

Approved

**Village of Gurnee  
Planning and Zoning Board Minutes  
July 20, 2022**

**1. Call to Order and Roll Call**

The meeting was called to order at 7:30 p.m.

Planning and Zoning Board Members Present: Chairman James Sula, R. Todd Campbell, Edwin Paff, Josh Pejsach, Dane Morgan, and Liliana Ware

Planning and Zoning Members Absent: David Nordentoft,

Other Officials Present: Tracy Velkover, Planning Manager; Clara Gable, Senior Planner; David Ziegler, Director of Community Development; and Gretchen Neddenriep, Acting Village Attorney

**2. Pledge of Allegiance**

**3. Approval of the Planning and Zoning Board Meeting Minutes**

**a. Approval of the June 1, 2022 Planning and Zoning Board Meeting Minutes**

Mr. Sula asked if there were any questions/comments regarding the minutes for the meeting of June 1<sup>st</sup>. As there were none, he asked for a motion to approve.

Mr. Campbell motioned, seconded by Mr. Paff, to approve the June 1, 2022 PZB Meeting Minutes.

Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 6-0-0

**b. Approval of the June 15, 2022 Planning and Zoning Board Meeting Minutes**

Mr. Sula asked if there were any questions/comments regarding the minutes for the meeting of June 15<sup>th</sup>. As there were none, he asked for a motion to approve.

Mr. Pejsach motioned, seconded by Mr. Paff, to approve the June 15, 2022 PZB Meeting Minutes.

Voice Vote:

Approved

All "Ayes," no "Nays," none abstaining

Motion Carried: 6-0-0

#### **4. Public Hearing: Ron Sachs Zoning Map Amendment (Rezoning) for 414-445 N. Rt. 21**

*Ron Sachs has submitted a petition for a Zoning Map Amendment (rezoning) for 414-445 N. Route 21. The property consists of approximately 3.3 acres and is currently zoned C-2, Community Commercial. The petition requests C-3, Heavy Commercial zoning. The Village's Comprehensive Land Use Plan reflects Commercial for the subject property.*

Ms. Gable introduced this item by stating that Ron Sachs is seeking a Zoning Map Amendment to rezone approximately 3.3 acres located at 415, 431, and 445 N. Route 21 from C-2, Community Commercial District, to C-3, Heavy Commercial District. The rezoning is requested to accommodate a self-storage facility on the property, as the existing C-2 zoning district does not allow the use (either as a permitted use or a special use) and the C-3 district allows it as a permitted use. Please note that while the applicant has supplied a concept site plan for their intended use, the Planning & Zoning Board hearing tonight is for the rezoning request (specifically whether rezoning from C-2 to C-3 is appropriate for this area). The applicant is in attendance to present their request. On this matter, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination.

Mr. Sula reminded that, even though this matter has been previously discussed in an Informal review, any decision made this evening must be based on information presented this evening.

As this was a Public Hearing, Mr. Sula asked that anyone wishing to speak on the matter be sworn in. Ms. Neddenriep conducted the swearing-in.

Mr. Sula then turned the floor over to the Petitioner.

John Swierk, of DDCA Architects, introduced himself as working with the Sachs on the project. He summarized the request, noting that he has been working with Village staff, specifically Mr. Ziegler, along with the Sachs. While not a part of this item in itself, he also gave a brief overview of the planned use of the property, should their request be granted (storage facility, restaurant, and retail). He asked if there were any questions, and noted that stormwater management is in place, draining into a basin toward the back (east side) of the property.

Ron Sachs, of JJS Properties, noted that members of the Board have been provided with renderings of their plans for the property, and explained that—as they have not been formalized yet—an allocation for the retail presence on the property has not yet been made, stressing that the focus of the project is the storage facility.

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Christine Sachs explained that she hopes to bring her own business, Art Expressions, into the retail aspect of the project—which is temporarily located in Tri-State Park—and utilize some of the storage facility for production. She noted the experience she and her husband have in the business of self-storage.

Mr. Sula stressed the need to record what other uses would be allowed on this property, should this rezoning be approved.

In response to a request by members of the PZB, Mr. Ziegler outlined not only the different uses that would be allowed between C-2 and C-3 zoning, but also any setback and architectural requirement differences. Mr. Ziegler advised the following:

Additional uses that would be allowed within a C-3 District, but not allowed within a C-2 District, include emergency shelter (as a Special Use), self-storage, outdoor self-storage (as a Special Use), vehicle repair and service/major, such as collision repair or an auto body shop (as a Special Use), golf course/driving range (permitted use), contractor storage yard (as a Special Use), kennel (as a Special Use), vehicle operation facility/storage for ambulance and taxis (permitted use for indoor, outdoor as a Special Use), warehouse/wholesale operations (as a Special Use), broadcasting facility with antennas (permitted use).

Uses that are currently allowed in both districts, but would change from needing a SUP in the C-2 district to being allowed by right in the C-3 district include the following: Educational Facility – Vocational, Greenhouse/Nursery – Retail, Heavy Retail, Rental and Service, Pawn Shop, Passenger Terminal, Vehicle Rental, and Indoor/Outdoor Recreation – Not for Profit. There is one use, Day Care Center, which is permitted in the C-2 district and would require a SUP in the C-3 district.

In regards to setback differences, Mr. Ziegler stated that there aren't any differences in any of the setbacks between the 2 districts. There also is no difference in the maximum height (both are 45 feet). There is a minimum building height of 14 feet in C-2 District, while there is none in C-3 District.

In regards to architectural requirements, the C-2 District does have facade, roof, and fenestration design requirements; there are facade design requirements also in C-3 District (in excess of 100 feet in building length), similar fenestration requirements, similar entrance design requirements, but no roof-line requirements. There are second-floor and third-floor transparency requirements in C-2 District, but not in C-3 District. The list of prohibited building materials is the same for both Districts.

Mr. Morgan asked about the amount of retail space proposed. After confirming with Mrs. Sachs that plans, at this time, reflect approximately 5,000 square feet, he asked if all of that space would be used for her own business.

Mrs. Sachs responded that it would include about both retail, storage, and production

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Mr. Sula reminded that request of this evening is in regards a decision on rezoning, so any discussion about the amount of retail in the building and how the self-storage would operate is not germane to the petitioner's request. Once the property is rezoned to C-3, they can construct any of the uses allowed in that zoning district.

Mr. Morgan explained that he is asking so as to know what their plans are in case not all of the space allocated for retail is used for her business. Mrs. Sachs then replied that there has been some interest in the location expressed by a dentist.

Mr. Ziegler and Ms. Velkover then both reminded that, should the rezoning occur, any of those uses mentioned would be allowed.

Mr. Campbell asked Mr. Ziegler to elaborate on concerns with this change in zoning in regards to potential "spot zoning." Mr. Ziegler explained that, per the Village Attorney, this would not be considered spot zoning, as it is a gradation in commercial zoning, rather than a change in type of zoning (such as a change of commercial property to residential).

Mr. Paff expressed that he would rather not see this change happen, but that he feels the size of the lot, and the fact that many of the other potential "bad" uses would require a Special Use Permit—would limit the chance that the property would develop with any undesirable uses.

Mr. Pejsach, having missed the informal review, expressed that he is left wondering why permission couldn't be granted allowing the proposed project on this property as it remains C-2 District (rather than rezoning).

Mr. Ziegler responded that the use isn't allowed as either a permitted or a special use in the C-2 district. He noted that based on reaction from both the PZB and the Village Board in proceedings regarding the proposal of this project on another site, it was deemed more appropriate to decide on an outright change in zoning rather than on incorporating uses allowed in C-3 District into C-2 District by the use of a Planned Unit Development.

Ms. Velkover added that the tweaking of an underlying zoning district's use list as the only element of the Planned Unit Development is not in keeping with the intent/purpose of a Planned Unit Development. The purpose of a PUD is to allow flexibility in the design/development of property in exchange for special, compensating amenities for the community (i.e., preservation of woodlands/wetlands, exceptional architectural design, etc.) and not to circumvent the use list in a zoning district.

Mr. Sula then opened the floor to the public. As there was no one in the audience, he then closed the floor to the public.

Mr. Sula then asked if there were any more questions/comments.

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Mr. Pejsach expressed support for the project, asking if there really is much risk other than what other uses this property could be used for after rezoning.

Mr. Sula expressed concern over other potential uses, but noted that most would only be allowed as a Special Use (which would need further approval).

Mr. Pejsach stressed the significance of this property not being up against residential property.

Mr. Paff asked if owners of the neighboring properties could also request rezoning.

Mr. Ziegler answered that they could, but there would be no precedent set by this particular property being rezoned.

Mr. Sula asked if there was any shared ownership among any surrounding properties.

Mr. Ziegler answered that the current owner of the subject property also owns the strip mall to the south. He noted that the Sachs are contract purchasers of the subject property.

Mr. Ziegler and Mr. Sula noted the fair assumption that, in light of this, the current owner would not be inclined to sell the property knowing it may be rezoned if he thought the rezoning would be detrimental to the area.

This led Mr. Paff to ask what parties have been notified of this potential change in zoning.

Mr. Ziegler answered that the property owners within 500 feet of the subject property are noticed. This would not include tenants within the center, but public hearing signs are also posted on the property indicating the date and time of the public hearing.

Mr. Sula asked if there were any more questions/comments, and suggested that—if not—a motion would be in order.

Mr. Pejsach motioned, seconded by Mr. Paff, to forward a favorable recommendation to the Village Board on the petition of Ron Sachs for a Zoning Map Amendment (rezoning) for 415-445 N. Rt. 21.

Mr. Sula then asked if there was any discussion to be had on the motion. As there was not, a vote was taken.

Roll Call Vote:

Ayes: Campbell, Morgan, Paff, Pejsach, Ware, and Sula

Nays: None

Abstain: None

Approved

Motion Carried: 6-0-0

Mr. Sula advised the Petitioner that Village staff would guide them through the next steps in the process.

**5. Next Meeting Date: August 3, 2022**

Mr. Sula asked if there are items on the agenda for the next meeting. Village staff responded that there is a Public Hearing item scheduled for the August 3rd meeting.

**6. Public Comment**

Mr. Sula opened the floor to comments regarding any issues not on this evening's agenda. As there was no one in the audience, he then closed the floor to the public.

**7. Adjournment**

Mr. Campbell motioned, seconded by Mr. Pejsach, to adjourn the meeting.

Voice Vote:

All "Ayes," no "Nays," none abstaining

Motion Carried: 6-0-0

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Joann Metzger,  
Recording Secretary, Planning and Zoning Board