



## PLANNING & ZONING COMMISSION MEETING MINUTES

January 11, 2023

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Link Below

### I. Call To Order

The meeting was called to order at 6:30 PM by Chairman Gauger

### II. Pledge Of Allegiance

### III. Roll Call

Present

Absent

Commissioner:

LaPianna	x - by zoom
Bongiovanni	x
Legge	x
Swanson	x
VanderWeit	x
Nakanishi	x
Chairman: Gauger	x

A quorum was established.

Also in attendance: Director Donovan Day

### IV. Approval of Minutes From November 9, 2022

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

		Aye	Nay	Abstain
Commissioner:	LaPianna			x
	Bongiovanni	x		
	Legge	x		
	Swanson	x		
	Nakanishi	x		
Chairman:	Gauger	x		

Motion passed.

## **V. New Business**

There is no new business.

## **VI. Old Business**

### **1) Short-term Rental Discussion**

Chairman Gauger explained the background (history) of the short-term rental discussion to the audience assembled.

The working documents passed out to the commissioners contained a combination of the current regulation for short term rentals combined with suggested changes or additions to be considered in our discussion.

Chairman Gauger pointed out item 6-2-7-7-1 and the information that the special use permit does not follow the sale of a property.

Commissioner LaPianna questioned 300' circumference mentioned in 6-2-7-7-4. It was determined that the item should read: "Demonstrate notification of adjacent properties (neighbors) within 300' circumference from any point of the property line on the application for special use".

Commissioner Legge questioned the language in 6-2-7-2-5. Biannual seems to be confusing and perhaps could be changed to read "every six months" or "semi-annual". Some people believe that biannual means once every two years.

Commissioner Bongiovanni questioned 6-2-7-2-2 which states "a maximum of two (2) persons per bedroom, plus one person". It was recommended that this be stated as "Occupancy is limited to a maximum of two (2) adults per bedroom, unless further restricted by the occupancy limitations outlined in section 404 of the 2009 International Property Maintenance code as adopted and amended by the Village of Fox Lake, Illinois". It is also suggested that there not be a limit on the number of children.

There was discussion of 6-2-7-7-12: the paragraph was altered to read "Maximum of one detached dwelling per PIN can be used as short-term housing rental".

Chairman Gauger stated that there may be exceptions but the object is to try to keep just one dwelling per pin. Commissioner Legge reminded that variances are possible and that a property owner can request anything and the PZC can then decide on an individual basis. It was also discussed that a limit of no more than 4 bedrooms per dwelling should not be incorporated. Commissioner Legge also suggested that there is a location that rents out bedrooms of one dwelling. In effect, you have one dwelling but three rental units. He suggested that we need to define a dwelling. Chairman Gauger stated that a dwelling is the envelope of one building. If a building has three apartments, it is still only one dwelling. Director Day stated that the Village zoning ordinance defines a dwelling as "A permanent structure or portion thereof, intended for use as a permanent residence."

Other definitions: Dwelling, detached: "A dwelling which is entirely surrounded by open space on the same lot". Dwelling, multiple-family: A building or portion thereof designed for occupancy by two or more families living independently of each other". Dwelling, single family: "A dwelling unit designed exclusively for use by a single family".

6-2-7-7-13: Chairman Gauger stated that this item will possibly create a lot of consternation; however, this idea is not unique and has been mandated in many other villages. Commissioner Legge is concerned that the placing of a placard to identify the dwelling as a short-term housing rental could create a security issue for the property. The placard would give the property a targeting that is not necessary. Commissioner Legge proposed that we give the petitioner the opportunity to do one of three things: 1) place a placard in the front of the property, 2) hand people within whatever distance is determined a card with the same information that would have been on the placard, or 3) send the information by certified mail or direct mail to each household within whatever distance is determined. If you have a placard in the front of a home that is used for short term rentals (either part time or full time). If you have a placard in the front of a home that is used for STR, it could create a theft issue or vandalism issue for the property owners.

Commissioner Bongiovanni questioned if having a property listed on Air B&B wouldn't also set up a property for vandalism? Commissioner Legge said that the address is not listed on Air B&B and other such sites. Commissioner LaPianna suggested that the whole neighborhood would know if someone is using a place for short term rentals and Commissioner Legge agreed – so what is the use of putting up a placard? Commissioner Bongiovanni pointed out that we have heard in the past from neighbors of some of these properties that owners have said they distributed information to the neighbors; while some neighbors have said they have not received it. Displaying the placard would give the neighbors the opportunity to get ahold of what is essentially a business owner. He also suggested that if there is no placard, it should be the responsibility of the property owner to get the signatures of all of the neighbors who are notified using other means. Commissioner LaPianna suggested that a placard might only need to have information regarding contacting the owner.

Commissioner Swanson also pointed out that most of the short term rental properties have security cameras. He feels it is the burden of the property owner. Commissioner Bongiovanni said that these are businesses; they are investment properties that the owners are generating revenue from.

Director Day read messages that were sent from people listening remotely:

"My home is 6 then 4 plus units, so going back to the amount of dwellings, 6 in the main house. I couldn't agree more, it puts a target on us that aren't there full time as others may be on the street is a huge security issue. I propose a sign that says it is managed by x company and give a number. The sign should not need to ID it as a short term rental, short term rentals will be vacant 30% of the time. This puts a target on the properties for theft. I agree with Shawn and what this person just said aloud (believe that was

Steven).”

“You’d be surprised Rick.”

“Can I talk when you open it up?”

Commissioner Legge said that he feels it is imperative that the short term housing rentals be identified to the neighbors – that is our greatest concern on this board and in the village. The neighbors who are most likely to be disturbed must be informed of how they can get in touch with the responsible people. It is not imperative that someone who comes in from somewhere else and is driving by and sees an opportunity, that they have a phone number and a contact if nothing is going on. This creates a security risk.

Commissioner Swanson said that he has researched this issue and found that a lot of villages have these placards. It should be up to the business owner. He doesn’t think that someone would be likely to be driving by and calling the number on a placard. They are going to see if the lights are off, he doesn’t think the placards are going to increase crime.

Commissioner Nakanishi agrees with Commissioner Legge. As long as all of the neighbors have the contact information the managers of the property, that would be adequate.

Commissioner Legge said that this is the objective – that the neighbors be informed. Our biggest complaint has been, “this person didn’t tell me what they were going to be doing”. Commissioner LaPianna agreed but said there is no way of enforcing this. And that is why a placard works. Commissioner Legge said that his could be enforced by requiring notification by certified mail. The question was raised, what happens when a management company changes? We could put it on the short term property owner to get signatures from all of their neighbors that they have been informed of contact information and require that the Village be informed immediately of changes in management and that the owner again be required to update the information with the neighbors.

Chairman Gauger asked if a placard would have to face the street. If not, someone could put it on the side of the house, behind the bushes which would defeat the purpose. Commissioner Legge suggested that we put in an “or” and give the property owners a choice of how they want their neighbors informed.

Chairman Gauger suggested the following verbiage for 6-2-7-7-13:

“The property owner to place a placard in a visible spot that identifies the dwelling as a short-term housing rental and includes the following information: maximum occupancy; 24 hour phone number of property owner and/or property management company, maximum amount of allowable vehicles to be parked on property or would supply this information to all contiguous neighbors and surrounding property owners.”

Commissioner Nakanishi suggested that the Village needs to be informed

immediately of any changes in management of short term rentals. This was added to 6-2-7-7-paragraph 3. Commissioner Legge also suggested that additional verbiage should be added to 6-2-7-7-13 stating that neighbors need to be informed of changes in contact information and, if there is a placard, that also needs to be changed.

Commissioner Swanson asked how the village verifies that the neighbors have been contacted. Director Day stated that the Village sends notification to the neighbors when we get the petition for a short term housing rental. Beyond that, it is up to the property owner to contact the neighbors. We do not verify owner contacts.

6-2-7-7-14 is consistent with Village code.

6-2-7-7-15(b): There was much discussion around the quiet hours. The consensus of opinion was the hours of 10PM to 8AM Sunday thru Thursday and 11PM thru 8AM Friday and Saturday are adequate and takes into consideration respect for neighboring home owners.

6-2-7-7-16(c): There was mention of reference to minimum distance requirement in E-1, Downtown, M-1, M-2, A-1. This is deleted from consideration because short term rentals are not allowed in these zones.

Chairman Gauger addressed 6-2-7-7-1: Short-Term Housing Rental Definitions. No changes were made.

6-2-7-7-2: Short-Term Housing Rental Licenses:

Chairman Gauger stated that this is probably the biggest point of contention that there will be because of the caps that have been proposed. The caps are just a number right now; it will be up to the Village Board of Trustees to determine what, if any, caps are placed on short term housing rentals.

Commissioner LaPianna suggested that a cap of 40 units is too low. Commissioner Legge feels the cap is not really needed except “to appease the masses”. There is a great concern from a political stand point as opposed to a confidence that the Board would be able to review each petition as it comes forward and manage and govern appropriately based upon what is presented. A cap should not be needed if the Board does its’ job. Commissioner Legge agreed with Commissioner LaPianna that a limit of 40 is too restrictive.

The commissioners agreed that a limit of 60 each for paragraph 1 and 2 is a good starting point and will be reviewed by the Planning and Zoning Board the beginning of next year and each year following, at the first meeting of the year for the Planning and Zoning Board.

It was also agreed that the zoning for districts M-1, M-2 and A-1 (manufacturing and agricultural zoning) are to be deleted from the recommendations because short term rentals are not allowed in those zones.

## VII. 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.*

**Shawn Good** (by zoom): 16 N Pistakee Lake Road - Mr. Good suggested that the proposed B2 limit would close the Fox Lake Motel. Chairman Gauger explained that the motel would not be affected by these zoning rules as they are not included in the definition of short term rentals. Mr. Good stated that his property has 5 units plus parking and he suggested that his property is no different than the motel except that his costs more. He feels that his property is a "little hotel" and should not be restricted.

Mr. Good also asked, since he owns such a property, how many special use permits will be required? Chairman Gauger asked Mr. Good to define a 5 unit property: Mr. Good said he has a 2 unit duplex in the front (the plan is to turn that back into a single family home), also there is a 450 sq ft single family brick home, behind that is a 300 sq ft studio, then a 1200 sq ft steel warehouse and behind that is a 1200 sq ft apartment. All of the dwellings are under one PIN. The commissioners feel that the property would require only 1 special use permit and probably a variance. Director Day read the definition of the B-4 zoning district (resort business district) so a variance would probably not be needed.

Chairman Gauger said that we are not trying put restrictions on him or his unique property; we are looking to control what is happening for the future. Mr. Good explained that financially the short term rentals bring in much more than hotels or motels. He also stated that he disagrees with the idea of placing a plaque identifying a property as a short term rental as it would be a security risk. However, a plaque just stating the name and contact information of a management company would not be a problem.

Mr. Good also said that the most desirable locations now are specialty properties (tree houses, play houses for kids, tiny houses, etc). He doesn't understand the restrictions on the number of bedrooms. Also, the number of rentals will most likely self- regulate due to supply and demand.

**Stephanie Welter:** Ms. Welter is curious regarding the timeline for when an application would be approved. Chairman Gauger explained the expected time line for the PZC suggestions to be put into action would probably be a couple of months as the Village Board of Trustees will have to discuss the suggestions and would also have to vote on a final version. After approved by the Board, the final version would have to be codified.

Chairman Gauger and the Commissioners agreed that Patty would make the changes to the Short Term Housing Rental suggestions that have been agreed to at this meeting and would send a copy to each of the Commissioners for review.

Chairman Gauger asked Director Day if he had found anything in our ordinances

which shows “quite hours” in the village. Director Day said that he only found quiet hours in regards to outdoor music. Director Day said that he thinks this is just a “disorderly thing” where someone would contact the police. He will check with Chief Lee. It was decided to show quite hours as Sunday thru Thursday 10PM to 8AM and Friday and Saturday 11PM to 8AM.

**Josh Simmons** (by Zoom): 46 N Lake Avenue on Mineola Bay - Mr. Simmons' property used to be a seven unit resort. He now has 5 units and he plans on using at least one unit as short term rental when he is not there. He has concerns as to how would he even know if there is another AirB&B within 300 feet of his place. Director Day said that, when someone approached the Village, we would have to inform them. Mr. Simmons says his bedrooms are huge; he has bunk queen size beds in them. Also, there is a short term rental at 49 N Lake (directly across from his property) and he would have to come before the board for variance in order to have a short term rental. Mr. Simmons said that STR would not be his primary use of the property.

Chairman Gauger said that he believes that we have managed to complete the task that was assigned to the commission and our recommendations are ready to go to the Village Board for their consideration.

A motion was made by Commissioner Nakanishi to pass the Short Term Housing Rental document onto the Village Board of Trustees. The motion was seconded by Commissioner Legge.

### **Discussion**

Commissioner Legge thanked Chairman Gauger for his hard work on this project – a sentiment that was echoed by many.

### **Roll Call Vote**

		Aye	Nay
Commissioner:	LaPianna		no response
	Bongiovanni	x	
	Legge	x	
	Swanson	x	
	Nakanishi	x	
Chairman:	Gauger	x	

Motion passed.

### **Public Comment - None**

Chairman Gauger addressed Director Day asking “What’s going on in town?” Director Day updated the Commission regarding:

Lakefront Park – going out to bid soon

All 3 hotel groups (Mineola, Sales property and Tinskey's Island) are still working towards bringing hotels to town.

The Honda dealership has received their license to operate

Asian Fusion opened their new location

Sauce n' Toss just picked up their permits

The sushi restaurant is still under construction, moving along

The Randolph Hotel is moving along nicely including Black Lung Brewery who has taken over the first floor and is planning a 400 seat outdoor beer garden

Meeting Hall is being proposed across the street, next to Johnny's. Prospective new owner will address the Commissioners at February meeting with Special Use petition.

In March, the Director will present to the Commission potential amendments to the allowable use table.

Village Hall flooded. A sprinkler pipe burst in the closet by the front desk and water ran into the building for about 20 to 25 minutes. It was a "disaster" in the building for a little while but we are now pretty much back to normal. The plan is for Village Hall to get new carpeting. The Public Works crews have been doing a lot of the repair work and we thank them.

Johnnie's has new owners. They have ideas for drawing more customers (game nights, etc). They also will do some catering out of that location. Chairman Gauge questioned how the new owners kept the liquor license and gaming but no one seemed to be sure how that worked.

The new owners of The Aquarium are in talks about renovations and correcting some violations there.

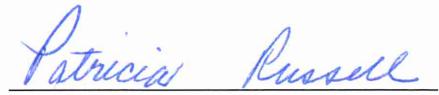
Regarding the PUD on Cora; the Village Attorney is kicking that back because we want the plans to show the utilities, the easement, and other minor changes on the plat.

There are a couple of dispensaries in the works and we expect to have at least one up-and-running this year.

## **Adjournment**

Commissioner Nakanishi made a motion to adjourn the meeting, seconded by Commissioner Swanson. All were in favor and the meeting was closed at 8:31PM.

Respectfully submitted by,



Patricia Russell  
Interim Secretary

Click the following link to attend this meeting via Zoom:

<https://us06web.zoom.us/j/88360866009?pwd=L0tOa3ZwZWJXdjcxew8weFpCc05Pdz09>

ID: 883 6086 6009

Passcode: 104946