



PLANNING & ZONING COMMISSION MEETING MINUTES

July 10, 2024, 6:30pm

66 Thillen Drive, Fox Lake, IL

Also Available Virtually Through the Zoom

I.	Call To Order	Open:	6:30 PM	Closed:	8:50 PM
II.	Pledge Of Allegiance				
III.	Roll Call		Present	Absent	
	Commissioner:	Joe Bongiovanni	<u><u>x</u></u>		
		Stephen Legge	<u><u>x</u></u>		
		Eric Swanson	<u><u>x</u></u>		
		Barbara Nakanishi	<u><u>x</u></u>		
		Jeff Bell	<u><u>x</u></u>		
		Michelle Stewart	<u><u>x</u></u>		
	Chairman:	David Gauger	<u><u>x</u></u>		

A quorum was established.

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

IV. Approval of June 12, 2024, Regular Meeting Minutes

A motion was made by Commissioner Bongiovanni to approve the minutes of June 12, 2024, as submitted. This was seconded by Commissioner Bell.

Discussion: None

Affirmative Vote: All in favor

Motion Passed

V. Old Business: None

VI. New Business

1) 35 Medinah St – Setback Variance

Open: 6:32 PM

Closed: 6:42 PM

Rares Serban was sworn in. Mr. Serban is seeking a variance for side setbacks to build a house on his lot. The lot is bordered by water on 3 sides. Mr. Serban states that he has already spent about \$28,000 on architects and engineers for this building. He also stated that he owns one parcel only. The small lots on either side of his are owned by someone else – he does not know who owns them. Chairman Gauger praised the quality and completeness of the petition.

Audience Comments

Charles Pond was sworn in. He purchased a lot on Holly and was told that they have water-way rights. How would this proposed building affect his (or others) waterway rights or access to piers. It was suggested that Mr. Pond speak with Jodi Luka or contact the Waterways Agency for assistance.

Darrel Donzal was sworn in. Mr. Donzal has no objection to this petition. He has lived at 17 S Holly for 21 years. He states there is a 15 ft public easement that runs the whole length of the channel. He spoke of doing a title search for details of lake rights.

Motion to Approve:

Commissioner Bongiovanni made a motion to approve the setback variation as presented in the petition for the property commonly known as 35 Medinah Street, Fox Lake, in Lake County, Illinois, to allow a 20' setback variance of 10' instead of the regulation 30' as specified in Village of Fox Lake Zoning Code 9-1-5-3-A. Seconded by Commissioner Nakanishi.

Affirmative Vote: All in favor

Motion Passed

2) 215 Rushmore Rd – Maintain Setback Variance

Opened: 6:44 PM

Closed: 6:59 PM

Peter Ivi was sworn in. Mr. Ivi wants to tear down a building on his property and rebuild using virtually the same footprint. He is expanding a foot or so on the north side of the building and “a little bit” on the south side. He wants to know what the village will approve before hiring an architect. He currently has 3 long-term renters and will have a 4th going forward. The parking area is across the street. The variance is to keep the new building in the same location as the old building.

Audience Comments

Jay Sedivy was sworn in. He has the property at 211 N Rushmore. He wants to know how long this process will take. He feels the building should be taken down and rebuilt quickly.

Motion to Approve: Chairman Gauger said there will be 2 motions regarding this petition:

- 1) Commissioner Bongiovanni made a motion to approve the setback variation as presented in the petition for the property commonly known as 215 N Rushmore Road, Fox Lake, in Lake County, Illinois to allow a 23.6' variance for the Front Yard Set-back of 1.4' instead of the regulation 25', and 2.2 variance of the Side Yard Set-back of 2.8' instead of the regulation 5' as specified in Village of Fox Lake Zoning Code 9-1-4-3-D. This was seconded by Commissioner Swanson.

Roll Call Vote	Yea	Nay
Commissioner:	Bongiovanni <input checked="" type="checkbox"/>	_____
	Legge <input checked="" type="checkbox"/>	_____
	Swanson <input checked="" type="checkbox"/>	_____
	Nakanishi <input checked="" type="checkbox"/>	_____
	Bell <input checked="" type="checkbox"/>	_____
	Stewart <input checked="" type="checkbox"/>	_____
Chairman:	Gauger <input checked="" type="checkbox"/>	_____

Motion Passed

- 2) Commissioner Bell made a motion to approve the variation as presented in the petition to maintain the property's legal non-conforming use for the property commonly known as 215 N Rushmore Road, Fox lake, in Lake County, Illinois. This will be a variance of the Village of Fox Lake Zoning Code 9-1-5-1-C-3. This was seconded by Commissioner Nakanishi.

Roll Call Vote	Yea	Nay
Commissioner:	Bongiovanni <input checked="" type="checkbox"/>	_____
	Legge <input checked="" type="checkbox"/>	_____
	Swanson <input checked="" type="checkbox"/>	_____
	Nakanishi <input checked="" type="checkbox"/>	_____
	Bell <input checked="" type="checkbox"/>	_____
	Stewart <input checked="" type="checkbox"/>	_____
Chairman:	Gauger <input checked="" type="checkbox"/>	_____

Motion Passed

3) 1284 S Route 12 - Special Use Permit to Operate Massage Therapy & Spa

Opened: 7:00 PM **Closed:** 7:02 PM

The petitioner has requested that this petition be postponed until August 14, 2024, Planning and Zoning Commission meeting.

Motion to Approve:

Commissioner Legge made a motion to move this hearing to the August 14, 2024, meeting. This was seconded by Commissioner Bongiovanni

Affirmative Vote: All in favor

Motion Passed

4) 92 E Grand Ave - Special Use Permit to Operate Short-term Rental

Opened: 7:03 PM **Closed:** 7:04 PM

The petitioner has requested that this petition be postponed until August 14, 2024, at the Planning and Zoning meeting.

Motion to Approve:

Commissioner Legge made a motion to move this hearing to the August 14, 2024, meeting. This was seconded by Commissioner Swanson.

Affirmative Vote: All in favor

Motion Passed

5) 529 Kingston Blvd - Special Use Permit to Operate Short-term Rental

Opened: 7:04 PM **Closed:** 7:58 PM

Leah Garcia-Macias, Victor Macias, Kimberly Cabrera, and Vincent Cabrera were sworn in.

Leah is the spokesperson for the group. They are returning for a short-term rental license. They have made improvements to the property based upon the recommendation of the commissioners. The improvements include handrails at the entry for safety, a barrier to prevent crossing over to neighboring properties, noise monitors, they have created an office on the first floor. There will be 2 bedrooms/4 adults for STR use.

There will be a management company hired. There will also be 2 back-ups if needed. The rules are being changed to show no animals allowed. They are trying to get a permit to extend a fence to the water.

Audience Comments

Chairman Gauger summarized the emailed comments from Jennifer Wong (See Attachment A).

Emily Fugate was sworn in. She has not been contacted by the petitioners. She is

at 605 Kingston and is opposed to this STR. She referred to concerns for children on the narrow roads. She is also concerned that there could be retaliation from the owner of 707 Kingston if this petition is approved. This is a residential area. It seems like this property was purchased as a business not a home.

Francis Byrne was sworn in. He lives at 900 Fortress. He objects because there are already STR's in this area and a few more coming. He is concerned about the density.

Frank Bortko was sworn in. He lives at 504 Castle Road. He is opposed to STR's in the neighborhood. He thinks it is not right to have a business in a residential area. He also mentioned additional traffic and lack of sidewalks.

Keith Abbott was sworn in. He has lived in the neighborhood since 1991. He feels that STR's in the neighborhood are a disaster. Neighbors are leaving the area due to damage to their property by STR guests. Mr. Abbott also questioned if the management company could be an LLC and therefore not legally responsible if problems or damage occurs.

Commissioner Stewart suggested that some of the problem locations that are being referenced might be in McHenry.

Kimberly Kania was sworn in. She lives at 1001 Hooks. Her main concern about this property is the location, on an extremely narrow stretch of road. There are a lot of children in this area. She also stated that they have not met the owners and were not notified of the STR. She is concerned that rough people could be next door and not care about what they do. The neighbors did not sign up for that.

Wymann Wong was sworn in. He lives next door to this property. He feels they are really good people, but Mr. Wong has 2 small children and is concerned about their safety. This is a peace-of-mind matter. He also feels the fence should be a privacy fence, but it is a chain link fence. There is an issue if the fence can't go all the way to the water.

Joe Dopp (on zoom) was sworn in. He owns 531 Kingston Blvd. and lives at 532 Kingston Blvd. The property is not fully fenced. On his side, the fence only goes about 10 feet. The fence should be a privacy fence and should go "coast-to-coast". Mr. Dopp said that there is a stone walkway that is actually on his property, but he wants the new owners to remove it.

Scott Farrington was sworn in. He has lived in the neighborhood for 23 years. There are a lot of kids in the neighborhood, and he is concerned about background checks on STR renters coming in. Who is doing the checks and what are they checking?

The petitioners returned. Vincent said that the contractors he has spoken to do not recommend putting a fence along a stone barrier wall. (It was addressed by Mr. Dopp that the stone wall barrier is only a walkway).

Kimberly Cabrera said that a fence is being installed. There are two gates, both in the backyard. House rules restrict parking (4 cars only) to the driveway. No street parking. The village has been requested to put up additional signs, lighting and reflective surfaces. The petitioners will plant ivy and flowers to make the fence more attractive. They have had big family gatherings without any bathroom problems.

The six condition questions were asked and answered.

Motion to Approve:

Commissioner Bongiovanni made a motion to approve the Special Use Permit to operate a Short-Term Rental as presented in the petition, for the property commonly known as 529 Kingston Blvd. McHenry, in Lake County, Illinois, 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. This was seconded by Commissioner Swanson.

Additional Conditions:

- 1) 2 Bedrooms Only for use of Short-Term Rentals
- 2) Renters are not allowed to bring dogs.

Roll Call Vote	Yea	Nay
Commissioner:	Bongiovanni <input checked="" type="checkbox"/>	<input type="checkbox"/>
	Legge <input checked="" type="checkbox"/>	<input type="checkbox"/>
	Swanson <input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nakanishi <input type="checkbox"/>	<input checked="" type="checkbox"/>
	Bell <input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stewart <input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman:	Gauger <input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passed

6) Discussion

a. Informal Review for 154 Market-rate, Multi-Family Apartment Development. +/-9.5 acres of vacant land; part of the Fox Lake Crossing, Big Hollow Rd, and Route 12.

Gary Wool and Kevin Micheli gave a power-point presentation regarding plans to develop 154 apartment units, a clubhouse with a fitness area and demonstration kitchen, at Route 134 and Route 12. This would consist of 11 buildings with 14 units each on 9.42 acres of land.

There was discussion regarding the development of Morris Station in

Mundelein (139 units) where Kevin was the Developer/General Contractor for this project. The Fox Lake project will be similar. The hope is to break ground on this project in the spring of 2025. These will be market rate apartments, with monthly rental fees ranging from \$1,505 to \$2,204, depending on square feet, number of bedrooms, garage availability, etc.

The commissioners had questions regarding the rental fees, what is included in the rents, storage, pet regulations, etc. All of the commissioners were supportive of the project plan as presented. There is also a possibility of constructing additional buildings.

7) 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.

Peter Ivi asked if the proposed units would have water softeners. Kevin Wool said that is not planned, unless there is a need for it. Everyone agreed that they will be needed.

8) Adjournment

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

Affirmative Vote

All in favor - Adjourned at 8:50 PM

Respectfully Submitted,



Patricia Russell, Deputy Clerk