

**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 DECEMBER 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 7:05 PM.

**II. ROLL CALL**

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

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

Absent: Commissioners Hirsch and Pickell

Chairman Krusinski declared a quorum present.

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

**III. APPROVAL OF MINUTES:**

The ZPA meeting minutes for November 7, 2017 were reviewed. It was moved by Commissioner Clark and seconded by Commissioner Meluso that the minutes of the ZPA meeting be approved and be placed on file.

Upon a call of the roll the following voted:

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

Nay: None

Absent: Commissioners Hirsch and Pickell

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

**IV. CALL OF CASES:**

Chairman Krusinski said today's agenda includes an application for a special use permit for a large stable at 15055 and 15141 W. Little St. Marys Road, in docket 17-SU-S-4. 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 said the Commission will now open the public hearing on Case No. 17-SU-S-4.

Upon a Call of the Roll, the following Commission members were:

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

Absent: Commissioners Hirsh and Pickell

Chairman Krusinski declared a quorum present.

Chairman Krusinski said the Case Number 17-SU-S-4 arises from an application filed by Sapphire Land LLC. The Applicant seeks a special use permit at 15055 and 15141 W. Little St. Marys Road, for a large stable to be used on its property, in the R-1 single family lot. This public hearing was published in the Daily Herald on November 10, 2017, in the manner required by law. The Secretary has the newspaper's certificate of publication, which is admitted as the Commission's Exhibit 1. Chairman Krusinski requested from the applicant the proof of notice sent to property owners lying within 1,000 feet of the property that surrounds the subject. The proof of mailing has been entered as Exhibit 2.

Chairman Krusinski stated the applicant has requested assistance for an interpreter for the hearing impaired and it has been provided.

Attorney, Douglas Wambach from the Law Firm of Burke, Warren, MacKay & Serritella, is representing the applicant Sapphire Farms LLC, owners Hermine Rothman and Clara Ciancuillo as well as the tenant Doug Boyd. Mr. Wambach stated Sapphire Farms petition was filed to achieve two goals. The first is to consolidate two parcels into a single lot and secondly to receive a special use permit to accommodate 22 horses with one outdoor riding arena. In 2013, Sapphire Stables acquired 15141 W. Little St. Marys Road as a single-family home with a large stable and an indoor and outdoor arena. This acquisition allowed no more than 15 horses on the lot. In July 2014, Sapphire Stables acquired 15055 W. Little St. Marys Road. Lot 15055 had a decrepit structure which was demolished. Mr. Wambach said as a result Sapphire Stables since has been utilizing two parcels as a single lot. Mr. Wambach stated Ms. Rothman and Ms. Ciancuillo are requesting the lots be consolidated. No additional structures will be added to the lots at this time. Mr. Wambach added with the combined property lots the stable located on 15141 would have adequate space to board 22 horses. This lot currently has 22 stalls in the barn. The request to increase the number of horses from 15 to 22 could be supported with the four plus acres of land available. Sapphire Stables will continue to operate in the same manner with the stable located at 15141 and currently no structure or drive changes are being anticipated. Mr. Wambach said the request is being submitted in order to utilize the current number of stalls within the existing stable. Mr. Wambach added no additional traffic or client congestion is anticipated with the increase of horses. All horses boarded at this facility will remain on the property. Mr. Wambach said he respectfully requests the ZPA to approve the lot consolidation.

Village Attorney Smith said as part of the application the applicant is requesting the court orders to be replaced by the special use permit. If the SUP is granted, the court orders will be null. Attorney Smith mentioned the memorandum dated November 22, 2017 from the Village Engineer Yamin outlining the requested modification to the consolidation plat. Village Attorney Smith said the list of requested changes from the Village Engineer are considered minor matter that can be resolved prior to

the special use permit being in effect.

Mr. Wambach said he was not aware of the any comments made by the Village Engineer regarding the plat. Prior reported issues for Sapphire included the impervious surface and the surveyor modified the site plan to address this issue.

Village Attorney Smith read the Village Engineer's memo dated November 22, 2017 to Mr. Wambach.

Chairman Krusinski said the approval can be conditioned based upon the Village Engineer's recommendations to the revisions required to the plat. Mr. Wambach agreed to this condition. Chairman Krusinski stated to the Commissioners Yamin's letter is relating to technicalities on the plat, no changes to impervious area, outbuildings or structure changes.

Commissioner Leonard asked the applicant if it had 18 stalls in the original barn and 4 temporary stalls.

Tenant, Doug Boyd (15141 Little St. Marys Road) said there are 22 stalls, 4 stalls at the end of the arena. Commissioner Leonard asked if any of the stalls had concrete floors. Mr. Boyd said none of the stalls have concrete floors.

Resident, Thomas Hines (27157 St. Marys Road) said he lives across the street from the applicant. Mr. Hines said he is in support of the applicant request and he has no objections.

Resident, Andy Comb (15339 L St. Marys Road) said one neighbor lives between the applicant's lot and the Comb's lot. Mr. Comb's stated he is not clear on why the applicant is removing the existing court orders and accepting a new order. More importantly, Mr. Comb is not in favor of billboard signs.

Mr. Boyd said they have provided some emergency horse service to the surrounding neighbors.

Resident, Dr. Fantus (14253 W Riteway Road) asked if this new SUP will waive the owner residing on the property? Dr. Fantus asked what is the maximum number of horses that can reside on this property? The Sapphire Stable website currently indicates it has a 22-stall heated barn.

Village Administrator Irvin said the court order already includes the owner or manager to live on the lot. Village Administrator Irvin said he was aware of one scenario of when the owner exceeded 15 horses for a temporary period due to the friend's facility in Iowa was unable to house their horses. The court order does list 15 horses are allowed. Village Administrator Irvin added to remove the court order and operate this stable under a special use permit such the other large stables would be ideal.

Mr. Wambach stated the original 15 horses were for the ten acres and since four acres have been added to the court orders.

Village Administrative Irvin said the current situation is 1.5 horses per acre for this facility. After consolidating the lots, the 1.5 horses per acre will still remain.

Commissioner Clark asked Mr. Boyd if he could provide a brief overview of how this property is utilized. Mr. Boyd replied all of the horse's care and maintenance is handled at the facility by appointment only. The majority of the horses on the lot are the two owners and Mr. Boyd's. Mr. Boyd said their horses are trained for horse shows on an international level. Mr. Boyd added two staff members and his assistant care for the horses when he is traveling.

Village Attorney Smith asked the applicant to confirm there is only one indoor and one outdoor arena. Mr. Boyd confirmed that was true.

Village Attorney Smith asked to describe the relationship between Sapphire Land and Sapphire Riding Academy entities. Mr. Wambach replied Amy and Clara own Sapphire Land. Mr. Wambach added Sapphire Riding Academy was set-up for the owners, members and managers of the riding academy. Mr. Boyd is an employee and a tenant in the home on the lot.

Village Attorney Smith stated the court order indicates 15 stalls are allowed on the property, there are 22 on the property today, and the applicant is seeking 22 stalls approval. Mr. Smith asked the applicant when the additional stalls were built. Mr. Wambach said the stalls existed prior to the 2014 acquisition.

Village Attorney Smith stated the applicant should consider the differences between the court orders versus having a special use permit if approved.

Commissioner Clark stated back in 1981 when Ron Schiller bought the parcel he built the barn with 18 permanent stalls and 3 temporary stalls.

Chairman Krusinski said that he would like to enter the history document of 15141 Little St. Marys Road as Exhibit 3.

Dr. Fantus asked if the existing court order conformed with the structure of the 2000 large stable ordinances the Village had implemented. Village Attorney Smith said the court order controls the legal zoning condition on the property.

Mr. Wambach said they assumed they would be following the existing court order conditions within the special use permit.

Village Attorney Smith said based on Mr. Wambach's comments Sapphire is

requesting a modern special use ordinance for a large stable. A large stable special use permit stipulation includes prohibition of horse shows, no public boarding and horses come in as bona fide leases or relationship.

Chairman Krusinski said the motion can be made with the stipulations and conditions as part of the ZPA draft. After the Village Board, has deliberated on the draft the Village Attorney will draft a special use permit ordinance which will be final document for this property.

Commissioner Leonard said the special use permits are not written specifically for an owner yet they are written to set standards for the next stable owner to follow the Village's set ordinances.

Dr. Fantus asked if the new special use permit will be issued will the residency provision be waived. Village Attorney Smith stated the applicant is requesting similar waiver of the residency requirements and its up to the ZPA to make the recommendation to the Village Board to grant or not include the waiver.

Public Hearing was closed.

Chairman Krusinski said the first matter for deliberation is to approve or deny the number of horses on the application.

Village Attorney Smith said the Committee needs to arrive to a consensus on the change of the court orders number of stalls to be increased from 15 to 22. In addition, Sapphire Stables is also asking for permission to board 22 horses when the court order currently allows 15.

Commissioner Clark said she would recommend is to go back to 1981 when the barn was built for 18 permanent and 3 temporary. The density does not change the land.

Commissioner Leonard said she had no problem increasing the number of horses. Commissioner Leonard said she would be okay with the 22 horses if 5 additional acres were added. As a result of the court order of 15 and you added five additional acres, I'm okay with bringing the number to 20.

Commissioner Murphy said she is not a horse expert but if the stalls are available, she is okay with 20 to 22 horses as long as the horses are treated humanely and the requirements of the ordinances are met.

Chairman Krusinski asked Mr. Boyd what percentage of the time will all 22 stalls be utilized. Mr. Boyd replied maybe 12 weeks out of the year.

Commissioner Leonard said the SUP will continue with the land not with the owners.

Commissioner Meluso said he agrees to increase the horse count by 5, making it 20 horses for this lot.

Commissioner Leonard and Commissioner Meluso are in consensus for 20 horses.

Commissioner Clark said she would be comfortable with 21 or 22 horses.

Commissioner Murphy said she can do 20 or 22 horses.

Chairman Krusinski said he is in favor for 20 horses because it is consistent with the one horse per acre. The other factor to consider is the SUP will continue with the land should the property be sold later.

Commissioner Clark asked Village Attorney Smith if the court order language regarding the residency will continue in the same standard and language in the special use. Village Attorney Smith said the language developed for large stable owners who have received waivers of the residency requirement can be applicable in this case too.

Chairman Krusinski said the approval is for boarding and feeding up to maximum of 20 horses on the property.

Village Attorney Smith suggested a motion to recommend approval for a special use permit for a large stable with 20 stalls, one outdoor riding arena, and an indoor riding arena, with a waiver of the large stable owner residency requirement. Approving the consolidation of two lots into one lot subject to the following conditions. First, the special use permit will be effective after applicant files for the court orders are vacated. Secondly, that the improvements to this lot will be as presented on the site plan to the ZPA. Thirdly, that the property shall not be used for horse shows, public boarding or outdoor night riding. Fourthly, no commercial use on the property except when the owner charges for boarding and feeding for the maximum of 20 horses. The owner shall be permitted to collect money for instruction of riders and horsemanship. Home occupancy may be conducted on the property.

Mr. Wambach stated 20 stalls were mentioned but the property has 22 stalls. Mr. Wambach said no stalls will be removed.

Chairman Krusinski said to modify the wording to existing large stable allowing 20 horses. Village Attorney noted the word change request.

A motion was moved to recommend approval for a special use permit to be granted for existing large stable with up to 20 horses allowed to occupy the stable, one outdoor riding arena, and an indoor riding arena, with a waiver of the large stable owner residency requirement. Approving the consolidation of two lots into one lot

subject to the following conditions. First, the special use permit will be effective after applicant files for the court orders to be vacated. Secondly, that the improvements to this lot be presented with a site plan to the ZPA. Thirdly, that the property shall not be used for horse shows, public boarding or outdoor night riding. Fourthly, no commercial use on the property except when the owner charges for boarding and feeding for the maximum of 20 horses. The owner shall be permitted to collect money for instruction of riders and horsemanship. Home occupancy may be conducted on the property.

The motion was moved by Commissioner Leonard and seconded by Commissioner Meluso.

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

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

Nay: None

Absent: Commissioners Hirsch and Pickell

Chairman Krusinski said the motion carries.

Chairman Krusinski said he would like to make a motion for the Chair be authorize to draft, sign and forward to the Village Board and Board Trustees a report of the ZPA Findings and Facts and recommendation regarding this case. The motion was moved by Commissioner Clark and seconded by Commissioner Murphy.

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

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

Nay: None

Absent: Commissioners Hirsch and Pickell

Chairman Krusinski said the motion carries

**V. COMMUNICATIONS:**

None

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

None

**VII. OLD BUSINESS:**

None

**VIII. NEW BUSINESS:**

Chairman Krusinski said the next ZPA meeting will include a case on Wednesday, January 17. The Village Board will be holding a special meeting on Wednesday, February 7<sup>th</sup> to discuss the text amendments recommendation made by the Committee.

**IX. ADJOURNMENT:**

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 8:35 pm.

Sandy Gallo,  
Village Clerk