



PLANNING & ZONING COMMISSION MEETING MINUTES

August 10, 2022, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Link Below

I. Call To Order

Chairman Gauger opened the meeting at 6:30 pm.

II. Pledge Of Allegiance

III. Roll Call

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

A Quorum was established.

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

IV. Approval of Minutes From July 13, 2022

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

		Aye	Nay	Abstain
Commissioner:	LaPianna	<u> x </u>	<u> </u>	<u> </u>
	Bongiovanni	<u> x </u>	<u> </u>	<u> </u>
	Legge	<u> x </u>	<u> </u>	<u> </u>
	Swanson	<u> x </u>	<u> </u>	<u> </u>
	VanderWeit	<u> x </u>	<u> </u>	<u> </u>
	Nakanishi	<u> </u>	<u> </u>	<u> x </u>
Chairman:	Gauger	<u> x </u>	<u> </u>	<u> </u>

Motion passed.

V. New Business

- 1) 130 Eagle Point Road; 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 130 Eagle Point Road at 6:33 pm. Commissioner Legge recused himself.

Petitioners Steve and Jeanette Legge were sworn in.

Mr. Legge stated that he has lived in Fox Lake for about 6 years. He and Jeanette had a dream of creating a property which would function as their home as well as a short term rental. Mr. Legge worked with the Village to create an ordinance to establish rules and regulations that all could work by and for so that the Village could influence and function on and we as property owners could abide by. This is a historic property, now an R-4 zone, was previously zoned C-4. There have been restaurants, bars and other establishments through the years and most recently was converted into a multi-family dwelling and, as an R-4, has been being renting out multiple parts of the property for quite a while. Mr. Legge stated that they have done an extensive rehab on the property. They gutted it and created the structure so that it has multiple entrances so as to accommodate short term rentals on multiple parts of the property while maintaining the main part of the property as their dwelling. Our objective now is to ask for the opportunity to do a short term rental on this property in the near future.

Chairman Gauger asked, "How many rentals are you looking for"? Response: It is a 7 bedroom home (2 upstairs, 2 main level, 3 downstairs). The upstairs has its' own entrance and would be 1 unit that would accommodate 4 adults; the downstairs has 3 separate units available for up to 6 adults. They would be expected to accommodate couples or business people in the area. They have been approached by the funeral home to house people who might be in town for services. The spaces are small, not meant to be a place for large groups. The Legge's will be living on the property and will be able to monitor the activities. They have been in the neighborhood for quite a while and want to preserve the integrity of the neighborhood.

Chairman Gauger also asked about parking, he did not see this addressed in the petition. Mr. Legge pointed out where the parking was shown in the petition. There are a possible 13 spaces although they will probably never have that many cars in the parking area.

Commissioner LaPianna asked how many groups were intended to be there at one time. There could be up to 3 different rentals at the same time. The units all have separate bathrooms but they would not have kitchen facilities, the upstairs units are set-up more like a hotel room and the downstairs units share a kitchenette. Commissioner LaPianna mentioned that our current regulations do not address how many short term rentals can be running simultaneously at one residence. Director Day agreed that this issue needs to be considered. Mr. Legge restated that the property is zoned R-4 and was able to be broken up so easily because they had all been independent apartments before.

Commissioner VanderWeit asked Director Day, in reference to an inspection

report, what is meant by “partial pass”. Director Day stated that at the time of that inspection, there were some items that needs to be completed; handles labeled, smoke detectors installed. These items were addressed the same day as the inspection and are complete. It was also discussed that this scenario is in unusual.

Commissioner Nakanishi asked if there is a time restraint as to how long after a short term rental is approved before that unit has to be rented. Director Day stated from the adoption of the special use permit, they have one year. Commissioner LaPianna challenged that statement saying that a rental has to be renewed every year but they don’t have to rent it out within the first year. Director Day re-stated that, with a special use permit, you have to begin the use within 12 months of adoption.

Public Comment

Judith Bellucci was sworn in. Ms. Bellucci asked if this would be the first short term rental permit allowed on Eagle Point. No, there is one further down the road (144 Eagle Point Road). This property also has multiple rental units.

Ms. Bellucci also asked about the parking arrangements for the 130 Eagle Point property and suggested that they cars do not have a turn-around area and asked if there would be parking on the street. Chairman Gauger responded that the drawings show diagonal parking spaces which would allow ample space and a lane to get by and that, according to what has been presented, there will be no on-street parking.

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 130 Eagle Point Road in accordance with the Village of Fox Lake zoning ordinance 9-1-6-10 subsection C with items 1, 2, 3, 4, 5, and 6 satisfied.

Commissioner VanderWeit seconded.

Discussion

Commissioner Nakanishi questioned the parking lay-out on page 26 of the packet: it does not appear to be enough backup space for 3 of the spaces. Chairman Gauger agreed that this could be a possibility but there are so many other parking spaces that it appears that these spaces would not be utilized. Mr. LaPianna stated that there would be a maximum of 10 adults so, probably, there would be a maximum of 10 cars making the addition 3 spaces unneeded. It was suggested that the additional spaces were included to show maximum amount.

Commissioner:	LaPianna	Aye	
	Bongiovanni	Aye	
	Legge		Recused

	Swanson	Aye
	VanderWeit	Aye
	Nakanishi	Aye
Chairman:	Gauger	Aye

Motion passed.

Chairman Gauger closed the hearing at 6:47PM

2) **28-A N Lake Avenue; Petition for a Special Use Permit to Operate a Short Term Rental**

Chairman Gauger opened the hearing for the petition for a Special Use Permit to operate a short-term rental at the property commonly known as 28-A Lake Avenue at 6:48PM. Sean Stochl, the petitioner was sworn in. Mr. Stochl stated that the property has been a single family home since the 1940's. He has owned the property for about 7 years. It was a rental unit when he purchased it and has continued to be a rental unit. Mr. Stochl is looking to switch the use.

Chairman Gauger stated there appears to be some information missing from the petition for this property, things that are normally presented to the board such as the parking diagram, the house lay-out, the plat of survey. Mr. Stochl stated that all of these items were turned in when he paid and had paperwork notarized. There was GSI mapping of the site. If needed, that can be pulled up. He then stated that this is the first he is hearing of this.

When Chairman Gauger suggested that the submission doesn't show how many bedrooms there are, Mr. Stochl said there are 4, and he thinks he wrote that in the application. The application asked for square footage, bedrooms, bathrooms, parking spaces. Commissioner VanderWeit stated that the number of bedrooms is shown in the second paragraph, under "background".

Chairman Gauger stated that what the Commission is having a hard time with is that the submission is less than the minimal amount of information we normally get for a petition in order to be able to make a recommendation. Another problem, the petition says there are 4 bedrooms. There was some confusion in that the photos include the house next door (28-B), which was sold 7 months ago. Chairman Gauger said that for us to have to go and pull information because it is not in the packet, can cause confusion. Mr. Stochl stated that he put a lot of information on the application and questionnaire.

Director Day said that the inspection of 28-A failed. There is a "stair issue" and Mr. Stochl did get a permit to do the work that is needed but it has not passed inspection at this time. The problem is that the stairs are too tall, Mr. Stochl said that these are concrete stairs that have been there. He also said that he will comply. Mr. Stochl further stated that he has shared some photos with Director Day, Commissioner LaPianna suggested that these were very nice pictures but not sufficient.

Commissioner LaPianna asked Director Day to bring up the property on the screen to help determine which property is A and which is B. Commissioner Legge asked if there was a sign posted notifying of the public hearing. Mr. Stochl said that the sign had been put up using duct tape, which fell off every

day from the heat of the direct sunlight. He said that he put it back up every day but it would not stay up. The Commissioners saw the pictures of the area and asked questions about the property. There was also discussion of parking areas. There is room for 4 cars to park. If more parking is needed, Mr. Stochl owns the property at 27 N Lake (across the street) and has additional parking space there.

Commissioner Legge asked, "What is the size of the house"? Mr. Stochl said the house is 1,200 square feet with a basement, and 6 foot ceiling, it has 4 bedrooms (3 queens and 1 full).

Mr. Legge asked about maximum guests, he does not see that information in the packet. Mr. Stochl stated that it would accommodate 8 guests. He is not looking for more than that, 2 people in each bed (including children) and small animals. Chairman Gauger asked, "Where that is written down? Just because Mr. Stochl is saying that is not enough. He said that he has that in a list of things that is ready to be pre-loaded and up on B&B already.

Commissioner Nakanishi said, on page 17 of 45 in the packet, it says "large gatherings must have host approval". We don't approve large gatherings. Mr. Stochl stated that anyone who goes into a single family home that is not one family is considered to be a large gathering. Commissioner Nakanishi pointed out that we were talking about not having "events" there, that would be a large gathering. Also, the packet says, "additional guests must have host authority". Commissioner LaPianna suggested that you could have additional guests during the day but cannot have them overnight. One person might book the place with their significant other and 2 children and that would be 4 people. If they were to invite others, Mr. Stochl would have to be informed so that he would know who is entering his property. That is also need for his commercial insurance.

Commissioner LaPianna asked if Mr. Stochl live in town and if he has ties to the community. Between him and other family members, they occupy 6 houses on that road (Lake) that are inland. Commissioner VanderWeit noted that there is no property management company needed as the Stochl family surrounds the property and will be aware of what is going on there.

Public Comments

Chairman Gauger asked for audience comments. There are none.

Chairman Gauger asked for any last comments or questions from the board. Commissioner LaPianna verified that the property did not pass inspection. He stated that the house has to pass inspection before the Board can give approval. Chairman Gauger agreed and stated that this will be handled exactly the same as the other one. With no final inspection, without that work being done and signed-off on, we cannot do anything for the petition this evening except to table the petition until the next scheduled meeting. When Mr. Stochl may come back and shows that the work has been completed and has passed inspection. Mr. Stochl asked if the two short term rental properties that passed at the Village Board Meeting last night had passed inspection when they were approved by the Planning and Zoning Committee. Director Day and Chairman Gauger both stated that those properties had passed final inspection before

being approved by the Planning and Zoning Committee.

Due to not having the final inspection complete, Chairman Gauger requested a motion to table this hearing until our next schedule meeting (September 14, 2022). The motion was made by Commissioner Nakanishi and seconded by Commissioner Swanson. There was no further discussion.

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

Motion passed.

Chairman Gauger closed the hearing at 7:02PM

3) 1 Lakeside Lane; Petition for a Special Use Permit to Operate a Short Term Rental

Chairman Gauger opened the hearing for the petition for a Special Use Permit to operate a short-term rental at the property commonly known as 1 Lakeside Lane at 7:03PM.

No one was present to present this petition.

Commissioner LaPianna made a motion to table this petition until the next scheduled meeting (September 14, 2022), seconded by Commissioner VanderWeit. There was no discussion.

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

Motion passed.

Chairman Gauger stated that anyone in attendance for this hearing, it will be next month. We do not proceed with hearing without someone here.

An unidentified audience member asked if people can have short term rentals without going through the Board. This lady lives feet from several cottages that are being used as short term rentals without being approved and they and their dogs are causing a nuisance. Director Day stated that he has been made aware of this situation and will call him and tell him that he needs to “cease and desist”.

Chairman Gauger and Commissioner Legge stated that this is why we have ordinances regarding short term rentals. The owner will be contacted and told that he is not allowed to have a short term rental without a permit. If the owners attend the meeting next month, this is something that will be talked about. The audience members were encouraged to attend the meeting next month as well.

Director Day stated that the coming weekend will be the last that he will be allowed until approved by the Village Board. The owner will have to cancel any other rentals that have been arranged. There is one person who will be a long term rental and that will be allowed. He also asked the audience members to let him know if other problems arise.

Chairman Gauger closed the hearing at 7:07PM

VI. Old Business

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

Chairman Gauger asked if anyone was present for this hearing, there was no response.

Chairman Gauger then requested that this item be removed from Old Business as no one has been present for this hearing for the last 3 months.

2) Continued Public Hearing for 149 Cora Avenue; Petition for a PUD Subdividing a Single Lot into Two Lots to Construct a Single-family Residence

Chairman Gauger reopened this hearing at 7:08PM

Chairman Gauger stated that, if any of the Commissioners needed to refresh themselves regarding the history of this petition, they could find the information in the minutes.

The petitioner, Mr. Walter Curran was sworn in.

Director Day stated that the property is getting closer to conforming with the Village requirements. He also stated that he, Mr. Curran and the Village engineers are working together on Monday to redesign the lot to conform. The owner, Mr. Curran wants to have a new structure, the “frog house”, the garage and coach home. The new house would go on a ridge, with the frog house. They will also need to come before the board for a variance for the smaller lot. This would be a legal non-conforming lot.

Commissioner Legge is concerned that this will set a precedence for owners wanting to split single lots into 2 lots, one conforming and one non-conforming. Commissioner VanderWeit said the minutes from last month state that there will be discussions with the attorney concerning setting precedence of splitting lots. Director Day stated that the attorney has said that this would not establish a precedence, the Village can still say no.

Commissioner Legge asked if the common driveway can be shared. Director Day said that the driveway is being considered part of the square footage calculations for one side of the property but cannot be considered for both properties.

Commissioner Legge also addressed the idea presented last month of combining the properties and connecting the buildings. This idea is not under consideration at this time.

Mr. Curran is willing to bear the expense and come back next month and have this all drawn out.

Commissioner Gauger asked for a motion to table this hearing until the next scheduled meeting (September 14, 2022). The motion was offered by Commissioner Nakanishi and seconded by Commissioner Vander Weit.

There was no discussion.

The motion was unanimously agreed to.

Chairman Gauger closed the hearing at 7:18PM.

Public Comment

In accordance with the Illinois Open Meeting Act, the general public may address the Commission regarding any matter on the agenda or not on the agenda.

Director Day stated that, at the Village Board Meeting last night, there was a lively discussion regarding short term rentals. The Village attorney came up with 5 or 6 topics that he wanted the Board to provide opinions on so that we can come back to the Zoning and Planning Board. Although it was an interesting conversation, only a few items were settled on, such as license fees and placing a placard in the window with property owner and management company information. In September, he would like to bring what has been agreed upon to the Board for consideration and discussion. Director Day also suggested that it would good to bring in property owners in the area of the short term rentals to get their opinions as to what would make this situation better for them and have some of the managers at the same meeting to help in the discussion with their ideas. These discussion will help to craft better legislation.

Commissioner asked if there was discussion about limits, and Director Day state that there was but nothing was settled on this point. Commissioner VanderWeit asked if there was discussion about the companies (LLC's) that come in are non-residents. There was such a discussion – pointing out the positive impact they have on a neighborhood (caring for the lawns, updating homes, etc) and the possible negative aspects of LLC's pulling out of town if there is a downturn in the economy and tourism dies. It was also discussed that the improvements made would probably raise the property values in a way that would attract new buyers if the LLC's pulled out.

Commissioner LaPianna asked what constitutes a short term rental as opposed to a hotel or motel? Is there a definition of this? Director Day stated that there are definitions that define hotels, motels, and short term rentals. Hotels and motels rent for a minimum of one day, short term rentals rent for a minimum of two days. The Board requested that Director Day forward the document that defines the difference.

It was agreed that much more discussion is needed. Chairman Gauger suggested that the board members might search out information as to what other municipalities are doing.

Director Day mentioned that there is a meeting tomorrow night at 6PM at the Lake Front Park Building. This is the second public meeting regarding the Lake Front Park Redevelopment taking the ideas and thought from the public survey to be incorporated into tomorrow's presentation. He also spoke about the meeting last night regarding the Lake Front and Mineola TIF Districts. The meeting was standing room only. It was a great opportunity for residents to come in and ask questions and raise their concerns regarding the TIF's. There were a lot of good questions. Many of the residents were relieved to understand that there will be no increase to their taxes due to the TIF. It was also discussed that the TFI money will not be used to finance the Mineola project. There are tight restrictions, by law, as to how TIF funds can be spent and that was explained to the attendees. The next step is to take the ordinances adopting and designating the TIF's to the Village Board for approval at the August 23rd meeting. If approved, the two TIF's will be created.

We are currently working with the developers for the Mineola. They were at the meeting last night. They presented their concept for the Mineola property to the residents and answered questions. Director Day suggested that the developers were getting away from the "glamping" and yurt ideas and leaning more towards villa concepts. There is also a hotel proposal for the Trinski property. A representative for that project was also here last night.

Commissioner VanderWeit asked how far along is the Mineola project, when does their due diligence expire? Director Day responded that they have spent a lot of money. They are currently lining up their operators for the hotel and restaurants, etc, and are being approached by people who want to be operators. The majority of the site plan is done including the street survey. The current marina will not be there, it will be closed at the end of this year.

Developers for the entertainment district have received their license for the dispensary, per state law they have 6 month to build. The plan is to have the dispensary, on-site consumption, brewery, and the end-cap will be a restaurant. The market feasibility study came back very positive. It is going to generate a lot of income for the Village and give the Board the opportunity to do more for the residents.

Commissioner Legge suggested that he would like to see the survey regarding the short term rentals before it goes out to the neighbors. Director Day asked if the Commissioners would like to do a survey or invite resident in for a meeting or both.

Some felt that people would be more open and honest on a survey, others felt that an in--person meeting would be beneficial. Director Day will submit a sample survey

so the Commissioners can make suggestions.

VII. Adjournment

Commissioner LaPianna made a motion to adjourn, seconded by Commissioner VanderWeit, the Commission voted unanimously to adjourn the meeting at 7:32PM.

All in favor

Respectfully submitted by,



Patricia Russell
Interim Secretary