

PLANNING & ZONING COMMISSION  
MEETING MINUTES  
MONDAY, JUNE 27, 2022

The North Chicago Planning & Zoning Commission met on Monday, June 27, 2022 at 6:03 PM via Zoom.

I. Call to Order/Attendance

Present: G. Carr, P. Carballido, A. Jackson, A. Douglass  
Absent: H. Davis R. Jones G. Jackson

Staff Present: N. Warda, Senior Planner

II. Approval of Meeting Minutes – None  
(Meeting Minutes for June 13, 2022 were not yet drafted)

III. Old Business

a. PZC-03-2022; Public Hearing: (continued)  
Petition for Variance to landscape bufferyard, foundation and pavement requirements, as well as a Petition for Special Use Permit to lease the western half of the property for contractors shop/yard – landscaping, at 2946 23rd Street (PIN 12-06-407-022)

H. Davis and R. Jones Arrive at 6:05 PM

Petitioner Presentation:

Bruce Horigan of Horigan Urban Forest Products  
(North Chicago Holdings, LLC)  
36 Park Drive, Glenview, IL 60025

A. Jackson asks if the petitioner has been able to meet with City staff.

Mr. Horigan explains that there was a meeting and he is requesting the variance petition to be dropped, and simply seek all relief via the Special Use Permit.

A. Jackson asks if the petitioner can explain the changes.

Mr. Horigan describes how one of the proposed containers would changing its orientation to no longer need the setback along 23<sup>rd</sup> Street. Also, the proposed building would be adjusted 15 feet to the west.

N. Warda helps elaborate staff's initial reluctance to support the petition, but further details how a Special Use Permit could be used to govern "temporary variances" (i.e. temporary relief to the bufferyard requirements) until specific actions would trigger the need for the required bufferyards to be installed. The concern was who will watch over the project to ensure the bufferyards are installed when needed. City staff acknowledges that the redesign of the site layout is a step in the right direction.

N. Warda further explains that the state of the existing adjacent gravel roadway being paved or vacated in the future is unknown. Similarly, a future redevelopment of the area is unknown. City staff has further agreed that a variance for the storage containers is no longer needed, as the City was willing to recognize their placement as being temporary in nature. If said containers end up being positioned permanently at some point in the future, we can address the situation at that time. The City also has the right to revoke a Special Use Permit if the containers are not used as temporary.

N. Warda goes on to state that the City engineers have recognized the compacted asphalt grindings being used with a topical binding agent as an approved surface material, and that information regarding the costs of the additive has been shared.

N. Warda ends in stating that findings of fact have not yet been drafted, despite being on the agenda, because City staff was unsure how the current proposal would be received by the PZC.

#### PZC Questions/Comments:

Question: R. Jones – Is City staff now in support of the application?

Answer: N. Warda – City staff is in support of the use component of the Special Use Permit application, but there is still concern regarding the temporary waiver. Nevertheless, the Special Use Permit can be revoked if the property is found to be out of compliance with the terms of said temporary relief. Staff will work with the City Attorneys to draft the necessary language.

Mr. Horigan comments that it is unclear what is going to happen with all the properties down the road, so the proposed relief provides the flexibility to account for alternate scenarios in which some may actually negate the need for bufferyards in the locations they would otherwise be needed today.

N. Warda elaborates on the actions that would trigger the need for improvements on the subject property.

If the road was planned for development purposes, that would trigger the need to install the bufferyards. If/when the adjacent property to the west is sold (to anyone other than the petitioner) or redeveloped, it would trigger the need for all required improvements. If/when 23<sup>rd</sup> Street is planned for to be paved, it would trigger the need for all required improvements. If/when the property across the street to the southwest is subdivided or developed, it would trigger the need for all required improvements.

N. Warda states that City staff may still not be able to put hard support behind the described scenario, because of the concern that it may be precedence setting. Nevertheless, if that is the directive of the PZC, City staff would work with the City attorneys to draft the appropriate language to make it work.

Question: R. Jones – Would the proposed relief through a Special Use Permit be precedence setting for a hard variance?

Answer: N. Warda – No, it would not be precedence setting for a hard variance, and we have provided temporary waivers in the past to Krugel Cobbles. Again, staff would work with our attorneys to ensure the City has the right to enforce the actions if/when they are needed.

Mr. Horigan adds that the placement of the future building will likely be determined according to the conditions of the environment at the time he decides to move forward.

Staff Recommendation:

N. Warda explains there is no formal update to the staff report. Although Police, Fire and Public Works have consensus that operations at this site would not be detrimental to the City, meeting the standards for our findings of fact, there is still the concern regard setting a precedence by other City staff. As such, City staff wanted to allow for the discussion of ideas by the PZC, which may change opinions, and if Mr. Horigan would be receptive to the ideas, we could possibly come back once again with a staff recommendation to may or may not be in support to the revised application for Special Use Permit.

R. Jones asks if City staff has spoken to our attorneys regarding the updated verbiage.

N. Warda states that has not happened yet, but we can bring the matter to them with suggestions such as including a deposit or security, if feasible, to ensure the aforementioned improvements are conducted.

Public Comments: None

Additional PZC Questions/Comments:

R. Jones suggests that City staff bring this matter to the City attorneys, and the PZC confirms their support of said endeavor.

Mr. Horigan also comments that he supports that avenue of pursuit.

Motion to continue the public hearing for PZC-03-2022

Motioned by: R. Jones

Seconded by: G. Carr

Ayes: G. Carr, H. Davis, P. Carballido, R. Jones, A. Jackson, A. Douglass

Nays: None

Abstain: None

Absent: G. Jackson

IV. New Business

a. PZC-03-2022; Findings of Fact:

Petition for Variance to landscape bufferyard, foundation and pavement requirements, as well as a Petition for Special Use Permit to lease the western half of the property for contractors shop/yard – landscaping, at 2946 23rd Street (PIN 12-06-407-022)

Continued until after public hearing is concluded.

V. Questions and Comments – None

VI. Public Commentary – None

VII. Adjournment

Motion to adjourn

Motioned by: R. Jones

Seconded by: A. Douglass

Ayes: G. Carr, H. Davis, P. Carballido, R. Jones, A. Jackson, A. Douglass

Nays: None

Abstain: None

Absent: G. Jackson

Meeting adjourned at 6:32 PM