

**VILLAGE OF HUNTLEY
VILLAGE BOARD MEETING
January 10, 2008
MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, January 10, 2008 at 7:00 p.m. in the Municipal Complex Village Board Room 10987 Main St, Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Charles H. Sass, Trustees: Pam Fender, Jay Kadakia, Niko Kanakaris, Trustee Harry Leopold, Paul Mercer, and John Piwko.

ABSENT: None

IN ATTENDANCE: Village Manager Carl Tomaso, Assistant Village Manager David Johnson, Director of Development Services Lisa Armour, Village Attorney Mike Coppedge, Management Assistant Barb Read, and Recording Secretary Anita Powers of Karick & Associates.

PLEDGE OF ALLEGIANCE:

Mayor Sass led the Pledge of Allegiance.

PUBLIC COMMENTS

Mike Sitko of 12315 N Lakeview in Huntley described moving to the Village ten years ago because of the small town feel. Mr. Sitko asked the Trustees to slow development, specifically in regards to the Huntley Town Center project. Mr. Sitko explained that he is opposed to the big box stores planned in the development.

ITEMS FOR CONSIDERATION:

- A. Approval of December 6, 2007 Village Board Meeting and December 13, 2007 Village Board Meeting Minutes

A MOTION was made to approve the December 6, 2007 Village Board Meeting and December 13, 2007 Village Board Meeting Minutes as presented

MOTION:	Trustee Leopold
SECOND:	Trustee Kanakaris
AYES:	Trustees Fender, Leopold, Kadakia, Kanakaris, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion Carried	6:0:0

B. Discussion - Policy Direction Request – Referral of the Huntley Town Center / Mertz Development Inc./Proposed Concept Plan to the Planning Commission and Zoning Board of Appeals

Petitioner: Mertz Development Inc.

Village Manager Tomaso presented a PowerPoint presentation including an aerial photo.

Mertz Development Inc., (MDI), is proposing development of 411 acres, which is commonly referred to as the Rosenwinkel property located on Main Street west of the Village of Huntley. MDI has requested to bring this matter before the Village Board in order to seek the Village Board's authorization to begin the formal review process. Listed below are several of the highlights from MDI's proposed plan:

Overview

Implementation of a Town Center Concept Plan:

1. Provide cultural, business, and retail activities creating a lifestyle convergence for the entire region as part of the Town Center Plan.
2. Introduce the Town Center Plan, supported by "Big Box" commercial development and major commercial shopping plaza's and restaurants containing up to 700,000 sf of retail, restaurant, entertainment, medical and business space.
3. Create a transportation hub for multiple access routes as well as METRA commuter rail/Transit service.
4. Introduce the potential of up to 2,000 diverse residential housing units ranging from luxury single family units with townhomes and condominiums.
5. Provide assisted living units (approximately 450 dwelling units on 21 acres).

Proposed Infrastructure improvements:

1. Construction of Algonquin Road from west of Route 47 to its intersection with Main Street.
2. Construction of Rail Overpass Bridge requiring an Intergovernmental Agreement with McHenry County.
3. Construction of Kreutzer Road from Main Street to its intersection at Algonquin Road.
4. Contribution of up to \$10,000,000 in Transportation Fees to be used for I-90 / Route 47 full interchange tollway improvements.
5. Relocation and realignment of Main Street to its new intersection at Coyne Station Road (TBD).

Proposed Traffic Benefits:

1. Route 47 - Bypass Route 47 with Algonquin Road to Kreutzer Road connection points
2. Algonquin Road - Extend west to Huntley-Marengo Road
3. Kreutzer Road - Tie into Algonquin Road
4. Main Street - Re-alignment of Main Street to be an integral part of the area's transportation plan and network

Village Manager Tomaso noted that there is another site within the Village (Kreutzer Road) that is also being considered as a possible location of the commuter rail station/transit station.

With the conclusion of the PowerPoint, Village Manager Tomaso asked for Policy Direction from the Village Board.

Trustee Leopold stated that he likes the idea of a Town Center development but is not in favor of issuing 200 building permits before the Algonquin road work begins. The intersection at Algonquin and Main will also need to be modified. Trustee Mercer agreed that he likes the project but is concerned about issuing building permits prior to road work.

Trustee Fender recommended that the retail areas be spread out.

Trustee Piwko complimented the concept and stressed the importance of walkability within the development. The new downtown area should be accessible from Historic Downtown.

Trustee Kadakia stated that he likes the plan and asked when the Algonquin Road work will begin. Mr. Todd Briner of V3 Companies Ltd. stated that the petitioner and the Village will need to agree on a measurable trigger, such as the number of building permits issued, to determine when road work should begin. The petitioner will not be able to fund the road work prior to beginning construction. A traffic impact analysis will help determine the timeline for the road work. Mr. Troy Mertz, President MDI, stated that the timing of the Algonquin Road project will depend on funding and an intergovernmental agreement with McHenry County is key to the success of the project. It could take up to two years to obtain the rail easement. The petitioner will fund the engineering, which is expected to take 6 months. Mr. Mertz noted that the \$30 million road improvement is a public benefit of the project and serves to improve traffic for Del Webb, Huntley High School and historic downtown.

Trustee Kadakia asked what will happen to the land set aside for Metra if no station is built. Mr. Briner stated that the land will be reserved while the Village and Metra work to determine if a train station will be built within the development. The annexation agreement will outline a timeline and if no station is built the land will revert to zoning to be outlined in the agreement.

Trustee Kanakaris asked if lots will be sold to other developers. Mr. Mertz explained that this large project will include development partners under the umbrella of a master plan. Mr. Briner noted that controls will be in place to ensure that the individual developments look like one continuous project and referenced a similar approach that worked well with the Del Webb development. Documents are being drafted calling for a master developer to ensure continuity and consistent guidelines.

Mayor Sass stated that the Village will work with the petitioner on a timeline for the road work to begin prior to 200 building permits being issued. Mayor Sass clarified that the Petitioner's \$10 million contribution can be used at the Village's discretion and not just for the tollway. Mr. Mertz agreed.

There was a consensus of the Village Board refer the Huntley Town Center proposal to the Planning Commission and Zoning Board of Appeals to begin the formal development review process.

C. Discussion – Policy Direction Request – Referral of the Village's of Portofino Mixed-Use Development / The Portofino Group – Concept Plan to the Planning Commission and Zoning Board of Appeals

Petitioner: The Portofino Group

Village Manager Tomaso presented a PowerPoint presentation including a conceptual site plan and noted that the petitioner is requesting to proceed directly to preliminary PUD approval.

The Portofino Group is the owner of 106 acres on the west side of Route 47 north of Kreutzer Road (it does not include the Manke parcel south and adjacent to the Kreutzer Road future west and north extension). The property consists of two parcels previously referred to as the Wish and Clesen properties. David Wish recently acquired the Clesen property and subsequently formed The Portofino Group to serve as the development entity for the property.

The concept plan is a mixed-use development that includes big box retail, office space, outlot sites, eight-screen cinema, village retail with commercial on the first floor and residential units above (368 units), and three-story apartments (204 units on the west end of the site south of Lion's Chase) that could potentially be converted to condominiums at a later date. Parking would be provided through a combination of at-grade spaces and parking decks. A total of 1,164,458 square feet of retail space is proposed, with a total of 572 residential units proposed. Phase I of the project would consist of the big box retail, cinema, outlots, a portion of in-line retail, a portion of apartments over retail, and all of the apartments on the west end of the site.

The developer is continuing to work on engineering items and a traffic impact analysis. Two full access points are currently proposed for Route 47. However,

additional review will be required to determine ultimate access locations and improvements to Route 47 in accordance with IDOT jurisdictional control.

Village Manager Tomaso reviewed a summary of proposed uses.

With the conclusion of the PowerPoint presentation, Village Manager Tomaso asked if there were any questions.

Trustee Piwko commented that he likes the in-line retail and the cinema but has a problem with the density of the apartments planned for the west side of the development. Trustee Piwko pointed out that there are upscale homes near this planned development and townhomes would be a better fit. Trustee Piwko also stressed the importance of Walkability throughout this project.

Trustee Fender agreed that the previous plan including townhomes was more acceptable and added that the residential units on the west side of the project should be planned for Phase 3. The petitioner should also work to separate the retail area from the Lions Chase subdivision. The limited access to Route 47 is also a concern. Trustee Fender emphasized that the plan should retain ambiance and character. Mayor Sass stated that IDOT will probably not allow two full access points so other options should be explored.

Trustee Leopold agreed that the petitioner should consider building condos or townhomes instead of the apartments on the west end of the development.

Trustee Kanakaris stated that the plan looks good if the density of the apartment buildings is reduced and more green buffer space is added.

Trustee Leopold noted that the petitioner should be making a contribution to the Route 47 widening project. Trustee Mercer agreed.

Trustee Kadakia stated that he likes the concept and would like the petitioner to consider the idea of a live theater as previously discussed.

Trustee Mercer asked that the commercial development be well under way before the residential construction begins. Trustee Mercer agreed that condos or less dense apartments with a large buffer should be considered.

The petitioner clarified that there will be apartments built on the second story of the in-line retail. The Trustees agreed that there was not a problem with the plan for the second story apartments over the commercial area.

The Trustees further discussed the planned apartment buildings on the west end of the development. The petitioner explained that they will be luxury apartments with price points applicable to the high quality. There is nothing currently in the market that is comparable in design and no drawings are available. The petitioner stated that the

decision to build apartments was market-driven. There is currently an oversupply of houses for sale and an under-supply of rental properties. The petitioner agreed that the apartments on the west end can be phased in and will be built so that they are convertible to condominiums.

When asked if a decision on the townhomes vs. apartments needed to be made at this meeting, Village Manager Tomaso explained that the most restrictive residential Huntley Zoning Code District could be adopted with the understanding that the portion on the west end of the project would have to come back for Village Board approval of rezoning. The proposed development agreement could include provisions that at a later date, based on market conditions, the option could exist that the west section of the parcel be rezoned to accommodate townhome (MF development) or apartments subject to PUD provisions. The Trustees unanimously agreed that this was acceptable.

Village Manager Tomaso stated that the petitioner understands the requirements of IDOT in regards to the widening of Route 47.

Trustee Kanakaris stated that there should be no parking on the street near the apartments since it will be used for through traffic. The petitioner added that there is a traffic study that should be available soon.

Mayor Sass asked about the soil conditions. The petitioner stated that one set of soil testings has been completed and noted that there is a high water table and granular soil. The petitioner discussed options to deal with the water on the site. Village Manager Tomaso stated that the petitioner will be required to be in full conformance with all applicable Village of Huntley and Kane County stormwater and design standards, without deviation. The Trustees agreed.

There was a consensus of the Village Board refer The Village of Portofino concept plan to the Planning Commission and Zoning Board of Appeals to begin the formal development review and approval process.

D. Approval of Ordinance (O)2008-01.01 - Petition No. 07-12.1, MDR Partners, Jiffy Lube facility, Part of the Mullins Addition (10915/11003 Route 47), west side of Route 47, south of Borden Ave., Special Use Permits for Final Planned Unit Development and Automotive Service in the B-3 "Shopping Center Business District" and approval of such relief as may be necessary to allow development in accordance with the site plan that has been submitted; and Final Plat of Subdivision.

Petitioner: MDR Partners

Assistant Village Manager Dave Johnson presented a PowerPoint presentation including a zoning map, aerial photo, and a rendering of the front building elevation.

Location

The ±0.86-acre property-in-question (±0.72-acres after right-of-way dedication) is a portion of the Mullins Addition (PIN: 18-28-353-014-0041) located on the west side of Route 47 approximately 66 feet south of Borden Avenue.

Petitioner's Request

The petitioner is requesting consideration of the following:

1. Special Use Permit for Planned Unit Development per requirements of the B-3 "Shopping Center Business" Zoning District and requested approval of relief as determined through the site plan review process.
2. Special Use Permit for Automotive Service in the B-3 "Shopping Center Business" Zoning District

Background

The petitioners purchased the two-lot property in May, 2006. The single-family residential structures on the respective lots, 10915 Route 47 – the northernmost lot and 11003 Route 47, were razed shortly thereafter in July. Since then, the petitioner has worked with the Development Services Department Staff and presented a conceptual plan before the Planning Commission and Zoning Board of Appeals (May 30, 2007 – Joint Meeting) and the Village Board (June 7, 2007) regarding the construction of the proposed Jiffy Lube automotive service facility on the subject property.

The general consensus last spring was to allow the property to retain the existing "B-3" Shopping Center Business zoning (requiring development review as a Planned Unit Development) offering additional scrutiny of the site plan and architecture and requiring a Special Use Permit for Automotive Service. The other option entailed re-zoning the property-in-question to B-2 "Highway Service," where "automotive service" is a permitted use, thereby limiting site plan review otherwise accommodated under the B-3-PUD zoning.

Assistant Village Manager Johnson presented a final plat of subdivision and site plan.

Final Plat of Subdivision

The Final Plat – Jiffy Lube Subdivision is under review by the Village of Huntley Engineering Department and Illinois Department of Transportation with approval from each required prior to the execution and filing of the subject property plat. The plat is in substantial conformance with the Village Subdivision Regulations Section 155.221, Final Plat, requirements with the exception of applicable dimensioned setback line(s) and accurate location of at least two monuments. The IL Route 47 right-of-way dedication reflected on the proposed plat reduces the size of the lot from ±0.86 acres (37,461 square feet) to ±0.72 acres (31,368 square feet).

Site Plan

Development of the subject property accommodates a 2,420 square foot Jiffy Lube automotive service garage and customer/office facility including:

1. Seven (7), 19' x 9' parking stalls, including a single handicap space/loading area.
2. Dumpster enclosure (to the east of the handicap space loading area) - exterior to match the principal structure in type and/or proportion of materials and shall include metal gates.
3. Ingress/egress from Route 47 via right-in/right-out drive requiring permitting from Illinois Department of Transportation – consideration has been given to the design of the drive entrance to accommodate for the future Route 47 widening/improvements.
4. The drive aisle in the vicinity of the southeast corner of the building is proposed at 23-feet as opposed to the requisite 25-feet (per Zoning Ordinance, 156.073 (C) (1) (a)). Similarly, the drive aisle along the west side of the proposed Jiffy Lube facility requires relief from IFC 2003 Section 503.2.1 for a drive aisle width less than 20' (proposed 15' wide).
5. As proposed customers enter on the north side of the building and exit to the south.

The subject 0.72-acre/31,368 square foot lot requires relief from the 80,000 square foot minimum lot size in the B-3 “Shopping Center Business District as well as relief for the ±134-foot lot width from the zoning district’s 200-foot minimum.

Lighting

There are six (6) decorative lantern-type (STERNBERG[®] 1230 PRAIRIE SERIES) light fixtures (SL-1) on 10'-tall standards proposed for the site and six (6) wall-mounted fixtures (SL-2) around the building. The proposed pole-fixture south of the southernmost drive shall be relocated outside of the proposed Route 47 right-of-way. Additionally, petitioner shall work with Village Staff to ensure minimal glare (as shown on the submitted Photometric) from site lighting to adjacent properties, particularly those parcels to the north.

Building Elevations

The proposed t-plan footprint of the building is oriented with overhead doors facing north and south with the easternmost portion (customer/office area) of the “top of the t” providing additional screening of the overhead doors from the roadway. The proposed exterior materials include a combination of store-front, partitioned and overhead-garage windows, vertical hardi-plank siding, cultured ledger stone skirt, accent-bands, framing and eave brackets, fiberglass-asphalt shingles and lantern-type (STERNBERG[®] 1230 PRAIRIE SERIES) wall-mounted lighting fixtures. Any and all mechanical equipment shall be completely screened from the adjacent properties and roadway.

Landscape Plan

Plan for the subject tract includes the removal and replacement of several trees and other plant material as well as a transplanted tree. Section 156.073 - Off -Street Parking and Loading (C) Design and Maintenance-Parking Spaces, Item 6, Screening and Landscaping, stipulates the following:

All open off-street parking areas, separation islands and access drives for six or more vehicles shall be effectively screened by a wall, a solid fence, earth bed, or a densely compact evergreen hedge along any side which adjoins, or is directly across a street or alley from a property in a residential district. Such wall, fence or hedge shall be at least six feet in height and shall be maintained at that height in good condition.

Despite the inapplicability of screening requirements, given the adjacent properties are not zoned residential, the petitioner has proposed retaining existing vegetation and augmenting this landscaping with additional material to accommodate a buffer strip between the subject property and the adjacent lots.

In regard to perimeter tree planting, plantings along the south property line should be Chanticleer Pear rather than the Autumn Blaze Maple, Littleleaf Linden and Black Hills Spruce to avoid conflicts with the utility wires running along that line and the four (4) Sugar Maples proposed adjacent to the north of the parking spaces should be replaced with Autumn Blaze Maples (more salt-tolerant) perhaps with those proposed for along the south property line.

As proposed, the landscape buffer along Route 47 south of the right-in/right-out will be less than the required 10-foot landscape setback (per Zoning Ordinance, 156.073 (C) (3)) with the future widening/improvements to Route 47. Therefore, relief is an element of the petitioner's request.

Signage

The building elevations propose placement of wall-mounted "jiffy lube" signs on the north, south and east elevation and a monument sign along Route 47. Village of Huntley – Chapter 153 - Sign Regulations - §153.26, Wall Signs, limit the size of signs to one square foot per lineal foot of frontage and one sign per tenant and §153.29 Monument Signs, (B) Monument (3) Location, requires signs to be located no closer than 10' to the property line. Therefore, as proposed, the monument sign requires a ±7-foot-relief from the Location requirement. The height of the proposed monument sign meets the six-foot-maximum from the Commercial Design Guidelines (CDG); however, the petitioner is recommended to incorporate materials from the principle structure (i.e. cultured ledger stone) in the sign's design to further conform to the CDG's. All signs, including any proposed on-site directional signage, are required to receive separate Sign Permits.

Review of the site plan yielded the following requirements for relief from the respective sections of the International Fire Code and the Village's Zoning, Subdivision and Sign regulations:

1. Lot Size – 0.72-acres or 31,368 square feet – B-3 “Shopping Center Business” requires 80,000 square foot minimum - by comparison the B-2 “Highway Service” District requires a 5,000 square foot minimum
2. Lot Width – 135 feet - B-3 “Shopping Center Business” requires 200 foot minimum - by comparison the B-2 “Highway Service” District requires a 50-foot minimum
3. Front Setback – 30-feet – B-3 “Shopping Center Business” requires 50 foot setback – by comparison the B-2 “Highway Service” District requires a 30-foot minimum front setback
4. Drive aisle width – 23-feet (at a small portion of the parking lot near the southwestern corner of the building) – the Village's Zoning Ordinance – Section 156.073 OFF STREET PARKING AND LOADING. (C) Design and Maintenance-Parking Spaces. (1) Parking Spaces-Description (a) requires aisles serving perpendicular parking and two-way traffic to be not less than 25 feet. – Overall the drive aisles on the site exceed the 25-foot requirement.
5. Additionally, the 15-foot width drive aisle on the west side of the facility requires 5-foot relief from the 2003 IFC requirement that emergency access aisles be not less than 20-feet in width. An AutoTurn Exhibit prepared by the petitioner confirms a 30'-long delivery truck with a 20'-wheelbase can maneuver through the site.
6. Landscape setback – south of the right-in/right-out drive - per Zoning Ordinance, Section 156.073, (C), (3) requiring “ No parking space nor portion thereof, ... , shall be located within the first ten feet of the landscaped setback as measured from the street right-of-way. A portion of the parking lot is located within the 10' setback.
7. Monument sign within 10-feet of property line

Planning Commission and Zoning Board of Appeals Recommendations

At the Planning Commission and Zoning Board of Appeals meetings held on December 10th and 12th, 2007, respectively, the petitioner's request for Special Use Permits for Final Planned Unit Development and Automotive Service in the B-3 “Shopping Center Business District” and approval of such relief as may be necessary to allow development in accordance with the site plan, and Final Plat of Subdivision was recommended for approval (5 to 1 and 4 to 0, respectively) subject to the following conditions:

1. All public improvement and site development must occur in full compliance with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building) standards, Huntley Fire Protection District requirements and Illinois Department of Transportation practices and permit requirements.

2. Final Approval from the Huntley Village Engineer and Illinois Department of Transportation of the Final Plat of Consolidation for the subject property, execution and filing of said Plat prior to issuance of site improvement and building permits.
3. Relief from the B-3 zoning district's requisite 80,000 square foot minimum lot size (property-in-question – 37,491 square feet) and 200 foot lot width minimum (PIQ – 135 feet).
4. Relief for drive aisle width (23 foot width) less than requisite 25-feet (per Zoning Ordinance, 156.073 (C) (1) (a)) and drive aisle (15 foot width) along the west side of the facility less than 20-feet (per IFC 2003 Section 503.2.1).
5. Parking stalls shall be 19 feet in depth.
6. Any and all mechanical equipment shall be completely screened from the adjacent properties and roadway.
7. Dumpster enclosure – exterior to match the principal structure in type and/or proportion of materials and shall include metal gates per Commercial Design Guidelines.
8. Landscape Plan requires final approval from the Huntley Development Services Department Staff and the Village Forester.
9. Relief to Zoning Ordinance, 156.073 (C) (3) Required Setbacks, to allow a landscape setback less than 10-feet for proposed parking area with the future widening/improvements to Route 47.
10. All signage requires approval of Sign Permit(s).
11. The monument sign requires 7'-relief from the 10'-minimum distance from the property line location requirement and the Petitioner shall work with staff regarding the incorporation of the cultured ledger stone from the principle structure into the design of the sign.
12. Provide one-way arrow striping on the right-in/right-out access.
13. Petitioner shall work with the Village Development Services Department Staff and the Huntley Fire Protection District in regard to the site drive aisles to ensure safe and efficient circulation about the subject site.
14. The petitioner agrees to provide cross access to the property at the Village's request should it be necessary to facilitate the flow of traffic in the future.

With the conclusion of the PowerPoint presentation, Assistant Village Manager Johnson asked if there were any questions.

Mr. Riscossa of MDR Partners gave a brief overview of his business operations and noted that he and his brother personally operate their Jiffy Lube locations.

Trustee Leopold asked about the lot behind this location. Mr. Riscossa stated that the lot will remain vacant for cross access with future development and assured the Trustees that the lot will be maintained.

Trustee Leopold read a statement:

Surely you are aware of the NBC LA exposé where two test cars were used in nine Jiffy Lube locations where work paid for was not done in Encino, Canoga

Park, Glendale, Sherman Oaks and Burbank; 5 out of 9 Jiffy Lube franchises tested. What assurances can give us that the same will not happen here and what remedies should be available to us if it does?

Mr. Riscossa explained that his stores are run professionally and cameras will be installed for assurance. He stated that customers are welcome to watch services performed and agreed that customers will be asked if they would like to see parts removed from their car.

Trustee Fender stated that the building looks good but she emphasized that the location is not ideal because the site is too small.

Trustee Kanakaris asked if the entrance drives will have curbs. Village Manager Tomaso answered yes.

Trustee Piwko asked what type of oil will be used. Mr. Riscossa stated that they have chosen a contract with Penzoil.

Mayor Sass stated any business in this location will have to deal with the size limitations and noted that the petitioner has done a wonderful job addressing the concerns of the Village.

A MOTION was made to approve Ordinance (O)2008-01.01 - Petition No. 07-12.1, MDR Partners, Jiffy Lube facility, Part of the Mullins Addition (10915/11003 Route 47), west side of Route 47, south of Borden Ave., Special Use Permits for Final Planned Unit Development and Automotive Service in the B-3 “Shopping Center Business District” and approval of such relief as may be necessary to allow development in accordance with the site plan that has been submitted; and Final Plat of Subdivision, subject to the above referenced conditions of approval.

MOTION:	Trustee Leopold
SECOND:	Trustee Kanakaris
AYES:	Trustees Leopold, Kadakia, Kanakaris, and Piwko
NAYS:	Trustees Fender and Mercer
ABSTAIN:	None
Motion Carried	4:2:0

E. Approval of Ordinance (O)2008-01.02 - Petition No. 07-12.2, Heritage Woods Assisted Living Center / BMA Management, Ltd., Regency Square - Lot 28, 4.1-acre tract located on the north side of Regency Parkway, adjacent to the north of the intersection of Regency Parkway and Farm Hill Drive., Special Use Permit for Congregate Care Center in the BP-PDD “Business Park – Planned Development District”, Site and Landscape Plans.

Petitioner: BMA Management, Inc.

Location of Property-in-Question

4.1-acre tract (Lot 28) located on the north side of Regency Parkway, adjacent to the north and west of the intersection of Regency Parkway and Farm Hill Drive, northwest of Huntley Fire Protection District Station No. 3 and northeast of the Gettysburg Development, Huntley Square Office Building. (See attached location map.)

Petitioner’s Request

The petitioner is requesting consideration of the following:

1. Approval of the Special Use Permit for a Congregate Care Center in the BP-PDD “Business Park – Planned Development District” to allow the 72-unit (with future 24-unit addition) Heritage Woods Assisted Living facility
2. Approval of the Site Plan including Building Elevations, Landscape Plan, Lighting and Signage for the facility

Assistant Village Manager Johnson presented a PowerPoint presentation to the Trustees.

Background

The petitioners presented a conceptual plan for the Heritage Woods Assisted Living facility before the Planning Commission and Zoning Board of Appeals earlier this autumn (September 24th and 26th, respectively). The key development parameters included the following:

1. Development of the property to accommodate a 57,600 square-foot, 72-unit assisted living facility with associated common area elements including a cafeteria and meeting space and parking areas to accommodate guests and employees
2. Proposed future 24-unit addition
3. Proposed brick structure with hardi-plank siding with shutters on the rear.
4. 50 space guest parking area and 46-stall employee parking area with separate ingress/egress drives from Regency Parkway
5. Landscaping per Regency Square Development Guidelines and considerable open space located on the southeast corner of the site

Assistant Village Manager Johnson presented a site plan.

Per the Regency Square Development Guidelines (RSDG), Appendix A, for BP-PDD “Business Park – Planned Development District” -zoned property a Special Use Permit for congregate care centers is required. Additionally, Appendix D references the following parking requirement for Congregate Care facilities:

Congregate Care Parking:

Minimum parking requirements for age restricted congregate living, assisted living, long-term care facilities and/or nursing homes shall be provided for according to the following data:

1. Provide a parking ratio of 1.0 parking spaces per unit/bed. This ratio includes ample parking for employee and visitor parking – 72 unit (future 24 unit addition) – 96 units total / 96 parking spaces proposed
2. In addition provide one (1) loading space per 175,000 square feet of building space

Site Plan

As previously outlined, the subject property is proposed to accommodate a ±57,600 square assisted living center facility including:

1. Fifty (50) space guest parking area and forty-six (46) stall employee parking area including two (2) h/c parking stalls and loading areas in each
2. A twenty-foot wide fire lane connecting the north (employee) and south (guest) parking areas circling-around on the east side of the property
3. Dumpster enclosure - exterior to match the brick on the principal structure with metal gates.
4. Two ingress/egress points from Regency Parkway

Lighting

The petitioner has agreed to add decorative lighting.

Building Elevations

The Assistant Village Manager presented building elevations.

The proposed two-story, three-wing structure incorporates brick veneer, vinyl siding, an asphalt-shingled roof with multiple dormers and cupola element as the principle architectural features. The southwestern-facing entrance includes a four column porte-cochere covered loading and unloading area adorned with a cupola element similar to the larger feature on the main structure.

The structure as presented meets the general guidelines of the RSDG - Architectural Design Standards including screening of the mechanical and/or electrical equipment placed behind the parapet on the single-story, north-wing portion of the building. The screening requirements dictate “minimum of 3 inches higher than the items being screened”; however, the Village Staff recommends a standard of 6 inches higher than the item being screened.

Assistant Village Manager Johnson stated that in a meeting with the petitioner prior to the meeting that he agreed to change the vinyl siding to hardi-board and add additional brick veneer and shutters to the building.

Landscape Plan

The proposed plan is in substantial conformance with the requirements of the RSDG - Landscape Design Standards (LDS) and the Village of Huntley Chapter 154 Tree and Landscape Regulations with the notable exception of the requisite irrigation of all landscape areas (required per RSDG-LDS II. Landscape Installation; F. Irrigation.) Additionally, coordination between the lighting and landscaping plans is required, specifically, consideration of the potential conflict between lighting and the tree proposed for the bump-out in the north parking area west of the dumpster pad.

Highlights of the plan include:

1. Nine (9) proposed street trees along the $\pm 443'$ roadway frontage (requirement 1 tree/50' of roadway per RSDGs) and varied species (Autumn Blaze Maple, Honey Locust and Windy City Hackberry) utilized within the requisite landscape buffer on the "building-side" of the five-foot wide sidewalk along Regency Parkway. (please note: 1 tree/40' standard as required by the VOH – Chapter 154 Tree and Landscape Ordinance is shown on the plan)
2. Proposed tree plantings with a minimum caliper size of 2-1/2" or minimum averages of 8' in-height
3. Parking lot islands include canopy trees.
4. Parking lot screening is accomplished with evergreen hedges (36" - Sea Green Juniper) and shrubbery and groundcover beds along the parking lot perimeter
5. Significant foundation landscaping is shown on the plan to screen the patio deck on the building's northeast corner.

All ground-mounted mechanical equipment shall be required to be screened with landscaping including the concrete pad for mechanical equipment proposed in the corner formed by the south and east building-wings.

Signage

The proposed four (4') foot tall, 54 square foot monument sign (shown on bottom of Architectural Site Plan – Sheet AS1) is brick with a pre-cast stone cap and sill and 8"-high aluminum lettering. The height, square footage and approximate "copy area" (16-17 square feet) appear to meet the requirements dictated by the RSDG, Sign Standards for **Sign Type B**.

At the Planning Commission and Zoning Board of Appeals meetings held on December 10th and 12th, 2007, respectively, the petitioner's request for a Special Use Permit for a Congregate Care Center in the BP-PDD "Business Park – Planned Development District", Site and Landscape Plans was recommended for approval (unanimously by votes of 6 to 0 and 4 to 0, respectively) subject to the following conditions:

1. All public improvement and site development must occur in full compliance with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building) standards, Huntley Fire Protection District requirements and approved Regency Square Development Guidelines, site design standards, practices and permit requirements.

2. Sidewalk along Regency Parkway shall be five (5') minimum width per Subdivision Regulations, Figure 2: Street Geometric Criteria
3. Sidewalk adjacent to parking spaces to be 6-feet wide
4. Dumpster enclosure – exterior to match the principal structure in type and/or proportion of materials and shall include metal gates.
5. All mechanical/electrical equipment (roof- or ground-mounted equipment) shall be screened by a parapet and/or landscaping with a minimum height of 6" above the equipment being screened.
6. Landscape Plan requires final approval from the Huntley Development Services Department Staff and the Village Forester including approval of the required irrigation plan for the site.
7. All signage shall require approval of Sign Permit(s).
8. All building materials require approval of Village Staff prior to the issuance of a building permit.

With the conclusion of the PowerPoint presentation, Assistant Village Manager Johnson asked if there were any questions.

Mr. Michael Dean Chorneyko of BMA Management gave a brief overview and background of his business.

Trustee Fender asked about the level of care offered at the facility. Mr. Chorneyko explained that there will be nursing care with minimal assistance. The average age of residents is 84.

Trustee Mercer asked if this facility will be Medicaid accessible. Mr. Chorneyko stated that this facility has not been approved to accept Medicaid at this point.

Trustee Fender asked that the petitioner add a gazebo to the plan and some enhancements on the rear elevation. Trustee Fender thanked the petitioner for the architectural upgrades. Trustee Kanakaris asked if bricks and shutters will be added in the rear. Assistant Village Manager answered yes.

Trustee Leopold stated that he likes the plan and noted that additional resident parking with an accessible entrance may be needed. Trustee Leopold requested that the petitioner pay special attention to landscape materials and irrigation.

Trustee Kadakia asked if the entrance and exit will be flared out. Village Manager Tomaso answered yes.

A MOTION was made to approve Ordinance (O)2008-01.02 - Petition No. 07-12.2, Heritage Woods Assisted Living Center / BMA Management, Ltd., Regency Square - Lot 28, 4.1-acre tract located on the north side of Regency Parkway, adjacent to the north of the intersection of Regency Parkway and Farm Hill Drive., Special Use Permit for Congregate Care Center in the BP-

PDD “Business Park – Planned Development District”, Site and Landscape Plans, subject to the conditions listed above.

MOTION:	Trustee Fender
SECOND:	Trustee Mercer
AYES:	Trustees Fender, Leopold, Kadakia, Kanakaris, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion Carried	6:0:0

F. Approval of Ordinance (O)2008-01.03 – Sign Permit Request to Install Wall Signs on the Non-Street Frontage Facades of a Building Located at 11012 Route 47 – Samir Abdullai, Sammy’s Restaurant

Petitioner: Samir Abdullai, Sammy’s Restaurant
Property Owner: Samir Abdullai

Summary and Background Information

The petitioner, Samir Abdullai of Sammy’s Restaurant, is requesting approval to install two wall signs on his building located at the 11012 Route 47. The proposed signs would be located on the north and south sides of the building so they are visible to north and south bound traffic on Route 47. Each sign would state “Sammy’s Restaurant” and would measure 2’ x 8’ (16 square feet in area). Presently, the only signage on the building is an awning sign located on the front façade of the building.

The Village’s Sign Code permits the installation of one wall sign per tenant on the street frontage face of the building, except that corner lots shall be allowed one sign per street frontage. Furthermore, the total surface area of all wall signs on any building shall not exceed one square foot for each lineal foot of frontage of tenant space. Sammy’s Restaurant has street frontage on Route 47 only, therefore, allowing one wall sign to be located on the west building façade. The frontage of the building measures 49.98 feet, which allows the total surface area of wall signage to not exceed 49.98 square feet. The proposed wall signs combined total surface area is 32 square feet. A variation is required to allow Sammy’s Restaurant to install wall signs on the non-street frontage facades (north and south facades) of the building. The square footage of the signage on the front awning of the restaurant does not count towards the wall area signage square footage. The awning sign complies with different building codes since it is not a wall sign.

With the conclusion of the PowerPoint presentation, Village Manager Tomaso asked if there were any questions. There were none.

A MOTION was made to approve Ordinance (O)2008-01.03 allowing Samir Abdullai, Sammy’s Restaurant, to Install Wall Signs on the Non-Street Frontage Facades of a Building Located at 11012 Route 47.

MOTION: Trustee Kanakaris
SECOND: Trustee Fender
AYES: Trustees Fender, Leopold, Kadakia, Kanakaris,
 Mercer, and Piwko
NAYS: None
ABSENT: Trustee Mercer
Motion Carried 5:0:1

G. Approval of Ordinance (O)2008-01.04 –Sign Permit Request to Install an Off-Premise Parcel Temporary Marketing Sign – Vital Signs USA / Regency Square Executive Center

Petitioner: Vital Signs USA / Regency Square Executive Center

Property Owner: Citizens First National Bank

Village Manager Tomaso presented a PowerPoint presentation including renderings of the signage.

Summary and Background Information

The petitioner is proposing to install an Off-Premise Parcel Temporary Marketing Sign (real estate sign) advertising space for lease at the Regency Executive Center, 12155-12173 Regency Parkway. The proposed sign would be located along Route 47 at Citizens First National Bank, 12101 Regency Square Parkway. The Regency Square Development Guidelines permits the installation of a Parcel Temporary Marketing Sign on a site provided: 1) the sign does not exceed 32 square feet per side; 2) the overall height does not exceed 10’-0’’; 3) not more than one sign is installed per parcel and; 4) the sign must be removed immediately upon completion of the marketing activity. The proposed double-sided sign would measure 4’-0’’ x 8’-0’’ (64 square feet) and would have an overall height of 6’-6’’.

The Village Sign Code allows Off-Premise signs to be approved by the Village Board provided that certain standards and criteria are adhered to.

Village Manager Tomaso presented a comparison chart for off-site vs. on-site signage for Regency Square.

Consideration of this request is required in accordance with Sign Code section 153.17 Prohibited Signs, subparagraph (G)(1) Off-Premise Signs. In accordance with the sign code regulations, if the Village Board elects to issue the authorization of the Off-Premise Sign permit for the double faced sign as requested, it becomes classified as an allowable off-premise sign.

The Off-Premise Sign Permit shall be valid for one year with an automatic renewal at the discretion of the Village Board. The Off-Premise Sign Permit may be rescinded by the Village Board on a case-by-case basis.

With the conclusion of the PowerPoint presentation, Village Manager Tomaso asked if there were any questions.

Trustee Leopold asked when the other signs were approved. Village Manager Tomaso stated that he will follow up on that.

A MOTION was made to approve Ordinance (O)2008-01.04 allowing Vital Signs USA to install an off-premise parcel temporary marketing sign at 12101 Regency Square Parkway.

MOTION:	Trustee Kanakaris
SECOND:	Trustee Leopold
AYES:	Trustees Fender, Leopold, Kadakia, Kanakaris, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion Carried	6:0:0

H. Approval of Payout Request No. 11– Joseph J. Henderson & Son, Inc. - West Wastewater Treatment Plant Improvements Phase 3 - \$608,787.54

Mayor Sass reported that on October 5, 2006 the Village Board of Trustees awarded Joseph J. Henderson & Son, Inc., the contract for the 1 million gallon Phase 3 expansion of the West Wastewater Treatment plant. The contract amount awarded was \$14,320,000.00.

In accordance with the Facility Expansion Agreement with Huntley Venture for the Talamore Subdivision all costs for the Phase 3 West Wastewater Treatment Plant Improvements are to be funded by Huntley Venture. The target date for project completion is Fall of 2008.

The amount now due and payable to Joseph J. Henderson & Son, Inc. in accordance with the terms of the Construction Contract Documents for this project is \$608,754.54. The Phase 3 improvement is 60% complete. J.J. Henderson has requested in accordance with article 14.02, Subsection A, Paragraph 3 it states “Periodic partial payments shall be made for the value of the completed work as approved by the engineer until construction is 50% complete, after which no additional amount will be retained if contractor is making progress to owner satisfaction and there is no specific cause for withholding 10% of the total value of completed work”. Staff is in agreement with the request and will no longer reduce payouts by 10% for retainage.

Funds paid to date including the proposed \$10,090,862.48.

Awarded contract amount \$14,320,000.00 minus payouts to date, \$10,090,862.48 leaves an outstanding balance of \$4,229,137.52.

A MOTION was made to approve the Engineer's Payment Estimate No. 11 for the West Wastewater Treatment Plant Improvements Phase 3 and placement on the January 17, 2008 Bill List for payment to Joseph J. Henderson & Son, Inc. in the amount of \$608,754.54.

MOTION: Trustee Fender
SECOND: Trustee Leopold
AYES: Trustees Fender, Leopold, Kadakia, Kanakaris, Mercer, and Piwko
NAYS: None
ABSTAIN: None
Motion Carried 6:0:0

- I. Approval of Payout Request No. 1– Joseph J. Henderson & Son, Inc. – Irrigation Pumping Station No. 2 - \$173,838.82

Mayor Sass reported that on May 10, 2007 the Village Board of Trustees awarded Joseph J. Henderson & Son, Inc., the contract for construction of West Wastewater Treatment Plant Irrigation Pumping Station No. 2. The amount awarded was \$402,000.00

Funds paid to date including the proposed \$173,838.82.

Awarded contract amount \$402,000.00 minus payouts to date, \$173,838.82 leaves an outstanding balance of \$228,161.18.

A MOTION was made to approve the Engineer's Payment Estimate No. 1 for the West Wastewater Treatment Plant Irrigation Pumping Station No. 2 and placement on the January 17, 2008 Bill List for payment to Joseph J. Henderson & Son, Inc. in the amount of \$173,838.82.

MOTION: Trustee Piwko
SECOND: Trustee Fender
AYES: Trustees Fender, Leopold, Kadakia, Kanakaris, Mercer, and Piwko
NAYS: None
ABSTAIN: None
Motion Carried 6:0:0

- J. Approval of Payout Request No. 5 – River City Construction, LLC, Well No. 11 Water Treatment Plant - \$655,361.16

Mayor Sass reported that on June 22, 2006 the Village Board of Trustees awarded River City Construction, LLC the contract for the construction of Well No. 11 Water Treatment plant. The contract amount awarded was \$2,380,000.00. Funds paid to date including the proposed \$2,175,172.26.

The adjusted contract amount \$2,383,445.22 minus payouts to date, \$2,175,172.26 leaves an outstanding balance of \$208,272.95.

A MOTION was made to approve the Engineer's Payment Estimate No. 5 for the Well No. 11 Water Treatment Plant and placement on the January 17, 2008 Bill List for payment to River City Construction, LLC in the amount of \$655,361.16.

MOTION:	Trustee Kanakaris
SECOND:	Trustee Piwko
AYES:	Trustees Fender, Leopold, Kadakia, Kanakaris, Mercer, and Piwko
NAYS:	None
ABSTAIN:	None
Motion Carried	6:0:0

K. Approval of Ordinance (O)2008-01.05 - Adoption of the Smoke-Free Illinois Act

Department: Huntley Police Department

Village Manager Tomaso reported that on January 1, 2008, the State of Illinois enacted new statute regulating the Smoke-Free Illinois Act thus making it law. The Kane County Health Department has established a hotline to allow persons to file complaints dealing with violation to this statute. McHenry County Health Department is taking a more passive approach and leaving enforcement up to local law enforcement. In either case, it is obvious that the Huntley Police Department will be responding to complaints of the Smoke-Free Illinois Act in the immediate future.

After an initial grace period in which warnings will be issued to violators, the Huntley Police will begin to charge violators of the act. Without a local ordinance passed by the Village Board, the officers charging a subject with violating the act must complete a comprehensive complaint form at the police department and then issue the complaint to the violator. This process could be long and detailed consuming valuable patrol officer's time. With a local ordinance in place, the officer can simply issue a P-Ticket, which would be similar to a parking ticket, to the individual at the scene of the violation. The ticket could then be paid for directly at the police department without having to involve the attorney and court costs. In addition, if a smoking violation is issued on a state charge, 50% of the related fine goes to the state; where as a local ordinance violation would allow the Village to garner 100% of the fine.

Mayor Sass asked if there were any questions. There were none.

A MOTION was made to approve Ordinance (O)2008-01.05 - Adoption of the Smoke-Free Illinois Act

MOTION: Trustee Leopold
SECOND: Trustee Piwko
AYES: Trustees Fender, Kadakia, Kanakaris, Leopold, Mercer, and Piwko
NAYS: None
ABSTAIN: None
Motion carried 6:0:0

VILLAGE ATTORNEY'S REPORT:

No report

VILLAGE MANAGER'S REPORT:

No report

VILLAGE PRESIDENT'S REPORT:

Mayor Sass gave updates on meetings with legislators.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

There was a motion made at 9:22pm. to adjourn the meeting into Executive Session to discuss pending litigation and contractual issues.

MOTION: Trustee Leopold

SECOND: Trustee Piwko

Motion carried unanimously

ADJOURNMENT OUT OF EXECUTIVE SESSION:

There was a motion made to exit Executive Session at 9:29pm.

MOTION: Trustee Mercer

SECOND: Trustee Kadakia

Motion carried unanimously

ADJOURNMENT:

There was a MOTION made to adjourn the meeting at 9:30pm.

MOTION: Trustee Mercer

SECOND: Trustee Kadakia

Motion carried unanimously

Respectfully submitted,

Anita M. Powers
Recording Secretary
Karick & Associates.