

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois, on the petition of Christopher Dunlap, record owner; and Rade Petrovic, contract purchaser and record owner, relative to a request for rezoning from the Estate to the General Commercial Zoning District for the following real estate, to-wit:

Parcel 3: The North 200 feet of that part of Government lot 1 of the West fractional half of fractional Section 4, township 46 North, Range 11, East of the Third Principal Meridian, lying West of the East 300 feet measured from the West right of way line of U.S. Route 41 by Document 406895, and lying East of the West 628 feet of the East half of said Government Lot 1, in Lake County, Illinois.
PIN No. 03-04-300-053

Parcel 4: The South 25 feet of the North 225 feet of that part of Government Lot 1, of the West fractional half of fractional Section 4, Township 46 North, Range 11, East of the Third Principal Meridian, lying West of the West Right of Way line of U.S. Route 41 as Document 406895, and lying East of the West 628 feet of the East half of said Government Lot 1, in Lake County, Illinois.
PIN No. 03-04-300-041

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that the rezoning from the Estate to the General Commercial Zoning District be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 7 – 0 that the petition for rezoning from the Estate to the General Commercial Zoning District be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 7 to 0 that the rezoning from the Estate to the General Commercial Zoning District be granted. Motion by Member Leafblad, second by Member Sabonjian, to grant the petition. Voting "Aye," Members Newton, Gravenhorst, Sabonjian, Whitmote, Mountsier, Leafblad and Martini. Voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board, that the request of the Petitioners for the rezoning from the Estate to the General Commercial Zoning District be granted; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the petitioners as to the action taken by the Board.

No. 3527
Newport Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

February 14, 2006

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on January 9, 2006, at 1:00 p.m., in the Wadsworth Village Hall, Wadsworth, Illinois, relative to the petition of Rade Petrovic, record owner, relative to a request for rezoning from the Estate to the General Commercial Zoning District, for the following described real estate, to-wit:

Parcel 1: The North 200 feet of that part of Government lot 1 of the West fractional half of fractional Section 4, township 46 North, Range 11, East of the Third Principal Meridian, lying West of the East 300 feet measured from the West right of way line of U.S. Route 41 by Document 406895, and lying East of the West 628 feet of the East half of said Government Lot 1, in Lake County, Illinois.
PIN No. 03-04-300-053

Parcel 2: The South 25 feet of the North 225 feet of that part of Government Lot 1, of the West fractional half of fractional Section 4, Township 46 North, Range 11, East of the Third Principal Meridian, lying West of the West Right of Way line of U.S. Route 41 as Document 406895, and lying East of the West 628 feet of the East half of said Government Lot 1, in Lake County, Illinois.
PIN No. 03-04-300-041

The proceedings of this hearing have been manually recorded and a transcript is available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies, to-wit:

The Lake County Health Department;
The Building and Code Enforcement Division; and
The Department of Planning, Building and Development.

In making its recommendation, the Zoning Board of Appeals has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) Standards provided in Section 3.3 of the Unified Development Ordinance

At the close of the continued hearing of the Lake County Zoning Board of Appeals held on January 19, 2006, after a final review of all evidence and testimony presented, Member Stimpson moved, with a second by Member Freese, to recommend the rezoning from the Estate to the General Commercial District be approved. Voting "Aye" on this motion were Members Bell, Freese, Raymond, Stimpson, Van Erden, Westerman and Wilson. Voting "Nay," none. The motion was passed by a vote of 7 – 0.

The Board finds that the request for rezoning from the Estate to the General Commercial Zoning District meets the standards for map amendments contained in Section 3.3 as described below.

Standard A: The proposed amendment is consistent with the stated purpose and intent of the Unified Development Ordinance.

Finding: The proposed amendment is consistent with the *Framework Plan's* Future Land Use map which designates the subject property as "Retail / Commercial."

The proposed amendment also helps implement the following *Framework Plan* policies:

Economy and Employment Policy 3.2.1: Designate land use on the Future Land Use Map to accommodate potential business development and redevelopment that provides a variety of job opportunities and enhance the local sales and property tax base.

Economy and Employment Policy 3.2.2: Direct commercial and light industrial uses to locations in close proximity to arterial roadways and served by necessary public services.

The requested rezoning is consistent with the purpose and intent of the Ordinance.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area;

Finding: The two parcels that are the subject of this rezoning request are both zoned Estate. The Estate zoning is an error because the character of the area is commercial due to the nearby truck related businesses. The proximity to both N. Highway 41 and I – 94 further defines the commercial character of the area. A CUP (ZBA # 3494) for contractor's storage was approved in August 2005 for a parcel with GC zoning approximately 150 feet northwest of the subject property.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Finding: The subject parcels abut vacant GC zoned property on the north and south. To the east, across N. Highway 41 in the Village of Wadsworth, are commercially zoned properties that are used primarily for truck parking, servicing and sales. Additional automobile and truck related uses are located to the northeast. A well drilling business

is a short distance north of the subject property. The amendment will allow development that is compatible with the uses and zoning of nearby properties.

Standard D: The county and other service providers will be able to provide adequate public facilities, and services to the property, while maintaining adequate levels of service to existing development.

Finding: The property will be served with septic and private well and has access to N. Highway 41. The proposed amendment should not have a negative impact on public facilities or services.

Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and

Finding: The subject property does not contain any identified natural resources. Development will have to meet all requirements of the UDO and permitting agencies which will ensure there will not be any significant adverse impacts to the environment or other properties in the area.

Standard F: The subject property is suitable for proposed zoning classification.

Finding: The subject property is suitable for the proposed GC zoning classification. The parcels are in an area that is characterized by truck related commercial uses and GC zoning. The subject property's frontage on N. Highway 41, and its proximity to I - 94, makes the area suitable for commercial uses, and not the residential uses allowed in the Estate zoning district.

At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

Zoning Case # 3527
Wadsworth Township

/s/ Dennis Wilson
CHAIRPERSON

VICE-CHAIRPERSON

/s/ Marvin Raymond
MEMBER

/s/ George Bell
MEMBER

/s/ Geraldine Stimpson
MEMBER

MEMBER

MEMBER

Dated this 6th day of February 2006.

Summary of Testimony

Zoning Case #3527

A public hearing has been conducted by the Lake County Zoning Board of Appeals on January 9 and 19, 2006 on the application of Rade Petrovic and Christopher Dunlap which requests rezoning from the Estate District to the General Commercial District. The subject parcel contains 1.85 acres and is located on the west side of U.S. Route 41 approximately 1100 ft. north of Russell Road in northern Newport Township. The following is a summary of the testimony presented.

1. Mr. Hercules Paul Zagoras, attorney for the applicants, testified that applicant Petrovic owns the subject property as well as an adjoining 2.1 acre parcel to the north currently zoned GC and has a contract to purchase an eastern adjoining 1.4 acre parcel owned by applicant Dunlap, also zoned GC. Mr. Petrovic is seeking this rezoning to consolidate his ownerships within the same zoning district. It is Mr. Petrovic's desire to construct a 100' x 200' building for a contractor's business and equipment storage. The applicant currently owns and operates an excavation business and a construction company.
2. Mr. Zagoras stated his opinion that the requested zoning and use of the property is fully compatible with surrounding zoning and land uses. He noted this property is bordered by GC zoning to both north and east, and is part of a much larger commercial/industrial area extending along Route 41 for more than a mile, from Edwards Road on the south to the state line on the north. Uses within the immediate area include a well drilling business, kennel, cell towers, another contractor's storage yard, truck sales, mobile home sales, boat storage and repair, two truck stops and an adult book store. Mr. Zagoras also noted that a Conditional Use Permit was approved just 5 months ago to allow an expansion of an existing contractor's storage yard about 500 ft. north of this property.
3. Mr. Michael Gross, neighboring property owner to the north, gave his opinion that a contractor's storage building and yard is a good use for this property and is appropriate for the area. He has no objection.

On January 19, 2006, the Lake County Zoning Board of Appeals conditionally approved a Conditional Use Permit to allow a contractor's storage yard on the subject property, contingent on the approval of this rezoning request.

Summary of Department Comments

Zoning Case #3527

Lake County Health Department:

An Individual Sewage Disposal Permit must be obtained prior to any construction.

Lake County Department of Planning, Building and Development:

Staff recommends the requested rezoning be approved as it conforms with the County's Comprehensive Plan, is compatible with surrounding zoning and land uses and will have no significant adverse impacts.



Philip J. Rovang
Director

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MEMORANDUM

December 29, 2005

TO: Dennis Wilson, Chairman
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director 
Lake County Department of Planning, Building and Development

CASE NO: 3527 Rezoning

REQUESTED ACTION: Rezoning from the Estate to the General Commercial Zoning District. [A simultaneous hearing will be conducted on a request for a Conditional Use Permit (ZBA # 3528) to allow a landscaping yard; contractor's yard; splitting of firewood and firewood sales; storage yard, including the storage of wood chips, stones, gravel, dirt and firewood; ability to park trucks, trailers and all equipment relative to contracting business; indoor and outdoor parking and storage and repairing of trucks and equipment.]

ZBA HEARING DATE: January 9, 2006

GENERAL INFORMATION

PETITIONER: Rade Petrovic, record owner

OF PARCELS: Two

SIZE: PIN 03-04-300-053: approximately 1.84 acres
PIN 03-04-300-041: approximately 0.012 acres

LOCATION: 43242 N. Highway 41, Russell, IL

EXISTING ZONING: Estate

PROPOSED ZONING: General Commercial

EXISTING LAND USE: Vacant / Outdoor storage of trees and firewood

PROPOSED LAND USE: All uses permitted in the GC zoning district plus those requested by Conditional Use Permit in ZBA # 3528.

SURROUNDING ZONING / LAND USE

NORTH: General Commercial / vacant; well drilling service; used car sales; truck parking

WEST: Agricultural / farmland

SOUTH: Estate and General Commercial / vacant

EAST: Commercial (Village of Wadsworth) / truck sales and service

COMPREHENSIVE PLANS

LAKE COUNTY: Retail / Commercial

MUNICIPALITIES WITHIN 1½ MILES: Village of Wadsworth / Commercial

DETAILS OF REQUEST

ACCESS: The subject property has direct access to N. Highway 41

SOIL TYPES: Borrow Area

FLOODPLAIN / WETLANDS: The property is not in a floodplain and does not contain any wetlands.

SEWER AND WATER: Septic system and private well

ADDITIONAL COMMENTS

The ultimate result of the rezoning and simultaneous CUP request, if both are granted, will be for four parcels to be under one ownership. All parcels will be zoned GC, and all will have the CUPs specified in ZBA Case # 3528.

The ZBA has final authority for granting or denying the requested CUPs in the simultaneous ZBA Case # 3528.

RECOMMENDATION

Staff recommends the petitioner's request to rezone the subject property from Estate to General Commercial be approved. The petition meets the required standards in the following manner:

Standard A: The proposed amendment is consistent with the stated purposes and intents of the UDO (Sec. 1.5);

Comment: The proposed amendment is consistent with the *Framework Plan's* Future Land Use map which designates the subject property as "Retail / Commercial."

The proposed amendment also helps implement the following *Framework Plan* policies:

Economy and Employment Policy 3.2.1: Designate land use on the Future Land Use Map to accommodate potential business development and redevelopment that provides a variety of job opportunities and enhance the local sales and property tax base.

Economy and Employment Policy 3.2.2: Direct commercial and light industrial uses to locations in close proximity to arterial roadways and served by necessary public services.

The requested rezoning is consistent with the purpose and intent of the Ordinance.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The two parcels that are the subject of this rezoning request are both zoned Estate. The Estate zoning is an error because the character of the area is commercial due to the nearby truck related businesses. The proximity to both N. Highway 41 and I – 94 further defines the commercial character of the area. A CUP (ZBA # 3494) for contractor's storage was approved in August 2005 for a parcel with GC zoning approximately 150 feet northwest of the subject property.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property;

Comment: The subject parcels abut vacant GC zoned property on the north and south. To the east, across N. Highway 41 in the Village of Wadsworth, are commercially zoned properties that are used primarily for truck parking, servicing, and sales. Additional automobile and truck related uses are located to the northeast. A well drilling business is a short distance north of the subject property. The amendment will allow development that is compatible with the uses and zoning of nearby properties.

Standard D. The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

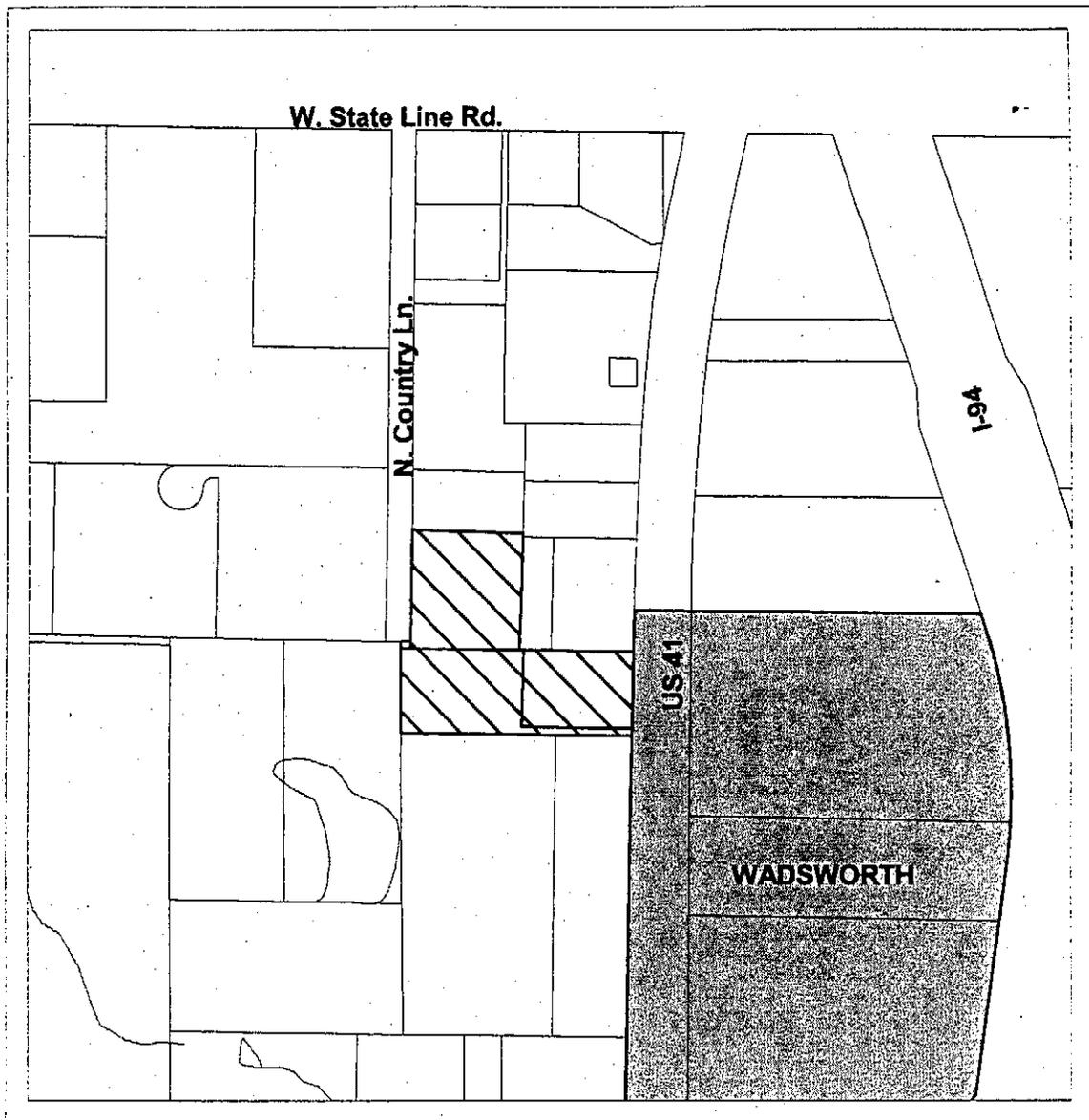
Comment: The property will be served with septic and private well and has access to N. Highway 41. The proposed amendment should not have a negative impact on public facilities or services.

Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and

Comment: The subject property does not contain any identified natural resources. Development will have to meet all requirements of the UDO and permitting agencies which will ensure there will not be any significant adverse impacts to the environment or other properties in the area.

Standard F: The subject property is suitable for proposed zoning classification.

Comment: The subject property is suitable for the proposed GC zoning classification. The parcels are in an area that is characterized by truck related commercial uses and GC zoning. The subject property's frontage on N. Highway 41, and its proximity to I – 94, makes the area suitable for commercial uses, and not the residential uses allowed in the Estate zoning district.



Zoning Board of Appeals Case# 3527 & 3528

