



## **PLANNING & ZONING COMMISSION MEETING MINUTES**

**66 Thillen Drive, Fox Lake, IL 60020**

**January 13, 2021 6:30pm via Zoom**

### **Continued - Petition for a Planned Unit Development Encompassing Parcels on Matts Rd**

#### **I. Call to Order**

Chairman Gauger reopened the public hearing for the petition for a planned unit development encompassing parcels on Matts Rd., which was continued from the December 9<sup>th</sup>, 2020 meeting, at 6:32pm.

#### **II. Pledge of Allegiance**

#### **III. Roll Call**

##### **Present**

Commissioner Schultz, Commissioner LaPiana, Commissioner Warden, Commissioner Foster, Commissioner Vander Weit, Commissioner Legge and Chairman Gauger

##### **Absent**

None

##### **Staff Present**

Community Development Director Donovan Day

#### **IV. Swearing In**

#### **V. Old Business**

##### **Continued - Petition for a Planned Unit Development Encompassing Parcels on Matts Rd**

Kelly Cahill with the firm Zukowski, Rogers, Flood & McArdle was in attendance with Chris Russo with ALA Architects and petitioners Gregory Fry and Ellen Allen.

Petitioners are seeking consideration to consolidate six existing parcels located between Matts Rd and Lagoon Rd into a Planned Unit Development (PUD) with six units of

residential duplex homes for a total of twelve dwelling units. Each unit will have three (3) bedrooms and two (2) car garages with an apron that would house another two (2) cars. Each dwelling unit is a 2 story, 2,396sqft home. Three of the duplexes share the shoreline along Pistakee Lake. The single family home on lot 52 as shown on Exhibit A will be demolished. The remaining three duplexes front on Matts Rd with the driveways and garages accessible along Lagoon Road.

Property owner Ellen Allen presented her plan to the Commission. After years of cleaning up the neighboring property they purchased it and with the other lots they own they believe that providing new housing in the village will have a positive impact on the community. The current design shows access to the proposed units split between Matts Rd and Lagoon Rd to reduce traffic congestion. The site plan incorporated amenities including piers and community patio with a landscaping plan, gazebo, and walking path.

## **VI. Commission Comments**

Chairman Gauger voiced his concern with the coverage of only eleven thousand (11000 sq. ft.) square feet.

Commissioner Warden stressed that while the renderings of the proposed PUD are beautiful, she is still concerned with population density.

Commissioner LaPiana said he would like to see this development happen and although the homes are beautiful and would be an asset to the village he is very concerned of the flooding and parking issues. Commissioner Vander Weit agreed with the flooding and parking concerns.

Commissioner Schultz agreed with Commissioner Warden that the population density should be reduced.

## **VII. Commission Questions**

Commissioner Foster expressed concern of the existing traffic and limited parking and asked where guest parking would be.

In response to the parking concern, Ellen Allen stated that each unit would have a two (2) car garage and two (2) additional parking spaces in the driveway and the paved parking apron along Matts Rd.

Director Day pointed out the location of the paved parking apron along Matts Rd. Commissioner LaPiana asked if the parallel parking apron was an easement needing to get approved by the Village and what the width of the apron is.

Director Day confirmed it is an easement and would need to be approved by the Village. Chris Russo responded the apron would be 9 feet for a parallel park. 9 feet is the requirement for parking stalls and lots.

Chairman Gauger asked what would prevent non-residents/guests from parking on the apron. Ellen Allen stated they could use 'residents only parking', or 'park at own risk' signs.

Commissioner LaPiana asked if a study was conducted in regards to traffic flow on both Matts Rd. and Lagoon Rd.

Ellen Allen responded that a traffic study was not conducted, but it was incorporated when planning the layout of the duplex homes, garages and driveways.

Chairman Gauger asked if the garages were detached and Commissioner Warden asked if there were photos of the garages.

Chris Russo responded that they didn't get that far along yet with photos of the garages, but the garages will be attached and the wall of the garage would create a courtyard deck.

Chairman Gauger requested confirmation of how many lots are to be combined and the total acreage of the PUD.

Ellen Allen confirmed it is a total of six (6) lots and total acreage of the entire PUD is just under an acre and a half.

Commissioner Warden opened the discussion of the flooding issues.

Ellen Allen stated that the flooding has happened due to the digging of a covert under the road and the old pump house not able to keep up and pumping water out to the lots. Ellen added that the new pump station should help with the flooding.

Commissioner LaPiana asked Director Day if there was confirmation of the pump station helping the flooding of these lots. Director Day stated he would contact the Public Works Director.

Chairman Gauger raised the discussion of the road that would be used to access the waterfront housing, who owns it and who would be maintaining it.

Ellen Allen stated they would have a Home Owners Association that would maintain the piers, road and landscaping.

Director Day reported he heard back from the Public Works Director Kealan Noonan. It was confirmed that the currently gravel road would be required to be paved and a paved public road would be maintained by Public Works. Public Works would work with the HOA with things such as snow removal. It was also stated that the lift station, referred to as a pump house earlier, is for sanitary/sewage purposes only.

Commissioner Vander Weit asked if the homes were going to be lifted out of the floodplain.

Chris Russo stated the goal was to get the main floor of the homes out of the floodplain.

Director Day informed the Commission that FEMA would require two (2) feet above the base flood elevation.

Chairman Gauger stated his concern of possible Short-Term rentals.

Ellen Allen responded saying Short-Term Rentals could be a restrictive covenant.

Commissioner Warden asked if the Home Owners Association Rules & Covenants be approved by the Village.

Kelly Cahill explained that a condition of the approval for the PUD includes a HOA, covenants, conditions and restrictions to be reviewed by village staff, appear before the Planning and Zoning Commission again for final approval before going to the Village Board.

Commissioner Legge asked about the community patio area and if it would be private or public. Commissioner Vander Weit doesn't think the homeowners buying into this development or the HOA would want the community patio area being open to the public.

Commissioner Foster added the possible liability issues for the HOA that could arise being open to the public.

Ellen Allen confirmed they could keep it private.

Commissioner Foster reopened the discussion of traffic flow and parking issues along Matts Rd. and Lagoon Rd. He stressed the importance of the Commission doing their 'homework' in regards to the on-going parking and traffic problems in this area.

## **VIII. Public Comment**

Neighboring resident Michael Kochenash voiced his concerns regarding the proposed project that he had listed in a letter sent to Director Day and also presented to the Commission.

Michael is concerned with each unit having pier access and if additional boats and jet skis would be allowed. If so, this would create noise and crowd issues. Proposal appears to allow variances to the setbacks of homes on Lagoon Rd. Flooding on Lagoon Rd happens routinely with 6-10 inches of water. Current draining along this road does not work causing cars in garages at floodplain level to be parked in water. Parking and traffic issues previously discussed throughout the meeting. The proposed plan shows a walkway along Lagoon Rd to the waterway which creates security and safety issues as this is located along his property line.

Chairman Gauger addressed some of the concerns Michael had. Chairman Gauger clarified that even though this is a PUD, the lakefront is a marina. Additional boats and jet skis could happen. The proposed coverage could cause less yard drainage and flooding of the garages which would need to be addressed. Director Day added that the garages may have to be raised above floodplain level as well. Issues such as this would be part of the engineering plan review. The tree removal goes along with land development. The setbacks shown are correct for front and back. A fence along the walkway was previously talked about as they had recognized that as a problem as well. The traffic issues turning in and out of Route 12 have been an issue.

Resident Gary Garner shared many of the same concerns as Michael Kochenash. Parking has always been an issue and will be a problem. Snow removal will be a challenge. Flooding will be a big problem not just because of the culvert but once the water rises in the lake it, it rises in the street and into everyone's property.

Residents Russ and Christine Mick shared concern of the population density possibly having up to 48 people moving in creating more boat traffic and noise. Christine Mick asked if the water would be city or well.

Ellen stated the units would be village water and sewer.

Resident Becky Zinke also shared concern of the flooding and building on the lots could possibly push the water further and further south into the homes on Matts Rd. Another concern was the traffic on the dead road that doesn't have a turn-around. This traffic that needs to turn around ends up using the shared driveway that was redone a year ago and is already deteriorating. The road surfaces of both Matt Rd and Lagoon Rd are deteriorating and need to be resurfaced. She questioned if the Village would be resurfacing the roads.

## **IX. Motion**

The Planning and Zoning Commission decided a modified preliminary rendering addressing the flooding concern is required.

*Commissioner LaPiana made a **motion** to continue the Petition for a Planned Unit Development Encompassing Parcels on Matts Rd. until the next scheduled meeting, Seconded by Commissioner Foster.*

Discussion: None

*All in favor*

<i>Commissioner Schultz</i>	<i>Aye</i>
<i>Commissioner LaPiana</i>	<i>Aye</i>

<i>Commissioner Warden</i>	<i>Aye</i>
<i>Commissioner Foster</i>	<i>Aye</i>
<i>Commissioner VanderWeit</i>	<i>Aye</i>
<i>Commissioner Legge</i>	<i>Aye</i>
<i>Chairman Gauger</i>	<i>Aye</i>

*Motion Approved*

**X. Adjournment**

Chairman Gauger closed the hearing at 8:15pm.

Respectfully submitted by,

Brigitte Weber  
Brigitte Weber  
Deputy Clerk