

VILLAGE OF LAKE ZURICH

Board of Trustees
70 East Main Street



Tuesday, September 3, 2024 7:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Mayor Thomas Poynton, Trustee Mary Beth Euker, Trustee Jake Marx, Trustee William Riley, Trustee Marc Spacone, Trustee Roger Sugrue, Trustee Greg Weider.
4. **PRESIDENT'S REPORT / COMMUNITY UPDATE**
 - Recognition of Ela Township Pageant Queens – Teen Miss Alexis Alt, Junior Miss Meghan Zaehler and Little Miss Zoey Kumar.
 - Recognition of Trustee Dan Bobrowski for Public Service on the Village Board.
5. **PUBLIC COMMENT**

This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the Board of Trustees. Public Comment is limited to 30 minutes total and up to 5 minutes per speaker.
6. **CONSENT AGENDA**

These titles will be read by the Village Clerk and approved by a single Roll Call Vote. Any item may be pulled from the Consent Agenda for discussion by any Village Trustee.

 - A. **Approval of Minutes from the Village Board Meeting of August 19, 2024**
 - B. **Approval of Semi-Monthly Warrant Register Dated September 3, 2024, Totaling \$1,327,483.25**
 - C. **Ordinance Approving a Special Use Permit for The Simulation Zone at 189 South Rand Road (Ord. # 2024-09-583)**

Summary: The owners and operators of The Simulation Zone request a Special Use Permit at 189 South Rand Road to open a business offering realistic racing, golf, flight, and other simulation technology experiences. The Planning and Zoning Commission held a public hearing on August 21, 2024 and voted 6-0 in favor of recommending approval of this Special Use Permit.

D. Ordinance Granting a Variation to Allow for the Construction of a Terrace Within the Rear Yard at 474 Rush Court (Ord. #2024-09-584)

Summary: The owners of 474 Rush Court request a Zoning Variation to allow a terrace patio in the backyard that exceeds the minimum setback requirements. The Planning and Zoning Commission held a public hearing on August 21, 2024 and voted 6-0 in favor of recommending approval of the Zoning Variation.

E. Change Order to Previously Awarded Contract for Buffalo Creek Building A Flooring Replacement in the Amended Amount Not-to-Exceed \$34,636

Summary: The Village Board awarded a contract to NPN Flooring for flooring replacement at Buffalo Creek Building A on May 20, 2024 in the amount not-to-exceed \$34,196.40. During construction, a moisture test was conducted after removal of existing floor which found the levels of moisture in the concrete subfloor to be at a level too high to allow proper bonding of the new flooring to the concrete. The proposed change order results in a cost increase of \$439.60 over the previously awarded amount of \$34,196.40 with the final project cost to be in the amount not-to-exceed \$34,636.

Recommended Action: A motion to approve the Consent Agenda as presented.

7. NEW BUSINESS

This agenda item includes matters coming to the Board of Trustees for discussion and possible action.

A. Ordinance Granting Approval for a Planned Unit Development for OSK Residential Development Located at 670 South Old Rand Road (Ord. #2024-09-585) (Trustee Marx)

Summary: Developers at OSK Capital Partners request approval of a Planned Unit Development, Zoning Map Amendment and Preliminary Plat of Subdivision to develop a new residential community at 670 South Old Road Road.

This application was originally submitted to the Village in 2022 for construction of 50 townhouses within 12 buildings but was denied by the Village Board due to concerns about too high of density, parking, wetlands disturbance, and structures within the creek area.

OSK Capital Partners has now resubmitted a revised development proposal consisting of 18 single family homes and 18 townhomes. The Planning and Zoning Commission considered this revised application at Public Hearings held on June 19 and July 17, 2024.

At its meeting on July 17, 2024, the Planning and Zoning Commission voted 6-0 to recommend approval of this revised development concept plan incorporating the conditions for approval provided by staff in its report.

Recommended Action: A motion to approve Ordinance #2024-09-586 Granting Approval of a Planned Unit Development, Amendment to the Official Zoning Map, Preliminary Plat, Development Concept Plan, Special Use Permits, and Modifications to the Zoning and Land Development Code for a Residential Subdivision at 670 South Old Rand Road.

B. Ordinance Approving an Increase in the Non-Home Rule Municipal Retailers; and Municipal Service Occupation Tax (Ord. #2024-09-586) (Mayor Poynton)

Summary: The provided ordinance enacts a 0.5% increase to the Village's Non-Home Rule (NHR) Sales Tax, increasing the rate to a total of 1.0%, effective January 1, 2025. A recent change to state statute now allows non-home rule municipalities to adopt a local sales tax without requiring referendum approval. The Village previously adopted a 0.5% NHR sales tax in 2011, which has funded the Village's road program since.

The proposed rate increase will generate an additional \$2.5 million annually, which will be used to fund Lake Michigan project-related expenses and debt service. The revenue from this sales tax will cover one-third of the project's costs, reducing the reliance on future water rate increases for utility customers to fund the project.

Approximately 40% of retail purchases at Lake Zurich establishments that are subject to sales tax are made by non-residents. Considering this proposed increase in the NHR sales tax rate, non-residents will contribute approximately 15% of the cost to bring Lake Michigan water into the Village.

Upon the adoption of this ordinance, staff will prepare an ordinance to reduce the scheduled Lake Michigan project water rate increases planned for 2025-2028, in accordance with the previously-discussed project funding strategy.

Recommend Action: A motion to approve Ordinance #2024-09-587 Approving an Increase in the Village of Lake Zurich Non-Home Rule Municipal Retailers' Occupation Tax and Non-Home Rule Municipal Service Occupation Tax.

8. TRUSTEE REPORTS**9. VILLAGE STAFF REPORTS****10. ADJOURNMENT**

The next regularly scheduled Village Board meeting is on Monday, September 16, 2024.

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847.438.5141 (TDD 847.438.2349) promptly to allow the Village to make reasonable accommodations for those individuals.

*Agenda posted on **August 29, 2024**.