

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 4, 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, Leonard, Meluso, Murphy and Chairman Krusinski

Absent: Commissioners Hirsch and Pickell

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 August 7, 2018 were reviewed. Commissioner Murphy provided a word change on page 3. 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, as amended.

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:

V. COMMUNICATIONS:

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

Chairman Krusinski said the major item on the agenda this evening is a workshop for the Commission to review the Camiros Zoning Code Technical Review Report. On November 12, 2018, a Committee of the Whole meeting was held by the President and Board of Trustees and the Zoning, Planning and Appeals Commission

for a presentation of the Technical Report prepared by Camiros Ltd. After the presentation a number of questions were received from the public, the Village Board and ZPA members, the Village Board directed the Commission to review the Technical Report and make their recommendations with respect to update the Village's Zoning Code.

Chairman Krusinski said the Commission will first review and discuss the report and then following these steps, the public will have the opportunity to speak and provide their comments. Any recommendations made this evening are not the final changes being implemented into the zoning code. After Camiros and the Village Attorney draft the proposed text amendments, a public hearing will be held on those proposed amendments and only after that public hearing will the final recommendations be made by the Zoning Planning and Appeals Commission to the President and Board of Trustees for their consideration.

Chairman Krusinski said the Village Attorney Rhodes drafted a memorandum that outlined the Commission's recommendations that have been approved by the Village Board and those that have been deferred. The Chairman stated that the Commission's recommendation should remain as is and that Camiros be directed to incorporate those recommendations into the update. Chairman Krusinski stated all of the approved recommendations that the Commissioners had made do not require any modifications as a result of Camiros' Technical Report. The Commissioners present agreed.

Please reference KTJ's Memo from Village Attorney Jim Rhodes dated November 29, 2018 for specific recommendations.

Chairman Krusinski said the game plan is for the Commissioners to review the suggestions of Camiros and to provide direction to Camiros. Afterwards, the Commissioners and Camiros will collaborate and make recommendations to the Village Board; however, the Board will first need to approve the additional expenditure for Camiros to further support the zoning code update.

Commissioner Meluso addressed his concerns regarding the definition of a building height contained in the Camiros Technical Report. Chairman Krusinski said some redrafting of definitions will be needed in various areas. Village Attorney Rhodes said a number of examples were provided during the presentation but no final recommendations were made.

1. General Organization. Chairman Krusinski said the goal is to review each of the suggestions as outlined by Camiros and to provide Camiros direction on work needing to be completed. This recommendation will be explored by Camiros. It was agreed that a general reorganization of the zoning code should be completed.

2. Residential District Standards. Commissioner Leonard inquired about the reference to a flag lot. Village Attorney Rhodes said the Village code uses a definition of lot-in-depth for what is typically known as a flag lot. A lot-in-depth is a lot that generally sits behind another lot but has a small portion of frontage on a right-a-way. It is referred to as a flag lot because the lot layout looks like a flag and a pole. The issue at hand is how to determine the setbacks on this type of lot. The recommendation is to refer these areas as flag lots to be consistent and to review the setback standards for this type of lot. Camiros recommendation for letters a, b and d were approved.

3. Commercial District Standards. Village Attorney Rhodes said the maximum lot coverage standards would not change, the recommendation surrounds the impervious and impervious surfaces with lot coverage. Impervious surfaces are included with the maximum lot coverage calculations. Village Attorney Rhodes stated Camiros recommendation is to clarify the wording with respect to impervious surfaces to ensure the proper surface area is calculated accordingly. Chairman Krusinski said this area requires some clarity and what should be included or not included.

Village Administrator Irvin said the suggestion regarding the use of landscaping and screening structures pertains to the Oasis Park area. This area is the only open space commercial area currently in the Village. Commissioner Leonard asked if landscaping plans for a commercial area could require ZPA review and approval. This recommendation will be explored.

4. Open Space District. Village Administrator Irvin said Camiros suggestion indicates buildings are allowed in the open space district; however, the zoning code for this district provide setbacks and lot coverage standards. This recommendation will be explored.

5. New Districts. Village Administrator Irvin stated the R-2 district is located on Bradley Road starting from the Oasis Park down to the Always Faithful. Village Administrator Irvin said during Camiros' interview process, a suggestion was made to explore the different housing that could be built at this location. The Commissioners indicated this recommendation should not be explored.

6. Uses. Village Attorney Rhodes said that Camiros reviewed the ZPA's recommended uses and their only suggestion is to develop the use in a different format to ensure the ordinance embodies the existing facilities. Chairman Krusinski added he spoke with Camiros and the ordinance required clarification to ensure the existing facilities would not be considered non-conforming under the new code. Chairman Krusinski said the ZPA's recommended revision provides that no alterations of non-conforming buildings be allowed, yet does allow general maintenance; subsequently, the language within the ordinance is not very specific on what work is allowed to be completed. The Commissioners indicated this recommendation should be explored.

7. Consider Allowing Domestic Animal Rescue as an Allowed Use. Commissioner Leonard said she would like to know where this type of use would be located. The Commissioners indicated this recommendation should not be explored.

8. Consider Allowing a One-Time Expansion for a Non-Conforming Place of Assembly. Village Administrator Irvin said this recommendation is related to St. Basil Church given it is our only place of non-conforming assembly. Chairman Krusinski said this matter has not been brought before the ZPA as a result, this recommendation should not be explored by Camiros.

9. Accessory Structures and Uses. Chairman Krusinski said the Village Administrator Irvin reviewed the Village's existing properties and their number of accessory structures. As a result, the recommended limitation of 3-accessory structures per lot could be problematic. Chairman Krusinski said for starters this recommendation will need to have a clearer definition of what is an accessory structure. Village Administrator Irvin said one of Camiros suggestion is to place accessory structures under a new section within Article 8. Article 8 would capture the accessory structure requirements for each district. Village Administrator Irvin said he drove the Village's streets and found some homes already included 4-5 accessory structures. The recommendation of 3 accessory structures would create existing homes to be non-conforming.

Chairman Krusinski said the addition of animal structures should also be incorporated into the definition of an accessory use. In addition, the definition should distinguish between horses as an accessory or commercial use for large stables. Village Administrator Irvin said Camiros has also suggested animal regulation could be consolidated into Chapter 12. Commissioner Clark asked if the number of animals would only be referenced in the animal control provisions of the Village Code. Village Attorney Rhodes said some issues related to animals would need to be referenced in the zoning code uses. This recommendation will be explored by Camiros.

Chairman Krusinski asked if the solar and wind technology should be included as an accessory or structure use. Village Attorney Rhodes said solar technology when attached to a building is generally handled in the building code provisions. When the solar panels or wind technology are free standing, they would be considered an accessory structure. Village Administrator Irvin stated solar panels on buildings have already been approved and permits have been issued.

Commissioner Murphy said given the direction of solar panel technology shouldn't the Village be open minded to future requests. Chairman Krusinski asked if we can request Camiros to provide details on how other municipalities handle solar panels or if they have any recommendations regarding this matter.

10. Parking. Chairman Krusinski said parking space is not an issue within the residential district, only in the commercial area. Village Administrator Irvin said this matter should be summarized in a matrix for future commercial standards. For example, we currently have a business in the Village located on Boulton Road, Impact Networking which is currently unable to provide parking for all of their employees. In fact, a temporary parking lot will be built in Green Oaks to address this issue. Village Attorney Rhodes said there are different standards to determine how many parking spaces are needed for a development. As a result, a matrix would set the standards and establish criteria for future development. This recommendation should be explored by Camiros.

11. Landscape. Chairman Krusinski said landscaping should be reviewed by Camiros. Village Attorney Rhodes said landscaping requirements for parking islands or areas help set the standards for future developments. Village Administrator Irvin said Camiros suggested the Village should have minimum standards for the commercial areas. This recommendation should be explored by Camiros.

12. Administration. Chairman Krusinski said completing the revisions to the zoning ordinance and the articles would be consistent with the administrative changes being implemented. Village Administrator Irvin said this section does not require any word editing. The administration section will be organized to be intuitive with graphs to be user friendly. Chairman Krusinski said the modification would reduce the various interruptions within this section. This recommendation should be explored by Camiros.

Village Administrator Irvin asked for clarification regarding the animal discussions; the recommendation is to keep the animal regulations matters within the animal section of the zoning code. However, would the discussions and raising of the poultry remain as part of the animal chapter. Village Attorney Rhodes said this matter could be placed under the animal regulations. Village Attorney Rhodes added the buildings or any accessory structures used to house these animals would be found under the zoning code.

Chairman Krusinski said the next step is to draft a recommendation for Camiros to understand the scope of work and create a proposal. The Village Board will need to approve Camiros' proposal in order to complete the rewrite of ordinances.

Commissioner Meluso said in a prior meeting an architect mentioned a possible option of including a listing of impervious material for structures. Resident, Rick Philips mentioned architect Adam Lyons, suggested including some specifications within the building materials available. Village Administrator Irvin said building material is a building code matter. Commissioner Meluso asked if a structure was going to surpass their percentage allowed for impervious area, would the material being used allow them to receive the additional space. Village Administrator Irvin said the applicant would need to be inventive to ensure they do not exceed their

allotted amount. Resident, Rick Philips mentioned this matter could be handled in the definition of impervious lot coverage. Chairman Krusinski said during any impervious lot coverage issue, the Village Engineer indicates within his report the specific materials needed for the specific area.

Chairman Krusinski opened the workshop to public comments at 8:08 pm. Chairman Krusinski asked that the residents' comments be aligned with the Camiros Technical Report. As a reminder, this workshop is not to make any final recommendations. The final recommendation will be made to the Village Board after another workshop and a public hearing is completed.

Chairman Krusinski said resident, Tom Heinz has asked his email be read during this meeting and it be placed on file as an exhibit. **Exhibit 1.**

Resident, Rick Philips (14704 W. Il Route 60) said the definition of an accessory structure should be detailed and the number of accessory structures should be considered in relation to their function. Another aspect linking the number of accessory structures a lot owner can build should be their lot size. A larger lot should not have the same regulations as a one-acre lot. Mr. Philips also added that wind technology should be allowed only after the size and noise have been determined. Lastly, Mr. Philips said animals should be allowed within the rural lots of Mettawa. The number of animals allowed should correspond to the lot size. The number of animals should be contingent to their lot size and the noise level impacting their surrounding neighbors.

Resident, Brett Wiegman (14697 W. Old School Road) said this process was to allow the discussion of the items recommended. The two items you decided not to discuss were #5 and #7. Mr. Wiegman said by the Commissioners not having the discussion of these factors it is limiting you from reviewing all Camiros suggestions. Chairman Krusinski said the point of not discussing a new zoning district, is that there is no need for one. Chairman Krusinski said the Board needs to approve the expenditure to continue to work with Camiros. The final recommendations will be proposed after a public hearing is conducted.

Resident, Dr. Fantus (14253 W. Riteway Road) asked if what is stated on page 3 bold lettering still stands as the current ZPA recommendations. Village Administrator Irvin said in the beginning of the meeting the Chairman asked the Commissioners if any of the current recommendations needed to be changed. The reply was no. Dr. Fantus asked if bees were included under the animal regulations. Commissioner Leonard replied this matter will be discussed with Camiros. Dr. Fantus also asked if wind turbines decibel rating and size was going to be specified based on material and lot sizes. Dr. Fantus said some berms that were built in the Village were meant to reduce noise, when in reality they have created a noise nuisance. Chairman Krusinski said standards would be set for wind turbines if that

matter is considered. Chairman Krusinski said the noise standards would also be a consideration.

Dr. Fantus asked if light pollution could be considered as a nuisance in residential areas. Village Attorney Rhodes said there are general lighting standards for commercial buildings on how they illuminate their area. Village Administrator Irvin said it is very common for a large commercial project to undergo a light study. Village codes have regulations for lighting requirements. Commissioner Meluso said Costco addressed their nuisance illumination by placing shields on their light fixtures. Chairman Krusinski mentioned the Village Engineers handle the lighting aspect as it pertains to the building code.

Commissioner Leonard mentioned that Always Faithful Stable on Bradley Road contains light fixtures that shine very bright. Village Administrator Irvin said the lighting is included in the developer's agreement as well as landscaping plans and its part of the approval process. Commissioner Meluso asked if lighting is part of the nuisance ordinance. Village Administrator Irvin said he will look into this matter.

Resident, Judy Freedman asked what other municipality did Camiros cross compare to provide her suggestions to our Village. Ms. Freedman stated she is concerned what will become of the larger lots in the Village if they can no longer build large stables, as desired. Ms. Freedman said the real estate trend is to build smaller homes with additional ancillary buildings. Ms. Freedman said she would like the Commissioners to consider the future restrictions that they are imposing. Village Administrator Irvin said in regards to the number of accessory buildings, the ZPA has agreed to reconsider the size and limited numbers. As for Camiros experience, the zoning consultant read the Village's comprehensive plan and she was making suggestions based on those directions. The Village has been looking forward given it has 302 plotted lots, 156 are more than 5- acres, 146 are less than 5-acres, and various PUDs which have already been approved. The Village is always thinking about the future.

No additional comments were made by the audience nor the Commissioners.

The Chair asked to be authorized to draft a recommendation that Camiros be retained to conduct an update of the Mettawa Zoning Code in accordance with the directions given by the Commission at this meeting.

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

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 said the motion carries.

Chairman Krusinski said the January ZPA meeting will be a public hearing. The meeting will include Grainger's application for rezoning. Chairman Krusinski will not be available for the January meeting. Commissioner Leonard or Pickell will be co-chairing the January meeting.

Village Administrator Irvin said the public hearing will be published in the Daily Herald by December 19th.

Chairman Krusinski said the February ZPA meeting will be a workshop with Camiros should the proposal be approved at the Board meeting.

IX. ADJOURNMENT:

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

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 8:44 pm.

Sandy Gallo, Village Clerk