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**Village of Gurnee**  
**Planning and Zoning Board Minutes**  
**January 3, 2018**

**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: December 6, 2017**

Mr. Sula asked if there were any comments or questions regarding the minutes, and--if not—a motion would be in order.

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: Special Use Permit (5455 Grand Avenue)**

*Linda M. Sommercorn, D.D.S., M.S. is requesting a Special Use Permit to allow wall 4 more wall signs than allowed by code so that all tenants within the building located at 5455 Grand Avenue can have an exterior wall sign. The subject property is zoned O-1, Restricted Office District.*

Ms. Schopf introduced the item by stating that Linda M. Sommercorn, D.D.S., M.S. is requesting a Special Use Permit to allow wall signs for each of the seven tenant spaces within the building located at 5455 Grand Avenue. Based on the ground floor floorplan, three wall signs would be allowed by code; one tenant would be allowed two wall signs while a second tenant would be allowed one wall sign. Based on the proposed sign type (individual letter signs that are non-illuminated), the total amount of signage allowed on the east building wall would be 80 sq. ft. while the total amount of signage allowed on the north building wall would be 70 sq. ft. Because Ms. Sommercorn's building has a walk-out basement, some of the wall signs that Ms. Sommercorn is requesting approval for would not be located on walls associated with the corresponding tenant space. The subject property is zoned O-1, Restricted Office District. As with all Special Use Permit petitions, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination. The petitioner is in attendance to present her plans and answer any questions the board may have.

As this is a Public Hearing, Mr. Sula asked that anyone wishing to speak on the matter be sworn in.

Mr. Winter conducted the swearing-in.

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

Linda M. Sommercorn, D.D.S., M.S., stated that the subject property is a 3 building office complex and that she was hoping the all tenants within the complex would meet prior to this hearing along with the condo board. However, she noted that only about four tenants in the office complex are in attendance. She explained that she is seeking wall signs for all her tenants, as the ground sign along Grand Avenue has limited space which and therefore, is only able to identify a handful of tenants in the complex. She noted that her building has several signs already, and that they may have been installed under a previous sign code. She noted that she would like to create a unified sign plan for all of her tenants, utilizing the same sign type (non-illuminated individually attached letters), same color (white), same font, same letter height (8"), and unified location. As for the unified location, the plan is to allow a single sign over each of the 2 sets of windows on the east building wall and then 2 signs over each of the east and west set of windows on the north wall, and 1 sign over the middle set of windows on the north wall.

Mr. Sula then explained how the process would be followed this evening, including explanation as to how questions from the public would be received/answered. He then started by asking if there were any questions/comments from members of the Board.

Mr. Garrity asked if there is a picture or photo of what the building is proposed to look like with the signs. He also asked if there was anything to show the existing conditions.

Ms. Velkover stated that the photo that shows the elevation with a sign indicating "Wellness Clinic" to the left and "Coty Wright" to the right, is a photo of the existing east wall with the "Wellness Clinic" sign PhotoShopped onto the building. As for the north wall, the existing conditions is a sign for "C&E Builders" over the western set of windows and an address and suite number sign over the middle set of windows. Again, a Photoshopped north elevation shows two signs mounted on two lines over the eastern set of windows (Zuma Law and Rheumatology Clinic), two signs mounted on two lines of text over the western set of windows (C&E Builders and Coretech), and one sign over the middle set of windows (Speedway Recruiting). The building address number (5455) is also proposed over middle set of windows on the north building wall. The building address is not counted as a wall sign and helps balance the signs over each of the 3 sets of windows on the north wall.

Mr. Sula and Ms. Velkover discussed the types of lettering used among the signs (all individually attached letters).

Mr. Nordentoft and Mr. Sula discussed the possibility of a larger monument sign to accommodate the several tenants. Mr. Sula mentioned his concerns about the wall signs, including that the proposed signage may appear cluttered and that they will not be visible from Grand Avenue. He stated that he would support a monument sign listing each tenant.

Mr. McFarlane asked if there could be a three-way type of sign that would direct visitors to each of the three buildings, and directories to individual tenants within each building.

Mr. Garrity inquired about the signage along the side of the building. Ms. Sommercorn stated that there may only be two signs each on the north and east side of the building, but while she is in front of the Planning & Zoning Board, she wanted to ask for a sign for each tenant now instead of coming back for extra signage later. As the marquee is hard to read, Ms. Sommercorn believed wall signs would be easier to read. She also stated that the existing "C&E Builders" sign on the west side of the building will be removed. Ms. Sommercorn explained that the goal is to have uniform signage on the side and the front of the building, to accommodate tenant's choice in and visibility of said signage.

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Ms. Velkover clarified with Mr. Sula the current signage within the property; there are two ground signs—one identifying the complex, and the other listing individual tenants. She added that at one time, all three buildings were under the same ownership, but that they are now condos. She also added that—when the complex was built—it was under the old sign code, elaborately that the presence of two signs is now out of code. She then explained that four tenant panels are permitted but a Minor Sign Exception would likely have to be made in order to accommodate the amount of tenant panels needed to accommodate all tenants in the building in question.

After inquiry from Mr. Winter, Ms. Velkover and Mr. Ziegler then outlined the requirements for a directory sign to be placed on the property (15 square feet, no higher than six feet high, and not oriented to be visible from the street).

Mr. Paff stated his belief that Ms. Sommercorn's proposal is not worse than the signage on the other two existing buildings, as those two buildings have multi-color signs with larger letters. Mr. Paff did not have a problem with the proposed wall signs because in some cases, two signs are stacked on top of each other so it looks like one sign.

Mr. Sula stated that he had never seen a multi-tenant office building with so many wall signs. He stated that he preferred a directory sign and he wondered if the current sign code would allow the existing wall signs for the other two buildings in the complex. Ms. Velkover clarified that those signs were installed under an old sign code, but many of those signs would be allowed if the tenants have direct access from the outside.

Mr. Macfarlane stated that he would be more comfortable with a monument sign than the proposed wall signs.

Mr. Sula then opened the floor to the public.

Ms. Sommercorn stated that she's heard from Zuma Law, and that they appear to think they have sign approval; she asked if they had applied for it on their own.

Piero Orsi, of Remax Showcase, stated that he was one of the first tenants to move into the complex, and that he has been there for about 23 years. He explained that he was there as president of the condo association; upon learning of this Hearing, he spoke to Ms. Sommercorn and explained to her that the association must be notified of any such plans. After speaking to other tenants, it was decided that meeting with Ms. Sommercorn shortly before the Hearing would be sufficient to serve due process, and offered that the condo association is not opposed to Ms. Sommercorn's request.

As there were no others wishing to speak, Mr. Sula then closed the floor to the public.

After hearing from the comments, Mr. Sula asked if, perhaps, a continuance would be in order to accommodate further discussion between the Petitioner and the condo association.

General consensus between Ms. Sommercorn, the condo association, and the Board was that a continuance would, in fact, be in order. Mr. Winter informed all that a motion would have to be made to continue to a specific date; February 7<sup>th</sup> was agreed upon.

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

Mr. Nordentoft motioned, seconded by Mr. Paff, to continue this Public Hearing until the PZB Meeting schedule for February 7, 2018.

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Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 7-0—0

## **5. Public Hearing: Text Amendments to the Zoning Ordinance**

### **a. Daycare Centers**

Ms. Schopf stated that staff is looking to remove the use standard in section 8.2.9.c of the Gurnee Zoning Ordinance requiring that day care centers provide a pick-up/drop off area. Most day care centers now mandate that parents escort their children into the facility and sign them in, which requires parents to park, not simply drive-up and drop-off or pick-up their children. For this reason, staff is proposing to eliminate 8.2.9.c which states that “a pickup/drop off area must be provided. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle”. To offset the lack of an area for pick-up/drop-offs, staff is also proposing to amend the parking requirement for day care centers. Staff surveyed the parking requirements of eight other communities, the results of which are in the staff report. Staff is recommending changing parking requirements for day care centers from two parking spaces for every 1,000 sq. ft. of floor area to one parking space for each employee on the largest shift plus one parking space per each 10 children, based on capacity.

Mr. Sula asked if there were any questions/comments from the Board.

Mr. McFarlane confirmed with staff that, some existing day care facilities (including those who have been granted permits) would be grandfathered if their parking doesn't meet the proposed code.

Mr. Sula then opened the floor to the Public. As there was no response, he closed the floor to the public.

Mr. Sula then asked if there was any more discussion, and suggested that—if not—a motion would be in order.

Mr. Garrity motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation on the proposed text amendments, as submitted by staff.

Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 7-0-0

### **b. C-6 District**

#### **i. Off-Site Parking**

Ms. Schopf stated that staff is looking to correct a conflict in the parking code in the C-6 district. Specifically, section 11.3.4.d.1 requires that in the C-6 district, “Subject to Zoning Administrator

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approval, only 80% of the required parking needs be provided on the lot or building parcel on which any specific use is located so long as the remainder of the required parking is located within 400 feet walking distance from such lot or building parcel and the overall parking ratio is not reduced below that required." 400 feet walking distance corresponds to the distance that was allowed for off-site parking in the Gurnee Mills Special Use Permit. However, section 11.1.2.a indicates that "All required off-street parking areas for non-residential uses must be located on the same lot as the use served, with the exception of the C-6 District, where required off-street parking areas for non-residential uses may be located within 600 feet of the use served, with the exception of valet parking." Staff is proposing to remedy these conflicting sections by changing section 11.1.2.a to say "All required off-street parking areas for non-residential uses must be located on the same lot as the use served, with the exception of the C-6 District, which is subject to 11.3.4.d.2." The ability for valet parking is not lost, since it is covered by 11.1.2.b, which states "a non-residential use may provide valet service to a parking facility with no distance restriction."

## **ii. Parking & Building Setbacks to Private Roadways**

Ms. Schopf went on to state that staff is also proposing the creation of a 25-foot parking and building setback to the private roadways in the C-6 district. When the Zoning Ordinance was adopted in 2015, the Special Use Permit that regulated Gurnee Mills was repealed and the property was rezoned to C-6. The development standards in the SUP were incorporated into the C-6 district. However, the parking and building setbacks internal to the site (adjacent to private roadways) were included in a separate peripheral parcel development standards document. It wasn't until after the adoption of the Zoning Ordinance that staff noticed that these standards weren't incorporated into the Zoning Ordinance update. The proposed amendment re-establishes the 25-foot parking and building setback in the Gurnee Mills SUP by adding #5 to Article 5.3.2.c of the Zoning Ordinance that requires the following setbacks for all structures and parking areas: "25 feet from all internal private streets."

Mr. Sula and Mr. Garrity asked for clarification on the off-site parking allowance, specifically what the intent was behind this provision.

Ms. Velkover explained that this provision was placed in the original Gurnee Mills Special Use Permit in recognition that with a development of the size of a mall (like the Mills) there is a fair amount of excess parking since not all stores will be operating at peak demand at the same time; thus the provision allows flexibility to legally utilize parking spaces that are in close proximity to the use, but technically off-site.

Mr. Sula asked if there were any more questions/comments from the Board.

Mr. Sula then opened the floor to the Public. As there were no responses, he then closed the floor to the public.

Mr. Sula then asked if there was any more discussion, and suggested that—if not—a motion would be in order.

Mr. Garrity motioned, seconded by Mr. Pejsach, to forward a favorable recommendation to the Village Board on the text amendments as proposed by staff.

Roll Call Vote:

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

Nays: none

Approved

Abstain: none

Motion carried: 7-0-0

**c. U-Shaped Driveways (residential properties)**

Ms. Schopf stated that staff is looking at creating provisions for U-shaped driveways in residential districts. With the adoption of the 2015 Zoning Ordinance, standards for residential driveways and parking pads were created. Prior to this, pavement in the front yard was not regulated. Some residences within the Village have existing U-shaped driveways. Under the current Ordinance, there are no provisions for U-shaped driveways, making those already existing within the Village “legal nonconforming”, which has created an issue for residents looking to replace these driveways. Staff is proposing to add the following language to address U-shaped driveways: For driveways with two curb cuts (U-shaped driveways), the portion of the driveway providing the most direct access from the public right-of-way or private street or access drive to the garage must adhere to the standards for driveways leading to attached or detached garages. Any section of the U-shaped driveway other than this portion is limited to 12 feet in width. In addition, lots with U-shaped driveways are not allowed a parking pad in the front yard. The provision that prohibits parcels with U-shaped driveways the ability to obtain a parking pad in the front yard was incorporated because: 1) the amount of pavement in the front yard associated with a U-shaped driveway almost certainly already exceeds the pavement allowed in a front yard with a typical driveway (non U-shaped) and a separate parking pad; and 2) that portion of the U-shaped driveway in excess of that which provides the most direct access to the garage from the public right-of-way or private street or access drive can be used as a parking pad.

Mr. Sula asked if there were any questions/comments from the Board.

Mr. Pejsach clarified with Ms. Schopf and Mr. Ziegler that these changes were primarily to address property owners with such driveways already in place; that the changes will accommodate the upkeep of such driveways while preventing any expansion.

Mr. Sula opened the floor to the Public. As there were no responses, he then closed the floor to the public.

Mr. Sula then asked if there was any more discussion, and suggested that—if not—a motion would be in order.

Mr. Pejsach motioned, seconded by Mr. Garrity, to forward a favorable recommendation to the Village Board on the proposed text amendments as submitted by staff.

Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 7-0-0

**d. Definition of Family and Single Housekeeping Unit**

Lastly, Ms. Schopf stated that staff is proposing to create a definition for “Family” because the Zoning Ordinance doesn’t currently provide one. Specifically at issue is the number of unrelated individuals that can live together and be considered a family. The previous ordinance established that a maximum of

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three unrelated individuals constituted a “family”. However, a court case in Waukegan struck down the legality of their definition of “family” and resulted in the Village’s Planning Consultant, hired to assist with the Zoning Ordinance update, to recommend that the new Zoning Ordinance not contain a definition of “family” and to instead, rely on the building code, which limits occupancy based upon square footage of the structure. However, staff has had several inquiries for what appear to be unlicensed community residences that have caused concern. Also, the building code calculations for occupancy are somewhat complicated, based on square footage of bedrooms, living rooms and dining rooms. For that reason, staff is looking to create a definition of family that includes unrelated individuals and which will hopefully not result in any legal challenge. Staff surveyed 20 communities and the majority had three or four as the maximum number of unrelated individuals constituting a family. Staff is proposing the following definition for family: One (1) or more persons related by blood, marriage, legal adoption or guardianship, or not more than four (4) persons not so related, living together on the premises as a single housekeeping unit. “Family” does not include and shall not be interpreted to include the following facilities addressed in this and other sections of this regulation: residential care facilities, community residences (large or small), fraternities, sororities, or dormitories.

Ms. Schopf stated that staff chose to set the number of unrelated individuals at a maximum of four because it appeared that prior to the 2015 update, three unrelated individuals might put the ordinance at risk of legal challenge, and, although a limit of five was considered, staff ultimately chose to set the limit at 4 because more communities establish the limit at four and not five.

Since the definition of family that staff is proposing includes the phrase, “single housekeeping unit”, staff is also proposing the following to define this term: Any household whose members are an interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party.

Mr. Sula asked for input from Mr. Winter, in regards to the legalities involved.

Mr. Winter offered that the wording and descriptions used are similar to those used of other communities (noting the research of such other communities by staff).

Mr. Sula then clarified with Mr. Winter that these changes would not prevent group homes.

Mr. Pejsach asked how “family” is used throughout zoning ordinance.

Mr. Ziegler responded that the Village’s base residential district is a *Single Family Residential Zoning District*.

Mr. Sula asked if there were any more questions/comments from the Board.

Mr. Sula opened the floor to the Public. As there were no responses, he closed the floor to the public.

Mr. Garrity clarified with Mr. Sula that the amendments include a definition of “family” to include *no more than four persons not related* and “Single Housekeeping Unit.”

Mr. Sula then asked if there was any more discussion, and suggested that—if not—a motion would be in order.

Mr. Pejsach motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to approve the proposed changes as submitted by staff.

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Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 7-0-0

**6. Next Meeting Date: January 17, 2017**

Ms. Velkover and Ms. Schopf stated that, at this time, there are no Public Hearings on the agenda.

**7. 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.

**8. Adjournment**

Mr. Nordentoft 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 8:00 p.m.

Respectfully Submitted,

Joann Metzger

Recording Secretary, Planning and Zoning Board