

Approved

**Village of Gurnee**  
**Planning and Zoning Board Minutes**  
**December 21, 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, David Nordentoft, Edwin Paff, Josh Pejsach, and Liliana Ware

Planning and Zoning Members Absent: Dane Morgan

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

**2. Pledge of Allegiance**

**3. Approval of the PZB's Meeting Minutes**

**a. November 2, 2022 Meeting Minutes**

Mr. Sula asked if there were any questions or comments regarding the minutes. As there weren't, a motion was made.

Mr. Campbell motioned, seconded by Mr. Paff, to approve the minutes as presented.

Voice Vote:

All "ayes," no "nays," none abstaining

Motion carried: 6-0-0

**b. November 16, 2022 Meeting Minutes**

Mr. Sula asked if there were any questions or comments regarding the minutes. As there weren't, a motion was made.

Mr. Paff motioned, seconded by Mr. Campbell, to approve the minutes as presented.

Voice Vote:

All "ayes," no "nays," none abstaining

Motion carried: 6-0-0

**3. Public Hearing: Teodora Kocovska of MS Consultants, Inc., on behalf of White Castle (6290 Route 132)**

Ms. Velkover stated that Teodora Kocovska of MS Consultants Inc., on behalf of White Castle, has requested a Special Use Permit to allow a drive-through facility without a required bail-out lane at the White Castle located at 6290 Route 132. White Castle is looking to expand its drive

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through by adding a second ordering station lane. The current drive-through is legal nonconforming and may remain as is. However, the proposed expansion requires the current drive-through standards, including the requirement for a bail out lane, to be met. The applicant is seeking relief for the bail out lane requirement through the Special Use Permit process. On this matter, 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 their request.

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

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

Mr. Broc McCroskey, with MS Consultants, spoke on behalf of the petitioner and offered an overview of their intentions, plans, and reasoning. He stated that White Castle is planning on updates and remodels for many of its locations, and—is seeking to add another lane and menu board to the drive-up of this particular location to increase/improve traffic flow by speeding up the line, lessening congestion, and providing for more stacking.

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

Mr. Paff commented, based on recent visits, that too many cars are entering from the wrong side of the lot, from the road around the mall, and that he didn't think another lane would help and may actually make the current problems even worse.

Mr. McCroskey responded that they would be open to putting up directional signs to avoid this problem.

Mr. Sula stated that, based on his visit, he felt the problem area was the pick-up window, rather than the menu board. Ms. Ware concurred based on her own visit.

Mr. Campbell concurred with the other Board members, adding that he felt another menu board would simply lead to more stacking of cars as customers waited for their orders.

Ms. Velkover stated that an option that had been discussed with the petitioner was to move the menu boards and re-design the second drive-through lane to add additional stacking capacity. This re-design would require the removal of some additional parking stalls to the north of the drive through lane, but the site would still meet the Village's parking requirement.

Based on the discussion, Mr. Sula suggested that it may be in order to continue this matter so as to allow for such re-design, and asked Mr. McCroskey if the petitioner would be willing to do that.

Mr. McCroskey responded that, to keep the costs of travel down, he would prefer updating via email and such, but—if necessary—another appearance can be made.

Mr. Sula, Village Staff, and Mr. McCroskey agreed to continue this hearing to January 18<sup>th</sup>, 2023.

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Mr. Nordentoft motioned, seconded by Mr. Pejsach, to continue this hearing to the PZB's January 18, 2023 meeting.

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, Nordentoft, Paff, Pejsach, Ware, and Sula

Nays: None

Abstain: None

Motion carried: 6-0-0

### **3. Public Hearing: D & J Real Estate Holding Company, LLC and Lakeharbor Treatment LLC c/o Adam Hochberg (3915 Oglesby Avenue)**

Ms. Velkover stated that D & J Real Estate Holding Company, LLC and Lakeharbor Treatment, LLC c/o Adam Hochberg, are seeking the following on 5 acres located at 3915 Oglesby Avenue: 1) exception to the underlying use regulations of the O-1, Restricted Office District; 2) amendment to the existing PUD for the subject property to establish "Inpatient Treatment Facility" as an authorized Special Use in the O-1 PUD District in which the subject property is located; 3) Special Use Permit to establish an inpatient treatment facility on the subject property; and 4) such other relief as may be necessary to accomplish the applicant's development plan. The petitioner is seeking to establish a dual-diagnosis (substance abuse disorder diagnosis and mental health disorder diagnosis) inpatient treatment facility. The subject property is zoned O-1 PUD, Restricted Office District as a Planned Unit Development. On this matter, 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 the request.

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

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

Mr. Hal Francke, with MPS Law, and Mr. Adam Hochberg, owner and operator of Lakeharbor Treatment, offered a verbal and visual presentation of the project. Mr. Francke stressed the benefits of his clients' proposed facility not only to the Village, but to all of Lake County, as well.

Lakeharbor is looking to establish the "Inpatient Treatment Facility" use within the PUD, which is something that Gurnee's Zoning Ordinance allows through the use exception process (Section 9.3). One challenge in doing this is that the inpatient facility is not something defined within the Zoning Ordinance as a permitted or special use. To allow review of this specific operation, the use is proposed as a Special Use Permit. He outlined how their plans meet the required standards including that: 1) there will be no endangerment of public health/welfare, 2) the proposed use is compatible with adjacent properties, 3) the use is within the spirit of the Village ordinance and policies, and 4) the plans will comply with ordinance and exceptions made.

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Mr. Hochberg offered an overview of the planned facility and its operations, through a PowerPoint presentation:

- 24/7 nursing staff will administer all medication, measures vital signs, and assesses all patients on a daily basis
- Six hours of group therapy per day every day of the week
- One-on-one individual therapy provided multiple times per week
- Case management services provided several times per week
- Behavioral Health Technicians observe and report on our patients around the clock
- Family Counselling & Family Support Services Offered
- All patient meals are catered

Mr. Francke then outlined the needed zoning relief as follows:

- Exception to Use Regulations of O-1, Restricted Office District, to establish “inpatient treatment facility” as an authorized special use in the O-1 District
- Amendment to Village Ordinance 2010-32, which rezoned the subject property to the C-O/1, Restricted Office District, and approved a Planned Unit Development for the property
- Special Use Permit to allow the establishment of an Inpatient Treatment Facility

Mr. Francke then outlined the standards for such relief.

- Enhance the overall merit of the planned unit development
- Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the proposed development
- Will be compatible with adopted Village land use policies
- Will provide public benefits to the Village
- Will not negatively affect the value and enjoyment of surrounding property, the provision of municipal services or traffic
- Will result in the adaptive reuse of an existing building
- Will not endanger the public health, safety or welfare if established, maintained and operated on the property
- Will be compatible with the general land use of adjacent properties and other property within the immediate vicinity of the subject property
- Will be consistent with the spirit and intent of the Zoning Ordinance and adopted Village land use policies
- Will conform to the applicable regulations of the Zoning Ordinance

In concluding their presentation, Mr. Francke offered to answer any questions and address any concerns/comments.

Mr. Sula suggested that discussion open by addressing the lack of definition of such a facility within Village code and ordinance.

Mr. Ziegler reiterated that the amendment to the existing PUD addresses the lack of this use being addressed specifically in the Gurnee Zoning Ordinance. He noted the other uses that are found in

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the Gurnee Zoning Ordinance that are close to this use, but staff didn't feel specifically addressed the proposed use. These uses include: medical clinic with dispensary, hospital, and residential care facility. As the proposed use is a hybrid of these uses, the Village and applicant agreed that the best approach for this property would be to request an exception to the underlying use regulations of the O-1 district and amend the existing PUD to establish "Inpatient Treatment Facility" as an authorized Special Use in the PUD. Then to request a Special Use Permit for the proposed facility.

Ms. Ware asked how patients are monitored as they come and go.

Mr. Hochberg explained that the facility will have a reception area by the main doors, as well as surveillance (cameras at each door plus alarms). The other doors into and out of the facility are limited in number and there will be substantial staff (24-7).

She also inquired as to what, in their request, "other such other relief as may be necessary to accomplish the applicant's development plan" means.

Mr. Ziegler explained that this phrase is added to every petition in case something comes out during the hearing process that was not addressed as a specific item for which requested relief was needed. This allows the matter to be addressed without advertisement for another hearing.

Mr. Nordentoft asked if the concept of "acute care" of this kind is new, or just new to this area.

Mr. Hochberg expressed that, while he didn't really know the history of the area, it is not a new concept.

Mr. Nordentoft also asked how potential patients would be vetted in the effort to ensure the safety of all patients collectively.

Mr. Hochberg explained that background checks are completed on all potential patients. They do not take violent offenders or sexual offenders into the facility. He noted that people, because of their situation, will have DUIs, possession of an illegal substance, and sometime arrests for theft. He stressed the difference in that their patients are voluntary as opposed to court-ordered. Finally this is a private facility, so people must either have insurance to pay for their treatment or pay cash.

Mr. Pejsach asked for a sort of overview as to how patients would be spending their days over the average stay of 28 days.

Mr. Hochberg explained that patients will spend a good amount of time in therapy, both one-on-one and in group setting, elaborating on the importance of the latter in encouraging healthy interactions and social skills. This is further encouraged with recreational activities (on-site games as well as off-site trips to the local YMCA).

Mr. Paff asked what the significance of inpatient care is.

Mr. Hochberg expressed the benefit of immersive care, but also stressed that outpatient care after leaving the facility is strongly encouraged as one is never really "cured" of the struggles related to addiction. The road to recovery is on-going.

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Mr. Campbell asked how families of the patients will be involved, and how their presence may affect activity on the site.

Mr. Hochberg explained that family participation is strongly encouraged, but varies greatly from patient to patient. He noted that it will not have significant impact of traffic to the site.

Mr. Sula asked where recreational activities would take place within the facility.

Mr. Dalen Zuehsow, co-owner of the proposed facility, referring to a floor plan of the facility, gave an overview of recreational areas within the building. He also noted that they will take trips to the local YMCA. He also noted that transportation is provided to all patients, as they do not bring their own vehicles. They will have 3-4 vans to service their residents (i.e., doctor appointments, barber shop/beauty salon, recreational trips, etc.).

Mr. Paff asking if patients are offered such transportation even if they are leaving against the advice of medical professionals.

Mr. Hochberg explained that, while patients would be encouraged to stay, they are nonetheless offered transportation should they choose to leave.

Mr. Pejsach asked how close to the neighboring residential area this development could expand, if approved.

Both Village staff and Mr. Hochberg explained that the presence of protected wetlands would limit expansion to the south. Mr. Hochberg stated that they have had some discussion internally about the potential of adding another building for their recreational activities. However, any addition would be limited in size due to the wetlands issue and would be within the footprint (or close to the existing footprint) of the existing building/parking lot. At this time, only a gazebo is being considered.

At this time, Mr. Sula opened the floor to the public, explaining that all questions and comments should be made to the Board, then they will be addressed by the Board, Village staff, and the petitioners afterwards.

Lana Keroson Oksnee, 316 Greenview, expressed that she didn't want her property to lose value, and asked how many rooms in the facility, and if the petitioners own both lots. She offered thanks to the petitioners, for their presence, and asked if they could work with Lake County Public Health to ensure care would remain for this community (i.e., Lake County residents or residents' families). She also asked about transportation, the number of employees, and by who/when/and how food would be catered to patients, and if the police would be called if patients left on their own.

Mr. Sula then closed the floor to the public.

In addressing Ms. Oksnee's concerns, Mr. Hochberg explained that the number of patients will vary from time to time but they will have around 30 beds and will average 75% occupancy. They are projected to have 65 employees total with probably no more than 25 on the largest shift. At this time, they do not know which local restaurants they will use to cater meals and that usually happens closer to opening. He also shared that they have been in contact with Lake

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County, and have been well-received. He stressed that it would be a rare occasion that a patient would just up and leave on his/her own, and that authorities would only be called if absolutely necessary.

Ms. Keroson Oksnee requested to ask another question. Mr. Sula opened the floor back up to the public. She asked if there is more than one entrance/exit to the building. The floor was closed to the public.

Mr. Hochberg, referring to a floor plan, showed her that the existing building entry and exit positions will remain.

Wrapping up discussion, Mr. Sula then suggested that a motion would be in order if there were no more questions or discussion.

Mr. Nordentoft motioned, seconded by Mr. Pejsach, to forward a favorable recommendation on the petition of D & J Real Estate Holding Company, LLC and Lakeharbor Treatment, LLC for the following: 1) exception to the underlying use regulations of the O-1, Restricted Office District; 2) amendment to the existing PUD for the subject property to establish "Inpatient Treatment Facility" as an authorized special use in the O-1 PUD district in which the subject property is located; and 3) Special Use Permit to establish an Inpatient Treatment Facility on the subject property, located at 3915 Oglesby Avenue, in substantial conformance with the submitted plans.

Roll Call Vote:

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

Nays: None

Abstain: None

Motion carried: 6-0-0

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

#### **4. Next Meeting Date: January 4, 2023**

Mr. Sula asked if there items on the agenda for the next meeting, and Village staff responded that there are no public hearings, but there is at least one non-public hearing item scheduled for that night.

#### **5. 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.

#### **6. Adjournment**

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

Voice Vote:

Approved

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

Motion carried: 6-0-0

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Joann Metzger,

Recording Secretary, Planning and Zoning Board