

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 DECEMBER 6, 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 7:05PM.

II. ROLL CALL

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

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

Absent: Commissioner Busscher and Pickell

Chairman Krusinski declared a quorum present.

Also present: Sandy Gallo, Village Clerk; Village Attorney Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd, Village Administrator, Bob Irvin

III. APPROVAL OF MINUTES:

The ZPA meeting minutes were reviewed. It was moved by Commissioner Hirsh that the July 12, 2016 minutes reflect the change on page 8, Michael Civelio street address be changed to Mettawa Lane.

A motion was moved by Commissioner Hirsh and seconded by Commissioner Leonard to approve the minutes for the meeting of July 12, 2016, July 20, 2016 and August 2, 2016.

Upon a call of the roll the following voted:

Aye: Commissioners Bohm, Hirsh, Leonard, Meluso, and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher and Pickell

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

IV. CALL OF CASES:

V. COMMUNICATIONS:

None

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None

VII. OLD BUSINESS:

None

VIII. NEW BUSINESS

Chairman Krusinski said the New Business is the Workshop Discussion. Attorney Smith has outlined a number of amendments that the Village Board has asked the ZPA Committee to review the language and make any recommendations if needed. Chairman Krusinski mentioned the process for this Workshop is to review the issues outlined by the Attorney Smith. Additional discussion of these amendments will be held during the March 8th ZPA Committee meeting. The February 8th meeting will be for public hearings on the two special use permit applications received.

Commissioners Leonard made mention that the absence of Commissioner Pickell real estate expertise would limit the discussion or understanding of any real estate amendment questions. Attorney Smith said the goal of this workshop is to review language of the amendment and to come to a consensus to the changes. Attorney Smith said there are various options on how we can handle these amendments. The process to these amendments can result in additional workshops; require a public hearing to discussion amendments changes, request research to be done by the Village Attorney or Village Administrator for information or to seek further information from an expert to support the amendment in question.

Commissioner Meluso asked can enforceability be written into the Village documents. The problem is not what we say but how we enforce the ordinance. Attorney Smith said the enforcement of the zoning ordinance is vested in the Village Zoning Administrator. This officer has authority to issue Notices of Violation. The property owner receives the Notice of Violation and they can contest the issue. Attorney Smith added the zoning ordinance can be reviewed to determine the enforcement on zoning issues. The issue of enforcement is not part of the amendment review; therefore, that can be addressed at a later time.

Commissioner Meluso said the ZPA should consider doing a yearly inspection on the larger stables to ensure they are following the Village ordinances for larger stables. Commissioner Leonard said the Village Engineer cannot spearhead the inspection on large stable given the Village requires more of a local group to better understand all the specifics related to that stable. This matter has been addressed to the Village Board. Chairman Krusinski said this request can be a recommendation to the Board. Commissioner Bohm remarked the inspection would be ensuring the horses are being cared after properly during the cold periods. Attorney Smith said any ideas that the majority of the ZPA members would like to recommend to the Board can be drafted and presented at a public hearing. A public hearing is done on any changes to these amendments. Chairman Krusinski said we should have a public hearing to allow the residents to state their pros and cons prior to the ZPA making their recommendations to the Village Board.

Chairman Krusinski said the workshop process for tonight's meeting will consist of the committee discussing each amendment and then opening the discussion to the residents to hear comments on the same amendment.

1. Residential Lot Coverage, pg. 2: Chairman Krusinski said an impervious study was completed by Anderson in July 2016 relating to lot coverage. Attorney Smith provided an example within the Village of Barrington, 5% maximum floor area, and 5 acre lot can build 11,000 square feet resident area not impervious area. Chairman Krusinski added impervious includes a driveway, barn and sidewalk. Village Administrator said in reviewing the R-1 to an R-2 the impervious surface ratio area does matter, when the lots get smaller the percent square feet to build get higher. In 1960 building within lot was set at 30% maximum, it since has been reduced to 15% in 2006.

Chairman Krusinski asked Attorney Smith can we make the ordinance contingent upon approval by the Lake County Stormwater Management ("LCSM"). Attorney Smith confirmed every permit approval is contingent upon approval from the LCSM. A permit is only issued after LCSM requirements have been meet. Attorney Smith clarified the section "no portion of a stem." A stem is a setback which means you cannot put a structure within this area. This is not part of the calculation in the percent which is allowed to be built.

Chairman Krusinski said 15% is a threshold number for the lot area to be occupied by buildings and structures. Deerpath Farm is not part of this discussion. Attorney Smith said 14341 Riteway received approved prior to the Anderson study being completed. Chairman Krusinski asked the Committee if they wanted to adjust anything to the R-2 lots. Administrator Irvin said the issue is if new owners wanted to build an addition to the existing home, the permit could not be issued without a variation discussion. Attorney Smith said each variation should be handled on a one-to-one case and this does not change the variation as a whole.

Bob Price (27823 St. Marys Road) suggested the language within the large stable ordinance should clearly state of what it intends and it does not allow the owners to create diversion to the document.

Chairman Krusinski said he will note Mr. Price's comment regarding the language within the large stable ordinance. The large stable ordinance is part of the 8th item to be discussed; we are currently on the 1st topic of residential lot coverage.

Bob Price (27823 St. Marys Road) said he suggested a 3rd party Engineering company be hired to complete the lot coverage calculation. Chairman Krusinski said resident application recently receive included Engineering lot coverage calculation.

The Village has the LCSM that reviews the calculation the Village Engineers submit for each permit.

Chairman Leonard said we are currently discussing the lot coverage not size of buildings. Chairman Meluso said we need to set the percent at the right amount to reduce the number of cases presented to the ZPA to build above the allotted percent.

Adam Lyons (894 Mettawa Lane) said we should continue to follow the preservation of the open land to building allowance on each lot.

Richard Fantus (14253 W Riteway Road) asked within the Anderson findings what percent over of homes are at the 10% allotted number. Chairman Krusinski said within the 5 acre lots the ranges are between 5% and 10%, only 1 lot is listed at 13%.

Chairman Krusinski said no word changes are needed for the Residential Lot Coverage.

2. Minimum House Size: Chairman Krusinski said this topic was previously discussed in 2013, some revisions were made. This topic is being discussed again to create a higher bench mark to create a minimum house size.

Commission Hirsh said when this topic was discussed at the prior ZPA meeting; I remember ZPA deliberation was to conform to a smaller house size. The Village Board removed the recommendation on minimum house size. Administrator Irvin said some homes in the community are smaller than the required minimum house size. As a result, should these smaller homes experience a disastrous event, they could not rebuild at the same size with this ordinance. Attorney Smith said if a structure is not conforming but it exist already and something does happens to it, the Village will require when rebuilt to confirm to the ordinance.

Chairman Krusinski said the setting of a minimum house size is part of the formulation to support the perception of the Village of Mettawa. Attorney Smith said he will draft the language excluding single family homes that have experienced some damage over 50% can rebuild without having a variance to the ordinance. Chairman Krusinski said the consensus is to have 2,500 square feet as a minimum including the garage.

Tim Towne (14388 W Riteway Road) said there are several homes throughout the Village that are 1,500 square feet. He added an owner on a 5 acre lot is allowed to build a guest home of 2,000 square feet. We have a number of areas within the ordinance in which the statements needs clarification.

Attorney Smith said the document being discussed today can be made available to the public for viewing. The current issues being discussed at the ZPA Workshop was submitted to the group by the Village Board.

Tom Lys (25300 N Nektosha Way) said the minor deviation should not be allowed.

No deviation should be stated as minor. Mr. Lys also mentioned the notion that the size of the resident's home lowers property value is incorrect. We should not consider limiting the residential home size.

Commissioner Leonard asked if we should table this amendment to hear what the residents have to say about setting residential lot coverage. Chairman Krusinski agreed we will table this amendment to hear the resident's pros and cons regarding the residential minimum lot size at the public hearing.

3. Short Term Residential Rental Regulations: Administrator Irvin said resident Tom Haines, asked the Village to consider prohibiting any Airbnb in Mettawa. The Village currently has no restrictions. Attorney Smith said the current ordinance permitted does not include residential rentals.

Administrator Irvin said the issue is some towns are renting out residential homes for some type of duration. The Village would like the ZPA to discuss the amendment and tighten the language surrounding this regulation.

Chairman Krusinski asked Attorney Smith to draft a memo including the text around Airbnb; however, to exclude the time period for a rental from the memo. The ZPA will continue the discussion and determine what time period should be stated.

Richard Fantus (14253 W Riteway Road) said having a regulation on house rentals would also support community safety from short-term rental.

4. Amortization of Non-Conforming Uses: Attorney Smith said at the December 2013 Village Board meeting approval was made to eliminate sunset clauses on non-conforming uses. This section no longer exists. Chairman Krusinski said there is no action item for this amendment this is only a language clean-up to the removal of this section.

5. Zoning Application Fees: Chairman Krusinski asked why is there a large discrepancy on the text amendment fees. Administrator Irvin said when the ordinance was passed, the text amendment or the map amendment was thought to have been a greater expense. However when the code was amended two and a half years ago, the code should have also included the application fee of \$250 to be paid by the applicant.

Attorney Smith said the proposal is to standardize the application fee of \$250.

Commissioner Leonard asked will the applicants be charged a different fee if it is considered a regular meeting versus a special meeting. Administrator Irvin said the cost of room rental is not passed onto the applicants due to the meeting being

scheduled as a standardized meeting. Public Hearings are heard on the ZPA scheduled dates.

Chairman Krusinski said lets standardize the application fees to be \$250, with the minor revision to include reimbursement by the application for the professional fee ordinance.

6. Time Limit For Appeal From Zoning Administrator's Decision: Attorney Smith said the Zoning Administrator issues a written decision of his interruption of the zoning ordinance. The state law states the applicant has 45 days from the action of the Zoning Administrator decision declining the permit request. The Village ordinance does not state the 45 days within the ordinance that applies to the deadline.

Commissioner Hirsh asked if the Village Attorney could include within the amendment language the 45 days is a state requirement for the appeals.

Chairmen Krusinski said we should consider the text amendment regarding the notification of 1,000 feet. Administrator Irvin added 1,000 feet is for variation and special uses and while the 2,000 feet is for text amendment. State requirement is set at 250 feet.

Administrator Irvin asked if we want to adapt a policy of mailing, email of special use notification to the residents.

Richard Fantus (14253 W Riteway Road) said the Village Board should have a standard way of communicating to all the residents regardless if they are within the 1,000 feet from the special use ordinance. The Board should be a transparent government. This would allow all residents be aware of ongoing changes occurring within the Village even though they are not directly impacted.

Commissioner Leonard suggested that the ZPA agendas be sent out to the residents.

Chairman Krusinski said he would like to recommend to the Board posting on the web approved applicants to create awareness of what is happening in the village. Attorney Smith will do a write-up on this recommendation to the Board.

7. Variation For Places of Public Assembly with Existing Special Use Permits: Attorney Smith said the issue is under the current code; if you have a place of public assembly that does not meet your current requirement, the code does not allow you to submit for a variation. In 2016, the Village imposed strict requirements for places of public assembly. Prior to 2016, no variations, no alterations or an expansion of their uses of their land was included in the code. St. Basil is entertaining building a

banquet hall.

Administrator Irvin said prior to 1984 churches and other areas of public assembly received a special use building permit as long as you met the setbacks. Up to 2011, these public places for assembly were able to apply for a special use building permit. In 2016, this section no longer was in the code. As a result, St. Basil is asking to reinstate this section to the code to allow them to apply for a variation.

Richard Fantus (14253 W Riteway Road) said to if we approved a banquet hall it would create heavy traffic within that corner. The church currently cannot handle the volume for their three day festival congestions, yet weekly ceremonies. Old School Road is not wide enough to handle the traffic and parking congestion associated with these events.

Administrator Irvin said St. Basil currently has a drawn out plan. St. Basil's goal is to separate the church classrooms.

Chairman Krusinski said the committee will table further discussion of this amendment too.

8. Large Stable Requirements: Chairman Krusinski said the committee will skip this amendment in the interest of time.

9. Definition of Commercial Use and Regulations on Commercial Use in Residential Districts: Administrator Irvin said this request came from the public meetings during the discussion of Always Faithful, what constitute a commercial use? The Village code currently does not have a commercial use definition.

Trustee Towne said there is an error in the Village ordinance in R1 district boarding horses is silent and in the R2 district boarding horses is permitted.

Chairman Krusinski asked the Attorney to elaborate on what defines home occupation from a hobby. As a result, Chairman Krusinski asked that we table this amendment to continue the discussions.

Attorney Smith will draft some language around this amendment to help the committee better understand the definitions within this amendment.

Chairman Krusinski asked Administrator Irvin to discuss with the Village Board and the Mayor what other issues they would like the ZPA to address during the review of the amendments.

Attorney Smith asked for clarification is there interest of the minimal size house size. Commissioner Leonard said she would like to hear in which direction the

Village feels about making this statement.

IX. ADJOURNMENT

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:50 PM.

Sandy Gallo, Village Clerk