

Approved

**Village of Gurnee  
Planning and Zoning Board Minutes  
December 6, 2017**

**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, Brian Baugh, Tim Garrity, Richard McFarlane, David Nordentoft, Josh Pejsach, and Edwin Paff

Planning and Zoning Members Absent: None

Other Officials Present: David Ziegler, Director of Community Development; Tracy Velkover, Planning Manager; and Clara Schopf, Associate Planner; and Bryan Winter, Village Attorney

**2. Pledge of Allegiance**

**3. Approval of Meeting Minutes: November 15, 2017**

Mr. Garrity motioned, seconded by Mr. Paff, to approve the meeting minutes for November 15, 2017.

Voice vote:

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

Motion carried: 7-0-0

**4. Public Hearing: Zoning Map Amendment: (6261 Washington Street)**

*Timothy A. & Lisa E. Bixler are requesting a Zoning Map Amendment to rezone property at 6261 Washington Street from R-2 PUD, Single Family Residential District as a Planned Unit Development, to O-1, Restricted Office District, and such other relief as may be necessary to accomplish the applicant's plan. The subject property consists of approximately 1-acre.*

Ms. Schopf stated that Timothy A. & Lisa E. Bixler have requested a Zoning Map Amendment to rezone their property located at 6261 Washington from R-2 PUD, Single Family Residential District as a Planned Unit Development, to O-1, Restricted Office District. The subject property was annexed and zoned with a phase of the Southridge PUD. However, it was not incorporated into the development, as an existing Single-Family home remained on the site. The property is completely surrounded by residentially zoned property and is designated as Low Density Residential in the Village of Gurnee's Comprehensive Land Use Plan.

The Planning and Zoning Board's review in this matter is merely associated with the requested O-1 zoning district and not with any specific use or development plan for the property. As with all Zoning Map Amendment petitions, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination. The applicant is in attendance to present his petition and answer any questions the board may have. Staff has received multiple phone calls and five letters in opposition to the proposed Zoning Map Amendment.

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

After explaining the process of a Public Hearing to those in attendance, Mr. Sula turned the floor over to the Petitioner.

Tim Bixler, 6261 Washington Street, explained that he and his wife, Lisa, own the subject property and are making this request as they are having a very hard time selling their home without accepting a substantial financial loss. Due to changes in the area over the last twenty years (during which they've owned the home) and the property's proximity to Washington Street, the land on which their home sits has become more desirable for commercial use (rather than residential) as they have come to realize based on feedback from potential buyers. Mr. Bixler stressed that the intent is to market the property to those seeking office space, not retailers, restaurateurs, or industrial uses. He also stated that he believes there are some existing incidences of spot-zoning in Gurnee. He then ended his presentation offering to address any comments, questions, or suggestions.

Mr. Sula then asked if there were any questions from members of the Board.

Mr. Garrity asked if the home on the property was habitable.

Mr. Bixler answered that it is, and that he and his wife currently split their time between the home and Puerto Rico.

Mr. Paff asked if the property could be subdivided.

Ms. Velkover, Ms. Schopf, and Mr. Ziegler responded that, because of reduced lot size and width approved in the Southridge PUD, the property could be subdivided into two narrow lots (fronting Washington Street).

Mr. Sula then opened the floor to the public.

Mr. Robert Krier, 6316 Old Farm Lane, expressed concern about the loss of green space and the uncertainty of what future uses may come after a zoning change is made.

Kelinda Willcox, 85 Silo Court, expressed concern that a business could end up right at her backyard. She further stated that, while her "heart aches" for the Bixlers, she feels she "to be selfish in this matter as the rezoning would affect the value of her own home.

Kay B. Meyer, 92 Foxboro Lane, expressed concern over loss of open space, natural elements, and the park-like view from their house. She inquired as to what responsibilities a new land owner would have in regard to flood/seepage prevention, landscaping, noise, lighting, setbacks, location of parking, traffic and use of technology should the land be rezoned for business. She also asked whether a provision could be made requiring the new owner to join the association, should the property remain residential.

Don Ditmars, 84 Foxboro Lane, expressed concern over the loss of mature trees and wildlife as well as the intrusion of lighting should the property be rezoned for a business.

Jim Tielke, 71 Foxboro Lane, expressed concern over the loss of the path that runs along the property in question. He asserts the property is "rightly zoned" as residential, as the surrounding properties are zoned residential.

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Henry P. Albino, 5235 Oscar Court (Apartment D), explained that he had expressed interest in the property, and asked Staff to elaborate on how it could be subdivided.

Mr. Sula closed the floor to the public.

Mr. Sula then explained that questions would be analyzed, and—if deemed technical in nature—directed to Village staff. He also noted that many of the issues (setbacks, acceptable use, etc.) inquired into are covered by existing criteria set for property zoned as O-1, and that issues in civil engineering (stormwater regulation) are subject to rules and regulation set by ordinance.

Mr. Ziegler further clarified that the subject property is 150 ft. wide; with a 60 ft. right of way, the lot would only have 90 ft. of depth so the design of potential structures would be extremely limited. He explained that subdivision could be done under a Planned Unit Development with a narrower private street, but that would require another zoning process.

Mr. Sula then stated that he struggles with the request, as the subject property is not at a roadway intersection, and the surrounding properties are residential in both zoning and use. He also expressed reservation over possible spot-zoning.

Mr. Nordentoft concurred with Mr. Sula's concerns, and added that there are no properties nearby that could be utilized concurrently in the same manner. He also suggested that once the property is rezoned, a significantly wide range of businesses could potentially be established there (such as dining, drive-thru service).

Mr. MacFarlane asked if the property were to be subdivided with a private street, what the minimum street width would be.

Mr. Ziegler explained that a narrower right of way (minimum 40' with some means for turnaround) might be possible with a Planned Unit Development.

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

Mr. Baugh noted that, unless all eight standards for rezoning are met, this request really cannot be approved. He noted that the standards of "the compatibility with the existing use and zoning of nearby property" as well as "the consistency of the proposed amendment with the Comprehensive Plan" are not met. He also expressed reservation over possible spot-zoning.

Mr. Garrity motioned, seconded by Mr. Paff, to forward a favorable recommendation to the Village Board on the Zoning Map Amendment to rezone the property at 6261 Washington Street from R-2 PUD, Single Family Residential District as a Planned Unit Development, to O-1, Restricted Office District.

Mr. Sula asked if there was any discussion on the motion, and explained that motions are generally made in the affirmative and that an "aye" vote recommends rezoning and a "nay" vote does not support the rezoning.

Mr. Winter added that, unless the standards are met, approving this request could be concluded as spot-zoning, which is general considered unfavorable. As a change in zoning is being requested, what must be considered are the standards set for the O-1 district.

Approved

Roll Call Vote:

Ayes: none

Nays: Baugh, Garrity, McFarlane, Paff, Nordentoft, Pejsach, and Sula

Abstain: none

Motion failed: 0-7-0

Mr. Sula explained to the public the next steps that would be followed in this process.

**5. Next Meeting Date: December 13, 2017**

Ms. Velkover stated that, at this time, there are no items proposed for the Agenda.

**6. Public Comment**

Mr. Sula asked if anyone from the public has any questions or comments regarding anything not on the evening's agenda. As there were no responses, Mr. Sula closed the floor to the public.

**7. Adjournment**

Mr. Pesjach motioned, seconded by Mr. Garrity, to adjourn the meeting.

Voice vote:

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

Motion carried: 7-0-0

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Joann Metzger

Recording Secretary, Planning and Zoning Board