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**Village of Gurnee
Planning and Zoning Board Minutes
August 16, 2023**

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, David Nordentoft, Liliana Ware, and Edwin Paff

Planning and Zoning Members Absent: Josh Pejsach

Other Officials Present: David Ziegler, Community Development Director; Atrian Fard, Senior Planner; and Gretchen Neddenriep, Acting Village Attorney

2. Pledge of Allegiance

3. Public Hearing: Mubashir Syed Special Use Permit for 83 Ambrogio Drive

Ms. Fard stated that Mr. Mubashir Syed is seeking a Special Use Permit to open a small internet based vehicle dealership in a multi-tenant building located at 83 Ambrogio Drive. The subject property is located within the Gurnee Business Center, which is zoned as a Planned Unit Development (PUD) with dual underlying zoning districts; C-2, Community Commercial, and I-2, General Industrial. The 2015 Comprehensive Zoning Ordinance update divided "Vehicle Dealership" into 2 categories; one where the operation is entirely enclosed and is allowed by right and one where the operation has outdoor storage and display and requires a special use permit. Because the Gurnee Business Center PUD has its own use list that specifies that "Auto Sales and Service" requires a Special Use Permit, this process must be followed even though Mr. Syed's operation is fully enclosed. She noted that the building located at 83 Ambrogio Drive contains a mix of uses including retail, light industrial, office, and warehousing. She also noted that the same mix of uses can be found in buildings that surround this site. The petitioner is in attendance to present his petition and answer any questions the Board may have.

Mr. Sula asked that anyone who wished 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. Mubashir Syed introduced himself and stated that he is seeking a Special Use Permit to allow vehicle sales at 83 Ambrogio Drive, Unit C. He noted that he has a short PowerPoint presentation. He stated that the special use permit that he is requesting is for an internet based dealership that is conducted entirely indoors. The property that he is requesting to establish his business on is in an industrial park that has both C-2 and I-2 zoning as a PUD. He reported that he is proposing

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to lease the space from the owner, Marling Management. He noted that there is ample parking on the property. The building is approximately 22,500 sq. ft. with overhead doors and 14-foot tall ceilings. There is a separate entrance for the office area and restrooms. He noted that internet car sales is becoming a relevant business and referenced the big ones like Carvana and Amazon. He stated that his hours of operation will be Monday-Saturday from 10 am to 4 pm with at least one employee present. The facility will have no auto repair or washing and everything will be enclosed. There will be customer parking in case a customer decides to walk in. He indicated that they push for virtual test drives only, but if a customer wants to come in and do a physical test drive they can. As far as a test drive route, he is proposing Washington to Rt. 41 and possibly back to Grand Avenue. Test drives would not go into the residential neighborhoods. The business will require an Illinois State Dealers License. In regards to the zoning of the property, both the C-2 and I-2 districts allow dealerships that are conducted entirely indoors as a permitted use. It is only because this property is approved as a PUD from the 80's prior to the Village's Zoning Ordinance update, that the special use permit process must be followed for this site. He addressed the Use Standards for Vehicle Dealerships (8.2.29) and indicated that there will be no auto repair on premises (all work will be contracted and conducted off-site), there will be no outdoor vehicle display and hence no open hoods or pricing on cars, no wrecked or inoperable vehicles, and there would be no fueling station. He touched on the standards for issuance of a Special Use Permit, noting that the use would not negatively impact the public health, safety, and that it is compatible with the surrounding land use and zoning. Finally, he discussed the State's dealer licensing requirements that include having \$1 million minimum and \$2 million in aggregate in general liability insurance, \$300,000 per accident, \$100,000 for bodily injury, \$50,000 for property damage, and a \$50,000 bond in the name of the Secretary of State and State of Illinois.

Mr. Sula stated that he understands that servicing of the vehicles will be conducted off-site. He asked what happens if the vehicle become dirty during transit and where the vehicles be washed.

Mr. Syed stated that all vehicles, before they are offered for sale, will go through a quality assurance inspection and then be detailed prior to coming onto the site.

Mr. Sula asked what happens if the vehicle becomes dirty between when it is detailed and when it comes onto the site.

Mr. Syed stated that they would just run it through a car wash.

Mr. Nordentoft asked where the vehicles coming onto the site would be stored.

Mr. Syed stated they would be stored in the warehouse.

Mr. Nordentoft clarified with the petitioner that if someone came to his facility to conduct a physical examination of the car and test drive, that the car would be returned to the inside of the building.

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Ms. Ware asked how many cars would be stored inside the facility.

Mr. Syed stated that the warehouse has room for approximately 10 and if they needed more room, they would look for an ancillary storage site.

Mr. Paff asked what a virtual test drive is.

Mr. Syed stated that it consists of him doing a 3-D walk around the vehicle with a wide-angled lens video with the car on. The video would show under the car to see the exhaust, under the hood to see the engine, as well as an exterior and interior shots to show the condition of vehicle. The video also includes a test drive, with the camera either mounted on the dashboard or body camera. He noted that there is also an inspection report that is also provided.

Mr. Morgan asked if he currently owns a dealership.

Mr. Syed stated that he does not.

Mr. Morgan asked if he's conducted any other internet based business.

Mr. Syed stated that he has been in internet sales before, but with another person and this is his first endeavor on his own.

At this time, Mr. Sula opened the floor to the public. As there was no one from the public there to speak on the matter, he then closed the floor.

Mr. Sula asked the Board if they have other questions. If not, he suggested that a motion would be in order.

Ms. Ware motioned, seconded by Mr. Paff, to forward a favorable recommendation on the petition of Mubashir Syed for a Special Use Permit to allow the establishment and operation of a Vehicle Dealership, Fully Enclosed, on property located at 83 Ambrogio Drive, Unit C.

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

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 6-0-0

4. ZONING TEXT AMENDMENTS: VILLAGE OF GURNEE PETITION

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Mr. Ziegler advised that there are four text amendments up for consideration this evening, and that each will be discussed and voted on separately. He then turned to Ms. Fard to introduce the first, regarding fences.

Ms. Fard introduced this proposed text amendment by stating that staff is proposing to change the definition of Semi-Open Fence from “A fence that has, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings” to “A fence that has, over its entirety, at least 50% of the superficial surface consisting of regularly distributed openings.” This is being proposed because the “more than 50%” excludes fences that can be purchased with exactly 50% of openness, but not slightly more. This change shouldn’t result in a noticeable difference in the field. Accordingly, the definition of a Closed Fence will also need to be amended from “A fence that has, no more than 50% of the superficial surface consisting of regularly distributed openings” to “A fence that has, less than 50% of the superficial surface consisting of regularly distributed openings” to prevent the overlap of definitions.

Mr. Sula clarified with Mr. Ziegler that the issue is as simple as covering “50 percent open” in the definition.

Mr. Sula asked the Board if they have other questions. If not, he suggested that a motion would be in order.

Mr. Campbell motioned, seconded by Mr. Morgan, to forward a favorable recommendation to on a text amendment to Article 2.1 “Definition of General Terms” regarding fences as proposed.

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

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 6-0-0

Mr. Ziegler noted that the next text amendment up for consideration was discussed at an informal hearing a few months ago.

Ms. Fard introduced this proposed text amendment by stating that on June 6th, the Board discussed Mr. Larry May’s informal request for a text amendment allowing, dwelling units above the ground floor in the O-1 Restricted Office District by right. Currently, this use is not permitted by right or a special use in the O-1 district. But, it is a permitted use in four of the Village’s Commercial Districts (C-1 to C-4). At the June 6 meeting, the board discussed the weak office market due to remote/hybrid working situations and seemed receptive to the idea, but wanted information on how other communities address this use. So, staff surveyed 7 communities (Lincolnshire, Lindenhurst, Lake Bluff, Mundelein, Libertyville, Buffalo Grove, and Grayslake) and

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found that none allow residential above the ground floor in their office zoning districts. However, five communities allow residential above the ground floor in some of their commercial districts (mostly in the downtown), and one is in the process of examining the Code and may make a change in the future to allow this opportunity.

The O-1 district allows a maximum height of 40 feet, which could accommodate 3 stories, although most of the buildings in the O-1 district are currently 2 stories. Staff believes that the opportunity to utilize upper floors for residential uses could be attractive, as we allow it in our commercial districts. In addition, the O-1 district's purpose statement, which supports small scale offices in the district would probably be more compatible with potential residential use than commercial that already allows residential above the first floor. Plus the amendment would be compatible with the Village's Comprehensive Land Use Plan policy of "allowing for a diverse range of housing types, including areas of higher density and mixed use developments."

Mr. Morgan clarified with Mr. Ziegler that, in three-story buildings, there could be a third-floor residential space under this amendment.

Mr. Ziegler stressed that this would require careful planning, as there would be fire code and such to consider.

Mr. Paff admitted that he was not particularly receptive to this idea, but that he understands why it is being considered, especially since office space is not in the same demand it once was.

Ms. Ware motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to amend Article 8.1, Use Matrix, to add "dwelling unit above ground floor" as a permitted use in the O-1 District.

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

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 6-0-0

Mr. Ziegler noted that the next text amendment up for consideration is in regard to setback/landscaping.

Ms. Fard stated that currently, the Code requires landscape and screening buffer yard of 10 feet between properties under certain situations such as when a non-residential district abuts a residential district. So far, the Village utilized Planned Unit Development and/or Annexation Agreements to increase these buffer yards because we felt 10 feet was deficient. Now, more developments are proposed with minimal buffers on straight zoned properties or on properties

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with expired PUDs or Annexation Agreements. Staff believes that the buffer yards should be increased from 10 to 30 feet, as 30 feet is an appropriate depth to establish the required landscape plantings.

In addition, staff is proposing to tweak one of the situations in which this buffer yard is required. "Where a non-residential district abuts a residential district." Staff is proposing to change this to: "Where a non-residential district abuts a residential district and where the use in the residential district is residential". This change would lead to effectively relieving a new non-residential development that abuts a residentially zoned district which is improved by a non-residential use (i.e., public utility, public office, etc.) from meeting the buffer yard requirement.

Finally, code requires the installation of a minimum 4-foot-tall solid fence, wall, or continuous hedge along 100% of the yard length when a multi-family dwelling abuts R-1 through R-4 districts, where a multi-family dwelling is located within an R-1 through R-4 district, where a non-residential use is located within a residential district, or where a non-residential district abuts a residential district. Accordingly, staff is proposing to increase the screening height to 6 feet, add the use of a berm as another screening alternative, and allow a combination of any screening type to suffice.

Mr. Sula clarified with Mr. Ziegler that the intent is to codify what has been accomplished with PUDs and annexation agreements to prevent people from relying on straight zoning to divert it.

Mr. Sula asked the Board if they have other questions. If not, a motion would be in order.

Mr. Morgan motioned, seconded by Mr. Campbell, to forward a favorable recommendation on amendments to Article 12.4, 3., b. (3), Article 12.4, 3., c., (1), and Article 12.4, 3., c., (6) as proposed.

Mr. Sula asked the Board if they have other questions. If not, he suggested that a motion would be in order.

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

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 6-0-0

Mr. Ziegler noted that the last text amendment up for consideration is in regard to animal care facilities.

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Ms. Fard introduced this proposed text amendment by stating Staff became concerned about the Zoning regulations of animal uses when an “Animal Day Care” facility opened in a commercial strip center adjacent to a restaurant. In the past, the Village Zoning Ordinance only provided regulations for “Animal Hospital/Veterinarian Clinic” and “Kennel” and did not allow other animal businesses such as dog grooming, pet hotel, or pet day care center. As part of the 2015 Zoning Ordinance update, animal uses, except “Kennels”, were all grouped under the category “Animal Care Facilities” and were regulated the same. These types of businesses, per the definition of the current Zoning Ordinance, include animal hospitals/vet clinics where animals may be boarded during their convalescence, pet grooming, and pet boarding facilities, where animals are boarded during the day or for overnight stays similar to pet day care and pet hotels. “Animal Care Facilities” require a special use in the C-1 district and are permitted by-right in the C-2, C-3, I-1, and I-2 districts. The “Kennels” are defined and regulated separately and are permitted by-right in I-1 and P districts and by way of a special use permit in the C3 district. Staff is concerned that there are uses grouped into the “Animal Care Facilities” definition that may create negative impacts on public health and safety for businesses and residents due to excessive noise or odor from animals, the limitations to provide for adequate animal waste disposal within confined areas, and the ability to maintain animal housing and separate them from the general public. Specifically, healthy animals that are being groomed, cared for in large groups during the day, or boarded overnight may have different and more significant impacts than animals being seen at an Animal Hospital during the day or convalescing overnight due to sickness, injury, or surgery. On August 31, 2023, the Village Board approved a 6-month moratorium on “Animal Care Facilities” in the commercial zoning districts to provide staff time to address these concerns. Staff’s intent is to discuss the matter obtain your feedback. To initiate the discussion, staff has drafted some text amendments, including:

- 1) Creation of an overall category “Animal Related Services” with a new definition;
- 2) Creation of subcategories for “Animal Day Care”, “Animal Hotel”, “Animal Grooming,” “Animal Hospital/Vet Clinic” with new definitions;
- 3) Moving “Kennel” use from its classification of Industrial to the overall category of “Animal Related Services”;
- 4) Proposed “Animal Hospital/Vet Clinic” use will be treated the same as the existing “Animal Care Facility”;
- 5) Requiring a Special Use Permit for “Animal Day Care”, “Animal Hotel”, and “Animal Grooming” in the C-1 and C-2 districts and permitting them in I-1 and I-2 districts, by right;
- 6) Removing “Kennel” from the C-3 and I-1 districts as a Special Use and adding it as a Special Use in the I-2 and I-3 districts;
- 7) Organizing the “Use Standards” section to provide general standards that apply to all “Animal Related Services” and additional specific standards for each subcategory;
- 8) Creation of new use standards (separation from residential zoning, required amount and location of exterior activity area, etc.) and elimination of others.

After further discussion, if PZB believes additional research is needed, the hearing can be continued to a later date.

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Mr. Sula confirmed with Mr. Ziegler that the moratorium expires about the end of the year.

Mr. Nordentoft asked Village Staff for clarification as to the difference between the various animal care facilities.

Mr. Paff noted from personal experience that “daycare” usually refers to care of the pet during the day—the pet is dropped off, then retrieved before the facility’s closing—and that overnight care is not provided.

Mr. Nordentoft cited from the description of such a facility that overnight care “may” be available—which, to him, describes more of a pet hotel.

Mr. Campbell asked if there is a limit to the length of stay at these facilities.

Ms. Fard responded that there is no limit, but that one could be added.

Mr. Ziegler responded that a pet “hotel” is a somewhat new concept, and that it has been difficult to find a clear, concise definition of it. He suggested that the significance of day visits versus overnight stays may be a good point of reference.

Mr. Sula stated that it might be best to not get caught up in labels and focus more on hours of operation.

Mr. Ziegler suggested it best to start with the use chart, then work back towards definitions.

Ms. Ware asked Village staff if any research had been done on how these facilities are addressed in neighboring communities.

Ms. Fard responded in the affirmative, and described some of the research done by staff before she had come on board, which was used in the proposed amendments.

Mr. Ziegler noted there was some different interpretation of what a kennel is—a boarding facility to some, and a breeding facility to others.

Mr. Paff asked if the same type of activities/operations take place during the day as in the evening, in animal care.

Mr. Ziegler confirmed there is a bit of overlap between the various facilities, especially with the boarding provision.

Mr. Sula stressed the significance of 24-hour operation, and Mr. Ziegler posited that the significance of overnight care would be a good way to distinct between different types of businesses and suggested to eliminate the boarding provision allowed for what is primarily daycare.

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Mr. Campbell confirmed with Mr. Ziegler this to mean overnight care would be prohibited in “daycare” facilities.

Mr. Ziegler and Mr. Sula clarified that—in determining what kind of facility would be allowed where—the most determining factor would be whether or not overnight care would be provided.

Ms. Fard noted that, indeed, some of these facilities are basically the same in regard to use standard, but have different definitions.

Mr. Morgan confirmed with Mr. Ziegler that veterinary care facilities have been allowed in the C-2 district for quite some time, and Mr. Sula confirmed with Mr. Ziegler that they are permitted to operate overnight. Mr. Paff inquired as to boarding at veterinary clinics, and Mr. Ziegler responded that such offering is usually auxiliary, but—when both Mr. Paff and Mr. Morgan pressed the issue, Mr. Ziegler noted that it would be looked into exactly how much revenue from boarding was generated. Currently, the threshold is over 50 percent of the business revenue for consideration of what is the principal use. Mr. Ziegler added that this is how such auxiliary use is assessed in any sort of business.

On the subject of operating hours, Ms. Fard said that it has been proposed that daycare facilities and veterinary care facilities be restricted to 6:00 a.m. to 10:00 p.m., and that overnight businesses—while, obviously, remain open 24 hours a day—would be required to confine all activities after these hours to indoors.

Mr. Sula noted that other businesses in C-2 operate within similar hours, and stressed that such compatibility should guide any decisions made.

Mr. Morgan stressed compatibility with neighboring businesses.

There was a bit of disagreement over whether or not veterinary care facilities should be allowed by permitted use. The issue was over potential overnight stays by animals. Mr. Ziegler countered that it would be difficult to determine what would be considered “boarding,” and what is simple animals convalescing.

Mr. Sula expressed some concern over loss of the opportunity to review the logistics of clients’ arrival and departure from these facilities, and how it may affect neighboring businesses.

As the discussion moved to grooming facilities, Mr. Ziegler reminded the Board that it is standalone facilities, not auxiliary (as the one in PetsMart), that are the subject at hand.

Mr. Ziegler explained that consistency in type of use could compress these types of facilities in desired locations. He stressed the importance of available outdoor space when allowing use for businesses such as daycare and boarding facilities.

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Mr. Sula then asked what led to the moratorium, and whether or not this text amendment would rectify it.

Mr. Ziegler stated that what led to the moratorium was a doggy daycare facility allowed in C-2 district in a strip center adjacent to a restaurant. The proposed text amendment would require this use to secure a Special Use Permit (it is currently a permitted use in the C-2 district). Therefore, the proposed amendment would rectify what led to the moratorium.

While there are no kennels in town at the moment, Mr. Ziegler did spell out the potential changes in regards to kennels. Ms. Fard noted that some of those changes were in consideration of potential residential growth in those areas.

Mr. Morgan inquired as to why such use is permitted on public lands, and Mr. Ziegler noted that is a federal determination.

At this time, Mr. Ziegler suggested that use standards be reviewed--hours of operation, requirement of outdoor space for daycare/hotel/boarding, etc.

Mr. Sula and Mr. Ziegler discussed whether or not this matter should be continued, or if there was enough covered to proceed with a motion. Mr. Ziegler advised that due to the consistency established, he feels confident with the procession to a motion this evening. Ms. Fard added that part of the proposal includes the ability to compel such businesses to address what may be considered a "nuisance" resulting from operations, and a review of all the proposed changes was made.

Mr. Sula asked the Board if they have other questions. If not, he suggested that a motion would be in order.

Mr. Nordentoft motioned, seconded by Mr. Campbell, to forward a favorable recommendation on the proposed amendments to Animal Care Facilities, as proposed with the following change: veterinary care facilities being classified as a Special Use in the C-2 district.

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

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 6-0-0

4. Next Meeting Date: September 6, 2023

Approved

Mr. Sula confirmed with Mr. Ziegler and Ms. Fard that there is a Public Hearing scheduled for this meeting.

6. Public Comment

Mr. Sula opened the floor to the public, as there was no one in the audience, he then closed the floor to the public.

7. Adjournment

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

Voice vote:

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

Motion carried: 6-0-0

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Joann Metzger
Recording Secretary