

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 JUNE 27, 2017 IN THE SAVANNA ROOM OF THE HILTON GARDEN INN, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

I. CALL TO ORDER

Chairman Krusinski called the meeting to order at 7:02 PM.

Chairman Krusinski welcomed Catherine Murphy as a new ZPA Commissioner.

II. ROLL CALL

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

Present: Commissioners Clark, Leonard (arrived at 7:03), Meluso, Murphy, Pickell and Chairman Krusinski

Absent: Commissioner Hirsch

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 April 4, 2017 were reviewed. It was moved by Commissioner Meluso and seconded by Commissioner Clark that the minutes of the ZPA Meeting on April 4, 2017 be approved.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Nay: None

Absent: Commissioner Hirsch

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

IV. CALL OF CASES:

None

V. COMMUNICATIONS:

None

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None

VII. OLD BUSINESS:

Continued Workshop Meeting Regarding Potential Amendments to the Village of Mettawa Zoning Ordinance

Chairman Krusinski asked Village Attorney Smith to provide a synopsis of the June 22nd updated fifth Memorandum. Village Attorney Smith said there are twelve areas within the Zoning Ordinance that had potential amendments to be considered and to be discussed further. Here is a summary; 1. *Residential Lot Coverage*: On the February 16th meeting workshop, a concept was discussed to set maximum lot coverage based on the lot size. 2. *Minimum House Size*: At the February 16th meeting, a recommendation was made that the minimum house size not be less than 2,000 square feet and a garage not be less than 400 square feet. 3. *Short Term Residential Rental Regulations*: Currently R-1 and R-2 does not allow room rentals. As a result, at the December 6th meeting a consensus was made to prohibit short term rentals. A consensus was made to prohibit a rental for a period less than 90 days. 4. *Amortization of Non-Conforming Uses*: This amendment is a clean-up of the code language, no content change. 5. *Zoning Application Fees*: A proposal was determined to set a standard fee of \$250 for all types of applications. 6. *Time Limit for Appeal From Zoning Administrator's Decision*: A recommendation was made to add the 45 day time limit for making appeals from the Zoning Administrators decision consist with the State law. 7. *Variation for Places of Public Assembly*: The consensus was to not address St. Basils' request as part of this amendment. ZPA will wait for the formal application to be submitted to address this matter. 8. *Large Stable Requirements*: This amendment will be further discussed. 9. *Definition of Commercial use*: The goal is to set policy uses on what defines a commercial use. 10. *Increase in Maximum Accessory Structure Size without a Special Use Permit*: The discussion on this matter is can a Village residents build a 2,000 square feet structure without a special use permit issued. This matter will be discussed furthermore. 11. *Move Requirements*: This amendment is only an administrative clean-up. 12. *Add a "Use it" or "Lose it"*: This amendment is a recommendation from the Village Administrator and Village Attorney to enforce a 12 month period to begin their construction based on their permit approval.

Commissioner Leonard asked if subdivisions ordinance would also apply to the twelfth amendment. Village Attorney Smith said he can make a recommendation that future subdivision follow the twelfth amendment.

Resident, Tom Heinz (27157 N. St. Marys Road) said no other Village's in the area have set a minimum house size. Why is Mettawa approving the amendment to set a minimum house size?

Commissioner Pickell said he understands an accessory building is not the principle structure. As a result, any other structure on the lot would be considered the accessory building. Commissioner Pickell said we should also consider the materials used on the accessory building to avoid garage like buildings being erected throughout the Village.

Commissioner Leonard inquired if the ordinance can include standards of what material is used on accessory buildings. Village Attorney Smith said the governing body has to have standards on expectations on architecture view for an accessory building.

Commissioner Clark said we should consider limiting 3 accessory buildings on 5 acres.

Commissioner Meluso asked if the covered walk-way from the house to the accessory building is considered part of the accessory building. Village Administrator Irvin said he will look into this matter.

Village Attorney Smith asked if 3 accessory buildings are allowed, any additional accessory buildings would require a SUP. Each structure is limited to 2,000 square feet. By having a limited number by accessory structure, the resident will have to provide a hardship in needing to building additional structures.

Chairman Krusinski said if the resident required a fourth accessory building a SUP would allow the ZPA to review the lot, landscaping along with other details to ensure all factors are being considered.

Village Attorney Smith said the height of a building is found on Section (15.1207) for the R-1 and R-2.

Commissioner Meluso said he found in Section 15.1304G it had various square footage listed for the habitable floor area. The section will be cleaned-up.

Village Attorney Smith said the consensus the Commissioners have currently suggested 2,000 as the minimum house size with 400 square feet. The Commissioners agreed these two sections should be updated.

Chairman Krusinski asked Village Attorney Smith to draft the Commissioners consensus on accessory buildings.

Chairman Krusinski said we need to discuss large stable and commercial use of large stables.

Commissioner Clark said under amendment #8 the cleaning of manure should reflect the actions to be done daily and removed from the premises weekly. The section in which states “the manure should be spread on the land,” should be removed. This action is not sanitary.

Commissioner Leonard said throughout the Village the handling of the manure is a current issue. Commissioner Leonard said she has received feedback from other residents of how the manure is being spread on the residents lots.

Chairman Krusinski stated that language could be included in a Licensing Agreement for all stables that are larger than five horses if that were to be adopted and part of the Village Requirements. Provisions in the Licensing Agreement could include having a full time operator on premises as well as other reasonable requirements for the safe and sanitary operation of a large stable.

Commissioner Clarks said she has contacted the State to inquire the requirements of properly using manure as part of your compost. To proper way to handle compost is to place the manure in a container to reach the right temperature. Village Attorney Smith advised Commissioner Clark to present her findings on compost at the Public Hearing.

Resident, Rich Fantus (14253 W Riteway Road) asked if the manure container needs to be 100 feet off the property line.

Chairman Krusinski asked Commissioner Pickell to elaborate on how the height of a 2,000 square foot barn could differ from an arena. Commissioner Pickell said neither structure should require to be built over 30-34 feet high.

Commissioner Leonard said Corporate Way challenged the zoning code since no accessory building height restriction was listed.

Chairman Krusinski said the zoning code currently lists a 2-story building can be 45 feet high maximum, a home height is listed as 35 feet height maximum. Chairman Krusinski said the change will reflect the principle structure will be changed to 35 feet high as a maximum structure. The accessory structure will be changed to 30 feet height maximum.

Commissioner Leonard said the Village has built enough large stables throughout Mettawa. Commissioner Leonard said large stables have all resulted in commercial usage. Commissioner Leonard purposed no additional large stables should be approved in the Village to be built. A large stable is defined as a stable with 5 or more horses. This limitation will be placed in our R-1 and R-2 district of 5 acres or more. This limitation does not include Deerpath PUDs.

Village Administrator Irvin said there are 12 SUP stables. Of those SUP stables, 11 stables are greater than 5 horses.

Village Attorney Smith said should a resident be interested to have more than 5 horses they would need to submit a text amendment. If the Board agrees with the ordinance change it will be passed.

Village Attorney Smith said commercial use definition in the zoning code states it prohibits commercial use, except as otherwise allowed, except such as a home occupations.

Village Administrator Irvin asked what does it mean to define commercial use. Village Attorney Smith said the as long as the code states the Village's goal, any commercial use violations could be argued during a case in court.

Chairman Krusinski asked if the Commissioners had addressed all of Trustees Bohm email questions. Village Attorney Smith said Trustee Bohm questioned the minimal size of the padlocks, what is the definition of agriculture uses and to define private lessons.

Commissioner Meluso said he recalls the Farmer's making a statement their padlocks were too small.

Commissioner Leonard said it is a challenge to regulate a padlock size. The size of padlock would be determined by the type of horse needed to be turnout.

Commissioner Clark said if we are considering removing the section 15.201 relating to large stable, can we also remove the section; a large stable may include a riding arena. Chairman Krusinski confirmed the language will be cleaned-up within this section.

Village Administrator Irvin said there are 3 subdivisions within the Village that have been approved to build a large stables; Riverside, Deerpath and Nektosha Way.

Chairman Krusinski said the Village Attorney Smith will draft our recommendations for the next meet on July 26th. The public hearing is tentatively scheduled for September 5th.

Village Attorney Smith said he will provide two documents for the next meeting and the recommendation process.

Village Administrator Irvin asked Village Attorney Smith to reflect the amendment changes using strike-through in red to allow residents to understand and see the amendment changes that are being proposed.

Village Administrator Irvin mentioned a few cases that are in the works to be submitted to the ZPA are as following: 1) shed setback variation, 2) Sapphire Stables currently are exceeding the number of horse allowed on their parcel, they are looking to do a lot consolidation and increasing the number of horses above the current limit of 15, 3) a resident is considering an accessory building for about 4,500 square feet. The 45 day count starts when the application is submitted. No resident has currently submitted their application for their case to be heard.

VIII. NEW BUSINESS:

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 9:22 PM.

Sandy Gallo, Village Clerk