

## PLANNING & ZONING COMMISSION MEETING MINUTES

March 12<sup>th</sup>, 2025, 6:30pm

66 Thillen Drive, Fox Lake, IL

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

### I. Call To Order

Open: 6:30 PM

Close: 9:12 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, Jodi Luka, Jake Boxrud

### IV. Approval of January 8<sup>th</sup> 2025 Regular Meeting Minutes

A motion was made by Commissioner Bongiovanni to approve the minutes of the January 8, 2025, as submitted. This was seconded by Commissioner Stewart.

		Yea	Nay	Abstain
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>	_____	_____

Motion Passed.

### V. Old Business

- 1) Informal Hearing- Special Use Permit to Operate a Short-Term Rental- 258 Lippincott Lane- Joe LaPorta

Open: 6:38 PM

Close: 6:50 PM

**Joe LaPorta** was sworn in.

Mr. LaPorta stated his thanks to Jodi Luka and Jake Boxrud for their helpfulness and professionalism.

Mr. LaPorta lives in Bloomingdale and is interested in purchasing the residence at 258 Lippincott Lane as an investment and using it as a short-term rental. He feels that Fox Lake is the most flexible municipality in the area in regard to short-term rentals.

This property has 4 buildings and is well maintained. He has not put a firm offer on the property as yet, it will require a cash offer as the property is not eligible to be financed.

Mr. LaPorta had several questions about current rules and regulations for short term rentals and options for what can be done with the property if a STR Special Use Permit is not allowed. This property has had STR units in the past and has not had any problems that Mr. LaPorta is aware of.

Chairman Gauger stated that only 1 STR is allowed per PIN. Mr. LaPorta would need a variance to have more than 1 STR on this property. The STR cap in the village was also discussed. There is a risk that approvals might not be granted. Property could be put under contract pending approval of STR. Parking could also be an issue.

Mr. LaPorta will continue his research and will be in touch with Jodi in this regard.

## **VI. New Business**

### **1. Informal Hearing- Special Use Permit to Operate a Short-Term Rental- 258 Lippincott Lane- Scott Boulas**

This hearing was cancelled, and the petition was rescinded by the petitioner.

### **2. Special Use Permit to Operate a Short-Term Rental- 614 Spring Road- Robert Aubry**

**Open: 6:51 PM Close: 7:47 PM**

**Robert Aubry** was sworn in.

This property was purchased in 2019. He repaired and fixed up the house to use as a “lake house” for him and his children. Due to the time and dollar investment, he now wants to list it as STR to recoup some of the cost.

Mr. Aubry feels he has a close relationship with his neighbors and he will closely monitor the short-term renters and is trying to assure the neighbors. He feels that this will not have any negative effects on the neighborhood. He will supply the renters with a row boat and paddleboats, nothing motorized.

Commissioner Legge acknowledged that Mr. Aubry has put in a lot of time and effort in fixing up this property (5 years, single handedly). Mr. Aubry and family will use part of the house and another part that will be used for STR. Each section of the house is inaccessible from the other. The neighbor next door will manage the property. The petition is for 4 bedrooms (8 people) and 4 parking spots. The property is fully fenced. No access to the chain. Mr. Aubry will add into his rules that there is to be no use of the community beach and clubhouse across the street.

This would be the first STR for Mr. Aubry; he has some long term rentals. The property has video motion monitoring and Mr. Aubry will add sound monitors. He does not allow smoking or pets. No guests of guests are allowed. Mr. Aubry does have short-term renters' insurance.

### **Audience Comments**

**Greg Larson** was sworn in.

Mr. Larsen is concerned that if 1 STR is allowed, there will be more. Asked about process for revocation. He also stated that Duck Lake is privately owned and stocked with fish. Fishing rules should be added to the rules of the house. As to property values of the neighborhood, there is no way to predict what will happen.

**Joe Powers** was sworn in.

Mr. Powers lives next door. He and his wife are fine with the STR and will be managing the property. He does not think there will be any problems.

**Christina Koza** was sworn in.

Ms. Koza has lived in the neighborhood for 8 years. This is a quiet area. Ms. Koza is concerned about her 2 children, safety for families, who screens the renters. This property was listed for STR last fall and the attached photos (Exhibit A) are of her backyard and pool without her consent. This was being rented short-term at that time. The roads are narrow (without sidewalks) and walkers are in danger. There was discussion as to whether 4 cars can be parked on the property. The neighbors now need to increase the security on their own properties.

**Christy Kaminski** was sworn in.

Ms. Kaminski is opposed to this STR and feels similar to Ms. Koza. She is also concerned about lake access, STR's don't care about the rules.

**Lance Ortegel** was sworn in.

Duck Lake is privately owned. STR should be required to donate to the water association. There are fee-tiers with \$500 per year being the highest.

**Susan Selby** was sworn in.

Ms. Selby is concerned about the roads being too narrow. Also, there are no restaurants or bars on Duck Lake, nothing to lure short-term renters. Duck Lake is cared for by donations and volunteers, Mr. Aubry has never contributed either. Prepared remarks added to minutes as Exhibit A.

**Susan Portnoy** email is added to minutes as Exhibit B.

**Mr. Aubry** returned.

He did not know the rules of STR's. Upon learning of the requirement for a license, he took down his STR ad and refused to rent to anyone. He apologized for whatever errors he has made. Driveway has been measured to see that 4 cars will fit so parking on the street will not happen. His "book" will contain a list of local activities that his guests will be able to attend.

Chairman Gauger asked if Mr. Aubry would consider a trial period of one year with 2 bedrooms, 2 cars limit to show the neighbors that there won't be a problem and relieve the neighbors' fears. The Chairman and Mr. Aubry settled on 3 bedrooms and 3 cars. To relieve the office staff of having to track this, it will be upon the STR holder to come back if they want to increase to 4 bedrooms and 4 cars.

**Motion to Approve:** Commissioner Legge made a motion to approve the Special Use application for a Short-Term Rental permit at 614 Spring Road, Ingleside, in Lake County, Illinois. The standards for Special Use have been satisfied according to Village of Fox Lake Code 9-1-6-10, Subsection C. The items satisfied are 1, 2, 3, 4, 5, and 6. **CONDITIONS:** This Short-Term Rental permit will allow 3 bedroom maximum, 6 people maximum and 3 car maximum, for a period of 1 year. The motion was seconded by Commissioner Swanson.

**Discussion:** None.

<b>Roll Call Vote</b>	<b>Yea</b>	<b>Nay</b>
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. Planned Unit Development (PUD) Consisting of 154 Market-Rate Units Plus a Clubhouse- Gary J. Wool**

**Open:** 7:48 PM      **Closed:** 9:12 PM

**Andy Cross** of the LaKota Group (Fox Lake City Planner) was sworn in.

Mr. Cross summarized that this presentation is seeking preliminary approval for the PUD. This gives vested rights to the developer in order to have final plans developed. Engineering comments will be addressed in the final plans. There will be 154 units. There should be a condition saying that an access easement is placed over the commercial property connecting to the public right-of-way (public road) that insures permanent and unobstructed access through the commercial property, no matter who owns said property, to this residential development.

**Gary Wool, Kevin Micheli and Andrew Bowen** were sworn in.

Mr. Wool is the owner of the Fox Lake Crossing Shopping Center. In the last few months, they have completed several studies: Traffic Study, Civil Engineering Drawings looking at the Topography of the site, Study of the retention pond, ingress and egress. The placement of the clubhouse has been changed. It is in the same land area, just changed the direction it is facing.

Kevin Micheli showed a Power Point Presentation. There are 11 buildings with 14 units per building and a 3500 sq ft clubhouse. This will look similar to their Mundelein project. In lieu of individual water softeners, there will be a whole-building water filtration system in each building.

Andrew Bowen spoke about the traffic study. It shows that the added traffic will have minimal effect on current traffic patterns. The studies have been posted to the Village website.

5 modifications requested:

- 1) minimum lot area ordinance (increase)
- 2) Set back requirements
- 3) Maximum floor area
- 4) Total square footage
- 5) Monument sign

Mailbox and dumpsters have been planned for. Construction traffic will be kept off the road closest to Dollar Tree, the other road will be repaired. The lighting on the buildings will be 15 feet tall LED lights and garage sconces. All will automatically turn on and off.

#### **Audience Comments**

**Brian Norlander** was sworn in.

Regarding the traffic study will the frontage road north of the property be repaired by the village? Chairman Gauger suggested that “something” will have to be done about that road with this project going in.

**Lisa Kiesgen** was sworn in.

- 1) Traffic Study: traffic coming in and out is terrible now, accidents all the time. This will just make more of a mess.
- 2) Where is the dog park? Mr. Wool said it will be on the north side, heavily wooded area.
- 3) Will there be a fence? She is concerned about apartment residents walking through there neighborhood. Our codes do not require a fence.

**Pat Smato** was sworn in.

Ms. Smarto is a realtor. In the area of Spring Grove, Antioch, Ingleside, Fox Lake, Lakemoor and McHenry as of today, there are only 14 rental units available. We need more rental units. Be aware of the Watershed Plan as this project goes forward. Commissioner Bell said that the Engineer’s comments referred to the Watershed Plan. Grant money opportunities through EPA.

**Mike Anderson** was sworn in.

Mr. Anderson questioned left hand turn signals. Chairman Gauger said that would be assessed by Lake County and/or IDOT.

**Lisa LaMantia** was sworn in.

Ms. LaMatia is the Grant Township Assessor. She deals with Gary Wool for many years. She finds him to be forthcoming and honest in his dealings. This is a great product, wonderful asset to the community. They have discussed his concerns about people coming in to the project and his liability.

**Marily Kiesgen** was sworn in.

Her property butts up to the proposed apartments. S is concerned about kids coming through her yard and accessing the private park and private lake. She wants a fence installed as part of the project.

**Motion to Approve:** Commissioner Nakanishi made a motion to recommend approval to the Village Board the Preliminary PUD application for 0 Big Hollow Road, to be known as “Fox Lake Crossing” as proposed on application dated January 9, 2025, in accordance with Village of Fox Lake code 9-1-6-10, Subsection C, items 1, 2, 3, 4, 5, and 6 considered.

In addition, the following variances are accepted for this project:

- 1) Variance of Section 9-1-4-3. Minimum Lot Area / Density of 16 units per acre allowed.
- 2) Variance of Section 9-1-4-3. Setbacks / Required Yards.
  - a) Buildings #1, #2, #3, #6, #8, and #11. Minimum distance to abutting street allowed 12 feet.
  - b) Buildings #9, #10 and #11. Minimum front yard setback is allowed at 22 feet.
- 3) Variance of Section 9-1-4-3. Floor Area Ratio. The proposed Floor Area Ratio of .42 (42%) is allowed.
- 4) Variance of Section 9-1-4-3. Minimum Size of Dwelling Unit. No more than 44 units can be sized at 528 square feet or below.
- 5) Variance of Village of Fox Lake Sign Ordinance 10-1-6. Proposed monument sign setback allowed at 5 feet.

Condition: A permanent access easement agreement must be drafted and accepted by all parties for ground access in perpetuity.

The motion was seconded by Commissioner Stewart.

**Discussion:** None

<b>Roll Call Vote</b>	<b>Yea</b>	<b>Nay</b>
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

**VII. Discussion:** None

**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.

**IX. Adjournment**

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

**Affirmative Vote**

All in favor - Adjourned at 9:12 PM

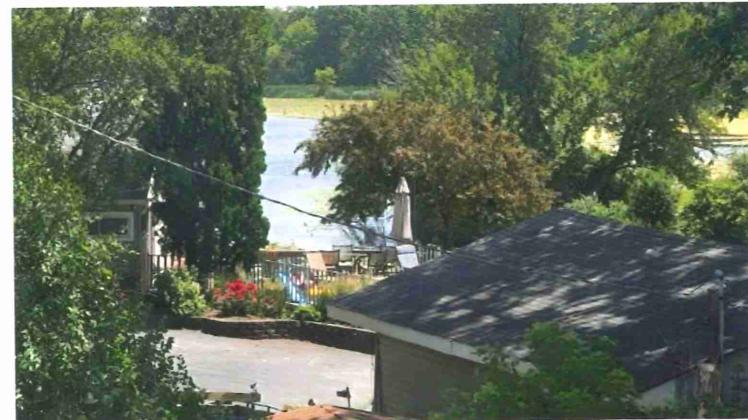
Respectfully Submitted,



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Patricia Russell

Interior



Property grounds

From: Susan Portnoy susan.portnoy@yahoo.com  
Subject: Request for Special Use Permit #0515201034  
Date: Mar 11, 2025 at 8:46:49 PM  
To: permit@foxlake.org

image0.jpeg

Gentle persons,

Thank you very much for the opportunity to object to the request for a Special Use Permit for the property at 614 Spring Rd in Fox Lake by Mr Robert Aubry.

It is frankly astonishing that ANYONE, just standing at the end of Spring Road, would consider 614 a suitable residence for short term rentals. It is manifestly unsuitable for any purpose other than as a private single family home and, even for that, a high degree of conscientious, friendly neighborliness is required.

The attached photo (additional photos will be presented) shows the front elevation of 614, across the road from the mailbox of 615. First, note that Spring Road is a very narrow road. Two vehicles may pass ea other only if one or both put tires in someone's lawn. Where a pole and a mailbox are opposite, they cannot pass at all. Someone must back up.

Second, Spring Road does not end in a cul de sac which would accommodate turning around. It simply dead ends in a concrete pad connecting ~~3~~ PRIVATE DRIVEWAYS. If there are no vehicles in the driveways, a midsize vehicle might easily accomplish a 3 point turn. \*But they would need to utilize a private drive.\* If the owners are using their driveway, or if it is a larger vehicle, or if snow is piled anywhere, leaving any of these 3 connected homes would require significant jockeying.

Third, there is clearly no street parking and no place for a car plus a trailer or a small boat. 614 has approx 30 feet of frontage, but anything bigger than a motorcycle parked in front would block access to the adjacent homes.

It can't be overstated how closely compacted the last 5 or 6 homes on Spring are packed. ANY outdoor "enjoyment" of any of these properties could be easily heard by all, loud "enjoyment" would be a disturbance of the peace to all. Especially with windows open in nice weather.

On the issue of "enjoyment", Duck Lake is a very small private lake; there is no public access, no public beach or park, no restaurants or bars on the shoreline. Anyone renting 614 and understanding the foregoing, would need to bring their own party - unless they were interested in solitude, boating and fishing...

Which brings us to a last but very important point: Duck Lake is lovingly cared for by a handful of dedicated VOLUNTEERS. All year round, every year, they beg for membership dues from the property owners, beg for assistance with signage, putting out the buoys in the spring, taking them in at the end of the season, clearing debris and trees and beaver dams from the lake and the channels, treating invasive aquatic plants, STOCKING FISH, maintaining a park and a boat launch. Mr Aubry has never paid Duck Lake Waterway Association dues and has never volunteered. All his short term renters would enjoy all the benefits of his neighbors hard work and financial investment, while he has contributed nothing. Beyond the galling unfairness of this, it bodes very very poorly for Mr Aubry's commitment to screening and controlling his renters.

(Attached)

Sent from my iPhone

From: Susan Portnoy [susan.portnoy@yahoo.com](mailto:susan.portnoy@yahoo.com)  
Subject: Fwd: Request for Special Use Permit #0515201034 CORRECTION  
Date: Mar 12, 2025 at 12:10:49 PM  
To: [permit@foxlake.org](mailto:permit@foxlake.org)

Correction to 4th paragraph below:

...a concrete pad connecting FOUR private driveways...  
(3 in addition to 614)

Additional remark:

What is Mr Aubry's plan for immediate response to difficulties between his neighbors and his renters?

Thank you

Sent from my iPhone

Begin forwarded message:

**From:** Susan Portnoy <[susan.portnoy@yahoo.com](mailto:susan.portnoy@yahoo.com)>  
**Date:** March 11, 2025 at 8:46:49PM CDT  
**To:** [permit@foxlake.org](mailto:permit@foxlake.org)  
**Subject:** Request for Special Use Permit #0515201034

image0.jpeg

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