

Approved

**Village of Gurnee**  
**Planning and Zoning Board Minutes**  
**August 21, 2019**

**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, David Nordentoft, and Edwin Paff

Planning and Zoning Members Absent: Josh Pejsach and Laura Reilly

Other Officials Present: David Ziegler, Community Development Director; Clara Gable, Associate Planner; and Joseph Menges, Acting Village Attorney

**2. Pledge of Allegiance**

**3. Approval of the July 17, 2019 Planning & Zoning Board Meeting Minutes**

Mr. Nordentoft motioned, seconded by Mr. Paff, to approve the minutes of the July 17, 2019 Planning & Zoning Board Meeting.

Voice vote:

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

Motion carried: 5-0-0

**4. Public Hearing: Text Amendments to the Zoning Ordinance**

**a. Car Wash Standards**

*In the current Zoning Ordinance (ZO), car washes have two distinct use standards:*

*1. Car wash facilities must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet in height. One shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.*

*2. The site must be designed to drain away from adjoining properties. Staff is proposing to change both use standards as they are redundant.*

*Along with these car wash standards, car washes must also meet the "Drive-Through Facility and Drive-Up Automated Teller Machine – Freestanding" standards in the ZO, which state that "additional screening may be required as part of special use approval to minimize the impact of exterior site lighting, headlight glare, menuboards, and intercom sound". As car washes are only allowed as a special use, the first car wash standard is unneeded. Also, past input from the PZB*

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*suggested that requiring the fence/linearly planted shrubs screening for every car wash in every instance would be unnecessary.*

Mr. Sula stated that that it be on the record that—while this is a Public Hearing—speakers need not be sworn in, as only Board members and Village staff are in attendance. Mr. Sula asked if there any questions from Members of the Board.

At this time, Mr. Sula and Ms. Gable determined--under the direction of Mr. Ziegler—that a separate motion should be made—and a separate vote taken—for each amendment.

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

Mr. Garrity, seconded by Mr. Nordentoft, motioned to forward a favorable recommendation to the Village Board on the car wash use standards text amendment as proposed by staff.

Mr. Sula asked if there was any discussion on the motion; as there was not, a vote was taken.

Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 5-0-0

#### **b. Residential Driveway Width (Detached Garages)**

*The previous d ZO did not restrict driveway width. The current ZO restricts driveway widths as follows:*

*A residential driveway that provides access to a detached garage or carport is limited to a maximum width of 12 feet. A driveway apron, the width of the garage or carport, plus an additional 18 inches on both sides of the garage walls, is permitted to extend for a distance (depth) of 20 feet back from the garage doors or carport entrance before tapering back to the maximum driveway width to allow access to the additional spaces. Such taper must not exceed a 45 degree angle.*

*A residential driveway that provides access to an attached garage shall be no wider than the width of the garage plus an additional 18 inches on both sides of the garage walls or 24 feet, whichever is less. Where the attached garage is wider than 24 feet, a driveway apron, the width of the garage plus an additional 18 inches on both sides of the garage walls, is permitted to extend for a distance (depth) of 20 feet back from the garage doors before tapering back to the maximum driveway width to allow access to the additional spaces. Such taper must not exceed a 45 degree angle.*

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*In 2018, a text amendment allowing U-shaped driveways was also added. Residents with detached garages that are looking to remove and replace their existing driveways have complained that the 12' width is too restrictive.*

*Staff has researched other nearby communities and found that most communities either do not provide maximum driveway widths or they do not differentiate between widths for driveways associated with detached or attached garages (Grayslake, Libertyville, Mundelein, Antioch, Waukegan, and Bannockburn). Of the communities that do differentiate, the 12' detached garage driveway width is common (Tinley Park and Park Ridge). Staff is suggesting the following text amendment in order to allow wider driveways for detached garages, yet keeping the width within reason:*

*A residential driveway that provides access to a detached garage or carport is limited to a maximum width as follows:*

- 1. One car garage: 14 feet*
- 2. Two car garage: 16 feet*
- 3. Three or more car garage: 18 feet*

*For the purpose of this provision, nine feet of garage width is required per garage space. A driveway apron, the width of the garage or carport, plus an additional 18 inches on both sides of the garage walls, is permitted to extend for a distance (depth) of 20 feet back from the garage doors or carport entrance before tapering back to the maximum driveway width to allow access to the additional spaces. Such taper must not exceed a 45 degree angle.*

Mr. Sula clarified that it is the width of the garage itself (not just the door) that is measured.

Mr. Paff asked why the code is different for a detached garage.

Ms. Gable explained that driveway widths started to be regulated with the Zoning Ordinance update and that one of the reasons was to prevent two wide driveways on properties with both an attached and detached garage.

Mr. Ziegler added that in many circumstances, detached garages are located behind the house, so the width allowance for driveways associated with detached garages was reduced to trim down the large amount of pavement on these sites.

Mr. Paff expressed concern that the current restrictions placed on driveways associated with detached garages limit the number of cars that can be parked on the driveway more than the restrictions of driveways associated with attached garages.

Mr. Ziegler stated that the goal of these changes is to allow more flexibility for residents with detached garages.

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Mr. Sula asked if there was a different requirement for side-loading garages.

Mr. Ziegler and Ms. Gable responded that there was not, and Mr. Ziegler proceeded to describe the angle from which the footage would be measured in such a driveway.

Mr. Baugh then asked how many people complained that 12' in width was too restrictive.

Ms. Gable responded that the 12' width was a fairly common concern, especially when residents apply for permits to remove and replace their existing driveways and are required to reduce the width.

Mr. Baugh expressed concern over what could end up a "sea of concrete" in some cases, as some homeowners have detached garages quite far from their actual houses. He questioned how many cars residents actually need to park on their driveways.

Mr. Ziegler suggested that many homeowners have their garages full, as well as their driveways.

Mr. Sula confirmed with Mr. Ziegler and Ms. Gable that a good number of properties this amendment would apply to are in areas with smaller lots, and—subsequently, not likely to have large detached garages very far from the homes itself.

Mr. Paff pointed out that, on some properties, a homeowner whose garage is closer to their house may be at a disadvantage in how large a driveway they may have, and asked if, perhaps, the requirement could be set accordingly. He stated that many households need driveway space for 3 or more family cars and occasional guests, as overnight street parking is only allowed on a temporary basis.

Mr. Ziegler expressed concerned that this could cause further confusion to homeowners who may already have difficulty understanding the ordinance as is.

Mr. Paff and Ms. Gable reviewed what would constitute a parking space (nine feet) and how a parking pad may add additional parking as needed.

Mr. Sula asked if there any questions from Members of the Board.

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

Mr. Garrity motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to the Village Board on the detached garage driveway width text amendment as proposed by staff.

Mr. Sula asked if there was any discussion on the motion; as there was not, a vote was taken.

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Roll Call Vote:

Ayes: Garrity, Nordentoft, Paff, and Sula

Nays: Baugh

Abstain: none

Motion carried: 5-1-0

### **c. Residential Sidewalk Width**

*The previous ZO did not establish a maximum residential sidewalk width. The current ZO limits residential (single-family and two-family) sidewalks to 4' in width. This requirement was established to differentiate sidewalks (allowed anywhere) from patios (restricted encroachments into all setbacks) due to situations where residents had placed "sidewalks" in setbacks which were really being used more as patios. No other nearby communities appear to restrict residential sidewalk widths. Increasing the allowed sidewalk width to 6' would accommodate larger sidewalks without encouraging use as a patio in setback areas where patios would not otherwise be allowed.*

Mr. Sula at first questioned why so much width was being considered before clarifying that this amendment is in regards to sidewalks on private property.

Ms. Gable explained this regulation is for private property and that the amount of width is in consideration of homeowners' desire for sidewalks to accommodate access to a wide front porch or accessibility within their properties for residents/visitors using a wheelchair.

Mr. Baugh expressed concerned that the additional width may be attached to public sidewalks.

Mr. Ziegler explained that the typical one foot of public property between a homeowner's property line and the public sidewalk would prevent such extension.

Mr. Sula expressed concern that extensive sidewalks would be built wrapped around a house, creating a widened area of concrete on the property.

Mr. Ziegler and Ms. Gable offered that most request for sidewalks on private property were perpendicular to the public sidewalks, rather than parallel, providing access from the driveway to the home entrance. Mr. Ziegler also noted that many of the requests were for aesthetics (such as a wider walkway or a small area for a bistro/café set of table and chairs) rather than to simply widen the sidewalks as service ways.

Mr. Sula expressed concern over the potential for large service ways along the side of houses (where with setbacks average around 10 feet).

Mr. Ziegler proposed adjusting the amendment to allow for six feet in the front and corner sides of a yard, but four feet along the rear and interior sides.

Mr. Nordentoft concurred with this suggestion.

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

Mr. Nordentoft motioned, seconded by Mr. Garrity, to forward a favorable recommendation to the Village Board on a sidewalk width text amendment as proposed by staff, with the additional restriction that sidewalks in the rear and interior side setbacks be limited to 4 feet in width.

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

Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 5-0-0

#### **d. Semi-Open Fence Opacity**

*Per code, three-foot tall solid fences or four-foot tall semi-open fences are allowed in the front and corner side setbacks. In order to be considered “semi-open”, a fence must have, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings (i.e. if picket is 3” in width then a 3” space is required). Nearby communities have addressed fences in front and corner side setbacks a number of different ways including limiting height, opacity, and length and by increasing required fence setbacks. Most communities surveyed were as restrictive, if not more restrictive, than the Village’s current requirements.*

*The 50% requirement can be easily met by some fences (chain link, wrought iron, etc.), but it is not as easy for high quality wood or vinyl picket fences to meet this requirement. A number of residents have found it difficult to meet the 50% opacity requirement. Fences are typically installed using 8’ wide panels. The typical opacity of a picket fence panel ranges from 40-50%. Staff is proposing that the 50% requirement be reduced to 40% in order to accommodate more fence types while still promoting transparency.*

Mr. Garrity asked for further explanation of this amendment.

Mr. Ziegler described different types of fences that would meet this requirement.

Mr. Sula clarified that this amendment is in regards to fencing in the front of a yard. Fencing in the back yard is allowed to be solid.

Mr. Sula and Ms. Gable clarified how certain type of lots—corner lots, in particular--may have difficulty with current code.

Mr. Sula noted that most nearby communities are as restrictive, if not more restrictive, in regards to front and corner side yard fencing.

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Ms. Gable stated that staff has gotten a lot of pushback on these requirements from residents, especially in regards to corner lots.

Mr. Ziegler presented examples of such lots, and how the amendment would apply to them.

Mr. Sula, Mr. Garrity, and Ms. Gable noted that ways to accommodate current code has, at times, resulted in residents choosing less aesthetically pleasing fences.

Mr. Paff asked if the amendment could be lowered to 45%, rather than 40%.

Mr. Ziegler stated that after reviewing different types of popular standard fencing—it was found that many fences were in the 46% to 48% range and that there were far more options at 40%.

Ms. Gable noted that there are more ways to adjust required opacity of fencing such as combining with increased setback.

After further discussion over an appropriate opacity percentage appropriate for a fence in a front and corner side yard, Mr. Sula asked Mr. Ziegler and Ms. Gable what course of action they would suggest. Should the PZB vote on a requirement of 40% opacity, or another percentage agreed upon by Board members. The leaning of Board members appear to be a percentage of up to 47%.

Mr. Sula asked if there any questions from Members of the Board.

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

Mr. Garrity motioned, seconded by Mr. Paff, to forward a favorable recommendation to the Village Board on the semi-open fence opacity text amendment as proposed by staff, with the percentage lowered from 50% to 47%, rather than to 40%.

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

Roll Call Vote:

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

Nays: none

Abstain: none

Motion carried: 5-0-0

## **5. Informal Review on Solar Regulations**

*Lake County's Planning, Building and Development Department formed the Solar Energy Task Force to evaluate the work done previously on a solar energy model ordinance, which served as a*

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*template for participating local communities to use when adopting solar specific zoning codes. The purpose of this new task force was to look at whether any modifications/additions could be recommended based on experiences over the past 3-5 years. The Village of Gurnee participated in this latest task force in order to learn more about emerging solar trends and to hear about other communities' experiences regarding solar. A draft ordinance was released in July of 2019.*

Ms. Gable introduced the various types of regulations regarding solar power. Generally, the suggested regulations for rooftop solar systems stayed the same. As you may recall, our ZO allows solar systems as accessory uses on both residential and nonresidential rooftops. Within our current ZO, ground-mounted solar energy systems require a special use permit. Ground-mounted solar systems are currently defined as either small (intended to primarily reduce on-site consumption of utility power) or large (used to produce energy to be sold commercially). Large systems are not allowed in the Village of Gurnee at this time. The model ordinance suggests defining ground-mounted systems as small, medium, or large based on the amount of surface area that they take up. Sizes could also be determined by rated nameplate capacity, however, systems sizes will likely decrease as the technology improves, which means that this approach will almost certainly result in the need for future adjustments to address improved technology. The systems are no longer defined by the intended use of the energy produced.

Most notably, the model ordinance suggests allowing ground-mounted solar energy systems as principal uses either by right or as a special use depending on the district and the size of the system (see table below). This would allow neighboring lots or out lots to contain solar systems.

The model ordinance suggests allowing small-scale ground-mounted solar systems as a permitted accessory use in all districts. It also suggested allowing medium-scale systems as a permitted accessory use in non-residential districts.

If ground-mounted solar energy systems are allowed as principal uses either by right or as a special use, the model ordinance suggests that medium and large-scale ground-mounted solar energy systems should be required to meet the setback requirements for a principal structure in the underlying zoning district. It suggests that accessory small and medium-scale ground-mounted solar energy systems must meet the setback requirements for an accessory structure in the underlying zoning district. This is different than our current ordinance which requires ground-mounted solar energy systems to be set back a distance less than or equal to 1.0 times the system height or five feet, whichever is greater, measured from the edge of the system to the nearest property line.

The model ordinance also provides the following suggestions: 1) accessory use ground-mounted solar energy systems located in residential zoning districts shall not be located between the principal building and any road right-of-way, 2) ground-mounted solar panels shall not be included in calculations for lot coverage or Impervious Surface Ratio (ISR), and 3) ground-mounted solar energy systems accessory to residential uses located in residential zoning districts shall not exceed 5% (or 10%) of the net buildable area of a lot, or 500 square feet, whichever is less.

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The model ordinance also suggests requirements for decommissioning and abandonment of solar energy systems, such as requiring applicants/landowners to submit a decommissioning plan or to agree to allow entry to remove an abandoned or decommissioned installation as a condition of the special use permit approval. However, the Village feels that this can be accomplished through the property maintenance code and code enforcement.

Additional provisions related to exceptions, lighting, signage, and native plantings can be found in the attached model ordinance.

Since 2018, the Village has seen an increase in the number of rooftop solar permits (37 in 2018/2019 as opposed to 1 prior in 2016). No special use permits for ground-mounted solar systems have been applied for at this time.

Mr. Sula and Mr. Garrity asked about current rooftop permits.

Ms. Gable stated that of the 37 permits applied for, two were for businesses (Home Depot and Target) and the rest were for residential use.

Mr. Ziegler added that both Home Depot and Target are utilizing solar power at this time.

Mr. Garrity noted the timeliness of the subject, and he and Mr. Ziegler discussed not only the increasing interest in solar power, but the increase in marketing and incentives encouraging its use.

Mr. Sula asked both Mr. Ziegler and Ms. Gable—based on their experiences with the development of these regulations—what changes, if any, they would recommend. He stressed that he felt there may not yet be enough data to make any real changes yet. He stated that he felt that regulation should remain under Special Use for the time being. This was the general consensus of the Board as a whole.

## **6. Next Meeting Date: September 4, 2019**

Ms. Gable confirmed with Mr. Sula that a prior Public Hearing has been remanded to the PZB, and that that matter will be on the agenda of the upcoming meeting.

## **7. Public Comment**

There were no public comments made at this meeting.

## **8. Adjournment**

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

Approved

Voice vote:

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

Motion carried: 5-0-0

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Joann Metzger,  
Recording Secretary, Planning and Zoning Board