



## PLANNING & ZONING COMMISSION MEETING MINUTES

May 10, 2023, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually by Zoom

### I. Call To Order

The meeting was called to order by Chairman Gauger at 6:35 PM

### II. Pledge Of Allegiance

### III. Roll Call

		Present	Absent
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>
	Bongiovanni	<u>          </u>	<u>  x  </u>
	Legge	<u>          </u>	<u>  x  </u>
	Swanson	<u>  x  </u>	<u>          </u>
	Nakanishi	<u>  x  </u>	<u>          </u>
Chairman:	Gauger	<u>  x  </u>	<u>          </u>

A quorum was established.

Also in attendance: Patricia Russell, Trustee Marr

### IV. Approval of Minutes from April 12, 2023

Commissioner LaPianna made a motion to approve the minutes of April 12, 2023, as written, and seconded by Commissioner Nakanishi.

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

Motion Passed

### V. New Business

#### 1) 1298 S. Route 12 – Special Use Permit – Cannabis Dispensary

Chairman Gauger opened the hearing at 6:37 PM Closed 6:59 PM

Petitioners Josh Rosenberg, Nathan Heidner, and Michael Mandera were sworn in.

Mr. Rosenberg passed out a power-point presentation to the Commission members. He said that they represent Illinois Works, LLC and want to open a recreational, adult use, cannabis dispensary in Fox Lake. Their brand is called Aroma Hill Cannabis. The presentation packet describes the plans for the business. They have great and experienced partners and operations teams. This will be their 5<sup>th</sup> location in Illinois. They currently have locations in Hoffman Estates, Kankakee, and Belvidere and are opening in Peoria.

Core values: customer service, serving the community (hiring, etc), safety and security, industry awareness and education. Hours of operations were stated but may change based upon how things go after the business is opened. They follow all state regulations regarding handling of cannabis and prioritize hiring local members of the community, providing a living wage and quality benefit package for all staff members. Training is top-notch; training includes in-depth knowledge of the product and how to inform the public by making recommendations. Also, diversity is one of the core objectives in ownership, management, staffing, contractual activity and vendor relationships.

There is a security plan that combines well trained staff members, proven security measures, industry accepted best practices, state-of-the-art technology (camera systems, vaults, safes) utilizing the following: video surveillance and recording, intrusion detecting alarm system, exterior lighting, vault, security guard service, emergency management, and delivery and disposal plans for handling of cannabis.

The proposed vacant building is the old bank building. It is about 4500 sq ft on a .92 acre site that has an asphalt parking lot, 42 parking spaces, 2 accessible parking spot (will possibly add more), well-lit parking lot and a monument sign. Some exterior and interior remodeling of the building will be done.

Chairman Gauger asked where the other locations are. Mr. Rosenberg stated they are in Hoffman Estates, Kankakee, Belvidere and one is pending, probably will be in Peoria. The Chairman asked how they found us up here in Northern Illinois. Mr. Rosenberg said that he boated in Fox Lake while growing up and has been coming to this area for many years. He likes the town and the community and there is no one else here (dispensing cannabis). The Chairman then asked how the outside of the building will be rebranded. Mr. Rosenberg said there will be an exterior sign, fascia wrap will be changed to dark green (their brand color), and will replace all of the falling ceiling tiles in the drive-thru area, generally spruce up the outside.

Chairman Gauger asked if there will be other activities involved or if this will be only a dispensary. Mr. Rosenberg said that the dispensary is all they are having; no lounge, no wholesale; no cultivating, no producing of product on site. This establishment is strictly retail.

Commissioner LaPianna asked the Chairman how many cannabis licenses are offered by the Village and how many are available at this time. The Chairman responded that there are 2 licenses to be issued. One is under consideration for another entity but they have not fulfilled the requirements to be approved by the Village and they are in the waning months. Under our current code, this applicant would be our second and last allowed dispensary license.

Commissioner LaPianna asked the petitioners if they are familiar with the location requirements in the village code as it pertains to dispensaries. Mr. Rosenberg said yes. Commissioner LaPianna then went through a list of all the distance requirements and Mr. Rosenberg stated that all of those requirements have been met.

Chairman Gauger asked how long their other location took to get up and running and what is the anticipated timing for a Fox Lake location. Mr. Rosenberg said that since the existing location is perfectly set-up for a dispensary, their expected time frame is 6 to 7 weeks. He also stated

that they are purchasing the building, including the parking lot. Nathan Heidner said that other dispensaries (Belvidere and Kankakee) are “brand new builds” and so are not yet open. Hoffman Estates location will be open within 2 weeks. They are waiting for the IDFPR walk-through for final approval. They are waiting for the Village approval before purchasing the property in Fox Lake. They property is under contract.

Chairman Gauger asked how they intend to overcome the small village stigma regarding a product like cannabis. Mr. Manderer stated that he has been through this before and they will do their best to educate the customers, community events and outreach programs. Mr. Manderer is a strong believer that dispensaries bring a higher level of security to an area by providing world-class security as well as cameras. People will see the secure atmosphere of the dispensary and will be much more comfortable with it.

Chairman Gauger asked who they will be competing against. Mr. Manderer stated that would probably be a location in Round Lake. Chairman Gauger said that there is a similar project going on in Richmond right now.

### **Public Comments**

None

### **Discussion**

Commissioner LaPianna asked if the Village has confirmed the distances between the proposed dispensary and neighboring churches, schools, day care facilities, etc. The commissioner said that he is not sure if the paperwork from the Village is a recommendation or not because of how the documents are worded. The memo would usually say that the Village recommends approval, this one does not. Chairman Gauger corrected the wording to say “staff” not “the Village”.

Chairman Gauger said that, while this is not the “normal” language, he believes that the staff has done their due diligence on this project. Commissioner LaPianna asked if we have anyone on staff to confirm that and Chairman Gauger said that, unfortunately, we do not. That will be the dilemma for anything being considered this evening and that he would read this presentation as an affirmative from staff even though the document is not explicit on that point.

Commissioner LaPianna thinks the location for this dispensary is better than any of the other locations discussed in the past. The fact that there will be no consumption at this property, he thinks this location makes a lot of sense.

Chairman Gauger stated that because of the location of the property and the experience of the principals, he does not feel that any conditions need to be applied to a recommendation.

### **Motion of Recommendation**

Commissioner LaPianna made a motion to approve the Special Use Permit Petition as presented for the operation of a cannabis dispensary at the property commonly known as 1298 S Route 12, Fox Lake, Illinois, in accordance with the Village of Fox Lake zoning ordinance 9-1-6-10 subsection C, with standards 1, 2, 3, 4, and 5 satisfied. No conditions are attached. Commissioner Swanson seconded.

### **Discussion**

None

### Roll Call Vote

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>	<u>          </u>
	Swanson	<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

### 2) 11 Lakeside Lane – Special Use Permit for Short-term Rental

Chairman Gauger opened the hearing at 7:00 PM   Closed: 7:37 PM

Brian Graybill, petitioner, was sworn in.

Mr. Graybill and his wife own the home at 11 Lakeside Lane. They want to utilize short-term rental thru AirB&B to defray the expense of this property. This was not purchased as an income property. The Graybills live and work in Chicago and purchased in Fox Lake to have a lake house but don't get the chance to come her as often as they wanted but they have put a lot of money into upgrading and repairing the house and now they want to get it approved for STR to defray the costs. The primary use and function is to enjoy the property with their 2 children (age 9 and 11) and use it as often as they can and, when not able to use it, allow other families to enjoy the home.

Chairman Gauger asked if there have been any rentals at this property prior to tonight. Mr. Graybill stated there were. Last fall they had some rentals in there prior to understanding that there is a process to having a short-term rental permit and that was necessary. They have since cancelled all of their bookings and there haven't been any bookings of late and they have cancelled all bookings going forward to give themselves a chance to get through this hearing process. They do have some on the books for June that have not been cancelled yet because they figured they would get through this process by then.

Mr. Graybill stated that, when he spoke with "Mr." Donovan and Brigitte, he was told that this would be about a 45 day process from when they started so they cancelled everything during that window and want to be sure that they are doing everything above-board now that they know what the process is. Ken (Ratajczyk), was out last week. He is a wonderful man and did a thorough job of inspecting the property. Ken said that everything was "up-to-snuff" with the exception of a couple of old smoke detectors that were operable but over 10 years old, the Graybills will get those replaced. Ken also suggested putting a small step on the front porch and back patio to make stepping up a little easier.

Chairman Gauger asked, when was the first time that you realized that there is a process in Fox Lake for short-term rentals? Mr. Graybill said that would have been sometime last fall. He said that he filled out an application at that time but didn't know that there was a hearing process that went with it. He thought it was just an application process that would be reviewed. Since he now knows that this is the process that he has to go through, he wants to follow all of the protocols.

Chairman Gauger asked how many time Mr. Graybill has rented this out since last fall. Mr. Graybill stated that they have rented out the property probably 5 times (including last fall) starting in August.

Chairman Gauger asked if Mr. Graybill has met his neighbors and he said he has. Mr. Graybill has met 2 of them, the neighbors directly next door on either side. One neighbor (Jeff) has helped to look out for the place and has given some advice as to where to go in town. Mr. Graybill has met some other folks just to say “hi” in passing. Chairman Gauger if any of the renters had disgruntled any of the neighbors. Mr. Graybill said he has no knowledge of that. Mr. Graybill said that he put in security cameras. He also said that they do not have automatic booking so they can verify every guest and check their reviews and require email contact before they are booked for rental.

Chairman Gauger asked if Mr. Graybill is currently in adjudication with the Village. Mr. Graybill said “no, I am not”. The Chairman asked if there is a meeting coming up, adjudication for illegally renting this place. Mr. Graybill denied being aware of any adjudication and asked how he would have received that information. The Chairman said it would have been sent by certified mail and suggested that Mr. Graybill check with the Village as to the date of the hearing. Chairman Gauger stated that it has been noticed that Mr. Graybill has been renting out his property without having any kind of license to do so. Chairman Gauger made it clear to Mr. Graybill that he has work to do in regard to acquiring a short term rental authorization.

Commissioner Nakanishi asked how much it is costing the Village to pursue this adjudication. She stated that the original court date was 4/18/23 and the matter was continued to 5/16/23. Chairman Gauger does not know. The adjudication hearings occur once a month and cover numerous things, not just STR’s.

Commissioner LaPianna asked for clarification from Mr. Graybill. Is it your testimony that you did not rent out your house after you learned that there are requirements to get licensed for a short term rental? Mr. Graybill said that Donovan told him that “while you are going through the process, you need to fill out an application.” He did not suggest that there is a hearing or this detailed or rigorous a process. He said you need to fill out an application and apply for a special use permit. At which point, I did and he said his suggestion was: you might want to consider just cancelling the short term rentals while you are going through the process. Mr. Graybill didn’t know that the process was going to take 45 days. He also stated that this was the process. That is why they cancelled all of the short term rentals. They did not cancel the short term rental reservation for June because those people are planning their family vacations and have a place to come so he didn’t want to cancel at this point.

Commissioner LaPianna asked for a yes or no answer: did you or did you not have a short term rental after you were notified that the Village required licensing for short-term rental? Mr. Graybill said yes, he did rent on a short-term basis because of what “Mr. Donohue” told him. It is alleged that Donovan told Mr. Graybill that it might “look better” or “play better” if the reservations were cancelled but he did not tell Mr. Graybill that it was not permitted to rent short-term while he was going through the application process. Commissioner LaPianna asked, after being notified that there is a requirement to have a license for short –term rental, you felt like you could still do it without a license? If Donovan had told him to “cease and desist” he would have. Commissioner LaPianna also verified the testimony that Mr. Graybill was not aware that there was a request for a meeting on April 18<sup>th</sup>? Mr. Graybill said that is correct. He was not notified. If it came by mail to the Fox Lake address, he would not have received it as they are not at that location very often. Also, if it came by certified mail, he would certainly not have signed for it. The Chairman verified that there is no one attending from staff to verify where the notice was mailed to and there is nothing in the packet to show that certified mail was signed for.

## **Public Comment**

**Jeri Barr was sworn in.**

Ms. Barr showed a photo on her phone of 7 cars at 11 lakeside Lane on December 22, 2022, and 2 other photos showing garbage overflowing at that location. As Mr. Graybill stated, they don't come up much. Ms. Barr has sent an email that was being taken to court (adjudication) for not following the laws. Now we are forgetting about that they don't follow the laws? (Chairman Gauger said: that is what the adjudication is for.)

Ms. Barr stated that the next door neighbor (who is here) did inform Mr. Graybill about the short-term rental process before he started renting the place (or maybe after his first rental), so he knew about the process ahead of time. And she can't see that Donovan would have said what Mr. Graybill relayed.

Ms. Barr also stated that she feels there are too many short-term rentals in the area already. Also, most of the short-term rentals are located on only a few streets. Why are those roads getting ruined, why do they have strangers walking all over their properties, why do they have garbage all over the place? And, people are not following the rules and the rules are not being enforced. When someone breaks the rules, they are given a variance. You need to start considering the people who live here and support the businesses here. There was discussion regarding the short-term rental ordinance and the amendment to that ordinance and how the revisions came about. It is not up to the Planning and Zoning Board, that board is only advisory.

The Village Board of Trustees makes the final decisions. There was also discussion of overflowing garbage from short-term rental properties.

**Dianna Vileta – 33 Lakeside Lane was sworn in.**

Ms. Vileta stated her husband had cottages at this address in the 1970's and a license was required. Ms. Vileta feels that if someone is going into business it is their responsibility to find out what they have to do. Mr. Graybill (who she has never met) said that he comes out to the house every few months. Where is the oversight for what cleanup has been happening, what needs to be done? Ms. Vileta stated that she doesn't know what improvements Mr. Graybill has made to the place, she has not seen any workers, and there still is a gravel driveway. The neighbors still don't have any contact information for the property. As a business owner, he has not looked into what is required. If he knew he could only use the house every few months, why did he bother to buy it?

It was decided a few months ago that there would be 500 feet between rental houses. Chairman Gauger corrected that statement saying that this was discussed, not decided. The final decision was up to the Board of Trustees and they did not adopt that restriction. Ms. Vileta stated that they have a couple of short-term rentals on their block already and Atwater has 4. The people in between are getting bombarded from both sides.

**Josh Krish (by zoom) – 21 Lakeside**

Mr. Krish stated that he has a short-term rental property - he has had the permit for about 2 years. He followed the rules and it was a process. He waited until he had the permit before renting. Mr. Krish said that he has seen 6 reviews for the Graybill rentals that were well after the time that Donovan spoke (according to an email from Donovan on October 28, 2022) to Mr. Graybill. There are reviews from on the website from well after that discussion, even December and February.

Mr. Krish state that he supports short-term rentals but there is a process and it needs to be followed. Otherwise, people are going to not care what the Village says; they will do whatever they want. That will cause more problems.

Mr. Graybill returned. He said that he is trying to follow the process, trying to do everything above-board and not cause problems in the community. The improvements that Mr. Graybill spoke of did not include paving the driveway but he did paint the exterior, the interior, the decks, the railings, the boat house, and the garage, everything to make it as aesthetically positive as possible and made some upgrades to the inside. He has flowed all of the codes to be sure that everting is “up-to-snuff” and safe. He also installed security cameras.

Mr. Graybill asked for advice as to how to handle the garbage situation. H doesn’t come up very often. He did call Waste Management at one point because his garbage was not being picked up. They told him that they won’t pick it up unless it is pulled out and facing the street. Mr. Graybill said that garbage can was about 5 feet away, along the fence by the mailbox. The cleaning crew that he has hired will be happy to put the can out by the curb – or should he being driving out here from Chicago to put out the garbage and then waiting for the garbage trucks so that he can put the can back? Chairman Gauger answered that when you are running a business, those are the problems that you have. You have to stay within the rules and regulations. It is not up to the commissioners to provide such advice. Commissioner LaPianna mentioned some of the regulations such as cans being out not more than 24 hours.

Mr. Graybill offered his apologizes for not following the process and not shutting down the rentals that have taken place. He is currently being completely transparent and honest so that it is permissible and run the right way. He is trying to enjoy the community. Mr. Graybill agreed that, technically, this is a business but they did not do this for business purposes. They want to rent the house to off-set the expenses of the property.

Chairman Gauger asked, when you finally came in to get your packet, were you given a set of the short-term rental rules? Mr. Graybill said that with help from Brigitte he was able to submit his application on line and sent the hard copy by mail. When asked again about the rule Mr. Graybill that the rules were included in the application packet that he received. The Chairman asked how Mr. Graybill is going to address some of the regulations that are in that packet. Mr. Graybill said that he thinks there is a governor regarding the number of adult guests are allowed based on the number of bedrooms and keeping it up-to-code and quiet hours. Commissioner LaPianna asked how many bedrooms there are. There are 3 bedrooms each with their own bathroom, another half-bath, a large loft area where they put 4 bunk beds for kids and others that want to use it. Commissioner LaPianna pointed out that this means no more than 6 adults. He then asked about parking, Mr. Graybill stated that 8 to 10 cars could be accommodated.

Commissioner Gauger stated that the petition for the special use permit is seriously lacking this information. What Mr. Graybill is saying is fine, but there is nothing in writing to corroborate what is being said. There is nothing showing the property line or the parking area. There is not enough submitted for the commissioners to make a decision this evening. Mr. Graybill was offered the opportunity to revisit this submittal and come back at another time with enough information so that the commissioners can make a determination. When asked by Commissioner LaPianna, Mr. Graybill stated that his property was inspected by Ken and got a partial approval which is in the packet given to the commissioners.

Mr. Graybill decided to ask for a continuance in order to complete the packet. He will return at the next meeting (June 14<sup>th</sup>). Commissioner Nakanishi pointed out that Mr. Graybill will not be able to honor the reservations that he has for June, 2023, that were not previously cancelled.

Chairman Gauger reinforced that no rentals are allowed until this process is complete. Mr. Graybill acknowledged and agreed.

### **Motion of Recommendation**

Commissioner LaPianna made a motion to continue this hearing until the next Planning and Zoning Commission meeting on June 14, 2023. The motion was seconded by Commissioner Swanson.

### **Discussion**

None

### **Roll Call Vote**

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>        </u>	<u>        </u>
	Swanson	<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

## **VI. Old Business**

### **1) 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 opened the hearing at 7:38 PM Closed: 7:49 PM

Walter Curran, petitioner, was sworn in.

Mr. Curran said that the village attorney had “kicked back” his plans that were submitted to the Village Board of Trustees because he wanted clarification of a whole host of things. Mr. Curran re-submitted to Donovan who sent the information to the attorney. Mr. Curran is assuming that the attorney reviewed the documents and approved the plat. Commissioner LaPianna said that there is nothing regarding this in the packet. He also stated that he would not assume anything in regard to the village at this point. Mr. Curran said that they wanted to know exactly where the house is going, where the utilities are going, where the set-back are, etc. The commissioners mentioned that Mr. Curran has a nice drawing in his submission. Mr. Curran thought he was on the last meeting but then something happened with the Village Attorney where he had not approved it yet. Commissioner LaPianna asked when this petition was submitted to the board of trustee. It was submitted to the board in December, but they kicked it back (Donovan said) because the village attorney wanted to define what the Planning and Zoning Commission had approved. The newer plat shows the improvements and where they are coming from except the gas line as the gas company needs to come out and decide which easement they will use. Mr. Curran said that everything is the same square footage that the Planning and Zoning Commission approved from the original meeting. The only thing that was added is the box for where the proposed structure will go and where the easements will come in, except the gas lines.

Chairman Gauger asked, for lot 2, what is access; the ingress and egress. Mr. Curran said that the language had to be okayed for the shared easement between the two properties for where the driveway comes in. That was written up and approved the first time. Commissioner LaPianna



asked what our document says. There is nothing in the packet from the staff. Chairman Gauger stated that he had to pull the information from 2 months ago. Commissioner LaPianna said that he doesn't know what to consider, what the motion is. Commissioner LaPianna and Chairman Gauger stated that Mr. Curran has shown incredible patience during this process. Chairman Gauger defined the process as approving a PUD to subdivide one lot into two; one lot will be non-conforming. Commissioner LaPianna asked what is new from what the commissions approved previously.

Chairman Gauger said that, when this went to the Village, it wasn't as defined as it is now. Commissioner LaPianna asked if the difference just the utilities (the blue lines). Mr. Curran reminded that the box showing the location of the proposed building was also added. There was discussion of what the markings on the plans indicate.

### **Public Comments**

None

### **Motion of Recommendation**

Commissioner Nakanishi made a motion to approve a Special Use Permit petition as presented this evening, for the creation of a PUD subdivision of the property commonly known as 149 Cora Avenue, Fox Lake, Illinois, in accordance with the Village of Fox Lake zoning ordinance 9-1-6-11, sub-section E 3, with standards A, B, C, D, E, and F satisfied. The motion was seconded by Commissioner Swanson.

### **Roll Call Vote**

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>	<u>          </u>
	Swanson	<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

### **2) Continued Public Hearing for 40 S. Route 12 – Sign Variance – McDonald's**

Chairman Gauger opened the hearing at 7:50 PM Closed: 8:12 PM

Jim Olguin, zoning attorney representing the petitioner, was sworn in.

McDonalds is requesting a sign variation to relocate the existing sign closer to the roadway. A new McDonald's restaurant is planned for this location and will be adding some amenities such as a play area, and to address some problem with the site (such as being in the flood plain). The building needs to be pushed closer to the roadway. That will limit the amount of green space along the roadway and that narrowed green space will not allow for a monument sign. The location of the current sign will become the new trash enclosure. From a visibility viewpoint, the current sign is being blocked. McDonalds wants to move the sign closer to the road and put it on a pole to raise it for better visibility. McDonalds get most of its customers from the road (driving by); they are not considered a destination place.

Chairman Gauger apologized that he missed the meeting last month and did not hear the presentation at that time. However, he did read that petition and believes that McDonalds has given some consideration to dropping the height from what was requested last month. Mr.

Olguin said that the request has been changed from 35 feet to 25 feet. Chairman Gauger asked about wrapping the pole to make it look aesthetic with the rest of the property. Mr. Olguin cited the cost and said it would become a structural concern considering the added weight. Chairman Gauger suggested that due to visibility concerns for motorists, we would not want this to be a big thing, just a covering of the pole.

Commissioner LaPianna verified the location of the sign and suggested that a tree that is in the drawings would block the sign in its' new location. Mr. Olguin said that there are some errors in the drawing in the packet and the drawing is not the last one that he sent to Brigitte. It was also stated that the tree in the drawing was removed when the Village installed a sidewalk. Commissioner LaPianna stated that the proposed height of the sign is similar to other signs in the area.

Steve Rizzo was sworn in. Mr. Rizzo is the area construction manager for McDonalds USA. McDonalds sought and were approved for a reduction in parking area based on the square footage of the building. Putting the sign in the parking lot would take up at least 2 parking spaces. This sign will be similar to the one in Lake Zurich.

### **Public Comments**

None

Chairman Gauger confirmed that the sign will have a single pole. He also asked about "making it pretty" and suggested wrapping the pole in something that matches the building by creating a wire base. Mr. Rizzo said that would be easy to do and agreed that it will be done without increasing the load.

### **Motion of Recommendation**

Commissioner Nakanishi made a motion to approve the sign variance for height at the property commonly known as 40 South Route 12 in Fox Lake, Illinois, in accordance with the Village of Fox Lake sign ordinance 10-1-2 and sign variance for wrapped pole in accordance with the Village of Fox Lake sign ordinance 10-1-2. Condition approved for (1) 25 foot tall; (2) pole wrapped in brick conducive to building look and material. The motion was seconded by Commissioner LaPianna.

### **Discussion**

None

### **Roll Call Vote**

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>      </u>	<u>      </u>
	Swanson	<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

**NOTE:** The McDonalds representative said: please extend my appreciation to Brigitte for all of her assistance throughout this process. She has been really, really helpful.

### **3) 21 W. Grand Ave. – Sign Variance – The Coffee Shop**

Chairman Gauger opened the hearing at 8:13 PM Closed: 8:16 PM

Petitioner Pete Jablonski was sworn in.

Mr. Jablonski gave a history of his sign approval process so far. He came here, Donovan said “hey, you should get a sign and we’ll give you some grant money”. He was told to get 3 quotes, so he did. He submitted for a permit and got an email from Patty saying that your permit has been approved, come pick it up. Mr. Jablonski called the sign company and the sign was put up. But the permit was never picked up. Someone drove by his store front and noticed that the sign was lit and that is against the rules.

Chairman Gauger stated that it is not unusual situation to do something and then find out that you’re located in the downtown district and there are rules for signs. Mr. Jablonski stated that he did have an email saying that this was approved. Commissioner LaPianna asked if the file showed that this was an internally lit sign and Mr. Jablonski indicated that it did.

Chairman Gauger said that regardless of what did or did not happen, Mr. Jablonski is here asking for a variance for a backlit sign in the downtown district. Mr. Jablonski agreed.

### **Public Comments**

None

### **Motion of Recommendation**

Commissioner LaPianna made a motion to approve a sign variance for a backlit sign in the downtown zoning district at the property commonly known as 21 West Grand Avenue, Fox Lake, Illinois, in accordance with the Village of Fox Lake sign ordinance 10-1-6-A. The motion was seconded by Commissioner Swanson.

### **Discussion**

None

### **Roll Call Vote**

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>	<u>          </u>
	Swanson	<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

### **4) 14 N. Lake Ave – Special Use Permit - Short-term Rental**

Chairman Gauge opened this hearing at 8:17 PM Closed 8:20PM

Petitioner Jason Dutmers was sworn in.

Commissioner Swanson asked if the Mr. Dutmers had closed on this house. Yes, last November. The hearing was continued last month because the rental inspection had not been received by the commissioners. Chairman Gauger stated that we now have the approved rental inspection dated 5/3/2023 and the approved water heater inspection dated 4/21/23.

Commissioner LaPianna said that he is satisfied with the questions that were asked at the last hearing and was only waiting for the approved inspection reports.

### **Public Comments**

None

### **Motion of Recommendation**

Commissioner Swanson made a motion to approve the Special Use petition, as presented, for the operation of a short-term rental at the property commonly known as 14 North Lake Avenue, Fox Lake, Illinois, 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. The motion was seconded by Commissioner LaPianna.

### **Discussion**

None

### **Roll Call Vote**

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>      </u>	<u>      </u>
	Swanson	<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

### **5) 3 N. Maple Ave. – Special Use Permit - Short-term Rental**

Chairman Gauger opened the hearing at 8:21 PM Closed: 8:25 PM

Petitioner Willow Jergensen was sworn in.

Chairman Gauger verified that this hearing was continued last month because the inspection report was not present at that time. The final inspection has now been done and approved. Ms. Jergensen stated that she has met with some of her neighbors and one had a question about parking because the drive way is used by both of them. Parking will be painted out and paver blocks will be installed. Only 2 cars will be allowed and only 4 adults. There is one camera now and another will be installed (outside only). They are on good terms with neighbors.

### **Public Comments**

None

### **Motion of Recommendation**

Commissioner Nakanishi made a motion to approve the Special Use petition, as presented, for the operation of a short-term rental at the property commonly known as 3 North Maple Avenue, Fox Lake, Illinois, 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. The motion was seconded by Commissioner Swanson.

## Discussion

None

## Roll Call Vote

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>	<u>          </u>
	Swanson	<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

## 6) 10 N. Lake Ave. – Special Use Permit - Short-term Rental

Chairman Gauge opened the hearing at 8:22 PM Closed 8:28 PM

Petitioner Jonathan Sheinkop was sworn in.

This hearing is continued from last month due to an approved final rental inspection report being submitted to the commissioners. The final report, dated 4/26/2023 is in the packet today and it has been approved.

## Public Comments

None

## Motion of Recommendation

Commissioner Swanson made a motion to approve the Special Use petition, as presented, for the operation of a short-term rental at the property commonly known as 10 North Lake Avenue, Fox Lake, Illinois, 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. The motion was seconded by Commissioner LaPianna.

## Discussion

None

## Roll Call Vote

		Yea	Nay	Abstain
Commissioner:	LaPianna	<u>  x  </u>	<u>          </u>	<u>          </u>
	Swanson	<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

## 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.*

None

Chairman Gauger stated that he misses Donovan and Commissioner Swanson agreed. Trustee Marr said that the state of emergency regarding Covid 19 is over and roll call votes are no longer required. Chairman Gauger said that he prefers a roll call vote when any of the commissioners are not present.

## **VIII. Adjournment**

Commissioner Swanson made a motion to adjourn the meeting at 8:29 PM. The motion was seconded by Commissioner Nakanishi.

All in Favor

Respectfully submitted by,

A handwritten signature in blue ink that reads "Patricia Russell". The signature is written in a cursive style.

Patricia Russell  
Deputy Clerk