



## PLANNING & ZONING COMMISSION MEETING MINUTES

July 12, 2023, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Link Below

### I. Call To Order

Open: 6:33 PM

### II. Pledge Of Allegiance

### III. Roll Call

#### Present

#### Absent

Commissioner:	LaPianna	_____	___x__
	Bongiovanni	___x__	_____
	Legge	___x__	_____
	Swanson	___x__	_____
	Nakanishi	___x__	_____
Chairman:	Gauger	___x__	_____

A quorum was established.

Also in attendance: Patricia Russell, Dusty Hosna

### IV. Approval of June 14, 2023 Meeting Minutes

Commissioner Bongiovanni made a motion to approve the minutes of the June 14, 2023 meeting, as written, seconded by Commissioner Nakanishi.

#### Affirmative Vote

All in Favor

Motion Passed

### V. Old Business

1.) 6 N Lake Ave – Special Use Permit – Short-term Rental

Open: 6:37 PM

Close: 6:50 PM

Nathan and Sarah Groenendal were sworn in.

Mr. Groenendal stated that they are the owners of 6 N. Lake and are hoping to get approval for a short-term rental application. This application received a “no” vote at the June 2023 Planning and Zoning meeting and, since that meeting, there has been a lot of new information that has come forward to address some of the concerns that were mentioned. In the last few weeks they met with the mayor twice and 3 of the board of trustees members to discuss this new information. During the June 27<sup>th</sup> Village Board meeting, the trustees were not prepared to adopt the Planning & Zoning Committee recommendation to deny the application and sent it back here for an updated review and vote. He thanked the Commissioners for taking the time to listen to them present their case again.

Mr. Groenendal summarized their situation. They bought this house as a second home and hope that, in the future, it will be their full time home. Mrs. Groenendal grew up going to the lake and they want that experience for their children who are now 2 and 4 years old. Since the home was purchased, they or their family members have been able to use it almost every weekend. They live only 25 minutes away and love it up here.

However, they would like to be able to rent the home out about 25% of the time to off-set some of the costs. Mr. Groenendal stated that the main reason for the “no” vote in June meeting is that there were already 5 STR’s on North Lake Avenue and that was all they were comfortable with. The Commission also suggested that the number of adults should be limited to 6 even though there are 5 bedrooms. Mr. Groenendal pro-actively called the owners of 49 N Lake Avenue and she confirmed that she no longer wanted to be an STR and withdrew her license the day after the June meeting. Also, they have heard the recommendation of the committee and are agreeable to limiting the number of adults to 6. They also have an email from the next door neighbor stating their support of 6 North Lake Avenue being a short-term rental.

Mr. and Mrs. Groenendal believe that these updates will satisfy the previous concerns raised by the committee. At the June meeting, the committee was very pleased with our due diligence taken in advance of the meeting and noted how complete the package was. They acknowledged that parking is not an issue as there is a very large circle driveway. Also, a local handyman who handles other STR’s has been secured to be available as needed if the owners are unavailable. They have followed all of the rules, have not rented out or listed the home, took their time to insure that there is a complete application to present, which has put them behind some of the other presenters for North Lake Avenue.

Before they purchased this house, they read through all of the meeting minutes for the last year to make sure that they follow the rules and that they would be able to rent it out. They made their financial decision based on those meeting minutes and the ordinances, believing that they could off-set the costs a little bit. This house was not bought as an investment but rather as their future full-time home. They have also heard the neighbor’s concerns about North Lake Avenue losing that neighborhood feel and not knowing your neighbors. Mr. and Mrs. Groenendal have for the last 4 years headed up a social committee in their Long Grove neighborhood and want to bring that social aspect to North Lake Avenue. They will be putting out fliers within the next week to get email lists to do some events such as outdoor movie night, golf outing, free book exchanges, etc., as they have done in their old neighborhood. They want to get

to know their neighbors and hopefully alleviate some of their concerns.

Therefore, Mr. and Mrs. Groenendal respectfully request a recommendation for approval of their property as a short-term rental and acknowledge that the number of SRT's on North Lake Avenue would not increase beyond 5 which previously had been allowed.

Mr. Groenendal stated that they know that there is a new annual renewal requirement and if after one year the board feels there are any issues or their commitments were not followed up on, then the license can be revoked. They want to be able to collaborate with the Village and help address any concerns to make this successful for them and the Village. They have tried to do everything right, follow the rules, supply complete information. Thank you for your time.

Chairman Gauger asked if the Board had any questions. None were voiced.

### **Audience Comment**

**Denise and Michael Roeser** were sworn in. They live at 4 North Lake Avenue. They are concerned about having STR's on both sides of their home. The neighbors on the other side are also applying for a short-term rental approval.

If approved, they will find themselves between two situations that did not exist when they bought their home. Theirs is a full time home and they are concerned about having short-term renters on both sides of them going forward. They bought this home under the existing zoning laws because there were no STR's there.

Mrs. Roeser said that they decided against purchasing another home that they liked and was less expensive because that area was full of rental properties. Even if someone runs the STR's beautifully, it fundamentally changes the character of the neighborhood. Neighbors are relationships. They are there, they look out for each other, and you know who they are. She can bring her grandchildren and not have to worry about it; they can build a neighborhood together. She has no doubt that the neighbors on both sides have very good intentions but it is not the same as living there. Mrs. Roeser suspects that the village and the neighborhood would be much better served if they moved in full-time and joined the neighborhood and participated in our school systems and neighborhood activities.

Mr. Roeser said this is having a residential area versus being in between what amounts to 2 businesses. He totally respects the fact that the Groenendals want to make some money and off-set expenses and appreciates that they are very young and want to buy a home to retire at and live on the lake but, right now, Mr. Roeser wants to keep the area the way it is.

**Phillis Adler** was sworn in. This is her 5<sup>th</sup> or 6<sup>th</sup> time speaking on Lake Avenue issues. She agrees 1,000% with what Mike and Denise just expressed.

**Nathan and Sarah Groenendal** returned to the podium. Chairman Gauger said that one of the things that the commission was uncomfortable about was density. That small word has meant big repercussions. We put out for you an

option of renting only 3 rooms so that the corner doesn't get so jammed up. Part of the reason that the recommendation last month was "no" was because of that. Would that be a condition that you would agree to tonight? Mrs. Groenendal said, "Absolutely". "We totally hear the concerns of the neighbors and of the Planning and Zoning Committee. We absolutely are willing to abide by that." We really want a chance and we feel like we have done everything right thus far. If there are any issues along the way or at the yearly renewal, we will be accountable for it.

There was no discussion from board members. Chairman Gauger explained the voting process of the board for those in the audience who had never been to our meetings before. He explained that we only make an affirmative motion so that when a commissioner votes yes, that is a vote to approve the motion and a no vote is to deny the motion. This is done for the sake of clarity.

### **Motion of Recommendation**

Commissioner Legge made a motion to approve the petition for a Special Use Permit, with conditions, to operate a short-term rental on the property commonly known as 6 N Lake Avenue, Fox Lake, Illinois, in accordance with Village of Fox Lake Zoning Ordinance 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied.

Condition: Only three rooms with a maximum of 6 adults available permitted for the first year.

The motion was seconded by Commissioner Bongiovanni.

### **Discussion Point**

None.

<b>Roll Call Vote:</b>	<b>Yea</b>	<b>Nay</b>
Commissioner: 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

### **New Business**

1) 202 E Grand Ave – Special Use Permit – Short-term Rental

Open: 6:51 PM      Close: 7:23 PM

**Michael Bernstein** was sworn in.

Mr. Bernstein stated that he and his family are excited to become part of the Fox Lake community. This home was purchased about two weeks ago to enjoy the water themselves and also to rent it out on a short-term basis so that other

guests can partake in the beauty of the lake and help defray the cost of ownership.

Mr. Bernstein said: “We did our due diligence before purchasing the home; worked with our realtor to find the ideal home that would be sufficient as a short-term rental with ample parking in an ideal location that would offer a great guest experience.

“Our philosophy on renting as it relates to our neighbors in the community is that renters are expected to act and reside no differently than as if we were there as owners. To be crystal clear, our expectations and interests are completely aligned with our neighbors and our community. We do not want nor will we tolerate parties to be thrown. We expect all guests to recognize quiet hours and to be respectful and mindful that they are renting a home in a quiet and peaceful neighborhood. Our primary objective is not to maximize rental revenue; rather, our primary aim is to protect the home and the neighborhood.

“We have taken great expense to tastefully furnish the home and are in the process of making further significant investment. The interior of the home is being painted this week and we are in the process of installing a new roof as well. It is our sincere promise that the home will be maintained to a very high standard. Further, I will be available 24-7 in the event there is an issue that impacts the experience of the guests or our neighbors.

“We have met our immediate neighbors, Michael and Denise, who are here tonight, on the east side and Yurio and his wonderful extended family on the other side. Our commitment to our continued great relationship to our neighbors is pure.

“We also have a home in Colorado that we short-term rent as well, and so this process is a bit familiar to us. We have found that the key to success is strong communication and clear expectations. Please know that we will deliver both.

“With that, I am eager to hear everybody’s feed-back and engage in fruitful discussion to make the approval of our special use permit a win-win for the community. I respectfully request your approval and am happy to address any concerns.”

Chairman Gauger said that things he missed in the petition that was submitted by Mr. Bernstein is how many bedrooms, how many adults, and parking. Mr. Bernstein replied that there are 7 bedrooms which would allow 14 adults maximum (2 adults per bedroom). He also stated that there is parking for 10 cars but he plans to set a limit of 5.

Commissioner Legge said that, looking at the listing for this property, it shows only 5 bedrooms. Have bedrooms been added since purchasing? Mr. Bernstein said that he did not add any bedrooms and he is not sure why the property was listed that way. He said that he has 7 rooms with beds but is open to feedback from the commissioners. Commissioner Legge said that he understands that a bedroom by definition has to have a closet. Mr. Bernstein said that, if that is the legal definition, there would then be 5. There are 2 bedrooms in the

basement that do not have closets – 1 is connected to a bathroom and the bathroom has a closet.

Commissioner Legge asked when Mr. Bernstein started the process of looking for a house in Fox Lake. Mr. Bernstein said that they worked with a realtor (Pat Smarto) starting 2 or 3 months ago. They had looked at a few homes previous to that but found the properties not suitable for short-term rental (too many stairs, etc). This property met their criteria and past experiences of renting. On a short term basis, this property would provide a good guest experience.

Commissioner Legge noted for the board, one of the things that is mentioned in the listing for the property: “The Village of Fox Lake allows short-term rentals with proper permitting.” He wants the board to be aware that some realtors are putting this information in their listings but also for Mr. Bernstein and the audience to recognize that proper permitting means that you have to present to us to be approve by us and then to the Village Board of Trustees. Just because a property is purchased doesn’t mean you have the right for a short-term rental.

Mr. Bernstein stated that they recognize that. He also said that the property was marketed as a good property for a short-term rental. He did understand prior to purchase that there is a rigorous process to go through and there is compliance to regulations and rules and they are amiable and fully committed to compliance with every rule and regulation and any concerns that the village and everyone here has.

Commissioner Legge asked Mr. Bernstein where he currently lives. Mr. Bernstein stated that they live about 25 miles away in Lake Forest, Illinois. They have been residents of Illinois for about 2 years.

Chairman Gauger explained that the reason the board is so quiet right now is, as was described earlier in this meeting, the complexion of a nice quiet neighborhood is changing and while we on the board have every right to vote our minds, at some point we have to draw a line; we have to say “enough is enough”, whether it is your property or it belongs to anyone else. Lake Avenue, as we have been told and shown by the residents, is not a big street and up until just a few years ago, everyone there was an owner. You can understand the depths of what your neighbors are saying because this is the home that they wanted to retire in and now we have other parties coming in and coming out type of situation. While the property was marketed as perfect for short-term rental and I can see that, at some point density is going to have to outweigh that.

Mr. Bernstein answered that he respects that feedback. He would like to note that what was explained to them was to combat the density of short-term rentals and to make sure that it didn’t overtake the city, there is a cap in place of 60 STR permits and we were not at that cap. That is how Mr. Bernstein understood it. As far as changing the character and the noise, they were there over the Fourth of July and it was quite crazy, it’s a vibrant scene. He got the impression that this was from owners too. He has some neighbors on the left side that are pretty vibrant and were having a good time. Mr. Bernstein believes

that for the neighbors it shouldn't be any different, except that they might see some different cars in the driveway. He said that he will not tolerate parties. His number one objective is to protect the asset and the neighborhood. That is his commitment to his neighbors who have come here to the meeting, it shouldn't have any impact and it won't. He won't tolerate it. And, if it does, he said that whether you are an owner or a renter doesn't matter. He will comply with every ordinance of the city he is sure there are repercussions if someone does not comply. He expects to be held to the same standard as an owner even though there will be guests there from time to time.

Chairman Gauger asked Mr. Bernstein to define "guests there from time to time". Mr. Bernstein said that they plan to market the property to families and, the way he sees it, since they do have a larger home that occupies more people, or it could be 2 families that are on vacation together. As far as frequency, the market dictates that. The summer is probably the highest point but Mr. Bernstein wants to use it also (they are only 25 miles away) so it will be a mix. He doesn't believe there will be much activity in the winter. According to the assessment, the evaluation that he did, the revenue is made in the summer.

Commissioner Legge asked if Mr. Bernstein has a boat on the lake. Mr. Bernstein said that they are new to boating and "lake life". Although the home seller offered to sell them a pontoon boat, the Bernsteins decided not to buy it because they don't know enough about boating. They have since rented boats and are trying to learn more about "lake life".

Chairman Gauger asked if there is fencing down to the lake on both sides of the property. There is fencing on the west side but not on the east side. The two stairs are parallel and if he and his neighbors (Mike and Denise) are walking down, they can see each other. There is very good privacy on the other side. Chairman Gauger said it could happen that guests could see one big back yard instead of one narrow back yard. Mr. Bernstein said on the way to the lake that could happen but he suggested that the 2 piers would be helpful with this. It is pretty well defined at the top of the house. He also said that he would be happy to add any fencing or markings or trees to delineate that if it is a concern.

When asked by Chairman Gauger if pets would be allowed, Mr. Bernstein said "no". It's too much of an issue for some people.

### **Audience Comments**

**Michael and Denise Roeser** stated that they too did their due diligence. She is not sure how to defend the quality of a home against people who are trying to create a business. They did research and evaluated whether their home was a good place for them to live. They too have painted inside and redone driveways and have done a tremendous amount of work. They invested, they did their due diligence, and they value the quality of the neighborhood. Regarding the backyard, the beauty of these 8 or 9 homes straight across is that it is an uninterrupted, beautiful wide-open space that everyone can see. If we start putting fences down to keep the businesses off of our private property, we end up undermining the value of the view that we purchased this property for. It is unsettling to have to defend our purchase because we were the default zone. Denise said that she would assume that there might be exceptions but

they are supposed to be exceptions not the new rule. It was mentioned that there is a limit of 60 STR's allowed but they all seem to be sliding in to this small part of the Village, the south side of Mineola Bay. She begs the commissioners to reconsider this situation.

**Mr. Roeser** pointed out that the Fourth of July was a very festive weekend. It is one of the three major holidays that we have in the summer (Memorial Day, Fourth of July and Labor Day). Those are big weekends on the chain and they have loved them. The point is that they would like the rest of the weekends of the summer to be "normal" weekends. They are not that festive and if we have 14 renters on the west side of us and 6 renters on the east side every weekend, we will now going to be enjoying the same environment potentially every single weekend. With great respect for both parties, they said that they did their due diligence prior to purchasing the home. Clearly, they didn't do that because they are here asking for an exception to a rule that already existed. They are asking for something to be changed in order to accommodate what they want to do as a business and a rental. They are entitled to do that but that doesn't sound like due diligence to us because if we did that same due diligence and those two STR's existed 3 years ago, we would not have purchased that house. We would have seen that there were 2 STR's, one on either side of us, and we wouldn't have purchased.

We looked at a home on Howard, it was a wonderful home and we loved it but there was a situation with STR's all around that home. We didn't purchase that house because of the STR's; we paid \$150,000 more to purchase the home on Lake Avenue because it wasn't that type of environment. It had a very long driveway whereas the one on Howard had a 3 car garage but if you backed out, you hit the other side. Now, we both feel that we paid that additional money, we made improvements to the property and now it's being changed.

Michael Roeser returned to the podium.

Commissioner Legge stated that he feels that we have heard a lot about Lake Avenue and the density issue. He also said that there is a timing element. He believes that both groups (STR petitioners and residents) have done their due diligence but in a different way. All of the homes in this area are zoned properly and there is no change of zoning being requested, the requests are for special use. The special use for STR's is something that this village has a better hold on than most villages in the state of Illinois. One of the controls is that in a year, they come back before us and we can revoke their STR status. If someone were to purchase a property and just rent it, we don't have anything we can do about that. One of the challenges of a short-term rental is that you might get a problem situation for a weekend, with a longer-term rental; you could be stuck with a problem for a long time.

Commissioner Legge said that he has little doubt that Mr. Roeser would be a responsible owner; his concern is the density in this region. He said that he is usually very pro using your property the way in which you can responsibly use it, but his concern is that there is an awful lot of other activity going on and getting double-dosed from our neighbors with a STR on both sides might be a bit much for them and we have to respect all people in that regard.



Commissioner Bongiovanni stated that his concern at the last meeting was the density issue and the amount of STR on Lake Avenue. That seemed to be alleviated by someone withdrawing their permit but we still have the same issue and after hearing what some of the audience members are saying, he has a problem with approving another STR in the area.

Commissioner Legge added that the other couple on the other side of the Roeser home started this procedure well over a year ago, well before the moratorium on short-term rentals and they have put a lot of time into trying to be here and that swayed his position on this matter.

Chairman Gauge said that one of the other aspects of the ordinance that we spent months working on, the Village Board took probably 55% of our suggestions. One that they did not take, unfortunately, would have helped the realtors in presenting to potential buyers. We wanted a space limit in between short-term rental properties. Adopting that limitation would have made things much easier for the realtor and purchasers to see that a particular house is too close to another STR and does not fit the requirements. Yes, there are 60 licenses for short-term rentals for the entire village; yes, there are only certain spots where people want to make an investment and Lake Avenue seems to be the epicenter of that.

Chairman Gauger asked Mr. Bernstein if he would contemplate not renting out all 5 bedrooms. Mr. Bernstein, he would do that, if that is the path. He also said that he feels like he did do his due diligence and he takes exception to the earlier comment. He feels like there is a 60 unit cap for the special use exemption. A lot of cities have zoning where they cap for different zones. He was not aware that there was any zoning caps where this type of feedback would happen. That said, obviously he understands the concerns. The concerns by some of the neighbors are what they fear will happen, not what has happened. Everything is conjecture, everything is hypothetical and he does not think that approval is to be based upon hypotheticals. If he were to come back in a year and the neighbors had a bad experience and could document bad behavior, you would not renew the license.

Mr. Bernstein said he feels like he did not realize that approval was subject to feelings and hypotheticals. He said that he is a “path of least resistance” guy and he doesn’t think that the neighbors will even know any difference other than it wouldn’t be us there sometimes. He will give the neighbors his cell phone, he will put it on the record to the board, and he is 24-7. He does the same in Colorado. He says that he is committed to making sure that there is a solution that everybody feels a little bit comfortable with as it sounds like a compromise might be the way to get there. It’s not what they were planning but that’s life, so he is open and agreeable to that.

Commissioner Bongiovanni noted that, as a commissioner, we are only a recommending body. Our recommendations go the Village Board and they have the final say. Commissioner Legge stated to Mr. Bernstein that no matter if this petition is approved or denied tonight, another year of getting to be a part of this community and the Grand Avenue and Lake Avenue community and getting to know your neighbors will always be beneficial. The people who

have presented here who are already integrated into the community and have a good relationship with their neighbors have a little bit easier path through the process because it's a little bit more established. Commissioner Legge agrees that there is a lot of hypothetical that is tied to the fear of what could occur, of what's there, but you can't dispute another person's fear. It is real although it is not factual. Belaying fear is done through relationships and we try to encourage everybody who comes in front of this commission and presents for an STR to know your neighbors. That is critical because that will give you the solidification that you need in order to make this become a reality. You seem like you would be a responsible owner. Mr. Bernstein said that he appreciates that and added that he thinks we have all had experiences where sometimes you get a bad neighbor who is an owner. Mr. Bernstein said that he is a veteran; he served in the army, so he is all about accountability. Not hypotheticals, fears, that kind of stuff. What are the rules? If I don't follow them, hold me accountable. He said that he takes the concerns very seriously and he honors them and he understands, but he also understands that there are rules in place whether you are an owner or a renter. If an owner violates those rules, he is sure they would be held accountable as well. You've probably all had experiences with bad owners too who are neighbors.

Commissioner Nakanishi said that where she lives there are two people living on one side and one person on the other. If there were 14 people (2 adults for each of 7 rooms) there over the weekend, it would bother her. Chairman Gauger reminded that Mr. Bernstein has already agreed to a condition capping the number of rooms and adults allowed.

### **Motion of Recommendation**

Commissioner Swanson made a motion to approve the petition for a Special Use Permit, with conditions, to operate a short-term rental on the property commonly known as 202 E Grand Avenue, Fox Lake, Illinois, in accordance with Village of Fox Lake Zoning Ordinance 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied. Condition: Only five rooms with a maximum of 10 adults will be available for the first year.

Motion was seconded by Commissioner Legge.

### **Discussion Point**

None.

<b>Roll Call Vote:</b>	<b>Yea</b>	<b>Nay</b>
Commissioner: Bongiovanni	_____	___x___
Legge	_____	___x___
Swanson	_____	___x___
Nakanishi	_____	___x___
Chairman: Gauger	_____	___x___

Motion Denied

2) 51 Marvin St – Special Use Permit for Short-term Rental

Open: 7:24 PM      Close: 7:58 PM

**John Kurgan and Will Montgomery** were sworn in.

Mr. Montgomery said that this is the first presentation for this petition for short-term rental. Mr. Kurgan is the owner. When he bought this property it was rather dilapidated. He tore it down and built a whole beautiful new house. He is a responsible resident and wants to be a good neighbor and wants to rent from time to time.

Chairman Gauge asked if the original home was torn down or renovated. Mr. Kurgan said that this was a “crappy” house so he invested in the property and tore down the house and rebuilt from scratch a completely brand new house. He had to hire an architect and built a 4,500 (sq ft) house with 6 bedrooms. All of the bedrooms are upstairs, first and second floors. There is a basement with a garage, laundry room, shop, etc. At this time, he was not aware of this new law that was “brought to life” February 22 of this year. His intention was to deal with this house according to the existing Airbnb rules. That organization is across the world so Mr. Kurgan thought this would be a good situation for investment. He spent over \$200,000 to build this house. While he was involved with this project, the village made a new law. He knows that his neighbors are not very happy about this situation because it brings in strangers. About a month ago, he had about 15 young people coming from many countries in Europe. They choose Fox Lake to explore and they used the Metra to get to Chicago and other areas and because Fox Lake is nice and quiet.

Mr. Kurgan understands that some neighbors might be upset about this situation but we have parking across the street at the Metra station. 50 cars can park there and it is only \$1.25 per day. There is about the same amount of parking by the water tower. Mr. Kurgans’ property has parking for about 5 cars and he advises short-term renters to park in the Metra lots, do not park on the street. If the renters pay him \$1,000 for 2 days, \$1.25 to park isn’t a big deal.

Mr. Kurgan says that his guests stay no longer than 2 or 3 nights. The next renters are probably the next week or 10 days. For instance, over the Fourth of July, he had only 2 rentals but mostly the house was empty. He has 4 properties, 3 houses, so he has the ability to live in different places. There is only him and his wife and if there is any problem, such as people don’t behave themselves (drinking, noise, etc), the police will be called. This happened one time and when informed, Mr. Kurgan cleaned up the mess. Why were the renters not sent to court or punished for the summer. If you punish them once, this will affect the others as well.

Mr. Kurgan said that he is a very organized and responsible person. He told a story about a band in his home that the neighbors thought there was something wrong going on. The neighbors called him and he contacted the renters and resolved the situation. He said that he is not creating this beautiful story about the family and such things, he is a business man. He is willing to share with Fox Lake so that the

village makes some money and he will respect the neighbors. But, this house is not full of people every day.

Commissioner Swanson asked if Mr. Kurgan is currently renting this home as an STR. Mr. Kurgan said “yes, sir”. Commissioner Gauger asked how Mr. Kurgan knew to come here and get a permit. Mr. Kurgan said, an officer told him when he showed up after an incident. The officer said that his report would go to the village. The officer told him that he had to go to the village with this petition. He has paid what he was asked to pay and supplied all the information that was asked for. He told his “provider” that they would have to set aside \$500 in case there is another police report, they must pay the \$500 fine.

Mr. Kurgan also said that he has 3 children and when they come to his home with their children, they make noise. He tries to quiet them but whether it is family or strangers, people make noise.

Commissioner Legge said that until he drove to the house, he was curious about what he would find. The last report he saw showed 2 bedrooms and 1 bath. Clearly, Mr. Kurgan has done a lot of nice work on this property. On the north side of the house, it looks like there is a porch on the upstairs. Are those separate entrances? Mr. Kurgan said yes, there are two separate entrances. On the corner of the north side, there is a maintenance room which has a separate entrance; the other entry way is for the rest of the house. The commissioner mentioned that Mr. Kurgan had made a nice point about using the public parking, if needed, but questioned how the neighbors or other public members who need to use those lots might feel about that. He also stated that it is concerning that Mr. Kurgan was doing short-term rentals at this property before bringing it to the board for approval.

Commissioner Legge recalled that Mr. Kurgan stated he has 4 properties and asked if he is living in Fox Lake. Mr. Kurgan said that he is living in Fox Lake, Ingleside and Round Lake. The properties are a few miles apart so there would no problem responding if there is a problem. He can be to the property within 10 – 15 minutes if needed. He tends to this property and lives there from time to time depending on circumstances. Sometimes it takes him 2 or 3 days to clean up after the renters leave.

Commissioner Legge wants to know if a problem or disturbance occurs, can the neighbors get ahold of him and what is his connection with the neighborhood. Mr. Kurgan said that his next door neighbor sends him text messages and pictures. Also, he has a camera on the first floor so he can see what is going on. He can then address problems.

Mr. Montgomery said that they want to be available for the neighbors to call with any emergencies or questions. They will try to restrict the renters to be in compliance with the rules. Commissioner Legge asked Mr. Montgomery what is his association with this property and Mr. Montgomery said he is the personal lawyer for Mr. Kurgan and is not involved with the property as an owner or renter.

### **Audience Comments**

**Jason Snuffer** was sworn in.

Mr. Snuffer presented a petition signed by 11 resident of Marvin Street asking to stop the short-term rental at 51 Marvin. (The petition was handed out to the commission members).

Mr. Snuffer stated he first started to notice that the property was being rented out around Thanksgiving. He lives at 53 Marvin Street, the house to the north. He said that the house at 51 Marvin is listed on Airbnb as allowing 16 plus guests with 6 bedrooms. The night that Mr. Kurgan was referring to the police were called. Mr. Snuffer has called the police two times, this first time there was a college rage party. There were kids throwing-up in the street, the next morning there were beer bottles in the street. Mr. Snuffer had texted the home owner and advised that there was a really bad party going on. His son doesn't understand what is going on; his bedroom is approximately 20 feet from the property. Mr. Snuffer said that before he called the police, he went to the house and knocked on the door. He left after about 15 minutes having gotten no response. The parties threw litter and garbage all over the street and on other neighboring properties.

On July 3<sup>rd</sup>, there was another incident here Mr. Snuffer called the police. New guests arrived and Mrs. Snuffer had friends from out-of-town staying with them, including 4 children, the youngest was eight months old. The family and guests had set up to have dinner outside in their backyard. When the new guests arrived next door, they came outside and were smoking marijuana to the point where there was a haze across his driveway and they had to take their barbeque dinner indoors. The police were called again.

Mr. Snuffer said that this property is set-up as a party house, at 16 plus on Airbnb. Mr. Snuffer doesn't want to be the neighbor who calls the cops every weekend, the police have better things to do and he tries to be a good neighbor.

**Jaimie Worthley** was sworn in.

Ms. Worthley (43 Marvin Street) said that she didn't even know this was an Airbnb until she saw the sign for this public hearing. She thought this was just a "jack-ass" neighbor who threw lots of parties. She lives 5 or 6 houses down from 51 Marvin and said she can't imagine what Mr. Snuffer is going through. People park everywhere; there was even a bus there one day along with a bunch of other cars. This is not conducive to a neighborhood setting; it is setup as a party house.

Chairman Gauge asked Ms. Worthley what she would like to see there instead. Not what is currently there; it would be nice if it was like the majority of rest of the homes where it's just families, people who take care of their lawns, keep to themselves, and don't disturb others. We have a great neighborhood and everybody does their own thing. Then here comes this house and she was glad it was on the other end of the street. But it just isn't right for anyone to have to deal with this, or anyone else who is down there. And then there is a lot of extra traffic if there are a lot of people there. This is a narrow street and they don't really use the parking lots. It's just a pain in the butt.

**George Terronez** was sworn in.

Mr. Terronez said that his concern is the parking. Mr. Kurgan stated that people would park in the Metra parking lots but that is not the case. We have cars that

park right in front of our house. It is concerning to have strangers walking along our property late at night going to their cars and we don't know who they are.

Specifically, on the July 4<sup>th</sup> weekend. Mr. Terronez said he was driving to work and there was a very large group of people in the middle of the road. These strangers were being loud and it's not safe. He said that they know most of the neighbors very well including the many children. Hypothetical fear is reality; we don't know these people and they were in a large crowd. I understand that Mr. Kurgan is a businessman and maybe if the rentals were limited to a few people it might not be so bad. But to have large crowds of strangers does not feel safe.

### **Brenda Mendoza**

She was not aware of the Airbnb until she received a letter of notification. The neighbors are really close and keep in contact with each other and that is why she is here. She said that they do not know the people who are coming to rent this house and there are a lot of children coming to this neighborhood, especially since her husband is a sports coach. There are a lot of kids of different ages coming to her house and she wants those children to be safe. There is a playground by the lake and the children go there to play. Also, the children go fishing and she wants them to come home safe.

**Amy Dussmann** was sworn in.

Ms. Dussmann lives right across the street at 50 Marvin Street.

The night that there were so many cars parked all over (no one was utilizing the Metra parking lot at all) there were 7 cars parked there. When you come home you don't want to feel unsafe. It doesn't feel safe anymore. Her daughter came home late one night and she was afraid to get out of her car because there was a big van there. Ms. Dussmann said that she should not have to stay up and wait for her daughter to be sure she gets into the house safely if she comes home from work late at night.

Chairman Gauger asked what the property was like before Thanksgiving. Ms. Dussmann said that John and his wife were there. There were no parties. One year there were people there who came across the street and were taking picture in front of the Dussmann house and she asked them to leave. And now there is too much of different people coming and going all over the place.

Commissioner Swanson asked if there is legal parking on Marvin. Ms. Dussmann said that there are no parking signs on one side of the street and there were cars parked on that side in front of her house. This was on a Saturday and they didn't get their mail because the car was blocking her mailbox. There is loud music, and talking, yelling and drunkenness going on.

Chairman Gauger asked if Ms. Dussmann has the phone number for Mr. Kurgan and she said no. The Chairman then asked the audience members if anyone had a phone number for Mr. Kurgan. Jason said that he has Mr. Kurgan's phone number but has never gotten a response; everyone else said that they do not have a contact number for Mr. Kurgan.

**Mr. Kurgan and Mr. Montgomery** returned to the podium. Mr. Kurgan said there

are a lot of people against this business. They are accustomed to what used to be before he owned the house and rented on Airbnb. Obviously, if there are a lot of people renting his house for a short-term, it might be a little uncomfortable for the neighbors. However, it is not a problem to call the police and say “hey, they have too many cars” or whatever. “Call the cops, the cops show up, the problem is solved.”

Mr. Montgomery interrupted Mr. Kurgan and asked if it is possible to continue this hearing and give them time to meet with the neighbors try to address their concerns and try to get some parameters on the rentals; no more of these parties, no more of these parking violations, no more congestion. We will try to figure out a way that will work in the neighborhood. We want to be good neighbors and respectful of the neighborhood.

Chairman Gauger suggested that we table this discussion and have Mr. Kurgan come back in a month. Commissioner Nakanishi asked if the short-term rentals would cease in the meantime. Chairman Gauger stressed that the short-term rentals must cease. Commissioner Bongiovanni looked on-line and found that the home is scheduled for rental for this coming weekend and for several weeks going forward. Chairman Gauger stated that Mr. Kurgan cannot have any short-term rentals until such time as he completes the review process with the Planning and Zoning Commission and the Village Board and receives a Special Use Permit for that purpose.

Mr. Kurgan asked what the difference is between a short-term rental and a long-term rental. Chairman Gauger said that a short-term rental is less than 30 days per the ordinance.

### **Motion of Recommendation**

Commissioner Nakanishi made a motion to table the Special Use Permit hearing for 51 Marvin Street until the next Planning and Zoning Commission meeting on August 9, 2023. The motion was seconded by Commissioner Bongiovanni.

### **Discussion**

Commissioner Legge pointed out to Mr. Kurgan that the reason we have these Special Use procedures in place is to prevent party houses and your comment about how some of your guests were filthy and all of that is not a comment that we commonly hear from responsible guests in Airbnb’s. And a lot of people who will present here will be looking for putting responsible guests into their properties. You have a lot of “sweat equity” in this property and you don’t want it destroyed. If you are looking to have to clean up after people, you have the wrong people in there. If you have groups of people out there on the street, you have the wrong group of people.

### **Affirmative Vote**

All in favor.

3) 174 Riverside Island Dr – Special Use Permit for Short-term Rental

Open: 7:59 PM      Close: 8:39 PM

**Luke Thorn and Angie Thorn** were sworn in.

Mr. and Mrs. Thorn are requesting a short-term rental permit for their property in Fox Lake. They have lived in Antioch since 2017 and are only about 10 minutes away from the Fox Lake property. They love the chain (of Lakes). They decided to raise a family out here and would like to share it with other families. They are planning on renting to 6 people, 2 families. They have great parking, 2 parking places, one in the garage, no street parking. It's on the water and the Lake County Sheriff's Police station is in the channel so they hope this will deter problems.

Chairman Gauge asked if this is a 3 bedroom and Mr. Thorn confirmed it has 3 bedrooms and 2 baths. The Chairman asked about the parking. Mrs. Thorn said that they tested the area with their SUV and a "regular sized" car and they can comfortably fit both in the driveway and there is a single car garage. It was agreed that this will be tight. There is Metra public parking nearby if needed and that will be made clear in the listing. This property was purchased last week (July 3<sup>rd</sup>).

Chairman Gauger asked if this property was presented as a perfect spot for a short-term rental by a realtor. Mr. Thorn said that he and his wife focused their search for a property based on the knowledge that McHenry and Fox Lake are the only ones in the area that allows short-term rentals. Mrs. Thorn said although they live in Antioch, they purchased here so they can leave a legacy on "the chain" for their children. They plan to keep this home in their family but right now they intend to use it as a rental property. Mr. Thorn said that they intend to use it for themselves as well and for family that comes into town.

Chairman Gauger asked if they have met any of the neighbors and they said yes. Chairman Gauger asked what the neighbors think about the Thorns' being the first STR on the island. Mr. Thorn said one neighbor (named Bob) has a place in McHenry. Mr. Thorn doesn't think that Bob uses his home as a rental but was told that it is an investment property. That is the only neighbor that they have met.

Commissioner Bongiovanni asked if there is currently a listing on Airbnb. Both Mr. and Mrs. Thorn said "no". Mrs. Thorn said there is an ad drafted but it should not be live. Commissioner Bongiovanni said that there is a listing there but it appears that nothing has been reserved. The listing shows 10 guests. Mrs. Thorn said that the home has 3 bedrooms and asked for clarity on that. The 2 adults per bedroom rule was stated.

Commissioner Legge asked what they will do if they have problems getting to know the neighbors or complaints about noise, and things like that. Mr. Thorn said that they are only about 10 minutes away and he works from home so would most likely be available to address any issues. He said that they also manage a property in Iowa City, Iowa (about 4 hours away) so this is not new to them. The Iowa location is a long term rental and Mr. Thorn said that he realizes that this situation is different and they have decided to keep this close for that reason.

Mrs. Thorne stated that they have identified a property manager who can come on-site as needed. She also said that they can provide their contact information to the neighbors and whoever else may need it. Mr. Thorne stated that he does not want parties at this place.



## **Audience Comments**

**Pamela and Tim Perrin** were sworn in.

Mr. Perrin said that they respect what the short-term renters want to do. But it is all data driven. He has done research of the pro's and con's of Airbnb's and short-term rentals. Most of the "pro's" are for the proprietor. It is a good way to make money and the chain is a beautiful place to live. There is also a responsibility to living on the water front. You keep the shores clean, you watch for safety, you respect the water and teach respect for the water. We all know how many people have drowned and how that has happened. It's not just about keeping down the noise and the police; it's so much more. People have worked their whole lives for a lake home to retire to. It is a legacy for their grandkids; but there is also a respect. In these articles, all errant Airb&b's have a stigma of being a party house, of violation of parking rules, and noise ordinances. Those are the 3 top items in every single article.

It is unfair to anyone who pays \$1 in property taxes to be asked to be the police; to ask us to call anybody because there is a party. Mr. Perrin agrees with the idea to rent it out for 1 year. They could get a great neighbor or a not so great neighbor, who knows? But, the data suggests that if there is an Airbnb in our neighborhood, it is likely that selling your house will take longer. The island is small. When they looked for a house, they wanted something that they could pass down to the grandchildren. They fell in love with a location on Nippersink Lake and with the island life, now they had to make compromises. Parking is horrible; there is no room on the island.

There are police nearby but you can't call every day. Not every tenant is going to be "bad" but what if only one tenant is out of control? Do I have to watch them for instance, dive into the lake? The Perrins watched the authorities search for the drowning victims last year and don't want to do that again. The Board's decision should be made off the data.

Pamela Perrin said that anyone who has been on the island knows that the parking is atrocious. They love their neighbors but they put up cones because their cars get backed up into by people who are visiting and work trucks. There are a lot of women on the island who like to meet and talk on the street, there is a different feeling in that area. Mrs. Perrin also said that they have adult children. Those children have never said "We are renting an Airbnb to go relax."

**Janette Jennings** was sworn in.

Mr. Jennings and her husband live on Riverside Island. It is an island of 19 homes and they have been there for 25 years. There are safety issues for people who don't know the island including the roadway in, the little wooden bridge and that the road terminates at the end of the island. When you approach the little wooden bridge between the swamp and the American Legion, when someone is coming over the bridge, you have to move over because the bridge is too narrow for two cars. People who don't know the island don't realize that. Drivers who are not familiar also don't tend to realize that the road terminates. It takes a 10 point turn to turn-around and some people try to back up and wind up damaging property. Additional signage on the streets would help. Also, the structural integrity of the

access roads to the bridge is a concern. Also, when going over the bridge, you have to slow down to avoid damage to the undercarriage of a vehicle. A limo would never make it onto the island. There is a lot that visiting parties might not know about.

**Robbie Balan** was sworn in.

Ms. Balan lives at 173 Riverside. The road is a dead-end and there is nowhere to turn around. Her car, fence and mail box have been hit as have other items of her neighbors (gardens, sheds, etc). This damage was all done by visitors to the island. The people who live on the island can ask each other for help if have a problem getting around but strangers can't do that.

Ms. Balan also challenged the claim of the Perrins that there are 3 parking spots. In the 20 years that Ms. Balan has lived there, no one has parked a car in the garage at the Perrins home because the garage is too small. The door is 93x 83 high and most people have an SUV. You would need a little car to access the garage and be able to open the doors while inside. Ms. Balan stated that she saw how the Perrins parked back to back and it was a very tight fit. She fears that the parking will make more problems and will make things tighter when trying to turn around.

Chairman Gauger asked, what happens when a resident invites family over and they bring 3 cars; where do they park? Ms. Balan stated that everyone helps everyone else. If a neighbor has space in their driveway they might share or allow someone to park near the road at the foot of a driveway. If the car needed to be moved it would only take a phone call to arrange that, or if someone is not there that person would allow a neighbor to use their driveway. It works because they support each other.

Commissioner Legge asked if there is parking allowed in the yard in front of 174. Would that be agreeable to the neighbors? Ms. Balan reminded that the ordinance states that they (short-term renters) have to park within their property lines. There is a long term renter who uses that area.

**Jennifer McDonald** was sworn in.

Ms. McDonald stated that she and her husband purchased their home in 2016. She lives at the very end of Riverside Island. She is a disabled combat veteran and this situation scares her. She has a 2 year old daughter. She has been blocked in by trucks of companies servicing the area and is concerned that emergency vehicles would not be able to get through if needed. Also, she has had parts of her property destroyed by people who don't know what they are doing when driving on the island.

This is a close neighborhood with people who care about each other. It is not a party neighborhood. No one does Airbnb to relax, it is a party thing. Also, no one cares for a rented home the way they would their own home. She worries about fire, strangers, things that she never thought she would have to worry about in the neighborhood of 19 houses where people watch out for each other. This short-term rental would not be beneficial to anyone on the island except this one house.

**Susan Stark** was sworn in.

Ms. Stark brought an overview of the island with the property in question highlighted. She is the 3<sup>rd</sup> generation of her family on the island in the same house. Her father built the house and her grandmother established the garden. Her next door neighbor would have been at the meeting tonight but he is in Canada along with Robbie's neighbor.

37% of the island residents are at the meeting tonight. They are a tight-knit group who know each-others names and phone numbers. They leave their garage doors open and if someone needs a tool, they are free to borrow it. The trash and recycle trucks have to back into the island and that has been a problem in the last few weeks to allow cars to get out; same for the landscaping companies. Ms. Stark also agreed with Ms. Balan about the parking in the garage and driveway. Ms. Stark said that she has not met the Thorns yet and she is sure they can be very nice neighbors. The reason Ms. Stark came back to the island is that the island was the same as it had always been with friendly neighbors that could be depended upon. They all look out for each other. This is personal to the neighbors, for the Thorns it is business.

Ms. Stark has some questions about the petition for this STR. There was no mention of boats or boaters. If there are boaters, can they sleep overnight in their boats if there are more than 6 adults and therefor too many people to stay in the house? Chairman Gauger said that the occupancy is only 2 adults per bedroom; 6 adults. Ms. Stork then asked if the 3 bedrooms all have closets. If someone is going to stay there and they have a boat, where will the trailer be stored? Chairman Gauge said that this would be up to the rules of the island and would not be address by a STR permit. If trailers are allowed on the island and a boat is brought by renters, the trailer would have to be kept in the driveway. Overnight parking is not allowed on the street, what about daytime parking? This is not addressed in the rules as shown in the packet but Chairman Gauger stated that all vehicles must fit on the property, day or night, 24-7. Ms. Stark also pointed out that there is no fishing allowed off the bridge regardless of the fact that the sign stating that restriction has disappeared from the side of the road.

**Mark Durante** was sworn in.

Mr. Durante said that he has been a resident of McHenry for 15 years. He moved to Riverside Island about 3 months ago. He said that Nippersink Lake is the only lake in the area that allows rental boats and jet-skis. There is a potential to have 6 people stay at the house, who don't know how to handle the boats or jet-skies but are allowed to rent them. Mr. Durante states that he enjoys his neighbors and how close they all are with each other.

Angie and Luke Thorn returned. They will limit their renters to two cars if that will help. Chairman Gauger said that it's not so much the cars, it's the fact that someone comes with their Escalade that doesn't fit across the bridge or up the hill or into the parking area for the house. Mrs. Thorn said that she feels that is more the fault of the road than of their STR. The road is not within their direct control. However, Chairman Gauger pointed out that an Escalade won't fit in the garage. They are advertising as having 3 parking spots but not mentioning that they can't have anything larger than a Volt. Ms. Thorn agreed that they can take a look at that aspect.

She also stated that they have a ring camera facing the road so they can see the whole driveway including in front of the garage. If they see that people are not parked correctly, they will contact the renters and take care of the situation.

Chairman Gauger asked if there is a complete set of rules in their packet. Mr. and Mrs. Thorn said that they will be happy to rewrite some sections of their rules for their renters to correct some items pointed out by the speakers tonight. They want to make friends with their new neighbors and want to respect their wishes. They live on an island in Antioch so they understand the neighborhood feelings and how tight-knit the community is. They will not allow parties, etc. Mrs. Thorn said she knows the road is not the best situation and they will take the feed-back and do whatever they can to make everyone feel comfortable.

Chairman Gauger said that he would like to have this matter tabled and have the petitioners come back next month after the Thorns have had an opportunity sit down and draft better house rules, to have some of the people who are here point out things that maybe aren't up-to-snuff. This is a very tight-knit group of people who are looking to welcome you but who don't like the idea of strangers in their neighborhood.

Commissioner Legge suggested that the Thorns take the time to get to know your neighbors and build a rapport with them. There are no guarantees that everyone will be welcoming but there were some good points made about things that could be put into their rules (parking, no fishing on the bridge, etc). We have no jurisdiction regarding the boating questions. The Thorns verified that all 3 bedrooms in the house have closets and Commissioner Legge suggested that they might want to offer to limit renters to 4 adults. This would be much less likely to be a party situation. Mr. Thorn said that they have made a significant investment in this property and he agreed to have this matter tabled until the next meeting.

### **Motion of Recommendation**

Commissioner Bongiovanni made a motion to table this petition until the next Planning and Zoning Meeting on August 9, 2023. The motion was seconded by Commissioner Nakanishi.

### **Affirmative Vote**

All in favor.

4) 31 Towne Centre – Special Use Permit – Cannabis Dispensary

Open: 8:40 PM Close: 9:13 PM

**Ambrose Jackson, Jim Reilly and Sonia Antolec** were sworn in.

There was a power-point presentation prepared but we were not able to project it on the screen. Ms. Antolec said that they will send the presentation to the commission members after the meeting.

Mr. Jackson said that they represent the 1937 Group (named for the year when the 1937 Marijuana Tax Act was passed). He went to the University of Illinois for his Bachelor and Masters degrees and has worked in the field for about 12 years. Mr.

Reilly is the Vice-President of Facilities, Real Estate, Design and Construction. He has over 35 years of experience leading some of the largest retail and restaurant and cannabis roll-out programs coast to coast completing over 500 projects. Ms. Antolec is the Chief Legal Officer for the team. She went to DePaul University and Loyola University for her law degree. She was a prosecutor in Cook County for 10 years (2 different stints). She was the Chief Administrative Law Judge for Illinois Health Care and Family Services where they prosecuted doctors and medical providers for fraud against the states' Medicare program and also administrative child support and was Director of People and Legal for a startup that was mission driven to help women get back into the work force.

Mr. Jackson said, their organization is called the 1937 Group and the dispensary is named Parkway Dispensary. This is a Social Equity Company and they have no ties to any MSO's. MSO stands for Multi State Operator.

In the state of Illinois, 96% of the market share for legal cannabis is owned by 6 companies. Illinois implemented the Social Equity Company program to help small business and small business owners to operate within our state. The 1937 Group has won a grant of approximately \$800,000 to support their community engagement activities. Also, they have received notice in the last couple of days that the State is working with them now to provide a 2 year extension to their grant at the same dollar amount.

Ms. Antolec then said that the location they are looking at is a smaller location. This is near the Metra and is meant to be the neighborhood dispensary for the community and commuters and visitors. They are a group who care about the plants and the products. They care about the communities that they are in and integrate themselves into the community. While growing up, she spent summers in the area of the chain-of-lakes and she raised her son the same way. She knows and cares about this community.

Mr. Reilly spoke about customer experience and safety concerns. More than 50% of those who consume cannabis are licensed professionals. They are looking for a certified, legal place to purchase their cannabis and they want to be able to consume it responsibly. Their main focus is the security and safety of their employees and customers. They follow and exceed the IDFP and IDOA guidelines. They offer a one-on-one experience to their customers.

Their safe is constructed with security mesh and double high impact dry wall. There is access control for public access, limited access and restricted access. The check-in process is extremely stringent. No one under 21 is allowed in. They have 24 hour view-ability from Illinois State police and studies have shown that crime has gone way down because of this.

Chairman Gauger asked how many other places 1937 Group has. They are a vertically integrated cannabis company which means they have a license to operate a cultivation facility. They also have a transportation license. Both licenses are operational and they operate them out of Broadview. That is one of the benefits of coming here; all of their dispensaries sell the same products. They have several locations but none are currently operational. The first will open at the end of August in the Danville area. Mr. Jackson said that he is the owner of the dispensary in Danville. Other partners that they are working with own the other

licenses. Those partners will be part owners of the other dispensaries that the group open. Commissioner Legge clarified that the people who hold the licenses are not part of the 1937 Group yet and will have to be partnered in.

Commissioner Legge also clarified that there will be some craft products but there will also be some products from other suppliers.

Chairman Gauger asked what brought the group to Fox Lake. Ms. Antolec said that she has a relationship with someone who is a long-time Fox Lake resident and that person suggested that this location might work well. They came into town and felt that the location being close to the theater, shopping, and with a lot of parking would be a good fit for their venture. She also said that this is the only location in Fox Lake that was considered.

Chairman Gauge said that they have met the distance requirements for schools, churches, etc., and asked how they want the commissioners to get around the rule that says 250 feet from a city park. Ms. Antolec said it is her understanding that the ordinance is scheduled to be amended, striking the phrase that says “from property line to property line”, so the distance requirement would be 250 (in general). With that change, from the unit to the park would then more than double the 250 feet distance.

Commissioner Nakanishi asked about the number of dispensary licenses available. Chairman Gauge noted that another license was approved by the Village Board last night so there are now 3 dispensary licenses in the village.

Commissioner Legge asked how they will go about the build-out. They would develop the code-compliant construction documents and submit for necessary permits from the village. Mr. Reilly said that he would oversee the construction and make sure that all construction, safety and security requirements are met. The timeline for the buildout is less than 3 month from receipt of the permit to build.

Commissioner Legge asked about the state deadline for licensing. Ms. Antolec explained that in the last session the State Legislature extended that deadline by 1 year.

Chairman Gauger said that there is a statement from their landlord and he is agreeable to this but we do not have a statement from the neighbors, the clinic. Ms. Antolec said that the landlord has been in contact with the neighboring clinic, also the public notice signs went up as notification to the neighbors. They have received no negative responses. There is some common area in the back of the building and they are working with the landlord to secure that area so there will be no ability to cross-over from the clinic to the dispensary. There is a restroom in the clinic for their clients; it is not in the shared space. The bathroom in the shared space is used by the staff of the clinic. There will be no clients in the shared space, it is restricted.

Chairman Gauger asked about marketing and signage, etc. Ms. Antolec said that the signage is regulated by the state and they would comply with those rules. The signs are currently being designed.

Commissioner Bongiovanni asked what conversations have been had with the movie theater who also occupies space in that building. Ms. Antolec said that they have not had any conversations with them but also did not hear anything negative from them after notice was given. They understand that Fox Lake is a community for families; part of their community engagement plan references education to protect under-aged persons.

Commissioner Nakanishi asked if there is any concern about someone with bad intentions pushing through the clinic and going through the shared space in the back and entering the dispensary. Mr. Reilly said that would be extremely difficult and there are panic buttons throughout the facility that automatically trigger a silent alarm and call the police. Also, in order to get through, someone would have to rip the doors off their hinges because a card access is used to restrict access. There is an electric strike that is always locked. Commissioner Nakanishi said that she is asking about people coming through the clinic and the shared bathroom area to enter the dispensary. They will put a door such as described above with electronic locks and card access to prevent access to clinic clients or personnel.

Commissioner Legge also pointed out that the State will be carefully inspecting this property. Mr. Ambrose stated that there is no product allowed anywhere in the building except in the vault. Ms. Antolec added that the packages that will be on display are empty. Mr. Reilly said that for the transfer of product from the vault, there is an interlock pass-through that prevents access to anyone until the product is at the point of sale.

### **Audience Comment**

None.

### **Discussion**

Commissioner Legge said that, from a standpoint of the initial fear of legalized cannabis sales in Illinois to where we are now, it seems that the fears have been dispelled.

Dusty Hosna said that he has been through this process with dispensaries 4 times. By the time that an application gets to this point, it is highly regulated by the State. Also, he said that the legal issues with the ordinances are being addressed by the Village Board but the process is not complete yet so, he recommended any motion from this commission should include a condition that approval is in accordance with Village Ordinance.

Ms. Antolec said that they are a very close-knit team, just like Fox Lake, and are very passionate about this and what they are bringing to the community. Mr. Reilly added that the buildout will be a Class-A facility. Mr. Jackson said that they are excited to have this opportunity.

### **Motion of Recommendation**

Commissioner Bongiovanni made a motion to approve the Special Use Petition for the operation of an adult use cannabis dispensary at the property commonly known as 31 Towne Centre, Fox Lake, Illinois, in accordance with Village of Fox Lake

Zoning Ordinance 9-1-6-10, subsection C with Standards 1, 2, 3, 4, 5, and 6 satisfied, with the condition that this is in accordance with the Village Ordinance. Seconded by Commissioner Nakanishi.

### **Discussion Point**

None.

<b>Roll Call Vote:</b>	<b>Yea</b>	<b>Nay</b>
Commissioner: 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

## **VI. 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.*

Mark Korabik is a resident and a recent board member at Vacation Village. He was advised to go to this meeting to have his questions heard. He has been to the Village several times with questions regarding an issue with the electrical panels. When Vacation Village was built, a particular electrical panel was installed. According to Mr. Korabik, these panels are faulty. The company has gone out-of-business. Mr. Korabik stated that the Village requires these panels to be replaced only if there is work being done on a unit, if a unit is being sold, or the unit burns down. There has already been a fire that took down an entire building.

According to Mr. Korabik, Vacation Village has tried to mandate that these panels be upgraded but many of the residents are saying that the Village does not require replacements so they have not replaced them.

Mr. Korabik said that this is a life safety issue according to Vacation Village's insurance company. A panel that overheats will take out another building (about 30 people). Mr. Korabik is asking for help from the village before another building burns down.

Dusty Hosna said that during Public Comment, we cannot address this issue. We received notification of this issue earlier this week and forwarded the concerns to the Village Attorney and had some conversations with the engineer. Dusty said that he will be point of contact for this situation and will be happy to meet with Mr. Korabik in this regard. Mr. Korabik said that he needs help from the village to push back on the Vacation Village board to get these panels replaced.

Mr. Korabik also stated that he watched the hearings earlier this evening and said it is heart breaking to watch people beg to keep their neighborhoods the way that they were when they moved into them.



Chairman Gauge said that in the last 4 or 5 years the function of this Commission has changed from dealing with subdivisions and large buildings to dealing with short-term rentals. Mr. Korabik thinks that the commissioners have done a great job.

## **VII. Adjournment**

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

### **Affirmative Vote**

All in favor.

Meeting closed at 9:20 PM

Respectfully submitted by,

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

Patricia Russell  
Deputy Clerk

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

<https://us06web.zoom.us/j/81617321691?pwd=VzRtQ0NvMzMxTGNEK1Jvam1OM0V3dz09>

Meeting ID: 816 1732 1691

Passcode: 372879