

Approved

**Village of Gurnee  
Planning and Zoning Board Minutes  
March 3, 2021**

**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, Edwin Paff, Josh Pejsach, and Laura Reilly

Planning and Zoning Members Absent: None

Other Officials Present: Tracy Velkover, Planning Manager; Clara Gable, Associate Planner; David Ziegler, Community Development Director; and Bryan Winter, Village Attorney

**2. Pledge of Allegiance**

**3. Approval of the Planning & Zoning Board Meeting Minutes for:**

**a. Approval of PZB's February 3, 2021 Meeting Minutes**

Mr. Paff motioned, seconded by Mr. Pejsach, to approve the February 3, 2021 meeting minutes as presented.

Voice vote:

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

Motion carried: 7-0-0

**b. Approval of the PZB's February 17, 2021 Meeting Minutes**

Mr. Pejsach motioned, seconded by Mr. Paff, to approve the February 17, 2021 meeting minutes.

Voice vote:

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

Motion carried: 7-0-0

**4. Final Plat of Subdivision: Grand Avenue Subdivision**

*Larry Powers of CRD Gurnee LLC, on behalf of Northwestern Medicine, is seeking the resubdivision of the parcels containing the Northwestern Medical Office Building and the parking field located west of the building, from the rest of the Holiday Inn property.*

Ms. Gable stated that Larry Powers, of CRD Gurnee LLC and on behalf of Northwestern Medicine, is seeking the resubdivision of the parcels containing the Northwestern Medical

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Office Building and the parking field located west of the building, from the rest of the Holiday Inn property. This plat provides all of the necessary easement dedication for public utilities and infrastructure. A Reciprocal Easement Agreement also provides for cross-access, cross-parking, and newly created off-premise signage. All public improvements associated with the new Northwestern Medical Office Building were installed with the development of the new structure. Staff has reviewed the subdivision and verified that it conforms to the Village ordinances. Engineering Staff recommends that the Planning and Zoning Board forward a favorable recommendation to the Village Board on the resubdivision.

The petitioner was unable to appear at this meeting.

Mr. Sula stated that this plat consistent with other subdivisions as it meets the Subdivision Ordinance requirements.

Mr. Nordentoft motioned, seconded by Ms. Reilly, to forward a favorable recommendation to the Village Board on the Final Plat of Grand Avenue Subdivision.

Roll Call Vote:

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

Nays: None

Abstain: None

Motion Carried: 7-0-0

##### **5. Public Hearing: Variation for Jacob & Dana Dombrowski (756 Cohasset Court)**

*Jacob & Dana Dombrowski are seeking a variation to allow the establishment of the front lot line on a corner lot to be the lot line having the longer frontage on a street, for property located at 756 Cohasset Court. The subject property is zoned R-3, Single-Family Residential.*

Ms. Gable stated that Jacob & Dana Dombrowski own 756 Cohasset Court and recently purchased the vacant lot immediately south of their property. They consolidated their two lots and plan to install an in-ground pool to the south of their existing home. By consolidating their lots, the front yard (which is the shorter frontage on a corner lot per code) would now be located to the south, along Eastwood Avenue. Pools are not allowed in front yards, so the Dombrowskis are seeking a variation to allow the establishment of the front lot line on a corner lot to be the lot line having the longer frontage on a street. The house is already built in conformance with this orientation. The applicant is here to present their plans.

Mr. Jacob Dombrowski stated that he and his wife purchased the vacant lot south of their home and filed a motion to consolidate their two lots. In the consolidation of these two lots, what is considered the front yard of this new lot is now on Eastwood Avenue, rather than Cohasset Court. They would like to build a pool to the south of their home, but—as that is now considered the front yard—it would not be allowed. He noted that their request is for a

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variance to maintain the consideration of the yard off of Cohasset Court as the front yard of the property.

Mr. Sula asked the PZB members if they had any comments or questions for the petitioner.

Mr. Paff stated that this application makes sense to him, as the house is already facing Cohasset Court. He doesn't see any issues with the request. He noted that a pool can be built in a side yard.

Mr. Baugh expressed disagreement, stating that the petition does not meet the standards for a variance as the "hardship" is self-imposed.

Mr. Pejsach offered that he has read everything in the packet and took note that none of the applicant's neighbors seem to have any concerns with the request. While not entirely disagreeing with Mr. Baugh that the hardship claimed by the applicants may be self-imposed, he views this as a side yard and not a front yard; he feels this is a technicality. He also believes it would fit in with the area and neighborhood. That being said, he does have concerns over the planned wrought iron fence, and suggested that if a solid fence was installed, instead, the pool would not be visible. While acknowledging that the style of fence is not what the PZB is charged with reviewing in this request, he believes that a solid fence would accomplish what he feels is the intent of the ordinance—that is, to hide pools out of street view (for instance, tucked in a rear yard). In stressing this point, he elaborated that—by installing a solid fence in the exact location of the proposed wrought iron fence--no one would even see the pool behind it.

Mr. Dombrowski responded that he and his wife would be happy to take that into consideration.

Ms. Reilly asked if it was just the pool that was going to be fenced, or—the entire lot.

Mr. Dombrowski answered that the fence is just around the pool area. He added that even the fence would meet the home setbacks, which is not required, stressing that the fence is very far away from the property lines/roadway.

Mr. Nordentoft stated that, at face value, it doesn't make much sense to consider the south property line the front yard when the house is built facing and addressed off of Cohasset Court. He explained that even if you take the pool out of the equation, and they wanted to fence their yard, they would be unable to fence that property (to the same extent) since it would be considered their front yard. However, they would be allowed to fence along Cohasset to some extent as it is now their corner side yard. Continuing, he asserted that it just doesn't make sense to consider Eastwood the front of the lot. Taking a step back, he reflected, stating that--had this come to the PZB before the house was built and the lots were consolidated—the PZB would not have thought this a good plan, nor supported it. As the house is, in fact, already built—and, for the owners ability to utilize the property properly—he feels this is a reasonable request.

Mr. Garrity stated that he does not have much more to add than what has already been said. Conveying that he is torn by the decision, he stressed that while he believes private property

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owners do have rights, he agrees with a lot of what has been said so far in opposition to approving the applicant's request.

Mr. Sula shared that he is struggling with this petition as well. He said that, in his mind, he was using the phrase "created hardship" while mulling over the request. He agrees with Mr. Nordentoft, that—if the lot had been originally platted this way—the house would not have been located where it is, and this situation would not exist. He conceded that it is an odd situation, and that he is struggling to get behind it.

At that time, Mr. Sula opened the floor to the public. As there was no one present, he then closed the floor to the public and ask Board members to further deliberate.

Mr. Paff continued the discussion by stating that, even if the house was constructed with the front yard on Eastwood, a pool to the rear (north) would still be visible from Cohasset Court. He shared that he does not see any issue with this request. He stressed that the neighbors do not care, and that whomever moves into the neighborhood next will have the choice move in or not and will be fully aware of the arrangement.

Mr. Garrity asked if there are any other examples of this type of situation.

Ms. Gable responded that she found some properties upon which—although not the exact situation, the owners were granted a change in the front yard to be the longer of the two frontages. She revealed that one of the properties is on University Avenue and that another is on Belle Plaine.

Mr. Garrity asked what year those approvals were granted.

Ms. Gable answered that they granted in the 1990s.

Mr. Sula added that he believes he recalls one of those requests, asking if one was a situation in which the road in question ran in front and in back of the lot.

Ms. Gable confirmed that one case was such, and that the other was more similar to the existing case (in which it was a corner lot in question).

Mr. Ziegler advised that the previous Zoning Code had a provision to switch the front and corner size yard without going through a variance process. Noting that this is no longer provided in the new Zoning Ordinance, he further advised that the only way to grant something like this is through the variance process.

Mr. Baugh stated that he stands with his initial comment—that the standards for a variance are not met with this application. He asserted that it does not meet standard #2 (that the hardship is not created by the owner) and that he does not believe that it meets standards #4 (the particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out), either. He dismissed the emphasis on the support of surrounding property owners, positing that it is not a standard, and that the job

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of the PZB is to maintain the integrity of the Village's Zoning Ordinance and not the opinions of surrounding neighbors and property owners.

Mr. Pejsach asked Mr. Baugh to elaborate, and also suggested that—as they have been heard and are on record—the opinions of the surrounding neighbors are relevant in making this decision.

In elaborating, Mr. Baugh cited the definition of hardship as described in the ordinance, and asserted that it was the petitioner's actions that create what the petitioners are asking be considered as hardship.

Mr. Dombrowski argued that while consolidating lots, he was unaware of ordinance that would make what was his side yard now his front yard.

Mr. Baugh maintained that, still, the consequences are a result of Mr. Dombrowski's actions.

Mr. Winter advised that the current orientation of the house can be considered in this decision as a condition, and noted the uniqueness of this situation in that prior to current code, this could have been handled administratively (though, Mr. Ziegler—after consultation with Ms. Velkover—corrected his prior remarks on this subject and explained that this would, in fact, have required a variance process under old code, as well).

Mr. Paff questioned why the house would have to face the street with the shorter frontage anyway.

Ms. Gable explained that it does not, and the issue is more about distinguishing what is a front yard as opposed to a back yard for the purpose of allowance. For the purpose of comparing what is, in fact, allowed and what isn't in a front yard.

Mr. Garrity asked if a driveway could be placed on these consolidated lots crossing what is now considered to be the front yard.

Mr. Ziegler responded that one could, in fact, be placed.

Mr. Winter added that if the lots were still separated, a house could actually be built on the lot in question.

Mr. Pejsach summed up his comments by stressing that while he understood the arguments of other Board members, the pool would be installed on what is actually the side of the house, which is allowed, and that he has no problem with this request.

Mr. Sula countered that considering the criteria used in the original planning in this development, approving this request would essentially be creating a situation that would not have met that criteria, and—therefore, not have been planned that way.

Noting the uniqueness of this particular situation, Mr. Ziegler reminded that the intent of this ordinance is to prevent swimming pools being installed in what is traditionally a front yard.

In response, Mr. Sula stressed that the pool would not be behind anything (i.e., structure).

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Ms. Gable noted that it would, however, be behind the front plane of the house, if not behind the house in its entirety, which—as Mr. Ziegler added—would be the standard by which a pool can be built on the side of a house.

Mr. Baugh questioned how these two lots had even been consolidated without the matter having been presented to the Board.

Mr. Ziegler explained that the Village Board has approved an administrative process—a partial plat of vacation—to eliminate a common plot line.

Mr. Winter advised that it has been “in the books” for many years.

Mr. Garrity motioned, seconded by Pejsach, to forward a favorable recommendation on the petition of Jacob and Dana Dombrowski for a variation to allow the establishment of the front lot line on a corner lot to be the lot line having the longer frontage on a street, for property located at 756 Cohasset Court.

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

Roll Call Vote:

Ayes: Nordentoft, Paff, Pejsach, and Reilly

Nays: Baugh, Garrity, and Sula

Abstain: None

Motion Carried: 4-3-0

Mr. Sula advised the applicant that this is a recommendation, and that it will be forwarded to the Village Board for its decision. He stated that Village staff will advise him as to when that will occur.

## **6. Informal Review: Bridge Development**

*Bridge Development is seeking informal review of a plan for approximately 576,000 sq. ft. of industrial/warehousing and 4-acres of commercial/retail on property located south of Washington Street, west of Rt. 21, and east of the I-94 Tollway. The property consists of a total of 44-acres and is called out as a Community Character area on the Comprehensive Land Use Plan due to its size, location and proximity to key transportation access and other community assets. The Comprehensive Plan concept for this parcel reflects Commercial Core/Mixed-Use Development consisting of Commercial, Hospitality and Residential.*

Mr. Sula reminded the intention of an informal review, which is to allow a potential petitioner to get feedback on a proposed project before actually submitting it for approval; he stressed that what takes place may not necessarily reflect what may happen in the future, should the matter be moved forward along in the proceedings that may follow.

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Bridge Development is seeking informal review of a plan for approximately 576,000 square feet of industrial/warehousing and four acres of commercial/retail on property located south of Washington Street, west of Rt. 21, and east of the I-94 Tollway. The property consists of a total of 44-acres and is called out as a Community Character Area on the Comprehensive Land Use Plan due to its size, location, and proximity to key transportation access and other community assets. The Comprehensive Plan's concept for this parcel reflects Commercial Core/Mixed-Use Development, consisting of Commercial, Hospitality, and Residential. Representatives of the potential petitioner were in attendance to make a presentation.

Nick Siegel, a partner at Bridge Development Partners who heads the Chicago region, began his presentation by introducing Mark Houser, who heads the Construction and Entitlements department for Chicago. After a brief description of his firm and its presence in both in the Chicago area and Lake County, he described the proposed project for the site, which the firm is under contract to develop:

- There will be two high-image industrial buildings (575,630 square footage in total) with parking and a shared truck court (located between the buildings).
- A retail out-lot of about four acres will be carved out on the corner; while retail is not thought to be a particularly viable option in this area (due to its proximity to more desirable areas for retail near Gurnee Mills) there will probably be a slight demand some.
- Stormwater management areas (detention) will be to the south of the buildings, though likely moved further west in an effort to preserve some existing trees on the property.

Mr. Siegel then offered a tax analysis he had drawn up, projecting revenues of about \$1,500,000 from taxes; Gurnee School District would likely receive about \$550,000 from the distribution, and Warren Township about \$250,000.

Per a broker Mr. Siegel consulted with, the lack of a hard corner presents a challenge to substantial retail development on this site. The best option would be to acquire the hard corner (now occupied by a gas station) and update it with a new, modern gas station/car wash/convenience store. However, he noted that the owner does not want to sell.

Mr. Siegel then concluded his presentation by citing other projects developed by Bridge in the local area and throughout the county.

Mr. Sula then encouraged questions, comments, and other feedback from Board members.

Mr. Pejsach asked what type of tenants are envisioned for the buildings, noting that it would appear a multitude of smaller tenants are envisioned. He also asked what the buildings would look like on the inside (for example, if there are multiple floors planned, or if the floor area is will be totally open).

Mr. Siegel stated that these are speculative buildings, so he cannot say for certain what type of tenants they will house. He suggested they would possibly be mid-sized corporate tenants, citing some of Bridge's tenants in other nearby communities: Medline, Costco, Jelly Belly, etc. He stressed that they may bring with them lot of jobs. While a client of theirs, he does not

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envision Amazon (or other such enterprise) operating a facility there. In describing the plans for the inside of the buildings, he said that they would be wide, open spaces for the tenants to use as needed.

Mr. Garrity offered immediate feedback, stating that there is no way that he could support this project. Noting the recent completion of the Village's update to its Comprehensive Land Use Plan, and--that this parcel was identified as a Community Character area in recognition of its importance to the community—he posited that the proposed use of the property is not even close to what the Village envisioned. He further asserted that there will likely be significant truck traffic as the two buildings, as planned, provide over 100 loading docks. Summing up his argument, Mr. Garrity stated that he considers this project a “one-off” development that belongs in the Grand Tri-State/Centerpoint Business Parks.

While acknowledging that this project is not what the Village has envisioned for this area, Mr. Siegel defended it by stressing the quality of the buildings planned for the project, the amount of tax revenue it will create, etc.

Mr. Sula stated that the Village just adopted a new Comprehensive Land Use Plan less than six months ago, which took over two years to develop. He also asserted that the proposed industrial use is not even close to what the Village envisioned for this property.

Mr. Baugh affirmed his agreement with both Mr. Garrity and Mr. Sula that the Village spent a lot of time and effort on update to the Comprehensive Land Use Plan with which this proposed project is not consistent. He added that the amount of revenue any development of this property will add to the tax base is only one factor to consider.

Mr. Paff joined in agreement with all points brought up in the discussion, and added that with the number of truck docks planned for the project, he not only believes that there will be significant truck traffic, but also questions—citing direct the lack of access to the Tollway--how trucks would enter and exit the property. He summed up the proposed project as simply not a good fit.

Ms. Reilly called the proposed project “obtrusive” while agreeing with other Board members that this type of development is out of character for the immediate area and belongs somewhere closer to the Grand Tri-State Industrial Park.

Mr. Nordentoft, reflecting on an 18-year-old tenure on the Board, expressed appreciation for the recent adoption of an updated Comprehensive Land Use Plan and the benefits of having this new guideline and barometer of sorts--after working with an outdated plan for so long—in their mission to “get the Village to where it wants to go.” He is not so quick to dismiss the time and effort that went into this endeavor, and stressed the increasing uniqueness of scenarios in which a parcel of land such as this—an open 40 acres with which to “think big”—in accepting the responsibility of being good stewards to such land now that these opportunities come with a much higher premium. While acknowledging how nicely constructed these buildings may be designed, he stated that he agrees that this proposed project does not fulfill the envisioned use for this land.



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In response to what was overwhelming opposition to this proposed project, Mr. Siegal asked Board members what is envisioned in this area.

Mr. Sula responded that the answer is made clear in the Comprehensive plan.

Mr. Siegal countered with points such as restaurant closures, empty office space, masks mandates, and other recent changes in the economy, suggesting that plans may need to change.

Mr. Sula defended the PZB's stance, stressing despite recent events--proceeded by those with any similarity taking place nearly a hundred years ago--commitment should be made to the long-term vision for which the Plan was created while moving forward. He noted that making decisions in conflict with a new and well thought out Comprehensive Land Use Plan that will have long term consequences for the Village just because we are in the middle of a pandemic, would be extremely short sighted.

Mr. Glenn Christensen introduced himself as a retired land planner who has done some work for the property owner, Mr. Dan Riedel, the in the past. He offered that it is he who is probably responsible for the applicant being before the PZB, as he has known Mr. Houser since the two of them were roommates in college. He shared that Mr. Riedel had recently assembled the entire triangle property (except for the Mobile Service Station). In support of this proposed project, Mr. Christensen informed Board members that these potential petitioners are "ready to move," suggested that consideration be given to the amount of tax revenue such a project would bring, while warning them of what he describes as an "exodus to Wisconsin" by other developers. He also suggested developers would be more inclined to desire property on Grand Avenue, near Gurnee Mills, for the type of use the Village envisions for this area in the Village's Comprehensive Land Use Plan. In conclusion, he thanked Board member for their time.

As discussions wound down, Mr. Sula concluded the review by stating that he feels the PZB members have been pretty clear regarding their thoughts regarding the proposed development. He did, however, inform those in attendance that the formal process remains open to the applicant, should they choose to proceed.

#### **7. Next Meeting Date: March 17, 2021**

Mr. Sula confirmed with staff that there is a non-public hearing item scheduled for this meeting.

#### **8. Public Comment**

There were no public comments at this meeting.

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## **9. Adjournment**

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

Voice Vote:

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

Motion Carried: 7-0-0

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Joann Metzger,  
Recording Secretary, Planning and Zoning Board