

**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 AUGUST 7, 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 Hirsch, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Absent: Commissioner Clark

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 June 5, 2018 were reviewed. It was moved by Commissioner Pickell and seconded by Commissioner Meluso 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 Hirsch, Leonard, Meluso, Murphy, Pickell and Chairman Krusinski

Nay: None

Absent: Commissioner Clark

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

**IV. CALL OF CASES:**

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

Chairman Krusinski said Case No. 18-TA -1 is a request from the Village Board to consider a moratorium on the issuance of citations for the enforcement of the prohibition of raising and feeding animals in the R-1 residential zoning district. This public hearing relates solely to the moratorium and does not involve whether

the raising and feeding of poultry should be allowed in the Village. The raising and feeding of poultry will be discussed at a later time.

The Public Hearing for docket number 18-TA-1 is open:

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

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

Absent: Commissioner Clark

Chairman Krusinski declared a quorum present.

Case No. 18-TA-1 was published in the Daily Herald on July 20, 2018 in the manner required by law. The Village Clerk has the newspaper's certification of publication which is admitted as Exhibit Number 1.

Chairman Krusinski emphasized to the resident's being sworn, tonight's meeting is not on the matter of whether or not chickens are allowed, yet only about the moratorium.

Village Attorney Rhodes said the Board of Trustees received a request from the residents to determine if chickens are permissible to be raised in the Village. There currently are residents within the community that own chickens and would be in violation of the current Village ordinance. Village Attorney Rhodes stated a number of emails were received by the Village regarding raising chickens. Those emails have been admitted as Exhibit Number 2. The zoning code currently includes a definition of agriculture uses. This definition excludes the raising and feeding of livestock and poultry within the Village. Within the zoning code in the R-1, agriculture uses are allowed as an accessory use to the residential use. Accessory uses are those uses that are supplemental to residing on the property as a single-family dwelling. Within the R-2 district, no agricultural uses are permitted. As a result, the Village Board decided that the current zoning code relating to raising and feeding of poultry should be reviewed and a determination should be made whether or not the code should be amended. This meeting is only to review the current prohibition, whether there should be a moratorium on the issuance of citations for those residents who currently have chickens. Village Attorney Rhodes said the proposed draft ordinance will be admitted as Exhibit Number 3.

The draft ordinance would provide for a 120-day moratorium on the issuance of citations for raising poultry. The moratorium does not change the provisions within the Village code. This moratorium is not intended for new residents to begin raising poultry in the Village. This 120-day period will allow the Commission to review the issue of raising and keeping poultry.

Commissioner Pickell asked what the current imposed fine relating to this violation.

Village Administrator Irvin said the fine is determined by the judge in the courtroom.

Resident, Keith Gray (14540 W. Old School Road) thanked the Commissioners for providing the residents the consideration of this current issue. Mr. Gray asked what caused the prohibition to be created. Village Administrator Irvin said this Village code has been in existence since 1984.

Chairman Krusinski said the chicken ordinance will be part of the global review. As a result, the Commissioners will need to complete some study on this matter.

Mr. Gray said several emails were sent amongst the residents regarding the chickens. Mr. Gray stated if the Village is going to discuss the matter of which animals will be allowed, other small animals should also be included. Chairman Krusinski added the exchanged emails regarding the chickens have been made as a public record at tonight's hearing.

Resident, Linda Gardner Phillips (14704 W. IL Route 60) said the misconception has been made that chickens are problematic, dirty and that they attract coyotes. Mrs. Phillips stated she has noticed with her chickens she has less ticks and mosquitos because they eat them. Chickens produce eggs just like a garden would produce vegetables. Chickens are small, educational and are family pets. Mrs. Phillips urges the Village to put a moratorium on this ordinance and recommends that the Village reconsider the ordinance on livestock and chickens.

Resident, Julie Stephenson (14371 W. Riteway Road) said she supports the moratorium but she is not a chicken owner. Mrs. Stephenson stated a large population of our Village attends the Rondout School district. The school currently has a working chicken farm as an educational unit for the children.

Resident, Miriam Kaufman (14060 W. Old School Road) said she supports the moratorium. Mrs. Kaufman added she attended the last ZPA meeting and heard Commissioner Leonard make mention she did not want to have chickens to avoid seeing them get slaughtered. She added residents keep chickens to have eggs in the morning for breakfast. Commissioners Leonard remarked she did not make that reference of not wanting to have chickens to avoid seeing them be slaughtered.

Resident, Kristine Preiser (14697 W. Old School Road) said we moved to Mettawa for the freedom to have animals. Chickens do not require much space to be raised. I support the moratorium.

Mrs. Phillips said she recently read an article that California viewed chickens as the new status symbol. Mrs. Phillips stated some residents raise horses while others raise chickens.

Chairman Krusinski said his only concern was the limiting factor of completing this moratorium review within the 120 days. Chairman Krusinski asked if the draft should include 120 days along with such time the Village Board deems necessary to avoid another public hearing in order to review this matter.

Commissioner Meluso said he agreed the 120 days is a very tight schedule to review this matter and make a recommendation to the Board.

Commissioner Leonard said it is apparent many residents did not know of the prohibition of chickens in the Village. The fact residents would like to raise chickens is understandable. However, raising chickens knowing it is a violation to the zoning code is unacceptable. Commissioner Leonard said if the residents wanted to have chickens, they should have petitioned to change the ordinance before the ZPA to address this issue.

Commissioner Pickell said the reason we are in session is because the rules were broken. The Commissioners are here to enforce and make a recommendation of the rules in the interest of all the residents in the community.

Mrs. Kaufman said before I moved to Mettawa, I read the entire zoning code and it was very vague about chickens.

Chairman Krusinski asked for a motion to be made on this matter.

A motion was made that the Zoning, Planning and Appeals and Commission recommends the Village Board adopt the ordinance to establish a moratorium on the issuance of Village citation for keeping and raising of poultry within the R-1 and R-2 single family residential districts for 120 days or for such additional time the Board deems appropriate. The motion was moved by Commissioner Meluso and seconded by Commissioner Murphy.

Upon a call of the roll the following voted:  
Aye: Commissioners Hirsch, Meluso and Murphy  
Nay: Commissioners Leonard and Pickell  
Absent: Commissioner Clark

Commissioner Leonard said rules need to be followed or changed in a reasonable manner.

Chairman Krusinski declared the motion carried.

Chairman Krusinski requested a motion that the Chair be authorized 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 Murphy and seconded by Commissioner Leonard.

Upon a call of the roll the following voted:

Aye: Commissioners Hirsch, Leonard, Meluso, Murphy and Pickell

Nay: None

Absent: Commissioner Clark

Chairman Krusinski declared the motion carried.

**V. COMMUNICATIONS:**

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

**VII. OLD BUSINESS:**

**VIII. NEW BUSINESS:**

Chairman Krusinski said over the last several months he has been working with the Mayor to make a transition as the Chairman of the ZPA. A strategy has been created. Chairman Krusinski said he will remain in his role during the transition as Orren Pickell and Liz Leonard are placed as Chairman and Vice Chairman, respectively.

Village Administrator Irvin added Arista Strungys from Camiros is still on track to produce her technical report of the zoning code for September.

**IX. ADJOURNMENT:**

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 7:44 pm.

Sandy Gallo, Village Clerk