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**Village of Gurnee
Planning and Zoning Board Minutes
February 16, 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, Brian Baugh, R. Todd Campbell, David Nordentoft, and Edwin Paff

Planning and Zoning Members Absent: Josh Pejsach

Other Officials Present: Tracy Velkover, Planning Manager; and Clara Gable, Associate Planner

2. Pledge of Allegiance

Before proceeding to the next items on the agenda, Mr. Sula explained (former) Board Member Tim Garrity's absence as resignation due to having moved out of the Village. Mr. Sula thanked Mr. Garrity for his service. Mr. Sula also asked those in attendance to invite qualified applicants to inquire about the resulting vacancy on the Board.

3. Approval of the PZB's Meeting Minutes from December 15, 2021

Mr. Sula asked if there was any discussion for the minutes. As there was not, Mr. Campbell motioned, seconded by Mr. Paff, to approve the minutes of the December 15, 2021 meeting.

Voice Vote:

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

Motion Carried: 5-0-0

4. Presentation of Zoning Review Findings on Solar Energy

As part of the Village's participation in the Greenest Region Compact, staff has been working with representatives from SolSmart to address local barriers to solar energy. The Village is currently seeking a SolSmart Bronze designation; staff will present SolSmart's Zoning Review findings to the Planning & Zoning Board and provide draft changes based on the Zoning Review (not to be adopted at this meeting) as required for the SolSmart Bronze designation.

Ms. Gable introduced the item by stating that, as part of the Village's participation in the Greenest Region Compact, staff has been working with representatives from SolSmart to address local barriers to solar energy. The Village is currently seeking a SolSmart Bronze designation; in order to receive this, staff is required to present SolSmart's Zoning Review findings to the Planning & Zoning Board a draft proposed language for changes to zoning code based on the Zoning Review. The Village is not required to adopt any changes in order to receive the SolSmart Bronze designation, but such changes would be required if the Village decides to pursue a SolSmart Silver or Gold designation.

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Per the Zoning Review, the following “medium” or “high” priority changes could be considered: 1) Allow ground-mounted solar systems by right under certain conditions; and 2) Exempt rooftop solar systems from screening requirements.

The Village’s Zoning Ordinance currently requires Special Use Permits for all ground-mounted solar systems. As you may recall, only one ground-mounted solar system has come before the PZB (Woodland School), but later withdrew their petition after receiving an unfavorable recommendation from the PZB. The Zoning Ordinance allows flush-mounted (projects 6” or less) solar on any roof. Screening is required for non-flush mounted systems (Special Use Permit is needed to get around screening requirement).

In July of 2019, the Lake County Task Force provided a draft ordinance which included updates to the original 2011 model ordinance. The main change was the suggestion that ground-mounted solar systems be permitted by right under certain conditions. The model ordinance suggests defining ground-mounted systems as small, medium, or large based on the amount of surface area that they take up. The Village’s Zoning Ordinance provides definitions for small and large solar energy systems but does not directly tie them to sizes. The model ordinance suggested allowing small-scale ground-mounted solar systems as a permitted accessory use in all districts; it also suggested allowing medium-scale systems as a permitted accessory use in non-residential districts.

Notably, the model ordinance also suggested allowing ground-mounted solar energy systems as principal uses either by right or as a special use depending on the district and the size of the system. This would allow neighboring lots or outlots to contain solar systems.

The model ordinance does not directly address rooftop solar screening requirements, but does suggest the following related language: “Roof-mounted solar energy systems are exempt from zoning district height limits on structures with a flat roof and shall not exceed six feet above the height of the building, or the minimum height required to meet applicable building or fire regulations.”

Staff also surveyed a handful of neighboring communities and found a wide range of regulations, which can be found in the staff notes.

Mr. Sula then invited members of the Board to start a discussion.

Mr. Paff expressed concern over size, particularly in regard to ground systems. Ms. Gable responded that—while there are the classifications of “small” and “large” in the Village’s Zoning Ordinance currently—there are no specifics as to the amount of area that the system takes up in each. Mr. Paff clarified with Ms. Gable that “small” could be up to 1750 square feet (taken from the model ordinance). Mr. Paff then noted the apparent contradiction between the two attempts at being “green”—the use of solar panels, and the encouragement of growing trees. He expressed concern not only with the amount of area these panels could use up in a backyard, but with the amount of grass and trees lost to accommodate them. He feels the emphasis on

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aesthetics that has been made in planning and ordinance over the years should be maintained, and finds the thought of a community with “solar panels in every yard” unappealing.

Mr. Baugh simply expressed strong dislike for ground-mounted solar panels and indicated that he can’t imagine them in his subdivision.

Ms. Velkover stressed that the aforementioned 1,750 sq. ft. limit is based on the model ordinance, and indicated that thresholds for allowance could be substantially different, pointing to other communities’ ordinances that establish the lower threshold at 500 sq. ft. Also, they could be contingent on size of lot, setbacks, etc.—and, that the intent this evening was to get feedback on what may be palatable to the PZB, if anything. She also discussed with Mr. Paff how the perviousness of surfaces would factor in, as well.

Mr. Sula asked what degree of angle would be required for optimal operation of these panels, and what the Village’s current height limit for them is. Ms. Velkover and Ms. Gable noted that the angle varies, but clarified the maximum height for ground mounted systems is 15 feet. This was a bit concerning to Mr. Sula, as this is taller than twice the average fence. Ms. Velkover stated that there are usually additional setbacks as part of the regulations (as these are currently only allowed with a Special Use Permit). Mr. Paff asked what the height limit for a shed is, and Ms. Velkover responded that sheds cannot exceed the height of the house of the lot they are on.

Ms. Velkover again stressed that the purpose of this discussion is to get feedback; there are no right or wrong answers to the questions being asked, as the intent is for Village staff to gauge Board members’ openness/reluctance to what may be fit and appropriate as allowable by right in regard to solar panels.

When Mr. Baugh asked if SolSmart Bronze status has already been obtained, Ms. Velkover and Ms. Gable clarified some of the process; as SolSmart’s analysis of the Village’s code/ordinance (and what they have assessed as a need for improvement) has been completed, Village Staff is now presenting that to members of the Board, as required, in an effort to determine what changes, if any, the Village may want to make. Ms. Velkover stressed that nothing being presented this evening requires any action by the PZB. Ms. Gable added that, if higher status is desired, there would likely be changes that would have to be made; this prompted Mr. Sula to ask if there is desire in the Village to pursue higher status—to which Ms. Velkover responded that it was unlikely, as Gold status, in particular, may effectively allow more than what the Village would desire in order to maintain a good balance between energy efficiency, aesthetics, and property values.

Mr. Nordentoft suggested that it may be best to encourage more use of solar energy in industrial areas (where aesthetics are not as pressing a matter) and noted the difference in solar energy as a primary use and as an accessory use. When he went on to express some concern over what appeared to be primary uses in residential areas in the model ordinance. Ms. Velkover and Ms. Gable responded that many of those uses are intended for communal residential areas (such as shared/common areas within a subdivision).

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Mr. Baugh seemed to question the worth of the Bronze status, or any such status. Ms. Velkover and Ms. Gable explained that this type of initiative is being encouraged by Village Administration, in conjunction with the Village's newly-formed Sustainability Board, and that pursuing this particular acknowledgment made sense, as the Village already meets most of the criteria. He suggested an outright moratorium on all solar systems until the Village figure this thing out. Ms. Velkover reminded the PZB that flush roof panels are allowed by right, that the Village receives about 50 application for permits a year, and applications for permits allowing flush-mounted rooftop panels are seemingly increasing each year. Mr. Baugh expressed his further concerns—that there be no community use of solar panels, that only flush-mounted rooftop panels (that do not face the street) be allowed, and that there be a total prohibition of ground-mounted panels. Mr. Paff pointed out that the roofs of some homes would not be able to achieve solar panels if the Village banned panels on roofs that faced toward the street. Mr. Baugh understood that would be the case.

Mr. Sula suggested that code/ordinance should be tightened-down as to what is and is not allowed in regard to these panels, making aesthetics a priority. He supports being green, but feels it must be done in what he describes as “responsibly.” In an attempt to clarify what, exactly, the Board would like to see “tweaked,” so to speak, Ms. Velkover explained that some of the potential limitations being discussed this evening may very well make it difficult for some businesses and homeowners to make use of these panels at all. Mr. Sula acknowledged this, and summarized the Board's intent as allowing solar panels in ways that do not impact the Village's curbside appeal.

With the discussion ending on this note—that it is the desire of the Planning & Zoning Board to take a step back and, perhaps, consider tightening code/ordinance regarding solar panels, Ms. Velkover asked if it is the Board's recommendation to place a moratorium on solar panels. If so, she would consult with the Village Administrator and the Village Attorney, as the Village Board would only be able to take such action. If the Board enacts a moratorium it would need to be at least 6 months to give time to research and address code revisions with Ms. Gable going out on maternity leave in a week. Mr. Sula affirmed, but asked that the request be made to express the Board's desire to look into the various types on solar paneling. When asked by the Board how often applications for permits to install solar panels were received, Ms. Velkover answered that they received two just the week before—Ms. Gable answered that she received one that week—and together answered that they received about one to two a week, noting an increase in the last three years or so.

5. Report from Staff on Regulating Number of Sheds on a Residential Property

Staff has researched the possibility of restricting the number of detached sheds on residentially-zoned properties in town. Staff has also surveyed a number of communities in the area and will provide this information to the PZB.

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Ms. Gable introduced this item by stating that in response to a request for staff to look into the possibility of limiting the number of sheds that can be located on a property, staff surveyed 10 communities to determine their regulations for controlling the number and/or size of accessory structures. Staff found the following:

- Lincolnshire limits the total number of accessory structures to two.
- Vernon Hills limits the number of sheds, playhouses, or tree-houses to one and the number of detached garages to one. However, they do not limit the total number of accessory structures (detached garages, sheds, pools, greenhouses, chicken coops, playhouses/treehouses, etc.).
- Mundelein prohibits a detached garage if there is a functioning attached garage.
- Gurnee does not limit the number of sheds or total number of accessory structures, but does limit the number of detached garages to 1.
- Most communities, including Gurnee, limit the square footage of accessory structures communities by establishing a maximum percentage of yard that can be occupied by accessory structures and/or placing a cap on the square footage through Maximum Building Coverage, Maximum Floor Area Ratio, and/or Maximum Impervious Surface Ratio.

Staff has concerns with limiting the number of sheds and/or the total number of accessory structures on a lot for a number of reasons.

- A list of what those “accessory structures” are would need to be developed so that there is no confusion as to what counts toward this maximum number (i.e., decisions on whether the following would be included would need to be made: dog house, chicken coop, pools/hot tub, gazebo, etc.).
- Most people do not have an “up to date” plat of survey showing all structures on their property and, if there is a fence, there is imperfect ability for staff to know what structures exist (along with the sizes of those structures) on a property at the time a permit is applied for. Staff looks at aerial photos, but often trees obscure views onto lots and there is not enough staff to go out to each and every property where an accessory permit is applied for to confirm structures on a site.
- Often times an aerial photo will show what appears to be a “structure” but which is not actually an accessory structure or for which staff cannot determine what type of accessory structure it is. For instance, the property that triggered this discussion has an above-ground planting bed (i.e., raised garden) that cannot be seen from the street due to a 6-foot tall fence around the rear yard. It appears, by aerial photographs, to be an accessory structure, but which is confirmed to be a raised planter bed by photos that were provided by the applicant for another accessory structure permit.
- If a limit on the number of sheds is proposed, residents might try to pass a second shed off as a playhouse or another type of structure that doesn’t have limits (probably why Vernon Hills includes playhouses with sheds for their number limit).

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- A limit on the number of accessory structures would create a significant number of non-conformities, as Gurnee has a number of properties with multiple accessory structures such as pools, sheds, detached garages, gazebos, etc. When the Zoning Ordinance was updated in 2015 the Village Board wanted to try to minimize the number of non-conformities created.

Gurnee removed the Floor Area Ratio requirement with the 2015 update of the Zoning Ordinance. It was removed because of the difficulty in determining this value since the Village, as well as most homeowners, often do not have copies of home plans. It is difficult and time consuming to determine the area calculation for homes where the Village has no floor plans. The calculations that are determined may not be accurate, as staff does not know if a high roofline means a second story or just a vaulted area. Instead of using Floor Area Ratio, the Village uses maximum building coverage and Impervious Surface Ratio for residential which is generally easier to determine and provides some control over accessory structures.

Staff believes that a number of lots where there are concerns about accessory structures probably have either installed structures without a permit and/or have violations on site. Therefore, they should be addressed by Code Enforcement. That appears to be the situation that started this inquiry. In that specific case, the homeowner appears to have installed at least several accessory structures without benefit of permits. Code Enforcement is reviewing this property and make contact with the owner to determine what, if any, violations exist on the site and work toward remediation.

Beginning the discussion, Mr. Baugh claimed that most modern subdivisions don't allow sheds, and felt that the issue was more in regard to older residential areas. He stated that, based on this, he saw no need for sheds as most houses are now built with two-car garages and ample driveways to match, stating that storage can be made in these garages, even if it means parking cars out in the driveway, he argued that sheds should be banned on residential properties altogether (though he may consider the allowance of one per lot). In regard to older properties upon which such sheds already exist, he felt the issue of noncompliance would simply resolve itself as these existing sheds become dilapidated and property owners were left unable to replace them. Ms. Velkover gave some examples of sheds alongside other existing structures that would potentially become noncompliant if code/ordinance is changed, which led to discussion on garages. After confirmation with Ms. Gable that current code/ordinance allows for one detached garage on the lots of homes with attached garages, Mr. Baugh asserted that such allowance should be done away with.

Mr. Nordentoft suggested that what is considered "accessory" structures seems a bit too broad, and—since the issue of sheds and detached garages seem to be of most contention—asked if code/ordinance regarding various structures could be narrowed-down a bit. Ms. Velkover that the accessory structure section of the code includes a wide range of structures, such as fences and pools, and therefore, the only way to achieve what appears to be what Mr. Nordentoft is suggesting is to come up with a list of accessory structures that the board may want to further

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regulate and make regulations that apply only to those structures. She noted that it would have to be addressed by a recommendation to the Village Board through proper procedure.

Mr. Paff offered that he was not opposed to sheds, and other various structures, but that there should be limits to the number of accessory structures such as sheds and playhouses that would still allow for those often built together (such as fences and pools).

Mr. Sula added that the focus should be on the size of such structures as well as the number allowed, respecting that several such structures—such as a gazebo and a shed—would often be built together in the desire for both practicality and enjoyment.

Ms. Velkover reminded that changing code/ordinance often results in concession or compromise; for instance, the change disallowing the outside storage of more than one RV on a residential lot resulted in the allowance of detached garages on such lots if in the presence of an existing garage attached to the home.

6. Next Meeting Date: March 2, 2022

Ms. Gable and Ms. Velkover stated that, while there are no public hearings scheduled for the evening, it is likely there will be a meeting.

7. Public Comment

Mr. Sula then 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.

8. Adjournment

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

Voice Vote:

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

Motion Carried: 5-0-0

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Joann Metzger,
Recording Secretary, Planning and Zoning Board