

MINUTES OF THE REGULAR 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 APRIL 4, 2017 IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

I. CALL TO ORDER

Chairman Krusinski called the meeting to order at 7:00 PM.

II. ROLL CALL

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

Present: Commissioners Clark, Hirsch, Leonard, Meluso, and Chairman Krusinski

Absent: Commissioner Busscher and Pickell

Chairman Krusinski declared a quorum present.

Also present: Village Clerk, Sandy Gallo; Village Attorney, Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd, Village Administrator, Bob Irvin

III. APPROVAL OF MINUTES:

The ZPA meeting minutes for March 7th were reviewed. Commissioner Clark had a correction on page 3. It was moved by Commissioner Clark and seconded by Commissioner Meluso that the minutes of the ZPA Meeting on March 7, 2017 be approved as revised.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Hirsch, Leonard, Meluso, and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher and Pickell

Chairman Krusinski declared the motion carried and placed the minutes on file.

IV. CALL OF CASES:

Chairman Krusinski said the ZPA Commissioners consists of reviewing matters brought before them that affect zoning and planning in the Village. The ZPA is not authorized to make the final decision regarding this matter; the Commissioners will only make a recommendation to the Village Board. This evening's proceedings will be transcribed by a certified Court Reporter.

We have the public hearing on our agenda, 14157 W. Riteway Road. CASE NO. 14-SU-S-1.

Upon a call of the roll the following voted:

Present: Commissioners Clark, Hirsch, Leonard, Meluso and Chairman Krusinski

Absent: Commissioners Busscher and Pickell

Chairman Krusinski declared a quorum present.

The continuum public hearing tonight is case number 17-SU-S-1 arises from a revised application filed by Timothy Farmer and Amy Towne. An initial public hearing was held on the original application filed on February 8, 2017. The Applicant asked for time to submit a revised application at the conclusion of the public hearing.

The applicant seeks an amendment to a special use permit at 14157 Riteway Road, Mettawa, Illinois – to allow expansion and relocation of the existing large stable on the property to contain ten (10) horse stalls, one (1) feed room, one (1) wash rack, one (1) utility / storage room, one (1) indoor tractor parking bay, and a stairway providing access to an upper loft area for hay storage, and an attached / indoor riding arena; (ii) an outdoor riding arena; (iii) an adjacent parking area for five (5) vehicles; (iv) a manure dumpster with a fence / privacy enclosure and gate; and (v) permission to construct the related improvements reflected in the Application; and to allow for a variation from the five percent (5%) accessory buildings lot area occupancy to allow up to five and thirty-one hundredths percent (5.31%) for lot area occupancy for accessory structures on 14157 Riteway Road. The property in question is 5 acres in size and is within the R-1 Single Family Residence District.

For the record, notice of the continue hearing on Case No. 17-SU-S-1 was published in the Daily Herald on March 20, 2017, in the manner required by law. The Village Clerk has the newspaper's certificate of the publication, which is admitted as the Commissioner's **Exhibit Number 9**.

The Applicant has provided evidence that you sent the required notices for this hearing to all owners of real property lying within 1,000 feet of the property in which is subject of this hearing. Proof of mailing has been admitted as the Commissioner's **Exhibit Number 10**

Presentation of the Applicant's Case

Resident Tim Farmer (14157 W Riteway Road) said we recently meet in February and we are here to address those concerns. Mr. Farmer said he disagrees with the classification of his large stable being considered as an accessory structure. Mr. Farmer would like to state the following reasons on why his large stable should not be classified as an accessory building.;1) He was granted an SUP for his current stable; 2)In a prior ZPA public hearings a large stable was not deliberated as an accessory structure; 3) Large stables were not referred or considered an accessory structure in the recent special use permit for Always Faithful and Corporate Way; 4) many references are made regarding large stables throughout the Village code however, there is no mention of it being an accessory structure;5) the operation of a large stable is a permitted used and not an incidental to the principle use of the land.

Mr. Farmer said 17 years ago his property was issued a SUP through Ordinance 422. In Section 1 of this ordinance it granted the Farmer's the operation for a large stable for horses. Mr. Farmer said if no riding arena was intended for Ordinance 422 it would have been included in Section 2 like other stable ordinances had it stated in their ordinance.

Julia Stephenson (14371 W Riteway Road) read the definition of a large stable from the Village code in Section 15.201. A large stable is a building which may include an indoor riding arena for stabling the horses per 40,000 square feet of land.

Mr. Farmer said in addition to his single family building, the subject's property may contain an 11 stall barn. The 3 limitations for large stables are the following: 1) allowable percentage of the lot; 2) indoor arena allowed up to 30,000 square feet; 3) impervious coverage is limited to 15%. Last February, the Farmer's plans were not approved due to the drawings exceeding these imitations.

Mr. Farmer said the type of horses Amy Farmer trains require an indoor riding arena for the horses themselves and for the safety of the riders. The Farmer's made many modifications from their prior submitted plans to receive approval for an indoor arena. The indoor arena was reduced to a smaller scale to meet the horse's training requirements. Some of the modifications completed included a reduction of the barn size, the removal of a stall and we hide the view of indoor arena. With all these modifications, the outcome resulted in the structure presented in February with a reduction of by 3,776 square feet.

Adams Lyons, Farmer's Architect (735 Bradley Road) said Shadowbrook Farm plans were to create a small equestrian community. Lot 1 was issued an SUP in 2000 for their larger stable. The new barn design was planned to create a rural setting to blend in with Mettawa's character. Mr. Lyons' PowerPoint presentation was submitted as **Exhibit 11**.

Commissioner Hirsh asked what are the parking spaces going to be used for. Tim Farmer replied the keepers for the horses and the trucks used to haul the horses around.

Commissioner Clark inquired what are the measurements for the outdoor riding arena. Tim Farmer and Adam Lyons did not have the measurements available for the outdoor arena. Adam Lyons said the outdoor arena placement has been done to create open space and buffer from the property line.

Commissioner Meluso said he walked the site to determine the Fantus view to the stable. Commissioner Meluso commented on the tree line coverage.

Commissioner Clark asked about the use and storage of the tractor. Tim Farmer said the reduction of the one stall had been the anticipated equipment storage unit.

Commissioner Leonard asked what is the stables front elevation. Adam Lyons said the front is 24 ½ feet high and the back will be around 21 feet. Julia Stephenson commented Corporate Way is about 30 feet high.

Chairman Krusinski asked the Commissioners to be sure to review the memo listing of issues stated by the Village Engineer, Yamin relating to this property.

Village Attorney Smith said there are two requirements structure coverage. The total lot coverage for the R-1 lot is 15%. The structures themselves in R-1 are limited to 5%. Mr. Farmer does not agree with the Village Engineer's comments regarding their SUP amendments stated in memo dated March 17, 2017. A large stable may include an indoor arena. A large stable shall is mandatory to have an indoor riding arena. Indoor riding arena is separate from the large stable. Village Attorney Smith said an indoor riding arena regardless of their size requires a special use permit. An indoor arena is considered a special use which requires a special use permit. It can be found in 15.1203 of the code. A permit is needed to operate the arena.

Adam Lyons said the SUP for the Roth property stated they may not have a riding arena. If the Farmers were not intended to have an indoor riding arena their SUP would have been stated that in their ordinance.

Village Attorney Smith said the Farmer's current structure met the 2000 SUP requirements for a large stable. The new expanded stable and arena must meet the new structure and variation standards for their SUP.

Commissioner Clark asked Mr. Farmer how can you modify your plans in order to meet the 5% max allowed. Mr. Farmer said the structure would be reduced, the tracker storage would have to be removed and a stall would be eliminated.

Objectors:

Pam Fantus (14253 W. Riteway Road) spoke as an objector. Mrs. Fantus speech has been place on file. Mrs. Fantus does not support the idea of the barn or the indoor arena.

Rich Fantus (14253 W. Riteway Road) spoke as an objector. Mr. Fantus PowerPoint presentation has been placed on file as **Exhibit 12**. Mr. Fantus concerns include health issues with the handling of the septic water, the manure structure, the lighting of the building and the variance in which this applicant is seeking to build a barn and indoor arena. Mr. Fantus objections the approvals of this application requesting a special use permit.

Dan Shapiro (3661 Winter Drive, Northbrook) said he does not live in Mettawa; however, it is apparent the Village cares very deeply about their zoning ordinances.

Mr. Shapiro said an indoor arena is a special use and it requires a special use permit. Mr. Shapiro's addresses the concern in which the variance they are seeking approval and the intent the applicant is considering is for commercial use and his website confirm his actions. Mr. Shapiro asked that the ZPA Commissioners place the same level of standards and requirements as they held for prior applicant's special use permit submission.

Chairman Krusinski said an email was received from resident Cathy Nelson (26209 N. St. Marys Rd) addressed to the Chairman and ZPA Commissioners regarding the applicant's public hearing. Ms. Nelson's and Mike Baird stated they would like to go on the record that they approve the amendments that have been submitted by the applicant. The email has been placed on file as **Exhibit 13**.

Tim Farmer said his goal is to improve the current state of his barn. Julie Stephenson said the tracker pieces are outside the barn because the barn has no room to store the equipment. Ms. Stephenson added the structure the Farmers are proposing to build will blend with the neighborhood housing. Tim Farmer said the manure structure will be covered and will be hauled away per the Village requirements. Tim Farmer added in order for us to request to construct a large stable you need to have a special use permit, we already have a SUP.

Commissioner Leonard asked for clarity if a resident requires having an SUP for a large stable in order to come before the ZPA Commission to request an SUP for an indoor arena. Village Attorney Smith will look into the question Commissioner Leonard imposed.

Chairman Krusinski said regardless of having a SUP for one variance does not grant you an automatic approval for a second SUP request.

Commissioner Clark asked Tim Farmer to elaborate about Amy's intentions with Celebration Farm. Celebration Farm is located in Zion. All training sessions occur at this location. The website Mr. Shapiro referred to is an inactive website for Celebration Farm. Mr. Farmer said Celebration Farm will not be a commercial business.

Dr. Fantus (14253 W. Riteway Road) said the turnout of the horses has created a number of manure piles on the Riteway Road.

Dan Shapiro said he is uncertain how Celebration Farm was able to produce a letter on March 15, 2017 stating their intent, yet not be able to deactivate a website that continues to promote their business. Mr. Shapiro said there is a contradiction from what was included in the application to what is being enclosed on the website.

Michael Hrusovsky Company (648 Waveland Road, Lake Forest) said he is an architect but has not been hired nor works directly for the Farmer's. Mr. Hrusovsky was asked to hear to the case as an outsider to provide feedback. The issue seems to

stem around the perspective of horse owners versus a resident's. Mr. Hrusovsky asked Julie Stephenson if these types of horses required an indoor riding arena, Mrs. Stephenson reply was yes.

Dr. Fantus (14253 W. Riteway Road) said when they purchased their lot in Mettawa; the sellers told them the area was a residential area surrounded by 15 acre equestrian center.

Steve Stephenson (14123 W. Riteway Road) said we live in an equestrian community.

Chairman Krusinski asked the Commissioners if they had any further questions prior to the applicant making his closing statement.

Tim Farmers said he bought the house with an 11 stall stable. Mr. Farmer's goal is to improve his current stable structure. Mr. Farmer said this meetings purpose was to establish approval on how all the concerns which were deliberated at the February's meeting were addressed.

Chairman Krusinski declared the Public Hearing closed for deliberation with the Commissioners.

Chairman Krusinski said the Commissioners should address the 3 SUP issues; 1) SUP for the expanded stable; 2) SUP for the indoor riding arena; 3) the variation from the 5% of accessory building requirement to the applicants 5.31%.

Commissioner Hirsh said the horse manure should be in an enclosed structure.

Chairman Krusinski said having a manure enclosure would create more impervious area.

Commissioner Clark said the manure structure is on the north side of the lot.

Village Attorney Smith said the manure structure being enclosed can be a condition to the recommendation.

Commissioner Leonard said she has spoken to various Mettawa residents regarding having this large stable next to their home. The outcome was no resident supported building this large stable with the Village. Commissioner Leonard's issue isn't pertaining to rebuilding the stable, yet to building an indoor riding arena that is not needed.

Chairman Krusinski said the Farmer's would like approval for both special use permits of their application.

Commissioner Clark asked for clarification if a SUP for a large stable is needed in order to request an SUP for a riding arena.

Administrator Irvin said every SUP exists on its own. Each time a resident seeks for a SUP approval, they often refer to other SUPs that have been approved or are allied to their submission. However, each SUP has different conditions or factors in which it was approved. The listed factors within the application impact the SUP approval process.

Commissioner Hirsch said she is not in favor of the indoor riding arena. She approves the barn.

Commissioner Meluso said he understands how the Farmer's request is in alignment to when they purchased their home. Commissioner Meluso said he too spoke with resident, Cathy Nelson regarding this application to receive feedback. He said he was happy to see the roof height had been reduced and Commissioner Meluso approves of the current plans.

Commissioner Clark said she would like the plans to be closer to the 5% variance and maybe the tractor can be handled differently.

Chairman Krusinski said the matter at hand is not only relating to .31% variance, but about being compliant to the building being used effectively to meet their needs. Chairman Krusinski said the Commissioners are ready for a motion that can include conditions to address the issues at hand. The motion includes the expanded barn, the riding arena and the variation on the accessory building coverage.

Commissioner Clarks would like to the condition to include no commercial use.

Chairman Krusinski said the criteria here are to set some standards on the manure structure, landscaping and screening on the south exposures.

Village Attorney Smith will compose the motion with all the conditions discussed by the Commissioner for the Village Board review and approval.

Chairman Krusinski said we have to draft of a motion to present the Village Board.

Commissioner Leonard asked what else constitutes a commercial use.

Village Attorney Smith said there is standard language for these types of conditions for commercial use. Under the zoning ordinance in the R-1 district there is restricting conditions for commercial uses. Several barns have had this type of language added to their ordinance.

Chairman Krusinski said there was a motion made.

It was moved by Commissioner Meluso, seconded by Commissioner Clark to approve the following motion as stated by Chairman Krusinski: The motion was made to expand and relocate the large stable on the property for ten (10) horses stalls as presented on the revised application; one indoor riding arena within the walls of the expanded and relocate the large stable; a zoning ordinance to permit the accessory buildings on the property to have a lot area occupancy that shall meet the 5% requirement, no commercial use; no boarding of horses, no feed being sold on the property; no lights shall be placed on the southern face side of arena or stable; evergreens or an appropriate landscaping/screening will be placed on the south lot property line; the manure will be a covered structure.

Upon a call of the roll the motion containing the revisions and modification to the will be provided to Village Board for review:

Aye: Commissioners Clark, Hirsch, Meluso and Chairman Krusinski

Nay: Commissioner Leonard

Absent: Commissioners Busscher and Pickell

Chairman Krusinski said the motion was carried.

It was then moved by Commissioner Meluso, seconded by Commissioner Clark to authorize Chairman Krusinski to draft, sign and forward to the President and Board of Trustees a Report of the Zoning, Planning and Appeals Commission containing Findings of Fact and their Recommendation.

Aye: Commissioners Clark, Hirsh, Leonard, Meluso and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher and Pickell

Chairman Krusinski declared the motion carried.

Administrator Irvin inquired if Tim Farmer was able to submit the modified documentation based on the recommendation discussed prior to the April 18th Village Board meeting. Tim Farmer application will instead be heard at the May 16th Village Board meeting .

The public hearing has been closed.

Chairman Krusinski would like to discuss the May date for the next ZPA Workshop meeting. The May 9th will be the next ZPA meeting to discuss the continuum workshop.

V. COMMUNICATIONS:

None

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None

VII. OLD BUSINESS:

None

VIII. NEW BUSINESS:

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 10:25 PM.

Sandy Gallo, Village Clerk