



PLANNING & ZONING COMMISSION MEETING MINUTES

**July 13, 2022, 6:30pm
66 Thillen Drive, Fox Lake, IL
Also Held Virtually**

I. Call To Order

Chairman Gauger opened the meeting at 6:31pm.

II. Pledge Of Allegiance

III. Roll Call

Present: Commissioner Swanson, Commissioner LaPianna, Commissioner Legge, Commissioner Bongiovanni, Commissioner VanderWeit, and Chairman Gauger

Absent: Commissioner Nakanishi

A quorum was established.

Also in attendance: Economic Development Director Donovan Day, Village Administrator Deb Waszak and Trustee Brian Marr.

Chairman Gauger introduced two new Commissioners, Swanson and Bongiovanni and interim Secretary, Patricia Russell

IV. Approval of Minutes From May 11, 2022

Commissioner Legge made a motion to approve the meeting minutes as submitted, seconded by Commissioner VanderWeit.

Commissioner:	Swanson	Abstain
	LaPianna	Abstain
	Legge	Aye
	Bongiovanni	Abstain
	VanderWeit	Aye
Chairman:	Gauger	Aye

Minutes are approved.

V. New Business

1) 514 Park 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 514 Park Avenue at

6:36pm.

Petitioner, Frank LaMark was sworn in along with Rose Puckett who wishes to speak before the board on this matter.

The petitioners presented the petition to the Commission.

Mr. LaMark is purchasing the property at 514 Park Avenue along with the marina next door, known as Nauti-Port Marina (93 boat slips and parking lot). This property is adjacent to Famous Freddie's on the other side. Mr. LaMark is planning to turn 514 Park into a short-term rental property.

Commission Questions

Commissioner Legge asked Director Day if the inspection has been done on this property. Director Day responded in the affirmative, the inspection was done this morning. Commissioner Legge also noticed that there was no sign in front of the property regarding this meeting. Director Day said that there are photos of the sign in front of the building when it was originally posted. Commissioner Legge asked if the purchase is contingent on getting the approval for the short-term rental, Mr. LaMark answered in the affirmative. Also, Commissioner Legge asked if Mr. LaMark had operated short-term rentals before and he stated that he has other short-term rental properties and is new owner of the Roxanna. There have been no issues with the Roxanna property at this time. Mostly used for large family groups, as opposed to bed and breakfast. No barrier between the home and the marina. Property publicized by Air B&B, direct booking, google search, etc.

Chairman Gauger discussed concerns of neighbors a few months ago because the owner had not gone to speak with his new neighbors and virtually all of the neighbors' concerns came true because there was a huge party that went well beyond anything that had been allowed by the Committee. Frank, how are you going to keep this property from turning into a "party house"? Mr. LaMark responded that this is their number-one concern. They do not rent to anyone under 25 years old, they have to go through ID checks through Air B&B or similar platforms, and there is 24 hour, 7 day a week handy-man on site who will do spot checks.

Commissioner LaPianna asked what the handy-man does. Mr. LaMark stated that he they will do maintenance of the property and address household maintenance matters for guests. Most parties will be major holidays, also Air B&B is vetting renters asking if they are first time renters, what is the age of the renters, how many in the party, are there any pets, etc. to determine suitability for a property. Mr. LaMark also stated that they own a property management company with a staff of 5 that just do messages, cleaning and maintenance work. They are a full service property management company.

Commissioner Legge asked what drew Mr. LaMark to this property. Mr. LaMark stated that it was the marina; also it is a beautiful little house. He stated that there is a lot of demand for short-term rental units and a perfect addition to his portfolio. Marina and the house are two parcels in one purchase.

Chairman Gauger asked where the 8 parking spaces are. There is a large driveway that can hold 8 cars and there are also 2 spaces in the garage. Village rules state a limit of 2 adults per bedroom and children. Do not want to be turning the living room into a bedroom.

Public Comment

Rose Puckett spoke about her concerns of potential violence and parking problems from short term renters. Chairman Gauger asked Director Day how many short-term

rental properties we currently have in town and what, if any problems have occurred, other than the one gentleman's out-of-control party, in the last 5 years. Director Day replied that we currently have 27 short-term rentals and have only one other incident.

The mayor addressed that incident and the owner changed management companies and made his requirements more stringent and has not had any further problems.

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. Currently there are twenty-seven (27) Special Use permits for short-term rentals in the Village. He also spoke to the importance of being a good neighbor. Also, Mr. LaMark agreed to give the neighbors his phone number so that they can contact him about any concerns.

Commissioner Legge asked about parking concerns and Mr. LaMark described the current and future parking availability.

No comments from Zoom participants.

Motion of Recommendation

Commissioner LaPianna made a motion to approve the Special Use Permit petition for the operation of a short-term rental at the property commonly known as 514 Park Avenue 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 Legge seconded the motion.

Discussion

Commissioner LaPianna wants to be clear that with 2 bedrooms there is a maximum of 4 adults allowed.

Roll Call:

Commissioner LaPianna	Aye
Commissioner Bongiovanni	Aye
Commissioner Legge	Aye
Commissioner Swanson	Aye
Commissioner VanderWeit	Aye
Commissioner Nakanishi	Absent
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 6:50pm.

2) 27 Rushmore Road; Petition for a Special Use Permit to Operate a Short Term Rental

Chairman Gauger opened the petition requesting a Special Use Permit to Operate a Short Term Rental, at the property commonly known as 27 Rushmore Road at 6:51pm.

Petitioner, Frank LaMark, was sworn in along with Karen Smuda, Steve Gedemer and Margaret Jilly who wish to speak before the board on this matter.

Mr. LaMark presented the petition requesting a Special Use Permit to allow a Short Term Rental at the property commonly known as 27 Rushmore Road to the Commission.

Mr. LaMark stated that his property is located about a mile from The Roxanna Resort so it is a great addition to weddings that they do. Mr. LaMark sees this as an addition to the Roxanna because it has 5 bedrooms and he expects it can accommodate up to 20 adults. The inspection has been completed and passed.

Commissioner VanderWeit asked if, due to the size (5 bedrooms), how is the property going to be used; rent to families or large parties, renting out rooms? Mr. LaMark foresees using for families, birthday parties, corporate functions, etc.

Commissioner Legge asked if Mr. LaMark has contacted the neighbors. He stated that he has not spoken with the neighbors but the current owner has and the feedback seems to be positive. Commissioner Legge suggested that it is important to reach out to each of the other property owners.

Public Comment

Karen Smuda addressed to Commission. Mr. LaMark has not met any of the neighbors. She is concerned that the whole block will soon be Air B&B. Also, she is concerned about parking as the street is very narrow and there is no room for parking. In addition, there is a question of whether the house will come with a boat. The channel is also very narrow and difficult to navigate, especially for someone who doesn't know the channel. This is a dead-end street in a residential area. Her house is only about 19 feet away. Main concern is safety for renters as well as for neighbors.

Director Day also reminded the board that they can limit how many people will be allowed to be there.

Commissioner Legge and Commissioner VanderWeit discussed access to the street.

Steve Gedemer stated that he generally supports the short term rental but also stated that Karen brought up some valid concerns. He would not want more than 10 people there. There has to be reasonable expectations of privacy for the neighbors, need to be treated with respect. There is also a question of liability. Need to consider small children so close to the water, and pets.

Margaret Jilly stated that everything she wanted to speak about has already been said.

Commission Questions

Commissioners questioned the number of people staying at property, 2 adults per bedroom maximum means 10 adults here. Mr. LaMark said quiet hours are 10PM during the week, mid-night or 1AM on weekends – but must follow Fox Lake outdoor music permits which state until 9PM Sunday thru Thursday and 12 noon to 11 PM on Friday and Saturday. The Air B&B can determine shorter hours if desired.

Ms. Smuda objected to loud music disrupting the neighborhood. Chairman Gauger suggested that the neighbors should contact Frank if there is a problem.

Commissioner Legge intends to limit the hours of noise in their book of rules and regulations for renters. Commissioners restated the limit of 10 adults (no limit for children under 18).

Steve Gedemer spoke again and stated that 10 adults and 4 children would be too much for him.

Conditions

No more than 10 adults staying at the property.

Motion of Recommendation

Commissioner LaPianna made a motion to approve the Special Use Permit petition allowing Short Term Rental at the property commonly known as 27 Rushmore Road, Fox Lake IL, in accordance with Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with standards 1, 2, 3, 4, 5, and 6 satisfied.

Commissioner VanderWeit seconded the motion.

Discussion

Are we putting a condition on client hours? Chairman Gauger said that this will be governed by the Village Rules. We will follow-up with Frank regarding his statement that he will put time limits in his book of rules and regulations.

Roll Call:

Commissioner LaPianna	Aye
Commissioner Bongiovanni	Aye
Commissioner Legge	Aye
Commissioner Swanson	Aye
Commissioner VanderWeit	Aye
Commissioner Nakanishi	Absent
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 7:21pm.

3) 21 Atwater Parkway; Petition for a Special Use Permit to Operate a Short Term Rental

Chairman Gauger opened the petition requesting a Special Use Permit to Operate a Short Term Rental, at the property commonly known as 21 Atwater Parkway at 7:22pm

Petitioner, Igor Khotimskiy, was sworn in.

Mr. Khotimskiy feels that this property is suited for short term rental because it is in very good condition and has access to the water and the property next door is a short term rental. Also, Mr. Khotimskiy has another short term rental property and wants to expand. He also stated that this property would be a secondary income and would be for personal use as well. He has met only one neighbor but he intends to meet others.

Commissioner Legge asked where his other short term rental is located, Mr. Khotimskiy stated that it is in McHenry and he has had it for about 3 months. He manages the property himself and he lives in Lake Zurich. He has not had any problems in McHenry. Also, the property is fenced on both sides.

Chairman Gauger stated that there are "quiet hours" in his book. The property will accommodate 6 adults.

Tom Weathers was sworn in. He is a new neighbor 2 doors down from Mr. Khotimskiy. There is another short term rental next door to Mr. Khotimskiy and Mr. Weathers is concerned that there will be too many rentals too close together. Mr. Weathers suggested that there be a limit on the density to limit the impact to the neighborhood. There have been no problems with the short term rental that is already in the neighborhood.

Motion of Recommendation

Commissioner Bongiovanni made a motion to approve the Special Use Permit petition allowing Short Term Rental at the property commonly known as 21 Atwater Parkway, Fox Lake IL, in accordance with 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.

Discussion

None.

Roll Call:

Commissioner LaPianna	Aye
Commissioner Bongiovanni	Aye
Commissioner Legge	Aye
Commissioner Swanson	Aye
Commissioner VanderWeit	Aye
Commissioner Nakanishi	Absent
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 7:30pm.

4) 127 Cora Avenue; Petition for a Special Use Permit to Operate a Short Term Rental

Chairman Gauger opened the petition requesting a Special Use Permit to Operate a Short Term Rental, at the property commonly known as 127 Cora Avenue at 7:31pm

Petitioner Maria Metzler was sworn in. She is the new owner of the property.

Ms. Metzler said this is a small house and she is planning to use this for personal use also. She is a licensed real estate agent and intends to rent the property out on a short term basis from time-to-time.

Chairman Gauger asked "how many bedrooms" and the response was "2 bedrooms". The submitted paperwork indicates that there are 3 bedrooms, 1200 sq ft house, with paved driveway. Ms. Metzler suggested that an area in the basement might have been misidentified as a bedroom but it is not. With 2 bedrooms, there would be a limit of 4

adults for rental purposes. Chairman Gauger noted that “quiet hours” are shown in the book for this property. Ms. Metzler stated that she also owns a property on Atwater for seven years and has lived in Fox Lake for several years so she is well aware of quiet hours and they do background checks, etc. She has spoken with one of the neighbors and its’ their house too so they don’t want it destroyed or any nuisance so they will be careful of who rents the house. The inspection has been done.

Commissioner Legge asked if Ms. Metzler had done the redesign on this house, she said no, the previous owner had done that. Commissioner Legge also asked if the inspection includes the walkway all the way down to the lake. Donovan responded, only if there are stairs involved. This property does not have stairs to the lake.

Ms. Metzler stated that she plans to add some outside cameras to monitor the property. Also, there was discussion that the limit of adults is 4 and she may not market this for 7 people. The number of children is not restricted but adults are restricted to 2 per bedroom which means a limit of 4 for this property. Ms. Metzler also said that she would give the neighbors her contact information in case of questions or concerns.

Linda and Larry Grant were sworn in. Ms. Grant stated that their home is “sandwiched” between 2 B&B’s. There are 7 driveways on their narrow street which is a dead-end with no turn-around and condominiums across the way. Most of the lots are about 50 feet wide, and of the 7 driveways there are 9 houses – some of the properties have 2 houses, one in front and one in back. The proposed B&B site has limited parking and she is concerned about the congestion.

Mr. Grant is also concerned about the congestion, specifically the vehicles on this dead-end street.

Ms. Metzler stated that a new driveway has been put in and it holds 4 cars, possibly 5. It is stated in her packet that there is no on-street parking and has suggested parking in the Metra lot, not on the street, if there is no room to park in the driveway.

Commissioner LaPianna asked Director Day if there have been any complaints about the short term rentals on Cora. Director Day stated that there have not been any complaints filed regarding the short term rental on Cora to date. There has been only one complaint filed regarding short term rental properties in the Village and that has been addressed.

Chairman Gauger explained that the petitions are written from a positive perspective so that a “yes” response is affirmative and a “no” response is negative to the petition.

Motion of Recommendation

Commissioner LaPianna made a motion to approve the Special Use Permit petition allowing Short Term Rentals at the property commonly known as 127 Cora Avenue, Fox Lake IL, in accordance with Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with standards 1, 2, 3, 4, 5, and 6 satisfied.

Commissioner VanderWeit seconded the motion.

Discussion

None.

Roll Call:

Commissioner LaPianna	Aye
Commissioner Bongiovanni	Aye

Commissioner Legge	Aye
Commissioner Swanson	Aye
Commissioner VanderWeit	Aye
Commissioner Nakanishi	Absent
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 7:45 pm.

5) 130 Washington Street; Petition for a Special Use Permit to Allow a Multi-family Dwelling in a B-2 Zoning District/Washington Street Business District

Chairman Gauger opened the petition requesting a Special Use Permit to Allow a Multi-family Dwelling in a B-2 Zoning District/Washington Street Business District at 7:46 PM.

Daniel Rippel, owner, was sworn in.

Mr. Rippel described the property, vacant lot used for parking for 130 Washington: Mr. Rippel owns the vacant lot that is used for parking for 130 Washington. The building at 130 Washington has commercial on the first floor and 2 apartments on the second floor. He is working with his architect regarding building four-flat on the site of the current asphalt parking lot. The current building is very old and needs a lot of work. He plans to put in one or two bedroom apartments with full baths and kitchens. He plans to install new HVAC units and hot water tanks for each unit and fix-up the exterior (siding, etc). He has not yet decided exactly how it will be laid out; he is working on it with his architect. Chairman Gauger pointed out the importance of parking and having correct aisle. Mr. Rippel stated he will have more parking spaces than what exists now.

Commissioner VanderWeit asked if the current commercial areas will remain commercial. Mr. Rippel stated that he will change the commercial areas to residential.

Commissioner LaPianna said that it sounds like Mr. Rippel will have to “gut” the current building in order to make it a four-flat. Mr. Rippel agreed with that assessment and said that he does not intend to level the building.

Commissioner LaPianna addressed Director Day regarding the level of interest expressed by businesses to enter that area. Director Day said that there has been no such interest expressed and that the proximity of the train station would be a draw for residential properties. Chairman Gauger stated that since the area was designated as a business district, we have not had anything other than residential put in there.

Commissioner Legge asked for and received verification that the property just to the north of 130 Washington refers to the asphalt lot property that one day will be built on.

It was also verified that Mr. Rippel will not have to come back before this commission for this matter if the Special Use Permit is approved.

Motion of Recommendation

Commissioner Legge made a motion to approve the Special Use Permit petition for the conversion of the property commonly known as 130 Washington Street, Ingleside, IL, into multi-family residential in the B-2 zoning within the Washington Street Business

District. This approval is 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 Bongiovanni seconded the motion.

Discussion

None.

Roll Call:

Commissioner LaPianna	Aye
Commissioner Bongiovanni	Aye
Commissioner Legge	Aye
Commissioner Swanson	Aye
Commissioner VanderWeit	Aye
Commissioner Nakanishi	Absent
Chairman Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 7:55 pm.

6) 149 Cora Avenue; Petition for a Special Use Permit for a Planned Unit Development Subdividing a Single Lot into Two Lots to Construct a Single-family Residence.

Chairman Gauger opened the Petition Requesting a Petition for a Planned Unit Development Subdividing a Single Lot into Two Lots to Construct a Single-family Residence at 7:56 PM.

Walter Curran and Allen and Gail Freiberg were sworn in.

Mr. Curran is the owner of the property of 149 Cora Avenue. There is currently a coach home, frog house and an old garage on the property. There is a rise on the property (the cliff) where Mr. Curran wants to build a new lake house in addition to the existing buildings. On the lake side, there are currently 18 houses – 8 of those are on the “cliff” or on the water. There are other properties that have more than one house on a single lot. Mr. Curran was advised by “someone” in the Village to request a PUD for this property as opposed to sub-dividing the lot.

Chairman Gauger stated that the hardest part of this situation for the commission is approving a non-conforming lot. That is how this neighborhood got to be the way it is with houses on top of each other.

Several commissioners requested to see a map of the area. It is very difficult to see the property on the map and equally difficult in person. Much discussion was had concerning where the property would be split in order for each parcel to have sufficient mass. There was also comparison of the 149 Cora lot with other lots in the area that have more than one residence. There would be 3 structures on this lot; new house, coach house, and frog house. Many options regarding changing zoning were discussed and were rejected as unworkable. It was also suggested that the building of more than one residence on one lot happened years ago and mentioned that the commission would be setting a current precedence by continuing to approve such requests.

Commissioners discussed that, if the property was to be split, one parcel (the one with the coach house) would be non-conforming. Director Day said that R-2 zoning requires a minimum lot area of 9,750 square feet. The proposed lot #1 (where the coach house is) would be 5,356 square feet and the proposed lot #2 would be over 11,000 square feet, so that would meet the requirements. Director Day suggested that we probably should contact the Village attorney to secure legal advice on this matter.

Chairman Gauger said that he would like to get a legal opinion before a vote is taken.

Commissioner LaPianna suggested that, if one of the current buildings were demolished, he could build the new house. Also, there needs to be a garage built.

Mr. Allen Freiberg (145 Cora) said that this is already a legal non-conforming lot. He is concerned because there are several other lots who could request the same special circumstance. Also, he feels that there needs to be a garage built as part of this proposed new house.

Mrs. Gail Freiberg feels that, as curators of the Village of Fox Lake, that has a lot of high density, hodge-podgy areas, we need to move away from that, we should improve properties values and not detract from them. We have a history of poor decisions regarding homes and/or summer cottages being built.

Chairman Gauger reminded Mrs. Freiberg that the commission has already addressed these ideas and will be seeking legal advice on this matter. This situation will set precedence either way.

Commissioner Legge suggested that the petitioner could attach the buildings with a walk-way and that might be considered that the buildings are attached and therefore, a single residence.

Commissioner Legge made a motion to table this matter until the next meeting (August 17, 2022) while we seek answers to the questions posed.

The motion was seconded by Commissioner LaPianna.

Discussion

None.

The motion was unanimously agreed to.

Chairman Gauger closed the hearing at 8:22PM.

VI. Old Business

1) Continued Public Hearing for Meyers Bayview Terrace Lots 10 through 13

Chairman Gauger opened the continued hearing at 8:23.

No one was in attendance to present the petition. The petition was continued as old business to the next meeting (7/13/2022). If nobody is present, the petition will be closed.

Chairman Gauger closed the hearing at 8:24 pm.

VII. Public Comment

Director Day said that the Mayor is working closely with the Village Attorney, Howard Teegen, to draft an ordinance to outline some of the regulations that the commissioners have thought to be appropriate for short term rentals. It is hoped that such ordinance(s)

will be ready to present at the next Village Board Meeting and will get it to you separately to make comments. Commissioner VanderWeit suggested that the idea of density and/or distance regulations should be considered. Chairman Gauger stressed the need for rules regarding density and/or distance for properties in the village that apply to become short term rentals. Chairman Gauger asked for updates from the Building Department.

Commissioner LaPianna stated that he is uncomfortable with approving any more short term rentals without the inspection document in front of him. He understands that the building department is unexpectedly short-handed. He also stated that the quality of inspections has been questionable (one case in particular) and suggested that needs to improve also.

Chairman Gauger stated that at the August 10, 2022 meeting an email that pertains to the 149 Cora Avenue petition will be read into the record as "Old Business". The email was supposed to be read at this meeting but was missed.

Chairman Gauger welcomed the new members of the Board, Commissioners Swanson and Bongiovanni.

Director Day also mentioned that the rumor that the Dairy Queen is being torn down is not correct. The Dairy Queen was purchased by the owner of the Dunkin Donuts next door and will be redeveloped to meet current standards. It is expected to reopen in September. The parking lots of the Dairy Queen and the Dunkin Donuts will be combined to improve traffic flow.

Director Day also mentioned that the survey for the Lake Front Park has been closed. Administrator Waszak said that there were over one hundred responses with over one thousand comments. The two main options were pretty evenly supported .

VIII. Adjournment

Commissioner LaPianna made a motion to adjourn, seconded by Commissioner Legge, the Commission voted unanimously to adjourn the meeting at 8:40pm.

All in favor

Respectfully submitted by,



Patricia Russell

Interim Secretary