



PLANNING & ZONING COMMISSION MEETING MINUTES

April 13, 2022, 6:30pm

66 Thillen Drive, Fox Lake, IL

This meeting was held in-person and via Zoom

I. Call To Order

Chairman Gauger opened the meeting at 6:30pm.

II. Pledge Of Allegiance

III. Roll Call

Present: Commissioner Schultz, Commissioner LaPiana, Commissioner Legge, Commissioner Foster, Commissioner VanderWeit, Commissioner Nakanishi and Chairman Gauger.
A quorum was established.

Also in attendance: Economic Development Director Donovan Day

IV. Approval of Minutes From March 9, 2022

Commissioner Schultz made a motion to approve the meeting minutes as submitted, seconded by Commissioner Nakanishi.

Roll Call:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Legge	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Nakanishi	Aye
Chairman Gauger	Aye

Motion passed.

V. New Business

1) 119 Cora Avenue; Petition for a Special Use Permit to Operate a Short term Rental

Chairman Gauger opened the public hearing for the petition for a Special Use Permit to operate a short-term rental at the property commonly known as 119 Cora Ave at 6:33pm.

Petitioners Zandra McGuire and Jake McGuire were sworn in.

The rental inspection was completed and approved.

Zandra presented the petition to the Commission requesting approval to operate a short-term rental, part-time during the key weeks/weekends of the summer. The property is used as their primary residence. The lake view property has a remodeled interior, detached garage, a driveway to accommodate four vehicles and large fenced in yard. The Mineola Marina is located on one side of the property and a summer-home on the other. When the property is being rented, the petitioner will be staying nearby. A new pier has been ordered to replace the current one.

Commission Questions

Commissioner Legge suggested that, if approved, the petitioners should make it very clear to renters not to utilize the neighboring community property area.

Zandra has not been a short-term rental host before. Commissioner Schultz asked for the proposed vetting process.

The petitioners referenced the Airbnb Guest Policies.

(Airbnb Guest Policies reference attached)

Commissioner Schultz explained that while the village has been very receptive to short-term rentals, the granting of a special-use permit is a privilege, not a right and can be revoked.

Chairman Gauger suggested to the petitioner to revise and revamp the Rules & Regulations that were submitted.

Zandra was appreciative of this suggestion and agreed to do so before the Village Board meeting.

Commissioner LaPiana requested clarification of the number of bedrooms and bathrooms. The short term lease agreement states 3 bedrooms and 2 bathrooms.

Zandra confirmed the property is 2 bedrooms, 2 bathrooms with an in-law suite. They will correct the short-term lease agreement.

Public Comment

None

Discussion

None

Motion of Recommendation

Commissioner Legge made a motion to approve the Special Use Permit petition for the operation of a short-term rental at the property commonly known as 119 Cora Ave, Fox Lake IL in accordance with the Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with standards 1, 2, 3, 4, 5 & 6 satisfied.

Commissioner LaPiana seconded the motion.

Roll Call:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Legge	Aye

Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Nakanishi	Aye
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 6:48pm.

2) 509 Whitten Street; Petition for a Special Use Permit to Operate a Short-term Rental

Chairman Gauger opened the public hearing for the petition for a Special Use Permit to operate a short-term rental at the property commonly known as 509 Whitten Street at 6:49pm.

Petitioner Connie Loef and consultant Helmut Peter were sworn in.

Helmut presented the petition requesting a special use permit to operate a short-term rental to the Commission. The petitioner purchased the property in June 2021 with the specific purpose to operate an Airbnb. The petitioner currently has an Airbnb in Wisconsin. Helmut stated all six conditions of the Special Use Permit have been met. The home has 3 bedrooms and four off-street parking spaces.

Connie Loef said she has met her neighbors. She decided to host an open house to address any questions or concerns. She invited all sixteen homes in the subdivision and three neighbors showed up. Information on short-term rental processes, vetting and rules & regulations was provided along with Connie's contact information. She said she did not think it went well, but did the best she could. The windows of the neighboring homes do not face the property to cause an imposition. The twenty-five foot easement to the right of the property allows access from the street to the lake. The narrow dead end street does have limitations.

Commission Questions

Commissioner Legge asked if PRD Associates was a management company hired for the property.

PRD Associates is Helmut Peter's company and they will not be managing the property. Helmut is also Connie's brother-in-law.

Commissioner LaPiana complimented the thorough rental agreement submitted, the interior of the home and asked if the exterior would be upgraded.

The petitioner reached budget completing the interior, but hopes to use profit from summer rentals to upgrade the exterior in fall.

Commissioner Schultz shared safety concerns with having minimal parking with a narrow dead-end street, hole in the eaves, and porch appears to be unsafe. Being a non-conforming lot, extreme effort will need to be made to keep guests from trespassing onto the neighboring privately owned vacant lot.

Public Comment

Carl O'Neil, Dave Baumgartner, Madeline Baumgartner, Mary Locher, Jennifer Lujanski, and Beth Olson were sworn in.

Neighbor Carl O'Neil affirmed he had nothing personal against Connie or Airbnb's. Carl said when Connie first came into the neighborhood; she said it was purchased for

her son. It's a small private community on a dead-end. The contractors that were at Connie's home that morning, dug a divot into his gravel driveway, hit a 40lb boulder at the end of the driveway, dragged it down the block and across his grass.

Carl shared his concerns with having Airbnb guests, the liability/safety issues of his property, pier, boat, and wave runner. He shared safety concerns of his two daughters and his dog. Carl's office window and bedroom balcony faces Connie's property.

Neighbor, Dave Baumgartner bought his house 16 years ago because it was a small quiet neighborhood on a private lake. Dave does not believe this is a good neighborhood for an Airbnb with the majority of residents being 40 years old and older, five retirees and a child who is autistic.

Neighbor, Madeline Baumgartner (Dave's wife) has lived in the neighborhood for 9 years and plans to retire there. When not working from home, she travels and needs to know her home is safe. She questioned the verbiage in the petition packet that says, *'The proposed use is consistent with what presently exists on the subject property along with the existing uses on the adjacent properties and will not have any adverse impacts relative to increased traffic or other intrusions in the neighborhood.'*

Chairman Gauger explained the property's Existing Use is Single Family Residence and Surrounding Use is Single Family Residence.

Madeline is concerned of the kind of people that would stay at a property that is an eye sore and has holes in the siding.

Chairman Gauger addressed the Special Use Permit for a short-term rental process. The Village of Fox Lake adopted regulations for short-term rentals in October of 2015. The regulations were adopted to allow the use of residential properties for short-term rentals while creating a process to mitigate impacts on the surrounding neighborhood. The special use permit is a privilege not a right and can be revoked.

Neighbor Mary Locher voiced her concerns for allowing a short-term rental at the subject property. She presented photos of the petitioner's car parked in front of a 'No Parking Anytime' sign next to the fire hydrant. Mary has served on the Duck Lake Waterway Association & Board. She shared her concern of emergency vehicles being able to enter and leave if guest's vehicles are in the way.

Chairman Gauger discouraged use of projecting problems.

Mary pointed out #27 in the agreement says, 'See 509 Whitten Rules & Regulations' but the rules and regulations are not titled 509. Lake Rules promote fishing and Largemouth Bass and Northern Pike are catch and release only. Mary expressed concern of the properties flood zone percentage and guests potentially introducing invasive species into Duck Lake. It is a neighborhood lake, and the waterway association is a volunteer organization with limited funds. The petitioner and village will profit from the short-term rental. It will place an undue burden on the waterway association. Mary requests an impact fee to be paid to the Duck Lake Waterway Association for every night of rental.

Neighbor Jennifer Lujanski agreed with her neighbors concerns. She has had experience staying at Airbnb's and can attest that people can do dumb stuff. Jennifer has kids, is unaware of Airbnb vetting process but knows they don't screen for pedophiles. Advertising private property, private beach, and private lake could be attractive to someone of that nature. New traffic causes safety and road concerns.

Neighbor Beth Olson has been a resident on Duck Lake since 1963. The most important part of the lake is its privacy. The residents put in a lot of work to keep the wake down, and stock lake with fish. It is not a place for outsiders.

Helmut Peter explained the thorough Airbnb vetting process. Helmut confirmed four parking spaces are available. The contractors that were at the property that morning

were there for an emergency sewer repair. (*An emergency sewer repair permit was issued for 509 Whitten Street the morning of April 4/12/2022*)

Commissioner Legge asked the petitioner if her policies, rules & regulations handouts have changed over the years while hosting her Airbnb in Wisconsin.

Connie confirmed that they have been revised to accommodate the likes of guests and neighbors.

Commissioner Legge also addressed the special use permit for short-term rental process.

Commissioner Schultz asked for the maximum occupancy.

Two per bedroom was located in the petition packet.

Discussion

Commissioner LaPiana explained that nothing new was brought up at this hearing. All the concerns have been heard before. Chairman Gauger asked for confirmation of current short-term rentals and how many have been revoked. Director Day responded that there are currently twenty-four short term rentals and zero complaints/revoked permits.

Motion of Recommendation

Commissioner LaPiana made a motion to approve the Special Use Permit petition for the operation of a short-term rental at the property commonly known as 509 Whitten Street, Fox Lake IL in accordance with the Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with standards 1, 2, 3, 4, 5 & 6 satisfied.

Commissioner seconded the motion Vander Weit.

Roll Call:

Commissioner Schultz	Nay
Commissioner LaPiana	Aye
Commissioner Legge	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Nakanishi	Aye
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 8:00pm.

3) 248 East Grand Avenue; Petition for a Special Use Permit for Construction of an Off-Site Parking Lot

Chairman Gauger opened the public hearing for the petition for a Special Use Permit for 248 E Grand Ave parking lot at 8:02pm.

Beth Reich, Stephen Corcoran, and Steve Gregory were sworn in.

Beth Reich, representing Grant High School, presented the petition to the Commission. The petitioner is requesting a Special Use Permit to construct an off-site student parking lot, a half a block down away from the school building. Twenty-six years ago the high school had eight hundred (800) students. Today the school has one-thousand

eight hundred and thirty (1,830) students. Currently, there are three hundred and twenty four (324) student parking spaces. There are five hundred and three (503) students in the senior class. Seniors get first dibs and a lottery is available for juniors. Parking has never been available for sophomores and every year there's a waiting list. The proposed off-site parking lot would satisfy the waiting list and then some.

Stephen Corcoran, and Steve Gregory, both with Eriksson Engineering, provided the proposed parking lot and landscape plans. The proposed parking lot would provide sixty seven (67) parking spaces, and access from Lippincott Rd. The required amount of accessible spaces is provided in other locations closer to the school.

Commission Questions

Commissioner LaPiana and Vander Weit shared concern with expected traffic issues.

The petitioner was not planning to have a crossing-guard at this location. Students would walk down the east sidewalk to the currently stationed crossing-guard or they could go west, closer to the Staton School crossing guard. The petitioner will make arrangements with security to help guide the students and ensure they leave in an orderly matter.

Commissioner Vander Weit questioned Director Day of the suggested use. The parking lot won't generate revenue as a structure would. The property was for sale for a while and Director Day never received any calls from interested buyers.

Public Comment

None

Discussion

None

Motion of Recommendation

Commissioner Nakanishi made a motion to approve the Special Use Permit petition for the operation of an off-site parking lot strictly for the use of Grant High School at the property commonly known as 248 E Grand Ave, Fox Lake IL in accordance with the Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with standards 1, 2, 3, 4, 5 & 6 satisfied.

Commissioner Schultz seconded the motion.

Roll Call:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Legge	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Nay
Commissioner Nakanishi	Aye
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 8:20pm.

4) 80 South Route 12; Petition for a Special Use Permit to Operate a Cannabis Business with Dispensary, Consumption and Infuser

Chairman Gauger opened the public hearing for a Special Use Permit for 80 S Route 12 at 8:21pm.

Nick Provenzano, Tom McCabe and Craig Moore were sworn in.

The petitioners are seeking a special use permit for a cannabis business that would include retail sales, on-site consumption, and infusion for 80 S Route 12. The petitioners received approval for Special Use Permit to operate a dispensary with on-site consumption, infuser, and craft grow facility two years ago for 90 S Route 12. An environmental study was conducted for 80 and 90 S Route 12 and resulted in several environmental concerns for the original location of the dispensary at 90 S. Route 12. The State requires dispensaries to be operational within 6 months after issuance of the dispensary license. The remediation could take seven to eighteen months to complete and does not include the time for the EPA to approve the remediation plan. The plan is to construct a building with three tenant spaces that include the dispensary with consumption lounge, a craft brewery, and a restaurant. After completion of the remediation at 90 S Route 12, FLBC has the option to move the dispensary to the original location.

Commission Questions

The Commission requested confirmation that two cannabis uses would not be considered. It was confirmed that it would not be allowed by State law.
Discussion ensued of the craft brewery, and restaurant.

Public Comment

None

Discussion

None

Motion of Recommendation

Commissioner LaPiana made a motion to approved the Special Use Permit petition for the operation of a cannabis business that will retail sales, on-site-consumption, and infusion at the property commonly known as 80 S Route 12, Fox Lake IL in accordance with the Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with standards 1, 2, 3, 4, 5 and 6 satisfied. Commissioner Legge seconded the motion.

Roll Call:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Legge	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye
Commissioner Nakanishi	Aye
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 8:21pm.

5) Presentation and Discussion Regarding a Proposed Development at 329 Thomas Lane

Chairman Gauger opened the discussion and presentation by Global Builders for a proposed 122 unit multi-family building at 329 Thomas Lane at 8:35pm.

Carmen Gratace, was sworn in.

Carmen Gratace, President of Construction & Development for Global Builders, presented the request for consideration for a proposed 122 unit multi-family apartment building instead of the previously approved assisted living facility. Global Builders started the project for the proposed assisted living facility for the original owner. Carmen stated lenders are hesitant to fund an assisted living project due to the challenges the senior living sector experienced during the pandemic. The existing foundation was confirmed useable by a structural engineer and architect. The proposed development would include ninety (90) one-bedroom units and thirty-two (32) two-bedroom units. Amenities would include a workout facility, media room, workspace, putting green, serenity garden, lobby lounge, dog walk and grilling area. Consideration of adding a pool is also in discussion. Site plan remains with a retention pond, and Phase 2 will turn into additional parking spots and a common area.

Commission Questions

Commissioner Nakanishi questioned the condition of the concrete slab from being exposed.

Carmen stated the piping would come out. After recommendation from a plumbing inspector, all the pipes were capped. Site utilities would remain in place and a civil engineer would be hired to camera all of the site utilities in place.

Chairman Gauger voiced concern of increased traffic on Thomas Lane and the wording of 'luxury apartments with open parking'. The assisted living facility was authorized to use Thomas Lane because there wouldn't be a lot of traffic.

Ingress and egress off of Route 134 and additional parking to be considered.

Public Comment

None

Discussion

None

Motion of Recommendation

Commissioner Nakanishi made a motion providing a board recommendation to allow the developer Global Builders to move forward with the presented plan for construction of a 122 unit multifamily apartment building instead of the previously approved assisted living facility to be located at 329 Thomas Lane, Fox Lake IL.

Commissioner Vander Weit seconded the motion.

Roll Call:

Commissioner Schultz	Aye
Commissioner LaPiana	Aye
Commissioner Legge	Aye
Commissioner Foster	Aye
Commissioner Vander Weit	Aye

Commissioner Nakanishi Aye
Chairman Gauger Aye
Motion passed.

VI. Old Business

Petition for a Special Use Permit to allow Sales and Storage of Boats/Piers/Lifts on vacant property continued.

VII. Public Comment

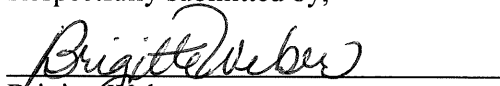
None

VIII. Adjournment

Commissioner Vander Weit made a motion, followed by Commissioner Legge, the Commission voted unanimously to adjourn the meeting at 9:12pm.

All in favor.

Respectfully submitted by,

A handwritten signature in dark ink, appearing to read "Brigitte Weber", is written over a horizontal line.

Brigitte Weber
Deputy Clerk



Planning & Zoning Commission Meeting

April 13th 2022 Sign In Sheet

Please Print Name:

Zandra McBride

CARLEN GRACE

Jake Mcunire

Connie Loef

Helmut Refa

Col. O'Neil

David Beers

Madeline Baumgartner

Mary Lohr

Jennifer Lyons

Bevera Olson

Beth Reich

Stephen Corcoran

STEVE GREGORY

NICK PROVENZANO

Tom McCabe

Craig Moore

Airbnb Guest Policies

What we don't allow when vetting guests

- **Identity misrepresentation or mismatch:** Accounts should accurately represent the account creator and provide information, photos, or documents that match that person's identity.
- **Underage users:** People under the age of 18 aren't allowed to create an Airbnb account or book a reservation. At a stay or on an Experience, they must be accompanied by an adult.
- **Certain background check offenses (US only):** Background checks may be performed on users to identify convictions. We screen for convictions of specific offenses that may indicate an increased safety risk to our community and use that to determine when an individual with certain convictions might not be allowed to use our platform.

Dangerous organization affiliation: Individuals affiliated with extremist groups, hate groups and organized crime groups are not allowed to have an account on Airbnb.

Booking requirements for guests

Before booking a stay or an Experience, we may ask for a government ID or that you verify your identity. We will need to know some basic information—which we don't share with Hosts or anybody else. We also encourage profile photos, and some Hosts may require them, but profile photo's aren't displayed until after a booking is confirmed.

We need your:

- Full name
- Email address
- Confirmed phone number
- Payment information

Your Host may ask for:

- Brief introductory message
- Agreement to house rules

Your privacy is important to us

Hosts never see your payment information or your email address, even after you book. We'll email you whenever a message is sent to your Inbox.

What's expected of guests

We expect our guests to uphold certain standards and be considerate and respectful of their Hosts, Hosts' neighbors, and any other community members they may meet.

What we don't allow

- **Disrespecting surrounding communities:** During their stay or experience, guests must respect the surrounding community and its rules. This includes but is not limited to: designated quiet hours, parking locations and hours, number of cars allowed, and proper disposal of trash and debris in designated areas.
- **Disrespecting the reservation agreement:** Guests must abide by the standards set by Hosts for each reservation as long as the standards are not inconsistent with Airbnb policies. This includes but is not limited to: check-in and check-out times, number of guests, permissibility of pets or smoking, and other Host rules agreed upon at the time of booking.
- **Disrespecting the space:** Guests may not leave the place where they stayed or its grounds in a state that requires excessive or deep cleaning or repairs beyond normal wear and tear. Cleaning fees are only meant to cover the cost of standard cleaning between reservations. Guests should also return any keys as agreed upon by both parties.
- **Tampering with security devices:** Guests may not disconnect or otherwise obscure any permissible and properly-disclosed security devices.
- **Access of personal property other than your own:** Any areas clearly designated as off-limits, locked, or containing personal or confidential information are off limits to guests.
- **Disruptive parties and events:** Parties or gatherings that threaten the safety of or disturb the surrounding community are not allowed, regardless of size.
- **"Party house" listings:** Unless hosting as part of a professional hospitality business, Hosts should not encourage or otherwise permit parties or events in their listing descriptions or elsewhere.
- **Community nuisances:** Agitating behavior and actions including excessive smoking around neighbors or smoking in areas where smoking is prohibited, littering, making excessive noise, or obstructing a neighbor's access to their homes aren't allowed.

Party and Events Policy

Note: As of August 20, 2020, Airbnb announced a global ban on all parties and events at Airbnb listings, including a cap on occupancy at 16, consistent with our community policies. This party ban applies to all future bookings on Airbnb, and it will remain in effect indefinitely, until further notice.

Our [Community Standards](#) prohibit members of the Airbnb Community from creating a nuisance that disturbs the surrounding neighborhood. Hosts and guests can meet this standard by making sure they clearly align on expectations for gatherings at listings. While we believe most guests are respectful, we've created our Parties and Events policy to provide clear guidance on what is expected from everyone. Until further notice, the policy prohibits:

- Gatherings of more than 16 people
- All disruptive parties and events

Guests who are reported for throwing a disruptive party or violating our rules on gatherings of more than 16 people are subject to suspension or removal from Airbnb's platform. In some cases, guest

reviews left after such parties may be removed. We may also remove listings if we determine that a Host has authorized a party that violates this policy. If we receive reports that a listing is disrupting the surrounding community, we may request that the Host update their rules or suspend the listing.

In addition to strengthening our rules around parties, we're also working on risk-detection technologies that help stop disruptive parties before they even start.

Large gatherings

Until further notice, gatherings of more than 16 people—including both overnight guests and visitors—are not allowed, regardless of Host authorization.

Parties and events

Until further notice, all disruptive parties and events are prohibited, regardless of size. Guests who hold these types of events may have their account removed, and Hosts who violate this rule and allow guests to throw parties may be subject to account consequences up to and including the removal of their listing.

Reporting a disruption

When a property that's listed on Airbnb is causing a disturbance—whether that's excessive noise, a disruptive party, a gathering of more than 16 people, or unsafe behavior—members of the local community can report it at [Neighborhood Support](#), which provides a link to local emergency services. They'll also have access to the Neighborhood Support team phone number, where they can report a party that's still in progress. Once an issue is reported, Airbnb will send a confirmation email explaining what happens next.

Unauthorized party intervention

Reducing the number of unauthorized house parties on Airbnb has long been a priority. We're taking actions to support safe and responsible travel. As part of our global party ban, we may block certain reservations that we determine to be higher risk for unauthorized parties.

Listing content guidelines

In line with this policy, Hosts should not attract disruptive parties and events in their home by advertising their space as party- or event-friendly. Similarly, Hosts should not advertise their space for gatherings larger than 16 people.

Listings that violate these rules through the listing title, description, house rules, photos, etc., may be suspended until the violating content is removed. Where we've received complaints for a property violating this rule, we may also suspend the listing for up to 30 days and ask the Host to update their listing to include an explicit rule stating that parties and events are not allowed.

In rare cases where it appears that the listing is intended only for the purposes of hosting parties or events (for example, party or event venues), or where a property has created a severe nuisance within a neighborhood, the listing may be permanently removed from Airbnb.