

**MINUTES OF THE MEETING OF THE ZONING PLANNING & APPEALS
COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS,**

**HELD AT THE HOUR OF 7:00 P.M. ON TUESDAY JANUARY 05, 2016
IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN,
26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS**

I. CALL TO ORDER

Village Attorney Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd. called the meeting to order at 7:00PM.

II. ROLL CALL

Upon a Call of the Roll, the following persons were:

Present: Commissioners Bohm, Busscher (7:05PM), Leonard, Meluso and Pickell

Absent: Chairman Joe Krusinski and Commissioner Hirsch

Village Attorney Gregory T. Smith declared a quorum present.

Also present: Colleen Liberacki, Deputy Village Clerk and Village Administrator Bob Irvin

It was moved by Commissioner Bohm, seconded by Commissioner Meluso to appoint Commissioner Pickell as Chairman Pro Tem for the duration of the meeting.

Gregory T. Smith declared the motion carried.

III. APPROVAL OF MINUTES:

It was moved by Commissioner Meluso, seconded by Commissioner Bohm to approve the minutes from the meeting of December 01, 2015.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Busscher, Leonard, Meluso and Chairman Pro Tem Pickell

Nay: None

Chairman Pro Tem Pickell declared the motion carried and placed the minutes on file.

IV. CALL OF CASES:

- A. PUBLIC HEARING: CASE NO. 15-SU-S-2: 14341 W. Old School Road -**
Application of Corporate Way, LLC for an amendment to an existing Special Use Permit to allow the Applicant to demolish all present structures and build and operate two large stables (consisting of 48 stalls), a manure shed, groomer residence, an indoor arena and outdoor track and conduct a hunter, jumper & trainer business and related entitlements, in the R-1 Single Family Residence District.

1. Chairman Pro Tem Pickell called the Public Hearing to order at 7:09 PM.

Present: Commissioners Bohm, Busscher, Leonard, Meluso and Chairman Pro Tem Pickell

Absent: Chairman Joe Krusinski and Commissioner Hirsch

Chairman Pro Tem Pickell declared a quorum present.

Verbatim minutes of the Public Hearing have been taken by Cynthia A. Pavesich & Associates, certified court reporters of Chicago, Illinois, a transcription of which shall be placed on file in the Village Clerk's office.

Chairman Pro Tem Pickell made opening remarks stating the expectations and functions of the Commission.

Chairman Pro Tem Pickell further noted that the case arises from an application filed by Corporate Way, LLC for an amendment to an existing to a Special Use Permit to allow the Applicant to demolish all present structures and build and operate two large stables (consisting of 48 stalls), a manure shed, groomsman residence, an indoor arena and outdoor track and related entitlements, which encompassed 17.44% impervious surface in the R-1 Single Family Residence District.

Chairman Pro Tem Pickell stated for the record that notice of the hearing on Case No. 15-SU-S-2 was published in the Daily Herald on December 21, 2015, in the manner required by law. The Village Attorney has the newspaper's certificate of publication, which is admitted as the Commission's **Exhibit #1**.

The following were sworn in as testifying on behalf of the Applicant, Corporate Way, LLC of Chicago, Illinois: Dan Shapiro, attorney-at-law of 300 N. La Salle, Chicago, Illinois.

Four people in the audience filed as objectors, who were also sworn in: Jeffrey and Juliet Stephenson of 14317 W. Riteway Road, Mettawa, Illinois; Donald Battaglia, attorney-at-law of Chicago, Illinois representing the objectors, the Stephenson's who reside adjacent (south) of the Applicants; and Ashley Samaras of 14319 W. Riteway Road, Mettawa, Illinois.

Dan Shapiro, attorney for the Applicants, presented the Village Clerk with copies of the notices sent to residents within 1,000 feet of the property and the receipts of delivery. They were entered into the record as **Exhibit #2**.

Dan Shapiro also introduced members of the Corporate Way, LLC team who were involved in the planning and building of the desired structures and landscaping: Ron McCormick of McCormick Architects of Lake Geneva; Don Fielding of Greengard Engineering, Inc. of Lincolnshire, IL; and Tim Ball, Landscape Architect of Rocco Fiore and Sons of Libertyville, IL. He further elaborated on the overview plan of

demolishing the existing structures and proposed construction, stating that the present impervious surface was quoted at 22% and would be reduced by 3%, if the plan proceeded.

Dan Shapiro acknowledged some of the neighbors' concerns:

Exterior lighting was an issue, but he assured the commission that there would be no night riding and no shows; manure pollution, but he advised that there would be an enclosed structure on the west side for the storage of such and an enclosed removal truck; traffic, but he advised there would be minimal traffic, as there were only three clients; and building height, which would remain under the zoning height restriction with the exception of the cupola.

Ron McCormick of McCormick Architects presented enlarged drawings of the demolition plan encompassing the 14 acre site and Chairman Pro Tem Pickell inquired of the exact impervious surface scope of the plan. McCormick replied that the proposed plan presented 23.74% impervious surface, including the gravel racetrack and the existing site now has 28.5% impervious surface. Chairman Pro Tem Pickell inquired further how much the racetrack contributed to the impervious surface, to which McCormick replied 14,075 square feet.

Ron McCormick explained that the demolition would be done in two phases. Chairman Pro Tem Pickell inquired if Riteway Road was included in the impervious surface quote, to which McCormick replied, yes. McCormick also presented enlarged color elevations of the proposed barn highlighting the zinc roofing feature and cupola. Commissioner Bohm inquired about the parking spaces, as the plan showed 20 spaces and the initial letter detailed 43 spaces. Dan Shapiro advised that it was his error to list 43 parking spaces in the letter and the drawing was correct. Susie Banas, a resident and broker who sold the property shared that the new owner has eight horses herself and the other horses would belong to the three clients.

Chairman Pro Tem Pickell was concerned with the size of the building and inquired if the building needed to be so large. Susie Banas replied that standards for an inside facility vary due to the weather in the area, which in this location imposes a hardship and 10 to 14 jumps for an inside arena is desirable maximum capacity.

Commissioner Bohm inquired if the building height could be reduced, to which Banas replied that it is more of a building issue, as the designed height gives the feeling of openness. McCormick also stated that a reduced height would adversely affect the overall aesthetic appearance and it is an ideal pitch as designed.

Commissioner Leonard inquired about the three client families and what other special events were alluded to other than charity events and what permits would be required to hold them. Bob Irvin noted that the special use permit needed to be written into the ordinance and could be however vague or specific the village desired. Susie Banas suggested that there might be possible inside expertise clinics held. Commissioner Leonard inquired about who would be managing the property, i.e. trainers, managers and what about continuity of management. Banas replied that

two candidates were being considered and one groom as well as a night check horse expert. Commissioner Leonard expressed disappointment that the facility owner could not attend the hearing, since it was crucial to the process of the construction. Commissioner Bohm inquired if there would be a manager on site 24/7, to which Banas replied yes. Dan Shapiro advised that if and when a charity event would take place, it would involve consultation with the village board prior to planning.

Chairman Pro Tem Pickell pursued more clarification about impervious surface numbers, stating that for 14-acre site, 92,000 square feet was allowed under code, and wanted specifics for the proposed project. Don Fielding of Greengard Engineering, Inc. furnished a document with the exact figures, which became

Exhibit #3:

Proposed plan: 133,172 square feet net
 151,937 square feet gross
Existing site: 148,239 square feet net
 166,226 square feet gross

Don Fielding also advised that the proposed track would be a sand fiber mixture over a limestone base and it would be permeable. Chairman Pro Tem Pickell repeated that 92,000 square feet impermeable surface was allowable by code, and Don Fielding again assured the group that the proposed gravel track would absorb water, not shed it. Chairman Pro Tem Pickell wanted assurances that this new track would in fact be permeable. Dan Shapiro noted that the existing track, which contributed 2.29% to the impermeable surface was part of an easement, which was dissolved during the purchase and would not be used by the current owner. Chairman Pro Tem Pickell noted that it still was present and would shed water. Don Fielding also shared that the water run off direction was 40% to the east and 60% to the west of the track and the owners were agreeable to the creation of more detention basins if it was necessary. Chairman Pro Tem Pickell inquired if the owners were willing to remove or replace the existing track with absorbent material, if necessary.

Ron McCormick presented an elevation drawing of the manure enclosure, which was recorded as **Exhibit #4**, which detailed the structure containing two 30-yard dumpsters, one for the manure and the other for the shavings. Commissioner Leonard inquired if it would be emptied weekly, to which McCormick replied, yes.

Commissioner Bohm inquired as to the background and character of the Applicant, since little knowledge was shared. Susie Banas shared that the owner had ridden horses at the age of 4 and left the sport while raising a family, but had returned to it 6 years ago and now involved her kids with her hobby. She further stated that the owner had a permanent residence in Chicago and would commute to her Mettawa horse farm. Commissioner Leonard noted that the special use permit was originally granted on the condition of residence on the property, and noted that no such residence existed on the proposed plans, as was required. Dan Shapiro noted that there would be two employees living there 24/7 and that such a requirement had been waived in other areas, such as Always Faithful, the Price owned property

Pegasus, where his residence is two miles away. Commissioner Leonard further noted that the groomer's quarters was a duplex and the code only permits single family dwellings. Chairman Pro Tem Pickell noted that all these issues must be properly addressed. Dan Shapiro suggested that there were three options: the Commission could approve the plan as is; there could be a plat of consolidation with Lot 7; a residence could be built on Lot 7 to satisfy the residence requirement; and the groom's quarters duplex could be changed to a single family dwelling.

Tim Ball, Landscape Architect of Rocco Fiore and Sons presented an enlarged plan of the proposed landscaping, entirely fenced and described it as a sustainable environment, which was attractive to the neighborhood and community. Chairman Pro Tem Pickell inquired of the signage, to which Tim Ball replied that the sign would just contain the address and plaque sized within the requirements, unlike a commercial sign. Commissioner Bohm inquired of the material of the turnout pastures, to which Ball replied torpedo sand. Commissioner Bohm inquired of the status of the present racetrack, to which Dan Shapiro replied that it would stay.

Commissioner Meluso inquired of adjoining Lots 7 and 8, to which Bob Irvin replied that this would not change the impervious surface percentage. Chairman Pro Tem Pickell stated that of the 140,000 square feet of impervious surface, 92,000 square feet was allowed and the 5 acres of Lot 7 would add 32,000 square feet, a 2% reduction of impervious surface in the new plan. He noted that most homes in Mettawa do not even exceed 10,000 square feet of impervious surface. Susie Banas stated that they took into consideration the new buildings and track would result in less impervious surface, and they would like to keep and share the old track for the neighbors' use and enjoyment. A question was posed to Village Attorney Gregory T. Smith about the special use permit issued upon the condition of a resident being located on the property.

Chairman Pro Tem Pickell asked if there were any questions of the Applicants from the audience. Dr. Richard Fantus inquired of the engineer if the detention pond located on the SE corner of the Applicant's property would ever be at a higher level than it already is, as it was bordering his property. Don Fielding replied that he did not see that as a possibility, but he could amend the design if it was necessary. Dr. Fantus also inquired about the rear entrance traffic, specifically how many cars per day. Susie Banas clarified that most of the traffic would come through the main entrance and only the fire code related and commercial vehicles would use the back entrance. Tim Farmer questioned the necessity of that road's use, as it was a blind curve and hazardous.

Mike Rupee questioned if the retention pond level would ever be higher as a result of the plan, to which Don Fielding replied that he did not believe that it would be higher. Mike Rupee further inquired about the future of the property should it be passed to the children, to which Dan Shapiro replied that the future could not be known, however any changes would necessitate another appearance before the Zoning, Planning and Appeals Commission. Tom Glusic inquired about the type of

people visiting the property, as the track was only 10 feet from his property line, and also submitted a document with numerous questions, which was recorded as **Exhibit #5**. Dan Shapiro replied that this site would be treated as any other private property and there would be no lights at night. Tim Farmer inquired about outdoor arena lights, to which Dan Shapiro replied that there would be no lights. Wendy Clark, who previously boarded her horse at Shadowbrook Farm for 21 years noted that the remaining track on the new owner's property is only a small slice. Susie Banas noted that the easement dissolved as a result of the transfer of ownership and initially the new owners wanted to keep the track open for neighbors' access and enjoyment. Chairman Pro Tem Pickell asked Dr. Fantus for his knowledge about the history of the special use permit.

Chairman Pro Tem Pickell invited the objectors of record to cross-examine the Applicant's attorney. Don Battaglia, attorney for the Stephenson's declined cross-examination, however, spoke of requirements of the ordinance:

- Special Use Permit 15.1203 was conditional upon the owner's permanent residence located on the property, which would ensure keeping the ambiance in a highly residential area.
- Nothing is known about the owner, their character, background and past experience and what the future potential of this plan could be.
- Requirement of the code was 15% impervious surface and grandfathering is only in effect if the use and condition remains unchanged. This is revoked if starting from scratch, as in the demolition and building of new structures.
- High density of the compacted sand surface actually doubles the allowable area in regards to impervious surface.
- Manure building is being moved closer to property line and closer to the pond and the Applicant should satisfy the Commission's concerns about groundwater contamination.
- Access on Riteway Road used for commercial purpose is close to a walking path in addition to the blind curve being dangerous and would like to restrict this road for emergency purposes only.

Objector Ashley Samaras, who recently moved to the neighborhood with a husband and three kids finds the 45' building height (with cupola, 56'H) too large and feels it changes her view and character of the neighborhood. She also was concerned about the street traffic with eight children living in the homes who share the road with no sidewalks. She noted that the exterior lighting was not indicated on the plan, the owner was not residing on the property and felt that the manure shed was too close to the pond, due to run-off concerns. She further was concerned about the activity generated by charity events and the ensuing parking accommodations. Dan Shapiro replied that charity events were only talk and nothing has been planned as of yet, and as a future event, an amended special use permit would need to be obtained. Peter Samaras pointed out his residence on the enlarged plan, suggesting that the building height be reduced and the commercial road access be removed.

Jeff Stephenson stated that he never met the owner, and had no knowledge of her character or horse expertise. He noted that the owner was not hear now at the hearing and does not display a desire to be part of the community. He further felt that the size of the arena was large for three clients and the service road was not adequate for commercial traffic. Commissioner Leonard noted that a residence was built on Always Faithful Stables. Wendy Clark was concerned with the character of the Applicant, due to the precedent regarding the owner of Pegaso Farms, who was initially asking for a special use permit for a private ownership, and then six months later sued the village to change the use from private to commercial use.

Tom Glusic was concerned with the mass of the intended buildings and felt it would change the residential character of the area. Chairman Pro Tem Pickell reminded the audience that the Commission had to work within the confines of the law and if anyone in the group found certain elements to be objectionable, the change to the law would have to come from them. Furthermore, the Commission needed to be careful with their deliberations, so as not to be sued at a later date. Gary Deiters, whose residence was contiguous to the west side, and owned part of the track and pond, was disappointed to see the track fenced off when the neighbors were told they would have track access. He urged the commission to use caution and was very concerned.

Juliet Stephenson was concerned why the manure shed would be moved from one side of the property to the other side, just 300 feet from her residence and is concerned for her property values. Dr. Fantus noted that the manure was previously spread over Lots 1, 3, 7 & 8 over the paddocks. Geraldine Troika urged the Commission to go slow with their deliberations, as Always Faithful Stables is large and busy. Adrienne Tindall thanked the Commission for their hard work, but urged caution and consider the precedent that would be set by this decision. It was questioned whether or not a reapplication was necessary if Lots 7 & 8 were consolidated, to which Greg Smith replied that it would depend on the process and conditions of the special use permit application. Bob Irvin thought that since Lot 7 was not included in the original application, it might require a new hearing.

Dan Shapiro spoke in defense of the Applicant, stating that her absence should not bring to question her character and that they would be compliant with village code and zoning ordinances. He advised that the trail was gated due to safety and liability issues, the engineering issues were addressed and the duplex structure housing the groomers could be changed to a single-family dwelling. He further suggested that the consolidation of Lot 7 could be conditional upon the grant of the special use permit.

Susie Banas stated that traffic existed with the previous owner and there was much more activity with more boarders, lessons and 50 stalls. She stated that since the demolition was started, the trail was fenced off due to liability concerns, in addition to the activity generated by the leasing of parcels. Julie Stephenson noted that with the previous owner, the majority of clients were Mettawa residents and the three

clients are not located in the area. Chairman Pro Tem Pickell urged residents affected by track closure to get their easement agreements in writing.

Chairman Pro Tem Pickell noted that the hour was late, and the deliberations had not yet begun. It was suggested that it would be to the benefit of the Applicant to continue the hearing to next month, which would 1) give the Applicant an opportunity to appear before the Commission to state her case and 2) resolve some of the outstanding issues that threaten the success of the request. Greg Smith advised that a continued hearing would give the Commission flexibility of more time to deliberate and if no answer was produced after the hearing was closed for 45 days, that would be an automatic denial of the petition. Chairman Pro Tem Pickell suggested the Applicant should be prepared to address the following issues:

- Perceived traffic
- Address track access with neighbors
- Urging owner to come to next meeting, and the Commission was willing to attempt a schedule accommodating the Applicant
- Lot 7 combined with application
- Reducing the size and height of the indoor arena
- Residency (lack thereof) is a huge issue
- Appropriate exterior lighting plan
- Duplex structure not allowed for groomers
- South side landscape screening for neighbors' views
- Manure shed be moved
- Septic Plans
- Compliance of setbacks
- Appropriate and safe service entrance

Dan Shapiro elected to have the hearing continued and was willing to select the scheduled February 2, 2016 meeting date.

Bob Irvin cautioned that the special use permit stays with the land and the Zoning, Planning and Appeals Commission could consider deeper restrictions when the permit has been asked to be changed. Chairman Pro Tem Pickell cautioned about setting precedents and to learn from the precedents that had previously been set.

It was then moved by Commissioner Leonard, seconded by Commissioner Bohm to continue the hearing of CASE NO. 15-SU-S-2: 14341 W. Old School Road to the next Zoning, Planning and Appeals Commission meeting scheduled on February 2, 2016 at 7:00PM.

Aye: Commissioners Bohm, Busscher, Leonard, Meluso and Chairman Pro Tem Pickell

Nay: None

Chairman Pro Tem Pickell declared the motion carried.

V. COMMUNICATIONS: None Presented

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES: None Presented

VII. OLD BUSINESS: There was no old business to be discussed.

VIII. NEW BUSINESS

None

IX. ADJOURNMENT

With no further business to discuss, it was moved by Commissioner Meluso, seconded by Commissioner Leonard that the meeting be adjourned.

With unanimous consent, Chairman Pro Tem Pickell declared the motion carried and the meeting adjourned at 10:04PM.

Colleen Liberacki, Deputy Village Clerk