



PLANNING & ZONING COMMISSION DRAFT MINUTES

**September 13, 2023, 6:30pm
66 Thillen Drive, Fox Lake, IL
Also Was Available Virtually**

I. Call To Order Meeting Opened: 6:30PM

II. Pledge Of Allegiance

III. Roll Call **Present** **Absent**

Commissioner:	Bongiovanni	<u>x</u>	
	Legge	<u>x</u>	
	Swanson	<u>x</u>	
	Nakanishi	<u>x</u>	
	Bell	<u>x</u>	
Chairman:	Gauger	<u>x</u>	

A quorum was established.

Also in attendance: Patricia Russell, Dusty Hosna

IV. Approval of August 9, 2023 Meeting Minutes

Commissioner Nakanishi made a motion to approve the minutes of the August 9, 2023 meeting, as written, seconded by Commissioner Bongiovanni.

Affirmative Vote

All were in favor. Motion Passed.

V. Old Business – None

VI. New Business

1) 40 S Route 12 – McDonalds – Sign Variance Amendment

Open: 6:33PM Close: 6:55PM

Brian Schaner was sworn in.

McDonald is asking to upsize the message center portion of their sign. The original drawings showed a 3 x 5 message center. The owner is concerned that this is not large enough to project a picture without scrolling and wants to upsize to 5 x 5. There is no stop light there and so the traffic will be moving and McDonalds wants to limit the distraction for the drivers passing by. It was discussed that the digital message center needs to stay static for 5 seconds minimum. The height of the sign will not increase; the addition would be at the bottom which would be about 6 feet above grade. This would be a pole sign, not a monument sign. The proposed set-back from Route 12 is 10 feet.

Commissioner Legge asked to revisit the idea of a monument sign as he is concerned that the sign is much too high. Chairman Gauger said that, according to ordinance, a pole sign would have to be wrapped with wood, stone or brick. Mr. Schaner said that, according to previous hearing, they will have a pole covering of some sort. Drawings with the pole wrap apparently have not been done yet. The board members agreed that they would like to see that drawing before they approve a variance. We hate putting this off for another month, but it would be nice to have all the information in front of the commissioners showing what is being approved.

Mr. Schaner said that the project has already been delayed and that the provisions for this sign are being put in the ground. Commissioner Legge said that he was at the site today. Commissioner Bell asked if this hearing is for a variance for a sign that was already approved. Chairman Gauger said that they were asked to come back because of the pole wrapping question and now they also want the larger message center.

There was then discussion about the history of this request. There was a question of whether there was an approval. The original application was for the sign to be 35 feet and was brought down to 25 feet. Commissioner Legge suggested that several of the commission members would be interested in revisiting the question of a monument sign as that is the current village standard. Chairman Gauger said that part of the issue that would support a pole sign as opposed to a monument sign is the sight lines for cars pulling out of the driveway as well as oncoming traffic. Commissioner Legge said that he is confident that the sight lines would not be an issue and that the question could be double-checked by engineers. Commissioner Legge also questions the placement of the sign. There is 200 - 300 feet of road way coverage and the sign could be to the right of the presently proposed location.

Mr. Schaner said that he was under the impression that the pole sign and location of the sign as shown on the 3 x 5 drawing was approved at the last meeting, with the pole wrapped. The zoning attorney for McDonalds was before the board and

everyone agreed on the 25 foot height as long as the pole was covered. The commissioners do not recall having voted on that. Chairman Gauger said that he believes the commissioners asked for more information at that time.

Commissioner Nakanishi mentioned that it would be nice to have the owner at these meetings. Mr. Schaner stated that the owner wasn't here for health reasons and that all of the communication went through the attorney and he does not have any of those meeting notes with him.

Chairman Gauger asked what it would do to the progress of this project if it is put off for another month. Mr. Schaner said that they are in the process of putting the piers in the ground for the pole sign as per the drawings presented. They wanted the sign up early in the process for advertising purposes.

Commissioner Legge said that he was there this afternoon and it didn't appear that there was any work being done on piers. There was only clearing of the space being done, no digging. There is no electrical being run yet. The commissioners suggested that they not put in that expense until they get a firm approval from the Board.

Commissioner Bell asked if the Moretti's sign is taller than the proposed McDonalds sign. It was discussed that Moretti's is 25 feet, the same as what McDonalds is now requesting.

Commissioner Bongiovanni looked at previous meeting minutes to find what decisions had been made regarding this sign. He reported that, according to the record of the April meeting minutes, the board agreed to continue the application, pending more detailed information, including a final rendering of what was planning to be done.

Chairman Gauger said that we are aware the project is on a time table and they want to get the underground done but, at this point, we are at a standstill until we can see a rendering of exactly what is planned. Commissioner Legge said that he feels the Commissioners should be sticking to the goal of our ordinance regarding the monument sign as has been done for others in the area. Also, make sure that the sight lines are safe.

Audience Comment

None

Motion of Recommendation:

Commissioner Bongiovanni made a motion to continue this hearing until the next available meeting. The motion was seconded by Commissioner Legge.

Affirmative Vote

All were in favor. Motion passed.

Chairman Gauger suggested that, if this is a “rush” we could entertain having a special meeting and encouraged Mr. Schaner to speak to Dusty in that regard.

2) 525 Circle Drive – Special Use Permit for Short-term Rental

Open: 6:56PM

Closed: 7:30PM

Jeannine Graff was sworn in.

Chairman Gauger noted that the packet submitted was one of the most we have received in a while.

Ms. Graff said that this property has historically been used as a rental. It has two houses and a duplex, 4 units total. Her parents owned the property; Jeannine also owns another rental property in the area. They have put a lot of money into the property and 3 family members live in 3 of the units and they want to use the 4th unit for family visitors or as a short term rental. Jeannie and her husband hope to eventually live at this property also.

They would like the opportunity to earn some money from the property to off-set the investment they have made in improving the property. Jeannine and her husband currently live in Volo. Her father-in-law is selling his home in Des Plaines and moving into this property. Some of the neighbors have Jeannine's contact information and there will be family members living on the premises.

Several questions were asked by Chairman Gauger:

1) Please explain how granting the request will not have an adverse impact on the community:

Ms. Graff said that her goal is that they would not have to rent this out too often. She would like to have an impact on improving the area.

2) Please explain how granting the request will not have an adverse impact specifically on contiguous and adjacent properties. Also, please explain how the request will not have a negative impact on the property values in the surrounding area:

Ms. Graff said she would expect their impact to be positive. Her reputation and integrity are very important to her.

3) Please explain how granting the request will not have an adverse impact on future development of the surrounding area:

Ms. Graff stated that she is a realtor in the area as well as a real estate investor. It matters to her that everything she does that is related to real estate is left better than when she found it. She wants to be part of the betterment of whatever she is involved in.

- 4) *Please address the availability of utilities, access to roads, and drainage:*

Ms. Graff replied that all of those things are operating in the area already.

- 5) *Please indicate what steps have been or will be taken to ensure that all entrances and exits will not increase traffic congestion:*

Chairman Gauger said that the presentation shows plenty of parking but Ms. Graff said that 2 parking spots would be designated for this unit. The unit referred to in this application is the house to the right when going down the hill and they would have one parking space down there and one up the hill. Also, there are several extra parking spaces available.

- 6) *Please address how granting the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located:*

Ms. Graff and Chairman Gauger agreed that the district is basically multi-family so there would be no change.

When asked how many bedrooms, Ms. Graff said it is 3 bedrooms and 2 baths. She will be advertising for a maximum of 6 adults (2 per bedroom), children under 18 can be limited by the property owner. The property passed inspection this week.

Commissioner Bongiovanni suggested that Ms. Graff might want to increase the parking spaces available to 3 to accommodate the 6 adult rental limit. The public parking areas would not be used.

Commissioner Nakanishi noted that the house rules state a minimum age to rent of 30 years old. Also, the rules need to be modified to show a limit of 6 adults overnight with unlimited children.

Audience Comment

Andres Warnes was sworn in.

He lives at 513 Pistakee Parkway. He has seen the investment that has gone into the property and it really looks great. His questions regard the process for granting a license and maintaining the license. He lives in a neighborhood with several short term rentals already and his home is in between them.

His question is: are there any limits to the density of short term rentals in any specific neighborhoods? Chairman Gauger explained that the Planning and Zoning Commission held several meetings regarding the short term rental ordinance and sent their recommendation, including density, to the Village Board. Many of the recommendations were adopted but the density restrictions were not. The Commissioners don't want to be arbitrary in their decisions but are also mindful of the impact on residents. There is a lot that is weighed in coming to a decision.

Mr. Warnes said that they have had a lot of impact from the existing short term rentals; police calls and threats. Fortunately, they communicated with the owner and that has led to certain renters being banned by AirB&B. They know Jeannine and how to get ahold of her if there are any problems.

Mr. Warnes then asked about the process for revoking a short term rental license. Chairman Gauger said that the process is very cut-and-dried. If there are enough (2 or 3?) instances of breaking the rules or parties getting out of hand, or the police being summoned, that will be brought to Dusty and the owners then get a hearing before the mayor. The mayor has the power to revoke the short-term rental license at that time. Mr. Warnes pointed out that the ordinance is not specific on this point.

Dusty Hosna addressed the question saying that we have very low tolerance for disturbances made by short-term rentals. We have been refining our processes. We have gone through training and have someone on staff finding these problem properties and citations are being issued. Dusty said that we are building our relationship with the police department to where any reports on short-term rentals come right to my desk. We want the communities to remain the way the special use permit process intends them to.

Commissioner Nakanishi said that it is great that Dusty gets reports from the police department. We should have zero tolerance, not low tolerance, when renewing a license. Dusty also said that the laws are changing to increase our ability to fine people daily. We are taking this very seriously on our end.

Commissioner Legge related the story of a short-term rental that caused a lot of problems. That person made several changes in how his property was run because he did not want to lose his license. We have not had any further problem at that property. He also suggested that, if you have a "bad" neighbor, renter or permanent, you might have that problem for years. If you have a "bad" short-term renter, they will be gone in a few days.

Mr. Warnes asked about getting a license to hold for future use? Chairman Gauger said that he gets that question a lot. If a short-term rental license is granted, it must be used within one year. If not, it will be revoked. Also, you must own a property before you submit an application for short-term rental.

Commissioner Bell suggested that it would improve the look of the property if the garbage cans were placed in a different area or screened in such a way that they are not visible. Ms. Graff agreed to do that by enclosing the currently used cement pad or putting the cans on the back side of the building.

Chairman Gauger said that short-term rental licenses do not transfer upon sale. If a property that has a short-term rental license is sold, the new owners do not retain the license.

Motion of Recommendation:

Commissioner Nakanishi made a motion to approve the Special Use Permit petition for the operation of a short term rental at the property commonly known as 525 Circle Drive, 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. Seconded by Commissioner Bell.

Discussion

None.

Roll Call Vote: **Yea** **Nay**

Commissioner:	Bongiovanni	<input checked="" type="checkbox"/>	
	Legge	<input checked="" type="checkbox"/>	
	Swanson	<input checked="" type="checkbox"/>	
	Nakanishi	<input checked="" type="checkbox"/>	
	Bell	<input checked="" type="checkbox"/>	
Chairman:	Gauger	<input checked="" type="checkbox"/>	

Motion Passed.

3) 153 Arthur Ave – Special Use Permit for Short-term Rental

Open: 7:31PM Closed: 7:43PM

Doria Matczak was sworn in.

For the last 12 years this has been a summer home that was rarely used. It is 2 houses away from where she resides. The property is pretty run down and they are fixing it up. The street is a dead-end and The Aquarium, an abandoned eyesore, is on the corner. Ms. Matczak is trying to improve the property and the neighborhood. Ms. Matczak said that they have already invested a lot in the property to improve the landscaping, the front of the home; they rebuilt the rails and made it beautiful. They are at the point of wanting to rent this home.

It is a home that her mother could stay in (fewer stairs); it will be a place for visiting family to stay and also a source of income between family visits. There are only 3 homes with full time residents in the area; the rest are rental units or summer/weekend residences. This is a quiet neighborhood and the neighbors are happy that this property is being improved.

Chairman Gauger asked about parking, bedrooms, occupancy, etc. Ms. Matczak said that there are 4 parking places and there would be no traffic issues. There are 3 bedrooms, no issues with utilities. They are hoping that work will be done on The Aquarium property to improve the area further.

Ms. Matczak said that she is a person who cleans up the neighborhood and keeps track of visitors to the area making sure that they comply with the rules. The neighbors are not concerned about her taking care of her property because she always watches out for their properties.

Hers is a single family home and it will remain that way. It has 3 bedrooms, 1 1/2 baths, and photos of the home are in the packet.

Chairman Gauger asked if there have been any problems at 130 Arthur. Ms. Matczak said they have had wonderful people come and rent at that location. It is a nice, quiet street and the weekend renters have been great. She intends to rent only if the rental is for 5 days or more. Hopefully, this will cater more to families and not to partiers. They want to appeal to someone more with more income.

Chairman Gauger asked the pertinent points:

- 1) *Please explain how granting the request will not have an adverse impact on the community:*

Ms. Matczak stated that they have already made improvement to the property, they are already staples of that small community and everyone knows how to get ahold of them.

- 2) *Please explain how granting the request will not have an adverse impact specifically on contiguous and adjacent properties. Also, please explain how the request will not have a negative impact on the property values in the surrounding area:*

Ms. Matczak said they have already improved the property and have received positive feedback from the neighbors on both sides.

- 3) *Please explain how granting the request will not have an adverse impact on future development of the surrounding area:*

Ms. Matczak said that this would not impact anything. The only area to improve would be the street and The Aquarium property.

4) Please address the availability of utilities, access to roads, and drainage:

Ms. Matczak said drainage is fine. The road is a dead end so it has to have a turn around.

5) Please indicate what steps have been or will be taken to ensure that all entrances and exits will not increase traffic congestion:

Ms. Matczak does not have that problem.

6) Please address how granting the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Ms. Matczak said that this is a single family neighborhood that is mainly used for weekenders and vacationers currently.

Commissioner Bell asked if parking would be limited. Yes, limited to 4 spaces.

Ms. Matczak asked if a pull-out couch would be counted as a bedroom when considering how many adults are allowed overnight. Chairman Gauger advised that this is where children would be able to sleep, it is not another bedroom.

Commissioner Swanson asked if all of the bedrooms are finished. Ms. Matczak stated that all of the bedrooms are now finished.

Audience Comments

Michelle Stewart was sworn in.

Ms. Stewart asked how long Ms. Matczak has owned this property and who will manage it. Ms. Matczak said that they just purchased the house in late July. It was a private sale with the former neighbor. She, her husband and her brother will be caring for the property. Ms. Matczak and her husband live only 2 doors away. Her brother lives in McHenry and will do handy-man work as needed.

Commissioner Bell asked if this property will be strictly short-term rental. Ms. Matczak stated that they will probably use it a lot in the winter for her mother, but will be open to renting it whenever it is not being used by family.

Commissioner Nakanishi asked about the idea of only having 5 night stay or longer. In the packet presented to the commissioners, it states a minimum of 3 night stays. Ms. Matczak said that she will modify that as well as the number of adults allowed.

Motion of Recommendation:

Commissioner Nakanishi made a motion to approve the Special Use Permit petition for the operation of a short term rental at the property commonly known as 153 Arthur 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. Seconded by Commissioner Bell.

Discussion

None.

Roll Call Vote:	Yea	Nay
Commissioner:	Bongiovanni <u><input checked="" type="checkbox"/></u>	_____
	Legge <u><input checked="" type="checkbox"/></u>	_____
	Swanson <u><input checked="" type="checkbox"/></u>	_____
	Nakanishi <u><input checked="" type="checkbox"/></u>	_____
	Bell <u><input checked="" type="checkbox"/></u>	_____
Chairman:	Gauger <u><input checked="" type="checkbox"/></u>	_____

Motion Passed.

Chairman Gauger reminded that Planning and Zoning is a recommending board. Our recommendations will go before the Village Board in two weeks and they will be the ones to make the final decisions as to allowing a permit.

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.

Dusty Hosna said that both of the short-term rental petitioners have a reputation for cleaning up their neighborhoods. He has worked with both of the applicants and there is no doubt that they appreciate a clean neighborhood and Dusty appreciates them working with him. Chairman Gauger also mentioned that he believes one of the strengths for both of the petitions for short-term rental is having family on-site and/or living next door. Commissioner Nakanishi added that support of the neighbors is important.

VIII. Adjournment

Commissioner Bongiovanni made a motion to adjourn the meeting and it was seconded by Commissioner Nakanishi.

Affirmative Vote:

Meeting Closed: 7:44PM

Respectfully submitted by,

A handwritten signature in blue ink that reads "Patricia Russell". The signature is fluid and cursive, with "Patricia" on the first line and "Russell" on the second line.

Patricia Russell
Deputy Clerk