

Agenda Item # 27

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

STATE OF ILLINOIS)
)
) SS
COUNTY OF LAKE)

No. 3620
Ela Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

February 13, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3620, which consists of the Petition of Steve and Kathy McGuinn relative to a request for rezoning from the Residential - 1 to the Limited Industrial zone. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to grant" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "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 1 "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,

Samuel O. Ueber Aye Nay
CHAIRPERSON X

Linda Martini ✓
VICE-CHAIRPERSON

Susan L. Brammer ✓

Robert Son ✓

[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 Steve and Kathy McGuinn relative to a request for rezoning from the Residential – 1 to the Limited Industrial zone for the following real estate, to-wit:

A PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE LAND DESCRIBED IN BOOK 188 OF DEEDS, PAGE 460, SAID NORTHEAST CORNER BEING NORTH 48 DEGREES WEST 1,096.98 FEET FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST 1/4, DISTANT 165 FEET WEST FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTH 46 DEGREES EAST 15.8 FEET; THENCE NORTH 46 DEGREES 27 MINUTES WEST 110 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, SAID POINT OF BEGINNING BEING THE NEW CENTER LINE OF GILMER ROAD; THENCE SOUTH 42 DEGREES 7 MINUTES WEST 1,046.5 FEET TO SAID SOUTH LINE OF THE NORTHEAST 1/4; THENCE EAST ALONG SAID SOUTH LINE OF SAID NORTHEAST 1/4 55.2 FEET TO THE NORTHERLY PROPERTY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY; THENCE NORTH 64 DEGREES 39 MINUTES EAST ALONG SAID NORTHERLY PROPERTY LINE 177.5 FEET; THENCE NORTH 42 DEGREES 7 MINUTES EAST 707.9 FEET TO A POINT 120.2 FEET FROM THE FIRST POINT OF BEGINNING; THENCE NORTH 52 DEGREES 52 MINUTES WEST 10.5 FEET; THENCE NORTHEASTERLY 137.4 FEET, MORE OR LESS, TO A POINT IN THE NEW CENTER LINE OF GILMER ROAD, SAID POINT BEING 87.0 FEET SOUTHEASTERLY OF THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, AND THENCE NORTHWESTERLY ALONG SAID CENTER LINE 87.0 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 14-03-200-028

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 7 – 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforesaid and recommends by a vote of 6 to 1 that the petition be granted. Motion made by Member Mountsier, with a second by Member Gravenhorst to grant the petition. Voting "Aye," were Members Leafblad, Whitmore, Mountsier, Martini, Gravenhorst, and Sabonjian; voting "Nay," Chairman Newton.

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 Residential – 1 to the Limited Industrial 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

February 13, 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 December 18, 2006 at 1:00 p.m. in the Ela Area Library, 275 Mohawk Tr., Lake Zurich Illinois, relative to the petition of Steve and Kathy McGuinn requesting rezoning from the Residential - 1 to the Limited Industrial zone for the following described real estate, to-wit:

A PART OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE LAND DESCRIBED IN BOOK 188 OF DEEDS, PAGE 460, SAID NORTHEAST CORNER BEING NORTH 48 DEGREES WEST 1,096.98 FEET FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST 1/4, DISTANT 165 FEET WEST FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTH 46 DEGREES EAST 15. 8 FEET; THENCE NORTH 46 DEGREES 27 MINUTES WEST 110 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, SAID POINT OF BEGINNING BEING THE NEW CENTER LINE OF GILMER ROAD; THENCE SOUTH 42 DEGREES 7 MINUTES WEST 1,046.5 FEET TO SAID SOUTH LINE OF THE NORTHEAST 1/4; THENCE EAST ALONG SAID SOUTH LINE OF SAID NORTHEAST 1/4 55.2 FEET TO THE NORTHERLY PROPERTY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY; THENCE NORTH 64 DEGREES 39 MINUTES EAST ALONG SAID NORTHERLY PROPERTY LINE 177.5 FEET; THENCE NORTH 42 DEGREES 7 MINUTES EAST 707.9 FEET TO A POINT 120.2 FEET FROM THE FIRST POINT OF BEGINNING; THENCE NORTH 52 DEGREES 52 MINUTES WEST 10.5 FEET; THENCE NORTHEASTERLY 137.4 FEET, MORE OR LESS, TO A POINT IN THE NEW CENTER LINE OF GILMER ROAD, SAID POINT BEING 87.0 FEET SOUTHEASTERLY OF THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, AND THENCE NORTHWESTERLY ALONG SAID CENTER LINE 87.0 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 14-03-200-028

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 December 18, 2006, after a final review of all evidence and testimony presented, Member Van Erden moved, with a second by Member Raymond, to recommend the prayer of the petitioner for rezoning from the Residential – 1 to the Limited Industrial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Morgan, Raymond, Stimpson, Van Erden and Westerman. Voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 7 – 0.

The Board finds that the preponderance of evidence supports the request for rezoning. Specifically, the request meets Standards B, C, D, E and F for Map Amendments, Section 3.3, in the following manner:

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

Finding: The area has long been in transition from rural residential to nonresidential uses. Business or limited industrial uses have been developed on adjoining and nearby properties. The current R – 1 zoning of the subject property is not appropriate because of adjoining industrial uses and zoning, the railroad, and the property's long, narrow shape. The requested rezoning will remedy a zoning inconsistency and will be consistent with changing conditions in the area.

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

Finding: The abutting property on the north is zoned LI. This property has a landscaping business and is also used for storage of new aboveground fuel tanks that are used in another business owned by the property owner. The adjoining and nearby properties to the south contain a mixture of business uses including landscaping and trucking. The subject property also abuts railroad tracks. Approximately 700 feet to the north, two recent CUPs (in 2001 and 2006) have been granted for landscape contractor's yards. The requested rezoning will allow development that is compatible with the uses and zoning of surrounding and 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 subject property will be served by a private well and septic system, if a building is constructed in the future, and has direct access onto Gilmer Road. Adequate public facilities and services are available and will not be negatively impacted by the rezoning.

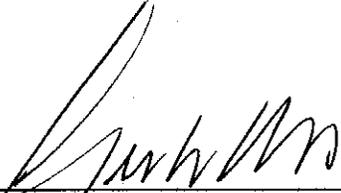
Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Finding: The proposed use is required to meet the standards of the Lake County site plan approval process. 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.

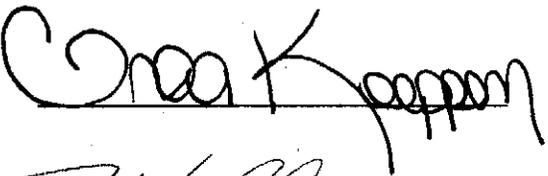
Finding: As the above findings attest, the subject property is physically suitable for the proposed Limited Industrial zoning classification.

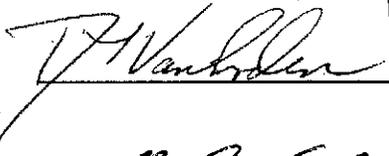
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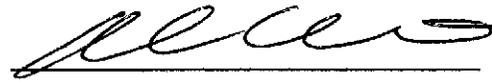


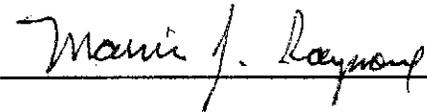
CHAIRMAN

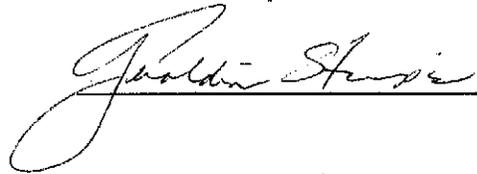
VICE CHAIRMAN











Dated this 4th day of January 2007.

Summary of Testimony

Zoning Case #3620

A public hearing was conducted by the Lake County Zoning Board of Appeals on December 18, 2006, on the application of Steve and Kathy McGuinn, record owners, which seeks rezoning from the Residential – 1 to the Limited Industrial Zoning District for the purpose of establishing a tree service contractor's business with associated firewood sales, snow removal service, storage and sales of landscaping products and equipment maintenance. The subject property contains approximately 2.37 acres and is located at 25644 Gilmer Road, unincorporated Mundelein, in Ela Township. The following is a summary of the testimony presented:

1. Mr. Lawrence Kaplan, the designated representative, presented the request and testified the purpose for the rezoning was to allow the owners to establish a tree service contractor's business with associated firewood sales and other related activities. Mr. Kaplan further testified that the owners have operated this type of business in Lincolnshire for several years. Following the rezoning they intend to relocate their headquarters and base of operations to the subject property.
2. Mr. Kaplan explained that the uses on the subject property would include equipment storage; storage, sale and delivery of mulch; firewood sales; and the growing and selling of trees and nursery stock. Mr. Kaplan testified there would not be any composting activities on the property.
3. Mr. Kaplan testified the hours of operation will be from 6:00 a.m. to 4:00 p.m., the business has 12 employees and security lighting will be installed. Mr. Kaplan also testified that the applicants would like to construct a building on the property in the future and they are aware that site plan approval will be required.

Summary of Department and Agency Comments

Zoning Case #3620

Lake County Health Department:

If a building is constructed in the future, the requirements of the Lake County Health Department regarding septic systems and water wells will have to be met.

Lake County Department of Planning, Building and Development:

Staff recommends the petition be granted because the preponderance of the evidence supports the request. While the request does not meet Standard A, it does meet the other five standards required by the UDO. Specifically, the request does not comply with the Future Land Use Map of the *Framework Plan* which designates the subject property as Residential Medium Lot. The area surrounding the subject property has long been in transition from rural residential to nonresidential uses; the rezoning will remedy a zoning inconsistency and is consistent with changing conditions in the area. The request will allow development that is compatible with the business or limited industrial uses existing on adjoining and nearby properties. Adequate public facilities and services are available and will not be negatively impacted by the rezoning; the rezoning will not result in significant adverse impacts to the environment. The subject property is physically suitable for the proposed Limited Industrial zoning classification. Development will have to meet all requirements of the UDO and permitting agencies.



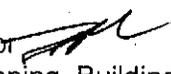
Philip J. Rovang
Director

18 North County Street - 6th Floor
Waukegan, Illinois 60085
Phone 847 377 2875
Fax 847 360 6734
E-mail planning@co.lake.il.us

MEMORANDUM

December 12, 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: 3620

REQUESTED ACTION: Rezoning from the Residential-1 (R-1) zoning district to the Limited Industrial (LI) zoning district. It is the applicants' intent to operate a tree service contractor's business with associated firewood sales.

HEARING DATE: December 18, 2006

GENERAL INFORMATION

APPLICANTS: Steve and Kathy McGuinn, record owners

OF PARCELS: 1 (one)

SIZE: 2.37 acres

LOCATION: 25644 Gilmer Road, Mundelein, Ela Township

EXISTING ZONING: Residential -1 (R-1)

PROPOSED ZONING: Limited Industrial (LI)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Tree service contractor's business with associated firewood sales, snow removal service, storage and sales of landscaping products and equipment maintenance.

SURROUNDING ZONING / LAND USE

NORTHWEST: Limited Industrial / Nursery and landscaping business
R – 1 / Contracting company

NORTHEAST: R – 1 (across Gilmer Road) / Agriculture
Limited Industrial / Landscaping business

SOUTHWEST: R – 1 / EJ&E Railroad, agriculture

SOUTHEAST: Limited Industrial / Landscaping, fastener sales, trucking

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Medium Lot (1 – 3 acres)

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Hawthorn Woods / Mixed Use (Office
Research, Light Industrial, Commercial)

Village of Long Grove / Not Designated

DETAILS OF REQUEST

ACCESS: The subject parcel has direct access via Gilmer Road.

FLOODPLAIN / WETLANDS: According to the County's GIS, the property is not in a
floodplain and does not contain any wetlands.

SEWER & WATER: The site is served by septic and private well.

RECOMMENDATION FOR REZONING

Staff recommends approval because the preponderance of the evidence supports the request. The request satisfies Standards B, C, D, E and F but does not meet Standard A.

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

Comment: The proposal is not consistent with the Future Land Use Map of the *Regional Framework Plan* which designates the subject property as Residential Medium Lot. Because the requested rezoning is not consistent with the Future Land Use Map, it is not 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 area has long been in transition from rural residential to nonresidential uses. Business or limited industrial uses have been developed on adjoining and nearby properties. The current R – 1 zoning of the subject property is not appropriate because of adjoining industrial uses and zoning, the railroad, and the property's long, narrow shape. The requested rezoning will remedy a zoning inconsistency and will be consistent with changing conditions in the area.

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

Comment: The abutting property on the north is zoned LI and has a landscaping / nursery business. The adjoining and nearby properties to the south contain a mixture of business uses including landscaping and trucking. The property also abuts railroad tracks. Approximately 700 feet to the north, two recent CUPs (in 2001 and 2006) have been granted for landscape contractor's yards. The request will allow development that is compatible with the uses and zoning of surrounding and 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.

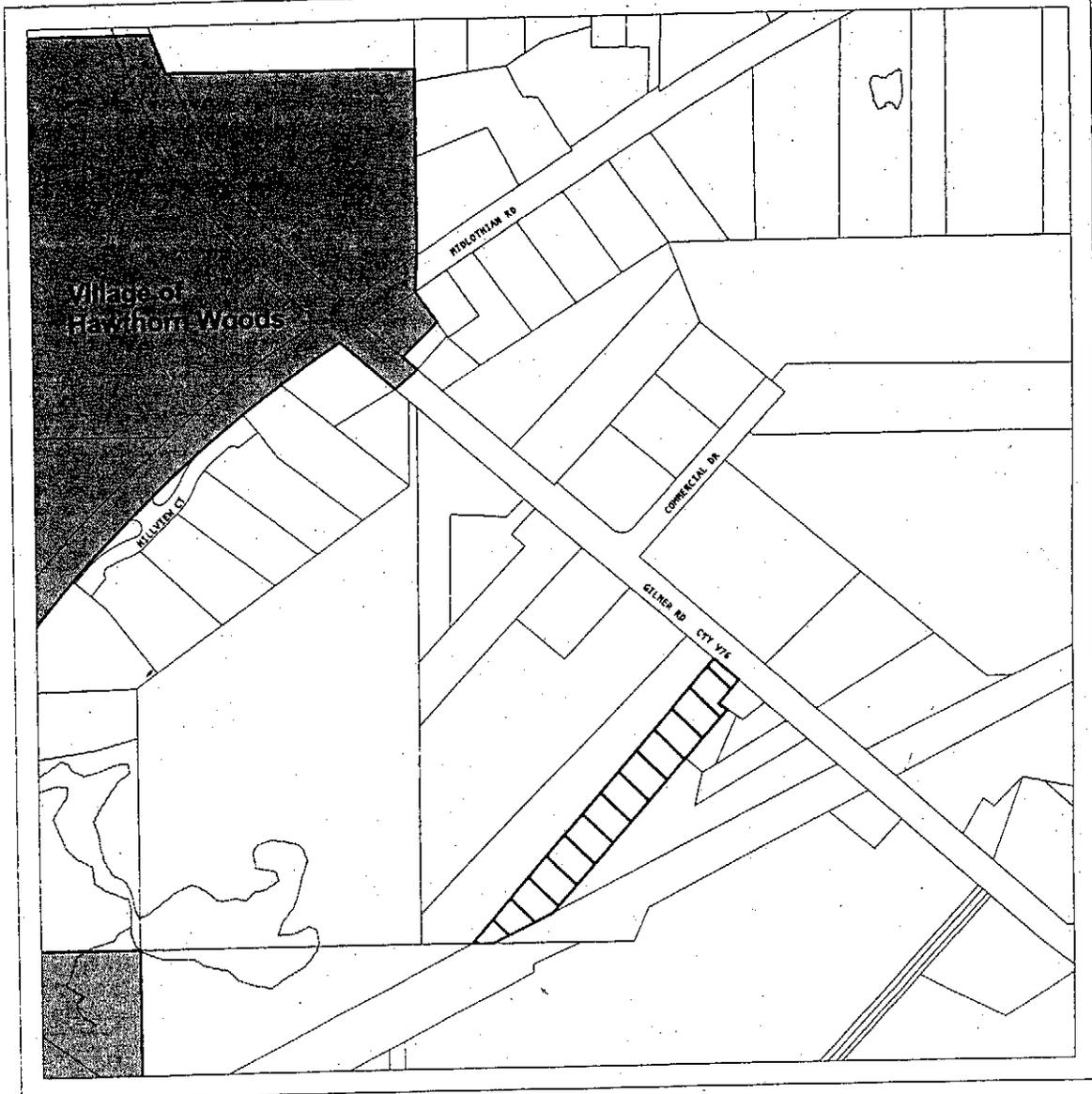
Comment: The subject property will be served by a private well and septic system, if needed, and has direct access onto Gilmer Road. Adequate public facilities and services are available and will not be negatively impacted by the rezoning.

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.

Comment: The proposed use is required to meet the standards of the Lake County site plan approval process. 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# 3620**