



## PLANNING & ZONING COMMISSION MINUTES

November 8, 2023, 6:30pm  
66 Thillen Drive, Fox Lake, IL  
Also Available Virtually Through the Link Below

**I. Call To Order**      Meeting Opened: 6:30 PM      Closed: 7:09 PM

**II. Pledge Of Allegiance**

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

|               |             |                                     |       |
|---------------|-------------|-------------------------------------|-------|
| 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"/> | _____ |
|               | Stewart     | <input checked="" type="checkbox"/> | _____ |
| Chairman:     | Gauger      | <input checked="" type="checkbox"/> | _____ |

A quorum was established.

Also in attendance: Patricia Russell, Dusty Hosna (by zoom)

**IV. Approval of October 5, 2023 Meeting Minutes (as written)**

Motion by: Commissioner Nakanishi      Seconded by: Commissioner Legge

**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"/> | _____ |
|               | Stewart     | <input checked="" type="checkbox"/> | _____ |
| Chairman:     | Gauger      | <input checked="" type="checkbox"/> | _____ |

Motion Passed.

**V. Old Business - None**

## VI. New Business

### 1) 94 Lippincott Road – Special Use Permit to Operate Short-term Rental

Open: 6:33 PM      Closed: 6:58 PM

Mike Coley and Susan Romans were sworn in.

This is commonly known as the Roxanna property. Mr. Coley and Ms. Romans want to make this a short-term rental with a minimum of 5 day stays.

Chairman Gauger asked if this would be a “party venue”. Mr. Coley said that he believes that there is a separate license for that. He said that they might apply for that license at a later date but, for right now, they are only asking for short-term rental approval. The property has been a bed and breakfast in the past, is plenty large and there is no issue with parking.

Mr. Coley said that they are not sure if they want to take on weddings and large parties. If they decide to do that, they will apply for it separately.

Commissioner Nakanishi asked about a clause in the house rules which states that no parties or events are allowed unless in written contract. Should that statement be in the rules? Since no parties or events are allowed at short-term rentals, why is this statement listed among the rules (and highlighted)? That implies that you can have a party if it's in the contract. Mr. Coley offered to remove that clause.

Commissioner Legge suggested that if a family rented all 10 rooms, he could see them wanting to have a get together and that could be called a party – or is it just a get together? It gets into semantics at that point. I don't know how to really define that other than I don't think we want to discourage people from enjoying the property or enjoying themselves, but in the same sense, I don't think any of us want it to be an animal house. So how do you get the distinguishing factor between them? It really comes up to your management.

Ms. Romans said that they have a set number of rooms and number of people that are allowed. Outside of that, the renters are not welcome to bring more people. Only those who are registered guests are allowed so that would hopefully address that question.

Chairman Gauger asked what is being done for sight management. Mr. Coley stated that they live close, so we would be the on site management. If they have any issues or if any issues arise from like a neighbor had a complaint or anything, then we would be the ones on call. Mr. Coley also stated that they have met their neighbors to the right and to the left but not the neighbors across the street.

Chairman Gauger reminded that one of the short term rental rules is to make sure that all contiguous neighbors have your numbers so that there's no question about being able to get a hold of you in case they see something that you wouldn't see.

Chairman Gauger then asked if there were cameras in the house previously. Mr. Coley said that they just installed cameras this week, exterior only. We have a view of the entire property with those cameras and every entrance. And we are considering putting in a decibel meter because obviously you can't hear noise through the video, so that should help. I don't anticipate there being any really loud things going on there anyway, but just in case it would help that we would at least be aware of it, and we can in real time to interject if we need to.

Commissioner Legge noted that this would be a really good investment. They're not that expensive, and given the size of the property, you might want to put a couple in. Mr. Coley agreed that it might be really helpful to stem any possible problems that could occur down the line. And we're not catering to party goers as you know, as some of the places, I don't know how the other places on the chain operate, but that's not really what we are looking for. We have another Airbnb rental or short term rental in Florida and that's the same thing. We basically go through their Facebook profiles and vet them to make sure that they're not a big group of partiers and we're looking for families to come, have fun, grill, go out on the boat or whatever, but no parties.

Chairman Gauger asked Dusty if there have been any problems at 94 Lippincott. Dusty responded: not that I've observed or heard of. I've gotten no complaints. Patty, have you heard any complaints? Not that I recall. Yeah, we have nothing on file.

Chairman Gauge then went through the Standards questions:

- 1) *Question: how would you answer these: that the establishment maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare?*

Answer: We're hands on. So we will be managing things closely. But also, we've remodeled the place; we've made sure that there are no dangers for guests and there are no issues for the neighbors. Actually the neighbors that I spoke to, I did ask them, is there any issues that we need to take care of for your property, drainage, or anything like that. He mentioned that we could take down, trim these trees. That was the only thing that we got, and we're taking care of that. But as far as endangering anything, there's nothing on the property or near the edge of the property that would ever interfere with anybody else's property or safety. There's definitely no safety concern; I can't think of anything there at all.

- 2) *Question: that the special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity, for purposes already permitted, nor substantially diminish and impair property values within the neighborhood.*

Answer: we have remodeled the property and we plan on making this a staple of the community. My wife is very meticulous about maintenance. She likes to keep everything painted; any kind of rot is taken care of, any kind of issues with the property whether it be landscaping issues or anything. We're there right now actually clearing the landscaping. So

everything will be much better than what it was when we bought the property.

Has anybody has ever been to the property here. Were you there recently, within the last year or two? They didn't do a very good job of maintenance or keeping up with anything. We've run into that and we've gone through all of that and we've remodeled the place to where we're going to make this thing a shining example of what the other rental properties should look like.

It's really beautiful. We've taken care of like a ton of trees that were overgrown that were growing into the house. We've trimmed them back. We're taking them down, painted the entire house. Everything that was unsafe, like railings that were rotted out, you could just push them and the railing would fall over.

So we've fixed everything. We have all new concrete coming in because a lot of the walkways, the bricks were broken. We've taken really good care of it.

- 3) *Number three, that the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Answer: I can't think of a single thing that would impede anybody in that way.

- 4) *That adequate utilities, access roads, drainage, and or necessary facilities have been or are being provided.*

Answer: Yes, everything is accessible at any time.

- 5) *That adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets*

Answer: Really we're talking about maybe two or three cars that are going to be there at any times so I don't imagine that any kind of traffic issues would arise. Parking is never an issue. Like I said, you've been to the property; if one or two single family people are there. It's not going to impede on anybody's issue.

- 6) *That the special use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the Village Board of Trustees.*

Answer: We're definitely complying with any kind of issue that you guys come up with or we are complying with the current rules but if you guys come up with something that we missed we'll be happy to comply.

Commissioner Stewart asked if the property is currently zoned residential. No, it is not. The Commissioner then asked about the parking spaces. She also mentioned an advertisement for Ivy Chateau as a wedding venue and verified that 94 Lippincott is intended for short term rental only, at this time.

Commissioner Stewart cited the item in the house rules for this property that it states only one family per stay even though there are 10 or 11 bedrooms. She asked if they will be on the premises when renters arrive. Mr. Coley said that they will not be there upon arrival of their guests. They have cameras to observe comings and goings and will speak with the renters before their arrival to explain the rules. When they speak of one family, they include adult siblings, extended family, etc, up to the limit. The Commissioner asked how the property would be marketed. Ms. Romans said that they're just going do Airbnb and potentially VRBO if needed.

Commissioner Stewart asked if the property is fenced as she saw in the rules that pets will potentially be allowed. Ms. Romans said that there would only be small dogs (if any are allowed), and the area is not fenced so the animals would have to be leashed if outside. Ms. Romans also said that the weight limit would probably be 25 pounds.

Commissioner Legge asked if someone wanted to rent one room, would other rooms be rented to another couple in another room. Mr. Coley said that they would rent the whole place or not at all; they do not want to cross different groups. For instance, if 5 siblings wanted to rent; that would be 5 bedrooms and no other groups would be accepted even though there are 8 bedrooms in the house, and 3 efficiency apartments above the garage. The nightly fee would be the same regardless of how many people were involved. Mr. Coley also said that they will have a limit of 20 people.

Ms. Romans said that they are not listed yet. She expects that they are too late in the year to expect bookings for the holidays and will probably not have any bookings for 6 to 9 months. Also, they are aware that summer would be peak season.

#### **Audience Comment:**

**Gary Wanke** was sworn in. Mr. Wanke is the next door neighbor to the north. Regarding the previous owner, Frank, Mr. Wanke had his phone number, never had to call (the authorities?) because he was always able to call him. There were a few instances with people using Mr. Wanke's pier. Mr. Wanke asked that Mr. Coley and Ms. Romans let their guests know not to use his pier. Mr. Wanke mentioned some of the rules of the previous owner. Commissioner Legge noted that this is a completely new situation.

Chairman Gauger asked if Mr. Wanke had met the new owners. Mr. Wanke said that he had waved to them on the boat. Chairman Gauger suggested that, after the meeting, Mr. Wanke and the new owners get together and exchange numbers. Mr. Wanke finished by saying that Mr. Coley and Ms. Romans are doing a great job and his wife is getting jealous and it has become a competition.

**Lucio Arteaga** was sworn in. Mr. Arteaga lives at 107 Lippincott and he thinks the new owners are doing a good job with the property. He also stated that his concern is in regard to the traffic. His daughter almost got hit by one of the cars from the previous owner.

**Janette Jennings** (on Zoom) was sworn in. Ms. Jennings lives at 182 Riverside Island and her concern is safety. Ms. Jennings feels this holds great potential for the area but that should not diminish to concern for the safety of the residents. There is an impact in the density of the people and the travel that is going back and forth. The short-term renters need to be told that they need to go slow; there are children in the area and they will be on a dead end street. There needs to be a lot of communication.

**Mr. Coley and Ms. Romans** returned to the podium. Commissioner Stewart asked if the speed limit on this street could be included in the rules in the renters' packet and warn renters about the children in the area, etc. Mr. Coley said that they can also verbally express and accentuate those things.

Chairman Gauger stated that there is a memo that was sent into the office from one of the neighbors; please see Exhibit A, attached. All of the Commissioners have a copy of the memo.

**Motion of Recommendation:**

Commissioner Bongiovanni made a motion to approve the petition for a Special Use Permit to operate a short-term rental on the property commonly known as 94 Lippincott Road, 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.

The motion was seconded by Commissioner Swanson.

**Discussion:**

None.

| <b>Roll Call Vote</b> | <b>Yea</b>           | <b>Nay</b> |
|-----------------------|----------------------|------------|
| Commissioner:         | Bongiovanni <u>x</u> | _____      |
|                       | Legge <u>x</u>       | _____      |
|                       | Swanson <u>x</u>     | _____      |
|                       | Nakanishi <u>x</u>   | _____      |
|                       | Bell <u>x</u>        | _____      |
|                       | Stewart <u>x</u>     | _____      |
| Chairman:             | Gauger <u>x</u>      | _____      |

Motion Passed.

**2) Discussion of Short-term Rental Inspections**

Open: 6:59 PM   Closed: 7:07 PM

Kyle Legge was sworn in. Mr. Legge stated that he is employed by the Village in the Building Department as a Management Analyst. A discussion ensued regarding

proposed changes to the Short-Term Rental Ordinance 2023-03, dated February 14, 2023. Mr. Legge stated that there is some unclear language in the ordinance.

Suggested changes include (but are not limited to):

- 1) The word “license” should be changed to read “certificate”
- 2) The annual renewal date should be the date that the STR ordinance was approved and signed
- 3) Commissioner Nakanishi suggested that the wording of limitations is unclear also. It should state: no more than 60 short-term rental certificates shall be issued (not per year).
- 4) The Village Clerk does not issue these certificates, the Building Department does.
- 5) The annual renewal should require submitting a Short-Term Rental Renewal form, to include current information as of the date of renewal – not “the same information as on initial application”.
- 6) Commissioner Legge requested that, when updating the ordinance, please identify who is responsible to do what part. Having inspections is great, but which department is to do them?
- 7) Commissioner Legge pointed out that it appears that some of the short term rental properties are out-of-date and no longer have a license (or certificate). Historically, some of the rules have not been enacted and therefore, people are grandfathered not to have lost their license.

All agreed.

### **3) 2024 Meeting Dates**

Chairman Gauger pointed out that the dates are the second Wednesday of each month for 2024. The list is attached as Exhibit B.

#### **Motion of Recommendation:**

Commissioner Nakanishi made a motion to approve the 2024 Planning and Zoning Commission meeting dates, as listed. This was seconded by Commissioner Swanson.

**Discussion:** None

**Affirmative Vote:**

All in favor. Motion Passed.

## **VII. Public Comment**

*In accordance with the Illinois Open Meeting Act, the general public may address the Commission regarding any matter on the agenda or not on the agenda.*

Chairman Gauger recognized Michelle Stewart as our newest Board member. Welcome!

Commissioner Bongiovanni announced that Promote Fox Lake is holding their first annual Great Gatsby Dinner Dance on November 18<sup>th</sup>. All are invited to attend. Tickets are \$40. There will be a live swing band, bucket raffles, cash bar, and dinner provided. This will be held at the Lakefront Park Building.

## **VIII. Adjournment**

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

### **Affirmative Vote:**

All in favor. Motion Passed.

Meeting Closed: 7:09PM

Respectfully submitted by,



Patricia Russell  
Deputy Clerk

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

**Topic: PZC Special Meeting**

**Time: Oct 5, 2023 06:30 PM Central Time (US and Canada)**

**Join Zoom Meeting**

<https://us06web.zoom.us/j/81508300980?pwd=fa6OfxOIIDqdOTrFN7WoiruN8xiTb8.1>

**Meeting ID: 815 0830 0980**

**Passcode: 551042**

**One tap mobile**

**+13126266799 US (Chicago)**



Brigitte,

If I understood you correctly during our phone conversation, this hearing is a request from the petitioner to allow Airbnb type rentals. We strongly oppose the granting of a permit for short term rentals.

We live in a residential neighborhood of primarily working class people with many children. Allowing short term rental for this large property (10+ bedrooms) will create a large amount of additional traffic and noise. The typical Airbnb rental is very short term and for people on short vacations or getaways.

Several years ago this property operated as a bed and breakfast. Apparently it was not successful as it only lasted just over a year. As a B&B however, it did create problems. I know on more than one occasion we called the police because of the amount of noise from music late at night. If this permit is granted, we envision additional work for the police department responding to noise complaints.

We will not be able to attend this hearing as we are traveling. We will be happy to attend if the hearing is available on line.

Sincerely,

William and Sally Tortorello





## **Community & Economic Development Department**

66 Thillen Drive · Fox Lake, Illinois 60020 · (847) 587-3176 · [www.foxlake.org](http://www.foxlake.org)

**November 8, 2023**

A Motion to approve the dates listed below for the Planning & Zoning Commission meeting calendar for 2024:

**January 10, 2024**

**February 14, 2024**

**March 13, 2024**

**April 10, 2024**

**May 8, 2024**

**June 12, 2024**

**July 10, 2024**

**August 14, 2024**

**September 11, 2024**

**October 9, 2024**

**November 13, 2024**

**December 11, 2024**