

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 SEPTEMBER 5 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 7:02 PM.

II. ROLL CALL

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

Present: Commissioners Clark, Leonard, Hirsch, Meluso, Murphy, Pickell and Chairman Krusinski

Absent: None

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 July 26, 2017 were reviewed. It was moved by Commissioner Clark and seconded by Commissioner Pickell that the minutes of the ZPA Meeting on July 26, 2017 be approved and be placed on file.

Upon a call of the roll the following voted:

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

Nay: None

Absent: None

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

IV. CALL OF CASES:

Chairman Krusinski said the ZPA Commission consists of reviewing matters brought before them that affect zoning and planning in the Village. This Commission is a fact-finding body and has no final authority. As a result, we make no decisions regarding any matter, but only make recommendations to the President and Board of Trustees of the Village of Mettawa.

Chairman Krusinski opened the public hearing on Case No. 17-TA-1 to order.

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

Present: Commissioners Clark, Leonard, Hirsch, Meluso, Murphy, Pickell and Chairman Krusinski

Absent: None

Chairman Krusinski declared a quorum present.

Case No 17-TA-1 arises from an application filed by the Village of Mettawa. The Applicant seeks finding of fact and recommendations from the ZPA on text amendments related to the following matters: 1. residential lot coverages and accessory structures requirements, 2. minimum dwelling sizes, 3. short term residential rentals, 4. amortization of non-conforming uses, 5. zoning application fees, audio visual and room rental fees and notices to be given for zoning applications, 6. time limit for appeals from Zoning Administrator's decisions, 7. horse and large stable requirements, 8. commercial use regulations in residential zoning districts, 9. reorganization of certain Zoning Ordinance sections, 10. timelines for construction and completion of improvements approved by a special use permit, 11. height of structures in residential zoning districts, and 12. matters related to those set forth above.

The text amendments, if adopted would affect property owners in the entire Village, and the amendments, if adopted, are not limited to a certain parcel or parcels of property in Mettawa.

Public notice of the Zoning Ordinance amendments has been given repeatedly. For the record, notice of the hearing on Case No. 17-TA-1 was published in the Daily Herald on August 17, 2017, in the manner required by law. The Secretary has the newspaper's certificate of publication, which is admitted as the Commission's Exhibit Number 1. Notice of the hearing was also given by the Village by posting the agenda and "Proposed Zoning Ordinance Amendments" document on the Village website on August 16, 2017, by email to the Village's email list on August 17, 2017, and by mailing the agenda and "Proposed Zoning Ordinance Amendments" document to large stable owners by certified mail and regular mail on August 17, 2017. The Commission's process prior to this evening's public hearing has been transparent and open. The Commission held five workshop meetings on the proposed amendments, on December 6, 2016, February 16, 2017, March 7, 2017, June 27, 2017 and July 26, 2017. Agendas for all of the workshop meetings were posted, and members of the public attended those workshop meetings and participated in the drafting of the proposed amendments under consideration this evening.

Chairman Krusinski said a number of emails have been received and provided to all Commissioners. The correspondence received includes a letter dated to the Large Stable owners dated July 17th; Email dated August 31st from Cathy Nelson; Email from Keith Gray dated August 29th; Email from Judy Friedman dated September 5th; Email from Craig Manchik & Associates, P.C. dated September 1st; Email and draft revision from Peter Friedman of Holland & Knight Attorneys on behalf of Always

Faithful dated August 31st. The Commissioners have also reviewed ordinances from the Village of Barrington Hills and the Village of Wayne, Illinois.

Village Administrator Irvin said the Village has had a few years in which the text amendments have not been reviewed comprehensively. The Mayor had requested from the Village Board to submit the text amendments they sought necessary to be reviewed; in addition, the residents made a few recommendations for a few amendments to be considered during the workshop process.

1. Public Hearing on the Application

1. Resident Lot Coverages and Accessory Structures Requirements;

Resident, Julia Stephenson (14375 Riteway Road) inquired how you propose handling residential lots which only include an accessory building and do not have an existing principle structure in the R-1 district. Mrs. Stephenson added how these lots will continue to exist with only accessory building on the parcel. Chairman Krusinski stated the resident will be subject to the revised amendment.

Commissioner Pickell said the impervious building allotment is a 15% limitation to a parcel.

Village Administrator Irvin said any current nonconforming structures within the Village currently have been granted an approved SUP. No resident within the town has built an accessory building without a principle structure on their parcel.

Always Faithful attorney Peter Friedman questioned the amendment on page 2 regarding 15.105(c) regarding accessory structures.

Commissioner Pickell inquired if the use of the wording principle structure can be renamed to reflect resident structure. Village Attorney Smith said the use of principle structure is not limited to R-1 district but all the Village districts.

2. Minimum Dwelling Size;

Village Attorney Smith said back in December 2013 the Village had removed minimum house size requirements from the amendments. The recommendation being proposed is being added to R-1 and R-2 districts for the dwelling shall have a total floor area of not less than 2,000 square feet and a garage with not less than 400 square feet. Chairman Krusinski added this amendment is being broken down into two components, the land and the improvements on the lands, as the Lake County tax bill is listed.

3. Short Term Residential Rentals;

Village Attorney Smith stated the current zoning ordinance within R-1 and R-2 does not allow individual to rent rooms. The ZPA's recommendation includes a single room located in a residential structure or mobile home offered for rent cannot be less than ninety consecutive days. Chairman Krusinski added several supporting articles

were found that confirmed these rental limitations need enforcement. Due to the Village's limiting law enforcement, this can be a nuance and a huge enforcement problem if this amendment is not created.

Resident, Mike Ruppe (14310 Old School Road) asked if he provided a room to a medical student for 4-5 weeks during their internship without exchanging money, is this considered a violation to the Short Term Rental amendment. Village Attorney Smith said the restriction is focused on commercial transactions

Resident, Tom Heinz (27157 N. St. Marys Road) asked if anything over 91 days is considered a long term rental. Village Administrative Irvin said anything less than 90 days is not allowed.

Resident, Mike Ruppe (14310 Old School Road) inquired if windmills are allowed in the Village. The text amendment regarding windmills is currently not under review.

4. Amortization of Non-Conforming Uses;

Village Attorney Smith said 15.302 and 15.309 is a clean-up from a prior set of amendments. Section 15.306 reestablishes the limitation for a nonconforming building that is damaged by the any means to the extent of 50%, the building can be rebuilt with conforming and in compliance with the provisions of the zoning ordinance within that district.

Always Faithful Owner, Ed Casas (855 Bradley Road) asked why the Village would be punitive to a resident when rebuilding a nonconforming structure after their loss. Village Attorney Smith said the amendment is addressing nonconforming structures.

Always Faithful attorney Peter Friedman said an accessory building which has received an approved SUP should not be considered a conforming or a nonconforming structure subject to the amortization.

Chairman Krusinski said the ZPA needs to add some clarifying wording on who will make the determination to replace 50% or more of the structure that was damaged.

Resident, Leslie O'Donnell (25575 N. St. Marys Road) asked how do I know if all of the structures on my parcel are conforming or nonconforming. Village Attorney Smith suggested Ms. O'Donnell speak with Village Engineer Yamin Yamin.

5. Zoning Application Fees;

Village Attorney Smith said the zoning ordinance currently has a variety of fees depending on the classification of the application. Village Attorney Smith said the recommendation is to set a single application fee of \$250 as the filing fee. The ZPA also discussed how the Village should recover the rental costs of the audio visual uses at a public meeting.

Resident, Dr. Richard Fantus (14253 W Riteway Road) asked who would be held responsible to pay for the audio visual rental fee during a public hearing. Chairman Krusinski stated the applicant would cover the expense.

6. Time Limit Appeal from Zoning Administrator's Decision;

Village Attorney Smith said the proposed change is to include the 45 day appeal period from the Zoning Administrator decision on a regulation. Village Attorney Smith added this section will also be adding the coordination of the Zoning Administrator and the Village Clerk posting the public hearing notification 15 days prior to the public hearing on the Village website.

7. Variation For Places Of Public Assembly With Existing Special Use Permits;

Chairman Krusinski said this matter has been tabled.

8. Horse and Large Stable Requirements;

Village Attorney Smith stated in section 15.201 the additional wording was inserted that an indoor riding arena can be built with a special use permit when approved separately from the stable special use permit. Village Attorney Smith read the additional modifications which are being proposed from page 6-9.

Commissioner Clark requested on page 6 within section 15.1202 and within letter f page 9, the word reference of stables be replaced with stalls.

Chairman Krusinski asked if large stable was defined with the document. Village Attorney Smith stated in section 15.201, large stables are considered in access of 5 horses.

Always Faithful Owner, Ed Casas (855 Bradley Road) stated he would like to confirm that any stable owner who has a conforming or nonconforming special use will not be impacted with the amendments being proposed.

Village Administrator Irvin said the Village has 12 large stables with SUPs. The Village also has 3 PUDs with large stables that are not classified with SUPs. Mr. Lys did not receive a certified letter due to his stable classification guidelines are under a PUD.

Commissioner Clark stated the changes being discussed are based on the horse facility. A primary change to this amendment is how the manure has been handled before in the Village.

Always Faithful Owner, Ed Casas (855 Bradley Road) asked when the amendments will be effective.

Chairman Krusinski stated a new draft of the amendment changes will be submitted. The recommendations are than submitted to the Village Board for review. Chairman

Krusinski said residents are welcome to attend the Village Board meeting to make additional recommendations.

Shaun Sellers (14341 W. Old School Road) said on page 8 letter c states all stalls should have built in feeders; this is not feasible due to the different types of horse breeds dietary needs. Commissioner Leonard agreed this statement should be removed. The modifications should include all stalls should include a feeder and water for the horse.

Resident, Keith Gray (14540 W. Old School Road) said he would like clarity on the storage manure being located 100 feet from the property line and 250 from the dwelling. Chairman Krusinski said he understands the challenges of placing the manure shed within your area Mr. Gray.

Commissioner Meluso said the amendment indicated manure spreading was allowed. The change now indicates manure should not be spread within the parcel.

Village Attorney Smith said he will make modification to include manure should be collected into a container.

Resident, Mike Ruppe (14310 W. Old School Road) said he did not want to place his manure in a container. He stockpiles his manure for his flowers and trees. Mr. Ruppe said he mixes his manure with peat moss to spread throughout his parcel.

Commissioners Clark said some owners are being irresponsible and spreading manure on their lot without it being compost. Commissioner Clark stated in order to truly compost, guidelines and regulations need to be followed by the homeowners to properly compost.

Commissioners Pickell said in order to regulate a process, standards need to be set by the Village.

Lezlie O'Donnell (25575 N. St. Marys Road) said she recommends the weekly dumpster requirement be modified to reflect the number of horses within the stable. Mrs. O'Donnell said she does not support weekly manure pick-up for the number of horses on her lot.

Commissioner Leonard said she recommended Mrs. O'Donnell to order a smaller dumpster to comply with the weekly pick-up.

Village Attorney Smith said the current ordinance on manure removal states a stable with 5 or more stalls requires a weekly manure pick-up. A stable with less than 5 stalls currently does not require weekly manure removal.

Resident, Tom Lys (25300 N. Nektosha Way) inquired on how the amendment will

handle its inconsistency with PUDs. Mr. Lys PUD indicates he has been approved to have 40 horses. However, the PUD is limiting Mr. Lys in building stalls to equal the number of horses he has been granted. Village Administrator Irvin said he will review Mr. Lys PUD with his current stable and arena on the parcel.

Chairman Krusinski said he received a communication from a resident questioning how a fowl would be addressed as an increase to the number of horses on the lot. Commissioner Leonard said this action is a planned event and it is usually is a temporary issue.

Always Faithful Owner, Kristine Casas (855 Bradley Road) said on page 8, she recommends adding that an annual inspection be required for fire extinguishers to ensure they are operating properly. Mrs. Casas said requesting the manure shed to be covered creates a hazardous and combustible situation.

Always Faithful Owner, Ed Casas (855 Bradley Road) said that future growth and development of the community will be greatly impacted from the proposed amendments changes currently being discussed.

Chairman Krusinski stated the surrounding communities have also experienced major changes in their property values and market conditions and the issue of horses or stables were not a factor of their community.

Chairman Krusinski said the remaining amendment changes will be discussed on October 3, 2017; the Commissioners will begin their deliberation.

2. Deliberation and Recommendation on the Application

1. Resident Lot Coverages and Accessory Structures Requirements;

Chairman Krusinski stated this amendment needs to ensure it includes the definition of large stable. A large stable is defined as 5 stalls or more.

2. Minimum House Size

Chairman Krusinski stated the only clarification is how we define the floor area to be indicated as living space.

3. Short Term Residential Rental Regulations

Chairman Krusinski said no modifications are needed on this amendment.

4. Amortization of Non-Conforming Users

Chairman Krusinski suggested that the Village Attorney Smith complete some research regarding the existing special use permits relating to conforming and nonconforming users. Chairman Krusinski inquired if the Zoning Administrator role should be listed in this amendment as the decision point for the structures requirements. Village Attorney Smith said the general provisions include the Zoning Administrator role under the Village code as the decision maker in relation

to the structure replacement.

Chairman Krusinski said the structures that received an approved special use permit and are nonconforming buildings that have 50% damage rule would be able to rebuild accordingly to the special use permit specifications.

Village Attorney Smith said the listed duration for the restoration or repair of the building can be extended by the Village Board.

5. Zoning Application Fees

Chairman Krusinski said the variation will include the resident requesting the AV equipment for the meeting will be held responsible for the expense.

6. Time Limit For Appeal From Zoning Administrator's Decision

Chairman Krusinski no modifications are needed on this amendment.

7. Variation For Places of Public Assembly With Existing Special Use Permits

This amendment has been tabled.

8. Horse and Large Stable Requirements

Village Attorney Smith said the following changes have been noted, bottom of page 6 the word stables will be changed to stalls in Section 15.1202 (c). Within the same section, the manure and bedding requirement of covered or secured containers will be changed to appropriate container. Village Attorney Smith has requested from Commissioner Clark and Commissioner Leonard to create a baseline of what is needed to properly compost to include in the next draft. Chairman Krusinski said the goal is to allow composting to be done in an approved system. Commissioner Pickell said if residents are interested in composting the Village should provide the guidelines to properly compost.

Chairman Krusinski said in section 15.1209 (c) the change includes fire extinguishers should be inspected annually to ensure they are operating properly.

Village Administrator Irvin said in the October 3rd meeting will include a case for Cole's request for a guest house. Within the Cole's Case, no variance is being requested, the parcel has extensive landscaping to cover the new structure from the neighbors view of the requesting guest house.

Chairman Krusinski said with no further comments or changes this public hearing will continue on October 3rd.

Village Attorney Smith stated that a motion to have a continued public hearing on case17-TA-1 on Tuesday, October 3, 2017 at 7:00 pm in the Cottonwood at the Hilton Garden Inn located on 26225 N. Riverwoods Road would be appropriate. The motion was moved by Commissioner Leonard and seconded by Commissioner

Clark.

Upon a call of the roll the following voted:

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

Nay: None

V. **COMMUNICATIONS:**

None

VI. **REVIEW OF REPORTS OF COMMISSION COMMITTEES:**

None

VII. **OLD BUSINESS:**

None

VIII. **NEW BUSINESS:**

None

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 10:05 pm.

Sandy Gallo,
Village Clerk