

**VILLAGE OF HUNTLEY
VILLAGE BOARD
August 26, 2021
MEETING MINUTES**

CALL TO ORDER:

A meeting of the Village Board of the Village of Huntley was called to order on Thursday, August 26, 2021 at 6:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main St., Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Mayor Timothy Hoeft; Trustees: Ronda Goldman, Mary Holzkopf, Niko Kanakaris, Curt Kittel, Harry Leopold (arrived at 6:19pm), and JR Westberg.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Deputy Village Manager Lisa Armour, Management Assistant Barbara Read, Director of Development Services Charles Nordman, and Village Attorney Betsy Gates-Alford.

PLEDGE OF ALLEGIANCE: Mayor Hoeft led the Pledge of Allegiance.

EXECUTIVE SESSION:

A MOTION was made at 6:01p.m. to Enter into Executive Session for Contractual and Property Acquisition, Purchase, Sales or Least of Real Estate.

MOTION: Trustee Holzkopf

SECOND: Trustee Westberg

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, and Westberg

NAYS: None

ABSENT: Trustees: Leopold

The motion carried: 5-0-1

Any public present left the Board Room.

A MOTION was made to Exit Executive Session at 6:37 p.m.

MOTION: Trustee Kanakaris

SECOND: Trustee Westberg

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

SPECIAL PRESENTATION:

- a) Proclamation: National Suicide Prevention + Action Month Project

Mayor Hoeft read the following proclamation:

September is National Suicide Prevention Awareness Month

WHEREAS, September is known as National Suicide Prevention Awareness Month which helps promote resources and awareness around the issues of suicide prevention. It teaches how to help others and how to talk about suicide without increasing the risk of harm; and

WHEREAS, Suicidal thoughts can affect anyone and everyone regardless of age, gender or background; and

WHEREAS, Suicide is the third leading cause of death among young people; and

WHEREAS, Huntley, Illinois is no different than any other community, but choose to publically state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS, local and national organizations like Suicide Prevention Services are on the front lines of a battle that many still refuse to discuss in public; and

WHEREAS, the Village of Huntley is appreciative of resources like the National Suicide Prevention + Action Month Proclamation Project and other mental health resources available and encourage everyone to *Talk About Suicide* and accept that *It's OK Not To Be Ok*; and

WHEREAS, the youth of our community should understand that throughout life's struggles we all need the occasional reminder that we are all fighting our own battles; and

WHEREAS, on behalf of the Board of Trustees and the residents of the Village of Huntley I encourage all residents to take the time to inquire as to the wellbeing of their family, friends and neighbors over the next few days to genuinely convey their appreciation for their existence by any gesture they deem appropriate.

NOW, THEREFORE, on behalf of the Village of Huntley Board of Trustees, I, Timothy J. Hoeft, Village President, do hereby proclaim the month of September 2021, as National Suicide Prevention Awareness Month in the Village of Huntley. Dated this 26th day of August, 2021

b) Proclamation: Overdose Awareness Day: August 31, 2021

Mayor Hoeft read the following proclamation:

International Overdose Awareness Day Proclamation

WHEREAS, International Overdose Awareness Day is recognized around the world as a day to acknowledge individuals whose loves have been lost, and to raise awareness about the risks of overdose; and WHEREAS, International Overdose Awareness Day hopes to publicly challenge the stigma associated with substance abuse and overdose; and

WHEREAS, In McHenry County, over 250 people died from overdose since 2017. Fatalities due to overdose are now the leading cause of accidental death in the United States with over 93,000 in 2020; and

WHEREAS, International Overdose Awareness Day acknowledges that overdose deaths devastate families, friends and communities. This day recognizes overdoses from all drugs allowing us to speak and educate more broadly about the issues while making a commitment to preventing future deaths. Accidental overdose is largely preventable; and

WHEREAS, International Overdose Awareness Days sends a strong message to individuals who formerly used, or currently use substances, that they are valued.

NOW, THEREFORE, on behalf of the Village of Huntley Board of Trustees, I, Timothy J. Hoeft, Village President, do hereby proclaim August 31, 2021 to be recognized as International Overdose Awareness Day. Dated this 26th day of August, 2021.

PUBLIC COMMENTS:

Ken Woods, 13601 Windy Prairie Drive, asked to make the public comment after hearing the presentation on Item D.

Mayor Hoeft said that all the public comments regarding this agenda item will take place after the presentation.

Don Smolinski, 11624 Tanglewood Lane, introduced himself as the new Commander of Huntley Legion Post 673 and thanked the Village Board for the excellent working relationship between the Village and the Legion.

ITEMS FOR DISCUSSION AND CONSIDERATION:

- a) Consideration – Approval of the August 26, 2021 Bill List in the amount of \$1,322,038.12

Mayor Hoeft reported that \$1,016,618.16, or 76.9% is the sum of the purchases listed below:

- \$42,000.00, payment to Advanced Business Networks Inc. for a Block of 350 Hours of IT Support Services.
- \$592,257.81, payment to Arrow Road Construction Co. for Payout 2 for the 2021 MFT Street Improvement Program.
- \$35,119.75, payment to CB Burke Engineering Ltd. for Engineering Services for the 2021 MFT Street Improvement Program.
- \$42,285.60, payment to Crescent Electric Supply Co. for the 2021 Streetlight Replacement Program.
- \$19,900.00, payment to DPS Equipment Services Inc. for the rebuilding of the drive assembly of the West Plant Clarifier #1.
- \$31,577.00, payment to Roesch Ford for the purchase of a 2021 Ford F-150 Truck for Public Works.
- \$158,994.00, payment to Rush Truck Center for the purchase of (2) 2022 HV-607 4X2 Truck Cab & Chassis for Public Works.
- \$94,484.00, payment to Seecom for quarterly dispatch services.

Mayor Hoeft asked if the Village Board had any comments or questions; there were none.

A MOTION was made to approve the August 26, 2021 Bill List in the amount of \$1,322,038.12.

MOTION: Trustee Westberg

SECOND: Trustee Goldman

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- b) Consideration – A Resolution Approving the Christ Community Church Celebrate Huntley Family Carnival – Christ Community Church, 10547 Faiths Way

Mayor Hoeft reported that the Village is in receipt of a request from Christ Community Church, 10547 Faiths Way, for a Temporary Use Permit to hold a grand opening family carnival on Saturday, September 11, 2021 between 3:00 p.m. to 6:00 p.m. The carnival will be held in conjunction with the

church's "Celebrate Huntley" campaign, which will run from August 29 to September 12. The carnival will take place in the grass area to the south of the existing parking lot. If needed, additional parking will be provided in the grass area to the east of the parking lot (34 overflow parking spaces shown on plan).

Staff Analysis

The family carnival activities include jump houses, climbing wall, obstacle course, wind tunnel, pop a shot, football throw, raffles for gifts, face painting, church open house, food truck, ice cream bar, music, and more. Staff has presented church representatives with the necessary permit forms for raffles, sound amplification, and food trucks.

Banner signage for the Celebrate Huntley campaign is proposed on the church's property at the northwest corner of Haligus Road and Algonquin Road. Christ Community Church proposes to install two banner signs at an approximate 90-degree angle. They propose one banner sign to promote "Celebrate Huntley", and the second banner sign would be changed to coincide with the various events. The signs would be installed on August 27, 2021, and removed by September 13, 2021. A sample of the banner language is included as an exhibit. The Sign Ordinance allows one temporary banner sign per location. Village Board approval is required for the second banner sign.

Should the Board approve the request, Staff recommends the following conditions of approval:

1. The Christ Community Church "Celebrate Huntley" events and Family Carnival shall be conducted in accordance with the program and accompanying site plan included with this petition.
2. The \$75.00 Temporary Use Permit fee shall be waived for the non-profit organization.
3. A sound permit is required for the outdoor music events. The \$25.00 sound permit fee (per event) shall be waived for non-profit.
4. A food truck permit is required for the food truck.
5. Banner signs shall be removed by 12:00 p.m. on Monday, September 13, 2021.
6. The event must be conducted so not to adversely impact surrounding properties.
7. The event location and surrounding area shall be cleaned of all trash at the end of the festivities.

Financial Impact

The temporary use permit fee of \$75.00, and sound permit fees of \$125.00 are requested to be waived for the non-profit organization.

Mayor Hoeft asked Pastor Chris Yops if he would like to make a statement. Pastor Yops spoke about the planned events and the grand opening.

Mayor Hoeft asked if the Village Board had any comments or questions; there were none.

A MOTION was made to approve a Resolution for Christ Community Church, granting a Temporary Use permit for a Family Carnival on September 11, 2021, and Banner Signs for the "Celebrate Huntley" event to be held August 29 – September 12, 2021 at 10547 Faiths Way.

MOTION: Trustee Leopold

SECOND: Trustee Kanakaris

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

- c) Consideration – A Resolution Approving a Temporary Use Permit for the Center for COVID Control to Locate a Temporary Testing Site within the Parking Lot at 1 Union Special Plaza

Director of Development Services Charles Nordman reviewed a Power Point presentation and reported that the Village is in receipt of a request from a business named Center for COVID Control to locate a temporary COVID testing site within the Union Special Parking lot, 1 Union Special Plaza. The Center for COVID Control currently operates 51 locations throughout the greater Chicagoland area with the nearest location being on Randall Road in Algonquin (behind Wendy's). They are proposing to locate a mobile office at the southeast corner of the Union Special parking lot to offer COVID-19 testing in a drive-through format. The tests to be administered will be nasopharyngeal self-swab, which take approximately ten (10) minutes per patient for results. They estimate seeing between 30 to 50 patients per day. The property owner intends to enter into a month-to-month lease with the petitioner.

The testing location will operate daily from 9:00 AM – 7:00 PM and will have one to two employees working at the location. They are requesting permission to operate at the location for up to twelve (12) months.

Staff Analysis

The subject site is zoned "B-2" Highway Service which allows medical laboratory as a permitted use; However, Section 156.085(A) requires all business to be conducted wholly within enclosed buildings. Center for COVID Control is proposing to locate within a temporary mobile office rather than a building as required by the ordinance. Furthermore, Section 156.084 restricts the type of temporary uses and structures that are allowed and limits the time period they are allowed. A temporary structure serving as a medical laboratory/testing site is not listed as a type of temporary use or structure under Section 156.08 and, therefore, requires approval from the Village Board.

Should the Village Board approve the request, Staff recommends the following conditions of approval:

1. The location and surrounding area shall be kept clean of all trash and maintained in good condition at all times.
2. The temporary use permit shall expire on August 26, 2022.
3. A sign permit shall be required from the Development Services Department prior to the installation of any signage.

Financial Impact

A temporary use permit fee of \$75.00 is required should the Village Board approve the request. Additionally, a building permit may be required for the mobile office.

Director Nordman reported that a representative of the petition was in attendance to answer questions.

Mayor Hoeft asked if the Village Board had any comments or questions.

Trustee Leopold stated that this was a valuable service to offer to the community and asked if there was a charge to the public. The petitioner stated that the standard test was free to all or insurance would be used as they want to make sure everyone has access to testing. He also mentioned that they currently have 90 locations.

Mayor Hoeft asked if they could go into a storefront. The petitioner stated that they could, if necessary. Mayor Hoeft stated that this temporary location is ok with him for up to one (1) year but after that he would want it situated in a storefront.

Trustee Westberg asked about a restroom inside the temporary site. The petitioner stated that they will put out a “be back in 15 minute” sign and use an existing restroom; he also stated that the temporary site will have to be inspected and approved by McHenry County Department of Health.

There were no other comments or questions.

A MOTION was made to approve a Resolution for Center for COVID Control to locate a temporary testing site within the Union Special parking lot, 1 Union Special Plaza.

MOTION: Trustee Kanakaris

SECOND: Trustee Westberg

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

d) Huntley Development Limited Partnership (HDLP):

i. Consideration – An Ordinance Approving (i) an Amendment of the I-90/IL 47 Gateway Plan of the Comprehensive Plan to accommodate Business Park and Flex Space and Commercial, as required; and (ii) a Zoning Map Amendment to rezone Parcel 1 from “C-2” Regional Retail District to “BP” Business Park District, Parcel 2 from “O” Corporate Office District to “C-2” Regional Retail District, Parcel 3 from “P” Park and Open Space District to “C-2” Regional Retail District, Parcel 4 from “O” Corporate Office District to “P” Park and Open Space District, Parcel 5 from “O” Corporate Office District to “BP” Business Park District, and Parcel 6 from “P” Park and Open Space District to “BP” Business Park District

ii. Consideration – A Resolution Approving a Development Agreement Between the Village of Huntley and Huntley Development Limited Partnership (HDLP)

Director of Development Services Charles Nordman reviewed a Power Point presentation and reported that Huntley Development Limited Partnership (HDLP) previously appeared before the Village Board on March 12, 2020, to request a zoning map amendment to rezone property at the northeast corner of Route 47 and Freeman Road from “C-2” Regional Retail District to “BP” Business Park District; and to rezone property at the northwest corner of Route 47 and Jim Dhamer Drive from “O” Corporate Office District and “P” Park and Open Space District to “BP” Business Park District and “C-2” Regional Retail District. The rezoning requests also necessitated an amendment to the I-90/IL 47 Gateway Plan of the Comprehensive Plan to accommodate Business Park and Flex Space and Commercial. The motion to approve the request for rezoning failed by a by a vote of 2-4. Per the Zoning Code, Section 156.205 (C), a second application filed more than one year after the denial of a prior application shall be heard on the merits as though no prior application had been filed. Per the same section of code, the applicant shall be required to place in the record all evidence available concerning changes of conditions or new factors that have developed since the denial of the first application.

HDLP is now requesting the Village Board to review a revised proposal for rezoning the properties at both the northwest and northeast corners of Route 47 and Jim Dhamer/Freeman Road. The revisions call for rezoning ±29.7 acres at the northeast corner of Route 47 and Freeman Road from “C-2” Regional Retail to “BP” Business Park. It also proposes to rezone ±52.56 acres from “O” Corporate Office and “P” Parks and Open Space to “BP” Business Park and “C-2” Regional Retail and ±3.42 acres from “O” Corporate Office to “P” Park and Open Space.

The notable change from the March 2020 petition and the current proposal is the reduction in the amount of property to be rezoned from “C-2” Regional Retail to “BP” Business Park at the northeast corner of Route 47 and Freeman Road. The March 2020 petition proposed to rezone ±38 acres from “C-2” to “BP” and the current proposal is reduced to ±29.7 acres. The proposed rezoning at the northwest corner of Route 47 and Jim Dhamer Drive remains the same as the March 2020 petition. The petitioner was previously considering the relocation of Eakin Creek on the west side of Route 47, which bisects the property, but is no longer proposing to relocate the creek.

It should be noted, HDLP is not presenting plans to develop the properties at this time. Any future plan to develop the properties will require a developer/user to submit a Development Application requesting, at a minimum, to subdivide the property and site plan review/Planned Unit Development (PUD). A special use permit may also be required dependent on the proposed use.

AMENDMENT OF I-90/IL 47 GATEWAY PLAN

The subject properties are included as part of the I-90/IL 47 Gateway Plan that was approved by the Village Board on December 21, 2017. The Land Use and Development Framework identifies desired future land uses for the I-90/IL 47 Gateway area and provides a framework for guiding future planning decisions. The Land Use and Development Framework seeks “to promote balanced growth in an economically sustainable manner, while preserving and enhancing the area’s natural features”.

Northwest of Route 47 and Jim Dhamer

The petitioner is requesting an amendment to the I-90/IL 47 Gateway Plan for the approximately ±51.2 acres near the northwest corner of Route 47 and Jim Dhamer Drive. The amendment would identify a majority of the ±51.2 acres as Business Park and Flex Space to support the requested rezoning to “BP” Business Park. The frontage of Route 47 would be changed to Mixed Commercial to support the requested rezoning to “C-2” Regional Retail. The plan currently identifies the subject property as Medical Care/Office and Open Space/Wetland Conservation. The Medical Care/Office designation currently identified for the property is defined as follows:

Medical Care/Office: The Medical Care/Office land use should consist of small-scale medical offices and complementary commercial uses, such as daycares and restaurants. These areas act as a supportive district for the Health Care District in NE Huntley to serve nearby residents, such as those of Sun City and the Alden senior housing development on Regency Parkway.

The proposed amendment would change the land use designation to Business Park and Flex Space and Mixed Commercial, which are defined by the plan as follows:

Business Park & Flex Space: The western portion of the I-90/IL 47 Gateway along Jim Dhamer Drive contains many undeveloped properties along with several newly constructed office and light industrial developments. This area should be prioritized for business park and flex space development, with areas adjacent to Route 47 developed as offices, to utilize the area’s convenient access to I-90 and Route 47, and to provide high-quality job opportunities for residents and others in the region.

Mixed Commercial: The area just northeast of the I-90 interchange contains development-ready sites and vacant buildings surrounding auto-oriented commercial uses, including auto and RV dealerships, and the vacant outlet mall. Opportunity sites for Mixed Commercial development include the auto mall and vacant outlet mall. These areas should be targeted for a mix of commercial development that serve as a regional draw, such as general retailers, sporting goods stores, restaurants, and service uses.

Northeast of Route 47 and Freeman Road

The petitioner is requesting to amend the I-90/IL 47 Gateway Plan for approximately ±29.7 acres near the northeast corner of Route 47 and Freeman Road. The ±29.7-acre parcel(s) are located immediately south of the Village Green shopping center, but does not include the property fronting Route 47 or the property fronting Freeman Road. The property fronting Route 47 and Freeman Road would remain as Corridor Commercial and Mixed Commercial as identified in the plan.

The ±29-acre parcel(s) are currently identified as Corridor Commercial (north ±20 acres) and Mixed Commercial (south ±9 acres). The petitioner is requesting to amend the I-90/IL 47 Gateway Plan to change the land use to Business Park and Flex Space (see above description) for the entire ±29 acres. The existing land uses identified for the ±29-acre parcel(s) are defined as follows:

Corridor Commercial (north ±20 acres adjacent to the Village Green retail development): Areas along Route 47 north of Freeman Road are comprised of development-ready sites with much of the infrastructure already in place. These areas should be targeted for Corridor Commercial uses, which would leverage visibility and traffic volume, while establishing Route 47 as the Huntley's primary gateway. As new development occurs here, the Village should consider working with developers to encourage a diverse mix of development to ensure continued growth and development in the area.

Mixed Commercial (south ±8 acres): The area just northeast of the I-90 interchange contains development-ready sites and vacant buildings surrounding auto-oriented commercial uses, including auto and RV dealerships, and the vacant outlet mall. Opportunity sites for Mixed Commercial development include the auto mall and vacant outlet mall. These areas should be targeted for a mix of commercial development that serve as a regional draw, such as general retailers, sporting goods stores, restaurants, and service uses.

ZONING MAP AMENDMENT

Northwest Corner of Route 47 and Jim Dhamer Drive

The proposal by HDLP would eliminate the "O" Corporate Office zoning at the northwest corner of Route 47 and Jim Dhamer Drive and replace it with "BP" Business Park (±44.46 acres) and "C-2" Regional Retail (±6.62 acres). The proposed rezoning would also reduce the amount of "P" Parks and Open Space zoned property by ±4.08 acres (net) and reduce the width of "P" zoned buffer that currently exists along the southern edge of Sun City Neighborhood 32B. At the closest point, the "C-2" zoned land would be approximately 228 feet from the back of homes in Neighborhood 32B. The "BP" zoned land would be approximately 444 feet from the back of homes in the Neighborhood 32B.

Northeast of Route 47 and Freeman Road

The proposed rezoning would replace ±29.7 acres of "C-2" Regional Retail zoned property near the northeast corner of Route 47 and Freeman Road with "BP" Business Park. The currently zoned "C-2" Regional Retail and was originally planned to be an extension of the Village Green retail property. The Route 47 and Freeman Road frontages of the property would remain as "C-2" in accordance with the proposed Zoning Plat.

Existing and Proposed Zoning Districts

The following are the permitted and special uses allowed in the existing and proposed zoning districts.

Existing Zoning at the Northwest Corner of Route 47 and Jim Dhamer Drive:

“O” Corporate Office Zoning

The “O” Corporate Office District is intended to accommodate either single user developments or "campus" style multi-user developments.

(1) Permitted Uses.

AGRICULTURAL BUSINESS - Open space, park and greenways

COMMERCIAL RECREATION - Golf course and country club, Health club or gymnasium

FINANCIAL - Bank, Credit union, Savings and loan association - excluding drive-through establishments

HEALTH CARE - Child care (center), Health care facilities including Professional doctor office or clinic, Research, development and laboratories.

PERSONAL SERVICES - Hotel, Service industries

OFFICE - Administrative, professional general business and medical offices (also see HEALTH CARE)

PUBLIC FACILITIES - Government offices & services

PUBLIC RECREATION - Indoor recreation (gymnasium)

TRANSPORTATION - Parking structures (not to exceed 5 stories above grade level)

(2) Special Uses.

HEALTH CARE - Age restricted congregate care/living facilities, Assisted living facilities, Long term care facilities, Nursing homes

“P” Park and Open Space

Land is designated as Park and Open Space (P) to maintain select existing physical features for general public use and enjoyment as passive and active recreational areas. There are a number of components which are contained within the Park and Open Space District. These include: public and private parks, wetlands, lakes, ponds, creeks, drainageways, golf courses, greenways, pedestrian pavements and landscape zones. The standards and guidelines described in the following paragraphs will guide development for the Park and Open Space Districts within the village.

(A) Permitted Uses.

AGRICULTURAL BUSINESS – Open space, park and greenways

COMMERCIAL RECREATION – Golf courses and recreational facilities

Proposed Zoning at the Northwest Corner of Route 47 and Jim Dhamer Drive and Near the Northeast Corner of Route 47 and Freeman Road:

“BP” Business Park District

The “BP” Business Park District is established to provide locations for sizeable commercial, office, institutional, and light manufacturing, as well as the smaller commercial and service uses on which they rely. The “BP” district would also allow requests for Special Use Permits for warehousing, storage, and distribution. The following is a complete list of Permitted and Special Uses in the “BP” Business Park:

Permitted Uses.

(1) Offices

(a) Call Centers

(b) Offices: Administrative, business, professional, governmental, and medical

- (c) Data processing and computer center, including service and maintenance
- (d) Newspaper or publisher
- (2) Institutional and Educational Uses
 - (a) College, university or junior college
 - (b) Conference centers
 - (c) Medical Laboratories
 - (d) Philanthropic and charitable institutions
 - (e) Schools - business, corporate training, data processing or electronics.
 - (f) Schools (art, dancing, dramatic, music)
- (3) Commercial/Retail Uses
 - (a) Office equipment & supplier sale
 - (b) Radio and television studio (w/o tower)
 - (c) Floor covering sales
 - (d) Furniture sales (new)
 - (e) Hotel
 - (f) Microbrewery, winery
- (4) Business Park Uses
 - (a) Food processing and handling
 - (b) Laboratories, offices and other facilities for research testing, data analysis and development
 - (c) Light manufacturing
 - (d) Printing and publishing
 - (e) Product research and development

Special Uses. Upon recommendation by the Plan Commission after public hearing on a petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

- (1) Commercial/Retail Uses
 - (a) Building, electrical and construction material sales (no outside storage)
 - (b) Depository and non-depository credit institutions and banks
 - (c) Gas/service stations (not including truck stop)
 - (d) Restaurants, including alcohol sales and service, excluding drive-in or drive-through service
- (2) Office/Business Park uses:
 - (a) Data Center
 - (b) Day Care Center
 - (c) Heliports
 - (d) Hospitals
 - (e) Planned Unit Developments in accordance with the applicable provisions of the Zoning Ordinance
 - (f) Storage and distribution of bulk commodities
 - (g) Warehousing, storage and distribution
 - (f) Self-Storage
- (3) Retail-Automotive Uses
 - (a) Boat sales
 - (b) Recreational vehicles, ATV's, or other similar uses
 - (c) Motorcycle showroom and service
 - (d) Truck sales (new)
- (4) Retail -Commercial Recreation Uses

- (a) Amusement and family entertainment establishments, (indoor or outdoor)
- (b) Aquatic parks
- (c) Golf course, driving range, and miniature golf
- (d) Ice centers (indoor or outdoor), roller rink (indoor)
- (e) Motion picture theater
- (f) Athletic fields (baseball, softball, football, cricket, lacrosse, soccer, etc.) (indoor or outdoor)
- (g) Stadiums (outdoor and enclosed)
- (h) Swimming pool (indoor, private club)
- (i) Health, tennis, racquetball, recreation clubs, and spa or day spa
- (j) Theater (enclosed)

Existing Zoning Near the Northeast Corner of Route 47 and Freeman Road and Proposed at the Northwest Corner of Route 47 and Jim Dhamer Drive:

“C-2” Regional Retail District

The C-2 Regional Retail District is for larger retail developments. Typically, the Regional Retail District is intended for uses which, because of their size or nature of operation, generate higher volumes of vehicular or truck traffic. This category is not normally associated with the day-to-day shopping needs of local residents.

(1) Permitted Uses.

FARMING - Nursery, Wayside stands

AGRICULTURAL BUSINESS - Feed and grain sales, Greenhouse (commercial), Seasonal sale of local farm products, Veterinary clinic

AUTOMOTIVE - Agricultural implement sales and service, Ambulance service and garage, Automotive rental, Automobile sales (showroom)/used car sales component, Boat sales, Motorcycle showroom and service, Truck sales (new)

COMMERCIAL RECREATION - Baseball field & batting cages, Billiard parlor, Boat launching ramp and/or marina (for non-motorized or less than 10 h.p. craft), Boat rental and storage, Bowling alley, Game room, Golf course and driving range, Health club or gymnasium, Indoor rifle/pistol shooting range, Miniature golf, Motion picture theater, Park, Rink (roller, skating or skateboard), Soccer field, Swimming pool (indoor, private club), Tennis/Racquetball club (private), Theater (enclosed)

COMMERCIAL SERVICE - Advertising agency, Appliance service only, Blueprint (including photostat and copy shop), Business machine repair, Exterminating and fumigating, Furniture repair and refurbishing, Newspaper or publisher, Office equipment & supplier sale, Radio and television studio (w/o tower), Real estate office, Stenographic service

CONSTRUCTION - Electrical equip. sales/fixtures, Plumbing supplies & fixture sale, Pump sales

EDUCATION - Art, chess, dancing, dramatic/music schools, College, university or junior college, Commercial or trade school (other school offer training), School for mentally or physically handicapped

FINANCIAL - Bank, Credit union, Savings and loan association - excluding drive-through establishments

FOOD SERVICE - Carry-out food service, Catering service, Drive-thru food service, Ice cream shop, Restaurant, Soft drink stand

HEALTH CARE - Medical laboratory, Professional doctor office or clinic

INDUSTRIAL SERVICE - Mirror & glass supply & refinish, Upholstery shop

OFFICE - Bookkeeping service, Corporate headquarters, Detective agency, Employment office, Engineering office, Income tax service, Insurance office/agency, Professional offices (also see: Public

uses – HEALTH CARE), Office for executive or administrative purposes, Public accountant, Stockbroker, Ticket office, Title company, Travel agency, Utility office

PERSONAL SERVICES - Barber shop, Beauty shop, Catalog sales office, Clothes (pressing and repair), Day spa, Dressmaker or seamstress, Funeral home (mortuary), Hotel/Motel, Laundry, cleaning & dying-retail, Locksmith, Photography, Reading room, Shoe and hat repair, Tailor, Taxidermist, Weaving & mending (custom)

RETAIL - Antique sales, Appliance sales, Art gallery-art studio sales, Art supply store, Auto accessory store, Bakery, Bicycle shop, Bookstore, Camera shop, Clothing store, Craft studio, Department store, Drug store, Fish market-retail, Floor covering sales, Florist sales, Fruit & vegetable market—retail, Furniture sales (new), Gift shop, Grocery shop (convenience center), Grocery store (retail), Hardware store (retail), Health food store, Hearing aid store , Household furnishings shop, Jewelry (retail), Leather goods, Liquor store, Magazine & newsstand, Meat market, Music, instrument & record store, Paint & wallpaper store, Pet shop, Picture frame shop, Souvenir (curio shop), Sporting goods, Stationery store, Swimming pool & assoc. fixtures, Tobacco and vape shops, Toy store, Typewriter sales, Upholstery shop, Watch, clock (sales & repair)

PUBLIC FACILITIES - Armory, Government offices & services, Library, Museum

PUBLIC RECREATION - Sports arena, Stadium

TRANSPORTATION - Heliport

(2) Special Uses.

FARMING - Grass or sod farm, Orchard

AGRICULTURAL BUSINESS - Dairy farm, Kennel/boarding, Stable (boarding, livery or private)

AUTOMOTIVE - Automotive car wash and/or detailing, Automobile repair (major or minor), Auto Sales (used), Garage (bus or truck), Gasoline service station/Gasoline station, Mobile home sales, Outside storage of vehicles, Recreational vehicles sales/service, Taxicab garage, Trailer rental, Truck rental, Truck repair, Truck sales (used)

COMMERCIAL RECREATION - Amusement park, Club (indoor or outdoor, private), Dance hall, Rod and gun club, Theater (Drive-in)

COMMERCIAL SERVICES - Outdoor sales and service, Mini-storage/Mini-warehouse

EDUCATION - Church or church school, High school & grade school (K-12)

FINANCIAL - Currency exchange, Drive through establishment, Personal loan agency

FOOD SERVICE -Drive-in food service, Frozen food locker, Tavern, Nightclub/discotheque

HEALTH CARE - Child care (center), Hospital (communicable disease, general) and Treatment Center for alcoholism, drug addiction and similar affliction, Mental health clinic, Mental Hospital, Nursing/Sheltered care home

PERSONAL SERVICES - Interior decorating studio

RETAIL SALES - Furniture sales (used), Medical Cannabis Dispensary, Outdoor sales & service, Secondhand store

PUBLIC FACILITIES - Post office

PUBLIC RECREATION - Community center

PUBLIC UTILITIES - Public utility transmitting tower, Sub-station, Water storage tank

RELIGIOUS - Church or other place of worship, Rectory

SPECIAL USE DISTRICTS - Mining (Extraction of Earth Products)

TRANSPORTATION - Parking area (public), Parking garage (public)

ADDITIONAL INFORMATION

Illinois Department of Transportation

Although not part of this application, the petitioner has initiated discussions with IDOT regarding access

points on Route 47 to both the east and west parcels. Staff notes that the Plan Commission and Village Board would review proposed access to the parcels when a Development Application is submitted for a site plan review/PUD and preliminary/final plat of subdivision. At this time, the petitioner's application is only proposing to rezone parcels.

Development Agreement

HDLP has agreed to enter into a Development Agreement with the Village for the future development of the subject properties. The Development Agreement will be considered by the Village Board as a separate agenda item.

Village Board Conceptual Review

The petitioner was last before the Village Board on June 24, 2021 requesting conceptual review of the proposed plan to amend the Gateway Plan and rezone the subject properties. The meeting minutes from the June 24, 2021, Village Board conceptual review are provided as an attachment to this report.

Plan Commission Recommendation

The Plan Commission held a public hearing for the petition on August 9, 2021. As part of the public hearing there was extensive discussion between residents, the Plan Commission, and the petitioner regarding the proximity of the "C-2" Regional Retail zoning district to Sun City Neighborhood 32B. At the conclusion of the discussion, the Plan Commission made a motion that included reducing the amount of "C-2" property on the west side of Route 47. This was done by reducing the size of Parcel 3 on the Zoning Plat by approximately 1.48 acres (the north line of Parcel 3 was moved 153.91 feet to the south). The motion to recommend approval of the petition ultimately failed by a vote of 2 to 3. The following conditions were considered as part of the motion:

1. A wetland restoration and maintenance plan shall be provided for Lot 8 of Huntley Unit No. 1 upon submittal of a Development Application to resubdivide any of the subject parcels generally located at the northwest corner of Route 47 and Jim Dhamer Drive.

Condition added by the Plan Commission:

2. *The north line of Parcel 3 on the Zoning Plat shall be moved 153.91 feet to the south (this reduces the amount of land to be rezoned "C-2" on the west side of Route 47 by approximately 1.48 acres);* The petitioner has agreed to this condition

Legal Analysis

The public hearing for the rezoning petition was held as required.

Director Nordman reported that Phil Waters was in attendance to answer questions.

Mayor Hoeft asked Mr. Waters if he wished to make any comments.

Mr. Waters thanked the Village Board for allowing a resubmittal and thanked Director Nordman and Village Manager Johnson. Mr. Waters stated that this would expand the economic base of the Village and the Village would receive property and sales tax revenue. Mr. Waters stated that they held group and public meetings regarding the proposal and the major comments from the residents were that they were happy that they were not re-routing Eakin Creek; no additional signalization on Route 47 and that the property line was moved.

Mayor Hoeft stated that they would now take public comments.

Ken Woods, 13601 Windy Prairie, asked the Village to consider following the current Gateway Plan as it is only 3.5 years old and noted the following: Page 12 – open space should stay open and the Village should not allow the encroachment; Mr. Woods felt security would not be the same by changing the “P” zoning and noted that this would be a substantial change to the Zoning Ordinance; and, the proposal changes the quality of life in a negative way for the residents that are adjacent to the property.

Trustee Westberg asked the size of the modification to the “P” zoning. Director Nordman stated the net loss 2.6 acres.

Trustee Leopold stated that six (6) years ago a 6-story project was proposed for that site.

Conrad Barta, 13521 Windy Prairie, asked the Village Board to take into consideration the aspects of why people paid extra to live adjacent to the Park zoning.

Sally Welter, 13644 Windy Prairie, stated that this would be 375 feet from her home and that she does not want her property to depreciate due to a 45’ tall building behind her home.

Mary Holbrook, 12300 Songbird Lane, asked the Village Board to support the residents in N32B and that she agrees with the comments of Mr. Woods.

Jill Hoffman, 13581 Windy Prairie, stated that she is concerned with the water and drainage issues and stated that the “P” zoning behind retail will not do anything for their homes.

Emilio Tulesni, 13591 Windy Prairie, had no comment.

Barb and John Pasula, 13631 Windy Prairie, asked the Village Board to consider their comments and to not approve the petition.

There were no other public comments.

Mayor Hoeft asked if the Village Board had any comments or questions.

Trustee Goldman stated that there have been a lot of changes in the last three (3) years with not much interest in retail establishments. Trustee Goldman stated that changes are inevitable and that she believes the plan is reasonable and hopes that they bring a cleaver mix of retail.

Trustee Westberg thanked the petitioner for not moving Eakin Creek. Trustee Westberg stated that the project is losing only 2 acres of park space and that when they come back with a future development that he expects to see large berms and sound barriers.

Trustee Holzkopf stated that with the original proposal much more park space was being lost and now it is down to only two (2) acres. Trustee Holzkopf stated that the original office space would allow up to 15 floors which would be 200 feet and now the building height can only be 45 feet.

Trustee Kanakaris stated that he supported the proposal and agreed that when the development comes before the Village Board it needs to have berms and that he will make sure the residents are happy.

Trustee Leopold stated that in past years he would have been against any zoning changes but times are different now and he believes the petitioner is proposing a workable plan.

Trustee Kittel stated that he appreciated the residents' comments but believes the proposal is a win for the residents as it is taking away the possible tall office building.

Mayor Hoeft stated that he is thankful for the creek staying as it is and stated that the current "O" zoning would be harder for residents. Mayor Hoeft stated that when the project comes back before the Village Board, they will make sure the design guidelines are well reviewed.

There were no other comments or questions.

A MOTION was made to approve an Ordinance Approving (i) an Amendment of the I-90/IL 47 Gateway Plan of the Comprehensive Plan to accommodate Business Park and Flex Space and Commercial, as required; and (ii) a Zoning Map Amendment to rezone Parcel 1 from "C-2" Regional Retail District to "BP" Business Park District, Parcel 2 from "O" Corporate Office District to "C-2" Regional Retail District, Parcel 3 from "P" Park and Open Space District to "C-2" Regional Retail District, Parcel 4 from "O" Corporate Office District to "P" Park and Open Space District, Parcel 5 from "O" Corporate Office District to "BP" Business Park District, and Parcel 6 from "P" Park and Open Space District to "BP" Business Park District.

MOTION: Trustee Kanakaris

SECOND: Trustee Kittel

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

ii. Consideration – A Resolution Approving a Development Agreement Between the Village of Huntley and Huntley Development Limited Partnership (HDLP)

Director of Development Services Charles Nordman reported that the Village Board approved Ordinance 2019-03.13 on March 28, 2019 approving text amendments to the Zoning Code that provide the Village with the option to require a Development Agreement with the landowner for land zoned in either a Planned Development District (PDD), developed as a Planned Unit Development or as a Special Use. The Development Agreement would be recorded against the property entered into between the Corporate Authorities of the Village and the legal owner of the property subject to the Development Agreement and its lender evidencing the terms and conditions pertaining to the development of the property. The proposed Development Agreement with Huntley Development Limited Partnership (HDLP) is applicable to the approximately 84.2 acres identified in the Zoning Plan presented under a separate agenda item that proposes to rezone property on the east and west sides of IL Route 47 on the north side of Dhamer Drive and Freeman Road and as identified in an exhibit to the Development Agreement.

Staff Analysis

The Development Agreement addresses the following:

- Design guidelines for building elevations, landscaping, and lighting for future development for the proposed portions of the property zoned BP, and the Village's Commercial Design Guidelines for the property zoned C-2
- Village sign easement for gateway wayfinding and monument signage at the southeast corner of IL Route 47 and Freeman Road, with a contribution of \$25,000 from the developer

- Repurposing of the I-90 Huntley/Prime ground sign located along I-90; the cost of repurposing the signage is the responsibility of the Owner
- Installation of a fountain feature in the pond at the northeast corner of IL Route 47 and Freeman Road
- Village Green Drive extension south phasing
- Village Green Drive sidewalk extension to provide pedestrian access from Oak Creek Parkway south
- Burial of overhead utility lines as required by the Subdivision Regulations and variation consideration to leave certain lines above ground as identified in an exhibit to the Agreement

Financial Impact

The Village would receive \$25,000 from HDLP for signage.

Legal Analysis

The Village Attorney has reviewed the draft agreement and all is in order for Village Board consideration.

Mayor Hoeft asked if the Village Board had any comments or questions.

Trustee Kanakaris stated that he wants any retention ponds to have fountains with lights; Mayor Hoeft agreed.

Trustee Westberg reminded Mr. Waters of the need for berms.

There were no other comments or questions.

A MOTION was made to approve a Resolution Approving a Development Agreement Between the Village of Huntley and Huntley Development Limited Partnership.

MOTION: Trustee Kanakaris

SECOND: Trustee Leopold

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

e) Consideration – An Ordinance Pertaining to the Coronavirus Local Fiscal Recovery Fund

Village Manager David Johnson reported that in order to receive Local Fiscal Recovery Fund awards available under the American Rescue Plan Act (the “*ARPA*”), units of local government are required to complete and file with the Illinois Department of Commerce and Economic Opportunity (“*DCEO*”) a “U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions” (the “*Terms and Conditions*”), an “Assurance of Compliance with Civil Rights Requirements” (the “*Assurance*”), and various other documentation (collectively, the “*Required Documents*”).

Staff Analysis

Although there is no particular need to authorize formally the filing of the Required Documents, doing so eliminates any question regarding the Village’s intent. More importantly, however, the Terms and

Conditions include a requirement that a recipient of ARPA funds “must maintain a conflict of interest policy consistent with 2 CFR §200.318(c) and that such conflict of interest policy is applicable to each activity funded” with the ARPA moneys.

Financial Impact

There is no financial impact with this ordinance. The Village still expects to receive these funds and will need to follow the U.S. Department of the Treasury’s Guidance on eligible ways to utilize these dollars.

Legal Analysis

The Village Attorney has reviewed 2 CFR §200.318(c) (the “*Federal Conflict of Interest Rules*”) and found that they are broader in certain respects than the conflict of interest rules set forth in applicable Illinois statutes.² See 50 ILCS 105/3; 65 ILCS 5/3.1-55-10.3 In light of this, the Proposed Ordinance establishes the Federal Conflict of Interest Rules as a formal Village policy with respect to moneys received as part of a Local Fiscal Recovery Fund award. The Proposed Ordinance also authorizes any actions relating to the pursuit of a Local Fiscal Recovery Fund award and ratifies any such actions heretofore taken.

The Village Attorney reviewed (1) the Terms and Conditions and (2) Assurances of the required documents. Both include many compliance standards of which the Village should be aware. Some of the compliance standards will require affirmative steps by the Village, including:

- A. The inclusion of anti-discrimination language, as set forth in Paragraph 5 of the Assurances, in any contract for which ARPA funds are to be used;
- B. The maintenance of a complaint log relating to allegations of discrimination, which complaints must also be reported to the Treasury Department (Assurances ¶ 8); and
- C. The adoption of the Federal Conflict of Interest Rules, see Terms and Conditions ¶ 8, which requirement will be accomplished by adopting the Proposed Ordinance.

Mayor Hoeft asked if the Village Board had any comments or questions; there were none.

A MOTION was made to approve an Ordinance Pertaining to the Coronavirus Local Fiscal Recovery Fund.

MOTION: Trustee Westberg
SECOND: Trustee Goldman
AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg
NAYS: None
ABSENT: None
The motion carried: 6-0-0

f) Discussion – Potable Water System Review

This agenda item was removed and not discussed.

VILLAGE MANAGER’S REPORT: None

VILLAGE PRESIDENT'S REPORT:

Mayor Hoeft stated that the Village will have a booth at the Chamber's Summer Expo and invited the Trustees to attend.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION:

A MOTION was made at 8:12 p.m. to Enter into Executive Session for Contractual and Property Acquisition, Purchase, Sale or Lease of Real Estate.

MOTION: Trustee Westberg

SECOND: Trustee Leopold

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

A MOTION was made at 8:17 p.m. to Exit Executive Session.

MOTION: Trustee Kittel

SECOND: Trustee Leopold

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

POSSIBLE ACTION ON ANY CLOSED SESSION ITEM: None

ADJOURNMENT:

There being no further items to discuss, a MOTION was made to adjourn the meeting at 8:50 p.m.

MOTION: Trustee Kittel

SECOND: Trustee Kanakaris

AYES: Trustees: Goldman, Holzkopf, Kanakaris, Kittel, Leopold, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

Respectfully submitted,

Barbara Read
Recording Secretary