



## PLANNING & ZONING COMMISSION MEETING MINUTES

March 8, 2023, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Link Below

I. **Call To Order:** Meeting was called to order at 6:33PM

II. **Pledge Of Allegiance**

III. <b>Roll Call</b>		<b>Present</b>	<b>Absent</b>
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>
	Bongiovanni	<u>  x  </u>	<u>          </u>
	Legge	<u>  x  </u>	<u>          </u>
	Swanson	<u>  x  </u>	<u>          </u>
	VanderWeit	<u>          </u>	<u>  x  </u>
	Nakanishi	<u>  x  </u>	<u>          </u>
Chairman:	Gauger	<u>  x  </u>	<u>          </u>

A quorum was established.

Also in attendance: Patricia Russell, Director Day, Trustee Marr

IV. **Approval of Minutes from February 8, 2023 as written**

Commissioner Legge made a motion to approve minutes of February 8, 2023, as written, and seconded by Commissioner Nakanishi.

		<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Commissioner:	LaPianna	<u>          </u>	<u>          </u>	<u>  x  </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>  x  </u>	<u>          </u>	<u>          </u>
Chairman:	Gauger	<u>  x  </u>	<u>          </u>	<u>          </u>

Motion Passed

**Approval of Amended Minutes from January 11, 2023**

Commissioner LaPianna made a motion to approve the minutes of January 11, 2023, as amended, and seconded by Commissioner Nakanishi.

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

Motion Passed

**V. New Business**

**1) 40 S. Route 12 – Sign Variance – McDonald’s**

Chairman Gauger opened the hearing at 6:36pm

Closed at: 6:37pm

There is no one present for this hearing. Since it is possible that petitioner was delayed by a traffic accident that occurred on Route 12 late this afternoon, this hearing is postponed and will be the last hearing of this agenda.

**2) 112 Lakeview Ave. – Special Use Permit – Fitness Center/Pod**

Chairman Gauger opened the hearing at 6:39

Closed at 6:56PM

Petitioner and others were sworn in.

Mike Bell is the petitioner. He is proposing to build a fitness pod. He is a former youth pastor and has found something that has been missing. They have combined a private gym with an outdoor feel looking out over the water. One person at a time, arranged similar to tee times, so not a lot of people around and minimal parking needed. This is being done in Asia and in Chicago using shipping containers but this will be a modular building. This will be open and running 24 hours as some people like to work out at night or early morning. The area will be monitored by cameras 24 hours to make sure that the area remains clean and for safety. Mr. Bell wants to add grass and landscaping to the area. The grounds are being rented from Deb Maggioncalda. Parking needs only space for one car. The property will be monitored but not necessarily “manned” at all times. Use of the facility is by appointment only (same with people who want to tour the facility). New users will be shown how to use the equipment but other than that, there

should be only one person there at any time.

Chairman Gauger asked what would happen if there were a problem or an emergency. Mr. Bell said that no one can get in the gym unless they have a key fob that is programmed for that time. Also, in an emergency, the pod is monitored and recorded so they would be able to contact 911 if needed.

Commissioner Nakanishi asked what would happen if someone had a heart attack. Mr. Bell state that, as with other 24 hour gyms, there would be a statement in his contract that everyone should check with their doctor before starting an exercise program.

Commissioner Swanson asked if Mr. Bell currently owns a gym. Yes, Mr. Bell owns 9 of them. Where would memberships be drawn from? This would have its' own separate membership but people with membership in other locations would also be able to use these facilities. Also, the manager(s) of the pod would be a local resident.

Chairman Gauger said that the renderings show that the front of the pod has glass doors, what is on the other side? The pod is glass on all sides except the 2 end units so, when on a tread mill, you are looking out at the water. The windows also have shades so that the view can be closed off if the customer prefers. Commissioner LaPianna asked if this would be on a concrete foundation. Mr. Ball said that it can go on the gravel or a concrete foundation. The property is in a flood area so Mr. Bell would want to have the ability to move it if needed. The current plan is to have it on the gravel and possibly on concrete later. Director Day suggested that, because of the flood plain, the engineers would have to be consulted about having a concrete pad. He also suggested putting the pod on a raised platform, a pier system with staircase going from the ground up.

Commissioner LaPianna asked about the parking lot, would it be fenced? Mr. Bell stated that he would do whatever the village feels is best in that regard.

Mr. Bell stated that there could be several of these pods within the village. He is also working with Johnsburg trying to get his a pod going there. He also stated interest in setting up a pod in the Lakefront Park area.

### **Public Comment**

**Ed Pedraza**, 109 Lakeview – He thinks this will be a welcome addition to the area. He will support this as long as there is no outside noise.

**Chris Semeneck**, 197 Janet Court – What equipment will be involved? Mr. Semeneck stated that he worked out for a long time and wants to know if weight equipment will be involved. Chairman Gauger suggested that this is a question for Mr. Bell after this meeting has concluded. This hearing is concerned with zoning and proper use of the property.

Mr. Semeneck then asked about the electricity and how it is being delivered? Mr. Bell replied that Com-Ed has already been contacted and they will supply electricity direct to the pod. He also stated that the equipment will be for a full-body workout including

dumb bells, free weights, stair-master, treadmill. Also there will be a TV to watch workout videos. There will also be a 4 in 1 machine.

Chairman Gauger asked about the septic. There is no bathroom in the pod. They ask that clients use the bathroom beforehand.

There was discussion about the zoning in the area. Director Day stated that the whole peninsula is one parcel and is zoned B-5. There was also discussion of the bathroom question. Director Day stated that, according to our building official, because of the size of the pod (200 sq ft), there is no health department requirement and no review to be done. There are other businesses on this peninsula that have “porta-pottys” and other businesses that might be used for this purpose.

**Kevin Hamilton**, 209 Leisure Drive – Mr. Hamilton wants to know how high this unit is going to be, especially if it is put on a pad. There may be some residents upset if their views are obstructed. Mr. Bell stated that the unit is only 10 feet tall and the walls are glass.

### **Motion of Recommendation**

Commissioner Nakanishi made a motion to approve the petition for a Special Use Permit to install a fitness pod on the property commonly known as 112 Lakeview Avenue in reference to Village of Fox Lake Zoning Code 9-1-6-8, meeting conditions 1, 2, 3, 4, 5, and 6. Motion was seconded by Commissioner LaPianna.

### **Discussion**

None

### **Affirmative Vote**

All in favor - Motion Passed.

## **3) 117 Nippersink Blvd – Rezoning from R2 to B4**

Chairman Gauger opened the hearing at 6:58PM      Closed at 7:15PM

Petitioner Frank LaMark was sworn in.

Mr. LaMark wants to change the property from multi-family to a hotel zoning. This property is next to the hotel. The concept is to change this property to be a hotel complex along with the Black Lung Brewery. This property has 5 units and Mr. LaMark does not want a mix long-term and short-term tenants. The Randolph Hotel is a hostel and this building will be 5 units. The Randolph Hotel and the Brewery are close to being finished and hopefully will be opening by May 1<sup>st</sup>. The current parking area between the buildings will become a courtyard and will be used for patron seating. This area should accommodate over 150 people. Mr. LaMark said there would be parking by

the shoreline (about 30 cars) and on-street parking. Parking will be an issue.

Commissioner LaPianna suggested that the road is not in good shape. Director Day said that there is a new road that will be coming in as part of the Lake Front Park project. He is hoping that there will be some on-street parking there. There will also be new parking lots for Lake Front Park. The new street project has been funded and goes out for bid this month. There was discussion of road plans for the Lake Front Park area. A parking garage was suggested.

Commissioner LaPianna asked about the business plan for this property. Mr. LaMark suggested that the rooms would rent for about \$250 per night and 80% – 85% occupancy during the summer months, more like 20% - 30% occupancy in the colder months. There will be security on weekends along with 30 security cameras. Mr. LaMark said that things will get rowdy. There will probably be someone on premises for security on Friday and Saturday, but not sure. Certainly more security on holidays (fourth of July, etc) and special events. There are no state or village codes regarding staffing 24-7. There is a state requirement in regard to having food to be served and there is a restaurant downstairs. The rooms must be cleaned after each use. There will be police or a professional security firm at the park, when the park is open, for safety. Entry to rooms will be controlled by use of QR code that will access the authentication process. Once authorized, a door code will be sent that will access the room assigned.

In discussion, it was suggested that the parking situation will be a large problem for this location pretty quickly, especially when parking for the brewery is considered.

### **Public Comment**

None.

### **Motion of Recommendation**

Commissioner LaPianna made a motion to approve the petition for 117 Nippersink Blvd to be rezoned from R2 one-family to B4 resort business in accordance with the Village of Fox Lake Zoning Code 9-1-4-1. The motion was seconded by Commissioner Nakanishi.

### **Discussion**

### **Roll Call Vote**

		Yea	Nay
Commissioner:	LaPianna	<u>  x  </u>	<u>      </u>
	Bongiovanni	<u>  x  </u>	<u>      </u>
	Legge	<u>  x  </u>	<u>      </u>
	Swanson	<u>  x  </u>	<u>      </u>
	Nakanishi	<u>  x  </u>	<u>      </u>
Chairman:	Gauger	<u>  x  </u>	<u>      </u>

Motion Passed

#### **4) 16 N Pistakee Lake Road – Special Use for Short Term Rental**

Chairman Gauger opened the hearing at 7:16PM Closed: 7:37PM

Petitioner Sean Good and others were sworn in.

This property has 5 units in 4 buildings and is zoned B-4. One unit (the brick house – unit #3) has passed inspection. Mr. Good wants the flexibility to use property as short-term rental or longer term. The property has a large asphalt driveway. Tonight we are considering only unit 3 – others will be considered at subsequent meetings (at no charge).

Mr. Good stated that he wants to have the option to use any or all of the units as short-term rentals and, if that doesn't work out, then rent the unit long-term. He foresees renting for several months at a time to traveling nurses or traveling professionals in the winter months and short-term rentals in the nicer weather.

Commissioner Legge inquired about the 4 buildings. The brick building has passed inspection and is ready to be rented. If unit 2 building is short-term rental it will be used as one building.

Director Day stated that there will be no extra charge for additional meetings if all units are not approved for short term rental at this time. Mr. Good wants all of property approved for short-term rentals but this is not possible as the units have not passed inspection. Tonight we are referring only to unit 3.

There is a large asphalt driveway with ample parking which Mr. Good intends to have striped so there will be designated parking spaces. He needs to put up "Private Property" sign to deter general public from coming onto the site.

Chairman Gauger asked Mr. Good to differentiate what we are considering tonight as opposed to what he will be coming back as the other units are finished. Tonight we are referring only to unit 3, the brick house.

#### **Public Comment**

**Cindy Wess** - Worked with Sean for 4 years, she does his books for all of his properties. His bills are paid on time. He upgrades and maintains his properties and he treats people fairly.

**Scott Fisher**, next door neighbor to the north. He is concerned that short-term rentals are getting out of hand. Chairman Gauger suggested that neighbors will have cell phone numbers to contact owner/manager and have the option of calling the police if needed. There is accountability to the Village built into the revised rules for short-term rentals and permission can be taken away. Sean said that there is (or will be) sound monitoring equipment installed.

## **Motion of Recommendation**

Commissioner LaPianna made a motion to approve the petition for a Special Use Permit to operate a short-term rental on the property commonly known as 16 N Pistakee Lake Road, in reference to Village of Fox Lake Zoning Code 9-1-6-10, with the following conditions (1) when each building is approved by the Village, the petitioner must return to the Planning and Zoning Board for recommendation, and (2) unit 3 only this evening. Motion was seconded by Commissioner Bongiovanni.

## **Discussion**

None

## **Roll call Vote**

		Yea	Nay
Commissioner:	LaPianna	<u>  x  </u>	<u>      </u>
	Bongiovanni	<u>  x  </u>	<u>      </u>
	Legge	<u>  x  </u>	<u>      </u>
	Swanson	<u>  x  </u>	<u>      </u>
	Nakanishi	<u>  x  </u>	<u>      </u>
Chairman:	Gauger	<u>  x  </u>	<u>      </u>

Motion Passed

## **5) 46 N Lake Avenue – Special Use Permit – Short Term Rental**

Chairman Gauger opened the hearing at 7:38PM   Closed: 8:14PM

Petitioner Josh Simmons and others were sworn in.

Mr. Simmons purchased this property in August. It consists of 5 units; 3 are currently rented full time – wants option to rent all 5 unit (3 buildings) short term. Parking will accommodate 10 cars. Has re-vamped units and landscaped. He speaks with his neighbors all the time. Currently zoned R3 but can make variance. The property across the street was a short-term rental but has recently voluntarily relinquished that status and currently has a long term renter instead. All 5 units have passed inspection. The large units have 3 bedroom each which allows 6 adults maximum, the 3 smaller units have 1 bedroom each which allows 2 adults maximum.

Chairman Gauger said that the Short-Term Rental Ordinance allows for only 1 short-term rental per pin. This property had been 2 pins but was combined just before he bought the property. Mr. Simmons considers this lot to be 2 lots and also stated that the property is fenced.

5 Units: Cottage – short term rental for the summers (3 bed, 1 bath)  
Big House (2 units) – Mr. Simmons lives there part time

(3 bed, 3 bath and 1 bed, 1 bath)  
Duplex (2 units) – has full time tenants (1 bed, 1 bath each unit)  
Total limited to 18 adults

Mr. Simmons said that he has 3 awesome tenants and does not anticipate losing them but wants to have the option of short-term rental, just in case.

Commissioner LaPianna asked if the commission is able to approve all 5 units. Director Day said that there would need to be variance and this would count as 1 short-term rental. The property across the street was operated as a short-term rental but when the new ordinance was put in place, the Dahlia family decided to forfeit the short-term rental status and rented the unit long term.

### **Public Comment**

**Kelly Kelleher**, neighbor to the north. Met Josh and his dad once, they don't live at this property and Ms. Kelleher doesn't know who does live there. Her concern is who is going to be in charge and potential noise and dealing with the garbage. Their houses are very close and she is worried having full time security or management.

**Jerry Simmons**, he is the handyman and Josh's father. They take care of everything when an issue comes up, they attack it immediately. They will have cameras and noise monitors (they are not installed at this time).

Commissioner Nakanishi commented that there are 3 beds in one room but only 2 adults are allowed per bedroom. Per Chairman Gauger, there will be a variance on main house and cabin to allow two buildings on one pin number. There will be conditions placed on our recommendations. There will be a one-year minimum before the other units will be considered for short-term rental. Petitioner may come back before the Planning and Zoning Commission at no charge for the additional hearing.

### **Motion of Recommendation**

Commissioner LaPianna made a motion to approve the petition for a Special Use Permit to operate a short-term rental on the property commonly known as 46 N Lake Avenue, in reference to Village of Fox Lake Zoning Code 9-1-6-10, meeting subsection C 1, 2, 3, 4, 5, and 6, with the following conditions (1) approval of a variance to allow one (1) additional dwelling on this pin, that being the big house and the cabin; and (2) a one year minimum time frame before returning for any additional consideration. Motion was seconded by Commissioner Swanson.

### **Discussion**

None

### **Roll call Vote**



		Yea	Nay
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>
	Bongiovanni	<u>  x  </u>	<u>          </u>
	Legge	<u>  x  </u>	<u>          </u>
	Swanson	<u>  x  </u>	<u>          </u>
	Nakanishi	<u>  x  </u>	<u>          </u>
Chairman:	Gauger	<u>  x  </u>	<u>          </u>

Motion Passed

## 6) Atwater Parkway – Special Use permit – Short-term Rental

Chairman Gauger opened the hearing at 8:15PM    Closed: 8:25PM

Petitioner Debra and Lewis Spector were sworn in.

Debra and her husband have owned this property for more than 10 years and use it part-time and rented the property long-term this year to supplement the expenses of the house. Want to have a short-term rental permit for when or if they decide to use their property that way. The property has passed the short-term rental inspection. There are 2 driveways in front of the house with enough room for 5 to 6 cars. The home has 3 bedrooms and 1 bath.

The Spector's live in Mundelein and have other long-term rental properties but no other short-term. They plan to hire a manager for the property if they have short-term renters. They will be getting cameras for the house. The property has only one neighbor that is close and that neighbor has contact numbers. They have not contacted the neighbors across the channel. They have long-term renter until June. Due to the limited number of short-term rental permits being issued, Mrs. Spector stated that they have waited to apply for this permit and their long-term renter is leaving in June. They want to spend some time at their home and so would like to rent short-term when they are not there. Director Day also reminded that if a short-term rental permit is not used within 1 year of issuance, it becomes void.

Mr. Louis Spector was sworn-in. He stated that the current renter has been there since August and is leaving in June. They use the house a lot (even though it is rented).

### Motion of Recommendation

Commissioner LaPianna made a motion to approve the petition for a Special Use Permit to operate a short-term rental on the property commonly known as 9 Atwater Parkway, in reference to Village of Fox Lake Zoning Code 9-6-10. Motion was seconded by Commissioner Legge.

### Discussion

None

**Roll call Vote**

		Yea	Nay
Commissioner:	LaPianna	<u>  x  </u>	<u>      </u>
	Bongiovanni	<u>  x  </u>	<u>      </u>
	Legge	<u>  x  </u>	<u>      </u>
	Swanson	<u>  x  </u>	<u>      </u>
	Nakanishi	<u>  x  </u>	<u>      </u>
Chairman:	Gauger	<u>  x  </u>	<u>      </u>

Motion Passed

**7) 10 N. Lake Avenue – Special Use Permit – Short-Term Rental**

Director Day stated that the petitioner asked to be put on the April agenda as he could not be here tonight. The hearing has been continued to April 12, 2023.

Chairman Gauger opened the hearing at 8:26PM      Closed: 8:27PM

There is no one to speak for the petitioner.

Commissioner Bongiovanni made the motion to continue this hearing until the Planning and Zoning Commission meeting of April 12, 2023. The motion was seconded by Commissioner LaPianna.

**Discussion**

None

**Affirmative Vote**

All in favor

Motion Passed

**8) 40 S Route 12 – Sign Variance – McDonald’s**

Chairman Gauger re-opened the hearing at 8:28 PM      Closed: 8:29PM

There is no one present to speak for the petitioner.

Commissioner Bongiovanni made a motion to continue to the next meeting (April 12, 2023). The motion was seconded by Commissioner Nakanishi.

**Discussion**

None.

**Affirmative Vote**

All in favor.

**Motion Passed****VI: Old Business**

None

**VII: Public Comment**

How many short-term rentals are currently allowed? Chairman Gauger believes that after the meeting tonight, if the Village Board concurs with the Commissions' recommendations, there will be 39 and there are 7 more in the que. What happens if we get to 60? A member of the audience is building a house and wants to use it for short-term rental and is concerned that he will miss the cut-off. Commissioner Legge asked if the petitioner could obtain the special use permit before the building is complete. Chairman Gauger and the commission agreed that this would be a problem and probably not allowed. Several options were discussed but no decision was stated.

Trustee Marr discussed resort zoning. He also stated that the reason the Board of Trustees did not set stronger rules is because the Planning and Zoning Commission has the leeway to stipulate restrictions on a case-by-case basis. Also, the Director of the Community Development may recommend any variance to the standards or limitations on a case-by case-basis and such variances shall only be effect if included in the ordinance approving the special use. There was much discussion about the STR rules.

Director Day also stated that the planned Mineola project has fallen though. There are 2 other developers that are interested in this project. Also we have other projects in the works for hotels in the village.

Chairman Gauge asked if we have heard back from the person who wanted to finish his property next to Thomas Place by Holiday Park. Director Day said that property we have in Circuit Court for demolition of the entire property. We are working with the current owner on an 88 unit luxury apartment property. We are being patient to see if he can get things together on this project.

**VIII: Adjournment**

Motion to adjourn was made by Commissioner Nakanishi seconded by Commissioner Swanson.

**Discussion**

None

All in Favor - Motion Passed

**Meeting Closed at 8:45PM**

Respectfully submitted by,



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Patricia A Russell  
Deputy Clerk

**Click the following link to attend this meeting via Zoom:**

<https://us06web.zoom.us/j/89411098839?pwd=T3RFS0RVS3czOEIwZ2FzeWpPZE9xdz09>

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