

**MINUTES OF THE COMMITTEE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 9:00 A.M. ON SEPTEMBER 17, 2016 IN THE SAVANNA ROOM OF THE HILTON GARDEN INN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS**

**A. CALL TO ORDER**

Mayor Urlacher called the meeting to order at 9:03 a.m.

**B. ROLL CALL**

Upon a call of the roll, the following were:

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

Absent: None

Mayor Urlacher declared a quorum present.

Also present: Village Administrator Bob Irvin; Village Attorney Greg Smith of Klein Thorpe & Jenkins, Ltd., and Village Treasurer Pam Fantus

**C. DISCUSSION AND PUBLIC COMMENT RELATED TO THE FOLLOWING:** An Ordinance Amending and Restating a Special Use Permit for a Large Stable and Granting a Variation for Property Commonly Known as 855 Bradley Road, Mettawa (Application filed by Always Faithful, LLC; Zoning, Planning and Appeals Docket 16-SU-S-2)

Mayor Urlacher began by stating that he would like to remind everyone what is being considered at today's meeting. The Village Clerk sent out 3 reminders to residents by email over the past 3 weeks about today's meeting, making it clear what the Village Board would consider. The email read: "at the meeting, they will consider the recommendation of the Zoning, Planning and Appeals Commission regarding the application submitted by Always Faithful Stables for an amendment to their Special Use Permit for: (a) construction of a new, enclosed practice arena connected to the existing stable/arena building of approximately 13,268 square feet; (b) construction of an open air, covered structure to be used as a horse run-in of approximately 643 square feet; (c) an update to the site plan reflecting the previously approved permanent designation of the existing construction access road located on the for ingress and egress to and from the property and Bradley Road; and (d) a variation from Section 15.1204 of the Mettawa Zoning Ordinance to allow for maximum lot coverage of up to 16.05%, which is approximately 1.8% above the existing lot coverage. Since the August 16th Village Board meeting, the owners of Always Faithful Stables have formally withdrawn their request for a zoning text amendment and the amendment to their special use to permit for a not-for-profit, membership-based equestrian club offering solely for members and their invited guests social, athletic, and equestrian activities (including food preparation and licensed alcohol). Therefore, this issue will not be considered at the September 17th meeting, and the public hearing regarding this matter before the Zoning, Planning and Appeals Commission previously

scheduled for October 4th has been cancelled. The Village Clerk received several responses thanking us for providing the information and no requests for clarification of what was on today's agenda.

Mayor Urlacher stated, as many residents know, the Zoning, Planning and Appeals Commission conducted a public hearing on Always Faithful's zoning application that was held on both July 12<sup>th</sup> and July 20<sup>th</sup>. Notice of the public hearing was sent to all property owners within 2,000 feet of Always Faithful. There was over 6 hours of testimony resulting in 300 pages of transcription. At the August 16<sup>th</sup> Village Board meeting, there was an additional hour of discussion and public comment regarding Always Faithful, and the Village Board received many letters and emails from residents. All of the previous testimony and public comment are part of the public record. To best utilize our time here at this meeting, he said that we would appreciate limiting the redundancy and providing an opportunity for those who have not spoken or provided input at previous meetings. He asked that if you have spoken before and have some new questions or comments, please do so. Each speaker should provide their name and address. The comments and questions should relate to what is under consideration at today's meeting only. Following today's meeting, the Village Board will take action on the recommendation of the ZPA and ordinance amending the Always Faithful Special Use at the September 20<sup>th</sup> Village Board meeting that begins at 7:30 PM in the Cottonwood Room in this building. Mayor Urlacher asked Village Attorney Greg Smith to provide a short summary of the Always Faithful application and procedures followed to date.

Village Attorney Smith stated that no decisions would be made at today's meeting by the Village Board. He provided a summary of the zoning application submitted by Always Faithful and the history of the original special use granted in 2000 and then amended in 2009 and 2014. He said that notice of the ZPA's public hearing was published in the Daily Herald and mailed to all owners of record within 2000 feet of the property. The ZPA held the public hearing on July 12<sup>th</sup> and July 20<sup>th</sup>. The applicant had sought zoning relief for structures on the property and an operational use that included a zoning text amendment seeking an equestrian club use. The structural and operational uses were bifurcated by ZPA and only the recommendation of the structural changes was forwarded to the Village Board. Subsequent to the ZPA recommendation, the applicant withdrew its request for the operational changes and therefore, the only issue before the Board is the recommendations of the ZPA regarding the structure relief sought by the applicant.

Trustee Towne asked the applicant to display boards showing the proposed changes to the property. Ed Casas of Always Faithful Stable advised that they did not have them at the meeting. Mayor Urlacher asked for copies to be made of the plans and distributed to the audience. Trustee Towne asked if the commercial elements of the proposal would go back to the ZPA. Attorney Smith said that since the applicant had withdrawn its request for the commercial use, it was not necessary.

Peter Friedman, attorney representing Always Faithful Stables said that he and the applicant were prepared to answer any questions at the meeting.

Mayor Urlacher asked for comments from those in attendance at the meeting. He said that resident Jess Ray had requested an opportunity to show a PowerPoint presentation at the meeting. The Board had requested to have the presentation to review in advance of the meeting, but we have not seen it. Jess Ray suggested that other residents speak before his presentation.

Rich Fantus, resident, said he and family were attracted to the rural, residential nature of Mettawa. He has attended all of the ZPA and Village Board meetings since the recent onslaught of special use requests have been made to the Village, beginning last fall. The requests have ranged from placing a 20,000 square foot barn and arena on a 5 acre lot to a commercial use on a residential street in the Village. At the recent Village picnic, held at St. Basil's church, church officials lobbied for an increase the size of their building for what appears to be a banquet facility. The church also holds what is advertised as the largest ethnic festival in Lake County. With each request, there is lack of uniformity and transparency. He said one Trustee has violated the ethics of office by circulating a petition on behalf of one of these special use permits and has alleged code violations that have not resulted in any action or sanctions. He said the Village has not been as transparent as in the past and there is a lack of uniformity, application and enforcement of the codes and exceptions that are becoming precedent that are being made through special uses. He said there is nothing magic of 2000 feet for notification and not everyone gets the Daily Herald. He suggested that all residents should receive agenda notices that opt in to a program to receive them. He suggested that it is time to consider stopping issuing more special uses, reflecting on the strategic mission of the Village and considering a code amendment to grandfather in existing uses. Then uphold the Village rules and stop issuing exceptions. All regulations should be applied equally and that we should remain a rural, residential community.

Jess Ray, resident, presented a PowerPoint program. He said that he completed the program this morning and was unable to provide it to anyone in advance of the meeting. He requested that the Village Board deny the recommendation of the ZPA to permit the additional building, impervious surface increase and new driveway and that it be sent back to the ZPA because it does not meet the Village Code and there are questions about the usage of the buildings. He provided the history of the changes in impervious surface and land additions to the property. He said the addition of Lot 4 in the special use in 2014 should not have been allowed and the proposed second arena is not permitted by the Village Code. He added that the Village's Strategic Plan approved in 2011 included the goals of maintaining our rural appearance and to preserve residential zoning. The Village also has a Comprehensive Plan, Zoning Ordinance and ZPA. He described the zoning review process before the ZPA and the history of the special uses for large barns in the Village. He said that he believed the addition of lot 4 included in the special use amendment in 2014 was not done according to the Village Code. Additionally, the ZPA was not given detailed information about what was to be built on the property and the correct size of the single family house. Moreover, there are inconsistencies in the number of square feet of the single family house. As for the arena, in addition to the Code not allowing a second arena, the language in the application reads the arena would be used for the second purpose for banquets and weddings. In summary, he said the application should

be denied because the special use incorrectly granted a special use to lot 4, absence of information given to the ZPA, the new arena is not allowed, the density calculations are incomplete and there are questions about the uses requested by the applicant.

Mayor Urlacher stated the ZPA had reviewed the plans and determined that it was not a second arena, but an addition to the existing one. There were two engineers who reviewed the impervious surface numbers on the plans and the Village Board has not been pressured by the applicants to make a decision and the arena expansion has been proposed by Mr. Casas for over 9 months. There have been no backdoor approvals by this Board. He added that Corporate Way's special use was approved several months ago with an impervious surface increase from 16% to 22%. Only Tom Heinz was in the audience at the approval meeting. The previous Shadowbrook Farm was at 25% before it was purchased by Corporate Way.

Cathy Nelson, resident, thanked Mr. Ray for his presentation. She said that recent Village Boards are allowing too many variations and the Board should either change the code or live by the code. People should go by the rules or change them. She is aghast that someone would say I approved this, but I never looked at the plans.

Mitzi Heytow, resident, said she lives next to the O'Donnell's and they have had a special use approval. Mayor Urlacher said that the O'Donnell special use amendment was on next week's agenda. She said she does not want to live next to a boarding place. It is a slippery slope to approve it.

Jeff Clark thanked the Board for all that it does for the Village and for the residents' interest in this issue. He added that he is a former Trustee who approved some of these proposals. It can be difficult to deny someone something that has been afforded to others, but we may have approached the time to consider a line in the sand on these matters.

Don Joseph, resident, asked why the ZPA recommended approval to the exceptions. He has heard many reasons why not to approve, but why for approval. Mayor Urlacher said the current proposal has not been approved, and he could not provide the reasons why they were approved in 2000, 2009 and 2014.

Roberta Bohm, resident, said we all want to use our properties the way we want to use them, but she is concerned about commercialization in the Village. She asked if the owners would consider agreeing to not using the property beyond what it is currently be used for and that it will never be commercial.

Mike Floss, resident of Forest Haven, said he has lived there for 32 years and some of the changes in the Village have been offensive. He said either the ZPA didn't do their homework or some of these things are above their paygrade. He said the Village has allowed too much commercial with the most offensive being the Costco approval. He added that Mr. Casas has made some nice improvements to the property, included drainage improvements. Things do change, but there needs to be due diligence completed in reviewing these applications.

Bob Price, resident, said that he read the full transcripts from the ZPA public hearings. He wrote to every member of the ZPA and never heard back from any of them. He said if this was a court of law, with the numbers put out by Peter Friedman and Ed Casas, they would have perjured themselves.

Trustee Maier left the meeting.

Matt Dzedzic, former resident and current property owner in Mettawa, said he is the former resident on lot 4 and he says this feels like a witch hunt. There have been substantial improvements made to the property. The commercial use is another issue for the Board to consider.

Kathy Rand, resident, said she thinks it is an important discussion, and she is offended at the insults being hurled at the ZPA and Village Board.

Roni Dzedzic, former resident and current property owner in Mettawa, said she has had many dealing with Mr. Casas for several years and he is not trying to pull something over on the Village. She asked how many people have reached out to Ed Casas to see what he is trying to do.

Sherry Starr, resident, said her concern is if the Board approves their request now, will they be back next year requesting the items that they have taken off the table. She is concerned about traffic and with the recent festival at the Church; she could not even get out of her driveway.

Carol Ann Joseph, said she agrees that it is a beautiful property, but maybe what they now have is enough and there should be no additional density.

Trustee Brennan stated she wanted to respond to the commercialization of the Village comments that were made. After the Grainger fiasco, Village officials felt it was important to work for owners of property that was in unincorporated Lake County, so that we could get the best uses and deal for the Village. Since the property was in Lake County, they did not have to work with the Village. She added that this goes back to 1997 and 1998.

Jess Ray, said his comment that the ZPA only took an hour to make a decision on the proposal was not to infer that they were incompetent or had done a poor job. He did not believe the ZPA was provided enough information.

Ron Pink, resident, said he attended the ZPA meetings and the Village is well set up with its committees and research. They do the best they can and bring their recommendations to the Board. They are all volunteers who work hard for the Village. He said the ZPA did a great job on this and deliberated for six hours, not one hour.

Rich Fantus, resident, said no one has commented on the additional driveway. He has been forced to wait for trucks to do three point turns in order to access the driveway. He thought the additional driveway was for emergency access only and would like it to be limited in

this manner and not accessible to trucks. He attended many of the ZPA meetings and the members have asked very good questions. However, he is concerned that no one goes to the sites to see what is there. He asked that personal inspections be made for applications like this one, rather than relying only on the paper submittals.

Mayor Urlacher read a letter from Mary Widdes, resident. Mrs. Widdes is opposed to any further development of the Always Faithful property.

Ed Casas of Always Faithful Stable said that we came to town embracing the same enthusiasm for a rural community that was equestrian friendly. Their work has been to improve it and to sustain it on a long term basis of the highest quality. This is not a commercial venture for financial gain, but to support our daughter. It is positive that there are so many people in the community interested in this matter. It is disappointing to hear our characters assassinated over the past few months and many of the comments and emails sent have the wrong or misleading information. An email from Mr. Ray compared our facilities to the 150,000 square foot Costco building, but what he didn't tell you is that the buildings take up less than 10% of the property and there are about 85,000 to 90,000 square feet in covered buildings. We also agreed in the previous special use permit not to allow truck traffic on Twin Drive, resulting in wider driveways on our property and increasing and adding another 2% of impervious surface. The third driveway for trucks was a temporary use, but the permanent use is primarily for emergencies. The expansion of the arena is needed to relieve the congestion in the usage of the arena. While we did not think an amendment was needed to expand the arena, we agreed to go through the process. We presented our plans to the Around the Town meeting in March and April. We said that instead of catering in food and beer, we were looking for a defined element within the code that we permit us to do that. We probably should have not brought both the building and club idea together and only brought the building. He said it is not about becoming commercial, the property was commercial before they purchased it. The property is 22 acres, with about 2 acres of covered space, and be designed with all of the buildings in the south end of the property in order to keep open areas to the north. There have been no changes to the footprint of the house that was presented to the Village. With regard to storm water management, an engineer stated at the ZPA meeting, that there will be no negative impact from water runoff from the property.

Roberta Bohm, resident, asked about the commercial nature of the property. She said that commercial for horses is one thing, but beyond that was something different. She said that if everything was approved, there would be food service, alcohol, and weddings. She said that the property does impact everyone in the community. She asked how Mr. Casas envisions the property once everything is built. He said their goal is to provide the highest quality equestrian facility they can for their members of their equestrian club. He added this whole thing about the text amendment, that has been withdrawn, was to find a way to legitimately serve food and beverage on our property that goes with catering that we do for events. He said that many people in this room have attended events on their property. He said their request for the structural changes have been more than thorough and complete and have been conducted by people who have been appointed and elected. Roberta Bohm asked if he was planning to have a Bed and Breakfast and Mr. Casas said no. If he has

guests on his property, he could let them stay the night. He said if they want to continue to have events like they have had in the past, what is the concern about them?

Mr. Casas said the concerns do not seem to be based on fact. Jess Ray, resident, said they are breaking the code. He said you are only allowed one arena by the code. Mr. Casas said that Mr. Ray had intentionally misled the community with his statements about the square footage of his buildings, comparing them to the 150,000 square foot Costco.

Trustee Sheldon said she did not think that Mr. Casas had done anything to negatively impact the Village. She said it is a shame that we can't sit here and talk without the back and forth bickering. She stated there has been change and growth in the Village. She ran for Trustee for receptive government and we are not being receptive. This property is not hurting our Village, it is enhancing it.

Tom Glusic, resident of Forest Haven, asked if Mr. Casas had purchased the vacant property across the street from Always Faithful. Village Administrator Irvin said that he was not the purchaser.

Mr. Casas said that they have paved parking areas on their property and Bradley Road has never been used for parking for their property. He said there are no changes for the property other than the ones related to the arena expansion. He needs the expansion for peak times and for the variety of riders.

Kevin Hinshelwood, resident, asked if there were too many horses on the property and by reducing the number, perhaps the expansion would not be needed. Mr. Casas said there was a scale needed for the facility and the special use was approved for 70 horses before he owned it, and the code permitted up to 30,000 square feet of arena space.

Rick Phillips, resident, said he was familiar with the variation process and he said in each case, the applicant had to show proof of hardship. He asked what is the unique case of hardship the land faces to justify the exception of the code. Mr. Casas said that everything was presented in the six hours of testimony at the ZPA hearing and the basic answer is the safety prospective of needing more space. The arena is being expanded in an area that no one will be able to see and there will be no negative impact to anyone.

Marcia Ray, resident, said there have been many people attending the meetings regarding Always Faithful and they have described why they do not want more buildings added to the property. She said that Mr. Casas is not hearing the message as to why the residents are upset. She asked if it occurred to Mr. Casas to survey neighbors and others in the Village to see if they wanted a club in additional buildings on the property. She also said that she did not hear anyone say that Mr. Casas perjured himself. Ed Casas responded that the person sitting to your left (Bob Price). Bob Price, resident, said the minutes from that meeting had many inaccuracies in it.

Carol Armstrong, resident, asked if the home that is now being built, is going to be club and to be used as a banquet hall and opened to the public for anyone who wants to come it. Mr. Casas said there is no interest in renting out the facilities as banquet hall. The house

was designed for hospitality and events are held there. The events are discreet and have had no negative impacts or complaints. He said, as for the club matter, it is premature and they have not decided exactly where they want to be with it. We were encouraged to disclose all of what we were thinking about doing with the property and decided to go through the process at one time. We appeared before the Village Board at one of their meetings to let the Board know that this is what we are thinking of doing on the property and to receive comments and feedback from the Board. We did not walk away with a yes, go do it, but there was merit in our ideas, to explore it further and to come back to us.

Fred Baird, Forest Haven resident, asked if members of the club can use the building for overnight stays. Mr. Casas said the club aspect of their application had been withdrawn and they were only pursuing the arena addition.

Trustee Sheldon moved that the meeting be adjourned. There was no second to the motion.

Donna LaPietra, resident, said that there is a point when we feel like we have had enough and that with each additional concession, that the core mission of the community starts to evaporate. If we keep agreeing to everything, we have lost.

Cathy Nelson, resident, said that language on the plans that the arena could be used for weddings is confusing. She didn't think two arenas were needed, especially in the winter when most of the horses go to Florida. You have the right to request the arena, but the wedding thing sounds to be commercial.

Roni Dziejic, Forest Haven resident, said they use to own 2320 Twin Drive that was sold to the Casas' and they still own the property at 799 Bradley Road in Mettawa, which is adjacent to the Always Faithful property and impacted by it.

Trustee Armstrong thanked Mr. Ray for his presentation. He said he has been on the Board for eight years and the issue of big barns has been dealt with on several occasions. The special use procedures and ordinances can be confusing. He has suggested to the Mayor and Village Attorney that we review these ordinances regarding stables. The process is frustrating and could be made much easier for everyone to understand. Mayor Urlacher stated that updates to the zoning code for referral to the ZPA are on next week's Village Board meeting agenda. Trustee Armstrong said there needs to be some clarifications to some of the definitions in the ordinance.

Trustee Pink said she agreed with Trustee Armstrong in the confusing nature of the zoning code. She complimented the ZPA members on doing a great job and wadding through all of the materials for the project. She said there has been a lot of fear generated and she hopes that it will stop. She asked Cathy Nelson who she referred to when she said someone told her that they had voted, but they did not understand what they were voting on. Cathy Nelson said that she did say that, but she did not think it was something that should be brought up here. Trustee Pink asked if it was a Board member and Ms. Nelson said it was not. Cathy Nelson said it's a problem when a Commission member votes on something, but says they have not seen the plans for what they had voted on.



Trustee Towne said that the Board should face these issues and the ordinances are not the problem. The ordinances on horse issues are pretty good. He recommended that Board and ZPA members read them. He added that the problems have been in the amendments to the special use ordinances by waiving the residency rule. He said that the use is not commercial, but an agricultural use, with horse and horse ranching activities defined under agricultural use and there is no separate definition of commercial in the code. He thanked Jess Ray for his presentation, but said the lot 4 acquisition by Mr. Casas was consolidated into the larger lot and no longer an individual lot, it does not have individual large barn aspects. Trustee Towne asked the Village Attorney if the secondary uses such as banquets had been stricken from the arena area. Village Attorney Smith said the operational issues have been removed. Trustee Towne said it was confusing and suggested that it be sent back to the ZPA. Village Attorney said the secondary use of the arena had been withdrawn by the applicant. Mr. Casas confirmed that they were only seeking the arena expansion.

Village Treasurer Fantus asked the Village Attorney the interpretation of agricultural uses in the Village Code. Village Attorney Smith stated that the boarding of horses was not allowed by that section of the code. Trustee Towne said that there was no written interpretation of the code. He read the agricultural uses definition of the Village Code which includes the raising of crops which can be sold at market and asked if that was a commercial activity. He added that the boarding of horses is part of horse and horse ranching activities. Trustee Towne said the bifurcation issue of the Always Faithful request was confusing and it should be sent back to the ZPA. In fairness to our ordinance, the principal use of a lot is a single family residence and a large stable may be applied for through a special use. However, when the bifurcation occurred, it took away the principal use. Trustee Towne read the definition of large stable that can include an arena, which sounds like one and read the definition of arena building which is accessory to a large barn, not exceeding 30,000 square feet in floor area. He added that there are some gray areas in this part of the ordinance that should be cleaned up. Mr. Casas has a 16,000 square foot arena and 12,000 square foot barn and the additional arena of 13,000 square feet put it over the 30,000 square foot maximum. Trustee Towne said we should follow the ordinance and that he was appalled that it went commercial and not for a rezoning. It is clear in our hotel and office district that a club and restaurant are permitted. He said that he had suggested to Mr. Casas that he seek a rezoning of his property. Trustee Pink said we should go over the ordinances to clarify them so that we don't have these situations.

Mr. Casas said their arena is only one building and the ZPA studied this issue very carefully. The addition is all part of the same building, connected to and integrated into the existing building. It is no different than adding on to one's house. He stated that the club issue has been removed from their application.

Trustee Towne asked if there was a quid pro quo to consider here. He said that nothing has been offered to the Village at this point. He suggested that if Mr. Casas would agree to keep all of the land north of the existing buildings as open space, with no more buildings constructed, that would be a quid pro quo and as a Trustee, he would know that the land would open space in perpetuity. It would be approximately 15 acres and could be used for equestrian purposes. This would allow him to consider the additional riding area. Trustee

Towne said he is very familiar with horse boarding, having boarded more horses than anyone else in Lake County in the past 30 years. The arena issue is a scheduling issue, not a size issue. He added that the boarding of horses is an agricultural issue and not a commercial issue. Trustee Towne asked Mr. Casas to label the detention and retention ponds as such on their plans. He said if the north area is kept as open space he would vote yes on Tuesday night, but without it, he would vote no.

Village Treasurer Fantus recommended that we clean up the agricultural uses definition in the Village Code. This is not a farming community where people grow soybeans. Horses are boarded and people make money. Trustee Towne said it is an agricultural use in the State of Illinois. Village Treasurer Fantus thanked Mr. Ray for his presentation and suggested that when things are sent to the ZPA, the history of the property should go with it.

#### **D. ADJOURNMENT**

With no further business to conduct, it was moved by Trustee Pink seconded by Trustee Sheldon that the meeting be adjourned.

Upon a call of the roll, the following voted:

In Favor: All

Opposed: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 11:47a.m.

Bob Irvin, Deputy Village Clerk