

Agenda Item # 54

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

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF LAKE )

No. #3637  
Warren Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
April 10, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3637, which consists of the Petition of NTP, Grand Avenue, LLC and Gerald and Anna Dennis relative to a request for rezoning from the Residential-1 District to the General Commercial District. 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"; the Planning, Building and Zoning Committee vote is 6 "Ayes" and 0 "Nays".

- o A "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 D. Kieckhefer ✓      Aye      Nay  
CHAIRMAN

Judy Marteni ✓       
VICE-CHAIRMAN

Susan L. Sewash ✓     

Robert Sabon ✓     

Randy [Signature] ✓     

Stinson [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 NTP Grand Avenue, LLC and Gerald and Anna Dennis relative to a request for rezoning from the Residential 1 zone to the General Commercial zone for the following real estate, to-wit:

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 45 NORTH, RANGE 11 EAST OF THE THRID PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTH WEST CORNER OF THE SAID QUARTER QUARTER SECTION RUNNING THENCE NORTH 40 RODS: THENCE EAST 4 RODS: THENCE SOUTH 40 RODS: THENCE WEST 4 RODS TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 07-08-400-004

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 to 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 by Member Gravenhorst, second by Member Martini, to grant the petition. Voting "Aye": Members Mountsier, Whitmore, Sabonjian, Gravenhorst, Martini and Newton. Voting "Nay", none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board, that the prayer of the Petitioners be granted and that the above described real estate shall be rezoned from the Residential 1 zone 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        )  
                                  )     SS  
COUNTY OF LAKE         )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

April 10, 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 March 6, 2007, in the Warren-Newport Public Library, Illinois, relative to the petition of NTP Grand Avenue, LLC and Gerald and Anna Dennis requesting rezoning from the Residential-1 zone to the General commercial zone of the following described real estate, to-wit:

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 45 NORTH, RANGE 11 EAST OF THE THRID PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTH WEST CORNER OF THE SAID QUARTER QUARTER SECTION RUNNING THENCE NORTH 40 RODS: THENCE EAST 4 RODS: THENCE SOUTH 40 RODS: THENCE WEST 4 RODS TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

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, to-wit:

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

In making its recommendation, the Zoning Board 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 hearing of the Lake County Zoning Board of Appeals held on March 6, 2007, after a final review of all evidence and testimony presented, Member Westerman moved, with a second by Member Koeppen to recommend the prayer of the petitioner for rezoning from the Residential-1 District to the General Commercial District be granted. Voting "Aye" on this motion were Members Koeppen, Raymond, Stimpson, Westerman, Van Erden and Bell. Voting "Nay, none. The motion to recommend this petition be granted was passed by a vote of 6 - 0.

The Board finds that the request for rezoning meets the standards for map amendments contained in Section 3.3 for rezoning in the following manner:

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

Comment: Although 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, residential land use is not appropriate due to commercial zoning and use on the north and east, the commercial character of the area and the property's proximity to Grand Avenue / IL 132.

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

Comment: The General Commercial zoning district is appropriate based on the character and intensive development of the surrounding area. Sam's Club and Wal-Mart abut the property on the north and east, and the small parcel abutting on the east was rezoned to GC in 2004. Grand Avenue / IL 132 has three through lanes of west bound traffic and two lanes of east bound traffic, plus left and right turn lanes. The south side of Grand Avenue / IL 132 is intensively developed with strip malls and retail stores. The existing R – 1 zoning is not consistent with the use and zoning of surrounding properties. The wetland abutting the property on the west will provide a buffer to the residential subdivision.

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

Comment: The rezoning to GC would be compatible with abutting parcel to the east that was rezoned to GC in 2004, Sam's Club and Wal-Mart and the other commercial uses in the vicinity.

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 rezoning will not have a significant impact on public facilities and services. The property will be served by a private well and septic system. Grand Avenue / IL 132 is a multi-laned State highway and the proposed rezoning and use will not impact the level of service.

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 well and septic system will have to be permitted by and meet the requirements of the Lake County Health Department. Complying with the Health Department regulations will ensure there will not be an adverse impact to adjacent properties or the environment from the sewage treatment system. The requirements of the UDO will ensure that the wetland will be protected from stormwater runoff.

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

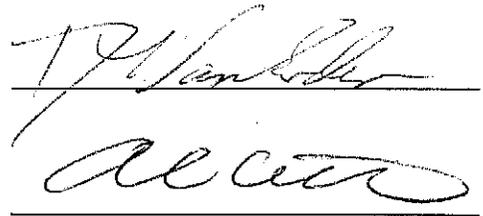
Comment: The subject property is physically suitable for the proposed General Commercial zoning classification.

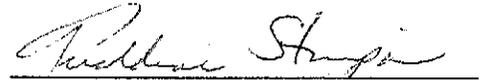
At the direction of the Chairman of the Zoning Board of Appeals. This report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

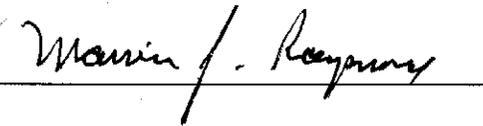
No. 3637  
Warren Township

  
CHAIRMAN

VICE-CHAIRMAN







Dated this 22<sup>nd</sup> day of March, 2007.

## SUMMARY OF TESTIMONY

### ZBA #3637

A public hearing was conducted by the Lake County Zoning Board of Appeals on March 6, 2007 on the application of NTP Grand Avenue LLC and Gerald and Anna Dennis which requests rezoning from the Residential 1 Zone to the General Commercial Zone. The subject property contains one acre and is located on the north side of Grand Avenue approximately 1300 ft. west of Hunt Club Road in Warren Township. The following is a summary of the testimony presented:

1. Mr. Steve Kuper, engineer representing the applicants, testified that the applicants are seeking this rezoning in order to construct on Auto Zone auto parts store. Mr. Kuper also stated that the applicant corporation also has an option to purchase the half-acre lot adjoining to the west. He noted that this parcel was rezoned by the County to General Commercial in 2004 for an intended auto oil exchange business.
2. Mr. Kuper also noted the property is surrounded on three sides by commercial uses and zoning. To the north and east is Sam's Club and Walmart and further east is the Gurnee Mills shopping center. To the south across Grand Avenue is a Home Depot and other strip commercial uses. A protected wetland adjoins the property to the west. This wetland and woodland area is part of the permanent open space of Brookside Subdivision. He further stated that the nearest house to this property is some 350 ft. away on the other side of this wetland and wooded open space area (staff note: a variation to reduce the width of the west transition yard to 13 ft. was approved by the ZBA).
3. Mr. Kuper further testified the property will continue to be served by a private well and septic system. The entrance will be only a right in and right out and will be relocated further west. A wet-bottom detention basin well be located to the north behind the building.

## DEPARTMENT COMMENTS

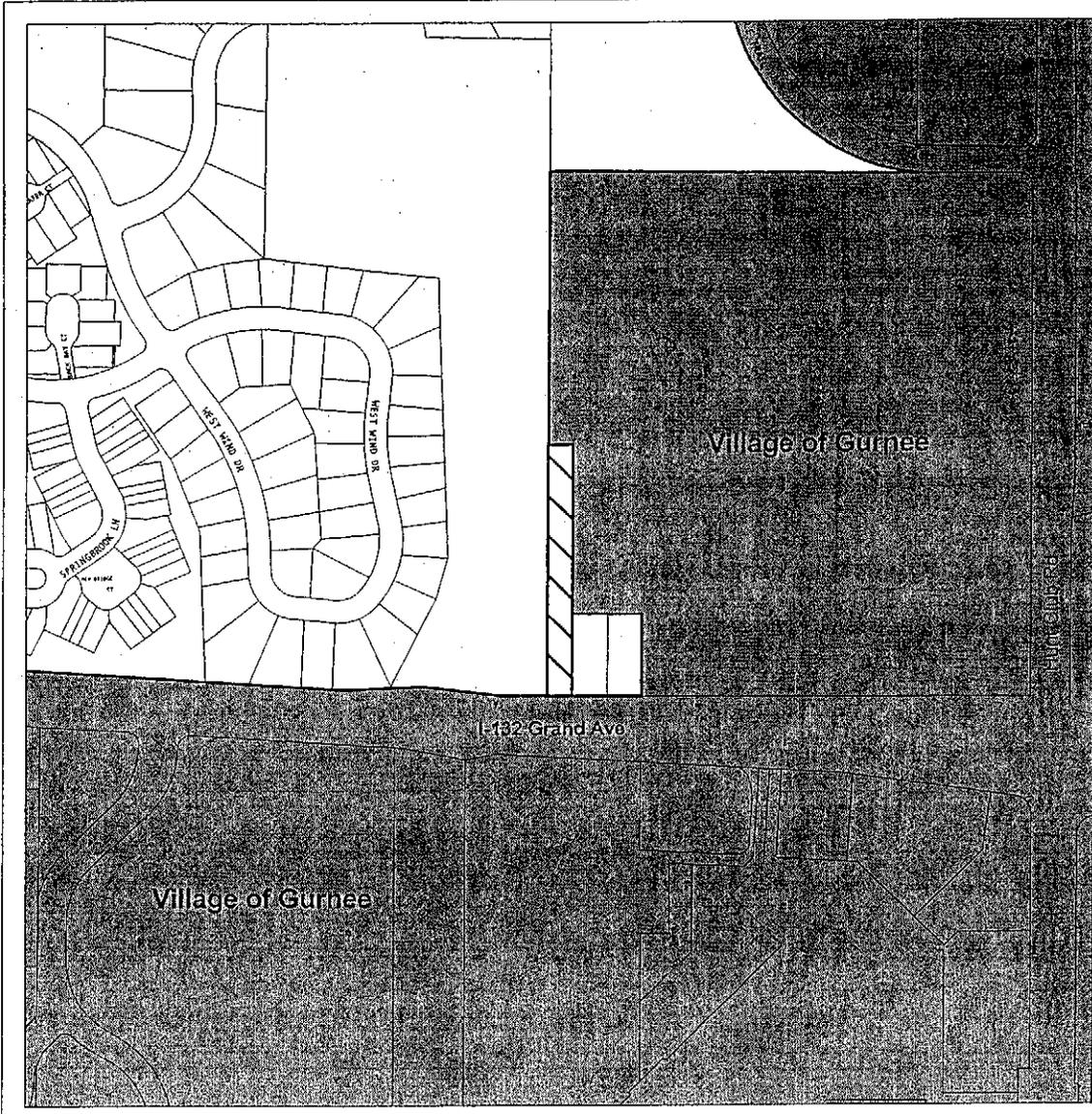
ZBA #3637

**Lake County Health Department:**

As this property will be served by a private well and an on-site wastewater system; an Individual Sewage Disposal system permit must be obtained.

**Lake County Department of Planning, Building and Development:**

Staff recommends the rezoning be approved as the request is compatible with adjoining uses and zoning and the character of the area. It will also not have any significant detrimental affect on infrastructure, public services or the environment.



# Zoning Board of Appeals Case# 3637 & 3638

Warren Township