



PLANNING & ZONING COMMISSION MEETING MINUTES

**October 13th, 2021, 6:30pm
66 Thillen Drive, Fox Lake, IL**

I. CALL TO ORDER

Chairman Gauger called the Planning & Zoning Commission Meeting to order at 6:40pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. Present: Commissioner Schultz, Commissioner Warden, Commissioner Foster, Commissioner VanderWeit, Commissioner Legge, and Chairman Gauger

Absent: Commissioner LaPiana

A quorum was established.

Also in attendance: Economic Development Director Donovan Day and Village
Administrator Deb Waszak

V. APPROVAL OF MINUTES FROM SEPTEMBER 8TH, 2021

Commissioner Legge made a motion to approve the September 8th, 2021 Planning &
Zoning Commission regular meeting minutes as presented.

Motion seconded by Commissioner Foster.

Roll Call Vote:

Commissioner Schultz	Zoom Error
Commissioner LaPiana	Absent
Commissioner Warden	Zoom Error
Commissioner Foster	Aye
Commissioner VanderWeit	Aye
Commissioner Legge	Aye
Commissioner Gauger	Aye

Motion passed.

VI. NEW BUSINESS

Chairman Gauger opened Public Hearing Special Use Permit for a short-term rental at 501 Kingston Blvd 6:44pm.

Chairman Gauger proposed to table the meeting for a larger venue due to public safety concerns and exceeding capacity.

The residents present decided to have one person from each party remain at the meeting to reduce capacity.

Public hearing was able to continue.

Petitioner Mohamad Nasir was sworn in.

The Petitioner and contract purchaser, Mohamad Nasir, presented his petition seeking consideration for a Special Use Permit to operate a short-term rental at 501 Kingston Blvd. The single family home consists of six (6) bedrooms, eight (8) parking spaces and has a total square footage of five thousand and sixty-one (5,061 square feet). Mr. Nasir stated they plan to hire a local vacation rental management company to manage the daily operations. Exterior cameras, noise monitoring system inside & outside and a ring video doorbell will be installed. Phone numbers for property owners and rental management persons will be provided to neighbors and guests.

Commission Questions

Commissioner Legge asked if/how the petitioner knew previous short-term rental petitioners Joshua & Linda Krish because of the similarities in the design and graphics of the Short-term Rental Welcome Books.

Mr. Nasir responded that he had been researching previous petitioner's packets and purchased the template available on the internet.

Commissioner Schultz commented on the large size of the property and questioned how parties of large groups could be prevented.

Mr. Nasir responded that parties will be forbidden and the reason for installing cameras, noise monitoring system and video doorbell.

Public Comment

All persons providing testimony for public comment for the public hearing of 501 Kingston Blvd were sworn in:

Jerry Schiller, Bill Stuercke, Gerry Blaskey, Frank Bortko, Tiffani Bushman, Christina Ostertag, Doreen Cohn, James Plonczynski, Harold Nester, John Demski, Brian Noeller, Rich Murov, Danny Ziomek, Jeff Rosinski, Chris Rezny, Karen Horvath, and Harold Gabel

All persons sworn in for public comment and providing testimony were opposed to the petition for a Special Use Permit for short-term rental at 501 Kingston Blvd. The following concerns that the subject property would be detrimental and endanger the public health, safety, morals, comfort and general welfare were voiced to the Commission.

- Property Size – The large size of the subject property would attract renters who are interested in having large parties. Short-term renters would not be familiar with &/or respect the unique subdivision.
- Lake Safety – Reference made to the September 2021 incident of the drowning victim who was canoeing around 1:30am while staying at an Airbnb in Fox Lake.
- Insufficient Parking Available - Driveway and gravel parking area. Gravel parking area at subject property was permitted in 2015.
- Public Safety – Increased traffic in a one way in and one way out subdivision without sidewalks where many children live and play. Reference made to an accident where a person driving on Kingston Blvd drove through a fence and went airborne into the water.
- Burden on the Village of Fox Lake Police Department being called for unauthorized parties, noise complaints, drugs, and trespassing on surrounding neighbors' properties.
- Negative impact on property value.
- Septic system failure – Director Day referenced the approved permit documents issued in 2019 for the septic system upgrade. The design criteria on the approved plans are for five (5) bedrooms. Lake County Health Department approved.
- Floodplain – Property has flooded many times.

Unfavorable experiences of parties, noise and parking issues with previous owners at the property 501 Kingston Blvd were shared.

Chairman Gauger pointed out having bad neighbors' that live at the subject property full-time could always be a possible issue as well, as they have previously experienced.

Unfavorable experiences were shared about a home on Westshore Drive that was previously being used for short-term rentals. Neighbors saw short-term renters having large parties on multiple occasions and the police were called. It was confirmed the property owner(s) did not have a Special Use Permit to operate a short-term rental at the property.

Director Day confirmed the address and informed the Commission that earlier this year, the property was tagged by Code Enforcement Officer Joe Soucek for being in violation of operating a short-term rental without the required Special Use Permit. As of March 3rd, 2021 it was noted that the property had been removed from the short-term rental websites and in

compliance. If it is suspected that a property is operating short-term rentals without a Special Use Permit, contact the Village.

In regards to a public notification comment, Director Day informed the Commission and public in attendance that state law requires notifying property owners that are adjacent to the subject property. About four (4) years ago the village decided to expand that to create more transparency and went beyond what the state required and added the 300 foot radius along with the signage to notify more residents.

Commissioner Warden and Commissioner Vander Weit shared the same concern regarding the unique area that Fox Lake is, the differences of the properties in Fox Lake and how the current Short-term rental ordinance applies.

Motion of Recommendation to the Village Board

Commissioner Warden made a motion to approve the petition of Mohamad Nasir requesting a Special Use Permit to operate a short-term rental at property commonly known as 501 Kingston Blvd in accordance with the Village of Fox Lake Zoning Ordinance, Section 9-1-6-10, Subsection C, Items 1-6 have been satisfied with the following conditions attached.

Seconded by Vander Weit

1. Camera system, security system and noise system as described at the public hearing on 10/13/21 be installed as/was addressed.
2. First 24 months, after approval, only three (3) bedrooms maximum allowed to be rented out with a six (6) adult maximum.
3. Five (5) car maximum per rental.
4. Five (5) car maximum allowed parking on property only.
5. The packet of House Rules presented at the public hearing on 10/13/21 are the actual house rules would be used henceforth.
6. All rentals will follow all Village of Fox Lake codes regarding noise and quiet times.

Commission Discussion

Commissioner Foster and Commissioner Legge suggested changing condition #5 to allow rules and regulations to be updated as necessary.

Roll Call Vote:

Commissioner Schultz	Nay
Commissioner LaPiana	Absent

Commissioner Warden	Aye
Commissioner Foster	Nay
Commissioner VanderWeit	Aye
Commissioner Legge	Nay
Commissioner Gauger	Nay

Motion failed

Commissioner Legge made a motion to approve the petition of Mohamad Nasir requesting a Special Use Permit to operate a short-term rental at property commonly known as 501 Kingston Blvd in accordance with the Village of Fox Lake Zoning Ordinance, Section 9-1-6-10, Subsection C, Items 1-6 have been satisfied with the following conditions attached.

Seconded by Commissioner Foster

1. Camera system, security system and noise system as described at the public hearing on 10/13/21 be installed as addressed.
2. First 24 months, after approval, only three (3) bedrooms maximum allowed to be rented out with a six (6) adult maximum.
3. Five (5) car maximum per rental.
4. Five (5) car maximum allowed parking on property only.
5. The packet of House Rules presented at the public hearing on 10/13/21 are used and updated as necessary according to the village.
6. Petitioner will follow all Village of Fox Lake codes regarding noise and quiet times.

Roll Call Vote:

Commissioner Schultz	Nay
Commissioner LaPiana	Absent
Commissioner Warden	Aye
Commissioner Foster	Aye
Commissioner VanderWeit	Aye
Commissioner Legge	Aye
Commissioner Gauger	Aye

Motion passed

VII. OLD BUSINESS

N/A

VIII. PUBLIC COMMENT

Director Day provided village updates to the commission.

- Potential hotel developers for four different properties.
- Property group has Letter of Intent to purchase the rest of the Sayles property to create an entertainment district.
- Sidewalk project on Route 12 has started.
- Nippersink Blvd. project near completion.
- Fourteen buildings in the downtown purchased by a group who presented a conceptual plan to the Economic Strategic Planning Team.
- TIF funds will be used to dredge the channel behind Culver's.


Director Day introduced new Village Administrator Deb Waszak to the Planning & Zoning Commission.

The Commission discussed updating the Short-term rental ordinance.

IX. ADJOURNMENT

Commissioner Vander Weit made a motion, followed by Commissioner Foster, the Commission voted unanimously to adjourn the meeting at 9:35pm.

Respectfully submitted by,



Brigitte Weber
Deputy Clerk

Next Scheduled Village Board Meeting October 26th

Next Scheduled Planning & Zoning Commission Meeting November 10th

From: [REDACTED]
To: Permit@foxlake.org
Subject: Special use permit to allow short term rentals
Date: Sunday, October 3, 2021 10:46:01 AM

In regards to 501 Kingston boulevard, I believe this would be a huge mistake for the community and said a terrible precedent for the village of things to come.

As a recent former landlord I have to tell you it is hard enough keeping tenants in check with rules and regulations, but having a large turnover of renters is a very bad idea.

As a condominium owner in Cook County, and a longtime director on a condo board I can tell you first hand that renters are not the same as owners. Owners generally want to keep or improve on what they have not loose property value in which this type of situation would surely incur.

Common sense says this is wrong for the community and in addition to neighbors whose property value would diminish, this also will more than likely bring on more incidents with local police with disturbances and law enforcement. Do you really think that this owner who is seeking permission will run a background check on each individual who wants to rent this out, no.

Thank you,

[REDACTED]
Fox Lake, Illinois

From: [REDACTED]
To: Permit@foxlake.org
Subject: 501 Kingston short term rental
Date: Monday, October 11, 2021 9:34:05 AM

I urge you to reject this petition as it does not fit in with a residential area. It is a very large property and is set up for a large amount of people and vehicles. The proposal mentions many local amenities to go out and enjoy and with renters going back and forth all day will lead to a big increase in traffic. The last 8/10th of a mile which is all limited to ONE route in. Short term renters are usually associated with being noisy and with many outdoor features on the property I believe that to be very likely. This property is not isolated and would be like putting a small motel in the middle of the neighborhood.. This is not a good fit or idea as it will have no benefit at all for the immediate neighborhood. Once again I urge you to reject the petition.

[REDACTED]
Kingston Bl
Fox Lake, IL

From: [REDACTED]
To: Permit@foxlake.org
Cc: [REDACTED]
Subject: Special Use Permit 501 Kingston Blvd
Date: Monday, October 11, 2021 10:38:56 PM
Importance: High

To Whom it may concern:

The recent petition for special short term rental use of the subject property should be rejected for several reasons.

We are local residents just a few house down the road from the subject property. This is a quiet residential neighborhood with many children. We have no sidewalks so these kids play in their yards, driveways and often the street as they ride their bikes etc. There is but one street into the neighborhood... Kingston Blvd. Short term tenants will undoubtedly be less cognizant of speed, traffic and most importantly pedestrians as a result of their pursuit for vacation fun. Rules or no, there likely will be many disturbances as result of noise, boating incidents, trespass and damage to property. We own several rental properties in both Lake and McHenry counties and know very well about the flippancy regard to rules, regulations, property and others.

Recent loss of life on the chain, as tragic as it is, has been the result of a couple of folk epitomizing the above. The most recent a short term resident of an Air bed and breakfast.

As property owners on the water, we pay a premium for that privilege. Instituting this policy sets a dangerous precedent for this area, will result in reduced property values and eventually will result in less tax generation due to those drops in value. In addition, what will prevent other home along the waterfront petitioning for the same special use?

We strongly resist the approval of this permit.

Regards,

[REDACTED]
[REDACTED] Kingston Blvd.

From: [REDACTED]
To: Permit@foxlake.org
Subject: Permit for rental
Date: Saturday, October 02, 2021 10:46:20 AM

We live on Monterrey terrace and We strongly oppose the permit for rental properties be given to the Fortress address. We have enough problems with weekenders, rustic harbor people, and stray people riding through our neighborhoods.

Please do not allow the rental property to pass.

Sincerely
[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: Permit@foxlake.org
Subject: 501 Kingston
Date: Wednesday, October 13, 2021 3:18:00 PM

We live in the Round Hill Subdivision and oppose 501 Kingston being used as an Airbnb. Do not want short term guests moving in and out.



Planning & Zoning Commission Meeting

October 13, 2021

Sign In Sheet

Please Print Name:

FRANK BORTKO

William Sturcke

Chris Reznay

Christina Ostertag

RICH MUROV

Tiffani Bushman

Jim Plonczynski

Brian Woeller

JOHN DEMSKI

Doreen Cohn

Jeff Rosinski

FRED & GERRY BLASKEY

Greg Bittner

Karen Hovath

July F. Sall

Dan Ziomek

HAROLD GADEL #



Dawn Curlee

LYNN SOLDANO

DAVID OSTERTAG

Ronald J. Pifer