

**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 WEDNESDAY FEBRUARY 17,  
2016 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 7:01PM.

**II. ROLL CALL**

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

Present: Commissioners Bohm, Hirsch, Leonard, Pickell and Chairman Krusinski

Absent: Commissioners Busscher and Meluso

Chairman Krusinski declared a quorum present.

Also present: Colleen Liberacki, Deputy Village Clerk; Village Attorney Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd.

**III. APPROVAL OF MINUTES:**

It was moved by Commissioner Hirsch, seconded by Commissioner Bohm to approve the minutes from the meeting of February 02, 2016, with the aforementioned change.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Hirsch, Leonard, Pickell and Chairman Krusinski

Nay: None

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

**IV. CALL OF CASES:**

**A. PUBLIC HEARING: CASE NO. 15-SU-S-2: 14341 W. Old School Road -  
Application of Corporate Way, LLC for an amendment to an existing Special Use  
Permit – Deliberation and Recommendation on the Application.**

1. Chairman Krusinski called the Public Hearing to order at 7:10 PM.

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

Present: Commissioners Bohm, Hirsch, Leonard, Pickell and Chairman Krusinski

Absent: Commissioners Busscher and Meluso

Chairman Krusinski declared a quorum present.

Chairman Krusinski advised that the public hearing for Case No. 15SU-S-2 was now closed and no new evidence would be heard. He further stated that the commission members would deliberate over the evidence taken and form a recommendation to

submit to the Village Board.

Chairman Krusinski further noted that this was a public hearing and according to the Illinois Open Meetings Act, the public was allowed to attend and give comments prior to the deliberation process, however, no evidence would be heard. He offered residents that were present an opportunity to comment, and asked that they be brief and on topic. There were no public comments made.

Chairman Krusinski polled the commissioners, starting around the table, for their input on the issues presented by the application before taking a vote. Chairman Krusinski noted that there were points of importance to be discussed as well as potential conditions imposed to mitigate the gap between the applicant's request and the comfort level of the commissioners and addressing homeowners' concerns.

Commissioner Leonard acknowledged that this plan was an improvement over the existing general condition of the property. She kept in mind that this is a special use permit now, but would like to come to a palatable conclusion for all parties.

Commissioner Leonard listed her concerns: 1) no permanent resident on premises, only hired personnel that she considers transient by nature in the horse industry and unsatisfactory; 2) the original special use permit was issued to a family farm, and this would not be the case anymore; 3) did not understand why a 15 acre parcel was issued the special use permit originally and feels that Lot 7 should be consolidated with Lot 8 with a single family home; 4) the proposed arena will be huge and much bigger than anything else on the property and in full view of the homeowners on Riteway Road.

Attorney Smith detailed the buildings footage. Commissioner Leonard expressed concern over how big an accessory building could be on Lot 7. Attorney Smith stated that over 2,000 square feet for special use permit could be taken into consideration the appearance and location of an accessory building for Lot 7. Commissioner Leonard shared she had horses a long time and in this case the subject property became run down. She feared that if no permanent resident were present, there would be no oversight as well. Chairman Krusinski noted that this was a good point and captured the residents concerns as well.

Commissioner Bohm advised that he had no opinion either way whether or not Lot 7 was included as a condition of approval. He did state that when the property was originally designed, it was to be a development and the lack of permanent residency does bother him, although there are precedents, i.e. Always Faithful, Pegasso. Commissioner Bohm did express a concern regarding the height of the barn/arena. Chairman Krusinski noted that the inclusion of Lot 7 as a condition was a good point, and the applicant had been on the fence about this. He further stated that keeping Lot 7 had its own merits as well, as keeping the site at 15 acres would make the deliberation easier. He questioned if there could be future legal issues. Attorney Smith advised that he had not reviewed the plat of the subdivision, but thought in the

future it could be sold separately or part of the Lot 8 package. He stated that the applicant was asked to combine the two parcels, but they declined. Attorney Smith suggested that if Chairman Krusinski felt that this was necessary, then he could make the recommendation to the Village Board. Chairman Krusinski thought that it was natural that Lot 7 remained with Lot 8, but it would be open for discussion among the commissioners.

Commissioner Hirsch had thoughts along the same line as Commissioner Leonard: 1) she cautioned that this was low density rural house community and wanted a single residence structure on the property and 2) the water shed issue was a big problem for her. She was unsure of the impact of the water shed for the adjacent residents and how storm water management would handle it. Attorney Smith advised when Lake County created the watershed management ordinance it adopted uniform standards which could supersede home rule. He further stated the Village would be more involved with the septic and sanitary sewers and that for the applicant to get a permit, they would have to be compliant with storm water management.

Commissioner Hirsch questioned about the existing ponds. Commissioner Pickell explained that Lake County does a great job in Mettawa and would review with storm water management the placement of the ponds and how it would be retained. He further suggested a requirement of more retention ponds if necessary and make this a Village Board recommendation. He stated he was not worried about this issue. Chairman Krusinski recalled that Greengard was planning to abandon the older retention ponds and build new ones. He also noted the deterioration of ditches, culverts and much standing water on the property with overland flow issues in the southeast and west areas of the property. Commissioner Bohm was concerned about replacement the failing culvert in the southeast part of the property, as he did not see any notes addressing it. Chairman Krusinski was confident that this issue would be addressed. Attorney Smith suggested that the ZPA could recommend storm water management make repairs and adhere to compliance for the ditch.

Commissioner Pickell was confident that the owner would be required by Lake County to repair the ditches. However, he had concerns about the manure shed, size and height of structure, location thereof, impervious surface issues and the homeowners' view of all the structures. Commissioner Pickell stated he knew the engineering would be better, but that the impervious surface would be 33% more. He stated that the structures would be very attractive, satisfactory setback from the road and the purpose of the debated cupola was to add scale to the building. He was unhappy however, that the homeowners would not be permanent residents and the impervious surface issues. He further stated he would like the inclusion of Lot 7 as a condition of approval, but would restrict the residence on the lot to 10% lot coverage, and no accessory structures allowed. He felt that this condition would create an estate.

Commissioner Leonard noted that the precedent setting Always Faithful backs up to

the tollway, unlike the residential area of where this horse farm is located, and was always a family farm. Commissioner Pickell questioned how to verify proof of residence. Attorney Smith said it could be done, first inquiring by knocking on the door, and then asking for a search warrant if the first inquiry did not result in a satisfactory answer. He assured Commissioner Pickell that legal mechanisms exist and the Village Attorney can perform them. Commissioner Leonard was still troubled if no resident was living there and setting a precedent for future issues. She reminded everyone that this was an R-1 district and someone had to be living there if horses were living on the property, not just a groom. She reiterated that this was a transient trade by nature and those living there would not own the property.

Chairman Krusinski stated that he was aware of those concerns and cautioned to be careful about future assumptions, as there were ordinances in place to prevent some of these concerns from happening. He further offered that the Village Board could decide about the disposition of Lot 7, but he did think that the inclusion of Lot 7 would sustain the rural nature of the neighborhood. Commissioner Pickell suggested that if the ZPA did not make specific recommendations about permission to build on Lot 7, then the residents might not be allowed to do so in the future. He noted the required setbacks from Riteway and Old School Roads and thought this project would be a large improvement. He further noted the special use being acquired with the property, and wanted to make this project more palatable for all involved and that it was a beautiful project.

Chairman Krusinski felt that the impervious surface was an issue and he did research looking for comparisons, but met with difficulty due to the uniqueness of Mettawa. He reviewed that 20% impervious surface was impacting the parcel due to the structures and connecting paths to the buildings. In comparison to properties elsewhere, this is a very low number, but higher than what the Village of Mettawa would like. Commissioner Leonard suggested that Mettawa had no storm sewers, and that was why the Village required a higher percentage of impervious surface.

Chairman Krusinski disagreed, stating that retention and release rates are consistent with storm water management and can restrict the water flow. He thought it would be very difficult to get lower than 19% on this project, and he worried about putting unfair restriction on this property. Commissioner Pickell still thought that impervious surface impact was a concern, and it was still a large percentage for this property and that there was not another house in Mettawa that even approaches 15%, and probably even less than 10% impervious surface on their parcel. He wanted to join Lot 7 to Lot 8 to reduce the impervious surface percentage. Attorney Smith suggested seeking a variation of lot coverage and conditions may be imposed if granting a variation via Code 15.805 to the extent necessary.

Commissioner Leonard questioned if all the buildings were knocked down, then there should be no more special use permit existing. Attorney Smith stated that the special use permit follows the property and is in force as long as the property is used

as is, with the special use permit or seek an amendment. Chairman Krusinski reminded everyone that this project was an opportunity to correct many deficiencies on the property and impose a much higher standard than what presently exists. He felt that if legal issues arise, the Village Board and Applicant's attorney could deal with it. He further stated that if Lot 7 was joined with Lot 8, with 10% maximum impervious surface, this could be a saleable lot and structure in the future.

Commissioner Pickell cautioned that the property could not be subdivided, and Commissioner Leonard agreed with this condition if it was a palatable answer for all. Chairman Krusinski noted that there was a retention pond in the corner of Lot 7. He further proposed that an amenable solution to the application was to join Lot 7 and waive the residency requirement. Commissioner Leonard was still not quite comfortable with that issue, stating that even Always Faithful had a residency requirement, even if the homeowner was only there every week-end. Attorney Smith recalled that those owners had to buy an adjoining lot and build a house. Chairman Krusinski suggested that this would not necessarily be the homeowner residence, but a residence and it could be a good solution. Commissioner Leonard understood how the caretaker arrangement would work and would be applicable to this property.

Chairman Krusinski offered to present a draft approval that could be crafted into a recommendation for this property and added that the cupola as designed could be approved as well, that it was very attractive and the height waiver would be appropriate. Commissioner Leonard was willing to defer to Commissioner Pickell's experience on this issue. Commissioner Pickell noted that the roof was high, but to reduce the pitch would not be appropriate and to reduce the height would be in conflict with the use of the structure. Chairman Krusinski noted that the motion crafted would be based on the drawings as submitted. Commissioner Leonard noted that Riteway Road did not exist when Towne purchased the property. Commissioner Bohm inquired if it was determined if sand on the track was considered impervious or not, to which Chairman Krusinski replied that Greengard stated that it would be classified as a pervious surface. Commissioner Pickell noted that there was a lot of clay in the Village of Mettawa and a sand surface would be an enhancement. Commissioner Leonard noted that there would be a limestone base and then torpedo sand over it. Chairman Krusinski was willing to rely on the experts, as this was a \$4M project. Commissioner Pickell added that it was up to the homeowner to acquire liability waivers from the adjacent residents who shared track access.

Attorney Smith described the crafted motion as two sections, with 7 items for approval and 7 conditions imposed and passed out a sample motion, which he read aloud. Commissioner Leonard noted that for the waiver for residency approval item 7, and asked if there could be a stipulation that who could live on site, again noting the transiency of the horse trade. Attorney Smith advised that precedent had already been set with Always Faithful and Pegasso Farms and that the permit would be for a 24/7 manager on site. Chairman Krusinski additionally specified that manager and staff be in wording of motion.

Commissioner Pickell questioned if the applicant was originally asking for 23% impervious surface, would they be comfortable with 20%? Attorney Smith replied that the Applicant originally requested 23%, but they revised it downward and signed off on that. Chairman Krusinski felt that the Lot 7 inclusion would be the number one condition of approval. Attorney Smith stated that prior to certificate of occupancy that the storm water management facility should be satisfied with all water drainage repairs and further assurances of maintaining them in good working order. Chairman Krusinski also wanted the onus of “repair and maintenance” of the ditches and water drainage to be on the Applicant, and Attorney Smith cautioned that this could not extend to accessing other people’s property. He further questioned that if Lot 7 was being consolidated Lot 8, what would be the variation of the impervious surface lot coverage?

Commissioner Pickell wanted to accommodate the Applicant with building a single family residence, if the ZPA was stipulating as a condition of approval the inclusion of Lot 7, that the maximum coverage would be 20,000 square footage (10% of 5 acres) and that it could not be leased. He wanted assurances that Lot 7 could not be monetized, as a leasing potential would encourage a more commercial environment, as opposed to a residential rural neighborhood. Attorney Smith was not comfortable with this request, but was willing to discuss this item with the Village Board, but did not want to include this feature in the motion being crafted tonight. Chairman Krusinski advised that after the draft motion was approved, he and Attorney Smith would clean it up prior to presenting it to the Village Board for recommendation; he was also asking for a motion for this action as well. Attorney Smith asked all commissioners for any further conditions or comments and all were agreeable with what was presented.

Commissioner Leonard asked if they addressed all homeowner concerns, and Chairman Krusinski thought that maintenance and disrepair of the property was addressed and that this was an opportunity for the project to address the issue. He noted that Riteway Road was a private road and not under the purview of ZPA and also, the homeowners had the right of appeal to the Village Board; he wanted to make this a win/win situation.

There was discussion between Attorney Smith and Attorney Shapiro what the accurate impervious surface should be, to which Dan Shapiro replied 20.9% is the figure to be used. Commissioner Pickell wanted no accessory buildings on Lot 7, as they were allowing 20,000 square feet of lot coverage for a home. Attorney Smith advised that ordinance allowed accessory buildings if the lot coverage was less than 2,000 square feet and would protect this right. Commissioner Pickell was insistent that there be no more buildings and would not want to approve the vote for the inclusion of Lot 7 with Lot 8 for the Applicant without this condition. Chairman Krusinski was concerned about overreaching their authority with that condition, but Attorney Smith was willing to add “no additional accessory structure” on Lot 7 in

the motion, with the allowance of a single family building structure maximum 10% or 20,000 square feet. It was decided to add item 6 to the conditions section to the motion: “prior to storm water management culverts should be repaired and maintained in good working order, and Lot 7 and Lot 8 should be consolidated. It was decided to add item 7 to the conditions section of the motion: “no additional accessory buildings added to the 20,000 square footage single family home allowance.”

It was moved by Commissioner Pickell, seconded by Commissioner Bohm to approve the following motion as stated by Chairman Krusinski, to recommend approval of the application for an amendment to the Special Use Permit regarding Case No. 15-SU-S-2 with the following stipulations:

Approvals. The Commission considered the Applicant’s request for the following six (6) approvals as part of the Application’s request for a special use:

1. Two (2) large stables for forty eight (48) horse stalls in total, with twenty (20) stalls in one large stable and twenty eight (28) stalls in a second large stable.
2. Servant’s quarters as depicted in the amended Application as “Staff Housing.”
3. An indoor riding arena as an accessory use.
4. A variation to permit no more than Twenty and Nine Tenths Percent (20.9%) lot coverage on Lot 8 of the Subject Property, and a variation to permit a single family residence on Lot 7 of the Subject Property to be constructed for the owner’s use with up to Twenty Thousand Square Feet (20,000) of lot coverage.
5. A variation to permit a cupola on the proposed indoor horse riding arena up to Eleven Feet (11’) above the Forty Five Foot (45’) maximum height for a building.
6. A waiver of that portion of Section 15.1203(H) of the Zoning Ordinance requiring that the owner of the Subject Property reside thereon.

Conditions. Section 15.1104(B) of the Zoning Ordinance authorizes the Board of Trustees of the Village of Mettawa to impose conditions as may be necessary or appropriate when granting a special use permit.

**Comment:** Eight (8) conditions are recommended with regard to the Application, in order to ameliorate any negative effects on adjoining properties:

1. The special use permit will only become effective on and after the date that: (1) a plat of subdivision is approved consolidating Lot 7 and 8 of the Shadowbrook Subdivision into a single lot of record, which lot shall be the “Subject Property”

with the restated special use permit; and (2) a Seventy Five Foot (75') scenic easement along Old School Road for Lot 7 and Lot 8, to the extent not already in place, be granted to the Village.

2. The improvements constructed upon the Subject Property shall be in general conformity with the site plan presented to the Zoning, Planning and Appeals Commission during the Public Hearing of Case No. 15-SU-S-2, as depicted on the "Architectural Site Plan" sheet S-2 dated January 15, 2016 by McCormack and Etten Architects, LLP, and that no other structures shall be allowed thereon, unless said other structures are either permitted expressly in this Ordinance or are accessory to permitted uses in the R-1 Single-Family Residence District as set forth in Article XII of Chapter 15 of the Zoning Ordinance, and unless said other structures do not require prior approval of the President and Board of Trustees of the Village of Mettawa.
3. The Subject Property shall not be used for any: (a) equine shows, (b) night riding, or (c) public boarding.
4. There shall be no commercial use of the Subject Property, except that (a) the owner of the Subject Property shall have the right to charge for the boarding and/or feeding of up to a maximum of twenty (20) horses on the Subject Property provided that such boarding of horses shall be pursuant to a month to month written contract, (b) the owner of the Subject Property shall be permitted to collect money for the instruction of riders in horsemanship by private lesson, provided that no horse shall be used in the instruction of riders in horsemanship unless the horse is boarding at the Subject Property pursuant to a month to month written contract, and provided further that such private lessons shall be limited to four (4) or fewer riders and horses in accordance with Section 15.1203(H)(3)(c) of the Zoning Ordinance; and (c) home occupations may be conducted on the Subject Property as and to the extent permitted by Section 15.1202 of the Mettawa Zoning Ordinance. The commercial uses prohibited include but are not limited to spectator events open to the public, spectator events open to invitees, demonstrations other the lessons in horsemanship indicated above, and polo matches.
5. Special events on the Subject Property, which are occasions reasonably expected to attract more than ten (10) guests to the Subject Property for a purpose than the ordinary activities held on the Subject Property, such as for fundraising purposes (a "Special Event"), shall not be held on more than two (2) occasions per calendar year. A Special Event shall not include any use prohibited under the Mettawa Zoning Ordinance or this Special Use Permit. Prior to holding a Special Event, the owner of the Subject Property, or the owner's agent, shall receive permission from the Village Administrator, or the Village President in the absence of the Village Administrator, for the Special Event, and shall comply with all reasonable regulations on the Special Event



imposed by the Village Administrator.

6. The single family residence on the Subject Property shall be occupied at all times. The residence shall be occupied by either the owner or manager of the large stable, and the owner or manager of the large stable shall reside in the single family residence on the Subject Property, and the contact information of the person occupying and/or residing on the Subject Property shall be provided, and updated as necessary, to the Village Administrator or another person designated by the Village President.
7. Prior to issuance of a certificate of occupancy for the improvements permitted in this Special Use Permit, the storm water management facilities on the Subject Property, such as, but not limited to, the culverts, shall be repaired and in good working order, and from and after the date the certificate of occupancy for the improvements permitted in this Special Use Permit is granted, the storm water management facilities shall be maintained in good working order.
8. All improvements to be constructed pursuant to the amended Special Use Permit shall be subject to the review and approval of engineering and storm management/detention, site grading and repairs, sanitary/septic systems and other requirements as required by the Village of Mettawa and Lake County jurisdictions having authority.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Hirsch, Leonard, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried

It was then moved by Commissioner Hirsch, seconded by Commissioner Leonard 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 regarding Case No. 15-SU-S-2.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Hirsch, Leonard, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried

#### V. COMMUNICATIONS:

None presented.

#### VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES: None Presented

VII. OLD BUSINESS:  
None presented.

VIII. NEW BUSINESS  
None presented.

IX. ADJOURNMENT

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 8:49PM.

Colleen Liberacki, Deputy Village Clerk