

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, NOVEMBER 5, 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 Fantus, Leonard, Meluso, Murphy and Chairman Krusinski

Absent: Commissioners Clark 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

Chairman Krusinski acknowledged and thanked Commissioner Hirsch for her years of service and support for being on the Commission. Chairman Krusinski welcomed Commissioner Fantus to the Zoning, Planning and Appeals Commission.

III. APPROVAL OF MINUTES:

The ZPA meeting minutes for October 8, 2019 were reviewed. Chairman Krusinski had a change on page 3. It was moved by Commissioner Murphy and seconded by Commissioner Leonard that the meeting minutes of the October 8, 2019 be approved and be placed on file.

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

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

Nay: None

Absent: Commissioners Clark and Pickell

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

IV. CALL OF CASES:

Chairman Krusinski stated at 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 code. 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 recapped for the public attendees the timeline with respect to the process for the zoning code revisions. The ZPA received the request from the Village Board to review the certain zoning code amendments on December 6, 2016. In May of 2018, the Village retained the services of Camiros Ltd. Camiros reviewed the zoning code and prepared a technical report that suggested the code should be modernized and made more user friendly. The Camiros technical report was presented to the Village Board and the ZPA on November 11, 2018. 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 No. 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 entire zoning code amendment process has 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 continue to review and receive public input on the zoning code revisions being considered.

Chairman Krusinski advised that the Notice of the Public Hearing to be held on October 8, 2019 for Case No. 19-TA-1 was published in the Daily Herald on September 12, 2019, in the manner required by law. At the October 8th public hearing, the newspaper's certificate of the publication of the Notice of Public hearing was admitted as **Exhibit 1**. Chairman Krusinski also mentioned the following correspondence that were 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. **Exhibit 7** is a letter dated 10.08.19 from Tim Towne. Chairman Krusinski stated a representative from St. Basil's Church addressed a proposed text amendment that would directly impact their property. Representatives from St. Basil's Church included Zoran Vranjes, Building Committee Chair and Father Djuro Krosnjar. Attorney, Paul Kolpak from Kolpak & Grcic, LLC, stated St. Basil's Church will be filing a petition in the next two weeks requesting a text amendment 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 subsequent public hearing.

Chairman Krusinski said a number of questions and comments were made by the attendees with respect to Article 13 provisions related to existing large stables. The ZPA discussed whether an existing special use permit could be amended for a nonconforming use. Our Village Attorney was asked to review this matter and provide his recommendation to the ZPA.

Chairman Krusinski added some comments received regarding this article related to safety and other reasons, these matters will be discussed by Village Attorney.

Village Attorney Rhodes said at the last public hearing a number of large stable owners provided either letters or testified at the meeting. The large stable owners raised concerns regarding the continuation of their special uses and the replacement of buildings. One owner stated she needed to construct a hay barn to address her current fire hazard of the hay being in the stable.

Village Attorney Rhodes provided the Commissioners a document titled Large Stable Provisions with his recommendations. Please reference this document for the recommended changes.

Resident, Tom Heinz (27157 N. St. Marys Road) commented some of the special uses were adopted some time ago. Village Attorney Rhodes replied the special use ordinance for each large stable would dictate what is allowed subject to the provisions of Section 13.3. Special uses or court orders will continue to exist as they were approved.

Village Attorney Rhodes added one change to Letter C on page 1 will be to include court order or court approved agreement.

Commissioner Leonard commented even though a large stable owner would like to add a hay barn in addition to their current structures, this building would still be subject to lot coverage regulations. Village Attorney Rhodes confirmed that requirement. Chairman Krusinski commented that the ability to request an amendment would not allow the stable owners to intensify their property or make it a broader use. The clarification of their use will be made by the applicant within their application for the amendment and it will then allow the ZPA to determine if the expansion is relative to a safety issue or not.

Commissioner Murphy asked if on page 1 any animal regulations should be referencing Chapter 12. Village Attorney Rhodes will make that chapter change.

Trustee Towne asked if a large stable owner who wanted to build an accessory building or large garage for their house under 2,000 square feet, would need to request an amendment to their special use amendment. Village Attorney Rhodes stated that an accessory building whose use would be related to the residential use of the property could be built. Village Attorney Rhodes replied a special use is for a large stable, the residential house is not part of the large stable. Village Attorney

Rhodes added if a single-family resident wanted to build a structure unrelated to a large stable, they can do so as long as it complied with all the ordinances.

Trustee Towne said he is talking about an accessory structure adjacent to the house to park his horse trailer. The structure would be under 2,000 square feet and the ordinance states it can not occur. Village Attorney Rhodes confirmed the building would not be able to be built if it's use was connected to the large stable and the structure intensified the large stable use. Village Attorney Rhodes said you can amend the special use but you cannot intensify the large stable usage.

Commissioner Leonard confirmed you cannot intensify a special use even though an applicant comes in for an amendment.

Trustee Towne asked what does intensify mean. This language makes it very difficult for someone to build a structure. Village Attorney Rhodes replied the Village Board will make that final determination as to whether or not something is an intensified use or not.

Trustee Towne said he strongly objects to this language.

Chairman Krusinski said the purpose of this exercise was not to deal with adding garages but to make improvements to existing large stables for reasons of safety, environmental, later technology in dealing with horses. This change is not to expand the number of horses, stable or arena. The word safety is the key which is allowing large stable owners to make certain improvements and still allow the ZPA to review their case.

Resident, Dr. Fantus (14253 W Riteway Road) commented he finds the language within this ordinance to be perfectly clear.

Trustee Towne questioned why are no additional large barns being allowed. Chairman Krusinski commented that there have been 8 or 9 workshops and several public hearings over the last two years which has brought us to the conclusions that have been made.

Trustee Towne asked that each Commissioner comment on why no more large barns. Commissioner Leonard said she spoke with many residents regarding large barns and 80-90% of the residents do not want to see more large barns in the Village. Commissioner Leonard added she would like to live in a residential district and for it to remain residential. Commissioner Meluso said he does not want to live in a horse industrial town. He added 10 people are pushing large barns on the remaining 540 residents. Commissioner Fantus said this is a rural residential and it's not just about big horse barns. Commissioner Murphy commented the area needs to remain residential and the large facilities that are here, are here.

Chairman Krusinski commented he submitted a memorandum on October 31, 2017, regarding the work the ZPA was adhering to the comprehensive plan, policies and goals. The goal was to retain and protect the rural residential environment and preserve the community. The residential nature still includes horses, a private equestrian community.

Trustee Towne said he strongly opposes the definition of "agriculture use." The large stables in the Village are sanctioned by the Illinois Department of Agriculture. Livestock has been eliminated from the agriculture use, which seizes the State of Illinois law.

Trustee Towne said he strongly opposes the entire ordinance. Trustee Towne recommends to form an ad hoc committee with the large property stakeholders to discuss these matters.

Chairman Krusinski said the ZPA will proceed with the process of reviewing the Mettawa Zoning Ordinance. Trustee Towne said he opposes the process and asked for an extension of time. This document should be easier to read and it is not.

Trustee Towne said he reserves the right in minority review and submittal as a Village Trustee.

Dr. Fantus said he would like to thank the Commission for the work completed over the last two years. Dr. Fantus added he found the document to be extremely improved.

Mrs. Strungys stated the updates from the October 8th meeting are as following: 7-1 typo was corrected, 7-5 decimal level of 55 dbs., language of who can file a complaint- anyone within the Village, solar panels included it cannot be placed within the setback and impervious surface to only underneath the panel (drawing added), Article 9 clarified parking structures are for commercial use, 9-8 a descriptions to what a hard surface consists for parking recreational vehicles, and a typo was corrected in Article 14.

Mr. Heinz stated our website points out the equestrian aspect of Village.

Trustee Towne said when we eliminate large stables and remove the agriculture uses, it is encouraging creating higher density and commercial uses.

Chairman Krusinski spoke that his community of 44 lots was rezoned to 1 acre lots and over 14 years, this community has only sold 1 lot per year.

Village Attorney Rhodes said as a follow-up from the October meeting on page 7-2, the uses of matrix of small wireless facilities and wireless telecommunications facilities can be removed from the residential district.

A motion was made with respect to the language on the large stables to recommend those to the Village Board. The motion was moved by Commissioner Leonard and seconded by Commissioner Meluso. Village Attorney Rhodes added this motion will include the revision to include with court-order language.

Upon a Call of the Roll, the following voted:

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

Nay: None

Absent: Commissioners Clark and Pickell

Chairman Krusinski declared the motion carried.

A motion was made with respect to the use Table 7.1 for R-1 and R-2 uses for wireless facilities. The motion was moved by Commissioner Meluso and seconded by Commissioner Fantus.

Upon a Call of the Roll, the following voted:

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

Nay: None

Absent: Commissioners Clark and Pickell

Chairman Krusinski declared the motion carried.

A motion was made to include the discussion regarding the animal regulations and fee schedule be adopted by the Board at the same time to ensure no gap in terms of the provisions. Chairman Krusinski said he wanted to clarify the motion. The motion is for the ZPA to recommend to the Village Board the amendments to Chapter 12, the animal regulations and the fee schedule be adopted at the same time as the recommended amendments to the Village zoning code. The motion was moved by Commissioner Leonard and seconded by Commissioner Murphy.

Upon a Call of the Roll, the following voted:

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

Nay: None

Absent: Commissioners Clark and Pickell

Chairman Krusinski declared the motion carried.

A motion was made to include within the ZPA Commission recommendations to the Village Board all amendments that have been made by prior motions during the public hearing process. The motion was moved by Commissioner Leonard and seconded by Commissioner Murphy.

Upon a Call of the Roll, the following voted:

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

Nay: None

Absent: Commissioners Clark and Pickell

Chairman Krusinski declared the motion carried

The Chairman would also like to entertain a motion to be authorized to draft, sign and forward to the President and Board of Trustees a report of the Zoning, Planning, and Appeals Commission containing the Findings of Fact and the ZPA recommendations regarding this case. The motion was moved by Commissioner Meluso and seconded by Commissioner Fantus.

Upon a Call of the Roll, the following voted:

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

Nay: None

Absent: Commissioners Clark and Pickell

Chairman Krusinski declared the motion carried

- V. **COMMUNICATIONS:**
- VI. **REVIEW OF REPORTS OF COMMISSION COMMITTEES:**
- VII. **OLD BUSINESS:**
- VIII. **NEW BUSINESS:**

Village Administrator Irvin said a zoning application will be sent prior to Thanksgiving, for a special use on the guest house located on Penny Lane. The guest house was built as part of the garage without a permit. This meeting will be a public hearing.

Village Administrator Irvin provided an update that St. Basil's has not submitted their zoning application for their text amendment.

Chairman Krusinski acknowledged the Commissioners, Village Administrator and Village Attorney for all of their diligent work in reviewing documents and creating a great document that will serve the Village well.

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 8:12 pm.

Sandy Gallo, Village Clerk