

Approved

**Village of Gurnee
Planning and Zoning Board Minutes
September 7, 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, Dane Morgan, and David Nordentoft

Planning and Zoning Members Absent: Edwin Paff, Josh Pejsach, and Liliana Ware

Other Officials Present: Tracy Velkover, Planning Manager; Clara Gable, Senior Planner; Jodi Luka, Community and Economic Development Management Analyst; and Bryan Winter, Village Attorney

2. Pledge of Allegiance

3. Approval of the PZB's Meeting Minutes

a. Approval of the Minutes for the Planning and Zoning Board Meeting of August 3, 2022

Mr. Sula asked if there were any questions/comments regarding the minutes for the meeting of August 3rd. As there were none, he asked for a motion to approve.

Mr. Campbell motioned, seconded by Mr. Nordentoft, to approve the August 3, 2022 PZB Meeting Minutes.

Voice Vote:

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

Motion Carried: 4-0-0

b. Approval of the Minutes for the Planning and Zoning Board Meeting of August 17, 2022

Mr. Sula asked if there were any questions/comments regarding the minutes for the meeting of August 17th. As there were none, he asked for a motion to approve.

Approved

Mr. Campbell motioned, seconded by Mr. Nordentoft, to approve the August 17, 2022 PZB Meeting Minutes.

Voice Vote:

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

Motion Carried: 4-0-0

4. Public Hearing: Amendments to the Text of the Gurnee Zoning Ordinance

With guidance from Mr. Winter, Mr. Sula advised that this item would be treated as one Public Hearing, but that separate motions would be required for each of the individual amendments.

a. Sign Amendment: Article 13.3 Signs Allowed Without Permits

Ms. Gable stated that with more stores offering online ordering and pick-ups, there has been a surge in drive-up parking stalls/signs. She noted that staff is proposing to add a new "drive-up parking stall signage" classification for these types of signs; the maximum height proposed is seven feet, which matches the height of many accessible parking signs across town (the state requires these signs to be at least five feet tall but does not provide a maximum). The seven-foot height allows the signs better visibility when larger vehicles are parked in the spaces. Staff is proposing that no permit be required for these signs, similar to other parking lot signs, as long as they are not illuminated and do not eliminate any accessible stalls or reduce the overall number of parking stalls. A permit would be required for any illuminated signs; if there is any reduction in the number of parking spaces, including accessible stalls, staff would require a review of a parking plan to ensure that code is still being met. Staff is also proposing to change the height of parking lot instructional signs from five feet to seven feet to keep the height of all parking lot signs consistent (accessible, instructional, and drive-up).

She noted the text amendments proposed are as follows:

3. Directional Signs

b. Off-street parking areas with a capacity of more than five vehicles may display signs that do not exceed four square feet in area or ~~five~~ seven feet in height. Such signs are intended to direct and inform patrons and visitors about parking rates and rules, the location of stairways and elevators, pedestrian routes, restrooms, telephones, and other facilities. Such signs may not be illuminated or contain any commercial message.

c. Drive-up parking stall signage may be installed (any reduction in parking will require separate review). Such signs may be illuminated, but they may not exceed four square feet in area or seven feet in height.

Mr. Sula clarified with both Ms. Gable and Ms. Velkover whether or not permit would be required for signs without illumination (a permit would not be required in that case).

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Mr. Sula stated that he went out and viewed some of the signs and thought that some appeared to be taller than seven feet. Ms. Gable acknowledged that some were about seven-and-a-half feet.

Mr. Morgan clarified with Ms. Velkover that existing signs over seven feet will not have to be altered unless owners request to be allowed modifications (in which case, the signs would have to be brought up to code). She also noted that signs for the handicapped parking are allowed greater height.

Mr. Sula also asked about signs in cart corrals that were taller. Ms. Velkover responded that if a sign can't be seen from property lines, they are not considered "signs."

Mr. Sula then asked signs/solar panels at the Target.

Ms. Velkover responded that those, due to the height, went through the Special Permit process. They are taller than the 7-foot height proposed by the amendment and therefore, similar signs would still require a Special Use Permit.

Mr. Sula also asked about signs/pick-up in the fire lane at Best Buy.

Ms. Velkover responded that she is not aware of those signs and will have Code Enforcement investigate as parking in a fire lane is not allowed.

Mr. Sula then opened the floor to the public. As there was no questions/comments from the public, he then closed the floor.

Mr. Campbell asked about allowance of signs as small as three feet, and Ms. Gable explained that such allowance is made primarily for directional signs.

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

Mr. Morgan motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to the Village Board on the petition of the Village of Gurnee for an amendment to the text of Article 13.3, Signs Allowed without a Permit, as proposed.

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, Nordentoft, and Sula

Nays: None

Abstain: None

Motion Carried: 4-0-0

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b. PUD Amendment: Article 9.6 Modifications to Approved Final PUD Plans

Ms. Gable stated that staff is proposing to strike a provision in the PUD section of the Zoning Ordinance which stipulates that a reduction in the number of parking spaces of up to 10 or 15%, whichever is less, is required to go thru a Minor PUD amendment process. This process is not onerous and is similar to the parking modification provision found in the parking chapter of the Zoning Ordinance. The concern is, when a parking reduction request is over 10 parking spaces or 15% of the parking on a lot, it would trigger a major amendment to the PUD, which is a public hearing process. Public hearing processes take, on average, about 3 months just due to the legal notification requirements. The threshold of 10 spaces or 15% of the parking lot is pretty low for most PUDs in town. Also, all non-PUD zoned properties have a much simpler, streamlined parking modification process that they can go through for a parking reduction and/or shared parking. The parking modification process, per the parking chapter of the ZO, only requires review before the PZB at a regularly scheduled meeting, with the PZB having the final decision making authority. The proposed text amendment would allow PUD properties the ability to use the same streamlined process for modifications to the number of parking spaces.

The following amendment is proposed to Article 9.6 Modifications to Approved Final Plans:

~~h. A reduction in the number of parking spaces of up to 10 parking spaces or 15%, whichever is less.~~

~~h.~~ h. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.

~~j.~~ i. Altering any final grade by no more than 20% of the originally planned grade.

Mr. Sula then opened the floor to the public. As there was no questions/comments from the public, he then closed the floor.

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

Mr. Campbell motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to the Village Board on the petition of the Village of Gurnee for an amendment to the text of Article 9.6, Modifications to Approved Final PUD Plans, as proposed.

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, Nordentoft, and Sula

Nays: None

Abstain: None

Motion Carried: 4-0-0

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c. Vehicle Dealership Definition Amendment: Article 2.1 Definition of General Terms

Ms. Gable stated that staff is proposing a clarification on the definition of vehicle dealership. The definition currently omits trucks, which is clearly an oversight, as our definition of motor vehicle includes trucks, truck-trailers, and semi-trailers. However, the Village is currently working with a business owner who may be looking to open a truck dealership in the Village and his attorney is concerned about lack of trucks in the definition of vehicle dealership. This amendment will address his concern.

The Following Amendment Is Proposed To Article 2.1 Definition of General Terms:

Vehicle Dealership. An establishment that sells or leases new or used motor vehicles, including but not limited to, automobiles, trucks, motorcycles, and recreational vehicles. A vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the types of vehicles sold or leased by the dealership.

Mr. Sula clarified with Ms. Gable and Ms. Velkover that the intent is to clearly define what is a “motor vehicle,” particularly in regards to trucks.

Mr. Sula then opened the floor to the public. As there was no questions/comments from the public, he then closed the floor.

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

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

Mr. Morgan motioned, seconded by Mr. Campbell, to forward a favorable recommendation to the Village Board on the petition of the Village of Gurnee for an amendment to the text of Article 2.1, Definition of General Terms, as proposed.

Roll Call Vote:

Ayes: Campbell, Morgan, Nordentoft, and Sula

Nays: None

Abstain: None

Motion Carried: 4-0-0

d. Outdoor Storage Yard Definition Amendment, Use Matrix, and Principal Use Standards Amendments: Article 2.1 Definition of General Terms, Article 8.1 Use Matrix, and Article 8.2 Principal Use Standards

Ms. Gable stated that staff is proposing text amendments to clarify that the use “Outdoor Storage Yard” does not include vehicle or shipping container storage. This is being accomplished by changing “Outdoor Storage Yard” to “Outdoor Storage of Materials” and

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changing the definition to list out items included as materials (brick, stone, concrete, wood, or similar), while specifying that materials do not include vehicles and shipping containers. As the use category name changed, the title of the use in the Principal Use Standards must be updated. This amendment is in response to an occupancy permit that was issued this year for a 136 truck trailer storage lot on seven acres along Morrison Drive. The property is zoned I-2 and trailer storage was interpreted to be consistent with the use category “Outdoor Storage Yard” and therefore was approved as a permitted use. Shortly after, Planning Staff became concerned about this interpretation for the following reasons:

- The use ties up valuable commercial/industrial land that could be occupied by other businesses which could:
 - Generate additional property value (increased property taxes for various taxing bodies), which this use would not.
 - Generate sales/entertainment/food & beverage taxes for the Village of Gurnee, which this use would not.
 - Generate jobs.
- The Village could become the repository for these parking/storage facilities because of Gurnee’s location along the I-94 Tollway midway between Chicago and Milwaukee and the fact that very few communities in the Chicago Metro area allow this type of use.
- The use creates significant wear and tear on area roads, increased truck traffic, and noise.
- The use, as in the instance on Morrison Drive, can benefit a company/business that is operating from another community that is getting the tax benefits of the business.
- The Village’s Strategic Plan process, which was started in early 2022, identified the promotion and supporting of businesses that generate tax benefits (property, sales, amusement, hotel/motel, and food & beverage) in order to reduce the reliance on the three big tax generators (Six Flags, Gurnee Mills Mall, and Great Wolf Lodge).

In response, the Village Board enacted a 6-month moratorium on the processing of any applications, building permits, or occupancy certificates for “Outdoor Storage Yards.” Staff has been researching the use of truck/trailer storage as a principal use on a lot and found that most communities do not allow this use, either as a permitted use or a special use, either for the reasons listed above or just because it hasn’t been addressed. The only two communities that staff identified which would allow such a use were Joliet (major transportation hub) and Waukegan (only allows when the associated business occupies at least 500,000 square feet of a building within the City).

Based on this research, Planning Staff was directed by the Administration Department to clarify through zoning text amendments that this type of use isn’t allowed through an amendment to the definition. Also, because of the desire to not promote businesses that do little to benefit the community in terms of tax generation and instead promote heavy truck traffic, staff is proposing modifications to some of the districts where principal outdoor storage is a

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contemplated use. Basically, staff is proposing to remove the use “Outdoor Storage of Materials” from the C-3 and I-1 districts, where it is currently a SUP, and change the use from a Permitted Use to a Special Use in the I-2 and I-3 districts. She reminded the Board that this use is outdoor storage as a principal use and not accessory to an existing business. Finally, because of the use title change, the section of the code that sets forth the Use Standards is amended to reflect the new use name.

The following amendment is proposed to Article 2.1 Definition of General Terms:

Outdoor Storage of Materials Yard (Outdoor) – The outdoor storage of material such as brick, stone, concrete, wood, or similar (not including vehicle or shipping container storage) outdoors as a principal use of the lot for more than 24 hours.

The following amendment is proposed to Article 8.1 (Use Matrix)

Removing the Storage Yard (Outdoor) use, proposed to be renamed Outdoor Storage of Materials, from the C-3 and I-1 districts, and making the use a Special Use in the I-2 and I-3 Districts.

The following amendment is proposed to Article 8.2 Principal Use Standards:

8.1 Use Matrix

Table 8-1: Use Matrix																	
	R1	R2	R3	R4	R5	R6	C1	C2	C3	C4	C5	C6	I1	I2	I3	P	Use Standard
Storage Yard (Outdoor) <u>Outdoor Storage of Materials</u>									S				S	P <u>S</u>	P <u>S</u>		8.2.6

8.2.6 Contractor Storage Yard and ~~Storage Yard (Outdoor)~~ Outdoor Storage of Materials; Self-Storage Facility (With Accessory or Principal Outdoor Storage); Industrial – Light, General, Heavy with Outdoor Storage

a. ~~A storage yard and a~~ Any outdoor storage associated with contractor storage yards, outdoor storage of materials, self-storage facilities (accessory or principal), or industrial – light, general, or heavy uses must be completely enclosed along all lot lines by a solid fence or wall a minimum of eight feet in height. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within the setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall. Where any principal building screens an outdoor storage area, the fence and the associated setback is not required.

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Mr. Winter also noted the issue of safety, as such lots tend to be unattended.

Mr. Nordentoft expressed support for this amendment, appreciating the oversight it gives the Village, but asked if the definition of materials would cover most types of outdoor storage that can occur.

Ms. Velkover reminded the Board that this use addresses the storage as the principal use so that any business operating in the Village with a structure would be able to store outdoors any materials associated with their business, as long as the use standards are met. She also noted the catch all phrase in the definition “or similar”.

Mr. Winter advised that the permit issued this year for the truck/trailer lot is “grandfathered” in, but any changes requested after the change in code would be subject to current ordinance.

Mr. Sula then opened the floor to the public. As there was no questions/comments from the public, he then closed the floor.

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

Mr. Campbell motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to the Village Board on the petition of the Village of Gurnee for an amendment to the text of Article 2.1, Definition of General Terms, and Article 8.1, Use Matrix, and 8.2, Use Standards, as proposed.

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, Nordentoft, and Sula

Nays: None

Abstain: None

Motion Carried: 4-0-0

e. Commercial District Design Standards Amendment: Article 5.4 Commercial District Design Standards

Ms. Gable stated that the proposed text amendments are to deal with two different areas within the Commercial Design Standards. The first is to deal with repeated issues that some commercial users have had with certain design standards in the Ordinance. The most common issue is the percentage of transparency on the first floor. Code requires that, for buildings in the C-1 and C-2 districts, the first floor (between 2 and 10 feet above grade) must maintain a minimum transparency of 50%. The C-3 district establishes this threshold at 40%. A number of commercial users have had difficulty with this requirement and, in fact, Aldi’s received a SUP to allow less than this percentage for both their Grand Avenue and Woodland Terrace frontages,

and Raising Canes received a SUP to allow less than this for their Grand Avenue frontage. Staff is finding that the ability to meet this regulation is related to a number of factors including, but not limited to: the type of commercial business, the number of street frontages the building has, and the size of the building. Some businesses, just by virtue of their operations have a lot of “back of house” operations that do not lend themselves to providing windows into their operations. Also, if the property has multiple street frontages, it makes providing the transparency percentages on each of these frontages difficult. Keep in mind that the ordinance does not allow windows with opacity above 20%. Smaller buildings also have difficulty not having some portion of their “back of store” operations or restrooms along a wall that fronts a street. The current process for departing from this requirement, as well as any other design standard in the ordinance, is a SUP, which requires a public hearing. Staff originally looked at writing in a lower transparency threshold, but found that it was difficult due to the variety of factors that impact a business’ ability to meet this requirement. Therefore, staff decided to draft the text amendments to keep the design standards the same, but writing in a process whereby the PZB can authorize a modification, reduction, or waiver of the design requirements, if it finds that, in the particular case, the peculiar nature of the use, the exceptional shape or size of the property and/or building, or other exceptional situation or condition would justify such action. This would not only apply to the transparency thresholds, but the other design standards in the commercial section of the code.

The second proposed amendment to the commercial design standards is in regards to the C-4, Village Center District. When an application came in recently for the C-4, Village Center District, staff became aware that the architectural standards that were referenced with the Zoning Ordinance update in 2015 tied back to the C-2, Community Commercial standards. These standards are commercial in nature, which is the opposite of the Village’s intent for this district, which is the promotion of buildings that maintain the residential character of the area. Also, the setbacks that were noted in the district didn’t reflect the fact that these setbacks should take into consideration the setbacks on the properties in the area and would be reviewed and determined via the SUP process. These protections were put into place in the previous Zoning Ordinance because the C-4 district, which encompasses the area along Old Grand Avenue, is principally a residential area (the only uses allowed by right are single-family and two-family). The SUP process allows the conversion of homes to commercial uses and helps ensure that any conversion of a home to a business or any newly constructed building is done in a manner that preserves the residential character and minimizes any impacts that the business has on residences.

The following amendment is proposed to Article 5 Commercial Districts:

ARTICLE 5. COMMERCIAL DISTRICTS

5.4 DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation or addition apply. These standards do not

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apply to interior remodeling. The Planning and Zoning Board may authorize a modification, reduction, or waiver of these requirements, if it finds that, in the particular case, the peculiar nature of the use, the exceptional shape or size of the property and/or building, or other exceptional situation or condition would justify such action.

3. C-4 District and Site Design Standards

~~a. The design standards of Section 5.4.1 above apply to new non-residential construction in the C-4 District.~~

~~b. a. The conversion of any structure originally designed for a residential~~ Any structure originally designed for a residential use that is expanded or converted to a non-residential use must maintain the existing residential character of the structure. Any new structure constructed for a non-residential use must reflect the residential character of the area. The quality of exterior design must be equal on all facades of the structure, and the materials on all facades must be of the same or comparable quality.

b. Building and parking setbacks for all non-residential uses will be determined during the Special Use Permit hearing process, taking into consideration the existing building and parking/driveway setbacks of properties abutting the subject property and properties located directly across the street and alley, when applicable.

Mr. Nordentoft expressed support for this amendment, noting the efficiency allowed by the first part, and the language aligning with the Village's intentions in the second part (citing a recent application as an example how).

Mr. Sula then opened the floor to the public. As there was no questions/comments from the public, he then closed the floor.

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

Mr. Morgan motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to the Village Board on the petition of the Village of Gurnee for an amendment to the text of Article 5.4, Commercial Design Standards, as proposed.

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, Nordentoft, and Sula

Nays: None

Abstain: None

Motion Carried: 4-0-0

Approved

5. Next Meeting Date: September 21, 2022

Mr. Sula asked if there items on the agenda for the next meeting. Ms. Gable stated that there are no public hearing items scheduled for that night, but that there could be some non-public hearing items.

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.

Mr. Sula then thanked Village staff for their work on these amendments—in particular, that much was covered in the meeting due to their preparation.

7. Adjournment

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

Voice Vote:

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

Motion Carried: 4-0-0

The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Joann Metzger,
Recording Secretary, Planning and Zoning Board