

**VILLAGE OF LAKEWOOD
PLANNING AND ZONING COMMISSION
MEETING MINUTES
JUNE 17, 2024**

The meeting was held in-person at the Village of Lakewood Public Works Maintenance Building, 6570 Haligus Road. It was called to order at 7:03 pm by Chairman O’Hara. Present were Commissioners Augustine, Mattick, and Wozniak. Absent were Commissioners Knapp, Shamoun, and Smith.

Also present was Village Manager Jean Heckman, Village Attorney Megan Mack, and Village Clerk Jeanette LoBosco.

Public attendance included Pettitioners Jason Herbster, Executive Director Crystal Lake Park District and Property Owner James Berry, President Stavropoulos, Trustees Babischkin and Jeschke plus approximately 45 additional members of the public.

APPROVAL OF THE MAY 20, 2024 PLANNING AND ZONING COMMISSION MEETING MINUTES

Commissioner Mattick, seconded by Commissioner Augustine moved to approve the May 20, 2024 Planning and Zoning Commission Meeting Minutes as presented.

Voice Vote: All Ayes

Voting Nay: None.

Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried

PUBLIC HEARING TO CONSIDER AN APPLICATION REQUEST SUBMITTED BY THE CRYSTAL LAKE PARK DISTRICT RELATING TO THE PROPERTY COMMONLY KNOWN AS 6904 HALIGUS ROAD, PIN 18-04-400-030 (SUBJECT PROPERTY) TO GRANT A SPECIAL USE PERMIT FOR A PUBLIC PARK WITH BUILDINGS IN EXCESS OF 100 SQUARE FEET UPON THE SUBJECT PROPERTY PURSUANT TO THE REQUIREMENTS OF CHAPTER 17, SECTION 15.4-13 OF THE VILLAGE’S ZONING CODE.

Introduction to Petition

Chairman O’Hara reviewed the format of Public Hearings and read the agenda item.

Open Public Hearing

At 7:05 pm Commissioner Augustine, seconded by Commissioner Wozniak moved to open the Public Hearing.

Voice Vote: All Ayes.

Voting Nay: None.

Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried.

Planning and Zoning Commission
Meeting Minutes
June 17, 2024
Page 2 of 6

Verification of Notice & Publication

Village Clerk LoBosco confirmed notice and publication of the Public Hearing was posted on the Village's website and Facebook page, published in the Northwest Herald on May 31, 2024, and certified mailings sent to property owners within 250 feet on the subject property.

Village Staff Summary

Village Manager Heckman provided a brief review of the petition brought forward on behalf of the Crystal Lake Park District park project on Haligus Road; a zoned residential planned development requesting to build an accessory building greater than 100 square feet with no primary structure.

Oath Issued

Attorney Mack issued the Oath to those in attendance wishing to give testimony.

Petitioner's Presentation

Executive Director Herbster briefly confirmed Village Manager Heckman's summary and elaborated further on the mechanics of the building.

Commissioner Clarification

No Commissioner Clarification items were addressed.

Public Comment

No Public Comment was made.

Petitioner Response

Petitioner Response was not required.

Close Public Hearing

Commissioner Mattick, seconded by Commissioner Augustine moved to close the Public Hearing.

Voice Vote: All Ayes.

Voting Nay: None.

Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried

The Public Hearing closed at 7:08 pm.

Motion to take action

Commissioner Augustine, seconded by Commissioner Mattick moved to approve the request submitted by Crystal Lake Park District, granting a Special Use Permit for a public park located at 6904 Haligus Road, PIN 18-04-400-030, with buildings in excess of 100 square feet upon the Subject Property pursuant to the requirements of Chapter 17, Section 15.4-13 of the Village's Zoning Code as presented.



PUBLIC HEARING TO CONSIDER AN AMENDED APPLICATION REQUEST SUBMITTED BY JAMES AND KELLI BERRY RELATING TO THE PROPERTY COMMONLY KNOWN AS 2140 SOUTH SHORE DRIVE, PIN 18-01-402-015 TO GRANT A SPECIAL USE PERMIT FOR A SHORT TERM RENTAL PROPERTY PURSUANT TO THE REQUIREMENTS OF CHAPTER 17, SECTION 15.7 OF THE VILLAGE'S ZONING CODE, IN WHICH THE APPLICANTS ARE ALSO REQUESTING VARIANCES AND DEPARTURES FROM THE REQUIREMENTS OF CHAPTER 17, SECTION 15.7 OF THE VILLAGE CODE TO ALLOW A REDUCTION IN THE MINIMUM LENGTH OF STAY REQUIREMENT OF SEVEN (7) CONSECUTIVE NIGHTS DOWN TO FOUR (4) CONSECUTIVE NIGHTS.

Introduction to Petition

Chairman O'Hara read the agenda item.

Open Public Hearing

At 7:09 pm Commissioner Augustine, seconded by Commissioner Wozniak moved to open the Public Hearing.

Voice Vote: All Ayes.

Voting Nay: None.

Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried.

Verification of Notice & Publication

Village Clerk LoBosco confirmed notice and publication of the Public Hearing was posted on the Village's website and Facebook page, published in the Northwest Herald on May 31, 2024, and certified mailings sent to property owners within 250 feet on the subject property.

Village Staff Summary

Village Manager Heckman reviewed the Village's Short Term Rental Ordinance. She continued with reviewing the status of the original petition submitted May 20, 2024 and that during the hearing a variance request was identified.

Oath Issued

Attorney Mack issued the Oath to those in attendance wishing to give testimony.

Petitioner's Presentation

James Berry reviewed his previous request, addressing the intent and desire to make his property available as a short term rental and interest in seeking a variance to the minimum required length of stay.

He stressed short term rentals are allowed per Village Code and has submitted his request as outlined in the code.

Planning and Zoning Commission
Meeting Minutes
June 17, 2024
Page 4 of 6

Commissioner Clarification

No Commissioner Clarification items were addressed.

Public Comment

Lenneka McCallan, president of the CCAPOA, addressed that the CCAPOA is not in support of short term rentals and expressed concern for future requests, believing the result will have a negative impact on the community.

Ryan Romanak personally knows the petitioner and supports the opportunity to enjoy the property.

Lisa Rauchenberger asked for clarification and reason behind the variance request. She also expressed respect for Mr. Berry for bringing the petition forward and spoke of her experience with a rental property near her primary residence in Canada.

Tom Tobin discussed his reasons for not supporting short term rental.

Alice Barnett expressed her concerns of short term rentals.

Marty Moister questioned the need for a variance regarding the length of stay prior to approval of the first short term rental permit.

Derek Rauchenberger spoke of the proposed property location and addressed concern of transient people being challenged with the ability to navigate an unfamiliar area.

April Runge questioned the primary resident requirement.

Rick Carlstedt shared his reasons moving to the community and was not in support of allowing short term rentals.

John Magro shared his behavior while being a renter of a short term rental property, causing him to not be in support of it being allowed in the community.

Marilynn Vogelmann expressed not being in favor of short term rentals.

Keith Mabrey asked for clarification of the public hearing and clarification of responsibility of the short term rental.

Steve Singer spoke of his reason moving into the area and felt a short term rental would change the feel of the community.

Susan Schroeder expressed concern approving short term rental requests.

Scott Fuerholzer questioned if short term rental impact would affect Village resources.



Planning and Zoning Commission
Meeting Minutes
June 17, 2024
Page 5 of 6

Gregg Kobelinski spoke as a user and supporter of short term rental property.

Jim Schumann questioned the availability and responsibility of boat usage.

David Kent spoke as a personal friend of Mr. Berry and supported his efforts in creating an opportunity, noting the ordinance does provide for short term rentals.

Ken Graef spoke as personally knowing and respecting Mr. Berry and his good intentions. He conveyed his thought that South Shore would experience the maximum effect of short term rentals.

Petitioner Response

Prior to Mr. Berry responding to the comments made, Village Manager Heckman and Chairman O'Hara addressed the need for the ordinance, outlining the review process including a moratorium period that the Board and Commission worked through. It should be noted, many of those in attendance were not aware of the Village's updated code relative to short term rental and were therefore highly encourage to keep informed of all Village updates and information through attendance at board meetings and the numerous electronic forms of communication, such as the Village's website, Facebook page, and Constant Contact.

Mr. Berry addressed the audience stating he proceeded with a short term rental application with good intentions and abided by the rules set by Village Code. He appreciated some of the comments received and was offended by others.

Commissioners shared their comments: Commissioner Mattick sought clarification of the Mr. Berry's intentions regarding access of the power boat and paddle boards on his property; Commissioner Augustine supported the application for short term rental as outlined by ordinance, however could not support the decrease in length of stay; Commissioner Wozniak acknowledged the time spent in creating the ordinance with the intention of also protecting the community and was supportive of the seven night length of stay requirement.

Close Public Hearing

Commissioner Mattick, seconded by Commissioner Augustine moved to close the Public Hearing.

Voice Vote: All Ayes.

Voting Nay: None.

Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried

The Public Hearing closed at 8:33 pm.



Planning and Zoning Commission
Meeting Minutes
June 17, 2024
Page 6 of 6

Motion to take action

The application request was voted in two parts, with the recommendations forwarded to the Board of Trustees for their review and approval:

Commissioner Mattick, seconded by Commissioner Augustine moved to approve the request submitted by James and Kelli Berry relating to the property commonly known as 2140 South Shore Drive, PIN 18-01-402-015, to grant a Special Use Permit for a short term rental property pursuant to the requirements of Chapter 17, Section 15.7 of the Village's Zoning Code.

Roll call vote: Aye: Chairman O'Hara; Commissioners Augustine, Mattick, and Wozniak.
Voting Nay: None.
Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried.

Commissioner Mattick, seconded by Commissioner Augustine moved to approve the request submitted by James and Kelli Berry relating to the property commonly known as 2140 South Shore Drive, PIN 18-01-402-015, to grant variances and departures from the requirements of Chapter 17, Section 15.7 of the Village's Zoning Code to allow a reduction in the minimum length of stay requirement of seven (7) consecutive nights down to four (4) consecutive nights.

Roll call vote: Aye: Commissioner Mattick.
Voting Nay: Chairman O'Hara; Commissioners Augustine and Wozniak.
Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared failed.

UPDATE RELATIVE TO PLANNING, ZONING, AND DEVELOPMENT ISSUES

No updates were discussed.

With nothing further to discuss Commissioner Augustine, seconded by Commissioner Wozniak moved to adjourn the meeting.

Voice Vote: All Ayes
Voting Nay: None.
Absent: Commissioners Knapp, Shamoun, and Smith.

Motion declared carried.

The meeting adjourned at 8:37 pm.



Jeanette LoBosco
Village Clerk

Dated: September 16, 2024