



PLANNING & ZONING COMMISSION MEETING MINUTES

May 8th, 2024 6:30pm

66 Thillen Drive, Fox Lake, IL

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

I. Call To Order **Open:** 6:30PM **Closed:** 9:27PM

II. Pledge Of Allegiance

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

Commissioner:	Joe Bongiovanni	<u> x </u>	<u> </u>
	Stephen Legge	<u> </u>	<u> x </u>
	Eric Swanson	<u> </u>	<u> x </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, Mayor Donny Schmit, Kyle Legge, Trustee Brian Marr

IV. Approval of April 10, 2024, Regular Meeting Minutes

Motion to approve by Commissioner Stewart, seconded by Commissioner Bell

		Yea	Nay	
Abstain				
Commissioner:	Bongiovanni	<u> x </u>	<u> </u>	<u> </u>
	Nakanishi	<u> </u>	<u> </u>	<u> x </u>
	Bell	<u> x </u>	<u> </u>	<u> </u>
	Stewart	<u> x </u>	<u> </u>	<u> </u>
Chairman:	Gauger	<u> x </u>	<u> </u>	<u> </u>

Motion Passed

Mayor Schmit addressed the audience regarding the Holiday Park HOA meeting



last week. The mayor has been updated by Chief DeServi who was able to attend the meeting. The mayor gave a detailed history of Holiday Park and his association with that property.

Mayor then discussed several concerns that had been mentioned at the HOA meeting including drainage that accumulates by the water tower, standing water by homes in the area, water supply concerns if the new Planned Unit Development is approved, placing a gate at the entrance of Holiday Park. The mayor also suggested that he is happy to meet with the group if requested.

V. Old Business

Open: 6:44PM

Closed: 7:30PM

1) 329 Thomas Ln – Planned Unit Development Amendment

Carmen Gratace of Global Builders was sworn in. Global Builders is the owner of this property.

Mr. Gratace gave a power-point presentation showing the proposed new buildings. The project is named, The Franz Villa's Apartments (a reference to his mother) and is planned to have 140 units (44 one-bedroom apartments; 94 two- bedroom apartments; and 2 three-bedroom apartments). This also includes amenities such as a swimming pool, work out facilities, gardens; 12 upper units will have a terrace, laundry facilities in each apartment (at no additional cost) and all utilities will also be supplied at no additional cost. Mr. Gratace is requesting an enterprise zone but is not asking for money from TIF funds or from the village. This will be an apartment complex so there will be no HOA.

Thad Gleason (project architect) was sworn in and stated that there will be a storage locker for each apartment, he agreed with the need to expand the parking area and the detention pond will need to be enlarged.

There was discussion regarding the private lake in the Holiday Park area and the impact on traffic patterns and congestion on Thomas Lane, Nippersink and Route 134. There will be a professional management company available 24 hours a day.

Audience Comments

Kathy Gibson was sworn in. She is concerned about traffic on Nippersink, especially in the morning, and asked if the road would be fixed. Jodi said that



Nippersink is a township road, and we have no jurisdiction there. Due to a traffic study that was done, IDOT will not allow any changes. Jodi will follow up with the township and see if there are any options.

Motion to Approve

Commissioner Bongiovanni made a motion to approve the Amendment of Ordinance 2014-23 allowing for the construction of market rate apartments at the address commonly known as 329 Thomas Place, Fox Lake, Illinois, in Lake County. The following amendments changes will be considered approved as part of this motion:

- 1) Use change from age restricted senior living to unrestricted age market rate apartments;
- 2) Adjust required parking to be in compliance with Village of Fox Lake code;
- 3) Maximum Floor Area Ratio (FAR) to increase from .5 to .69;
- 4) Dwelling size to be in conformance with Village of Fox Lake code;
- 5) Impact fees to be adjusted according to Village of Fox Lake fee schedule unless otherwise negotiated;
- 6) Removal of continuous landscape island in the second parking bay;
- 7) one tree planted for every 10 parking spots.

Additional Conditions

In addition to all permit requirements:

- 1) No permit shall be issued until a certified structural engineer report is provided stating the condition of each elevator shaft. If the report indicates the elevator shafts have been compromised, the developer must remove and reconstruct the elevator shafts according to code. The Village reserves the right to request a second opinion at the petitioner's expense.
- 2) Fencing on the east side of the property abutting Holiday Park.

The motion was seconded by Commissioner Bell.

Roll Call Vote

		Yea	Nay
Commissioner:	Bongiovanni	<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

VI. New Business

1) 2 S Route 12 Dairy Queen – Sign Variance

Open: 7:31PM

Closed: 7:36PM

Dan Gramm was sworn in.

Mr. Gramm is with F&C Restaurants (Dairy Queen). The Dairy Queen brand requires this change. Jodi said that this building is in the downtown district zoning area, and the new sign does not meet our downtown signage requirements. The sign is consistent with other Dairy Queens and is required by their corporate offices. Mr. Gramm also mentioned plans for repairing and dressing up the parking area which will be to Jodi next week.

Commissioner Nakanishi made a motion to approve the sign variations as presented for the address commonly known as 2 S. Route 12, Fox Lake, Illinois, Lake County. The motion was seconded by Commissioner Bell.

Discussion - None.

Affirmative Vote

Yea

Nay

4 in favor 1 opposed

Motion Passed

2) 418 Rollins Rd – Special Use Permit for Motor Vehicle Sales

Open: 7:37PM

Closed: 7:46PM

Rami Dawod was sworn in.

Mr. Dawod plans to open a used-car lot at this location. This would be in addition to a lot he currently operates in Round Lake Heights. There will be a limit of 20 to 22 cars. Test drives will be limited to Rollins Road (no test drives in the neighborhoods). There will be no mechanics on site: no repairs or maintenance activities, no noise. The six standards questions were asked and answered.



Audience Comments None.

Motion to Approve

Commissioner Bell made a motion to approve the Special Use Permit to operate a Motor Vehicle Sales lot as presented, for the property commonly known as 418 Rollins Road, Fox Lake, Illinois, Lake County, 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 1,2,3,4,5,6.

Additional Conditions

- 1) The lot for all parked cars, either for sale or for customers, to be patched and resealed.
- 2) No more than 25 cars on the property, not including staff and business patrons.
- 3) The route to test drive vehicles shall not occur through residential neighborhoods.

The motion was seconded by Commissioner Bongiovanni.

Discussion None

Affirmative Vote All in favor.

Motion Passed

3) 529 Kingston Blvd – Special Use Permit to Operate Short-term Rental

Open: 7:47PM **Closed:** 8:35PM

Leah Garcia-Macias and Vincent Cabrera were sworn in.

Mr. Cabera wants to offset some of the costs of the property. He said that most of the time the property would be used by extended family and would only be rented occasionally. He has a rental property in Chicago.

Ms Garcia-Macias stated that there are 4 bedrooms, and they want to have 15 or more guests. The driveway holds 6 cars and there is a 2-car garage. It was discussed that 4 bedrooms would allow for only 8 adults and the driveway holds 6 cars.

They live in Chicago and do not have a local management person. There are 4



family members who could be on site at any time if a problem occurs, but they all live in Chicago and work at different locations. If there is a problem, family members can be reached by phone. The contract states there will not be any parties. There are exterior electronics which will help with being aware of what is happening on the property.

Commissioners Bell, Bongiovanni and Stewart voiced concerns that 8 people would be too much. The basement bedroom should not be included.

Audience Comments

Don Tebbens was sworn in. Mr. Tebbens is concerned about the septic system. He also stated that this is a tight-knit community, it is nice, and it is quiet.

Donna and Jim Plonczynski were sworn in. They live at 625 Kingston Blvd. Donna. Responses to Standard #2, (will benefit the community by bringing in tourism). That does not improve the community, they are not a tourist street; they are a neighborhood. If the STR petitions on tonight's agenda are approved, along with already approved STR's on the street, there will be a total of 45 adults plus children and 25 cars allowed in this neighborhood. There is only one road in and out of the area. She also objects that the family members live in Chicago (an hour or more away). Donna also said this would be a safety concern because EMS would not have access. This is not a "beloved family home" as stated in the petition; it was purchased last December. Area is zoned R-1, single family, low density. Jim also objects to the approval of this petition.

Mike Breier was sworn in. He agrees with Donna. He also said, "if it can go wrong, it will go wrong". Most of the neighborhood is against short-term rentals.

Venesa Poland was sworn in. She lives at 526 Kingston Blvd. She is concerned about the safety of the small children in the area (stranger danger).

Wyman Wong was sworn in. He lives next door to petitioners. He has met Vincent, and he seems to be a great guy. Wyman's concerns include the quiet and safety of the neighborhood, especially the children. He is also concerned about strangers coming into his property and suggested that installation of a privacy fence should be required.

David Ostertag was sworn in. He is concerned about the petitioner's lack of experience with STR's and lack of local management for response to problems.

Frank Bortko was sworn in. There are 162 homes in the area with only 1 road in and out (Broadway turns into Kingston). It is a narrow, poorly lit, poorly



maintained road and poorly patrolled by the police. This is an unsafe situation. He feels that people are coming into town and buying properties and getting preferential treatment over residents that have been here for years.

Leah and Vincent said that they plan to put up a fence, but not at this time. Pets will be allowed, and children will be present, which will make a fence important. The 6 standards questions were asked and answered. Commissioner Stewart asked about marketing. The petitioners will be using AirB&B and will have an additional contract of their own with more stringent rules.

Chairman Gauger proposed that the petitioners offer only 2 bedrooms (4 adults) for the first year, the property must be fenced in within 6 months, there must be an immediate (15 minutes or less) management presence and immediate improvement of house rules.

Motion to Approve

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 529 Kingston Blvd, Fox Lake, IL, Lake County in accordance with the 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.

Additional Conditions

- 1) For the first year, only 2 bedrooms maximum rented for adults:
- 2) Within 6 months, fencing dividing the backyard down to the water from the neighboring property must be installed:
- 3) An immediate management presence option by the time this petition goes before the Village Board of Trustees:
- 4) Improve house rules.

The motion was seconded by Commissioner Bell.

Discussion - None.

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



Motion Failed

4) 707 Kingston Blvd – Special Use Permit to Operate Short-term Rental

Open: 8:36PM Closed: 9:16PM

Ryan Farcas was sworn in.

Mr. Farcas has lived in the Fox Lake area since 2005. He bought this property last October. He is looking to use this property as a STR to offset the cost of ownership. He currently owns and rents (long term) 2 other properties (in Wilmot and Antioch). He has researched our short-term rental rules and plans to rent about 1/3 of weekends, year around. He lives in Wilmot, Wisconsin (about 7 minutes away), so he expects to be able to respond to situations quickly. He is asking for a limit of 6 adults for his 3-bedroom house. He considered long term rental but wants the property available for him and his family to use.

Mr. Farcas plans to market through AirB&B and VRBO. He will also have his own agreement that will cover gaps that he has perceived in the other contracts.

Commissioner Bongiovanni suggested renting only 2 bedrooms (instead of 3) and Mr. Farcas agreed, stating that his main focus would be on renting to families. There will be video cameras and noise regulators installed. No events and no smoking will be allowed.

Audience Comments

Donna and Jim Plonczynski (still sworn)

Donna asked if the septic system was sufficient. She also stated that Mr. Farcas is not established in this home and asked how this helps the community. Donna mentioned the negative impact on health and welfare of the community.

Jim said this would be the third possible STR on Kingston Blvd.

Mike Brier returned, and Ann Brier was sworn in.

Mike feels that the financial impact on the community from short-term renters would be no different from the impact of residents since any of them could be going out to restaurants and or shopping, etc. Ann said they retired to Fox Lake and she felt safe here. She is afraid of the problems that STR's could bring, and she doesn't want to be afraid. Jodi Luka said that she is now receiving a report



from the police department every Monday showing all calls regarding STR's the previous week and is aware of only 1 problem since December 2023. Chairman Gauger said that we have had extremely few problems with STR's.

Frank Bortko returned (still sworn).

Frank said that in 12 years he has seen zero enforcement of the 20-mph speed limit in this neighborhood.

Venessa Poland returned (still sworn)

Venessa said that when a house goes on the market, she checks the sex-offender website. She is wondering if that is done for STR's. Chairman Gauger suggested that rental applicants are very well vetted by AirB&B and VRBO and other such companies.

Don Tebbens returned (still sworn)

Don again questioned the ability of the septic systems to handle a large number of people.

Ryan Farcas returned (still sworn)

He stated that he intends to rent to a more mature group; 28 years old minimum, to hopefully avoid a lot of issues. Any kind of celebrations or events are prohibited in the contracts. Also, if there is too much noise or speed limit problems, the police can be called.

Motion to Approve

Commissioner Stewart made a motion to approve the Special Use Permit to operate a short-term rental as presented, for the property commonly known as 707 Kingston Blvd, Fox Lake, Illinois, Lake County, 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.

Additional Conditions

- 1) For the first year, only rent 2 bedrooms (4 adults) maximum.

The motion was seconded by Commissioner Bell



Discussion: None

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

Motion Failed

VII. 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.

Village Trustee Brian Marr stated his concerns about emotional decisions being made by the Commissioners. The decisions should be made based upon legal precedence. The Village Board members base their decisions upon the recommendation of this commission. Brian feels that the commissioners need to ask tougher questions of the petitioners. Brian, as a Trustee of the Village, is asked to back up these decisions and he needs to know that the decisions are based on law, not emotion.

Trustee Bell stated that he did not think that either of the STR petitioner were very well prepared and he does not believe that neighborhood has adequate infrastructure and sighted the fact that they are on septic systems and there is only one way in and out of the area.

VIII. Adjournment

Motion to adjourn was made by Commissioner Stewart and seconded by Commissioner Bell.

Affirmative Vote

All in favor - Adjourned at 9:21PM

Respectfully Submitted,

Patricia Russell

Patricia Russell, Deputy Clerk