

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON FEBRUARY 7, 2018 IN THE SAVANNA ROOM OF THE HILTON GARDEN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

A. CALL TO ORDER

Mayor Urlacher called the meeting to order at 7:00 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Bohm, Brennan, Maier, Pink, Sheldon, Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

Also present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Village Attorneys, Jim Ferolo and Greg Smith of Klein Thorpe & Jenkins, Ltd.

C. NEW BUSINESS

Mayor Urlacher stated this meeting is going to be held like a workshop and no voting will take place at this meeting. Mayor Urlacher said the ZPA Chairman captured a few goals and opportunities found within the Comprehensive Plan. Within the Comprehensive Plan, the Village Character states the goal is to retain the unique quality of a rural residential environment within a community. Within the Land Use goal, “it defines the need to develop a land use policy which assures the protection and preservation of the community too.” The Sense of Community states the goal is meant to motivate residents to respect the Village’s ordinances as a means of protecting and preserving their property values and quality of life. Finally, the land use plan includes perpetuating the rural residential development of the community.

Mayor Urlacher read Chairman Krusinski’s memo which stated, “the rural residential characteristics of development in the Village of Mettawa would be difficult to maintain if the Village encompassed a larger area or did not include many acres of environmentally sensitive land. It is the desire of the residents to protect and preserve the rural residential quality of life that they have inherited. Therefore, Village officials have chosen to maintain a level of control over land use and community services consistent with the overall goals and objectives contained in the Comprehensive Plan. This Comprehensive Plan and the Land Use Plan embodied herein delineate the aspirations of Mettawa’s residents.”

Text Amendments:

1. Zoning Application Fees: Village Attorney Smith stated the current zoning ordinance application fees range from \$150- \$2,500. It is the recommendation of the ZPA to set the zoning application fee at a standard \$250. The Village has a professional fee reimbursement ordinance that covers the expenses incurred for the consulting fees. The ZPA also recommends that the cost to rent the audio-visual equipment for a meeting be paid by the requestor not the Village.

No comments from the audience.

Trustee Pink asked why was there such a great disparity in the zoning fees. Village Attorney Smith stated a guess can be made that no professional fees reimbursement was in place, which created a higher estimation for the applicants.

Mayor Urlacher stated the consensus of the Trustees was to approve the recommendation.

2. Move Requirement from Section 15.105 and 15.106 Into the Zoning Districts Chapters: Village Attorney Smith said the zoning ordinance contain provisions in these two sections that relate to accessory building, lot coverage, etc., This recommendation does not have any substance changes, it is only a reorganization requirement that the ZPA is making to insert the zoning ordinances within their zoning district chapters.

Mayor Urlacher stated the consensus of the Trustees was to approve the recommendation.

3. Short Term Residential Rental Regulations: Village Attorney Smith stated a desire was requested to look into B&B and Airbnb. The ZPA considered this issue and recommended that short term rental be defined as rentals for a period less than ninety consecutive days and those rentals are prohibited in the Village.

Trustee Towne said he was not aware of any rental properties experiencing issues. Trustee Towne said he has no issues with allowing short term rentals.

Trustee Pink said the Village should be upfront and address the behavior related to short term rentals.

Trustee Maier and Trustee Brennan stated they had no issues with the recommendation.

Trustee Sheldon said since the Village does not have a police force to monitor short term rentals, she approves of text recommendation. This text amendment relates to R-1 and R-2 district.

Mayor Urlacher said the consensus is 5-1 Trustees on this recommendation.

Resident Andy Heytow (25775 N. St. Marys Rd) said he would like to avoid the commercial stable next to him be rented out for 25 days to anyone. Village Administrator Irvin said if these regulations pass any housing in R-1 and R-2 would not be allowed to do a short-term rental less than 90 day.

Trustee Towne suggested the Zoning Committee should study what buildings can utilize prefabricated material since the current language does allows it as a use.

Trustee Bohm said he would like the prefabricated homes to be studied since some of these types of home can be good quality.

4. Time Limit for Appeal from Zoning Administrator's Decision: Village Attorney Smith said this recommendation states when an appeal from the Zoning Administrator decision has been made from his written interpretation of the zoning ordinance, the appeal has to be filed within forty-five (45) days per the state law requirement. Village Attorney Smith said the second recommendation the ZPA made is for the Village Clerk to post the application to be heard on the website and an email to be sent to all the residents fifteen (15) days before the public hearing. In the event the application is not posted on the website or the email is not sent regarding the public hearing, the hearing will not be impaired and will be held.

Trustee Sheldon, Brennan, Maier and Pink stated they agreed with the recommendation from the ZPA.

Trustee Towne said the one thousand (1,000) feet from the subject property is pretty hard on the applicant. Trustee Towne said other Villages have three hundred (300) feet from the property line as the required notification distance.

Trustee Maier said the one thousand (1,000) feet is valid since the Village's land layout sometimes can include St. Basil's Church.

Trustee Towne and Trustee Bohm said they approved the recommendation.

Mayor Urlacher said the consensus was 6-0 on this recommendation.

5. Add A "Use It or Lose It" Requirement For Special Use: Village Attorney Smith said special uses and variations for planning development, all have provisions if permits are not pulled and the improvements are not built as authorized. The ZPA's recommendation for the applicant who has received a new special use going forward, is that the special use will be null and void if the applicant does not file for a building permit within the twelve (12) months after the date of approval for the special use. After approval of a special use permit construction will need to commence between fifteen (15) months and be completed within

twenty-four (24) months after the approval of the special use permit. A special use shall be null and void if the approval granted ceases for one year. One extension can be granted by the Village Board without an amendment should the applicant file good cause with the Board's for an approval or denial.

Resident Rick Phillips (14704 IL Route 60) asked if this recommendation would apply to plan developments that were approved prior to this ordinance change. Village Attorney Smith said this would only apply to special use permits granted after the ordinance has been approved.

Trustee Bohm said he approved the recommendation.

Trustee Towne stated he has an issue with the special use letter C. Trustee Towne said some stables within the Village were meant for horses are not being used for their intended use; therefore, those owners would need to modify their approved use. Trustee Towne suggested we remove letter C section.

Village Attorney Smith said some special uses are tied to their structure.

Trustee Maier said section D allows the Village Board to extend the special use for a period of time, two (2) or four (4) years with showing probable cause in need of an extension.

Resident, Joe Krusinski (26131 N. Farwell) said the intentions of this ordinance was meant that once a special use is granted the permitting and structuring would commence. The use is based upon the approval that was granted.

Mayor Urlacher said the matter at hand is when a special use permit has been issued it needs to be built within a year, or it will be null and void.

Mr. Krusinski said this ordinance language is consistent with other municipalities in setting some type of time limit. This recommendation is consistent with other communities for commencing building and extensions can be granted if deemed reasonable.

Village Attorney Ferolo said with a special use permit the ZPA and the Board can consider standards have been met. Special uses are considering neighboring properties and the impact on those properties. With the passage of time, application standards can also change and having a commence period and an estimated completion period for construction is ideal.

Resident Bill O'Donnell (25575 N. St. Marys Road) asked if it is a permissible use why does a time period need to be indicated.

Village Attorney Ferolo said the purpose of a special use is to protect the neighboring properties. The Board considers the seven standards when issuing a special use. This language is common in many zoning codes.

Village Attorney Smith said to remind everyone variations are on a different timeline from special use permits. Variations have a twelve (12) month period to be completed as for special uses they have twenty-four (24) months for completion.

Trustee Towne said if letter C is eliminated and letter A and B has an extension of time, he would approve the recommendation.

Trustee Pink said we currently have time limitation within our code; however, what do the other Villages indicate as their timeline.

Resident Orren Pickell (27089 N Southwoods Ln) said if residents have a special use and they do not exercise it and sell their property, the surrounding neighbors would be impacted later not having known that property was sold with a special use.

Mr. Heytow said he has experienced a prolong construction next to his property. The commercial vehicles, the noise and the dirt were extensive. Mr. Heytow agrees with the Board to have a timeline on special use construction.

Trustee Pink said that letter D provides the applicant opportunity to extend the time on the special use permit if necessary.

Trustee Maier said he would like to wordsmith letter C and he would like to change letter D to indicate extensions. Trustee Maier has no issues with the timeframe recommended.

Trustee Brennan and Trustee Sheldon said letter C needs to have some wordsmithing and letter D should indicate extensions.

Trustee Towne said he would like to eliminate letter C, indicate extensions in letter D and letter A and B and have some extended time added.

Mayor Urlacher asked if the Board would like letter C to be eliminated. Trustee Brennan, Bohm, Maier, Towne and Sheldon agreed to remove letter C. Trustee Pink said she would like letter C to be wordsmith.

Mayor Urlacher said letter C will be eliminated, letter A and B wordsmith and letter D will have extensions.

6. Height of Structures In The R-1 and R-2 Zoning Districts: Village Attorney Smith said the ZPA is recommending that the maximum height on a principle structure be lowered

from forty-five (45) feet to forty feet (40) in R-1 and R-2 district. The recommendation for the maximum height for an accessory building shall not exceed twenty-five (25) from grade.

Trustee Bohm asked how steeples are going to be handled on the building.

Trustee Brennan, Sheldon, Maier and Pink said they approve the ZPA recommendation.

Trustee Towne recommended the Village should complete a profile to determine if the resident's homes exceed these measurements. Trustee Towne said twenty-five (25) feet for an accessory building is to low.

Village Attorney Smith said there is an opportunity to request a variation to their hardship.

Mr. Philips said he would like the accessory building to be set at thirty (30) feet to allow a nice pitch to be added to the structure.

Village Administrator Irvin said the goal is to find a reasonable height to reduce the number of applications the Zoning Board would receive for variations.

Mayor Urlacher proposed to the Board to change the accessory building maximum height to not exceed thirty (30) feet. The consensus was to approve the change to thirty (30) feet on accessory buildings.

7. Minimum House Size: Village Attorney Smith said the issue at hand is if the minimum house size should be reinserted into the text amendments. The minimum house size was removed in 2013. The ZPA recommends in the R-1 and R-2 districts dwellings shall have a total livable floor area of two thousand (2,000) square feet and a garage total of no less than four hundred (400) square feet.

Resident, Terre Cohen Tripoli (777 N. Bradley Rd) said her current home size is one thousand seven hundred (1,700) square feet. Mayor Urlacher stated her house is grandfather into her current size. Mrs. Cohen asked wouldn't the Village benefit from an aesthetic better looking home versus a home meeting the square footage requirement.

Trustee Bohm said he is good with this recommendation.

Trustee Towne said his concern regarding dictating the size of the garage.

Mr. Phillips said forcing a home owner to build a house at two thousand (2,000) square feet can create a budget limitation during construction.

Village Administrator Irvin said prior to 2013 the minimum house size was set at three thousand (3,000) square feet. In 2013, the Zoning Board recommended to reduce the

square footage to two thousand five hundred (2,500) square feet. At the Village Board meeting, the final recommendation was made to remove the minimum house size and it was approved.

Trustee Pink said she approved the recommendation.

Trustee Maier said he would like to see the minimum removed.

Trustee Brennan said she would like to remove the minimum.

Trustee Sheldon said the square footage of the home does have a correlation on the final sale price. Trustee Sheldon said she would like to reinstate the square footage into the text amendment.

Mayor Urlacher said if an owner wished to build a smaller house they can submit for a variation. Mayor Urlacher said he approves the ZPA recommendation for the two thousand (2,000) square footage minimal house size.

8. Residential Lot Coverage: Village Attorney Smith said the ZPA recommendation is to update the definitions for accessory building and principle structure; along with the structure lot coverage for accessory building from 5% to 3%; and set the maximum number of three (3) accessory buildings allowed on a lot unless a special use permit is obtained. This change would apply to R-1 and R-2 districts.

Mr. Phillips said he is concerned with the accessory structure limitation.

Ventures Ranch owner Judy Friedman said her concern relates to the ordinances creating depreciation on the property values.

Resident ,Tom Lys (25300 N Nektosha Way) said the proposed amendments are creating unnecessary restriction which will devalue our properties. The proposed changes impact horse properties that require additional accessory buildings.

Mr. Pickell said the current 5% lot coverage was reduced to 3% to reduce the large structures which can be built on the large acre lots with regulations. This Village is very relaxed in regulations and we want to avoid issues in the future.

Resident, Bob Price (15172 W Old School Rd) said when a home owner builds an accessory building, resale value of their property is considered during their construction period.

Village Administrator Irvin said the Village has 214 homes. The Village has issued 14 special use permits to the large stable; two of them have not been built and two of them do not have any horses at this time. The Village has 161 properties that do not have barns.

Trustee Towne said the Village was founded by the large farms.

Resident, Dr. Fantus (14253 W Riteway Rd) said regulations are necessary to ensure interpretations are clear which is why we have a Comprehensive Plan. Dr. Fantus stated some homes for sale located near a large stable have been impacted by slower home sale.

Resident, Leslie O'Donnell (25755 N. St. Marys Rd) said in regards to the reduction from 5% to 3% is a 40% reduction which is large. Mrs. O'Donnell stated a surrounding neighbor did sell her home rather swiftly even having been a neighboring house to her stable.

Mr. Krusinski said there are two varying points being heard tonight one being no regulations and the second being creating reasonable guidelines. The ZPA's goal here is to address cases that come before the Commissioners with better guidelines and clearer definitions to react comprehensive and consistently.

Mayor Urlacher said he would like to acknowledge the Board received 4 letters from the residents regarding the text amendments.

Mayor Urlacher said the 7 text amendments will be voted on at the next Village Board meeting which is scheduled on February 20th.

D. ADJOURNMENT

With no further business to conduct, it was moved by Trustee Brennan and seconded by Trustee Bohm that the meeting be adjourned.

Upon a call of the role, the following voted:

Present: Trustee Bohm, Brennan, Maier, Pink, Sheldon and Towne

Absent: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 9:03 p.m.

Sandy Gallo, Village Clerk