

**VILLAGE OF HUNTLEY  
VILLAGE BOARD MEETING  
June 12, 2008  
MINUTES**

**CALL TO ORDER:**

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, June 12, 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, Harry Leopold, Paul Mercer, and John Piwko.

**ABSENT:** None

**IN ATTENDANCE:** Village Manager Carl Tomaso, Assistant Village Manager David Johnson, 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**

None

**ITEMS FOR CONSIDERATION:**

- A. Approval of May 15, 2008 Village Board Meeting and May 22, 2008 Village Board Meeting Minutes

**A MOTION was made to approve the May 15, 2008 Village Board Meeting Minutes and the May 22, 2008 Village Board Meeting Minutes as presented**

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

B. Approval of Ordinance (O)2008-06.37 – Off-Premise Sign Permit Request – Woodcreek Apartments

Petitioners: Woodcreek Apartments; PAR Development Inc.

Village Manager Tomaso reported that the Village is in receipt of a permit request from PAR Development to allow an off-premise sign advertising the Woodcreek Apartments to be located at the northeast corner of Route 47 and Kreutzer Road. Off-premise signs require an Off Premise Sign Permit by the Village Sign Code. The petitioner installed the sign on May 6<sup>th</sup> and was subsequently informed by Village Staff that the installation of the sign required Village Board approval and the issuance of a sign permit.

The Woodcreek Apartments sign was previously located on the Pritzker Parcel which is presently being developed by the Tucker Development Corporation. The annexation agreement for the Pritzker Parcel allowed the existing off-premise signs on the property to remain, provided they were to be removed at the commencement of mass grading on the Commercial Parcel. The annexation agreement did not make allowances for the signs to be relocated to other properties.

Woodcreek Apartments has an existing double sided off-premise sign located at the southeast corner for Route 47 and Dean Street. This sign was approved by the Village Board on September 7, 2006.

The Village Sign Code allows off-premise signs provided that certain standards and criteria are adhered to. Village Manager Tomaso reviewed the criteria compared to the proposed sign.

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 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.

Conditions of Approval:

1. The petitioner shall verify sign setbacks and relocate the sign if it is determined that the present location of the sign does not comply with required setbacks for a ground sign. Sign setbacks shall be measured from the edge of the proposed Route 47 and Kreutzer Road rights-of-ways.
2. Payment of all applicable fees and obtain the required permit or the sign will be removed by July 1, 2008

Village Manager Tomaso noted that Village Board approval was not needed for the sign when it was on the Pritzker property because it was located in unincorporated Kane County.

Mr. Adam Neisendorf from PAR Development was present to answer questions. Mr. Neisendorf stated that workers in the field from Plote Construction relocated the sign to its current position.

Trustee Fender asked if two signs are necessary given the fact that they are on the same side of town. Mr. Neisendorf answered that the sign on the Manning property is directional in nature and doesn't provide advertising.

Trustee Piwko spoke of his concern regarding the sign's size at the entryway to the Village. He stated that he would like to see the Village follow the standards for size and noted that this sign is triple the allowed size.

Trustee Mercer stated he has no problem with the request. Trustee Kadakia agreed. Mayor Sass noted that the property will be developed soon and the sign will not be on the site for long. Trustee Leopold stated that the sign can be reviewed on an annual basis.

Trustee Kanakaris stated that he supports the request and would like to see some landscaping added beneath the sign.

**A MOTION was made to approve Ordinance (O)2008-06.37 granting a request for an off-premise sign for Woodcreek Apartments to be located Northeast Corner of Route 47 and Kreutzer Road, subject to the above referenced conditions and the addition of landscaping at the base of the sign.**

<b>MOTION:</b>	<b>Trustee Leopold</b>
<b>SECOND:</b>	<b>Trustee Kanakaris</b>
<b>AYES:</b>	<b>Trustees Kadakia, Kanakaris, Leopold, and Mercer</b>
<b>NAYS:</b>	<b>Trustees Fender and Piwko</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>Motion carried</b>	<b>4:2:0</b>

C. Approval of Ordinance (O)2008-06.38 – Granting a Special Use Permit for Automobile Service within the “B-3” Shopping Center District for MB Garage, 10501 Route 47

Mayor Sass announced that this agenda item was tabled.

D. Approval of Ordinance (O)2008-06.39 - Petition No. 08-5.1, National Tire & Battery / Newton Oldace McDonald LLC / TDC Huntley, LLC (Petitioners),

Granting Final Plat of Huntley Grove Commercial Subdivision – First Resubdivision; Final Planned Unit Development for Outlot 1; Amended Final Planned Unit Development for Outlot 2; Special Use Permit for Automobile Service; Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley, all pursuant to the requirements of the Zoning Ordinance, including specifically Section 156.120 et seq.

Petitioner: National Tire & Battery/Newton Oldace McDonald, LLC (contract purchaser of Outlot 1); TDC Huntley, LLC (owner)

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

The petitioners are proposing to construct a 7,995 square foot National Tire and Battery(NTB) on Outlot 1 of the Huntley Grove Commercial Subdivision. The building will have the ability to service ten vehicles at any one time and will have a total of 10 service bays (5 on the east building façade and 5 on the west building façade). Sales and service at the facility will include, but is not limited to the following:

- a. Tire and wheel sales and related services
- b. Oil change and differential service
- c. Transmission fluid flushes
- d. Coolant system flushes
- e. Wheel alignment and suspension repairs
- f. MacPherson strut and shock absorber replacement
- g. Brake service
- h. Air conditioning service

The petitioners are requesting approval for the proposed Plat of Resubdivision that would shift the lot line between Outlots 1 and 2. The proposed resubdivision would move the existing lot line dividing the Outlots approximately 13.6 feet to the east, thus increasing the lot size of Outlot 2 and decreasing the lot size of Outlot 1. The petitioner has indicated the resubdivision is necessary to add a row of parking stalls to Outlot 2 so the proposed retail center can accommodate potential restaurant uses.

Assistant Village Manager Johnson presented and reviewed a site plan.

### **Parking**

The Annexation Agreement for the Property requires 4.0 parking spaces for every 1,000 square feet of floor area. The number of parking spaces proposed for the NTB site conforms to the Annexation Agreement parking requirements. The additional parking, and design modification is necessary on Outlot 2 to accommodate a Wal-Mart generated requirement that restaurants provide parking at a ratio of 10 spaces per 1,000 square feet of floor area, which exceeds the Annexation Agreement requirement of 4 spaces per 1,000 square feet of floor area. The additional parking

will allow greater opportunity for restaurant uses to locate within the retail center, with the design modification the potential for restaurant uses would be severely limited. Assistant Village Manager Johnson noted that there is currently no plan for a restaurant on the site.

### **Building Facades**

The proposed 7,995 square foot National Tire and Battery will be constructed of Quick-Brik and Renaissance Stone. A metal canopy will cover the building's main entrance which will face Kreutzer Road. Condensing units will be located on the ground, adjacent to the building, and will be screened by a wall constructed of Quick-Brik.

Assistant Village Manager Johnson presented renderings of the building elevations.

### **Landscaping**

The petitioners have provided a landscape plan for NTB that includes parking lot and perimeter landscaping. The landscape plan was reviewed by the Village's Landscape Consultant and is in substantial conformance with the Village's Landscape Ordinance.

### **Signage**

The petitioner is proposing to install one ground sign and three wall signs for NTB. The proposed ground sign is a monument style sign that will measure 6'-0" in height and an overall area of 48 square feet, including the sign base. The proposed monument sign conforms to the monument sign template that was approved as part of the Preliminary PUD for the Huntley Grove Commercial Subdivision.

The proposed wall signs will be located over the building's main entrance which faces Kreutzer Road and on the east and west building elevations. Each sign will measure 4' by 14' and will have an area of 56 square feet. The Village's Sign Ordinance permits one wall sign per tenant, or one per street frontage on corner lots. The NTB site has frontage on Kreutzer Road only, therefore allowing one wall sign. As proposed, the wall signs require relief to allow the installation of signs on the east and west building elevations.

### **Special Use Permit for Automobile Service**

The property is located in the "B-3" Shopping Center Business District which requires Automobile Service to be processed as a Special Use Permit. Special Uses require particular consideration as to their proper location and their relationship to surrounding uses and zoning districts and their impact upon the planned and orderly development of the neighboring property values and the Village. The Village Board may authorize a Special Use.

Wal-Mart originally presented Final PUD plans that included an oil lube and tire

facility, however, the oil lube and tire component has since been eliminated from the Wal-Mart project.

### **Final Plat of Subdivision**

The proposed Final Plat of Huntley Grove Commercial Subdivision – First Resubdivision will shift the lot line between Outlots 1 and 2. The proposed resubdivision would move the existing lot line, dividing the Outlots, approximately 13.6 feet to the east. This adjustment will increase the lot size of Outlot 2 and decrease the lot size of Outlot 1. The petitioner has indicated the resubdivision is necessary to add a row of parking stalls to Outlot 2 so the retail center can accommodate potential restaurant uses.

### **Planning Commission Recommendation**

The Planning Commission reviewed the petition at their May 28, 2008, meeting. The Planning Commission unanimously recommended approval of the requested actions subject to the following conditions.

### **Conditions of Approval:**

1. All public improvements and site development must occur in full compliance with all applicable Village Municipal Services (Engineering, Public Works, Planning and Building, including separate water and sewer service to each unit within the Outlot 2 multi-tenant building) and approved site design standards, practices and permit requirements.
2. The petitioner shall obtain final approval of the engineering plans and the Final Plat of Huntley Grove Commercial Subdivision – First Resubdivision from the Village Engineer prior to the execution of the plat documents.
3. The petitioner is required to meet all development requirements of the Huntley Fire Protection District.
4. The Village of Huntley will require adherence to Illinois drainage law and best management practices for stormwater management. The petitioner is responsible for not increasing the rate of stormwater runoff and will be required, to the extent practicable, to minimize any increase in runoff volume.
5. The final Landscape Plan requires final approval from the Village Board, Development Services Department Staff and the Village Landscape Consultant. The petitioner shall agree to comply with the recommendations.
6. In accordance with the Village's Commercial Design Guidelines (Annexation Agreement, Exhibit F), all landscaped areas shall be irrigated.
7. All storage shall be located within a fully enclosed building. No exterior storage shall be permitted.
8. The petitioner shall provide a revised photometric plan for the proposed parking lot lighting prior to the issuance of a building permit. Light levels shall conform to Zoning Code and Village Commercial Design Guidelines.
9. No building plans or permits are approved as part of this submittal.
10. No sign permits are approved as part of this submittal.

11. In accordance with the Village’s Commercial Design Guidelines, (Annexation Agreement, Exhibit F), parapets, dormers or other features shall be used to conceal rooftop mechanical equipment, if any, on all sides of the structure.
12. No outside overnight storage of vehicles is allowed on site.

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

**A MOTION was made to approve Ordinance (O)2008-06.39 - approving the following:**

- i. Petition No. 08-5.1 National Tire & Battery / Newton Oldace McDonald, LLC and TDC Huntley LLC, Final Plat of Huntley Grove Commercial Subdivision – First Resubdivision**
- ii. Petition No. 08-5.1 National Tire & Battery / Newton Oldace McDonald, LLC and TDC Huntley LLC, Final Planned Unit Development for Outlot 1 and Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley**
- iii. Petition No. 08-5.1 National Tire & Battery / Newton Oldace McDonald, LLC and TDC Huntley LLC, Amended Final Planned Unit Development for Outlot 2 and Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley**
- iv. Petition No. 08-5.1 National Tire & Battery / Newton Oldace McDonald, LLC and TDC Huntley LLC, Special Use Permit for Automobile Service**

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

Trustee Leopold clarified that the construction that is in progress is not the Wal Mart building.

- E. Approval of Ordinance (O)2008-06.40 - Petition No. 08-3.3, J. Jireh’s Corporation and The Portofino Group, LLC, , Requesting (i) A text amendment to the Village’s Zoning Ordinance Table II adding as a Special Use in the B-3 District “apartments above first floor business and office uses”; (ii) A zoning map

amendment rezoning of the most westerly 19.80 acres more or less of Parcel 2 to R-4 Townhomes and Condominiums; (iii) A Special Use Permit for a Preliminary Planned Unit Development for the total subject Property; (iv) Preliminary Plat of Subdivision for the total subject Property; and (v) Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley, all pursuant to the requirements of the Zoning Ordinance, including specifically Section 156.120 et seq.

Petitioners: The Portofino Group, LLC and J. Jireh Corporation

Village Manager Tomaso reported that on April 24, 2008 at the Village Board meeting the Portofino Group, LLC presented their petition to the Village Board for consideration as referenced above. At that meeting, the unanimous policy consensus of the Village Board was to direct the petitioner to resolve the access alignment issue with the three property owners on the east side of Route 47 directly across from the subject site. The petitioner has been attempting to resolve this issue to date. No resolution has been reached.

In accordance with Village of Huntley Zoning Code of Regulations Section 156.124 Review Procedures, the Corporate Authorities are required as specified in Section (C) to take specific action regarding the petitioner's request. Specifically, action needs to be taken within 60 days of the public hearing that is held before the Zoning Board of Appeals (ZBA). The public hearing was held before the ZBA on April 16, 2008, thus the 60 day period would end on June 16, 2008.

In accordance with the code regulations the Village Board is required to do one of the following:

1. Approve the petition
2. Approve the petition with modifications
3. Refer the proposal back to the Zoning Board of Appeals or Planning Commission for further consideration
4. Disapprove the petition
5. Enact a continuation of the proceedings that must be mutually agreed upon by the petitioner for further review to address open ended issues. This simply means that the 60 day decision deadline period is suspended in order for the petitioner to attempt to resolve and/or address any open ended issues. At the end of the continuation period, the remaining time left in the 60 day time period would conclude and at that point a decision would have to be made before the corporate authorities.

The ordinance does not state a specific time period extension for a stay of proceedings.

Mr. Gary Marks, President and CEO of the Portofino Group, has submitted a letter to Mayor Sass and Board of Trustees requesting a 45 day continuation which is a

suspension of the original 60 day time frame. The petitioner’s request needs to be considered by the Village Board along with the other options as referenced above.

The 45 day extension period would require the Village Board to take some form of action by July 24, 2008.

Mayor Sass asked if there were any questions. Trustee Fender asked if the Petitioner could be granted a 90 day extension. Attorney Coppedge stated that the request before the Village Board is for a 45 day continuance. Mayor Sass noted that the Petitioner has the option of requesting additional continuances at a later date.

Trustee Fender stated that an access agreement with the surrounding property owners is the first priority. Trustee Leopold expressed his concern with the project’s financing, density, building heights and site access. Trustee Leopold stated he would support the continuance.

Trustee Kadakia stated that he agreed to the extension understanding that the concerns mentioned need to be addressed.

**A MOTION was made to approve a 45 day continuation on consideration of Ordinance (O)2008-06.40 – granting Petition No. 08-3.3, J. Jireh’s Corporation and The Portofino Group, LLC, , Request (i) A text amendment to the Village’s Zoning Ordinance Table II adding as a Special Use in the B-3 District “apartments above first floor business and office uses”; (ii) A zoning map amendment rezoning of the most westerly 19.80 acres more or less of Parcel 2 to R-4 Townhomes and Condominiums; (iii) A Special Use Permit for a Preliminary Planned Unit Development for the total subject Property; (iv) Preliminary Plat of Subdivision for the total subject Property; and (v) Approval of such other relief as may be necessary to allow for development in accordance with the site plan that has been submitted to, and is on file with, the Village of Huntley, all pursuant to the requirements of the Zoning Ordinance, including specifically Section 156.120 et seq.**

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

F. Approval of Ordinance (O)2008-06.41 - Village of Huntley Prevailing Wage Ordinance

Mayor Sass reported that per the Illinois Department of Labor, each year the Village of Huntley must pass a Prevailing Wage Ordinance ascertaining the prevailing wage for laborers, mechanics, and other workmen engaged in the construction of public works. It is required that municipalities annually adopt this ordinance as required by the State of Illinois.

These wages have been established by the Federal Government. After approved, the Ordinance will be published in the local newspaper. The Prevailing Wage Scale pertains to the wages that the Village must ensure that contractors are providing to laborers that perform work for the Village as part of any municipal project or public work construction or maintenance programs.

Documentation along with a notarized statement is required to be provided by the contractor's that work for the Village stating that they are adhering to the Federal law and in fact are paying prevailing wages.

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

**A MOTION was made to approve Ordinance (O)2008-06.41 - Village of Huntley Prevailing Wage Ordinance.**

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

**VILLAGE ATTORNEY'S REPORT:**

No report

**VILLAGE MANAGER'S REPORT:**

No Report

**VILLAGE PRESIDENT'S REPORT:**

No Report

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

None

**ADJOURNMENT INTO EXECUTIVE SESSION:**

**There was a motion made at 7:32pm. to adjourn the meeting into Executive Session to discuss collective bargaining.**

**MOTION: Trustee Kadakia  
SECOND: Trustee Fender  
Motion carried unanimously**

**ADJOURNMENT OUT OF EXECUTIVE SESSION:  
There was a motion made to exit Executive Session at 7:39pm.**

**MOTION: Trustee Kanakaris  
SECOND: Trustee Mercer  
Motion carried unanimously**

**ACTION ON CLOSED SESSION ITEM:  
None**

**ADJOURNMENT:  
There was a MOTION made to adjourn the meeting at 7:40pm.**

**MOTION: Trustee Kanakaris  
SECOND: Trustee Mercer  
Motion carried unanimously**

Respectfully submitted,

Anita M. Powers  
Recording Secretary  
Karick & Associates.