

MINUTES OF THE SPECIAL 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, OCTOBER 8, 2019 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, Leonard, Meluso, Murphy and Chairman Krusinski

Absent: Commissioners Hirsch and Pickell

Chairman Krusinski declared a quorum present.

Also, present: Village Attorney, Jim Rhodes of Klein, Thorpe & Jenkins, Ltd;
Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Camiros
Representative, Arista Strungys

III. APPROVAL OF MINUTES:

The ZPA meeting minutes for August 6, 2019 were reviewed. It was moved by Commissioner Meluso and seconded by Commissioner Murphy that the meeting minutes of the August 6, 2019 be approved and be placed on file.

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

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

Nay: None

Absent: Commissioners Hirsch and Pickell

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

IV. CALL OF CASES:

V. COMMUNICATIONS:

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

Chairman Krusinski stated in today's public hearing we will discuss Case No. 19-TA-1, the application of the Village of Mettawa for comprehensive revisions to the Village of Mettawa's zoning codes. Chairman Krusinski then advised that the work of the Zoning, Planning, and Appeals Commission consists of reviewing matters brought before us that affect zoning and planning in the Village. The Commission is

a fact-finding body and has no final authority. The ZPA only make recommendations to the President and Board of Trustees of the Village of Mettawa.

Chairman Krusinski began with a timeline with respect to the process for the zoning code revisions. The ZPA received the request from the Village Board to review the amendments on December 6, 2016. In May of 2018, the Village retained the services of Camiros Ltd. Camiros reviewed the zoning codes and prepared a technical report that suggested the codes be modernized and be made more user friendly. The Camiros technical report was presented to the Village Board and the ZPA on November 11, 2018. The members of the public were allowed to view the report on the Village website. On December 4, 2018, the ZPA conducted their first workshop to review the Camiros technical report. At this workshop, the ZPA determined its prior recommendations within case number 17-TA-1, excluding the provision regarding accessory structures, would remain unchanged. Camiros was directed to update the technical report based upon the changes recommended at the 1st workshop. The zoning code amendment process included 5 public hearings and 8 workshops which has allowed the ZPA to be transparent regarding their recommendations. Six recommendations have been approved by the Board and those amendments have been updated in the American Legal Mettawa Code of Ordinances as Supplement #7. On June 25th and August 6th of 2019, the ZPA held workshops to review the Camiros report on revisions to the zoning code. The document being discussed has been available on the Village website since September 6, 2019. The purpose of this public hearing is to review and receive public input on the zoning code revisions being considered.

Case No. 19-TA-1 was published in the Daily Herald on September 12, 2019, in the manner required by law. The Secretary has the newspaper's certificate of the publication, which is being admitted as **Exhibit 1**.

Chairman Krusinski mentioned the following correspondence will be entered as exhibits; **Exhibit 2** is a letter dated 10.8.19 from Robert Price; **Exhibit 3** is a letter dated 10.07.19 from Lezlie O'Donnell; **Exhibit 4** is a letter dated 10.08.19 Tom Lys; **Exhibit 5** is a letter dated 10.08.19 from Judy Friedman; **Exhibit 6** is a letter dated 10.08.19 from Rebecca Maystead.

Chairman Krusinski mentioned a representative from St. Basil's Church would like to address a proposed text amendment that would directly impact their property. Attorney, Paul Kolpak stated St. Basil's Church will be filing a petition in the next two weeks requesting text amendments to the Village's zoning code regarding places of public assembly. Village Attorney Rhodes stated St. Basil's Church attended today's meeting to ensure the Commissioners were aware, they have plans to submit an application requesting a text amendment and special use permit. This application will be heard in a public hearing.

Chairman Krusinski swore in the public members who wish to provide their testimony during this meeting.

Representative from Camiros, Arista Strungys was in attendance.

Chairman Krusinski advised that each article would be reviewed separately with Ms. Strungys providing a summary of the revisions to each article. The Commission will then entertain comments from the public and discuss each article.

Article 1: Ms. Strungys stated this article introduce the ordinance; no big changes were made.

Resident, Tim Towne (14388 W. Riteway Road) asked that his letter be submitted as an exhibit. Trustee Towne's letter dated 10.08.19 has been entered as **Exhibit 7**. Trustee Towne indicted he had requested from the Village Board additional time to completely read the technical report. Trustee Towne commented in Section J, he had various changes to be discussed. Trustee Towne added paper copies of the technical report should have been available for the public attendees as well. Trustee Towne said he attended a number of the ZPA meetings and the public was not allowed enough time to deliberate on matters. Trustee Towne added he objected to the current process in which the recommendations are being made. Trustee Towne added he strongly recommends to create an ad hoc Committee and include the stake holder's property owners to review and create better results.

Village Attorney Rhodes commented that section J is in the current code and has not been revised. Trustee Towne replied new non-conforming uses are being created.

Village Administrator Irvin said no setbacks changes are being recommended. The only large change relates to accessory structures and this recommendation is being modified from the previous recommendation.

No changes were suggested to this article.

Article 2: Ms. Strungys stated this article includes definitions being used only for references and for the rules of measurement.

Chairman Krusinski said the biggest change in this article includes the building height. This height change was discussed at the last meeting.

Resident, Dr. Richard Fantus (14253 W. Riteway Road) asked about the use of pervious surfaces. Village Attorney Rhodes explained how the new provision would treat such usage.

No changes were suggested to this article.

Article 3: Ms. Strungys said Article 3 lists all of the districts.

Village Administrator Irvin said each year a new zoning map is adapted if any changes are made by March 31st.

No additional changes were suggested to this article.

Article 4: Ms. Strungys said this article addresses the two residential districts. A table has been added to clarify each district dimensional standards.

Village Attorney Rhodes commented no setbacks, lot width nor floor areas have been changed within any residential district.

Dr. Fantus asked if only what is listed on the table on page 4-1 is allowed. Ms. Strungys commented yes, no changes were made.

No changes were suggested to this article.

Article 5: Ms. Strungys stated in the commercial district article, the largest change includes creating a Tollway district (TC). This district was created with limitation and access to the Tollway.

Village Attorney Rhodes commented this article did not change the maximum height for a building but eliminated the provisions relating to building levels.

No changes were suggested to this article.

Article 6: Ms. Strungys commented this article includes two special districts, scenic easement overlay and open space district. A setback and permitted uses listing were created for the open space district.

Village Attorney Rhodes said no new non-conformities are being created with these new regulations.

No additional changes were suggested to this article.

Article 7: Ms. Strungys stated all the uses within the ordinance have been consolidated into a table on page 7-2. The two new uses that were added are Personal Services and Wireless Facility- Small.

Ms. Strungys stated on page 7-1, C.1. the reference should reflect 13.3 not 15.3, first change.

Commissioner Leonard questioned why small wireless communication facilities were allowed in the residential districts. Ms. Strungys replied a special use can be submitted for this facility and the Village is not allowed to deny the application without a ZPA review. Chairman Krusinski replied an application will need to be submitted to the ZPA.

Dr. Fantus questioned on page 7-7, 5.a., it indicates no wireless telecommunication facilities are allowed within R-1 district even with a variance or special use permit.

Village Attorney Rhodes added a tower cannot be added to a vacant lot with a principal dwelling on the same lot.

Ms. Strungys commented the Village is protected from anyone aiming to build a small wireless tower within Section 6: Approvals.

Resident, Tom Heinz (27157 N. St. Marys Road) questioned the Use Matrix and Restrictions section on page 7-1,7.2, C.2., if the sentence should reflect mobile homes. Ms. Strungys replied mobile homes are understood to be included within this section. Village Attorney Rhodes said HUD uses the term manufactured homes.

Dr. Fantus asked if St. Basil's Church was considered a neighborhood facility. Village Administrator Irvin replied they are considered a legal non-conforming facility. The church existed prior to the zoning code adoption in 2006.

Dr. Fantus mentioned within 7-4, it is required to screen from any property line. Ms. Strungys commented yes and those residents will also need to comply to the landscaping in Article 10.

Dr. Fantus questioned what is the maximum permitted decibels allowed in a residential area mentioned on page 7-5. Commissioner Leonard indicated Wind Energy Conversion Systems are only allowed in the O/R district with a special use permit. Village Attorney Rhodes and Ms. Strungys will research the allowable decibels and review the noise ordinance.

Chairman Krusinski stated the two changes in this article will include on page 7-1, the reference of 15.3 will be corrected to 13.3. The second change will be reflected on page 7-5, Subsection 7.a. ii, striking the words between 'an owner.... located.'

Article 8: Mrs. Strungys stated a number of zoning sections have been removed from this article and will be moved to an Animal Control Ordinance. The second change relates to the limitation of accessory structures. The new proposal for this regulation allows a total lot coverage in the R-1 District of 3% and in the R-2 District of 5%. Temporary Uses is a new section found on page 8-10.

Village Attorney Rhodes mentioned everything that relates to animals is being moved into an Animal Control Ordinance with most provisions remaining the same.

Chairman Krusinski said the Board will need to determine any new provisions within the animal ordinance. Village Administrator Irvin said when the zoning code recommendations are sent to the Board, the recommended Animal Control Ordinance will also be included.

Mr. Heinz questioned if the solar panel surface coverage was correct if the panel was angled in a 45° found on page 8-9. Village Attorney Rhodes said the full area is considered coverage.

Chairman Krusinski mentioned the two changes in this article will reflect the solar panels measurements on the ground level and using the regular setback measurement for placement.

Article 9: Ms. Strungys stated this article identified parking lot standards. A limit has been placed on parking structure heights. New standards were added for commercial and recreational vehicle parking.

Commissioner Leonard asked if clarification was needed on the provisions related to commercial use. Ms. Strungys commented this article parking standards are only applied to commercial uses and she could provide clarification within the article.

Dr. Fantus asked on page 9-8, what is considered a hard surface. Ms. Strungys said she will change the language to not include gravel.

Article 10: Ms. Strungys said this landscaping article covers the requirements for what is needed for parking lots, design standards and buffer yards.

No changes were suggested in this article.

Article 11: Ms. Strungys said the various zoning processing language came from the State Law. The fees and fines schedule amounts are being removed from this section and will be adopted by the Village Board separately.

Chairman Krusinski said the zoning process notification included is consistent with other municipalities.

Dr. Fantus questioned on page 11-2, who is the Zoning Official. Village Administrator Irvin said Yamin Yamin. Village Administrator Irvin said 2,000 square feet from the property is for text amendment notification requirement but it has been changed to 1,000 square feet. Village Administrator Irvin said the Village has four (4) means of providing notification during a zoning process.

Article 12: Ms. Strungys said this article provides that a PUD must be a minimum of 10 acres. The new PUD regulations include that a public benefit to the Village must be provided for any PUD. No additional changes were made.

Article 13: Ms. Strungys commented when a special use permit is issued, the conditions included are the regulations to that property. Chairman Krusinski said the resident's letters received for today's meeting addressed concerns of their existing SUPs. Existing SUPs may continue as set forth in the SUP Ordinance for the property. Ms. Strungys said 13-3, does include spreading of manure is prohibited. Resident, Lezlie O'Donnell (25575 N. St. Marys Road) said she would like to confirm any SUPs issued will continue to follow what they were granted. Mrs. O'Donnell said her concern relates to removing old buildings and not being able to

rebuild is limiting. Village Attorney Rhodes said she is able to rebuild as long as she follows the zoning requirements.

Resident, Bob Price (15126 W Old School Road) said he has issues with the limitation of increasing the size of his stable and having no special events. Village Attorney Rhodes told Mr. Price he has not read his special use document in order to comment. However, the Village Attorney reminded Mr. Price, he can build anything that was approved within his SUP Ordinance.

Mrs. O'Donnell said she is interested in possibly building a hay barn but with this article change this is will not be an option. Mrs. O'Donnell said she would like to include a provision for safety reasons to build a new structure.

Village Administrator Irvin commented he would like to address two provisions relating to large stables. The first is the policy change where the ZPA recommended no new large barns be approved. The second matter relates to a stable is not allowed to intensify. Village Administrator Irvin asked can existing stable amend their special uses to intensify.

Village Attorney Rhodes said he will look into the matter, if a large stable owner has a special use permit and they are non-conforming can they apply for an amendment to their special use.

Commissioner Leonard commented how do we legally address without intensifying the stable for safety reasons.

Representative from Corporate Way, Shawn Sellers said he manages a large stable and limiting an expansion would hinder his stable to being sold one day.

Mr. Price commented large barn owners are only asking to be able to update their property and be in control with the modernization of the business.

Chairman Krusinski stated the ZPA is not aiming to impact the market value of large stables property. The Commissioners came to a consensus, to request from the Village Attorney to include in this article the revision ability for large stable owners not the ability to expand their barn but to provide the option to build only when it relates for safety reasons or to handle manure.

Article 14: Ms. Strungys said the enforcement article has also been reviewed by the Village Attorney.

The technical report review was completed.

Chairman Krusinski said all of the sections have been discussed. The Commission has 7 revisions with an additional change to be made in Article 13th after the matter has been reviewed by the Village Attorney.

A motion was made to incorporate the seven (7) revisions into the ordinance, provisions on the nonconformity with respect to large stables and 13.3. The revisions include: 1) The typo on page 7-1 to reflect 13.3; 2) Decibel level in page 7-1,7.A; 3) Solar panel coverage in 8.9; 4) Solar Panels to follow setbacks measurements page 8-9; 5) Parking structures for commercial use page 9-5,9.4; 6) Parking revision on hard surfaces page 9-8; 6) Draft a special use language, existing special uses are not affected; 8) Recommendation of revisions that would be allowed for special uses in article 13. The motion was moved by Commissioner Meluso and seconded by Commissioner Clark. The motion was carried.

A second motion was made that Chapter 1-12 and 14 be recommended to the Village Board. Chairman Krusinski said the Commissioners will wait to submit all the recommendation as one to the Village Board.

A motion was made for the continuation of the public hearing to November 5, 2019. The motion was moved by Commissioner Murphy and seconded by Commissioner Meluso. The motion was carried.

Village Administrator Irvin said a zoning application has been received for a special use permit. This application is tentatively scheduled to be discussed at the December 3rd meeting.

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:55 pm.

Sandy Gallo, Village Clerk