

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 JULY 12, 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 7:04PM.

II. ROLL CALL

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

Present: Commissioners Bohm, Hirsch (7:06pm), Leonard, Meluso, Pickell and Chairman Krusinski

Absent: Commissioners Busscher

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 Bohm, seconded by Commissioner Leonard to approve the minutes from the meeting of May 25, 2016.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Leonard, Meluso, 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. 16-SU-S-2: 855 Bradley Road - Application for a Text Amendment to the Village of Mettawa Zoning Code and for an Amendment to an existing Special Use Permit.

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

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

Absent: Commissioners Busscher

Chairman Krusinski declared a quorum present.

Verbatim minutes of the Public Hearing have been taken by Cheryl Sandeck of Cynthia A. Pavesich & Associates, certified court reporters of Chicago, Illinois, a transcript of which shall be placed on file in the Village Clerk's office.

Chairman Krusinski made opening remarks stating the expectations and functions of the Commission.

Chairman Krusinski further noted that this hearing was for an amendment to the amendment of a Special Use Permit regarding Case No. 16-SU-S-2: 855 Bradley Road, Always Faithful Stables - Application for a Text Amendment to the Village of Mettawa Zoning Code and for an Amendment to an existing Special Use Permit. for the R-1 Single Family Residence District.

Chairman Krusinski stated for the record that notice of the hearing on Case No. 16-SU-S-2 was published in the Daily Herald on June 27, 2016, in the manner required by law. The Village Attorney has the newspaper's certificate of publication, which is admitted as the Commission's **Exhibit #1**.

Chairman Krusinski inquired if there were any objectors in the audience, and there were numerous hands raised. He asked those people to stand and be sworn in to testify truthfully.

The following were sworn in as testifying on behalf of the Applicant, Always Faithful Stables: Peter Friedman of Holland and Knight, attorney.

Peter Friedman, attorney for the Applicants, presented the Deputy Village Clerk with copies of the notices sent to residents within 2,000 feet of the property and the receipts of delivery. They were entered into the record as **Exhibit #2**.

Ed Casas stood and introduced himself as the owner of Always Faithful Stables, along with his wife, Kristen Casas. He spoke to the Zoning Commission and residents in the audience, stating that he has had 60 events at Always Faithful Stables over the last 3 years with average attendance of 100 people and has not received any complaints. He wanted to allay the fears, concerns and alarm that he perceived in the email traffic he has received. He expressed that he values this community and wanted to be transparent with his associated equestrian activities and social events with the goal of a clean and well-designed stables. He wanted to keep this equestrian club private and not-for-profit with a 501(c)(3) status, but felt that in order to maintain his membership, he needed a full amenity package that allows for 22 acres, two barns, residence, ornamental landscaping, water reclamation projects and storm management, which boards 70 horses. He stated his intention to build an additional arena to enhance the safety level by separating the novice riders from the serious competitors and would require 13,000 – 14,000 square feet to do so.

While he spoke, his architect from Designhaus Architects set up foam core board displays illustrating initial structures and the proposed designs. Ed Casas summarized the history of their ownership, highlighting the fire of the barn that caused enough destruction necessary to rebuild and replace it with a state-of-the-art barn addressing the quality of care the horses receive, including a temperature

controlled environment. He noted early in their ownership that the 100-year rains necessitated them to initiate significant culvert work on their property, even though much of the contributing water came from other neighbors' property. He stated that at one time, Mettawa had some faulty septic fields. He stated that they had removed 100 tons of debris, reseeded and rejuvenated the land. He added that the open area was being maintained in accordance with the mission of the Village and they replaced the dilapidated sound wall, with material recommended by IDOT, gaining a noise reduction of 15% - 20% in the decibel level.

He addressed the residents' concern about the issuance of a liquor and food license setting a dangerous precedent. He advised the group that what he was asking for was not extraordinary in the scope of the horse farms all located within 75 miles of this site, i.e. Conway Farms, Skokie Valley Farms, which are located in a residential area. He felt that in exchange for what he was asking, he would willingly accept the more stringent requirements that would be imposed: strict operating hours, local governance and Lake County Health Dept. scrutiny, as opposed to operating as a private homeowner. He stated that his goal would be to maintain approximately 200 members for his equestrian club and it would not be open to the public.

Ed Casas expressed a desire for community support and collaboration, which he felt would benefit the Village. He stated that neighborhoods that had equestrian clubs experienced a 10% - 15% appreciation in the surrounding home values. He noted that the Costco development and Corporate Park was vigorously fought against, however, he sees how the neighborhood has benefitted from their presence, allowing many residents to receive a tax rebate.

Ed Casas addressed the concern of increased traffic generated by his equestrian club, and stated this was factually inaccurate, as he anticipates the same amount of traffic. He noted that his property abuts the tollway and is separated from all residents but one by a road and the sole abutting resident is 500 feet away, per code. He further noted that he has never received any noise complaint. He shared the age demographics of his clientele: 25% under 18 years of age and remaining 75% are parents of the 25%. He noted the horse farm model has changed from riding/attending lessons and quickly leaving to having the riders (and parents) stay and enjoy the grounds and surrounding acreage.

Ed Casas stated that he has training programs and boarders, and each client has an average of 2.3 horses, which comes to about 50 active members, who also want to be a part of the social environment and take advantage of what else the facility can offer: a small gym and spa. He stated he is only answering a demand from his clients, that the equestrian club is not a moneymaker. Commissioner Leonard asked how many total members he desires, to which Casas replied, about 200 members, and 50 of them being full-time members, the rest having a social membership.

Ed Casas advised that currently there are likely 150 people on site on any given day, between the members, boarders and construction crew and no one has made a

mention of this thus far. He addressed the perceived negative impact of a liquor and food license, but that such licenses would impose restrictions more so than if the food was catered as it now is and people bring their own liquor. He found the experience of catering food inconvenient to manage, inconsistent quality and wholly unsatisfactory. He noted that there was no designation for a permitted facility like Always Faithful and wants the type of amenities for his members that other clubs have. He felt that bringing your own liquor and catering not a good idea and not enough control, versus strict operating hours, hygiene and code compliant.

Ed Casas mentioned in preparation for this application, he consulted with the Village Board, attended the Round-the-Town meeting and now sits before the ZPA to plead his case. He felt that this procedure was protecting his right by allowing due process, but it also protected the Village Board and that this is the right vehicle for change in zoning text, versus a PUD, which could be lengthy and unsatisfactory. He further stated that he is at the end of his career and is committed to be here for the long term, already investing \$50K in permitting fees, engineering, etc.

Chairman Krusinski noted that Ed Casas had addressed the generalities regarding his application, and he was looking for more details, such as the Statement of Standards (Exhibit C) or Description of Variation (Exhibit D). Ed Casas thought it was better that his attorney, Peter Friedman address that question.

Peter Friedman described the specific request to amend the text and add a new definition of equestrian club and special use: only to be granted if compliant with regulations for large stables; the required expertise for boarding and riding horses; 20 acres minimum; the equestrian club is separated from all adjacent residences by either 500ft or a road; additional attributes that in all summarized their unique situation, so that no precedent could be created. Chairman Krusinski inquired that their stable was either 500ft away from the next residential lot, or separated by a street. Ed Casas confirmed same, also noting that there were two turn-arounds, one each on the north and south sides, that could easily accommodate 23 autos each, in addition to 13 parking spaces in another location and additional spaces elsewhere that totaled 94 existing parking spaces and overflow parking on impervious surfaces, should the need arise.

Chairman Krusinski inquired about the parking situation at the 60 events over the last 3 years, averaging 100+ attendees. Ed Casas replied that people came in pairs and fours, or townspeople or facility people were on the grounds that comprised the number. Chairman Krusinski inquired if the equestrian facility membership reached 200 – 250, what would the event attendance estimate? Casas replied that typically not all members attend every event and it could be expected that 25% of the membership might attend a given event, and that would be a generous estimate. Chairman Krusinski asked how people would park on the site, to which Casas replied that he would employ people to guide the parking.

Commissioner Pickell noted that the standards were written very specifically and he inquired if he could make a case for another horse farm property in close proximity for this type of setup. Peter Friedman replied that he did not think this was likely, as these types of standards imposed requirements that might not be reasonable for others to follow and they would have to prove to the Village their hardship value. Commissioner Leonard disagreed with Attorney Friedman, stating that precedents have been set on zoning issues and has seen this happen in other villages. Commissioner Pickell felt that if these written requests fit Always Faithful, another of the 5 local horse farm properties could ask for this consideration as well.

Ed Casas disagreed, stating that these supportable and consistent standards were for the volume of a 65-horse stall property that was driving this request and any volume less than that would not be worth the trouble. He further stated that the Village has experienced 7 litigations, which resulted from a request not being granted, rather than the consequence of granting a request. Casas stated that he did not want to be divisive, but saw this as an opportunity to be collaborative and inclusive.

Commissioner Leonard remained convinced that this was an opportunity to set a precedent that the Village could not reverse and this was not the way the Village was set up, as this property was no longer strictly residential. Attorney Smith agreed with Commissioner Leonard, noting concern of setting a precedent and asked Attorney Friedman to address how their request fit in with the Village Comprehensive Plan, which had a strong desire for residential use. Ed Casas stated that this request generated no expanded use beyond its present use. Attorney Smith disagreed, stating that they were asking for a liquor and food license.

Ed Casas replied that his equestrian club was not open to the public, but he would expect birthday parties, charity events, equestrian events, training program, hosting clinics, celebrity trainers and other non-revenue generating events. His goal was for his members to get the most use out of the facilities. He compared this to a private golf outing event.

Chairman Krusinski asked Attorney Friedman to continue with the seven standards in Exhibit C. Ed Casas replied that they were holding themselves to a higher standard regarding safety, as they were zoned for 70 horses and by legitimizing their activities, they were subjecting themselves to higher standards.

Attorney Friedman noted that their application had three components: adding an arena, which would result in the addition of 1.8% impervious surface, the protective storm shelter and the food & liquor license. Commissioner Hirsch inquired about what type of events were held in the past and what were the hours of duration. Ed Casas replied that 75% of his members were from the North Shore area; and the balance as far away as Indiana and the Chicago area, the average person was well above the per capita earning level and the hours of use tended to be late afternoon/early evening and ended at curfew. He stated that the charity events tended to take place during the week and the social and special events took place on the

week-ends.

Chairman Krusinski asked them to address the impervious surface issue. Ed Casas replied that the additional arena would be a continuation of a side area for smaller kids and should amount to 1.5%, in addition to the shelter structure. Commissioner Pickell noted that the 1.8% requested additional impervious surface would amount to more than 12% of what is typically allowed, and that this is also precedent setting. Ed Casas replied that he was aware of that, but he also initiated his own environmental endeavors, with the retention ponds, improved culverts and run-offs and water reclamation projects. Commissioner Pickell was trying to decipher the hardship, which necessitated the additional arena, which he guessed were the novice riders needing their own space, due to safety priorities.

Ed Casas replied that as safety was their concern, it would impose limitations for the use of the arena with 70 horses being boarded and needing to use the arena at an hour a piece several times a week, and there were not enough hours in the day to do so. Commissioner Pickell inquired what the motivation was behind creating a club that Casas was trying to provide for his members. Casas replied that 1) this was already a club, and the clients had limited amenities with safety being paramount; 2) safety shelter for horses was a good practice, due to the frequent storms and lightening occurrences; and 3) present social use of property was not controlling liquor consumption, age appropriateness; late caterers or questionable quality of food. He stated he wanted to be transparent, wants a successful club membership not monetarily driven, but to sustain membership by offering the amenities the membership demands. He further asked the ZPA to make an informed decision and that there was no risk of precedent, as all the country clubs in the area are in R-1 zoning.

Commissioner Bohm inquired if the attendance of the boarded horses differed with the seasons, to which Casas replied that many horses stay year around, but some compete nationally and do travel, as well as some horses go to Florida for the winter. He did state that the rate of occupancy was higher over the summer season. Commissioner Leonard called attention to the late hour and noted that the Commission had yet to hear from the objectors. Chairman Krusinski noted that the applicant spoke in generalities about the hardship, safety and profitability, but would like to hear more about specifics later. Casas stated that he could not service his clientele with the demands that would sustain the membership unless he was provided the use of the liquor and food amenities and felt it would be an unfair burden otherwise. Chairman Krusinski then asked for the objectors to speak.

Former Mayor Jess Ray (350 Melody Lane) commended Ed Casas for a very thorough presentation and inquired if they lived on the property, to which Kristen Casas replied that 855 Bradley Road was her permanent residence. Jess Ray stated that the investments in the subject property have to be good for the neighbors and community as well as the homeowner. He further noted that Casas has invested no

small amount of money in this site, for the benefit of the community; however, this site was initially designed for boarding horses, not an equestrian club. He did question the accessibility regarding fire safety. Jess Ray implored the owners to be aware of how this change would impact the community and that these proposed changes would benefit the owner, not necessarily the community. Jess Ray stated that he objected to the application and wanted to protect the Mettawa community and does not want more changes. He further questioned that such an astute businessman would not have done his due diligence prior to his home purchase and noted how divergent his present goal of special use was from the Village comprehensive plan.

Cathy Nelson (26209 St. Mary's Road) noted that the Village comprehensive plan and strategic plan was rural in nature and a private equestrian club is in conflict with this. She further stated that the granting of a liquor and food license does not speak to horse safety and finds the capacity for 250 members unrealistic in addition to 2.3 horses per active member. Ed Casas replied that some members were social members, and some membership was equestrian driven. He stated that his goal was different than that of a commercial barn, as his members wanted amenities, and it was being designed for the rider and their family, as support facilities. Kristen Casas declared that no one in the room had more concern for horse safety than she did.

Wendy Clark (15409 W. Old School Road) was offended about the septic field comment by Ed Casas and noted that she is also a rider and did not think a separate arena for the younger rider was necessary, as the more experienced riders are used to accommodating them. She also read a letter from Roger and Chris Lane (14695 Westwood Lane) which stated that they were opposed to the issuance of a food and liquor license in an R-1 zone and this precedent has been legally challenged before.

Terry Tripoli (777 N. Bradley Road) questioned why such an astute businessman did not look into the special use permit before planning to buy his home. Ed Casas spoke up and took exception to the assault on his integrity, noting that Jess Ray also took a shot at him as well. He firmly stated that the special use permit came about as the use of the property evolved and it was not a pre-conceived idea. Tripoli stated that she is a 13-year resident and has experienced an increase in the deer frequenting her yard as well as an increase in deer flies since they purchased the horse farm. She does not think it is realistic to obtain a liquor and food license and she foresees that this would increase attendance exponentially. She further stated that Bradley Road is a small road and not likely to accommodate the anticipated traffic increase, nor has she noticed a decrease in the decibel level.

Martin Olesen (14796 Townline Road) stated that he was a 10-year resident and he objects to this application because it conflicts with the small close-knit community feeling and his personal preference to keep the town the way it is. He felt that this was setting a precedent and would allow others to make changes in the future, as one thing leads to another.

Michael Civelio (13844 Mettawa Lane) stated that there was a fear of the issuance of food and liquor licenses, as this creates a profit motive to bring in more people in and he noted there was no hard cap on the social member population. He suggested a time limitation, should the application be granted and if it did not work out, it could be discontinued.

Two more members wished to speak, and Chairman Krusinski asked that they be sworn in.

Kay Arnold (25040 Shagbark Road) expressed a concern over growing the membership from 50 to 250 and the majority if not all the people were coming in from outside the community. She cited the Zen Center application was not approved due to the fact that the majority of membership would be derived from outside the Village boundaries.

Bob Price (27823 St. Mary's Road) is the owner of Pegaso Farms in Mettawa and another in Pegaso Farms in Florida and has been a horse owner for the past 60 years. He believed the horses and alcohol do not mix, nor does it make the stables full. He stated that horse people follow the trainers, not the amenities offered by the barn.

Ed Casas stated that he had no plan to grow the facility when he purchased it and that he was just trying to create a unique experience for his members. He did agree with Price that alcohol and horses do not mix, and there would be a separate accommodation for that. He noted that most of the comments focused on the liquor and food licenses, and wanted the Commission to keep in mind that the three elements of the application should be separately considered: horse shelter, arena and food and liquor license and he would be willing to discuss caps and provide conditions regarding relief. He further shared that the issuance of liquor licenses are an annual occurrence and not renewed if there is a problem. He urged the Commission to talk to his clients to see what amenities are important to them.

Chairman Krusinski polled the Commission members to see if there were any additional questions for the applicant. Attorney Smith felt that it might be a good idea to keep the hearing open in case other documents are requested and also the 45-day window of time starts when the hearing is closed. Commissioner Meluso would like to have Anderson Engineering present for questions regarding the impervious surface and ask if the site had been upgraded to accommodate extra buildings and other possible questions.

Commissioner Leonard questioned why the buildings were so close together, as opposed to being spread out, and does this make a difference with drainage? Commissioner Pickell felt that this was not a worry, as the Village engineers and the applicant's engineers have to meet requirements. Chairman Krusinski was concerned that the Commission recently approved another application that had higher density and he was concerned about setting a precedent and the ensuing legal issues.

Attorney Smith requested clarification of the unknowns in a business plan given to the Commission: social activities, events, equestrian activities, etc. and he suggested a business plan about what is proposed to occur on the property. Ed Casas agreed to this request.

Attorney Friedman presented the Deputy Village Clerk with the Designhaus blueprint for existing parking plan. They were entered into the record as **Exhibit #3**.

Chairman Krusinski presented the Deputy Village Clerk with Anderson Engineering report dated 7/7/16. They were entered into the record as **Exhibit #4**.

Chairman Krusinski presented the Deputy Village Clerk with emails from objectors. They were entered into the record as **Exhibit #5**.

V. COMMUNICATIONS:

None presented.

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None presented.

VII. OLD BUSINESS:

None presented.

VIII. NEW BUSINESS

It was agreed that this meeting should be continued and the date of 7/20/16 was chosen. Chairman Krusinski asked that the applicant, his attorney and support staff return to continue the deliberation of the application and polled all Commission members for their availability.

It was moved by Commissioner Hirsch, seconded by Commissioner Bohm to continue the public hearing to July 20, 2016 at 7:00pm.

Upon a call of the roll the following voted:

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

Nay: None

Chairman Krusinski declared the motion carried.

IX. ADJOURNMENT

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:53 PM.

Colleen Liberacki, Deputy Village Clerk