

Agenda Item # 47

Distribution
Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3614
Antioch Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

January 16, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3614, which consists of the Petition of Chicago Title Land Trust Co., T/U/T #106917-07, record owner, Ronald Field sole beneficiary of the applicant trust, relative to a request for rezoning from the Agricultural to the General Commercial zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to approve" the prayer of the petitioner, the Zoning Board of Appeals vote is 6 "Ayes" and 0 "Nays." On the motion "to grant" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 6 "Ayes" and 0 "Nays".

- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Pamela O. Neuh Aye Nay ✓
CHAIRPERSON

Judy Martini ✓
VICE-CHAIRPERSON

Jessie L. Gumbert ✓

Robert Saboyron ✓

[Signature] ✓

[Signature] ✓

[Signature] X

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 Chicago Title Land Trust Co., T/U/T #106917-07, record owner, Ronald Field sole beneficiary of the applicant trust, relative to a request for rezoning from the Agricultural to the General Commercial zone for the following real estate, to-wit:

That part of the East Half of Lot 1 of the East Fractional Half of Section 2, Township 46 North, Range 10, East of the Third Principal Meridian, lying Easterly of the Easterly line of U.S. Route 45 (except that part lying South of a line 200 feet South of the North line of said Lot 1), in Lake County, Illinois.

The West 50 feet of the South 658.22 feet of Lot 2 of the West Half of Fractional Section 1, Township 46 North, Range 10, East of the Third Principal Meridian, except that part lying North of a line 453.33 feet North of the South line of Lot 2 of the East Fractional Half of Section 2, Township 46 North, Range 10, East of the Third Principal Meridian, extended Easterly, all in Lake County, Illinois.

The West 50 feet of the North 200 feet of Lot 1 of the West Half of Fractional Section 1, Township 46 North, Range 10, East of the Third Principal Meridian, in Lake County, Illinois.

PIN: 02-01-300-013

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it 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 6 – 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 6 to 0 that the petition be granted. Motion made by Member Mountsier, with a second by Member Martini to grant the petition. Voting "Aye," were Members Leafblad, Whitmore, Mountsier, Martini, Gravenhorst and Newton; voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the prayer of the Petitioner be granted and that the above described real estate shall be rezoned from the Agricultural to the General Commercial zone; and

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

STATE OF ILLINOIS)
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

January 16, 2007

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 November 20, 2006 at 1:00 p.m. in the Antioch Township Hall, 1625 N. Deep Lake Rd., Lake Villa, Illinois, relative to the petition of Chicago Title Land Trust Co., T/U/T #106917-07, record owner, Ronald Field sole beneficiary of the applicant trust, requesting rezoning from the Agricultural to the General Commercial zone for the following described real estate, to-wit:

That part of the East Half of Lot 1 of the East Fractional Half of Section 2, Township 46 North, Range 10, East of the Third Principal Meridian, lying Easterly of the Easterly line of U.S. Route 45 (except that part lying South of a line 200 feet South of the North line of said Lot 1), in Lake County, Illinois.

The West 50 feet of the South 658.22 feet of Lot 2 of the West Half of Fractional Section 1, Township 46 North, Range 10, East of the Third Principal Meridian, except that part lying North of a line 453.33 feet North of the South line of Lot 2 of the East Fractional Half of Section 2, Township 46 North, Range 10, East of the Third Principal Meridian, extended Easterly, all in Lake County, Illinois.

The West 50 feet of the North 200 feet of Lot 1 of the West Half of Fractional Section 1, Township 46 North, Range 10, East of the Third Principal Meridian, in Lake County, Illinois.

PIN: 02-01-300-013

The proceedings of this hearing have been electronically recorded and are 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:

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

As required by the Lake County Zoning Ordinance, 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) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the public hearing of the Lake County Zoning Board of Appeals held on November 20, 2006, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Van Erden, to recommend the prayer of the petitioner for rezoning from the Agricultural to the General Commercial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Stimpson, Van Erden, Westerman and Zerba. Voting "Nay," none. The motion to recommend the petition be granted based on the preponderance of the evidence was passed by a vote of 6 – 0.

The Board finds that the request for rezoning meets Standards C, D, E and F for Map Amendments, Section 3.3, in the following manner:

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

Finding: It is the intent of the petitioner to use the subject property, and two adjoining parcels he owns that are currently zoned GC, to develop a garden center. Since a garden center is an agriculturally-related use, the amendment will allow development that is compatible with nearby properties with Agricultural zoning. Taking a broader perspective, GC zoning would make it possible to establish uses that might not be consistent with the area. However, because sewer is not available the types of GC uses that could develop are limited and, in all likelihood, would not be disruptive to the area. The proposed amendment will allow compatible development.

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 proposed garden center will be served by a septic system and private water well. Driveway access to US 45 must be approved by the Illinois Department of Transportation. The proposed amendment should not have a negative impact on public facilities or services.

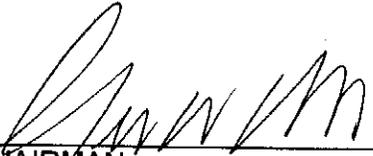
Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and

Finding: 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: As the above comments attest, in staff's opinion the subject property is physically suitable for the proposed GC zoning classification.

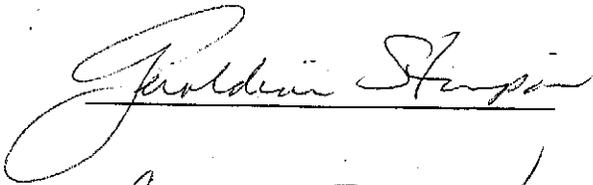
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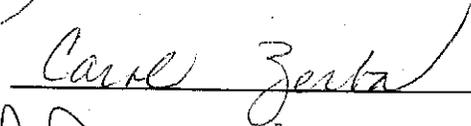


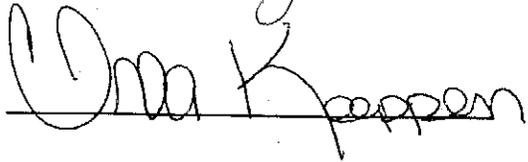
CHAIRMAN

VICE CHAIRMAN









Dated this 28th day of November 2006.

ZONING CASE # 3614

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on November 20, 2006, on the application of Chicago Title Land Trust Co., T/U/T #106917-07, record owner, Ronald Field, sole beneficiary of the applicant trust, which seeks rezoning from the Agricultural zone to the General Commercial zone, for the purpose of establishing a garden center. The subject property is located at 43311 N. Highway 45, Antioch Township, contains 1.295 acres, and is nonconforming in the AG zone. The following is a summary of the testimony presented:

1. Mr. Arnold Schwartz, attorney, presented the request and testified the purpose for the rezoning was to allow the owner, Ronald Field, to use the subject parcel with two adjacent parcels already zoned GC for a garden center. Mr. Schwartz explained that the vacant farmhouse on an adjoining GC zoned parcel will be rehabilitated as an office for the garden center. A new building, 42' X 64', will be constructed for storage.
2. Mr. Schwartz explained that the business will mainly be involved with selling plants. Some plants will be grown for sale on site, while others will be purchased from other growers. The new building will be used for storing such things as equipment and fertilizer. The garden center will not be a landscaping business and will not install the plants that it sells. The business will be seasonal, operating from March through October. The existing house may be rented out as a caretaker's residence when the garden center closes for the year.
3. Mr. Schwartz concluded that rezoning the subject parcel would enable Mr. Field to use it in conjunction with his two adjoining GC zoned parcels. He stated that a garden center would be compatible with the nearby agricultural uses, but at the same time, with increasing residential development in the area, there is a customer base and a demand for plants. The frontage on US 45 makes the location appropriate for commercial development, but because sewer is not available, the property cannot be used for more intensive commercial uses. A garden center is a low intensity use that will not have a negative impact on nearby wetlands and environmental resources.

Summary of Department and Agency Comments

Lake County Health Department:

The Lake County Health Department has no objection to the proposed rezoning. Any construction or alteration involving wastewater disposal or the use of a water well must be approved by the Health Department prior to any construction.

Lake County Department of Planning, Building and Development:

Staff recommends approval because the preponderance of the evidence supports the rezoning. Specifically, since a garden center is an agriculturally-related use, the amendment will allow development that is compatible with nearby properties with Agricultural zoning. Because sewer is not available the types of GC uses that could develop are limited and, in all likelihood, would not be disruptive to the area. The proposed amendment will allow compatible development. The amendment should not have a negative impact on public facilities or services, will not have a significant adverse impact on the environment or nearby properties and the subject property is physically suitable for the proposed GC zoning classification.



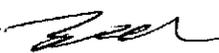
Philip J. Rovang
Director

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MEMORANDUM

November 13, 2006

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

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

CASE NO: 3614 Rezoning

REQUESTED ACTION: Rezoning from the Agricultural zone to the General Commercial zone

ZBA HEARING DATE: November 20, 2006

GENERAL INFORMATION

PETITIONERS: Chicago Title Land Trust Co., T/U/T #106917-07, record owner; Ronald Field, Sole beneficiary of the applicant Trust

OF PARCELS: One

SIZE: 1.295 acres

LOCATION: 43311 N. Highway 45, Antioch

EXISTING ZONING: Agricultural

PROPOSED ZONING: General Commercial

EXISTING LAND USE: Vacant, with a foundation from a demolished barn and a gravel parking area.

PROPOSED LAND USE: The petitioner intends to establish a garden center on the subject parcel and two adjoining parcels to the north.

SURROUNDING ZONING / LAND USE

NORTH: GC / Vacant single-family dwelling to be used in the garden center, office;
AG / Farm land

WEST: GC / Single-family dwelling; commercial improved; AG / Farm homesite with
acreage

SOUTH: AG / Vacant

EAST: AG / Vacant

COMPREHENSIVE PLANS

LAKE COUNTY: Agricultural

MUNICIPALITIES WITHIN 1½ MILES: Village of Antioch / Agriculture-Estate

DETAILS OF REQUEST

ACCESS: Access will be from N. Highway 45.

SOIL TYPES: The predominant soil type is Zurich Silt Loam (696B).

FLOODPLAIN / WETLANDS: The northern tip of the property has a wetland and is in
the floodplain.

SEWER AND WATER: Septic system and private water well

ADDITIONAL COMMENTS

Garden Center is classified in the Retail Sales and Service Use Category. It is defined as "A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils" (UDO 14.2, No. 179).

Garden Centers are allowed by right in the General Commercial, Limited Industrial and Intensive Industrial districts (UDO 6.2 Use Table).

RECOMMENDATION

Staff has no objection to the request, noting that, in staff's opinion, the request satisfies Standards C, D, E and F but does not meet Standards A and B.

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

Comment: The proposed amendment is not consistent with the *Regional Framework Plan's* Future Land Use map that designates the subject property as Agricultural. The future land use on the east side of US 45 from the state line to just north of Pedersen Drive, a distance of over 1.5 miles, is Agricultural. The future land use on the west side of US 45 across from the subject property is Agricultural north to the state line, and is then Residential south to IL 173. The nearest property with a future land use of Retail / Commercial is on the south side of Burr Hollow Drive, approximately 1.5 miles south of the subject property. The requested rezoning is not consistent with the purpose and intent of the Ordinance because it does not implement the *Framework Plan* (UDO 1.5.A).

Additionally, as the properties within this GC area do not appear to have been used commercially for decades, the approval of this request could be viewed as expanding a "spot zone".

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

Comment: The current Agricultural zoning is consistent with the zoning of the vast majority of properties in the vicinity on both sides of US 45. The adjoining parcels that are under the same ownership as the subject parcel are currently zoned GC. However, the GC zoned parcels do not appear to have been used for commercial purposes in the past. It is actually the GC and RC zoned adjoining and nearby parcels that are inconsistent with the other properties in the area. Approving the request will enlarge the inconsistency.

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

Comment: It is the intent of the petitioner to use the subject property, and two adjoining parcels he owns that are currently zoned GC, to develop a garden center. Since a garden center is an agriculturally-related use, the amendment will allow development that is compatible with nearby properties with Agricultural zoning. Taking a broader perspective, GC zoning would make it possible to establish uses that might not be consistent with the area. However, because sewer is not available the types of GC uses that could develop are limited and, in all likelihood, would not be disruptive to the area.

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.

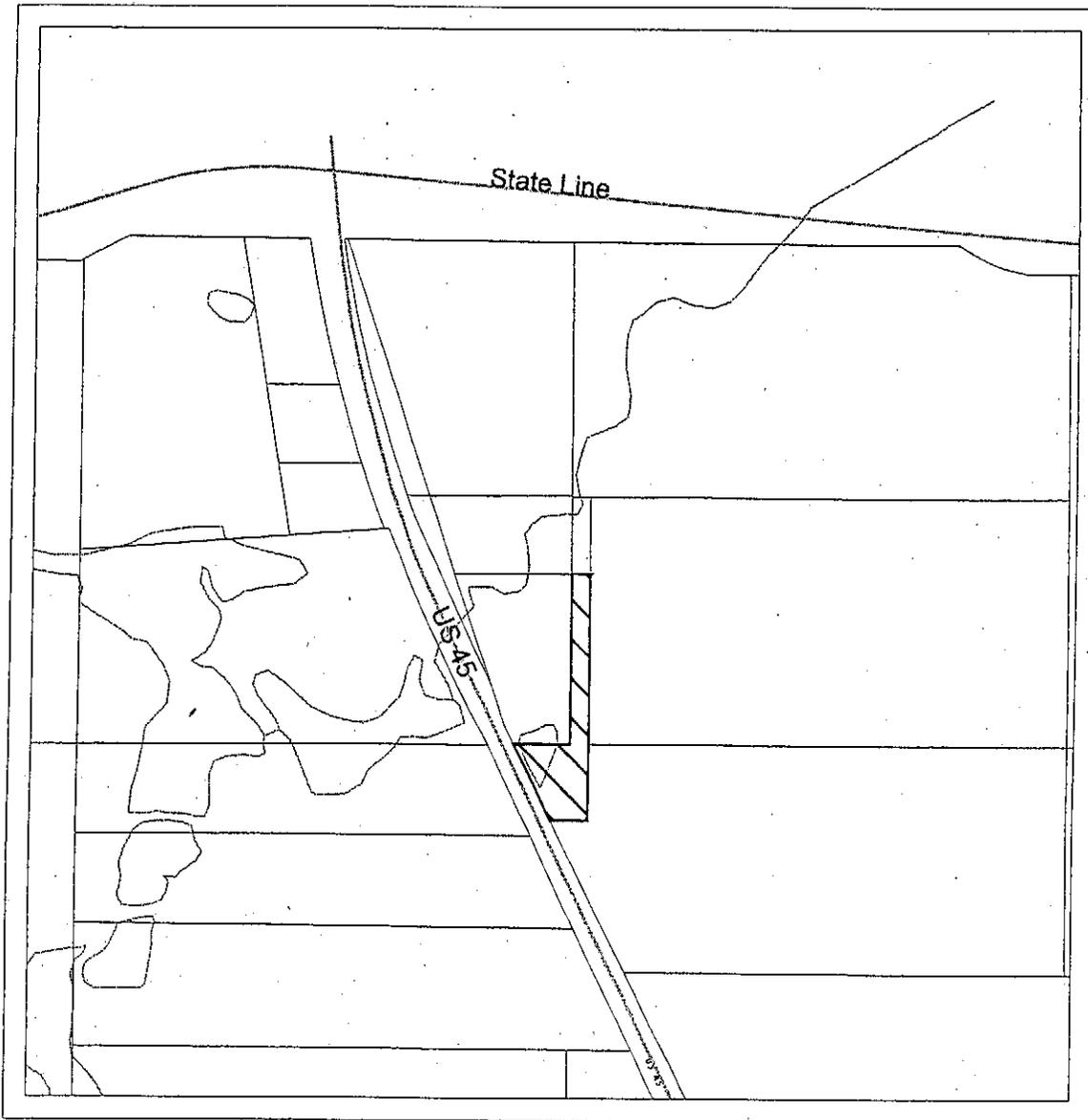
Comment: The proposed garden center will be served by a septic system and private water well. Driveway access to US 45 must be approved by the Illinois Department of Transportation. The proposed amendment should not have a negative impact on public facilities or services.

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: 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: As the above comments attest, in staff's opinion the subject property is physically suitable for the proposed GC zoning classification.



Zoning Board of Appeals Case# 3614

Antioch Township