



## PLANNING & ZONING COMMISSION MEETING MINUTES

**January 10, 2024, 6:30pm**  
**66 Thillen Drive, Fox Lake, IL**

*The meeting was held via in-person and via Zoom conference.*

**I. Call To Order** Meeting Open: 6:30 PM Closed: 8:31PM

**II. Pledge Of Allegiance**

**III. Roll Call**

**Present**

**Absent**

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

A quorum was established.

Also in attendance: Patricia Russell, Jodi Luka, Kyle Legge, Brian Marr

**IV. Approval of December 13, 2023, Regular Meeting Minutes**

Commissioner Nakanishi advised that several times in the draft minutes the word “pin” when used to indicate Property Index Number should be capitalized and this should be corrected in several places. Commissioner Legge made a motion to approve the minutes of the December 13, 2023, regular meeting as amended, seconded by Commissioner Nakanishi.

**Yea**

**Nay**

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

**V. Old Business**

None.

## **VI. New Business**

### **1) 160 E Grand Ave - Special Use Permit to Operate a Short-term Rental**

Opened: 6:35 PM      Closed: 6:56 PM

Monika Dmochowska was sworn in.

Ms. Dmochowska stated that she has turned in all the paperwork and will answer any questions. Chairman Gauger pointed out that the submission is incomplete. Also, there is no plat-of-survey submitted. There was discussion about how many bedrooms are included (2 have no closet) and how many adults are allowed. Ms. Dmochowska also stated that she has been renting as STR for about 1 year to 1 ½ years. She stated that she did not know that she had to get a permit until she received a letter from the Village. She also stated that she purchased the house about 2 years ago. Also, she contacted the Village about one year ago and was told that she did not need a permit to have a STR. There are parking spaces for 20 to 30 cars.

Chairman Gauger suggested that Ms. Dmochowska has the option to suspend her petition in order to complete her submission. Ms. Dmochowska agreed.

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

Chairman Gauger made a motion to table this hearing until the next scheduled Planning and Zoning Board meeting on February 14, 2024.

#### **Affirmative Vote:**

All in favor, motion passed.

### **2) 16 N Pistakee Lake Rd #2 – Special Use Permit to Operate a Short Term Rental**

Opened: 6:57 PM

Closed: 7:12 PM

Sean Good was sworn in.

This property has several buildings. The first permitted STR has had no problems or complaints against it. It is a small house, 2 adults maximum. This petition is for a studio type unit for a maximum of 2 adults.

There are 5 units on this property and each unit is being applied for as they become ready. Mr. Good anticipates 3 short term rentals when complete. There will also be at least 1 long-term rental unit.

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

Commissioner Legge made a motion to approve a Special Use Permit for Short-term Rental at 16 N Pistakee Lake Road, Unit #2, Fox lake, Illinois, according to the Village of Fox Lake Zoning Code 9-1-6-10, Subsection C, with Standard 1, 2, 3, 4, 5, and 6 satisfied. Seconded by Commissioner Swanson.

**Discussion:**

None.

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

Motion Passed

**3) 44 S Route 12 – Rezone the Property from B-5 Marina District to B-4 Resort District**

Opened: 7:14 PM      Closed: 7:27 PM

*Commissioner Legge recused himself from this hearing and stepped down from the dais.*

Andrew Scott (attorney for Smoke House Holdings, LLC.) was sworn in.

Mr. Scott is associated with Dykema Law Firm and is with David Berger for the petitioner, Smoke House Holdings, LLC.

The property at 44 S Route 12 is currently zoned partly B-4 and partly B-5. The petitioners are seeking to rezone to B-4 for the entire property. There are multiple PIN's, also PINs are split. It was discussed if B-3 would be more appropriate. Mr. Scott said that cannabis is not permitted in B-5 and neighboring properties are zoned B-4. The property is under contract for purchase, if that falls through, the zoning will stand.

Staff recommended rezoning from B5 to B4.

**Motion of Recommendation:**

A motion to approve rezoning of PIN 05-09-402-007 / 010 / 011, commonly known as 44 S. Route 12 in Fox Lake, Illinois, from B-5 Marina to B-4 Resort Business, in accordance with Village of Fox Lake Zoning Ordinance 9-1-4-1-A10, with all 3 standards met, was made by Commissioner Nakanishi, seconded by Commissioner Bell.

**Discussion:**

None.

<b>Roll Call Vote</b>		<b>Yea</b>	<b>Nay</b>
Commissioner:	Bongiovanni	<u>  x  </u>	<u>      </u>
	Legge	<u>      </u>	<u>      </u> Recused
	Swanson	<u>  x  </u>	<u>      </u>
	Nakanishi	<u>  x  </u>	<u>      </u>

	Bell	<u>  x  </u>	<u>      </u>
	Stewart	<u>  x  </u>	<u>      </u>
Chairman:	Gauger	<u>  x  </u>	<u>      </u>

Motion Passed

#### 4) 44 S Route 12 – Special Use Permit to Operate Cannabis Dispensary

Open: 7:28 PM    Closed: 8:30 PM

*Commissioner Legge recused himself from this hearing and stepped down from the dais.*

David Berger and Stephen Legge were sworn in.

Andrew Scott addressed the commissioners stating that this petition was filed with the Village in December. This is a very strong commercial and retail area of the village with restaurants, service uses, all up and down Route 12 and down Grand Avenue.

Mr. Scott gave a Power Point presentation (attached as Exhibit A). His presentation showed that there are more parking spaces than required, there are no sensitive uses (schools, libraries, day-care, public parks, etc.) in the area (that they could identify).

Ingress and egress will be off Lagoon Drive (not Route 12). That will allow for safer, smoother flow of traffic. The building is understated, and the changes will be interior only.

Mr. Breger addressed security concerns, armed guard at all times; 40 – 55 cameras on site will cover the entire property (except bathrooms) and will be monitored by a third-party off-site company; there will be panic buttons that dispatch police; sealed, filtered rooms will allow for minimal odor. They are not seeking for cannabis consumption at this time. The competitive advantage is their good experience in the field. Mr. Berger discussed plans for safety and security, product deliveries, staffing plans, parking. Mr. Berger stated that he has 7 dispensaries that are currently open and operating, all in Illinois.

The second floor of the existing building is planned to be used for seasonal events and a bar at a later date. Bar and dispensary will have separate entrances, cannot be merged.

#### Audience Comments

**Patricia Atkins** was sworn in. Ms. Atkins is concerned about notification from the village. She stated that only 2 households received notice – it was discussed that there are only 2 homes within 300 feet. Ms. Atkins expressed her fears about traffic on Lagoon Road and turning onto Route 12. She is also concerned about a potential rise in crime and lowering of home values. How will smoking in the parking lot be controlled?

**Mr. Berger** stated that dispensaries make neighborhoods safer because of higher visibility and increases values by an average of \$50k. They reduce crime and alcoholism and support local businesses.

**Sven Overland** was sworn in. Mr. Overland is a friend of Harry (previous owner/operator of Smoke House) and supports new use. He stated that the neighbors fought Harry to a point that Harry left and he hopes that same thing doesn't happen again.

**Motion of Recommendation:**

A motion was made by Commissioner Bongiovanni to approve a Special Use Permit to operate a Cannabis Dispensary at 44 S Route 12, Fox Lake, Illinois, in accordance with Village of Fox Lake Special Use Standards 9-1-6-10; subsection C; with items 1, 2, 3, 4, 5, and 6 approved. Seconded by Commissioner Swanson.

**Discussion:**

None.

**Roll Call Vote**

	<b>Yea</b>	<b>Nay</b>	
Commissioner:			
Bongiovanni	<u>  x  </u>	<u>          </u>	
Legge	<u>          </u>	<u>          </u>	Recused
Swanson	<u>  x  </u>	<u>          </u>	
Nakanishi	<u>  x  </u>	<u>          </u>	
Bell	<u>  x  </u>	<u>          </u>	
Stewart	<u>  x  </u>	<u>          </u>	
Chairman:			
Gauger	<u>  x  </u>	<u>          </u>	

Motion Passed

**VII. Public Comment**

None.

**VIII. Adjournment**

Motion to adjourn was made by Commissioner Bongiovanni and seconded by Commssioner Legge.

**Affirmative Vote:**

All in favor, motion passed.

**Meeting Closed: 8:31 PM**

*Patricia Russell*

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Patricia Russell, Deputy Clerk