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**Village of Gurnee
Planning and Zoning Board Minutes
April 17, 2024**

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, Dane Morgan, David Nordentoft, Edwin Paff, and Liliana Ware

Planning and Zoning Members Absent: R. Todd Campbell and Josh Pejsach

Other Officials Present: David Ziegler, Community Development Director; Tracy Velkover, Planning Manager; Atrian Fard, Senior Planner; and Bryan Winter, Village Attorney

2. Pledge of Allegiance

3. Approval of the PZB's March 6, 2024 meeting minutes

Mr. Sula stated that he has one correction on the second to the last page. The line reads "Mr. Sula asked if there was any other discuss" and it should read "Mr. Sula asked if there was any other discussion."

Mr. Nordentoft motioned, seconded by Mr. Paff, to approve the March 6, 2024 meeting minutes, as amended.

Voice Vote:

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

Motion Carried: 5-0-0

4. Final Plat of Resubdivision: Gurnee Retail Partners (Keystone)

Ms. Fard introduced the item by stating that Eric Pedersen of Keystone Ventures, on behalf of Gurnee Retail Partners, LLC, is seeking the resubdivision of property located at the northeast corner of Grand Avenue and Hutchins Road. The subject property consists of approximately 11.25 acres and is zoned C-2, Community Commercial. The resubdivision divides the development parcel into four separate lots to accommodate the future development of two new restaurants, a retail/service, and a medical office. All public improvements associated with the Keystone development are currently in place or will be installed with the site improvement. The Subdivision Plat reflects adequate easement provisions. Staff has reviewed the subdivision plat and verified

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that it conforms to Village ordinances. Engineering staff recommends that the Village of Gurnee Planning and Zoning Board forward a favorable recommendation to the Village Board of Trustees for the subdivision. The applicant is in attendance to answer any questions the PZB may have.

Mr. Sula asked if the Board had any questions regarding the plat.

Mr. Nordentoft stated that although this isn't pertinent to the plat, he asked how access was being provided to the site.

Mr. Tim Haig, stated that he works with Mr. Petersen, and that they currently have approval from IDOT for a right-in/right-out off of Grand Avenue near the lot line between Lots 1 and 2, as well as access from Bridlewood Avenue and Woodland Terrace with a circulation aisle along the north side of the site between those curb cuts. Finally, when the medical office building develops on Lot 1 they anticipate that they will have an access point off of Hutchins.

Mr. Sula asked if there were any more questions, and—stated that if not—a recommendation to the Village Board would be in order.

Mr. Morgan motioned, seconded by Mr. Nordentoft, to forward a favorable recommendation to the Village Board on the Final Resubdivision Plat for Gurnee Retail Partners, LLC, for property located at 7320-7380 Grand Avenue.

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 5-0-0

5. Public Hearing: Text Amendment to Article 5.2, C-4 Commercial District Dimensional Standards

Ms. Fard stated that the Village recently received an inquiry about the setback requirements for a residential building in the C-4 Village Center District. Article 5.2, "Dimensional Standards," which regulates setbacks on residential properties within C-4 District, requires a minimum of 30' front and corner side setbacks and no setback in the interior side, rear, and transition yards. Not requiring any setbacks in some yards prompted staff to compare the current standards with those of the former Zoning Code, which found that the 2015 Zoning Update did not carry over setback standards for interior side and rear yards into the current Code. She noted that having no setbacks from the interior and rear lot lines would allow principal buildings (houses) to be constructed up to the associated property lines, which could result in insufficient separation between residential buildings and also from adjacent non-residential uses. This can lead to issues such as spreading building fires, preventing airflow, obstructing natural lighting, noise

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transmission, and blocking the drainage flowway on the site. The former Code also required a minimum lot area of 10,000 square feet for detached single-family dwellings and 5,000 square feet for two-family dwellings and townhomes in the C-4 District. These requirements that historically regulated and established parcels in the C-4 District are relatively consistent with the minimum lot sizes required by Village's R-3 through R-6 districts for similar residential uses. Per the current Code, all housing types within R-3 to R-6 districts shall meet at least 10' interior side and 30' rear yard setbacks. Therefore, staff suggests to borrow the missing setback standards from these districts that are comparable in size to residential lots in the C-4 District.

Mr. Sula stated that, to him, this is correcting an oversight from the 2015 update of the Zoning Ordinance. There was consensus from the rest of the Board members.

Acknowledging that this was a Public Hearing, Mr. Sula did not open the floor to the public as there was no one in the audience.

Mr. Sula asked if there was any other discussion on the request, and--if not--a favorable recommendation to the Village Board would be in order.

Mr. Morgan motioned, seconded by Paff, to forward a favorable recommendation on the petition of the Village of Gurnee to amend Article 5.2, Dimensional Standards, Table 5-1: Commercial Districts Dimensional Standards, to add a 10' interior side setback and a 30' rear setback under the C-4 District.

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 5-0-0

6. Public Hearing: Text Amendment to Article 8.2.22, Outdoor Dining Use Standards

Ms. Velkover introduced this item by offering that the best way to explain the proposed changes to the Village's outdoor dining regulations is to provide the history of how "we got to where we are" on the issue. She explained that, prior to the 2015 Zoning Ordinance update, outdoor dining associated with restaurants was regulated depending on whether the restaurant had a liquor license or not. Restaurants without a liquor license required a permit which staff reviewed to ensure that specific requirements were met (i.e., dining area was accessory to a principal establishment, dining area did not encroach into any required setbacks, parking standards were met, codes are met, etc.). Restaurants with a liquor license were required to go through the Special Use Permit (SUP), as well as the permit process to show compliance with the codes and regulations in place, as well as other requirements (i.e., the outdoor seating area cannot exceed 50% of the restaurant size, restricting entry into and out of the outdoor dining area through the restaurant, installation of a barrier to

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prevent passing of liquor outside of the dining area, etc.). The SUP was seen as onerous by restaurant owners as it takes, on average, three months to complete. Unless a restaurant owner plans well in advance, the outdoor dining season is over by the time the SUP process is completed. With the update of the Zoning Ordinance in 2015, the process of establishing an outdoor dining area accessory to a restaurant was streamlined. Restaurants with and without a liquor license were treated the same. A permit and a Site Plan Review (SPR) were required (including fee), but a SUP was only required when a restaurant owner was unable to meet the Use Standards. The Use Standards include the following:

1. May not interfere with pedestrian access or parking spaces and aisles
2. A delineation must be maintained between the public right-of-way, private access drive, or any pedestrian walkway.
3. The dining area must be on a constructed surface, such as paving or wood. Any lumber used must be of a fire retardant quality and rot protected.
4. The following additional submittals are required for SPR and/or Special Use Application:
 - a. Seating plan, including surfacing specifications.
 - b. Plan showing how the area will be delineated from any public ROW, private access drive, or any pedestrian walkway.
 - c. Refuse disposal plan indicating type and location and method of maintenance.
 - d. Storage plan for off season.
 - e. Hours of operation:
 - i. Outdoor dining areas within 300 feet of residential are prohibited from using the area between 11:00 p.m. and 6:00 a.m.
 - ii. Outdoor dining areas greater than 300 feet from residential are prohibited from using the area between 1:00 a.m. and 6:00 a.m. Monday through Friday and between 2:00 a.m. and 6:00 a.m. on Saturday and Sunday.
 - f. Lighting must meet code
 - g. Music is allowed subject to volume control.
 - h. Must meet building setback

When the pandemic hit in the spring of 2020, Mayor Kovarik issued Executive Order 2020-01 coinciding with the National Emergency Declaration. One of the provisions of that Order pertained to Outdoor Seating for restaurants, making it permissible within the Village without a permit long as the outdoor dining areas were compliant with the State of Illinois guidelines. The Village also adopted guidelines in 2020 that were extended by the Village Board through the end of the 2023 dining season. Under these guidelines, a permit and SPR were no longer required unless the restaurant proposed a structure that was heated or more than 50% enclosed. In that case, a permit was required, and the site was inspected, but no fee was charged. Additional guidelines included the use of up to 50% of the parking lot for the dining area, the allowance of outdoor wait stations for liquor, and the ability to take liquor/cocktails “to go.” To date, the Village has not been made aware of any problems created by the guidelines. As such, the Village is looking to codify many, but not all, of these guidelines. The guidelines allowing up to 50% of a parking lot to be occupied by an outdoor eating area, as well as all of the “to go” liquor allowances are NOT proposed to be extended in the codified version.

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Provided to you is a copy of the existing outdoor dining area regulations in the Zoning Ordinance, and a red lined and clean copy of the proposed new ord. language. A summary of the ord. language is as follows:

- 1) Outdoor dining areas that are in vehicular drive aisle and/or parking lot area:
 - a. Require SPR approval (no fee) and inspection once the area is set up.
 - b. Required to meet many of the use standards in the current Zoning Ordinance (maintaining handicap accessibility, Fire and Building codes, storage plan during off season, delineation of dining area from traffic/parking areas, seating plan and surface specifications, alcohol service operations plan, etc.)
 - c. Once a plan is approved the dining area does not need to go through the SPR or inspection process again unless the area is modified or the use of the dining area ceases to exist for a year.
- 2) All other outdoor dining areas (those not located in a drive aisle or parking lot)
 - a. Allowed by right within the limits of the private property without any Village review (no SRP and no inspection)
 - b. Required to meet many of the use standards in the 2015 ZO including many of the ones required for dining areas in parking or drive aisle areas.

Ms. Velkover stated that the use standards are there to ensure outdoor dining areas operate safely, cleanly, and in a manner that does not negatively impact public health, safety, and welfare, or other property owners in the area. Should the Village become aware that a restaurant owner is violating of any of the proposed regulations, the owner would be notified to remedy the violation. She asked if the PZB had any questions.

Mr. Sula asked who would like to begin the discussion.

Mr. Paff confirmed with Ms. Velkover that where outdoor dining is allowed by right, there will be no review.

Ms. Velkover explained that this was the practice during the pandemic, unless the area was enclosed by more than 50% or if a heater was present (in which case a review was in order).

Mr. Paff also clarified with her that Village staff would not be aware of any violations unless they were reported. He expressed concerned over this, and asked why there would be no inspections.

Ms. Velkover and Mr. Ziegler explained that the Village is trying to be more business-friendly, and that since businesses operated responsibly during the pandemic, a reactive response (rather than proactive procedures) seemed adequate. Mr. Ziegler also stressed that all safety measures ordered by the Fire Department and Lake County Health Department (and inspections by these entities) are still in place.

Mr. Nordentoft then asked how new businesses would be informed of the regulations if there was to be no permitting process.

Mr. Ziegler answered that any new business would be informed of the regulations when applying to open the business, and that any existing business opening an outdoor seating area would be

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monitored; he noted that what is being expected of these outdoor seating areas is based on what is, really, common sense and good business practices, so any violations will be pretty evident from the start.

Ms. Velkover added that Ellen Dean, the Economic Development Director, has done a good job of keeping businesses abreast of what they need to do to stay in line with ordinance.

Mr. Paff further expressed his concern over lack of inspections and such, and suggested that a business could, perhaps, be in violation for months before the situation was remedied.

Mr. Ziegler explained that not too many businesses have outdoor seating, much less a large area of outdoor seating, and that he doesn't expect there to be many issues. He added that it may be an unfair burden for a small business putting up a table and a couple of chairs out front to have to undergo a long permitting process to do so.

Mr. Morgan confirmed with Ms. Velkover that what is considered "excess parking" that could be used for outdoor dining would be determined by the Village. Mr. Morgan also asked if areas beyond that covered within a restaurant's lease (say, neighboring sections in the strip mall that are vacant) could be used. Ms. Velkover answered that it would be determined on a case-by-case basis, as the Village did not want to impose limits in such cases. The restaurant owner would have to have the approval of the adjoining tenant and landlord.

Acknowledging that this, too, was a Public Hearing, Mr. Sula did not open the floor to the public as there was no one in the audience.

Mr. Sula then suggested that a recommendation to the Village Board would be in order at this time.

Mr. Winter stated that Section (b) should be amended to add the word "Section" in front of a. Section b would read "Outdoor Dining Areas other than those described in Section (a) are permitted by right.

Mr. Nordentoft motioned, seconded by Paff, to forward a favorable recommendation on the petition of the Village of Gurnee to amend Article 8.2.22, Outdoor Dining Standards, as amended by the Village Attorney.

Roll call vote:

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

Nays: None

Abstain: None

Motion carried: 5-0-0

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7. Next Meeting Date: May 1, 2024

Ms. Fard stated that there are no public hearings scheduled for the night of May 1st, and Mr. Sula acknowledged that they are effectively on “hold,” so to speak.

8. 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.

9. Adjournment

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

Voice vote:

All “ayes,” no “nays, and none abstaining

Motion carried: 5-0-0

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

Respectfully Submitted,

Joann Metzger
Recording Secretary