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**Village of Gurnee
Planning and Zoning Board Minutes
April 6, 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: David Ziegler, Director of Community Development and Bryan Winter, Village Attorney

2. Pledge of Allegiance

Mr. Sula announced a changes in the evening's agenda. He noted that Mr. Winter's update would follow the Public Hearings, and approval of the minutes from the evening of March 2nd would be postponed due to technical issues.

3. Public Hearing: Variance for Morgante-Wilson Architects, Ltd., on behalf of LCRDC-MPMP, LLC (1280 Blackburn Street)

4. Parking Modification: Morgante-Wilson Architects, Ltd., on behalf of LCRDC-MPMP, LLC (1280 Blackburn Street)

Mr. Ziegler introduced the items by stating that Mortgante-Wilson Architects, Ltd, on behalf of LCRDC-MPMP, LLC, is requesting a Parking Modification to allow parking for a proposed 4 dwelling unit expansion of an existing apartment complex to have one (1) less parking stall than required by code. The subject property consists of approximately .69-acres and is located at 1280 Blackburn Street. He reminded that that the PZB is to make a recommendation on the Variance to forward to the Village Board, though it has authority to approve the Parking Modification.

As the Variance is a Public Hearing, Mr. Sula asked that anyone wishing to speak on this matter be sworn in. Mr. Winter conducted the swearing-in. Mr. Sula then turned the floor over to the Petitioner.

Rob Anthony, President of Community Partners for Affordable Housing, began the presentation by stating that, in January of 2019, the three largest affordable housing organizations in Lake County merged into a single organization. He introduced architects Fred Wilson and John Leonard (noting their contributions as pro bono), as well as Mike Mader, president of the Affordable Housing Corporation (which serves as the nonprofit construction arm).

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He provided a brief description of his organization, explaining that they are a not-for-profit, 501(c)(3), HUD-certified counseling agency with a mission to develop affordable housing as well as empower individuals and families to secure and retain quality housing. Some of the services they provide include financial assistance with down payments, rent, and major home repair--foreclosure prevention and assistance with modifications to provide accessibility—and, a wide variety of many other services. Continuing, Mr. Anthony provided a history of the subject property, explaining that Lake County Residential Development Corporation purchased this building in 1999, and it was originally used as transitional housing for women with children. There were nine units, and the upper level was used as office space by Catholic Charities (which provided on-site services), as well as Lake County Residential Development Corporation. The building eventually became permanent housing. Catholic Charities no longer needed the office space, but Lake County Residential Development Corporation remained on the top floor, until relocating to Libertyville after the merge in 2019. The upper level is now vacant, and has been since 2019, due to the postponement of plans to convert it to more affordable housing (due to the merge as well as the pandemic). They are asking for a variance to increase the amount of affordable housing they can offer to the community, and be allowed to have one less parking spot than what is required by code, as they do not see a need for any more than what are present in the lot at this time. He stated that there is land on the property that, if absolutely necessary, could be used for that additional parking space, but explained that they would prefer to continue utilizing that land as green space.

Mr. Anthony then turned the presentation over to Mr. Wilson, who gave a brief overview of the dimensions of the building and the amount of space each of the new units would have. He asserted that these units will not alter the character of the building nor the neighborhood, and the one parking stall less than required by code would present no issue.

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

Mr. Paff expressed support for the project, noting the greater benefit to the community it would provide by adding more affordable housing at the location rather than to leave it as office space that would likely remain vacant. He confirmed with Mr. Sula the option of land banking the additional parking stall should it become necessary in the future.

Mr. Nordentoft also expressed support for the project, noting that the intent of the building, really, is residential, and that the office space—while once useful—should not remain if it no longer serves the purpose it once did.

Mr. Sula noted that despite the density of units per acre, special exception can be made for development such as this (affordable housing).

Mr. Campbell also expressed support for the project.

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Mr. Sula then opened the floor to the public. As there wasn't anyone from the public to make comment or ask question, he then closed the floor to the public.

Mr. Sula asked if there were any more questions or comments from members of the Board, and suggested that—if not—a motion be made.

Mr. Campbell motioned, seconded by Mr. Paff, to forward a favorable recommendation on the petition of Mortgante-Wilson Architects, Ltd, on behalf of LCRDC-MPMP, LLC, for a Variance to allow an increase in the number of units, from 9 to 13, for the existing apartment complex located at 1280 Blackburn Street.

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

Roll Call Vote:

Ayes: Baugh, Campbell, Nordentoft, Paff, and Sula

Nays: None

Abstain: None

Motion Carried: 5-0-0

Mr. Nordentoft motioned, seconded by Mr. Campbell, to approve the Parking Modification requested by Mortgante-Wilson Architects, Ltd, on behalf of LCRDC-MPMP, LLC, as presented this evening.

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

Roll Call Vote:

Ayes: Baugh, Campbell, Nordentoft, Paff, and Sula

Nays: None

Abstain: None

Motion Carried: 5-0-0

5. Update from Village Attorney Bryan Winter

Mr. Winter, explaining that he likes to periodically update commissioners on legal matters, gave a review of such matters—including a new “Disclosure of Economic Interest” statement form.

Outline: 1) Disclosure of Economic Interest, 2) Conflicts of Interests, 3) Public Hearing Process, 4) Open Meetings Act

DISCLOSURE OF ECONOMIC INTEREST

-- This disclosure is required under the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101 et. seq., which was enacted to reveal potential conflicts of interest.

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-- Failure to file the disclosure may result in forfeiture or ineligibility to serve and monetary penalties

Mr. Winter showed a copy of the form that is required to be completed. He stated the following:

- Assets include: stocks, bonds, mutual funds, exchange traded funds, commodity futures, investment real estate, beneficial interest in trusts, and business and partnership interests.
- Assets do not include: personal residence, personal vehicles, checking/savings accounts, bonds/notes/securities issued by federal/state/local government, Medicare benefits, inheritances or bequests, diversified funds, annuities, pensions, retirement accounts, college savings plans, and qualified tax-advantaged savings programs for disability-related expenses or tangible personal property.
- Income includes salary, any commissions, bonuses, lump sum buyouts, payments received from a pension plan, distributions from a 401K Plan, the sale of stocks, etc.
- Compensation and income reported on any IRS forms, including but not limited to W-2, 1099, or K-1 filings.
- Income does not include compensation earned for services in the position that necessitates filing of a statement of economic interest or returns on items excluded from the definition of "asset" i.e., sale of personal residence or vehicle.
- Must list source, not amounts.

Mr. Winter suggested that, in some cases, it may be recommended to seek advice from a tax professional in regards to these disclosures.

CONFLICTS OF INTEREST

Public Officer Prohibited Activities Act
50 ILCS 105/0.01 *et. seq.*

Public Official cannot:

- Have a direct or indirect interest in any contract or work the official may be called upon to act or vote on the award of contract.
- Represent any person, association or corporation on any application or bid before the public body that the official serves on.
- Cannot directly or indirectly take money or things of value as a gift, bribe, or means of influencing votes or action.

Conflict of Interest Statute
65 ILCS 5/3.1-55-10

- Prohibits interests in contract(s).
- Prohibits purchase of municipal property.

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*To avoid violating this statute, the official must either resign or divest interest.

Criminal Code – Official Misconduct Statute 720 ILCS 5/33-3

- Cannot knowingly commit an act forbidden by law.
- Cannot solicit misconduct, including soliciting campaign contributions from a person with business pending before a regulatory agency.

Common Law Conflict of Interest

- A common law conflict can result if a personal advantage could be obtained by performing official activities while serving.

State Officials and Employees Ethics Act (Gift Ban Regulations)

- No government official or employee may solicit any gifts from “prohibited sources” (this also applies to spouses).
- Exceptions: a) Food or entertainment not exceeding \$75 per person on a single day, and b) any gift or item with total value more than \$100 per calendar year (i.e., tickets to a sporting event, round of golf, etc.)

Mr. Winter noted, though, that the Village of Gurnee has placed a limit of \$50 per person on a single day for food/entertainment.

PUBLIC HEARING PROCESS

Plan Commissioners should:

- Review staff reports on presented zoning matter(s).
*Staff does not make recommendations so, you are not agreeing or disagreeing with the staff report
- Consider a site visit to the property which is the subject matter of the request.
- Always be courteous and impartial to each other, the public and staff.
- Not make decisions before the hearing process is completed.
*Avoid indicating leanings toward an ultimate issue during the hearing process.
- Make decisions after the close of testimony and public comment.
*Be mindful of the difference between evidence and opinions.
- Make unbiased decisions, based on the evidence, the law, the standards of review and considering the overall public good to the community.

Elaborating, Mr. Winter pointed out that, in the case of hearings for which there is great interest, there may be petitions and such that even commissioners may be asked to sign. This is to be

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avoided. He also stressed that—while ex parte communication is not actually prohibited—it is strongly discouraged.

OPEN MEETINGS ACT

5 ILCS 120/1 *et. Seq*

- The Illinois Open Meetings Act, requires all meetings to be open to the public, except for executive sessions.
- “Meetings” are defined as a gathering of a majority of the quorum. A gathering occurs in person, by telephone, electronically or by other means of contemporaneous communications.
- For a seven-member board, a quorum is four members making a majority of the quorum three members.

Mr. Winter also reminded Board members that a course is required of them regarding “Open Meetings Training,” and it is available online. Mr. Winter offered that he would be available after the meeting to answer any questions Board members may have. Mr. Sula then thanked him for his guidance and advisement.

6. Next Meeting Date: April 20, 2022

Mr. Sula asked if there items on the agenda for the next meeting. Mr. Ziegler stated that he was not yet sure.

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. Nordentoft 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 8:20 p.m.

Respectfully Submitted,

Joann Metzger,
Recording Secretary, Planning and Zoning Board