONQUIN ROAD)	233.94	223.08 ft.	20 ft.	20 ft.
Interior Side	39.38	39.38 ft.	10 ft.	10 ft.
Parking Lot Setback (IMPACTED BY TAKE, BUT RESULTING SETBACK IS UNCHANGED)	0 ft.	0 ft.	10 ft. (RELIEF REQUIRED DUE TO TAKE)	10 ft. (RELIEF REQUIRED DUE TO TAKE)

The property owner, DNT Properties, Inc., is requesting that the Village Board allow the parking lot setback to be considered legal non-conforming as a result of the IDOT take.

Plan Commission Recommendation

The Plan Commission reviewed the petition and held a public hearing at their September 13, 2010 meeting. Having fully heard and considered testimony, the Plan Commission unanimously (5 to 0) recommended approval, subject to the following conditions:

1. The Special Use Permits cannot be transferred to another business without Village authorization.
2. Any plans submitted for building permit must conform to all applicable codes and requirements of the Huntley Fire Protection District and the Village’s Development Services Department.
3. Hours of operation for Auto Crafters shall not extend beyond the times indicated below:
 Monday - Friday 8:00 a.m. - 6:00 p.m.
 Saturday 9:00 a.m. - 3:00 p.m.
4. A striping plan for the north and south parking lots shall be submitted to the Development Services Department for approval and shall define parking for MB Garage, Auto Crafters, Route 47 Auto Sales vehicle display, customer parking and required handicapped and loading spaces.
5. The north and south parking lots shall be striped in accordance with the striping plan as approved by the Development Services Department.
6. All parking and vehicle storage must occur in designated parking spaces only. No parking is allowed in drive aisles. No storage is allowed on adjacent streets or off-site.
7. Route 47 Auto Sales vehicle inventory shall be restricted to the south parking lot, in accordance to the site plan submitted by the petitioner.

8. Outside vehicle display is restricted to vehicles available for sale by Route 47 Auto Sales. Damaged, wrecked or vehicles in varying degrees of repair shall not be stored outside.
9. No vehicles shall be stored on the property with exception to vehicles displayed for sale by Route 47 Auto Sales.
10. No other vehicle sales shall occur on the property until Route 47 Auto Sales has provided the Village of Huntley with a copy of an approved used car dealer's sales license from the State of Illinois.
11. Vehicle sales shall be restricted to automobile, minivan, sport utility and light pick-up trucks only. No motor home, semi- or large-truck, trailer, or watercraft sales are permitted.
12. Route 47 Auto Sales and Auto Crafters shall comply with all requirements of the Illinois Environmental Protection Agency and any other state or federal agencies having jurisdiction. Any documented violation of any IEPA or other regulatory agency standards shall constitute a violation of the special use permit and may result in termination of the special use.
13. Any changes in use or site plan layout must be evaluated by the Village for compliance with the Special Use Permit.
14. In accordance with Section 156.068(K) of the Zoning Ordinance, a special use must be established within six (6) months of approval by the Village Board or the Special Use Permit shall be void.
15. No sign permits are approved as part of this request. Any proposed signage shall require the issuance of a sign permit prior to installation.
16. No building or occupancy permits will be issued until all provisions stated herein have been satisfied.
17. The petitioners shall work with Village staff to add landscaping between the parking lot and Route 47.

Financial Impact

Not applicable.

Legal Analysis

Not required.

Village Board Action

A consensus of the Committee of the Whole to forward on to the Village Board for approval Ordinance (O)2010-10.51 – An Ordinance approving a Zoning Map Amendment from B-3 Shopping Center Business to B-2 Highway Service, Special Use Permits for Used Automobile Sales and Major Automobile Repair and allowing 10501 Route 47 to be considered legal non-conforming, subject to the recommended conditions of approval.

Exhibits

- 10501 Route 47 – Aerial Site Plan
- Property Take Exhibit
- Draft Ordinance

Agenda Item: **Payout Request No. 1 in the amount of \$30,873.92 – Chicagoland Paving Contractors, Inc. – Marlowe Bike Path Project**

Department: **Engineering Department**

Introduction

On August 12, 2010, the Village Board awarded the contract for the Marlowe Bike Path Project to Chicagoland Paving Contractors, Inc. in the amount of \$48,310.00. Payout Request No. 1 includes work completed as of September, 2010.

Staff Analysis

The Village Engineer recommends payment to Chicagoland Paving Contractors, Inc. in the amount of \$30,873.92.

Financial Impact

<u>Pay Request</u>	<u>Completed Work</u>	<u>Retention (10%)</u>	<u>Previous Payments</u>	<u>Amount Requested</u>
#1	\$34,304.36	\$3,430.44	-0-	\$30,873.92

Pay Request No. 1 reflects a 10% retention amount. Waivers of Lien and payroll certifications have been received.

The FY2010 Budget includes funding for the project in the amount of \$45,000.00. The funding sources are through the Capital Projects Fund 02-10-4-6925 (\$22,500.00) and the Street Improvement Fund 04-00-4-7500 (\$22,500.00). The bid was \$3,310 higher than the budgeted amount; however, the project was completed for \$34,304.36, which is \$14,005.64 less than the contract amount. Cost savings were realized by reducing the depth of the stone base and adjusting the landscaping material quantities.

Legal Analysis

Not required.

Action Requested

A consensus of the Committee of the Whole to forward on to the Village Board for approval Payout Request No. 1 in the amount of \$30,873.92 to Chicagoland Paving Contractors, Inc. for the Marlowe Bike Path Project.

Agenda Item: **Payout Request No. 2 in the amount of \$79,411.12 – Big Time Construction, Inc. – Northbridge Subdivision Public Improvement Concrete Repairs**

Department: **Engineering Department**

Introduction

At the August 27, 2009 Village Board meeting the Village Board authorized the Village Manager to execute a Letter of Understanding with Lennar, Inc. for the repair of public driveway approaches, sidewalk and curb/gutter in the Northbridge Subdivision. The cost of design and construction engineering is included in the amounts cited in the Letter of Understanding.

On October 2, 2009 the Village received bids for the project. Big Time Construction, Inc. was the low bidder with \$117,867.90 for the alternate bid at 29.7% below the Engineer's Estimate and included the base bid plus the application of a protective coat to protect the concrete against salt damage. On December 17, 2009, the Village Board awarded the contract for the Northbridge Subdivision Public Improvement Concrete Repairs to Big Time Construction, Inc. in an amount not-to-exceed \$117,867.90. Payout Request No. 2 includes work completed on Savannah Lane, Hunter Trail, Faiths Way, Mayfield Lane, Mayflower Lane, Biltmore Lane, Bayhill Court and Northbridge Drive.

Staff Analysis

On September 23, 2010 the Village Board approved Payout Request #1, in the amount of \$72,957.60. The Engineering Department and CBBEL recommend payment of Payout Request #2 to Big Time Construction, Inc. in the amount of \$79,411.12.

Financial Impact

The necessary funds for the project have been received from Lennar. No Village funds are proposed to be used for the project. [Capital Projects Fund (Special Projects) #02-10-4-6925]

<u>Pay Request</u>	<u>Completed Work (Cumulative to Date)</u>	<u>Retention (10%)</u>	<u>Previous Payments</u>	<u>Amount Requested</u>
#1	\$81,064.00	\$8,106.40	-0-	\$72,957.60
#2	\$169,298.58	\$16,929.86	\$72,957.60	\$79,411.12

Pay Request No. 2 reflects a 10% retention amount. Waivers of Lien and payroll certifications have been received.

Legal Analysis

Not required.

Action Requested

A consensus of the Committee of the Whole to forward on to the Village Board for approval Payout Request No. 2 in the amount of \$79,411.12 to Big Time Construction, Inc. for Northbridge Subdivision Public Improvement Concrete Repairs.

Agenda Item: **Transmittal – Fiscal Year (FY)2011 Budget Calendar**

Department: **Village Manager’s Office**

Introduction

In preparation for the FY2011 budget process, Staff will be reviewing the Budget Calendar at the Committee of the Whole Meeting.

Exhibit

- Fiscal Year (FY)2011 Budget Calendar