

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON FEBRUARY 4, 2020 IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

A. CALL TO ORDER

Mayor Urlacher called the meeting to order at 7:00 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Bohm, Brennan, Maier, Pink, Sheldon, Towne and Mayor Urlacher

Absent: None

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Village Attorney, Jim Rhodes of Klein Thorpe & Jenkins, Ltd; Zoning, Planning and Appeals Chairman, Joe Krusinski; Arista Strungys of Camiros Ltd.,

Mayor Urlacher thanked all those in attendance and stated that as a rural residential Village, it is important that we respect each other as neighbors first and iron out our political differences and policies from there. Mayor Urlacher thanked the Zoning, Planning and Appeals Commission and the many others that worked hard on the zoning proposal for the last three years.

Mayor Urlacher began by addressing the rumors circulating throughout the Village. Information can be misconstrued when emotions and personal opinions are added. However, it's disappointing when individuals who did not participate nor provide their feedback during the workshops, feel they can insert themselves at this point of the game. This Village needs more doers and less talkers. Mayor Urlacher stated the ZPA did not work on the following amendments for three-years to diminish residents' property values. Trustee Brennan commented the main goal of this zoning ordinance review was meant to organize, consolidate and clean-up the ordinance language. The goal was to make these ordinances user friendly for the residents. Most of the ordinances, have remained unchanged. Trustee Brennan illustrated the book of ordinances from 2016 compared to the proposed amendments. Trustee Towne commented the two illustrated books were misleading. Trustee Brennan added given most residents have not read the current ordinance it shows their lack of understanding on the recommendations being discussed today.

C. UNFINISHED BUSINESS

1. Motion to Remove from the Table the Recommendation from the ZPA to Adopt Amendments to the Village of Mettawa Zoning Code

The Chair would like to make a motion to remove from the table the recommendation from the ZPA to adopt amendments to the Village of Mettawa zoning code.

A motion was made to amend the motion to send the ordinance to the Committee of the Whole. The motion was moved by Trustee Sheldon and seconded by Trustee Towne.

Village Attorney Rhodes said in order to remove the first motion from the table it needs to be acted upon.

A motion to remove from the table the recommendation from the ZPA to adopt amendments to the Village of Mettawa zoning code was made by Trustee Brennan and seconded by Trustee Maier.

Village Attorney Rhodes indicated the motion cannot be amended to send the matter to the Committee of the Whole. A motion to remove from the table cannot be amended. Before any action on the matter can be made, it must be removed from the table. Then Trustee Sheldon's motion may be made. After discussion on the procedure, Mayor Urlacher indicated that the motion to move the matter to the Committee of the Whole should be considered.

A motion was made to amend the current motion and to move this to a Committee of the Whole. The motion was moved by Trustee Sheldon and seconded Trustee Towne.

Upon a call of the roll, the following voted:
Aye: Trustees Sheldon and Towne
Nay: Trustees Bohm, Brennan, Maier and Pink
Absent: None

Mayor Urlacher declared the motion failed.

A motion was moved to remove from the table the recommendation from the ZPA to adopt amendments to the Village of Mettawa zoning code. The motion was moved by Trustee Brennan and seconded by Trustee Maier.

Upon a call of the roll, the following voted:
Aye: Trustees Bohm, Brennan, Maier and Pink
Nay: Trustees Sheldon and Towne
Absent: None

Mayor Urlacher declared the motion carried.

Mayor Urlacher said this meeting will discuss the proposed ZPA's zoning recommendations to adopt the amendments. The Mayor acknowledged the receipt of 9 resident letters; Judy

Friedman (2 letters), Lezlie O'Donnell, Cathy Nelson (3 letters), Martha and Tom Millar, Bob Price and Brandon Lane. Resident, Tom Lys indicated he had a letter he would like to read to the Board. Village Attorney Rhodes remarked Mr. Lys may read his letter to the Board during the appropriate article discussion.

The Mayor indicated these meetings will review each Article by allowing the residents to respond and provide their feedback followed by the Board's commentary.

Mayor Urlacher recognized Chairman Krusinski. Chairman Krusinski extended his gratitude to the past and current Commissioners, the Village members and residents who attended the past three-years zoning review process. Thank you, residents, for attending the various workshops and meetings and by providing great suggestions during the meetings that helped guide the Commissioners and Legal Counsel. A special thank you to the Mayor and the Board of Trustees, for their support throughout this whole process and approving Camiros as an invaluable resource. Thank you Arista Strungys for your guidance. The ZPA's goal was to update the ordinances to current zoning practices and policies.

Chairman Krusinski reflected that when he moved to Mettawa he was approached by then Mayor Jess Ray to be part of the ZPA Commission. Later in time, Mayor Ray asked if he could be the Chairman of the newly created Zoning, Planning and Appeals Commission. As cases were presented to the ZPA, it was clear that the existing ordinances required revisions to create a comprehensive and global method. The modifications needed to be user friendly, organization of information and the documentation needed to be updated from what it is today. As a result, the Board authorized Camiros to help the ZPA formulate their recommendations of the zoning ordinances. Chairman Krusinski remarked most of the ordinances remain exactly the same. The draft ordinance is a vast improvement from the present document.

Trustee Towne asked if the attendees were provided copies of the ordinances which are about to be discussed. Village Administrator Irvin replied 40 copies of the Executive Summary document have been placed in the back as well as the documents were made available online since November.

Article 1: Title, Purpose, and Applicability

Please reference the Executive Summary document for Arista Strungy's highlights for this section.

Resident, Jess Ray (350 Little Melody Lane) had a question in section 1.4, regarding Existing Uses and Nonconforming Uses. Mr. Ray asked if there were any uses that were not permitted before because of the previous code did not require a permit, which now renders these properties as being nonconforming. Ms. Strungy's replied the new ordinance will carryover if the existing uses of land or structure of the property owner was a permitted use at the time of construction. This section is not talking about building permits, if it wasn't permitted before it would still be considered illegal. Mr. Ray replied there were certain

structures that did not require an authorization from the Village to be built or allowed. With the updated terminology, these buildings would be nonconforming. Ms. Strungy's commented the residential structure conformance has not changed. Trustee Towne questioned what about the existing structures that were built prior to the Village being formed.

Mr. Ray said permitted structures include gazebo, swimming pool or a fence, anything attached to the ground, these structures were considered nonconforming and were not grandfathered. Ms. Strungys said those structures were grandfathered; no structure will need to be removed.

Resident, Roberta Bohm (600 Riverwoods Blvd) asked whether every structure we currently have on our property will be grandfathered into the ordinance. Ms. Strungys confirmed that the residents can keep any structure that was legal at the time it was built.

Resident, Rick Philips (14704 W IL Rt 60) asked if a resident would like to add or improve a new structure to their special uses that were grandfather, those structures will need to be reviewed to make the changes. Ms. Strungys replied when a structure is nonconforming and you want to make changes to that nonconforming structures, you will need to submit for a variance. Ms. Strungys stated if the resident had two nonconforming structures on their property, only the structure being modified would need to be submitted for a variance.

Village Attorney Rhodes commented that Article 13 deals with the details of nonconformity. Article 1 relates to transition rule. It refers to how matters are defined, these are not actions.

Trustee Sheldon asked if a structure is nonconforming, does this impact the value of the property due to structure not meeting the zoning code. Ms. Strungys said it could impact the value, but nonconforming structures exist in every Village. However, the property owner can obtain a certification from the Village indicating their structure is a legal nonconforming structure. Mayor Urlacher said this review was not intended to devalue our residents' homes.

A resident asked if the nonconforming structure burned down can it be rebuilt to the same specifications. Village Attorney Rhodes said it can be rebuilt to its same specifications, such as setback requirements and height; however, if the structure was going to be rebuilt bigger or floors were to be added, it would need to be rebuilt in accordance with the current zoning code.

Trustee Towne commented that on page 1-1, Letter B statement should include "Mettawa current, rural equestrian authentic character" which is the statement found in the Comprehensive Plan. Trustee Bohm mentioned if this statement is included in the Comprehensive Plan it does need to be in this document. Ms. Strungys stated those words are part of Letter D. Trustee Towne added on page 1-1, section 1.2, Letter J should be removed to be accurate. Village Attorney Rhodes added that statement is directly from the current code. Trustee Towne said we were founded as an equestrian village to preserve horse farms and some of the largest lots have barns. Trustee Towne requested that Letter J be

removed. Trustee Brennan remarked this village was not founded as equestrian. Village Attorney Rhodes said nonconforming situations will be eliminated through time. Some of the provisions that exempt residential property do not exempt commercial property. Trustee Towne asked the Village Attorney to add his comment regarding the exempt residential and commercial property to Letter J. Trustee Maier mentioned the Letter J is only a preamble to the applicability of nonconformity uses. The standards the Village will have in 2025 will be different. Trustee Sheldon commented her goal is to make the ordinances the best they can be.

Mayor Urlacher asked the Board for a consensus if they would like to remove Letter J within section 1.2. The outcome was 4-2. Letter J will remain unchanged.

Resident, Terre Cohen Tripoli (777 N. Bradley) commented her home is 1,700 square feet and she would like to confirm she could rebuild her home to the current specifications if it burned down. Ms. Strungys commented if she was going to complete an addition to her existing home size, that construction would need to conform to the new ordinance within the district. If you are going to reconstruct the same size house, there would be no issues.

Trustee Towne commented that many items are being avoided and he is not being represented as a Trustee to the people of the Village. Mayor Urlacher said the Board has already provide their consensus on Article 1 and this Article has been completed.

Article 2: Definitions and Rules of Measurement

Please reference the Executive Summary document for Arista Strungy's highlights for this section.

Mr. Ray stated he represents an organization that has collected 122 signatures requesting a Committee of the Whole meeting to be held on a Saturday morning due to residents being unable to attend a weekday meeting. Mr. Ray indicated changes to our zoning code is a great part of the operating code of the Village; these sets of changes do not meet our code due to the ZPA improperly convening their public hearing meetings. The Chairman did not properly open and close the public hearings. The Illinois state statute rules indicate how the meeting should be held and governed. The Mayor asked Mr. Ray to elaborate on his reasoning of why he was alluding to the ZPA not having handled their meetings properly. Mr. Ray indicated the ZPA's public hearings were not opened and closed properly; in addition, voting needed to occur during the hearing with a roll call. Chairman Krusinski commented the public hearings were recorded by a court reporter. A call to order was taken, along with who was in attendance and the conclusion of the meeting was handled with a roll call. Village Attorney Rhodes said the meeting was handled as was required by state law.

Trustee Bohm commented the petition letter being circulated from resident Jess Ray is very misleading. This letter indicates 131 pages of zoning changes, when it's a restructuring. The majority of these regulations within this ordinance have remained unchanged or have been clarified. Trustee Bohm also added Jess Ray's second circulating letter stated several

animals were being eliminated, which is untrue. The Board just recently approved an ordinance for chickens.

Mrs. Bohm said she was disappointed with the language and the representation Jess Ray portrayed in an email to the residents.

Trustee Brennan commented this project was to reorganize the current ordinance and make it user friendly. If the residents are requesting to go line-by-line, that level of work is a different level. Trustee Bohm commented the ZPA held workshops to discuss these articles page by page. Resident, Tom Lys said he attended several workshops and he felt he was ridiculed and ignored which caused him to stop attending these sessions.

Resident, Dr. Fantus (14253 W. Riteway Road) asked if on page 2-7, the line items indicating Medical Cannabis sections should also include the word recreational. Ms. Strungys replied the Village has a separate ordinance for recreational cannabis which controls that matter.

A resident mentioned that on page 2-7 under the Mettawa Trails, this indicated the trail was between 8-12 feet wide when it indeed is not. This comment was noted.

Trustee Sheldon mentioned on page 2-7, the medical cannabis use is listed under the Planned Office/Research District (O/R) district. Village Attorney Rhodes replied it is required to be listed in this fashion under the state law.

Sapphire Stable Attorney, Jamie Robinson asked why wasn't scenic easement defined under this article. Ms. Strungys commented scenic easement is covered under Article 6, as the Scenic Easement Overlay. Trustee Towne mentioned the scenic easement definition should be included in this article.

Mr. Ray asked if the coldframe structure definition could be elaborated upon and why the ZPA felt it was necessary to include. Ms. Strungys said this definition pertains to accessory structures that would be allowed to be a permitted use. A few years ago, Camiros created a technical report and this matter was discussed with the Commissioners. Village Attorney Rhodes stated if this matter was not addressed in the code, it then leads to question if this structure was allowable. Agriculture uses only relate to greenhouses. This structure would be permitted along with the provisions of setbacks.

A resident asked how does a conservation easement differ from a scenic easement. Ms. Strungys replied a conservation easement is an easement granted to the Village as an open space. Scenic easement is a setback as to how the district is structured and the impact on the roadway system. Village Administrator Irvin commented a scenic easement and a front yard setback are the same in the R-1 district. The 75-foot easement setback from the lot line is an unbuildable area. Scenic easements do allow fences. No changes were made on the scenic easement.

Trustee Towne recommended that the item Active Recreation should be removed, it is not needed.

Trustee Towne commented the agriculture definition has been stripped from the current ordinance. Trustee Towne asked why couldn't the agriculture definition be included in this section. Ms. Strungys replied Article 2 is a cross-reference for the residents to redirect them to Article 7 which includes agriculture as a special use. Trustee Towne commented he did not like the agriculture use definition proposed from the current ordinance. Village Attorney Rhodes commented when the Board reaches Article 7, he will provide a proposed amendment.

Trustee Towne asked if the Daycare definition should include, with proper credentials and with a limited number of children based on the classrooms. Ms. Strungys commented daycares are licensed facilities which have their own regulations.

Trustee Towne said the Arena/Arena Building definition has also changed from the current ordinance. This change is harmful for the large stables' or horse facilities. The new definition should reflect the current definition.

Trustee Towne said under Berm, he would like to add a gentle slope size of 3 to 1 or less. Village Attorney Rhodes said the standards for berms are directed from the subdivision regulations. Ms. Strungys said the size can be added to the landscaping chapter. Chairman Krusinski said he rejects inserting a berm size due to hearings from residents on previous cases. The slope size should be determined based on its location. The berm size is a design issue.

Trustee Towne said under Commercial Use, a large barn is an agriculture use. Trustee Bohm added a large stable who charges for boarding is commerce and the commercial stable owners do not pay much in sales taxes. Trustee Towne added if a large stable becomes a nonconforming use, no new large stable can be formed and this large piece of land will be built for a commercial use as oppose to an agriculture use. Mayor Urlacher remarked that statement is untrue. Village Attorney Rhodes said every home occupation is a commercial use. Ms. Strungys stated this ordinance is not granting any permission but indicating what is allowed.

Trustee Towne said under Conservation Easements this definition should include private easements as well. Village Attorney Rhodes commented Trustee Towne is correct. Village Attorney Rhodes suggested striking the word "Village" from the statement.

Trustee Sheldon questioned if the Driveway definition was correctly stated. Village Administrator Irvin confirmed yes.

Trustee Towne questioned if the Invasive Species definition was limiting. Village Administrator Irvin replied these definitions are not taking action.

Trustee Towne questioned if the Kennel definition created an issue with including the words commercial purpose. Village Attorney Rhodes indicated he saw no issues with this definition.

Trustee Towne said the Large Stable definition has been stripped completely of the owners permitted rights. The old definition is very different from the new one. This matter is very litigious to the Village. Trustee Towne suggested this definition should be modified as existing uses with the land.

Trustee Towne said Nonconforming Structures definition should relate to the use of the land or addition, clarity, applicable dimensions and setbacks. Trustee Bohm said the regulations do not indicate you are unable to remodel; they only include you can't enlarge the building.

Trustee Towne said the Pervious Pavement definition discourages placing gravel driveways for residents or areas for large stable owners. Trustee Towne stated gravel or loose rocks should be considered pervious. Chairman Krusinski added the ZPA relies on the Village Engineer to provide the Commissioners the calculations of the areas that can be considered impervious and pervious for the construction. Trustee Towne commented this definition was not enforced in prior applications. Village Attorney Rhodes commented the ZPA decided to allow residents using pervious surfaces to receive a credit towards their lot coverage. Trustee Towne asked to remove this definition and to allow the Village Engineer to determine the areas. Mr. Lys commented a gravel driveway is applied towards your lot coverage percentage. Liz Leonard said the ZPA did not define gravel as pervious or impervious. The area coverage is determined by the Village Engineers.

Trustee Towne said the Stable definition should indicate, a stable is more than just for horses, it also includes other domestic animals.

Trustee Towne said on page 2-13, under Impervious Surface Coverage. Trustee Towne stated this section clarifies when the resident uses permeable paving, it is calculated as 50% impervious surface. Ms. Strungys commented the intent of this definition is to provide some limitation to ensure the whole lot is not covered in gravel.

Trustee Towne said on page 2-17, the 4 pictures portray how the lot size should be measured. Trustee Towne asked if the measurement for the front setback should follow the curb. Ms. Strungys asked if the Board would like to make this change for the measurement. Trustee Sheldon requested if a diagram can be added on page 2-18, Yard and Setback Requirement for Through Lots under number 6.

Trustee Towne asked if any of his suggested changes will be incorporated into the ordinance. Mayor Urlacher commented Village Administrator Irvin made notes of his comments.

Mayor Urlacher commented Article 2 will be reviewed at the next meeting based on the changes discussed tonight.

Article 3: Zoning Map

Please reference the Executive Summary document for Arista Strungy's highlights for this section.

Ms. Tripoli asked if the Oasis Park would be rezoned during this ordinance review process. Village Administrator Irvin said only the commercial area over the tollway is considered the Lake Forest Oasis district and part of R-2. The commercial area is considered a separate district from the residential area. Village Administrator Irvin commented the park is considered open space.

Trustee Towne said a zoning map was never provided during the public hearing. This is a procedural remark and it can create a very litigious situation. Ms. Strungys said no changes are being proposed to the map. A zoning map amendment has not been purposed. Village Administrator Irvin said an ordinance is created for a new district. The Village is not rezoning any properties at this time.

Village Administrator Irvin stated a PUD is not a district. Chairman Krusinski said a map was presented at either a workshop or meeting to all of the Commissioners. Dr. Fantus confirmed he received a map at the ZPA meeting.

Trustee Towne said the zoning district on page 3-1, OS open space district should be labeled. Trustee Towne said on page 3-2, section 3.4, this section indicates provisions to an ordinance do not apply to land located within public right-of-way. Ms. Strungys clarified; this statement indicates the roadway itself does not have R-1 zoning setbacks.

Mayor Urlacher indicated that the meeting would be concluded after the review of Article 3. The next meeting will begin with Article 2. A new date will be set to continue the discussion of the ZPA's recommendations.

Resident, Tom Lys (25300 N. Nektosha Way) said he would like to introduce a petition to be voted on in request for a Committee of the Whole meeting. Mayor Urlacher said the Board already voted on this motion. The consensus was 4-2, against the Committee of the Whole meeting.

Mr. Lys asked if in the next meeting he will be able to read his letter. Mayor Urlacher replied he will be allowed to read his letter when that article is discussed.

Trustee Towne said he reserves the right for a minority review and submittal of this order.

D. NEW BUSINESS

E. ADJOURNMENT

With no further business to conduct, it was moved by Trustee Brennan and seconded by Trustee Sheldon that the meeting be adjourned.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Brennan, Maier, Pink, Sheldon and Towne

Nay: None

Absent: None

Mayor Urlacher declared the motion carried and the meeting adjourned at 9:07 p.m.

Sandy Gallo, Village Clerk