

MINUTES OF THE REGULAR 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 MARCH 7, 2017 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 7:04 PM.

II. ROLL CALL

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

Present: Commissioners Clark, Leonard, Meluso, and Chairman Krusinski

Absent: Commissioner Busscher, Hirsch and Pickell

Chairman Krusinski declared a quorum present.

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

III. APPROVAL OF MINUTES:

The ZPA meeting minutes for February 8th were reviewed. Commissioner Leonard had a correction on page 3. Commissioner Meluso moved and seconded by Commissioner Leonard that the minutes of the ZPA Meeting on February 8, 2017 be approved as revised.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Leonard, Meluso and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher, Hirsch and Pickell

The ZPA meeting minutes for February 16th were reviewed. Commissioner Leonard moved and seconded by Commissioner Clark that the minutes of the ZPA Meeting on February 16, 2017 be approved.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Leonard, Meluso and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher, Hirsch and Pickell

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

IV. CALL OF CASES:

CASE NO. 17-SU-S-2: 14341 and 14381 W. Old School Road – Application for an Amendment to an Existing Special Use Permit to allow for: (i) the addition of a new berm on the southwest portion of the Subject Property; and (ii) removal of an existing pond on the Subject Property.

Upon a call of the roll the following voted:

Present: Commissioners Clark, Leonard, Meluso and Chairman Krusinski

Absent: Commissioners Busscher, Hirsch and Pickell

Chairman Krusinski declared there is a quorum present.

Chairman Krusinski said the ZPA Commission consists of reviewing matters brought before them that affect zoning and planning in the Village. The ZPA is not authorized to make the final decision regarding this matter, the Commissioners will only make a recommendation to the Village Board.

Upon a call of the roll the hearing on case 17-SU-S-2 can now be heard:

Present: Commissioners Clark, Leonard, Meluso and Chairman Krusinski

Absent: Commissioners Busscher, Hirsch and Pickell

Chairman Krusinski declared there is a quorum present

Chairman Krusinski said the applicant seeks an amendment to a special use permit at 14341 and 14381 W. Old School Road, for the addition of a new berm on the southwest portion of the property, and to allow for the removal of an existing pond on the property. This application is within the R-1 single family residence district. This case was published in the Daily Herald on January 21, 2017. This publication notice was admitted as **Exhibit 1**. The original public hearing for Corporate Way was scheduled on February 8, 2017. The Commission did not have adequate time to hold the hearing on February 8, 2017 and it was passed to continue on March 7, 2017.

Presentation of the Applicant's Case

Chairman Krusinski asked Attorney Shaprio to provide the Commission with the evidence that you sent the required notices of this hearing to all property owners lying within 1,000 feet of the property to be recorded. The proof of delivery will be delivered to the Village Clerk as **Exhibit 2**.

Attorney Shaprio said the application is being presented for the berm to be built on the southwest part of the property along with the filling of an existing pond.

Douglas White from Greengard Inc. said they did not receive any comments from the Village Engineer Anderson regarding the matter in which the pond was going to be filled. However, the Village Engineer Yamin did have a few revisions to the berm being pulled away about 10 feet from the property line, in addition to the slope being changed from 2:1 to 3:1.

Attorney Shaprio requested a waiver for line of credit process of \$30,000 given the applicant has been before the Commission on prior requests.

Chairman Krusinski said the Village Engineer Yamin did confirm no objection to the pond filling request of the application. As for the berm, the Village Engineer Yamin provided a supplemental review memo. On the memo it recommended the west face of the berm be a 3:1 slope. The 3:1 slope will create a transition area at the bottom of the slope and allow a 10 foot separation creating a flat surface to allow maintenance to be completed. The third item is the Village requirement of a \$30,000 letter of credit. The letter of credit is a standard request if the roads being utilized for this project require repair after the berm or the pond have been completed.

Commissioner Leonard asked how tall will the berm be built. Douglas White replied the berm will be 12 ½ feet tall. Commissioner Leonard asked if the height of the berm could be reduced and instead be topped with evergreens to reach the desired height.

Commissioner Clark asked what type of timeframe is anticipated to build the berm. Attorney Shapiro said it will take about 6 months weather permitting. Commissioner Clark asked will the trucks be utilizing the main entrance of off Old School Road when unloading. Attorney Shapiro confirmed the main driveway will be the only means for the trucks. The trucks route will be Route 176, down Bradley Road and then Old School Road.

Chairman Krusinski asked if a source for the fill material has been identified. Eric Goldberg replied Herky's has been contracted for the fill material. Chairman Krusinski asked if there will be a quality control on the materials. Eric Goldberg replied the material will be local dirt but the top one foot of the berm will be organic dirt.

Commissioner Meluso said the Commission should hear from the surrounding neighbors to determine what size they would like the berm to be constructed. Commissioner Meluso asked why the berm had a sand path around the outskirts. Is the sand path designed for the water runoff. Attorney Shapiro said the sand path was not placed for runoffs.

Administrator Irvin said the letter of credit is applied should the utilized road be damaged during the project. This letter of credit is released once all the traffic from the trucks has come to an end.

Commissioner Clark asked what are the current plans for the race track. Attorney Shapiro replied the track will only remain undisturbed if other developments are not being made. Commissioner Clark said the berm as designed will impact the race track due to its size and blockage occurs at two locations.

Presentation of Objectors

Resident, Susan Deters (27351 N. Meadowoods Lane) said she doesn't understand why the berm needs to be so high. She is concern the height will create a fair

amount of water runoff.

Resident, Gary Deters (27351 N. Meadowoods Lane) said he does not object the berm being built on the property only the proposed height.

Resident, Jeff Stephenson (14371 Riteway Road) said he is in support of the berm. He would like some additional coverage with evergreen to reduce his visibility from his home.

Douglas White discussed the manner in which the water will drain due to the berm.

Chairman Krusinski said when the motion is drawn up for the berm recommendation we can add a condition to address the drainage.

Resident, Bob Price (27823 N. St. Marys Rd) asked if the Commissioners would consider keeping to the impervious area percent allotted by the Village code.

Attorney Shapiro said he will try to accommodate all the residents' requests that have been made at the meeting.

Tom Lys (25300 N. Nektosha Way) asked how will the changes discussed today be enforced.

Kathy Trulson (15101 W. Old School Rd) asked does the Village have any rules on the removal of manure.

Richard Fantus (14253 W. Riteway Rd) asked how many truckloads did the Koffel's project required. Administrator Irvin said Koffel's required about 8-10 times more truckloads than Corporate Way's project scope. Mr. Fantus asked who will monitor the truck drivers driving behavior on the residential streets. Administrator Irvin said one of the recommendation which could be included for the truck path can be Route 176, Bradley and then to Old School Road.

Commissioner Leonard added last summer's Koffel's truckloads drove down Old School Road, 6 days a week as early as 7:00 am. The trucks should have been designated to use Bradley Road to reduce traffic interruptions and some residential noise.

Mary Brennan (15275 W. Little St. Marys Rd) asked if Herkes can post an employee to observe the truck drivers driving behaviors and to ensure the trucks use the designated roads for their deliver. Chairman Krusinski said the trucks are not scheduled in mass. The truckloads will be coming through the town sporadically. Chairman Krusinski asked Attorney Shapiro to ensure Herkes was aware of the mandated sub-contracting agreement rules and regulations imposed by the Village.

Tom Lys (25300 N. Nektosha Way) said this berm will create a large number of trucks coming through the Village for the next few months.

Chairman Krusinski had declared the public hearing closed. The ZPA Commission will now deliberate on this case and make their recommendation to the Village Board.

Chairman Krusinski said the conditions to the Village Board will include the recommendation made on the memo from Village Engineer Yamin dated February 27, 2017.

Chairman Krusinski said the desired maximum height contour of the berm would be 726 feet. Douglas White from Greengard stated given the proposed reduction to the berm, the engineering to the new berm may result in not reaching the maximum height of 726.

Commissioner Clark said she would like the condition to include a time limit of when the project will be completed.

Attorney Smith said the motion to recommend approval from the President and Village Trustees for the amendment of special use permit for 14341 and 14381 Old School Road could include the following, if the ZPA was in favor of recommending approval of the application:

The ZPA recommends the approved Site Plan for the Subject Property be amended to allow for the berm to be built and the pond to be filled in, subject to the conditions below, as depicted in the Greengard, Inc. "Berm Plan" and "Pond Plan" sheet A1.1, with a last revision date of November 7, 2016.

1. The Applicant shall promptly provide proof of mailing of notices of the public hearing to the Village.
2. Before any building permit is issued for any modification to the Subject Property authorized in an amended Special Use Permit:
 - a. The design of the berm shall be updated to show a slope on the west face of no greater than 3:1, the slope of the east face of the berm shall be no greater than 4:1, and the top elevation of the berm shall not be above 724;
 - b. The design of the berm shall be updated to show separation of at least ten feet (10') between the berm toe and the property lines on the Subject Property;
 - c. The south side of the Manure Structure shall be screened by the berm, or if it not feasible to screen with the berm, by adequate landscaping;

- d. The Applicant shall post an irrevocable letter of credit in favor of the Village in the amount of Thirty Thousand and No/100 Dollars (\$30,000.00) (“Letter of Credit”) to pay for the costs of repairs or maintenance made to rights-of-way caused by, or associated with, installation of the berm and/or filling the pond on the Subject Property. The Letter of Credit shall not expire until after the berm is installed and the pond is filled, and the Village Engineer has inspected and certified that all repairs and maintenance to rights-of-way, if any, are complete; and
 - e. The berm shall be completed and the pond filled within six (6) months of issuance of the final permitted needed to undertake the building of the berm and the filling of the pond.
3. The Applicant shall provide the updated berm design, which shall be consistent with the conditions herein, to the Village Engineer and Zoning Administrator for review and comment prior to the President and Board of Trustees considering this recommendation.
 4. All faces of the berm shall remain satisfactorily landscaped at all times, the slope of the berm shall be maintained as designed, and vegetation control shall be used to keep out weeds and invasive plants.
 5. Trucks traveling to and from the Subject Property for berm building or pond filling related purposes shall only access the Subject Property using Illinois Route 176 to Bradley Road to Old School Road, and the trucks shall not use Riteway Road. The trucks shall obey all Federal, State and Village laws, ordinances, regulations and directives.

Attorney Shapiro said they were unable to agree to the condition of screening the manure structure with the berm due to the limitation of engineering not knowing the redesign configurations.

Administrator Irvin asked if the condition could include if the berm could not be built to properly screen the manure structure, the area will be landscaping accordingly.

Chairman Krusinski said after reviewing the berms height rolling out by the manure structure it will not be high enough to provide adequate screening the residents would desire. The condition with landscaping would be a better outcome.

Attorney Smith said the condition for the manure location can be modified to state the south side of the manure structure shall be screened by the berm or by landscaping.

Commissioner Leonard's objection is due to the height of the berm.

Commissioner Clark said she would like the berm to be reduced.

Commissioner Meluso said the discussion about the height can't be finalized until the final plans and elevations are provided from the engineers.

Commissioner Clark made a motion that the manure structure will include landscaping if the berm is not high enough to cover and the maximum height of the berm is to be 724. Commissioner Leonard seconded the motion.

Administrator Irvin asked what would be the procedure after the redesign of the berm height and/or the landscaping around the manure structure. Attorney Smith said the approval will be completed after the Village Board has received the final site plans. This revision will be included in the recommendation to the Board.

Upon a call of the roll the motion containing the revisions and modification to the berm conditions will be provided to Village Board for review:

Aye: Commissioners Clark, Leonard, Meluso and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher, Hirsch and Pickell

Chairman Krusinski said the motion was carried.

Chairman Krusinski said the Chair will entertain the motion to draft and forward the President and Board of Trustees a Report of the Zoning, Planning and Appeals Commission containing Findings and Fact and our Recommendation regarding this case.

Upon a call of the roll the motion:

Aye: Commissioners Clark, Leonard, Meluso and Chairman Krusinski

Nay: None

Absent: Commissioners Busscher, Hirsch and Pickell

Chairman Krusinski said the motion was carried.

The public hearing has been brought to a close 8:45 pm.

V. COMMUNICATIONS:

None

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None

VII. **OLD BUSINESS:**

None

VIII. **NEW BUSINESS:**

Chairman Krusinski said the workshop will follow Attorney Smith's memorandum for each amendment.

2. Minimum House Size: Chairman Krusinski said the meeting packets included a main floor plan design from Trustee Towne. Trustee Towne depicted a sensible house with a three car garage can be built for 2,000 square feet. The true square feet of this floor plan resulted in 2,032. At the last meeting it was stated the smallest home in Deerpath Farm home measured 2,400 when instead it measures 2,957. The bench march sets a standard for the minimum house with a two car garage at 2,400.

8. Large Stable Requirements: Chairman Krusinski said the meeting packets included the best practices in barn design by Resident, Tom Lys. The Commissioners in the past reviewed a 5 horse stable which measured less than 2,000. The issue brought forward to the Commission was the hay loaf above and the walk out area created additional area; in fact this is not part of the area just part of the space needed for a stable.

Resident Tom Lys (25300 N. Nektosha Way) said with his stable design it includes a fire wall. This fire wall would allow the hay to be stored property on one side and the horses on the other side. A stable is not meant to be built at the minimal size but to be built at the owner's necessities.

Resident Adam Lyons (735 N. Bradley Rd) said his stable design is meant to introduce an upscale modern stable to meet the horses' essentials.

Tom Heinz (27157 N. St. Marys Rd) said at one time Mettawa requirement was set at 1,300 for a barn, now we are discussing 5,000.

Cathy Nelson (26209 N. St. Marys Rd) said she has 2 horses and 2 donkeys. She said anything smaller than 12x12 is not safe for the horse.

Rich Fantus (14253 Riteway Rd) said we discussed a home to be 2,000 yet an accessory building needs to be 5,000.

Bob Price (27823 N. St. Marys Rd) said the matter at hand is for new buildings.

Dory Kruglick (103 Indiana Ridge Rd) said different horses have different jobs and requirements.

Chairman Krusinski said the consensus of the comments is there are some elements the residents want in a stable. The issue before the Commissioners is the size of the accessories buildings that impact a 5 acre parcel. The Commissioners are reviewing the criteria and discussing standards if when a resident decides to add an accessory building they meet the Village code.

Commissioner Leonard said we need to determine the number of structures that can be built on a parcel. Commissioner Leonard added the ZPA's goal is to ensure when a permit is being issued that permit meets the Village's code and the surrounding neighbors are also considered.

Chairman Krusinski said the number of buildings per parcel is certainly an issue. .

Commissioner Meluso said we didn't consider the lean-to in the past evaluation of a stable as area.

Chairman Krusinski said the Commissioners did not deliberate enough on this text amendment or come to a consensus. The next ZPA meeting is scheduled on Tuesday, April 4th .

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 9:40 PM.

Sandy Gallo, Village Clerk