

**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 5, 2018 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 7:00 PM.

**II. ROLL CALL**

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

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

Absent: None

Chairman Krusinski declared a quorum present.

Also present: Village Attorney, James Rhodes of Klein, Thorpe & Jenkins, Ltd; Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo

**III. APPROVAL OF MINUTES:**

The ZPA meeting minutes for January 17, 2018 were reviewed. It was moved by Commissioner Murphy and seconded by Commissioner Clark that the meeting minutes of the ZPA meeting be approved and be placed on file.

Upon a call of the roll the following voted:

Aye: Commissioners Clark, Hirsch, Leonard, 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:**

**V. COMMUNICATIONS:**

Chairman Krusinski introduced Jim Rhodes as the new Zoning, Planning and Appeals Commission attorney. Village Attorney Greg Smith has taken a new role as a leading attorney for another municipality. Village Attorney Jim Rhodes has 41 years of municipality attorney experience and will bring great value to the Committee. He has supported a number of municipalities as Village Attorney or Special Counsel.

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

**VII. OLD BUSINESS:**

## VIII. NEW BUSINESS:

Chairman Krusinski said today the Commissioners will have a chance to hear and ask questions from the approved zoning consultant, Arista Strungys, a Principle Consultant from Camiros Ltd. Chairman Krusinski asked Village Administrator Irvin to provide a synopsis of how hiring a zoning consultant was derived.

Village Administrator Irvin said the Commissioners conducted various workshops and public hearings over the last year. Their text recommendations resulted from these meeting with the objective to improve the Village's zoning ordinance. Twelve recommendations were made by the ZPA. The twelve recommendations were reviewed at the Committee of the Whole (COW) meeting in February. During the COW meeting, it was determined a zoning consultant would be hired to examine some of the recommendations. Of the twelve text amendments, seven were approved by the Board. Village Administrator Irvin said the Board decided the zoning consultant perhaps may even determine if other areas of the code required reorganizing, tables or graphs to simplify information. A request for qualifications was sent to nine Chicago area zoning firms. Four companies responded to the project and three companies were interviewed. One firm did back out before the interviewing process. Camiros Ltd., was hired after the interviewing process was completed. The Commissioners were provided the scope of work to be completed by Camiros Ltd. The goal is to generate clear or simplified ordinances that are easier to understand in regards to terminology and to ensure information that is being searched within in the code is found by residents.

Chairman Krusinski said this meeting is a ZPA meeting; however, at the end of the Ms. Strungys' review process there will be a public hearing to discuss Camiros recommendations.

Arista Strungys is a Principle and Co-Owner of Camiros Ltd. Ms. Strungys has worked over 20 years in municipality zoning. She commented that Mettawa is a unique town and has toured the Village with Village Administrator Irvin. Ms. Strungys said her goal for this meeting is to obtain some background on the recommendations that were made and hear of any other issues the Commissioners or the residents may want to be heard.

Chairman Krusinski said seven of the ordinances have been approved by the Board. As a result, those ordinances are not being reviewed unless you would like to wordsmith or add graphs to the sections. Chairman Krusinski said the goal is to review the ordinance comprehensively, but also to consider some organization to sections that may require a graph or chart for clarification.

Ms. Strungys said her analysis is part of the initial technical review. One of her biggest concerns is surrounding horses and stables. Ms. Strungys stated she would like to understand how the Commissioners arrived at the decision to no longer allow large stables.

Commissioner Leonard said many years ago there were several large stables that were not within the corporate limits of the Village. The Village annexed the land upon which the stables were located and those stables were zoned into the Village. In order to regulate the stables, the Village created special use permits for the large stables. It was intended that the stables would be operated by the owners of the land in which the stables were located. However, over time, the large stables became the principal use with the owners not being Mettawa residents. This presented an issue when the large stables were used for boarding horses owned by others. The large stables are being handled as businesses which is not allowed in the R-1 district. The large stables have now impacted the surrounding residents.

Commissioner Pickell commented the large stables do not consider themselves as a business.

Ms. Strungys stated she would like to understand what type of impact the large stables are having on the residents. She said she understands manure is one impact.

Commissioner Leonard said a few effects large stables have on the residents include; high traffic with horses being brought into the stables, the various workers required for a large stable, the upkeep of the stables and the owners not living on site. The issued special use permits run with the land, even when owners are changed. The biggest issue with the large stables is the area in which they are located is a R-1 residential district.

Commissioner Hirsch said the Commission has received a number of variation request from the large stables regarding their special use permit.

Chairman Krusinski said the Village has rules, but the large stables are continuously requesting variances or interpretations of their special use permit. The Commissioners rely on the Comprehensive Plan as a historical perspective to uphold the preservation of the community. The large stables take on the appearance of a commercial development on their lots.

Commissioner Pickell said residents have expressed their concern on the growth of the large stables.

Commissioner Leonard said within the ordinance we do have a limitation on the number of horses in which each lot per acreage is allowed. The maximum is 5 horses unless a special use permit is issued.

Village Administrator Irvin said in a R-1 district you will need a minimum of 2 acres in order to have horses. The first special use permit was approved in 1983. A gap of 17 years followed after the first special use permit was issued.

Commissioner Leonard said in 2000 regulations were issued for the operation of the stables.

Ms. Strungys asked what other animals are allowed. Within the code, livestock is defined everything other than a horse. Ms. Strungys said agriculture is understood as a business. Village Administrator Irvin read the definition of livestock as being everything other than horses, farm animals. Commissioner Leonard said agriculture uses are allowed in R-1 district.

Commissioner Meluso said chickens should be allowed, however with a limitation.

Commissioner Pickell said residents need to know the rules so that they do not impact their neighbors. Ms. Strungys said some ordinance are self-enforced by neighbors due to the fact they are being impacted.

Mayor Urlacher said the current Board did not put in place the current ordinance regarding the chickens. This ordinance was put in place in 2001. However, the lot size will need to be a considering factor on how many chickens are allowed. Residents under a PUD can state they have 5 acres and should be allowed to own chickens.

Chairman Krusinski asked how should the code be revised to accommodate other animals that are allowed beside horses. Ms. Strungys said she could provide recommendations and the best practices on these types of matters. Ms. Strungys said they would need to create a calculation to address the lot sizes to how many animals would be allowed based on acreage. Chairman Krusinski said the wording addressing lot size would need to be handled carefully due to common areas in PUDs. Commissioner Leonard said the code should also include the care for the animals.

Chairman Krusinski asked the Commissioners to redirect the deliberation back to the large stables. Chairman Krusinski said he would like Ms. Strungys to make a recommendation based on the various inputs she receives in order to create a recommendation that the Board will vote on. Ms. Strungys said she will look at all the factors that impact the ordinance.

Ms. Strungys asked what other issues have come before the ZPA outside the large stables. Commissioner Leonard said the matter of large accessory structures and sometimes these requests are in conjunction with a large stable.

Commissioner Pickell said we do not want to create a need for an architecture committee when structure requests are submitted. We recently received an application for a metal building. No resident wants to see a metal building.

Chairman Krusinski said the ZPA made their recommendations and cleaned-up any language in sections we thought was needed.

Ms. Strungys asked why a restriction of only 3 accessory structures was

recommended. Commissioner Clark said the Committee was aiming to avoid various small structure buildings being built on one lot. Ms. Strungys said she would work on wording this recommendation to be inclusive of the various accessory structures.

Village Administrator Irvin read the accessory building definition from the code. A basketball hoop could be considered as an accessory structure.

Ms. Strungys stated the permitted uses on page 10 can be organized into a matrices style to reduce misinterpretation. Chairman Krusinski said clarity is the Commissioners' goal.

Ms. Strungys said she would like to better understand non-conforming amortization of uses on page 8. Ms. Strungys asked what problematic uses the Village foresees to be amortized. Chairman Krusinski said this was written to address existing non-conforming structures that have been grandfathered, should these structures burn and need to be rebuilt.

Ms. Strungys said the meaning of amortization, states in a year you close down. A non-confirming structure is different from a non-confirming use. These two matters should be written separately. Village Attorney Rhodes asked if you have a non-confirming structure that burns down, what standards will allow the new structure to be rebuilt. Ms. Strungys said non-confirming dwelling size should also be separate from non-confirming structures and uses.

Village Attorney Rhodes said the ZPA made their recommendations to the Board. The Board heard them and decided a consultant was needed to better understand the bigger issues and how to address them. Village Administrator Irvin said yes, the goal is to provide clarity of the zoning code and make ordinances user friendly.

Commissioner Pickell said the residents of Mettawa do not want any more businesses in the residential area.

Commissioner Leonard said we can't dictate where people can live. However, a large stable owner who boards horses needs to have a manager to live on site. Chairman Krusinski said this issue of having a person live on site can be found on page 10.

Ms. Strungys said after the ordinance has been approved, residents still can request variances if they want more horses. Ms. Strungys asked if there was any consideration in adding the horse limit into the Comprehensive Plan.

Ms. Strungys said her next steps will be to interview each Trustee. However, if any Commissioner would like to call her to ask any additional questions, please feel free. Village Administrator Irvin said Arista Strungys contact information will be emailed to the Commissioners for any following up questions.

Resident, Dr. Fantus (14253 W. Riteway Road) asked how will you address the issue of a horse being left unattended in an unoccupied home. A structure is on the lot, but the horses are unsupervised. Commissioner Leonard said we have an ordinance that states no horses can be left unsupervised. Dr. Fantus asked can we add to the code how to handle violations and enforcement. Village Attorney Rhodes said in cases as this one, the courts favor the property owners allowing them time to resolve the violation. If a violation constitutes a nuisance, the adjacent property owner can file an action indicating a violation of the ordinance. The Village can later join in the filing.

Village Administrator Irvin said a violation letter is sent to the property owner prior to attending court. If a case does result in a citation and requires going to court, it is likely that the matter will get resolved prior to the court date and the judge will likely dismiss the case since the matter was resolved with no fine issued.

Commissioner Pickell asked if there is a time period in which violations need to be resolved. Village Administrator Irvin said the period is determined case by case. Some violations can be handled quicker than others when verification is needed it delays the process.

One resident said lights and sounds system in a large arena should also be considered as a nuisance.

Chairman Krusinski said he will send the Village Clerk all of the emails he received regarding chickens in order for the documentation to be placed on file. The Village Clerk Gallo will send the consolidated emails to the Commissioners for their reference, too.

Commissioner Clark asked Ms. Strungys what her timeframe was in which the Commissioners will be receiving her feedback. Ms. Strungys said it will be a few months. The next step will be to interview the Trustees. After the interviews, I will draft a technically report for Village Administrator Irvin to review. The whole process will take about 2-3 months before the public hearing.

Chairman Krusinski said the ZPA has made their recommendations. As a result, what is the Commissions role after you have completed your technical report. Village Administrator Irvin said after receiving the technical report, the Board will need to review the recommendations from Camiros. The Board may send some of the recommendations back to the ZPA to review some of the definitions or other matters before approving Camiros feedback. Ms. Strungys said the technical report is not adopted. The report is only Camiros findings and the Village determines if they wish to proceed with the findings.

## **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 9:15 pm.

Sandy Gallo, Village Clerk