



## PLANNING & ZONING COMMISSION DRAFT MINUTES

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

## **I. Call To Order**      **Open: 6:30 PM**      **Closed: 8:27 PM**

## II. Pledge Of Allegiance

<b>III. Roll Call</b>		<b>Present</b>	<b>Absent</b>
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, Jodi Luka, Kyle Legge

#### **IV. Approval of March 13, 2024, Regular Meeting Minutes**

A motion was made by Commissioner Swanson to approve the minutes of March 13, 2024, as submitted. This was seconded by Commissioner Bell.

**Affirmative Vote:** all in favor. Motion passed.

## **V. Old Business - None**

## VI. New Business

## 1) 1) 89 & 91 S Route 12 – Special Use Permit for Motor Vehicle Sales

**Open: 6:32 PM      Closed: 7:08 PM**

**Joe Nichelle** was sworn in.

Mr. Nichelle is an attorney representing J & K of Fox Lake. J & K is the owner of the



properties at 89 and 91 Sout Route 12 in Fox Lake. An application has been submitted to the county for consolidation of the two properties. No issues ae anticipated for this application and the plan is to combine the two lots using the 91 S. Route 12 address. This hearing is for a Special Use Permit to operate an automobile dealership and repair center on these properties which are currently zoned B-3. J&K takes the position that approval of this petition will have no negative impact on the community and will greatly enhance the surrounding area.

**Ray Rosato** (in charge of construction) was sworn in. They are going to spread the building across both parcels, mostly on the east side. The property will be developed fully, including landscaping. Due to changing from a two-story building plan to a one-story plan, some of the drawings are not correct but they still give an overall idea of the intentions. The plan has been approved by Honda.

**Ed Martinez** (Architect) was sworn in. Chairman Gauger asked if the utilities are going to be put underground as is depicted in the renderings. Mr. Martinez said that they ae trying to emphasize the building (not so much the utilities). They will be extending the water service to the east, but it is not planned to bury the electrical service. Several commissioners suggested that burying the electrical lines would be appreciated.

**Crystal Roberts** was sworn in. They purchased another property about 4 years ago, but Honda would not allow a dealership there because of proximity to another Honda dealer. The façade will be 2 stories as required by Honda and will then drop down to one-story. This business will include new car sales, pre-owned car sales and a service center.

The 6 condition questions were asked and received acceptable answers.

#### **Audience Comments**

**Mark Rossi** was sworn in. Mr. Rossi is representing the Fox Lake Business Park Association. This property is a subject of some concern regarding water retention and/or run-off, drainage, and grading. There is also a concern about a gated area on Jack Frost Lane being blocked.

**Crystal Roberts** said that the builders are aware of the drainage concerns and will respect their neighbors and take the concerns of neighboring properties into consideration in their plans.

Commissioner Bongiovanni asked about signage. Crystal said that signage would be addressed on the next set of drawings before moving forward. Commissioner Legge asked about carrier trucks unloading new vehicles in the middle lane of Route 12. Crystal said that would not be allowed. They will have a dedicated spot on their property for unloading.



Chairman Gauger said that he wants to make underground utilities a condition of approval. Crystal said that she would like to beautify as much as possible but would have to check with her office as to the expense involved. Commissioner Legge said that this is a big part of the entry into our village and could be done while the area is torn up by the new construction. Other commissioners agreed that this is an important issue.

Jodi was asked if this petition would come back before this Commission at a later time so that we could see the results of tonight's discussion. Jodi said that, if they stay within the code, the petitioners will not have to come back for this petition. Commissioner Legge repeated that they would not have to come back regarding this petition unless a condition was added to the Motion of Recommendation. Jodi then said the petition could be brought back as "old business" and Chairman Gauger said he would like that, just so that the commissioners can see what has come of the discussion tonight.

### **Motion of Recommendation**

Commissioner Bongiovanni made a motion to approve the Special Use Permit to operate a motor vehicle sales and service center, as presented, for the property commonly known as 89 S. Route 12, Fox Lake, IL, in accordance with Village of Fox Lake Zoning Code 9-1-6-10, subsection C. By ordinance, six standards need to be satisfied; they are 1, 2, 3, 4 5, and 6. This was seconded by Commissioner Swanson.

(NOTE: Although it was discussed and considered to place a condition of utilities being put underground, no conditions were added to the Motion of Recommendation.)

**Discussion:** None

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

Motion passed.

### **Motion of Recommendation**

Commissioner Bongiovanni made a motion to approve the Special Use Permit to operate a motor vehicle sales and service center, as presented, for the property commonly known as 91 S. Route 12, Fox Lake, IL, in accordance with Village of Fox Lake Zoning Code 9-1-6-10, subsection C. By ordinance, six standards need to be satisfied; they are 1, 2, 3, 4 5, and 6. This was seconded by Commissioner Legge.



(NOTE: Although it was discussed and considered to place a condition of utilities being put underground, no conditions were added to the Motion of Recommendation.)

**Discussion:** None

<b>Roll Call Vote</b>	<b>Yea</b>	<b>Nay</b>
Commissioner:	<input checked="" type="checkbox"/>	_____
Stephen Legge	<input checked="" type="checkbox"/>	_____
Eric Swanson	<input checked="" type="checkbox"/>	_____
Jeff Bell	<input checked="" type="checkbox"/>	_____
Michelle Stewart	<input checked="" type="checkbox"/>	_____
Chairman:	<input checked="" type="checkbox"/>	_____
David Gauger	<input checked="" type="checkbox"/>	_____

Motion passed.

## **2) 329 Thomas Ln – Planned Unit Development Amendment**

**Open: 7:11      Closed: 7:12**

Jodi Luka said that there were changes in the plans and the petitioner requested this project to be tabled until the next Planning & Zoning Commission meeting on May 8, 2024.

### **Motion of Recommendation**

Commissioner Legge made a motion to table this hearing until the next meeting, May 8, 2024. The motion was seconded by Commissioner Bell.

**Affirmative Vote:** All in favor.

Motion passed.

## **3) 188 Howard Ct - Special Use Permit to Operate a Short-term Rental**

**Open: 7:13 PM      Closed: 7:39 PM**

**Patrick Sheehan** was sworn in.

Mr. Sheehan has owned this property for 14 years. His paramount concern is for his neighbors and keeping the area quiet and comfortable for them. He has a local property manager available 24-7. He also has a strict screening process for potential renters. He will require a large security deposit as well as insurance. This is to attract only qualified renters. This property has 2 bedrooms, suitable for 4 adults, he does not want children. There are 4 parking spaces. There is



a fence, but the gate is not locked. There are 3 other STR's on this street. The properties are tiered, so sight lines and noise are not an issue. There will not be a pier.

### Audience Comments

**Robert Edwards** was sworn in. This petition has his full support. Mr. Sheehan takes very good care of his property and has someone to keep an eye on things. Mr. Sheehan is proactive and will make sure that his property is well taken care of.

**Tom Heagney** was sworn in. Mr. Heagney spoke in support of this Short-term Rental petition. However, for STR's in general, he has had several problems. There are a lot of rules set (noise, parking, public nuisance) but the rules are not enforced. Mr. Heagney is aware that the police personnel are supposed to send Jodi a report every Monday of what calls have been received during the previous week.

**Mr. Sheehan** returned and spoke about the tiered layout of the neighborhood. He said that renters will be kicked out if house rules are broken. The property has 4 cameras, one on each side of the home. The property manager lives on Forest Avenue (3 minutes away). Mr. Sheehan will be traveling and plans to return when his health requires. He will have sound monitoring installed. He also responded to each of the 6 qualifying questions.

### Motion of Recommendation

Commissioner Bongiovanni made a motion to approve the Special Use Permit to operate a short-term rental as presented, for the property commonly known as 188 Howard Court, Fox Lake, Illinois 60020, in accordance with Village of Fox Lake Zoning Code 9-1-6-10, Subsection C. By ordinance, 6 standards need to be satisfied. They are 1,2,3,4,5 and 6. The motion was seconded by Commissioner Stewart.

**Discussion:** None

Roll Call Vote	Yea	Nay
Commissioner:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Bongiovanni	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Legge	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eric Swanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeff Bell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michelle Stewart	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Gauger	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion passed.



#### 4) 144 Eagle Point Road – Variance for setbacks and multiple buildings on one lot

**Open: 7:42 PM**

**Closed 7:52 PM**

**Shawn Purnell** was sworn in.

Mr. Purnell is an architect and is working with the homeowners of this property. The owners want to tear down the existing home and put up a 2-story home. The home that has been designed would be built close to the footprint of the current home on a new foundation. As planned, the new home will allow better sight lines for the neighbors. There are currently 3 buildings on the lot which makes it legal-nonconforming. There is one STR on the property at this time. The slope will be lessened and the wall on the north side will be moved closer to the roadway.

**Audience Comments: None**

#### **Motion of Recommendation**

Commissioner Stewart made a motion to approve the Variation request for setbacks as presented, for the property commonly known as 144 Eagle Point Road in Fox lake, Illinois. The variations to the set-back (VFL 9-1-4-3-D and 9-1-5-3-A) for the principal residence that would be torn down and rebuilt. The requested variations are to keep the current 24.81' for rear yard, 12.84' for side yard (total), 4.68' for side yard minimum, and 21.7' for front yard. The additional variation for VFL 9-1-3-3 is to allow more than one principle building per lot due to current legal non-conforming status.

Additional Conditions: Only one residential structure may be used for a short-term rental.

The motion was seconded by Commissioner Legge.

**Discussion: None**

<b>Roll Call Vote</b>	<b>Yea</b>	<b>Nay</b>
Commissioner:	Joe Bongiovanni <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
	Stephen Legge <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
	Eric Swanson <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
	Jeff Bell <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
	Michelle Stewart <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Chairman:	David Gauger <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

Motion passed.

#### **VII. Discussion**



**1) 1258 S Route 12 - Extra Space Storage – Informal Meeting for a Special Use Permit for Outdoor Storage**

**Open: 7:54 PM      Closed: 8:25 PM**

**Elliott Wiczer** was sworn in.

Mr. Wiczer is an attorney representing Extra Space Storage, LLC. He is accompanied by Julianna Zhan and 2 others (Jason and Joe). Mr. Wiczer said they all are aware of the Village requirements and are prepared to answer any questions. The goal for this discussion is to get some feedback from the Commissioners regarding the proposed indoor/outdoor storage project.

Mr. Wiczer stated that a similar project was approved several years ago, and he is aware that they are now starting over. The original project had been abandoned and now they are changing the plans, so they have started the process again, from the beginning. There was mention of the need for storage in the village.

**Julianna Zahn** was sworn in.

A power-point presentation was made showing the intentions. Ms. Zahn said that Extra Space Storage owns lots 3 and 5. She is not sure of plans for Lot 2, which is owned by another entity. There was a discussion of parking areas. This will have to be looked into prior to formal submission of the project.

Commissioner Bongiovanni feels there might be better properties in town for storage places. Commissioner Legge feels this is better than what was proposed previously, but not the plan for lot 5. Chairman Gauger feels the proposed layout is asking for a lot, but he feels they are over-reaching, especially the outside storage in lot 5.

Ms. Zahn thanked the commissioners for their honesty. Extra Storage feels this is a good use for the area. Ms. Zahn asked if there is anything they can do to make this plan to better appeal to the commissioners. For instance, raising the height of the wall to screen the view from Route 12. Commissioner Legge said that the objective is to attract retail. Commissioner Bongiovanni agreed. There was also discussion of using Lot 4.

Mr. Wiczer suggested going back to the premise used for the 2018 ordinance. This referred only to Lot 3; there would be nothing on Lot 5.

### **VIII. Public Comment**

*In accordance with the Illinois Open Meeting Act, the public may address the*



*Commission regarding any matter on the agenda or not on the agenda.*

None.

**VIII. Adjournment**

Motion to adjourn was made by Commissioner Swanson and Seconded by Commissioner Bongiovanni

Affirmative Vote – All in Favor - Adjourned at 8:27 PM

Respectfully Submitted,

A handwritten signature in blue ink that reads "Patricia Russell".

Patricia Russell, Deputy Clerk