



## PLANNING & ZONING COMMISSION MEETING MINUTES

December 13, 2023, 6:30pm  
66 Thillen Drive, Fox Lake, IL  
Also Available Virtually Through the Link Below

**I. Call To Order**      Meeting Open: 6:32 PM      Closed: 9:22 PM

**II. Pledge Of Allegiance**

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

Commissioner:	Joe Bongiovanni	<u>  x  </u>	_____
	Stephen Legge	<u>  x  </u>	_____
	Eric Swanson	<u>  x  </u>	_____
	Barbara Nakanishi	<u>  x  </u>	_____
	Jeff Bell	<u>  x  </u>	_____
	Michelle Stewart	_____	<u>  x  </u>
Chairman:	David Gauger	<u>  x  </u>	_____

A quorum was established.

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

**IV. Approval of November 8<sup>th</sup> Regular Meeting Minutes**

A motion was made by Commissioner Nakanishi to approve the minutes of November 8, 2023, as amended. This was seconded by Commissioner Legge.

**Affirmative Vote:** all in favor- motion passed.

**V. Old Business**    None

**VI. New Business**

- 1) **92 E Grand Ave – Petition for a Variance to Allow Ground-floor Residential in Downtown Business District**

Opened: 6:34      Closed: 6:44

Jason Justen was sworn in. Mr. Justen is the owner of 92 E Grand Avenue in Fox Lake.

**Mr. Justen:** I'm here to get a variance for my second building at 92 E Grand Ave. Right now it has a residential on the bottom floor and residential on the top floor. When we came in to get a two-family addition, they told me that then there was a new law going on that the bottom floor needs to be

commercial. So, I'd like to get a variance to keep the bottom floor as residential.

**Chairman Gauger:** OK, for a variance request, there are 6 standards, of which three of them need to be met for us to go ahead and make any recommendation tonight. With that, I'll go through the questions. I've got a question for each one of the standards.

- 1) If this variance request is not recommended this evening, please describe whether this would be an inconvenience or what, exactly, would the hardship be?

*It would be an inconvenience because it was residential before and it was rented out and I plan on keeping it as a residential and renting it out or using it as an Airbnb in the future.*

- 2) Since you purchased this property, has it always been residential?

*It has.*

- 3) Why do you believe this property is unique enough to allow a variation?

*I believe it is because the building is actually more on York Street. It is the last business district lot, so to speak, on your plat of survey on the wall over there. I think this would be good for residential. I don't believe a commercial unit down on that road would do anybody any good.*

- 4) Please describe all the ways this variation request will benefit the property the owner and the surrounding neighborhood.

*I'm doing an upgrade. It was a one-bedroom on the bottom floor, one bedroom on the top floor. I'm going to make it into two two-bedroom units, upgrade completely all around, so it'll make the whole area nicer than it was.*

- 5) How has the current ordinance caused the difficulty that you are here asking for variance for?

*Because I would like to keep it residential, I don't have any need to make that a commercial unit.*

- 6) Please describe how granting this variance will not be detrimental to other properties, or the neighborhood.

*I don't see any detriment to it at all. Actually, I think it will make the neighborhood better than it was before because of what it was being used for before.*

- 7) And please explain how any situation created by the granting of this variation will affect the condition of anything.

*I don't see any at all.*

**Chairman Gauger:** OK, when you came in for building permits and they said that you were in the D zoning downtown, district zoning, was that a surprise to you?

**Mr. Justen:** It was. I did not know that.

**Commissioner Legge** asked if we're talking about just the smaller building of the two. Mr. Justen verified that. He stated that the bar will stay the bar and the little building next door to it. Commssioner Legge asked if Mr. Justen is planning to do an addition to that as well.

**Mr. Justen:** Yes, that's what we're going to turn in my permit for. And hopefully get that approved after hopefully we get the variance. Commissioner Legge asked what kind of addition.

**Mr. Justen:** Well, right now it's a studio with a staircase on the inside and goes up to a one-bedroom apartment. I'm going to try to almost double the size of it, maybe about another 13 feet and make it 2

bedrooms with the stairs on the outside. Commissioner Legge asked which direction he is planning to go and Mr. Justen said toward York Street (into the parking lot as it is now).

**Commissioner Bell** said that he had looked at it. You carved into the parking lot a little bit already, is that the footprint for the addition?

**Mr. Justen:** Yes, we got a permit to start working on the sewer and so we did do that and that is the exact footprint that we're looking for.

**Commissioner Bell:** You have plenty of parking for it, right?

**Mr. Justen:** Yes, there's a whole other lot there that's gravel that in the future I'll probably be coming in looking for a permit to blacktop also.

**Commissioner Legge:** It could create a buffer also between the neighborhood and the bar. Which could be a positive, especially since they're owned by the same individual.

### **Audience Comments**

**Steve Stahmer** was sworn in.

I've been there forever, living across the street from the place and actually, over the years, it's been a problem. Since Jason's owned the place, much better. I've got to say, I'm very pleased with what he has done. He's made improvements; the place is looking a lot nicer and I really have no objection at all to the expansion of the residential unit. I thought it might be like an expansion of the bar and I'd be a little picky about that. I'm not thrilled about the idea of an Airbnb there. I've already got one right next to me and it's a problem. But, from an apartment standpoint, I've got no issue with it at all. I think it's the right thing to do.

**Commissioner Nakanishi:** Do I understand correctly that, at this point, you're not asking for an AirB&B?

**Mr. Justen:** I am not.

**Chairman Gauger:** This is just a variation request, and the variation already exists and has been.

**Willow Jergensen** was sworn in.

I am also the owner across the street from Jay's. Along with my neighbor Steve, I totally agree. He is changing the area; the bar across the street was loud and it was noisy, and it had a little bit of riff-raff. Since he's come in, he's done a fantastic job of changing it around and you've got another neighbor that is definitely for what Jay is doing over here.

### **Motion of Recommendation:**

The chair will entertain a motion to approve the variance request for the property commonly known as 92 E Grand Avenue, Fox Lake, Illinois to the Village of Fox Lake Zoning Code 9-1-6-1, Section 6, allowing a residential unit on the ground floor of a business property located in the downtown business district. By the Ordinance, 3 or more standards need to be satisfied. What was satisfied was 1, 2, 3, 4, 5 and 6. There are no additional conditions that will be placed on this.

The motion was made by Commissioner Nakanishi and seconded by Commissioner Bongiovanni.

**Discussion:** None.

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

Motion Passed.

**2) 22, 24, 26, 27 & 28 N Lake Ave – Petition for an Amendment to the Zoning Classification from R-2 to B-4**

Opened: 6:45 PM      Closed: 8:20 PM

Ron Stochl and Sean Stochl were sworn in.

**Ron Stochl:** Sean resides at 22 N Lake; I reside at 24 N Lake. Tonight we are asking we have compiled the properties on North Lake here and I gave you the top diagram with the flats. In regards to this, I just want to elaborate the fact that those are the parcels that we are talking about, the five of them there. There always seemed to be a little bit of confusion; that 20 foot lot in the middle is not part of this. So I appreciate the fact that we do not discuss any, because it's nothing to do with it. We're looking for a zoning change in regards to this. We have amassed enough property to have over about an acre, just shy of an acre and a half here. Currently we have short term rentals and long term rentals on these properties. We both reside on these properties and we're looking to maintain these and keep these going with what we have. The B4 will offer us a little bit better balance between having the short-term and the long-term rentals on the property. For some people, there's confusion in regards to, yes, in the zoning code it allows for a hotel and a motel. This property here has a market value of over two and a half million dollars. We could buy a much cheaper piece of property if we were going to build a hotel here. We're not looking to build a hotel, we're just looking for the small rentals which we have there in the parcel and it makes it easier for us when they're all zoned the same, instead of having the variance between the shorts and the longs and then the livings. You can see the colorful map there, when you turn around and look at that. This is not strange for the area in which we reside. The parcel, I did not put a star by it, but can you see where it is there in the corner? There is R3 to the north, there is another R3 to the north of that. There's some short-term rentals to the top. There's a huge B4 and then some more B 4's around the corner there. Then when you come back down to where our parcels are located, you have a couple of short-term rentals there and then it goes back around the Bay. I think you have another one on the docket tonight that's also in there. We have a multi-family across the street on North Lake. We have another one down at the corner of Cedar, so there's plenty of multi-family areas on this bay, so we're not looking for anything out of the ordinary. You can see that the village has changed a lot of mannerisms. There were many more resorts way back in the past, and they've all kind of depleted and moved on. People just haven't been up, but it seems to be a thing that's moving back in that direction today, for the smaller short-term rentals enjoying the water, enjoying life out there, enjoying what we have to offer out here on the chain. It's adding people coming to our village and benefit, the village just seems to be heading in that direction. They had a small parcel right across the Bay there in which they just rezoned from an R2 to B4 also, that was probably 2-3 months ago that you did that. Pretty much simple, we're not going to do anything different than we're doing now. They're going to stay the same. We're renting them out now. We have, like I said, we have short-term and we have long-term on these parcels and the only thing that B4 would change may be a little different between which units are which, but right now we're able to do it with the units we have. We're not changing anything at all.

**Chairman Gauger:** OK, while you say that it's nothing to talk about, it actually is something to talk about. The resolution of the land between 24 and 26 N Lake Avenue: Village of Fox Lake Public Works refers to this piece as an easement; village engineer refers to this piece as village property; Brophy subdivision residents refer to this as guaranteed and granted lake access; one Fox Lake realtor refers to this as an easement property. It is also recognized as Hillside Place on older plat maps and currently there's no Lake County PIN assigned to this. So, what is this property? What is this piece that divides your properties? How do you see it?

**Sean Stochl:** Hillside Place, it's just like Boulder Place which is right off Grand Avenue and there has been a fence over it for 25 years, with a gate and a driveway.

**Chairman Gauger:** But, you don't own it. Do you own it?

**Ron Stochl:** Does the village own it?

**Chairman Gauger:** I'm asking you if you own it.

**Ron Stochl:** It's been a question for years, the village can't prove. . . **Chairman Gauger:** It's important tonight. To which **Mr. Stochl** replied, it's important tonight? Well, we're not addressing that piece because it's not part of the petition. The petition we are talking about is rezoning here and if you treat it as if we own it . . . **Chairman Gauger** said: we are not, I am asking you if you own it. **Mr. Stochl** said: if we treated it as if we owned it, we would have included it in the parcel. If we're not, if the Village owns it, we are contiguous on both sides so we're still dealing with both sides.

**Chairman Gauger:** But you don't have contiguous property.

**Ron Stochl:** We do. Contiguous properties go across village roads all day long. Easements, roads; if it's owned by the Village, it's contiguous.

**Sean Stochl:** We own one (property) currently on 13 E Grand Avenue and 9 and 11 E Grand Avenue. The county has a PIN through it; the village has a PIN through it; we have a PIN through it on the alley; and we are forced to maintain it.

**Ron Stochl:** We've been maintaining this property for over 30 years, if you want to know that. Nobody else has touched this property. We have maintained it. We've been given a ticket for a tree that fell. Sean said that they were given a permit to build a fence.

**Chairman Gauger:** So then why are there 5 different ideas of what this property is, if you believe that it's yours?

**Ron Stochl:** I just figured that this is going to be handled in a court of law. It's not going to be handled here. I don't think any of us here can handle that.

**Chairman Gauger** reminded that we are just asking the question.

**Ron Stochl:** I've asked the question; I've asked the village to turn around, I've asked the village attorney to send me a letter, show me who owns it. I have never received a letter from the village attorney stating who owned it.

**Chairman Gauger:** That would mean that nobody would own it so it can't be used except for what it

was originally planned for which was lake access.

**Ron Stochl:** We're not touching it. The petition before you tonight does not include that parcel. I'm not trying to avoid this issue, but it's a thing that is very complicated and it's going to require a court hearing before a judge. I didn't think that would be appropriate here.

**Chairman Gauger:** While you may be contiguous on either side of these. You're not adjoining.

**Ron Stochl:** Don't have to be adjoining.

**Chairman Gauger:** Why not?

**Ron Stochl:** it says you don't have to be adjoining, it said contiguous.

**Sean Stochl:** Railways, roadways, easements, those are all satisfied for contiguous. So, we're contiguous. 27's across the road, it's contiguous.

**Chairman Gauger:** How can it be contiguous? This is 3 separate parcels that you guys are talking about.

**Ron Stochl:** There are 5 separate parcels and **Sean** said contiguous is "next door".

**Chairman Gauger:** I see this as 1 parcel, 2 parcels, 3 parcels, regardless of what the PIN's are. That's what I see.

**Ron Stochl:** OK. But they're all contiguous.

**Sean Stochl:** they are all contiguous. "Contiguous" defined by they are all touching besides roadways, trains, easements, creeks.

**Ron Stochl:** they are contiguous and we're not looking for that parcel in the middle. We're jumping right over it.

**Commissioner Nakanishi** asked if the neighbors are able to use that easement today. **Chairman Gauger** suggested that this question will be addressed during Public Comments.

**Commissioner Nakanishi:** The building engineer had a comment. What is the planned future use of the property? What's the point of going from R2 to B4 if there is no future plan in place?

**Commissioner Bell:** what exactly does it benefit you to go to B4? I wasn't really clear on what the benefit is to you of changing the zoning to B4.

**Ron Stochl:** Each residence is limited to what type of rental they have now. You have long-term in some and you have short-term in others. This would be of benefit because you could mix and match what you're doing with them by being under the B4, because the B4 is designed for a shorter term/long term rental you're able to adjust that with all of them. We turn around today, we get a little misconstrued with going Airbnb. Airbnb is an agency which rents short-term rentals and long-term rentals. They're actually a marketing firm or a management firm to where if you use them, they get a percentage for what they rent and if you rent it legally for what you're doing, it's good to go. We've had, to use as an example, the one parcel which we rent long-term, which is over 30 days, which is allowable. We've had people call in, chronically, they've complained four or five times "they're renting the parcel out",

“they're advertising it”. Yeah, absolutely. It's over in the 30 day rental. It's perfectly legal for what we're doing there now. We're not trying to avoid anything. We're not trying to do anything different. We talk in regards to this, everything we've invested in there, we have more than doubled the value of the properties. We're not looking to slum anything, we're looking to improve things and move forward. And it seems to be the direction in which the village is going. We see it coming up here every day. It seems like every meeting you're getting a short-term rental. We're not looking for that. We're looking for B4, which is a resort area type.

**Commissioner Bell:** But it allows short-term rentals. Then you wouldn't have to go for the short-term rental certificate. **Mr. Stochl** said this statement is correct.

**Chairman Gauger:** Actually, it would (require short-term rental permit). **Mr. Stochl** said, no, that it is defined in our book that it is for short-term rentals. **Chairman Gauger** said that if you are doing a short-term rental under the short-term rental section, and **Mr. Stochl** said they are not – they are doing it under the B4 section. But, right now they have a short-term rental on one parcel.

**Chairman Gauger** asked if Mr. Stochl knows how many short-term rental applications on Lake Avenue have been denied.

**Mr. Stochl:** I don't think there's been any short terms denied. I know that there were two there that were operating and still haven't filed yet.

**Chairman Gauger:** I believe that we've denied 3 on Lake Avenue due to the other six, I believe, that there are up and down Lake. One of the situations that this is causing for us is, now we've been denying short-term rentals down Lake Avenue because of the density of them. The neighbors have a valid point: “why do I have to have somebody on either side of me and across from me”? And you're saying now that this gives you the opportunity to have all of the structures under B4 resort be short-term rentals, should you mix and match that way.

**Ron Stochl:** that is correct, technically. The zoning book also says that we could build a hotel/motel there. It's like I said, we've got over \$3,000,000 worth of marketable property here. It would be very expensive for this acre to build a hotel there. There's more feasible land that could be purchased around Fox Lake to build a motel. But this is for operating in this small area, this would be much more of a benefit for what we're doing.

**Chairman Gauger** responded that they have one short-term rental on 28A Lake Avenue, and they are saying that they could have 5 or 6 more short term rentals?

**Mr. Stochl:** Possibly, you could. The main structure, which is actually the home I live in, is a home that I purchased in 1990. We purchased it way back then; we got a home and we paid \$234 for it. It's been marketed for close to \$1,000,000 today. I have 3 bedrooms that sit in there, pretty much vacant. I don't know what's going to happen in the next 10 years. Do I come back, because it's also allowable in the book to offer for a bed and breakfast? Do I come back in 10 years and petition for the special use for the bed and breakfast? I don't know. I don't know what my life brings at this point, but I know that in order to do this now, at this point, we're looking to just put it under B4. We're not looking to change anything. It's just the zonings going to be easier for what we do with our insurance. Instead of one being short-term, 1 being long-term, one being residence, they're all under the same zoning. We've had some issues, a couple people across the street in the other rental. It's just kind of a bonus that comes across with the other two. And that was in the past. Hopefully they are gone. We have a tenant now that is a little bit of an issue with trying to keep things clean but it's probably the worst one we have out of the bunch, but we'll be on them, pushing them to make sure it's clean.

**Commissioner Legge** requested some clarifications:

1) Are we going to move forward with the definition that these are considered contiguous? **Chairman Gauger** replied: That's a very good question because while we may have to pull zoning codes and get an opinion on that, everything falls on that. I do know what Sean said, absolutely. And as much as I'd like to sit here and say that I know those codes line by line, word by word; that's something that a lot of this hinges on this evening. **Commissioner Legge** then suggested that, if we don't know the answer to that question, whatever we pass or don't pass, that it is pending clarification of this topic.

2) Do properties in B4 still have to come for special use for short term rental? **Chairman Gauger** answered: I believe they do. Just because it says "unlimited" does not mean that they do not need to be licensed. **Commissioner Legge** agreed saying he has not seen anything that says that you do not have to do that for a short-term rental. You would still have to go through the process.

**Ron Stochl** said that he does not believe that a separate short-term rental license would be required, saying: I haven't seen anything that says you have to but irrelevant to that, the other part of it is, once it's B4, it's also subject to a yearly inspection, so it's not getting rid of any inspection of any sort, it's getting the license, it's getting inspections. You actually end up with more of an inspection being a business. If we run these rentals as long term, the village won't see a dime. They receive money when it gets into the other end of it.

**Commissioner Legge** reminded that the Village also incurs the cost of doing the inspections. There is no money being made in any of the processes, it's a matter of what can and cannot be done. He is trying to clarify: I don't want to move forward thinking that if granted a B4 that you don't have to present yourself with doing a short-term rental because I'm under the belief and that's why I'm asking the question whether or not that is indeed true. B4 states that it allows for short-term rental. It allows for a lot of businesses. That doesn't mean that you don't need to present for short-term rental. The code for short-term rental says any short-term rental in the town has to be presented, regardless of zoning. **Sean Stochl** pointed out the grid and **Commissioner Legge** and **Chairman Gauger** agreed that the grid does not omit the requirement to present a short-term rental application. Although having a B4 zoning might make getting through the process a little easier.

**Ron Stochl** said it doesn't matter in that regard. They feel it is going to be easier for them to maintain and operate being under B4 than it is being under the long-term. The uses tomorrow will be the same as today. That's what we have in the foreseeable future. If you vote yes or no, it will be the same operation. **Commissioner Legge** said this brings him back to **Commissioner Bell**'s question: Why do this?

**Commissioner Bell**: What is the minimum lot size for B4? The commissioners agreed that the minimum lot size is 1 acre. **Commissioner Bell** then asked: if you sell off one of these parcels, then what? Now we don't have an acre. Now it's non-conforming, right? **Ron** agreed, if they sell one off. **Commissioner Bell** said there are a lot of non-conforming lots in Fox Lake already.

**Ron Stochl**: That being the case, you just passed one across the Bay on a minimum lot like 50 by 100, within the last few months. The commissioners said that was a splitting of a lot and it was not a B4. That was the "frog-house".

When **Chairman Gauger** called for Audience Comments **Ron Stochl** added: the thing I'm concerned about is, remember, we're dealing with the five parcels. You know the center lot is not part of the parcel.

**Chairman Gauger:** That again brings up this contiguous thing because it seems that there's a lot of misconception, and you're right, you're going to court for it to get it figured out and everybody's got a different opinion as to what that piece of property actually is or what it was or what it will be. And that's something that we htto take into consideration.

**Commissioner Legge:** How would you treat that property? Before it gets defined, you have to go to court for it or whatever, as you presented it, to at least get an accurate answer as to who indeed owns that property. We can't decide that here. But in the interim, how would you use the property or allow use for the property seeing as how you kind of box it in? You have the contiguous pieces to it. Can the community be using that?

**Sean Stochl:** Let's just state some of the facts and how these transpired. There was a tree that was on this hillside Place. It fell, 15-20 years ago and hit our pool. Mr. Miller, from the public works, said it wasn't ours or theirs or anybody's. (**Ron**) He was speaking in regards that he was working for the Village at the time. (**Sean**) So when it hit the tree, insurance said they weren't going to cover it on the pool and the village wrote us a ticket to remove the tree. We removed the tree. We got rid of the tree, never got insurance money for the pool. Fine, it's just a fact. Next, the neighbor decided to re-do his garage, extend it out. They got a variance and put stairs in. People were going up and down his stairs to get down because there was no railing, nothing put in place to get down to the water. Of concern to my mother was if someone was to fall off of those stairs because they were built at a higher grade, who are they going to sue? So, we went to the village and we got a permit to put up a fence on that side because technically, going back to the tree and what has happened, it's just always kind of been pushed off. Can anyone say it's the county's, the villages, ours, this, that, the others?

**Commssioner Legge:** Those are good points to make when presenting your case (to the courts). We can't determine where that is. I hear your points and they are factual points that you have. The question I have going forward is, regardless of how this all comes out, how do you guys treat that property until you get a definition from a court of law?

**Ron Stochl:** The same way I do now. We've never planned on building anything on it. We maintain it. We've taken care of it for the last 30 years. We cut the grass, we take care of the trees, we trim them. That's what we've done with it. If worse comes to worse, it's a bonus. No one is charging tax dollars on it, which is missed out. That's the only thing missing from it, collecting tax dollars out of me.

**Commissioner Legge:** I just know that's going to be a concern that we're going to hear a bit about so getting it from you guys before we hear from them is important.

**Ron Stochl:** Granted, it is a concern, but like any other thing you have here, do you, when you're having a variance, are you talking about the neighbors' property in question? The other STR's you have; do you talk about the neighbors' property? This parcel is not part of the zoning. This parcel is separate from the zoning. What we're asking for is the zoning change. There's criteria that wants to come up and it's an issue that's out there that needs to be addressed, but it's not part of this zoning hearing. It is separate from this hearing and I guess that's where I place my statement.

#### **Audience Comments**

**David Mueller and Kathleen** (16 Linden Avenue) were sworn in.

**Mr. Mueller** presented a signed petition (Attachment A) The petition has 74 signatures, over 20% are of the adjacent properties.

**Commissioner Legge:** Can you identify which properties those are?

**Mrs. Mueller:** They are going up and down Lake St.

**Mr. Mueller:** This is part of your packet. On the second page, concerning F: In Case of Written Protest to the Petition: written protest or petition, regarding public proposed amendment regulations district signed/acknowledged by the owners of 20% of the frontage proposed to be altered or by 20% of the frontage immediately adjacent or across an alley therein, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as filtered with the zoning is filed with the zoning secretary. The amendment shall not be passed except by favorable vote of 2/3 of the board of trustees then holding office. This is what we're doing tonight, making sure that these rules are followed. You will find it by the addresses.

**Commissioner Legge:** What I was asking is, which particular addresses are you referring to, and it's the one to the south park, 20 North Lake. It's the full length of it.

**Mr. Mueller:** I'm 16 Linden. I'm directly across the street.

**Commissioner Legge:** I'm just trying to define.

**Mrs. Mueller:** We're defining it as North and South of the addresses.

**Mr. Mueller:** North and South of the addresses; 20 Lake is to the south and they signed it.

**Commissioner Legge:** and 28 is on here as well. Probably about 80% qualify for this.

**Mr. Mueller:** I got all but one persons' signature (he wasn't home). If you look up these addresses, you will see that they are completely surrounding Mr. Stochl's property. I am concerned with two points of discussion tonight, Mr. Stochl brought up hotels, motels. On the application for public hearing submitted by Sean Stochl, at the bottom, he said cabins. By making this a B4 property, it gives him an open book to go apply for building permits to build more cabins on the property, therefore creating a density problem. Whether they're short-term rental, however you want to quote it, the B4 zoning is quoted as being short-term rental.

**Mrs. Mueller:** Allowing more buildings on Park.

**Mr. Mueller:** And this would allow for more buildings on the parcel.

**Mrs. Mueller:** And that's what we're . . .

**Chairman Gauger:** OK, you both can't talk at the same time, it makes it very difficult to do the minutes.

**Mr. Mueller:** I didn't print your whole packet tonight, but I did look online and there were a couple other things on there. There were pictures of the property showing the parking. On one of them they had x'd out the parking in front of Ron Stochl's house to include the access. He already parks his truck there on a daily basis and leaves, and there's barely room to walk around it. Not going into the access too much because you guys are saying this is a legal matter, I have a whole folder on that at home still.

**Chairman Gauger:** Give me your 5 second description of what that access is.

**Mr. Mueller:** That access was put in at the beginning of the Brophy Farm subdivision as a fire access

to bring fire water up to the community in 1918, before they had fire hydrants. It has since then been allowed as public access for public use to the lake. Yes, I have been personally denied. I was threatened with his dogs; I've been hollered at by Sean that it's private property and I shouldn't be on it. He's done that to me and my son.

**Mrs. Mueller:** There was a fence on the one side. There had been a fence when you first moved in like 20 years ago between 24 N Lake Street and the access, and there was a fence existing on the side of 26. So the access was separated. We used it to go down to the lake, people brought their dogs down and sledded. Then at some point the fence was taken down between 24 Lake and the access and they said yes, it belonged to 24 Lake. The property on 26 Lake, where they were discussing the stairs, was owned by a different person at that time. He put the stairs in. The fence that was put up was on the border of 26 Lake and the easement, not concerning 24 Lake. So, if someone fell off the stairs on 26 Lake at the time, it wasn't owned by these current owners, so they shouldn't have been worried about it. It wouldn't have been their property that people were falling off of at the time.

**Chairman Gauger** advised the audience to please be concise with their comments and try to limit their comments in 3 minutes, if possible.

**Joanne Thompson** (12 N Lake Avenue) was sworn in.

I have points of refusal for zoning changes. I've felt a lot of this hands-on over the last six months because I happen to reside between 2 short-term rentals which I'm not happy about. What that has added to is the congestion of parking on North Lake Avenue. I do know that one of the short-term rentals that's on one side of me advertises that there's additional parking on the street. People, a lot of extra people, congestion with more people coming in. It becomes: who are you? what are you? do you belong here? Yes, you're visiting. OK, that's wonderful. Have you paid? That's great. Do you know what, my head spins because that's like "who's on next" on either side of me. I have 20 feet between my building and the other sides so when they get in and they want to party on a weekend or during the week and they're playing their music. Can I hear my own? It's difficult. I think putting so many short-term rentals in the density that has been put onto North Lake Avenue it's really affecting the feeling of the neighborhood, especially on the lakeside. And that's a shame. Been there for 33 years and it's just different. I'm concerned for those interior residents of Brophy Farm and their access to the lakefront. I went to the Lake County Maps division and that particular parcel, I don't know if you want to call it a parcel because it doesn't have a PIN, was part of the Brophy subdivision when that was mapped out in 1913 that along with North Lake Avenue so it belongs to those people so that they can get down there and enjoy that access.

**Commissioner Nakanishi** said that Ms. Thompson had just answered her question. She was going to ask Dusty if the property has a pin, because, if not, nobody's getting taxed on it and then it's not owned by a private citizen.

**Ms. Thompson** continued: That's correct, like North Lake Avenue. I'm concerned about the infrastructure stability when more people come into that area. I've had issues with my own sewer system. Over the years I've had to replace things and I know when you put more people in a dense situation you have to expand your sewer in order to accommodate. When you do that, it doesn't affect just those parcels, it affects people and the flow going all the way down and around. And then who would pay for that? I'm concerned about increased noise, people, music, cars; there's been a lot more of it. I'm sure the Stochl's don't want to hear this, but I can hear their conversations when they have a conversation on their shore; it comes right up on my hill. I'm only four doors down from them, I can hear what they're talking about. Can you imagine if you amplified it with more people. I think you would probably need more police for security and complaints in the neighborhood. And it's splitting a residential street in half for a resort. And I'm going from what was produced for having this hearing and

it says that there might be a motel, there might be cottages, there might be whatever they want to put in there. And the overcrowding on Mineola Bay, and I know it's not in your jurisdiction, but since there's been so many short-term rentals that have been added to Mineola Bay over the last two years, it was frightful out there. Frightful. So that's what I have to say.

I also want to say, I'll just add this. I feel that I've been put on the defensive. For my own security, I added total perimeter fencing around my home because people don't seem to know where the lines are if they're just visiting. I have added to my security cameras because people like to throw fireworks off the shore. I thought I was going to lose some of my boating covers the 2nd week of July, it wasn't 4th of July, but they were down there having a good time, visitors. I've had to update and add to my homeowners' insurance because people have gone on my dock. It's like, really? You think this is just a playground for everybody? I have a natural shoreline. As pretty as that can be, it also can be a hazard. So, I'm spending money so the guys next door to me can make money.

**Celine Caithamer** (16 N Lake Avenue) was sworn in.

With the parking issues on North Lake, it's often a challenge for us to make it through all the way down the street with the short-term rental people parking on the streets. It's very challenging to even get to our residence. We do have an excessive amount of random people; I call them random. They're from short-term rentals that are wandering down that way. It makes you feel uneasy and as the woman spoke before, we have put up additional security cameras and security lights. There's not that sense of comfort of knowing your neighbors because there's so many random people. Also, there's a lot of carelessness. They throw debris out, leave garbage out, the fireworks in the roads. It's not theirs; they don't care. This is our home, we don't need any more rentals. It's a very small section and it's taking away the joy of everyone else on that road.

**Michael Hitzler** and **Trevor Hitzler** were sworn in.

I live at 20 N Lake Avenue, right next door. It's great that they say that we're not going to do anything when we get a B4 approval, but just because you say you're not going to do anything doesn't mean you're not going to build a hotel, build a resort or whatever B4 allows you to do. I moved here 20 years ago, I raised my whole family here without an intention of living next door to a hotel or a resort; I wanted to live in a single-family home. It's a nice dead-end street. I raised my kids here. There are two schools, they walk to school. I don't see any reason for breaking up a dead-end street with a resort. Like I said, if they want to build, they're going to build. If you allow it to be B4 they could do whatever they want, and that's a problem. When you start talking about "it takes an acre" to be able to do this, they don't have an acre anywhere. There's not an acre if you want to continue through the property you've been talking about all day, the one across the street. It barely reaches an acre if you add all five of them together as it is, and then you're talking about dividing the line. And, what about selling property in the future? You know what? What do you do, you get to come back and you get to just switch from B4 to R2 however you want to because now I want to sell this, now I don't want to sell this. I don't see why we should bother changing something that's been this way. For 100 years already.

**Trevor Hitzler:** I grew up in this town, I think keeping it R2 is a good idea. Like my father said before me, we don't know what they're going to do. They could say they're going to do this, then they could change it because they have the ability to. Keeping it R-2 keeps it how it is, keeps it safe the way it is. I grew up on these streets. Those streets are really small, they're covered in potholes of which this town is yet to fix. You think bringing more traffic in there is going to help that out? Cars literally have to park in order for another car to pass through, which is why it's such a problem for all the neighbors on the street and parking on the street has become so much of an issue and bringing people that aren't familiar with that neighborhood, that aren't familiar with these streets, you see these cars taking sharp turns in here. I can only imagine what more short-term rentals with more people are going to actually do to that. I used to walk to school. I felt safe walking to school when it was all R2. I don't want to feel that way on

a B4, alright, thank you.

**Bettina Fitzsimons** (18 N lake Avenue) was sworn in.

I've owned the property since 1988. Everything has developed in time. We've gone from fishing shacks to full time housing. However, the property sizes haven't changed. There are two multi-user Airbnb's that are on the road and fortunately they have a little bit wider property that they can actually park cars on. However, their overspill comes into my property and that's already 4 doors away. I have two accesses to my property; I can only get into one as soon as somebody parks onto my property, and they don't know that. It's impacting the entire area and then as soon as you get down the road farther towards what's going on here, it's even more so. They're very small properties. There's no parking. The people that live there now only have enough to just barely park there. So, unless there's some kind of parking lot that's put up, I can't see how this is going to work at all, let alone in the wintertime when you have to have all the cars off the roads so that you can have access for the snow plows. You're talking about opening it up with access to snowmobiles and all of that. That's great, that's what it should be for, but not for the masses of people that are coming in. It's very difficult to deal with it the way it is.

**Susan Bielsky** (16 N Lake Avenue) was sworn in.

I would echo my neighbors concerns with parking and with the density of the additional people renting, showing up, the noise levels, the lack of respect for the property lines, speeding up and down the street because they're not aware of the turns and the twists, and the cars parked on the street. Again, just the lack of parking and what do we do with the snow in the winter? It's hard to police all of this. I rarely see any police presence during the summer up and down the street. That doesn't mean I'm looking out my window and seeing that all the time, but I do feel concerned for my safety, especially at night. I don't feel like the neighborhood is properly lit a lot of times and whether it's the additional renting of properties and additional people, I feel like we're just totally saturated with that kind of environment.

**Phillis Adler** was sworn in.

I agree. I agree. I agree. My safety, I worry, There are a lot of single women, we used to call it single women's row. I moved in '88, so did she, '88, '83, whatever. Used to be converted fishing cottages. Ann Margaret lived in my house. The neighborhood has changed enough. We've been here how many times? You put a moratorium on the short-term rentals, and to me, this is just "if you can't play by the rules, you're going to change the rules". Potholes in the street, deeper every year, more every year. Can't walk 2 doors down without tripping, rolling an ankle. Lighting, correct. Bad traffic, the worst. I'm close to the corner. I'm 1 house in from Grant. Nobody pays attention to 15 miles an hour. It's day and night. The trucks are big, the trucks are loud, and the trucks go fast and they go fast around that little corner. I see it all. I've got big windows and my house is close to the street. In addition, the B&B's, the short terms that are there across the street from me, that was a huge issue. Relatively quiet. I don't know how anybody's making the big money they would thought they were going to be making with these weekend warriors that come in. Seems like people there spend most of their time on the lakeside. It's been relatively quiet, I must say, very respectful families, children. The only issue is the traveling nurses and medical people that come in by vans. And that could be their shifts are crazy. So, it's 3:00 in the morning and the dogs are barking because there's people in and out of the van and the lights and the action. Other people, they're not shopping in town, they're sending food and goods by Amazon and FedEx and everybody unloading to spend a week or four or five nights. Yeah, it's too much. Enough, enough.

**Paul Jambor** (12 N Poplar Avenue) was sworn in.

Commercial property means commercial garbage service. Each one of these houses is going to have to have a dumpster in the driveway and they usually come around at 5:00 AM and they slam garbage lids and hydraulics and revving of the engines. I know because the corner of Poplar and Grand Avenue has an apartment building and every Tuesday at 5 - 5:30 AM ba-boom, ba-bang, ba-boom. Same thing is

going to happen over there. Rental properties, I have one next door to me to the South at 10 N Poplar Avenue. A local realtor owns the property, and this guy rents it out for a good dollar. I think the landlord should take care of the property and cut the grass, he doesn't. I think the homeowner or the renter should do it, he doesn't. So, my house is being devaluated by these two people that can't decide on cutting the grass. There are ordinances in this town that you've got to keep your places neat looking and what not. Sorry for my language, but it's a hellhole next door. And next to me, 12 N Linden.

**Chairman Gauger:** OK, Paul, we're kind of off the subject a little bit. I see the analogy, but let's get back to the petition.

**Mr. Jambor:** Rentals in the neighborhood are not a good idea. They just don't care. I'm a property owner and I have pride of ownership, but next door is heartbreaking. It's one extreme on one side of my lot and me, I'm the other extreme, so it's a little rough.

**Colleen Hitzler** was sworn in.

It took me a while to come and talk because I actually love them. They're my neighbors. Being a teacher, I don't think that anyone's talked about the children and there's two schools and my son would walk to school. And it horrifies me to think that these kids are walking to middle school and high school.

Listening to all these people talk, I actually didn't know there were that many rentals, and the thought of more and the kids and everything else, I just felt like I needed to say something. And I'm getting very emotional because I think nobody's thinking about them. They're on these streets that are narrow, these people are coming, it's extremely dangerous. We're talking about night-time; people are putting in lights and fences. What kind of neighborhood is this? This is not OK. I wasn't going to speak, but I had to. I was hoping that after 21 years of being here and having such a wonderful experience; Tina, who spoke before, is my neighbor, Ron and Sean are my neighbors, and my husband and I often sit and think what a wonderful life we've had to have such wonderful neighbors. This, right now, is very devastating for me. I wanted to keep this house and have my grandchildren show up. My son talks about how he wants to have his children come and we can't sell. "Don't sell, Mom, I want my children to experience what we experienced". But if there's a resort next door to us, we have to sell. There's just no way, we're going to lose all of our money that we've saved for retirement. We're close to retirement and we think about how far is our house going to be devalued now? Are we going to have the money we thought we were going to have? Are our grandchildren going to be able to experience what our children experienced? And I just had to say something because I don't think anybody's thinking about those children.

**Kevin Mueller** (615 Linden Avenue) was sworn in.

I grew up on these streets, I could say with the short-term rentals since I was young that there are a lot more cars up and down these roads. I grew up using that easement. I have been told it has been private property with no proof ever given. There have been gates put up, Dusty has been aware I have contested both that and Boulder Place. There was not a fence on Boulder Place by the way, for 30 years. In fact, he was rejected for paving it and had to remove a rock guard. Currently, the easement is being used as storage for a boat lift, it has been numerous times in the past. You could look up a Lee Filas article from June 11th of 2011, I believe it was, titled "Village Trustee Fined". He was fined \$700.00 twice for obstructing the easement. I believe it was in your welcoming packet. Lee Filas of the Daily Herald, "Zoning board chair to pay \$750.00 for blocking easement", Saturday, June 18th of 2011. So, he has been notified from the village and fined that he does not own that land. That he'll take it to court; I know back in 1990s, I can't remember exactly, he was taken to court over a quick claim deed. He dropped the case. Let's see, what else was there? I'm blanking a little I didn't bring up my packet, but I'm just going to say, if he has no intention of building anything on his property, why did he build a fence on what he says is contested land still? All the current trees up there were planted as landscaping by him on the side there. His son has yelled at me from across the way, even before they owned the house next door that it was private land. So, just going to say giving him B4, business, might not be in your best interest, and

definitely not in the neighborhood.

**Ron and Sean Stochl** returned to the podium.

**Chairman Gauger:** How is this request different than Riverside? Reference is that we had somebody buy a home on Riverside, on the island, and after three months, which you know because you sent it back to us because you guys didn't want to touch it. We had turned them down for an STR because of the neighborhood, basically. Not density, not whatever, but there was an uprising of all the other 18 owners on Riverside and I'm getting the sense that this is kind of the same thing. I understand what you're asking and I understand that you feel that you're in the absolute right to ask for this kind of zoning. We're not to the point of voting yet or putting recommendation together yet, but how is this any different? We had three months of a packed house; it's only 18 families, but they packed this house, and they were extremely opposed to that kind of thing in their neighborhood. How is this different?

**Sean Stochl:** Specifically, to us and where we are and people questioning STR. No one brought up my rating on Airbnb. I'm 4.9. There's one guy in the audience that lives right next to the STR, he didn't come up and talk. He can call me anytime he can text me anytime and I will go over and help him, if he needs help he could talk to me. A few of these places that are down at 10 or 12 or 14 where these are referenced next to 16, they're not owner occupied. They're not next to someone who is 36 years old, grew up in Fox Lake, lived here, has invested tons of money and you know it because you granted me the downtown unlimited Airbnb's or short-term rentals. I brought it up in the meeting that this is going to be great to change the demographic and to get certain things changing on the roads down there that we see that we don't want to see anymore as citizens. I understand some of these concerns. People are talking about the parking to this STR. My STR hasn't had any problems parking. I've had a couple problems to where they've confused themselves with 28A and 28B, and I've went and addressed it as quick as humanly possible. Absolutely. I have and I think we can count it on five fingers. When I purchased 26 N Lake Avenue, I removed a boat that yearly before it was dropped in the season and then when it was pulled out at the end of the season, would sit on the road for 35 days at a time. I removed the trailer when I purchased that. I've updated the homes. I've made them nicer. We've not had a problem with parking at my STR that were there. So, with everyone coming here, no one has brought up what has happened with us at our R2 currently STR. I don't think there's been a lot of problems and I haven't, I can't recall any that are detrimental to where the police have had to be called or someone is parking or driving up and down the street erratically. The one red truck we want to talk about is a renter down the street that my daughter is out playing on the street with; that I shake my fist at because he won't slow down and he doesn't care. So, sorry about that but they're not the people that are staying there with me. To address Riverside, I haven't had a problem at my current STR's and moving it to B4 helps us function within our life and forecasting forward and what we do with business and our ideology going forward. He's not getting any younger. My mother has worked very hard in this town. The Hitzlers, I love and I'd do anything for if they asked me to. My grandkids go and see their granddad and their grandma. I'm not tearing my house down to build a hotel or a motel. I'm not doing that, but if I decide to go to Florida and I can comp it for a week, you know that my brother's going to be there. My other brother's going to be there, and we're going to view it, and we're going to see it. So, if that's how it goes or I leave to go on work for 30 days and someone stays in his house or my house or that house, it's just interchangeable. It's in the future. We don't know if that's going to happen yet, and I don't think anybody today brought up any point that I am causing; I am; he is; our properties are causing detriment to their lifestyle. There's some other ones down in the bend that I know about on North Lake Avenue that are; those people don't live here. Those people aren't from around here that own those properties. Those people let people drive right up and have whatever; they don't care. I'm right next door to see it. And if there's a problem, I go and handle it. And I think I do that to the best that I can.

**Ron Stochl:** The properties that were addressed were not ours. 28 was the first STS on the street and

there hasn't been an issue. The issue with parking is actually the neighbor next door. They park on the road there. We had a neighbor that was renting one house across from us and parking in the front lawn. He just had his foot amputated, he was having trouble getting out of his car, so he parked right by his front door. We told him he's going to be parking around back once he gets his foot corrected. That was happening on our parcel. But other than that, we have addressed all our parking issues, we have cleaned up what we have. The turn-around, we live in the middle of this. This isn't something that we're out of town. We're not renting to somebody else. We're not a management firm, we live right next door to these. The question that the Hitzler's brought up in regards to the B4, being a hotel or motel. There's a resort. How many parcels are B4 in this village. Whole bunch, right? How many motels or hotels do you have? We have none. The fact that, just because it's R4 means you build the hotel on it, is not necessarily true. I'm just sharing. The cabin issues also, you start running into density and land setbacks and everything else. There ain't that much land density.

**Sean Stochl:** The specific packet, I was told on 28A that I was supposed to file it as a cabin from Donovan because it was under 1000 square feet.

**Ron Stochl:** We've had some issues in regards to this because, originally, we started this way back in March or February. We sent an initial packet to Donovan, and we don't want to beat this bush, but this is where the history went. We started back then trying to get this processed. It got misconstrued; lost; whatever. Then we said, "What's happening? What's happening?" Then the Mayor, the building inspector, trying to get all these and then finally, we've made a major push. Thanks to Kyle here coming on board, he's helped us out immensely to finally get this thing through. It's almost a year. Any developer coming into town would have been long gone and left. In regards to this, so you can tell we're not looking to make a monetary gain, and the reminder, we're not doing anything that we haven't done now. We're doing it now, been doing it for two years, not changing. We're talking about something that with these issues with these other parcels that are there.

**Chairman Gauger:** The pieces that you're asking us to make a recommendation on tonight or whatever vote on tonight; what are you surrounded by? What's within 300 to 400 feet of all of your things? What's the zoning? You're basically all R2. I don't believe that you've got a B.

**Ron Stochl:** There's R3 to the South.

**Chairman Gauger:** You're in R2, it's not an STR, it's R2, it's them using their house for same thing you're using 28 for, so it's still R2 all around you. Correct? Has been for how many years? 100 since 1913, when it was first platted.

**Ron Stochl:** It's possible, but the zoning didn't come around till 1947.

**Chairman Gauger:** So at least we know in '47 when they took what the plats were at that time and they made them all single family homes. Has your property ever been B4? Has any property on North Lake ever been B4?

**Ron Stochl:** Oh yeah. At the bottom of the hill there's the R3 there, there's A&D cottages.

**Chairman Gauger:** But B4, not resort. Just because it's R3 with cottages; you don't have another B4 on Lake Avenue, correct?

**Ron Stochl:** Not on Lake Avenue, no, but down the bay is the Roxanna. That's not a hotel either, you know.

**Chairman Gauger:** It started as a hotel. I'm just trying to bring some perspective to this.

### **Commissioners Comments**

**Commissioner Legge:** Just from the audience comments; potholes, sewer usage, that stuff really won't change if you have an Airbnb or any kind of other use, it's either you're going to have a full-time resident there or you're going to have a part time resident there, it actually will probably be less because you're not going to have full time density. I hear that every time we have these meetings, I just think that it's important to say, it's not going to be any greater impact in that regard. I'll give validity to the fact that you'll have a lot of people that don't know how they're driving down that street and that could create an issue, but it doesn't seem that that's going to change what the petitioners are asking for because they already are doing short-term rentals and long-term rentals on these properties anyway, so I don't know that that's going to change. This brings me back to the question of "why do this change of zoning in the first place"? It seems like it's an awful lot for controversy. I'm curious about the comment about and I'll just list them: You addressed the cabins; could you put cabins on those properties at all?

**Sean Stochl:** Why would I take the view away from me.

**Commissioner Legge:** I don't know. You get another rental? I was posing the question.

**Sean Stochl:** I'm never going to make that money back because it's going to be in the flood zone. It's compensatory storage. It's everything I do.

**Commissioner Legge:** So it's down low there?

**Ron Stochl:** You've seen where the houses are, cabins are only going to go down, and they're in floodplain. Could you sneak them in? Yeah, you could sneak them.

**Commissioner Legge:** You'd still have to get permitted.

**Ron Stochl:** It's probably not worth the expense.

**Commissioner Legge:** So, it's not likely that there's going to be cabins down there without coming in front of us again. I'm saying this so everybody hears these things. Regarding parking, that street sucks when it comes to parking, there's no question. But it seems that you guys are addressing it right now. Can you just talk to that a little bit more? I know you say you've not had problems about it but just give me a little bit more understanding because that's a lot of houses in this area.

**Sean Stochl:** The best thing that we have for 27 N Lake Avenue is we can address it and we can utilize some of what we have there with land space and create more parking if it ends up being a problem. Three spots right now, which it's not. Three people can park at 28A, 3 people can park at 26. If you were to leave, he was the go-to somewhere, two people. If some park in the garage, 2-3 people could park cars on 24 and I could park 4 on 22. Per rooms: and mine is a two-bedroom, his is a four-bedroom, the other houses: 2 two-bedrooms and the other one is a three bedroom. It fits the schematic and we can always make more parking with 27 N Lake that it's over there, it would just alleviate any pressure and get people off of the street and plus the mailbox needs to be addressed, the things falling over with all five of them.

**Ron Stochl:** And, one question and I think, honestly, I don't think anybody can deny us the fact we've never tried to downgrade everything. We've always tried to upgrade everything we've always had over there. We keep trying to move forward and address things. He mentioned the one fact parking with that

boat there was a trailer, it's on GPS. You go in the right year. Lake County has this trailer as GPS showing it's a building structure. Because the guy left it parked there half in the road and half on his driveway. Never done nothing with it. We bought that house and that's gone. We've addressed these. It's not in the best interest to have STR's or rentals with off-site parking, but we have availability within a block and a half away of a 20-car parking lot. We have another home up the street that has availability to another 3 or 4 cars. We have access that could even be shuttled from many parking lots we have downtown also. So, we have access to multiple parking spots to which we could pull. And that's what we're trying to do. We're trying to keep everything right there, keep it nice, clean, neat, we upgrade it, move ahead that's where we're at and we don't ever want to impose on any of our neighbors. The last thing in the world. These guys were, we brought up the fact that kids, these guys were kids. I grew up on the streets in 1972. I'm not looking to demoralize anything by any means. The only person in this room is Renee, who's been on that street longer than I have. Other than we're just looking to move forward and share what a great thing is there, and no disrespect to any other person in that neighborhood.

**Commissioner Legge:** What I'm still struggling with, the Chairperson stated that there's no other businesses up and down there. There's certainly no B4's. I don't even know if there's a B2 that street; based on your mapping, there's not. It appears to me that nothing is stopping you guys from doing what you're doing already and wanting to continue to do if you had a B4. So, whether you stay the same zoning you are today or you become a B4, I don't see anything changing in your world.

**Sean Stochl:** If you buy five cars today, you're going to get fleet insurance, because it's going to be easier for you. We have 5 houses. It's going to be easier for insurance. It's going to be easier for our filing. If you want to take a deep look into our portfolio of what we have you just go to the tax maps and check it. It helps and we're not selling it off. I'm not leaving anywhere.

**Commissioner Legge:** And I'm not challenging you on that either. It's really just more a matter of the effort to do this for a little bit of savings on insurance.

**Sean Stochl:** It's borrowing against homes that have two homes on the parcel that are considered legal, non-conforming, which is 26 N Lake Avenue. You have to pay cash for that thing, it's hard to get a loan because it's legal non-conforming in R2. They don't cut checks for that stuff anymore. If one house burns, it's not the value of what you're saying it is. So being in the B4 protects us and it helps us. Tearing it all down is absurd. From what the numbers that we told you. So, yes, it is a business, but it is also our lifelong place to where we call home. There's a lot of people that are my age that have up and left Fox Lake. I never have. I don't plan on to. So, this is going to help me, help him, help everyone that we have with this.

**Ron Stochl:** Unfortunately, if I croak in 10 years, the home will be at such that the cost of the home for my kids will be such a relevant thing. They won't be leaving it. It's not a home that's going to be gone tomorrow. It's going to be a home that's in the Stochl family, probably for the next 50 years again. A lot longer than anybody in this room is going to be.

**Commissioner Nakanishi:** It is said that present behavior is the best predictor of future behavior. And when this gentleman stood up and said that he was chased off the easement by the petitioner's son and his dogs, that was really disturbing to me. And I worry that if B4 is granted, it will just encourage the petitioner to continue to take over that easement. Also, I want to say that this petition is much like the Riverside, where the neighbors came out in force. I mean, look at all the people here. These people are Fox Lake residents. They pay taxes here. They've lived here a long time. These are their homes. I think it's important for us to listen to the neighbors.

**Chairman Gauger:** The petition before us is an amendment petition. It's not a special use. I know you filled out a special use sheet. It has no bearing on this because the amendment petition that you filed was for changing from R2 to B4, so that's what we're voting on tonight. That's what we're making recommendation on tonight. With that, there's only four conditions to that. I think that some of these have already been answered, but I'm going to go through it one more time. But before I do that is there. Anybody on zoom that would like to say anything? (There was no response from the zoom participants.)

**Chairman Gauger:** Standards C for the village of Fox Lake zoning, code 9-1-6-9:

(1) existing uses of the property within the general area of the property in question is the standard. What is the zoning classifications for properties within 300 to 400 feet of all the boundaries. You mentioned that most of it, 90% of it, is R2 with literally that whole peninsula. So, we understand that.

**Ron Stochl:** Just the street? Our Finger Peninsula has a lot of B4.

**Chairman Gauger:** The street, yes.

(2) the zoning classification of property within the general property in question is all R2. I asked before, to the best of my knowledge, have any of the properties included in this amendment petition ever been zoned B4, you said no.

(3) the suitability of the property in question to uses permitted under the existing zoning classifications. The question is, what are the current uses of all permanent structures on the property? Basically, single family homes and rental, whether it's short-term or long-term, correct? **Ron Stochl:** Yes. **Chairman Gauger:** The second one: are those permitted uses in the current zoning regulations? **Ron Stochl:** Yes.

(4) the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the property in question was placed in its present zoning classification. That's what the standard is. The question is, when was the current subdivision originally platted? I believe 1913 we heard and then in 1947 they applied the R2's and whatever to those. Is the current zoning classification original in each property or do you have any knowledge of them being changed? The properties that you own, have they always been R2?

**Ron Stochl:** To my knowledge, yes, the only thing is the one home that's on 26 N Lake, the bottom unit in that house at one time, was used as a little fishing bait store prior to 1947.

**Chairman Gauger:** But was zoned resort; was it zoned anything other than R2?

**Ron Stochl:** It was prior to 47. Well, it would have been a bait shop of sort.

**Chairman Gauger:** And then last question, I believe I asked you this. Are you aware of any R2 property in the immediate area of North Lake Avenue that has ever changed to B4 zoning?

**Ron Stochl:** No.

### **Audience Comments**

**Cathy Tunnell** was sworn in.

I'd like to start by saying that I consider the Stochl's friends, so this is nothing against them. However, I live on 27 Poplar Avenue, which is contiguous to one of the properties that Ron was just speaking about. I heard and I don't know if this is true, but Ron did mention that they could use the property, and I believe it's 27 Lake, for extra parking. I heard that if this goes through that they might possibly tear that home down and use that as extra parking, as a parking lot for the additional rentals that would be coming in. So, that's my first point. My second point is that property is currently, and has been, listed as a rental ever since I've owned my home. Which one? I believe it's 27 Lake, across the street, and it is contiguous to my property. So, while it's a rental, Ron mentioned they have had some problem with rental people coming in there. The property itself has for several years been very messy. I don't think they can do anything about it, but it's definitely not a pretty sight if anybody wanted to come over and look out my kitchen window and see what my view is of that property, I think you would see what I'm talking about or just drive by it. Again, I don't know that they have any control over it, but that's just what happens with rental property. It's not a pretty sight.

**Commissioner Legge** and **Chairman Gauger** discussed the definition of “contiguous” and agreed that this is a legal issue. Also, approval of this petition would be contingent upon the definition of “contiguous” as a condition.

**Motion of Recommendation:** Commissioner Bell made a motion to recommend approval of the petition for amendment as presented for the properties commonly known as 22, 24, 26, 27, and 28 N. Lake Avenue, Fox Lake, Illinois, to the Village of Fox Lake zoning code 9-1-6-9, changing from R-2 one-family residence district to B-4 resort business district. There are no minimum conditions or standards that apply, due to this having been an amendment petition. The additional condition is: approval is only contingent upon definition of “contiguous” to allow the properties to be conjoined together. Seconded by Commissioner Swanson.

## Discussion: None.

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

## Motion Failed

3)

## 0 Manor Ave – Petition for a Planned Unit Development

Opened: 8:23PM

Closed: 9:20PM

Shawn Purnell and Igor Gluzman were sworn in.

**Mr. Purnell:** We are here to resurrect an oldie but a goodie project. We have some design plans originally from '07 that have been updated. We have some original designs for this project in its totality back to '07. Understand the PUD that we're referencing here was approved in 2017. The project was never completed in totality, only one of the proposed 4 buildings was completed. We're basically here requesting that we amend that PUD updated relatively similar footprints, relatively similar design. We've coordinated with the previous architect. We have their blessing to essentially try to provide complement to the building that already exists on the

lake. There would be one additional building which would be proposed for the lake, and then there's two buildings that would be off-lake per the original design. We entertain any questions about the update part of the process. In many ways, it's in spirit, the same project, just continued to current date and we would like to complete.

**Chairman Gauger:** When you say you added a building, how many units is that adding?

**Mr. Purnell:** The original design proposed that there would be two five-unit buildings on the lake. They constructed only a single four-unit building. We still have 10 units total on the lake. We would construct a 6-unit building in place of what was to be a 5 and then the other two buildings off the lake are essentially identical to the original proposition.

**Commissioner Legge:** Were you part of the original PUD or is that you a whole new ownership group?

**Mr. Purnell:** Whole new ownership and we've coordinated with previous designers because we did want to provide a complementary building and we got their blessing to essentially use a very similar design so that we could have some continuity there on the lake. We didn't want to propose a completely different aesthetic to what's been there and succeeding.

**Commissioner Legge:** So, if I'm to understand what you just stated, based off of the previously approved PUD that never completed to this PUD, you're only asking for one additional unit more.

**Mr. Purnell:** No, same number. They have proposed 2 5-unit buildings, but only built a 4-unit building.

**Commissioner Legge:** So, you're putting a 5 in that space?

**Mr. Purnell:** We're putting in a five and a 6, for the original total of 10. For whatever reason, they were approved for five-units on that first building and only built a 4-unit.

**Chairman Gauger:** The rendering on the right there is that a correct rendering that those units would not have a garage?

**Mr. Purnell:** This unit would have a front entry with a stair, they would each have an attached garage.

**Commissioner Bell:** What else did you change from the original plan? It looks like you've got some park areas that weren't there, maybe.

**Mr. Purnell:** One suggestion that we were making to the city was that there is a detention area that's really in disrepair. It's not used for anything, it's not especially attractive. We're proposing to be able to set up a play area in that detention area. It's obviously there for when that detention area is needed and this wouldn't compromise the quantity of volume in that area, but it would make it usable the 99% of the time, when it isn't in a flood situation.

**Commissioner Bell:** Are you filling it in?

**Mr. Purnell:** No, it's quite shallow actually. So, we're not proposing to change the grade at all. We would just maintain it; plant grass and be able to put a small number of park equipment pieces in there so it could be utilized by the owners.

**Commissioner Swanson:** There's another picture in your packet with another fenced-in park area is that what you are referencing?

**Mr. Purnell:** I believe that's the same area, yes.

**Commissioner Swanson:** So that'd be like a different type of concept. It looks like it's behind one of the buildings here, but I don't see it in the plot plan where they go.

**Mr. Gluzman:** There will be one for the children, the second one for the recreation area.

**Chairman Gauger:** So, this is the one that you want to use, that's detention, retention depression.

**Commissioner Bongiovanni:** And then this top one is the lakefront or the canal front one on the water.

**Mr. Gluzman:** On the water channel.

**Chairman Gauger:** If I remember correctly from 2007, and I may not, when this first was proposed, I believe that the fire department had an issue with being able to get a fire truck in through this driveway. Have they seen these plans and have they said that they're OK about being able to pull a fire truck in? It was tight at that time and it doesn't look like it's changed. That footprint hasn't changed much.

**Mr. Purnell:** No, we haven't done anything to make it better or worse. We have not received feedback. I know we have shown the plans to some staff at the city, but I don't believe the fire department has given us a commentary.

**Chairman Gauger:** I believe that the village engineer said that there's some B-boxes that were already located and they probably need to be found if you're looking to use them.

**Mr. Purnell:** Yes, obviously, all the engineering requirements, building permit requirements, that's all the next stages we will comply with all of those requirements.

**Commissioner Bell:** What happened to the last version of this site plan?

**Chairman Gauger:** It was a 5-story.

**Commissioner Bell:** That was the 2nd amendment. That's the last version I saw.

**Chairman Gauger:** That was the last one. Just never went away because it never got built. I think the neighbors were out there. They were complaining, they were walking around with big signs saying "We don't want a 5".

**Commissioner Bell:** That's not my question.

**Chairman Gauger:** We approved that but they came back and then they wanted a 6th floor and we said no to that, and then we never heard from them again.

**Commissioner Bell:** So, the original plan never got replaced.

**Chairman Gauger:** But I believe that what they're asking is the 2017 amendment is what they're looking to amend, one more time, by going back to almost the original design.

**Commissioner Bell:** So, 2017 was the five story building. So that's what's being amended. I think this always made more sense.

**Chairman Gauger:** I agree.

**Commissioner Bell:** What did you do architecturally different? I'm looking at it and it looks similar, but not quite the same.

**Mr. Purnell:** There were just some minor changes to some roof structures. We made some internal changes again. Just sort of updated plans with the kitchen a little more open, islands, that sort of thing. Some minor, I think just contemporary plan specification changes, but we are essentially trying to keep the same massing, the same heights, the same volumes that was originally proposed.

**Commissioner Bell:** You're stepping up to the first floor to get a couple feet out of the floodplain or something, right?

**Mr. Purnell:** That's correct. These would be designed as flow-through lower levels, garage levels. All the same engineering concerns, nothing else has changed there.

**Commissioner Bongiovanni:** Is there currently water access on Manor Lane via boat launch? (Mr. Purnell and Mr. Gluzman said "Yes") because it looks like you guys are going to be removing that water access and replacing it with a peer.

**Mr. Purnell:** That is not changing.

#### **Audience Comments:**

**Jon Mumford** (126 Manor Avenue) was sworn in.

Mr. Mumford read from prepared remarks:

Good evening. I'm here to speak to the proposed Planned Unit Development for 0 Manor Lane. My wife and I bought our house in the late fall of 2005. Originally there was a tavern with a 7-unit rooming house above it, boat storage and a field across from us and a single-family residence at the end of Manor Ave. Shortly after, everything is torn down in favor of a multi-unit, high-end townhouse complex. We were not extremely opposed to a project of this kind, but we felt the density was too high for our small, dead end street community. After the economic downturn of 2008, the first building was built and that was it. The rest of the project seemed to fold. The first 4 units were difficult to sell and some were rented out for a period of time. When units first sold, the price was nowhere near the original projected price. Sometime later, the original project was scrapped in an equally high density five or six story building, I couldn't remember the time, was approved. I was on a village board at the time, and I recall voting for it, and many of my neighbors reminded me, and still due to this day, that I voted for a 5-6 story building. That would have been, I believe, around 2012. I'm not sure what his 2017 date comes from because we were never notified of any. (Discussion ensued regarding the date of 2017, was it actually 2007 or 2012?)

I believe it was around 2012. That project seemed to be more of a design to assist in the sale of the property and that never materialized for one reason or another. Now years later we can see the problems that have been avoided by the high-density PUD not being completed. The first of three floods that we have been a part of was in 2008. That's when they were building the original building. I have photos of all of this, which I'll pass around. (I only brought one copy. I apologize.) The first three funds: first was in 2008, the second was in 2013, and the third in

2017. I have pictures of the flooding of I know I took so many pictures of this building. (photos handed to the Commissioners to pass around) They're dated on the back. (Also, the flood map of the property. We'll get to that.) This property is in a floodplain, according to FEMA. The FEMA maps have been updated, I believe the most recent one was 2013 or 2014, which is obviously after the 2007 date of the original plan that we're revisiting today. The Lake County Water Shed Development Ordinance has been amended 6 times since the original plan was approved in 2007. Specifically, Article 7, the regulatory floodplain and floodway requirements. Is this newest proposal in line with the amended watershed ordinances? I don't know, because it's the same proposal that was there before. As we can see from the photos, this area floods. It isn't fictitious, we all know a floodplain might flood. This is flooded 3 times. So every hundred years, closer to 5. We feel this this high density project and a floodplain is not a very good idea due to sewer issues. I also have a picture of the sewer at the corner of Union and Manor Avenue bubbling out. It's pretty cool to see, but it's raw sewage coming out of the sewer, going into the lake and everywhere else and it's going to be worse. The parking issues: there's pictures of the parking areas flooded virtually every parking lot in the current plan and the old plan is underwater in every flood that we've had. And our life safety issues, you spoke to the fact that the fire truck can't get back there. I've been a fireman for 25 years, eighteen of which is a career fire fighter. Spent eleven of those years here at Fox Lake. I'm more than familiar with high density projects and the difficulty of getting fire equipment and rescue equipment in and out of the building and it's no easy task, let me tell you that. This project also completely disregards Fox Lake zoning ordinance 9-1-6-11, which specifically mentions drainage, flood water retention in the floodplain preservation among dozens of other needed amendments, which is the Plan Unit Development amendment, which is directly out of the village code. Which is what you guys are here to amend tonight. So it's just basically taking this and throwing it in the trash. Anyone of the aforementioned proposals will add approximately 55% increase in residential units. That's 55% of homes from the stop sign at Main and Eagle Point Road, all the way down to the cul-de-sac around, including Union Avenue So you could tighten it up, would be even higher number than 55% increase in residential units, people, cars and pets. 18 more units of condos has a potential for 36 more cars at the very least. The proposed garage is very small and very tight for parking and garbage can storage. There is no way. There are no garbage can storage facilities in any of the drawings; there never have been. So, I don't know where those would be kept. And it only calls for 38 additional parking spaces, which is one and three-quarter parking places per unit. And that's out of 22 units. You have to include the other 4 units because they're pre-existing because they're part of this whole plan. Reverting over in the park, people have boats, have other people with cars to come over and enjoy the lakes. This has the potential to be a problem for the entire neighborhood. The current width of Manor Avenue is 19 feet and the width of Manor Lane is 26 feet. According to the village of Fox Lake Subdivision Ordinance, a new St. easement must be 66 feet wide, including sidewalks and parkways on both sides. It's not possible to widen Manor Avenue any wider than it currently is because the street easement is only 20 feet or 25 feet at best. And that's the distance from Eagle Point Road all the way down to Manor Lane. Manor Avenue is narrow and not maintained. The increased traffic has the potential to be a hazard for residents further up the road from us. We live right at the corner of the first Manor Lane and Manor Ave. Will Manor Lane be paved completely? When they first did this project, they put one lift of black top on and it was never completed. I would assume that would be completed with this project, but it was supposed to be completed before and here we are. Will Manor Avenue be repaved and made wider? Am I going to be able to get a fire engine, ambulance, and a school bus down the road if and when they are needed? Where will all the snow go? When you have a parking lot and a building on virtually every portion of the property, there really isn't any room for anything else. Where will everyone park when it floods again? Maybe they can use the village parking lot we heard about. The potential for 18 more residential units, where will they walk their pets with the highly limited green space? We

are worried it will be in our front yard or the front yards of the other existing residents. This is not a unique problem to townhome developments. Feel free to walk down the parkway on Forest Avenue across from the Hidden Glen townhouse community, barefoot in July, good luck. The proposed site plan calls for flow through foundations only under a portion of the buildings, even though they are in the floodplain. The map that was provided on the website only shows the building closest to Manor Lane to have flow through under it and the one on Manor Avenue would not have one. Will these buildings be built on pilings? The existing building was built on the pilings when it was originally done. If you've driven down there, you've seen what looks like telephone poles on the ground. Those are actually pilings. They had a pile driver come in and I forgot how many and it; it was a lot, and it was kind of cool to watch them. They vibrate to the ground all around. But it helped the stability of the building. I ask that because those of you live in town for a while the Diamond Harbor, which is at the end of Forest near El Puerto, when they built that building, somebody dropped the ball and they just built it but, and you may remember, there was a foundation problem with a couple of units to the point where they were almost condemned. It wasn't the fault of the people that lived there, it was the fault of the village at the time. I believe that, obviously, it's been rectified, but we don't want to have that happen by us or happen to other residents. Would the village require this project to follow all current building codes or will there be exceptions? The fire code is the first thing to go out the window, plumbing codes and electrical codes which has happened in other projects in town. Where will the power transformers go, also not in the plans. Everywhere it's not a building or a parking lot floods when the lakes flood. The Sea Wall lake-side of the property is pretty much non-existent all the way along. Will this be replaced for the Waterway under Army Corp engineer specifications? Will the land that is eroded away, which is significant, will they be able to replace that? Part of the land that is eroded away is where the building's going to go. Is that permitted to go back? Are they just going to fudge it and do it anyway? Are the cheaper built condos off the water going to be owner occupied or rentals? Are they going to be short term rentals? I'm sure you're all tired of hearing about that, but it is a concern. Brought up tonight in the other discussions was density and parking. I think density and parking was a common theme for everything. This is adding density, this is adding parking. This isn't taking an existing house where people live and having some other people that we don't know living in it. It's now adding, doubling the capacity of our neighborhood. I have read most of the village minutes from all the various boards. Recently, this very board had a lengthy discussion regarding a property that was looking for a permit for short term rentals. The discussion revolved around the noise coming from the property and the potential parties that would have an adverse effect on the surrounding neighbors. That property is the Roxanna property. It sits far off the road and is on 2.5 acres of land. This project sits on 1.6 acres of land, for reference, and would virtually be covered by pavement and rooftops. The same 6 questions that are asked of potential short term rental applicants should be asked here. We understand that something will eventually be built on the property. We can only ask any future development fits the neighborhood. Single family homes would be a more appropriate use of this property in size in part of our neighborhood. A super high-density townhouse complex in this location does not meet the criteria for a PUD as written in the village code, 9-1-6-11 and has a high potential to create nothing but more problems for everyone in the Manor Avenue / Manor Lane community.

**Katheine Linczmaier** (124 Manor Avenue) was sworn in.

I have lived here for 34 years and I've been a resident now at 124 for approximately a decade. One thing I've always really loved about Fox Lake is how small-town we are. I love it, we're not Lake Zurich, we're not very populated, the traffic is slow. I would love to keep it that way and after seeing these condos, that playground, it's a great idea for kids. We have a playground down the road though. My concern with that right now is that's right in front of my house. We are a

boating community. I'm in my swimsuit all the time. I don't need families and their kids just watching me. That's a little awkward. But another concern is sewer and water, are we going to have enough water pressure? Are sewers going to be the same? And definitely, traffic, with children and the animals. I'm at that "T" already. I'm having issues backing up, making sure that there's no pets, no people walking, no cars. It's already kind of quiet there and I'd love to keep it that way. Obviously, I expect something to be built, as John was saying, at some point, but to fit our community, single-family homes would be perfect. The condos right now, if we just see lots of traffic with the cars and the parking lots, that's a huge change, like John said. Our little square is only an acre and that's 26 more people just flooded into our little community. It's a big deal for us. Those are just the main talking points as well as our roads, like John was saying. Our roads are beat up as it is; they are bad. If this were to go through, are the roads going to be not just patched, we're having enough with the patching, we need an actual fix, especially with the trucks coming in and things like that. We would really appreciate some nice roads. I personally love to rollerblade. It would be nice to have something I could do my fun time with. Just that's such a high density amount of people coming right in there. That's just very uncomfortable. And you know, as I was saying, people would eventually come. Another thing is, the lakes are already very packed. That's a whole another like what, 26 more people, probably not familiar with our lakes, joining the water. So that's also something to consider. I believe that's all I had on the top of my mind.

**Matt Dabrowski** (Manor Avenue) was sworn in.

Good evening Board. Thanks for your time tonight. My main concern is the density. Right now there's not even enough room on Manor Avenue for two cars to go side by side, especially for Eagle Point. According to village ordinance, under the PUD amendment, besides what John had mentioned earlier about the utilities, it also says in section D-4B any access for pedestrians, cyclists entering or leaving shall be arranged to provide safe and convenient routes. Section same, 5A: streets and drivers provide safe and convenient access. 5C: walkways shall form a safe and convenient system for pedestrian use. It's not wide enough for any of that so that's a huge problem. And then with the density, it's just going to make things even worse. Additionally, the information that I saw online in the board packet last night when I was scanning through it, the response to standards for special use, that page where there's six questions, I find it leaves a lot of questions to mind when you look at the responses. Question 1 had a pretty long response of five sentences, but the form says thoroughly explain; specifically explain; give examples; explain how it will not have an adverse impact, specifically, on continuous properties and adjacent properties. And the answer is, we will take all measures, which is undefined, to provide public safety and avoid any adverse impact on adjacent properties. That tells me nothing when I read this, the same for the rest of the questions on that page. I would encourage the board to read that and, as an outsider looking in, I don't get any reference on how this is not going to impact the neighborhood. I didn't do the count to see the number of units compared to what we currently have, but that's a huge increase. For people that want to walk down the road, and I would assume there's going to be a fair amount of kids with that many number of units, the roads just not there and sidewalks can't be put in unless the village does something else. So. That's all I have to say regarding that.

**Commissioner Swanson:** Are there currently sidewalks within the neighborhood?

**Mr. Dabrowski:** No.

**Chairman Gauger:** No, it's always been a problem over there and everywhere.

**Commissioner Bell:** The only sidewalk is from Route 12 coming down Eagle Point, but then that stops at Manor Ave.

**Mark Madej** (51 Manor Lane, which is the current townhouse building) was sworn in.

I'd like to say, and I believe, and I do speak for the four of us in the existing building, that we've discussed the project with Igor and we feel he's been more than responsive as far as to what the plans are. We did discuss the existing HOA, the property around our buildings and having this ultimately dedicated to our building.

**Chairman Gauger:** So, you'd have 2 HOA's.

**Mr. Madej:** I believe we're looking at possibly three, and this will ultimately be decided as the development continues. We have agreed and mapped out what would be dedicated to us and I'm here just to be sure that that becomes part of the record.

**Chairman Gauger:** We will include that as part of the record, but it's not really going to be contingent upon what we're voting on tonight. But if you would like that included in the minutes, absolutely.

**Commissioner Nakanishi:** Can I ask what your experience was when the flooding occurred?

**Mr. Madej:** The way our building is constructed, the water just passed under the house. So we really didn't, other than carp swimming on our patios, no damage to the house at all. In fact, we didn't even lose power. There are some of the concerns that John discussed and the density and how all the mechanicals and everything are going to fit. I'm assuming that's something that's still being worked out in the planning stage of it and will be addressed at some point.

**Judy Hildebrant** was sworn in.

I have a picture here I can show you. When the flooding happened last time it was under construction across there. First of all, we're worried. They're talking of taking out the retention pond.

**Chairman Gauger:** They can't take it out. They're not. They're not taking it out. He wants to put a playground in it, which I don't think is going to be allowed, but he can't take it out.

**Ms. Hildebrant:** We have two retention ponds that cause a lot of bugs because there's no water movement in them. It sits.

**Chairman Gauger:** That's all retention and/or detention ponds.

**Ms. Hildebrant:** They're in disrepair. They're a mess.

**Chairman Gauger:** When you say disrepair, how is it in disrepair? Does it hold water? Does it drain water?

**Ms. Hildebrant:** I don't know. We know that the weeds are so bad and the plants are in there and it's clogged.

**Chairman Gauger:** OK. Well, and that's something that has to be addressed for them to get any kind of forward motion. It may be that way now because nobody has kept up with that property since 2009, when the first four were built. It's a concern, I agree.

**Ms. Hildebrant:** The other thing is what he brought up about the sea wall, our concerns about flooding. I live directly across the street. I'm on Manor and Union. With the flooding there when we had open ground, now if you start adding asphalt and cement, the flooding is going to get worse. There's going to be nowhere else for the water to come up. I'm lakefront already. When I'm paying FEMA, it doesn't cover how much water you get up for what to return. The other thing is the additional traffic, the boat traffic trying to put everybody trying to put their boats in on Manor, I can't even open my gates now. We get along with everyone we tell them it's fine, just take your time. But now if you add another 18 units, if they have boats or anything, you're not going to be able to get them down into the water without a hassle. The additional traffic, the parking, flooding and that is a total of 18 units they're asking for. So you're talking possibly 36 or more cars. I don't know where you're going to put them.

**Chairman Gauger:** They have garages.

**Ms. Hildebrant:** But will they all fit in the garage? Will they have visitors in the summer? What are they going to do?

**Chairman Gauger:** Again, those are all very good questions, but does everybody park in the garage? Other than that, where do you believe that they will park if they don't park in their garage and they don't use the visitor spots?

**Ms. Hildebrant:** Are they going to leave them on the street? Are they going to leave them along Manor where people can't then drive down Manor if they're already on the sides?

**Chairman Gauger:** Those are all very good, esoteric questions. There's no way that we can look into the future to see if somebody's going to park a car or not in their garage. But we understand the concern.

**Ms. Hildebrant:** (Referring to photos that John had shown earlier) That was their sign. That was for sale. The water was up to almost 6 feet. So, if you take that land and you fill it in, where is that water going to go?

**Commissioner Bell:** That's an engineering question.

**Chairman Gauger:** Very good question. And because you live there, a very good concern.

**Commissioner Swanson:** Is the end of Manor a public boat ramp? Yes.

Mr. Purnell and Mr. Gluzman returned.

**Mr. Purnell:** Obviously, a lot of these issues in terms of the additional people and cars, etcetera, we can't really address that to a great extent. I would say three things: obviously the buildings will all be built on structural pilings; they'll all be properly supported; there is an underground detention vault planned for the parking area between the two six-unit buildings. That will provide a pretty giant amount of compensatory storage which will offset the material of the perimeter. But, as was attested to on the four-unit building, the flow through system works and I'm not sure what information was on the website, but all of the buildings are designed, there aren't any non-flow through buildings. It should not increase any water off-shedding in the neighborhood. We hope that it makes it better because the amount of compensatory storage from that vault is considerable.

**Commissioner Swanson:** And that's supposed to equal the amount of extra water from the road

and whatever else? You have stormwater detention out there now; was that designed for the whole project or is that just a portion of?

**Mr. Purnell:** The underground storage was always a component of the design. That should actually make the situation better than just bare ground. I just wanted to make sure that people didn't think that we were going to be making the situation substantially worse without proper engineering. That's not the case.

**Commissioner Legge:** It was my understanding that in situations like this, where you're putting impervious surfaces down and you have to create a vault, yeah, actually do like. 1 1/2 times.

**Mr. Purnell:** That's correct.

**Commissioner Legge:** So, you're actually creating greater storage than would have already been.

**Mr. Purnell:** Yes.

**Chairman Gauger:** That's Lake County stormwater rules and codes.

**Mr. Purnell:** It's very stringent requirements, building in the floodplain. And yes, we're complying with all current building codes, engineering codes. There are no loopholes; there's no we don't have to follow the electric code. There's none of that.

**Commissioner Legge:** To answer the question that was posed earlier, where will the electric be; out of the water assuming?

**Mr. Purnell:** That part is still being designed by the site engineer. So we haven't had that, it's 90% complete.

**Commissioner Legge:** But it'll be designed according to the floodplain?

**Mr. Purnell:** Every mechanical system has to be within the flood protection zone, so it will be located out of all of that. Same with every mechanical part of the buildings; electrical components of the buildings.

**Commissioner Legge:** And inspected and approved by the various different governmental agencies. Sea walls: are you going to put in new sea walls because they are a disaster in that other area.

**Mr. Gluzman:** (Speaking of a boat launch) All this has to be repaired because it is in a bad condition. This is public space for the board, how does this have to be because they don't have a space for parking. Because all the parking is for the property (owners) and when people bring boats to the water and take their car and trailer out from our space, they cannot park there.

**Commissioner Nakanishi:** What does that have to do with the sea walls?

**Mr. Purnell:** Yeah, they mean the sea wall, the border. On the four unit, we are basically extending the sea wall and repairing the sea wall that's existing on the four-unit building will be for the length of the project.

**Commissioner Legge:** Then there was also deterioration of land and loss of land because of the bad sea wall. You'll be filling that, bring that back.

**Mr. Purnell:** That's correct. It will have to be filled, compacted after.

**Commissioner Legge:** Your point about the launch is a good one, because if in the past people did launch for the day and they parked on your property, that wouldn't be appropriate going forward. But a lot of times people are just launching for the season, they're getting their boat into the water so that they can take it around to their pier.

**Mr. Gluzman:** Stated his concerns about people parking in spaces that are intended for residents after launching their boats.

**Commissioner Legge:** I think that just to make clarification based on what the neighbors are talking about, people will launch their boats from that spot throughout the season. They could use that to launch. The parking, you're right. They shouldn't be able to park there. They're going to have to find another alternative if that's indeed the case. As far as the in and out for the beginning and the end of the season, you deal with that, but I think that the neighbors are concerned that there's going to be traffic.

**Mr. Purnell:** Also, just to quickly mention, each of the units on the water have driveway space for two additional cars, so those it's 38 plus an additional 2 exterior; 12 plus the original 8 from the original building.

**Commissioner Legge:** And then every unit has two internal parking spots.

**Mr. Purnell:** Correct. And those, those garage sizes are perfectly fine for two cars plus garbage cans and a bike. I'm in the tightest garage ever and I make it work with a pickup truck and garbage cans. It's fine.

**Commissioner Legge:** You're going to be doing. A lot of construction if this goes through. There's going to be wear and tear on the roadways and such. The roads are a disaster already, lots of potholes and such. I think they were talking that there's only a single put down of asphalt right now. When you guys are complete, what part of doing all of the asphalt around your unit is your responsibility versus the Village? How does that work?

**Mr. Gluzman:** We have a plat of survey and this is exactly where the line is. This will be of this association for this is complex and where is the village for village? I think maybe 30%.

**Commissioner Legge:** OK, so, if I were to surround the circle that's there, are you guys paving around that circle?

**Mr. Gluzman:** I think we can talk with the building department because we have exactly a line where this part will be our responsibility.

**Chairman Gauger:** I think what Steven is asking is to be good neighbors, would you be willing to partner with the village and, at least in some of those spaces, work together with them in getting that taken care of? We're not talking Manor, but especially the circle that they exit into in front of some of the people that have testified tonight.

**Mr. Purnell:** It has to be coordinated and it doesn't do the project any good to have 5 feet of great asphalt and then a dirt road. And so, obviously, it's in our best interest to work hand in hand with the village to make that happen.

**Commissioner Legge:** And maybe improve the launch because it's kind of beat up. It would

make the whole community look much better.

**Mr. Gluzman:** I'm sorry. One more time. We have absolutely enough parking space and for our visitors. And for people that will live there and for our neighbors; 50 parking spaces.

**Commissioner Bongiovanni:** My concerns are still similar to Stevens. You are going to have a lot of construction trucks coming down there; not just on Manor, but also down Eagle Point. Those roads are very beat up and this isn't going to do them any favors. So, this is something to consider. I know it's a little bit beyond just this project, but how do you get that construction material, those people, all that stuff to do this big project?

**Mr. Gluzman:** This is not our first project. Usually we try to do this, all material, concrete and something like these big trucks come off at 10:00 as people go out and finish before 4. It's delivery from 10 AM to 4 PM. This is usually a time that's not big traffic for the neighbors.

**Commissioner Bongiovanni:** But the concern is those big trucks, those cement trucks, those are going to have a further detrimental impact on the roads that are already deteriorating down there.

**Mr. Purnell:** Well, we understand that. Those roads are not restricted for traffic and they're public roads and we need to deliver material so. Of course, the Village has plenty of ordinances about clean streets, cleaning construction, silt fencing, protection, all of those will be in place.

**Commissioner Bongiovanni:** The other concern is the floodplain. I've been down there and it floods pretty badly. And to hear that you're possibly considering turning the detention ponds or places and putting grass down there; those are wetlands. They're designed like that to be able to have the water sink into the ground so that it doesn't come up and flood the area. By putting grass there you're having another detrimental impact on the floodplain.

**Mr. Purnell:** These need to be discussed with the engineers. We had a concept plan to try to beautify the area. If nothing else, it will certainly be cleaned and maintained; and we wouldn't do anything that would compromise the required detention or retention areas.

**Commissioner Nakanishi:** Sir, I'm happy to see that you're putting in the underground storm water detention vaults. I don't know if this is beside the point, but is there such a thing under the original building?

**Mr. Purnell:** No. The vault is under the parking lot between the two six-unit buildings, so the buildings are designed.

**Commissioner Nakanishi:** But the original the building that's already built, does that have an underground vault?

**Mr. Purnell:** No. The buildings have to be designed to have the water flow through without creating detention under the buildings. The vault specifically occurs under impervious surface areas because we're increasing the development in that area, so we need to provide that in an accessible area.

**Commissioner Nakanishi:** So, this should really remedy the threat of flooding.

**Mr. Purnell:** It's not going to make it disappear, but it's going to minimize it. It'll help.

**Chairman Gauger:** Only because you've got two boat launches down there that the sea wall doesn't go across. The water just comes right up the ramps anyway, but at least that will mitigate

a little bit of the problem of the impervious coverage that you're going to have. I need to ask, I don't normally do this but Mark, in your HOA right now, do you restrict the trailers from not being put in the driveways for anybody that has a trailer.

**Mark Madej:** We do not keep trailers, we allow it, amongst ourselves, short term. And, I want to add that we have negotiated to be part of the sea wall behind us.

**John Mumford:** Again, the paving was just brought up when the original project was done in 2008. They tore up Manor Lane, which is the curvy street that went to where the bar was. They put a curb and gutter. They put one lift of asphalt in, it still has one lift of asphalt there. Are they going to pay to redo that?

**Commissioner Legge:** They're going to end up working with the village and the engineers to make sure that everybody plays nice together.

**John Mumford:** You talked about this underground detention, which is great. If you dig down two feet, you hit the lake. So, when you're putting in underground detention, you're essentially digging into the lake. The water doesn't have to get up to flood stage to where those ponds, both of them, fill up with water. And that doesn't come from the parking lot, it doesn't come from anywhere, it comes from the lake. It back-flows in and it's there. These water retention ideas are great on projects that are not in a flood; this is in the floodplain. When you think of storage, you're essentially using the lake as storage. So, the storage is kind of feel-good for the county and the town to do because it really doesn't do anything. Just like in the parking lot here, there's a drain over there is drain over there and there's a French drain that goes between them. When the water table gets high, the parking lot floods because it comes up from the ground. And it's just going to get worse if you put more buildings up, down there.

**Commissioner Bell:** I was going to ask about short term rentals and whether they're going to restrict those.

**Mr. Gluzman:** No.

**Commissioner Bell:** You're not going to restrict them?

**Mr. Gluzman:** No. We don't do rentals. I want to build them and sell them.

**Commissioner Bell:** So, there's not going be any restriction in the homeowner association on that.

**Chairman Gauger:** That's up to the Homeowners Association. We can't regulate that.

**Commissioner Nakanishi:** I have one more question to the gentleman who lives there now, Mark. Does your HOA have any restrictions about or does it forbid short term rentals?

**Mark Madej:** We don't. We don't have a rule in play, but it's agreed upon amongst the four of us that we don't, but it's not specifically addressed in our HOA rules as they stand now.

## **Motion of Recommendation**

Commissioner Bongiovanni made a motion to approve the petition for the PUD amendment as presented for the property commonly known as 0 Manor Lane, Fox Lake IL, according to the Village of Fox Lake Zoning Code 9-1-6-11 meeting Standards 1, 2, 3, 4 and 5 and all applicable sub standards, no additional conditions added. The motion was seconded by Commissioner

Legge.

**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>	_____
Chairman:	Gauger <u> x </u>	_____

Motion Passed.

Chairman Gauger: motion passes. Recommendation goes to the Village Board. I'm sure that they'll want to see you there. And I close this hearing at 9:20.

**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.

Deputy Clerk Russell: I'd like to introduce Jodi Luka. Jodi is our new director of Economic and Community Development. Jodi was welcomed by all.

## **VII. Adjournment**

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

**Affirmative Vote:** All in favor – motion passed.

**Meeting Closed: 9:22 PM**

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Respectfully submitted by,



Patricia Russell  
Deputy Clerk