

Agenda Item # 49

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

STATE OF ILLINOIS)

) SS

No. 3647
Antioch Township

COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

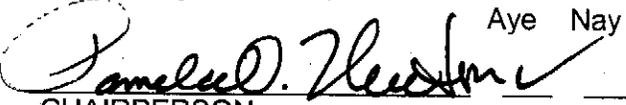
June 12, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

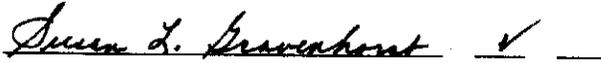
Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3647, which consists of the Petition of Steven and Barbara Gunderson relative to a request for rezoning from the Recreational Commercial to the General Commercial zone. The Department of Planning, Building 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 7 "Ayes" and 0 "Nays".

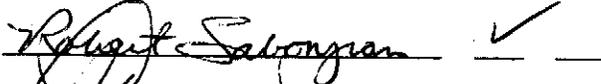
- o An "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,


Aye Nay
 CHAIRPERSON


 VICE-CHAIRPERSON











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 Steven and Barbara Gunderson relative to a request for rezoning from the Recreational Commercial to the General Commercial zone for the following real estate, to-wit:

THAT PART OF GOVERNMENT LOT 2 OF THE EAST FRACTIONAL HALF OF SECTION 2, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: TO WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 2, RUNNING THENCE WEST ON THE NORTH LINE OF SAID SECTION 2, 9.34 CHAINS TO THE CENTER OF PUBLIC HIGHWAY AS LOCATED ON MARCH 28, 1887, THENCE RUNNING SOUTH 22 DEGREES 45 MINUTES EAST ALONG THE CENTER OF SAID HIGHWAY, 10.73 CHAINS, THENCE EAST TO THE EAST LINE OF SAID GOVERNMENT LOT 2 AND THENCE NORTH ON SAID EAST LINE TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 02-02-400-006

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 reports and recommendations received prior to, and 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 aforescribed and recommends by a vote of 7 to 0 that the petition be granted. Motion made by Member Gravenhorst, with a second by Member Martini, to grant the petition. Voting "Aye," were Members Gravenhorst, Leafblad, Martini, Montsier, Sabonjian, Whitmore and Newton; voting "Nay," none.

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

June 12, 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 April 24, 2007 at 1:00 p.m. in the Antioch Township Hall, 1625 N. Deep Lake Road, Lake Villa, Illinois, relative to the petition of Steven and Barbara Gunderson relative to a request for rezoning from the Recreational Commercial to the General Commercial zone for the following described real estate, to-wit:

THAT PART OF GOVERNMENT LOT 2 OF THE EAST FRACTIONAL HALF OF SECTION 2, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: TO WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 2, RUNNING THENCE WEST ON THE NORTH LINE OF SAID SECTION 2, 9.34 CHAINS TO THE CENTER OF PUBLIC HIGHWAY AS LOCATED ON MARCH 28, 1887, THENCE RUNNING SOUTH 22 DEGREES 45 MINUTES EAST ALONG THE CENTER OF SAID HIGHWAY, 10.73 CHAINS, THENCE EAST TO THE EAST LINE OF SAID GOVERNMENT LOT 2 AND THENCE NORTH ON SAID EAST LINE TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN: 02-02-400-006

The proceedings of this public 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:

The Lake County Health Department;
The Lake County Building and Code Enforcement Division;
County of Kenosha WI Department of Public Works, Division of Highways; 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 continued public hearing of the Lake County Zoning Board of Appeals held on May 3, 2007, after a final review of all evidence and testimony presented, Member Stimpson moved, with a second by Member Freese to recommend the prayer of the petitioners for rezoning from the Recreational Commercial to the General Commercial zone be granted. Voting "Aye" on this motion were Members Bell, Freese, Morgan, Raymond, Stimpson, Westerman and Zerba. Voting "Nay," none. The motion to recommend the petition be granted was passed by a vote of 7 – 0.

The Board finds that the request for rezoning meets the preponderance of the Standards for Map Amendments, Section 3.3, in the following manner:

Standard A. The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Finding: Neither the current Recreational Commercial (RC) nor the proposed General Commercial (GC) zoning is consistent with the *Regional Framework Plan's* Future Land Use map that designates the subject property as Agricultural. Nearby properties on both sides of US 45 have a future land use of Agricultural; the nearest property with a future land use of Retail / Commercial is approximately 1.7 miles south of the subject property, on the south side of Burr Hollow Drive. Because the requested rezoning is not consistent with the future land use it does not implement the *Framework Plan* (UDO 1.5.A) and therefore is not consistent with this 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 adjoining property on the south is zoned GC and is used for a commercial purpose. The next parcel to the south (4311 N. Highway 45, Antioch) was rezoned from AG to GC in January 2007 for a garden center. The property on the west side of US 45 is zoned GC and is developed with a sign business and resale shop. The adjoining property to the north, which is in Wisconsin and is owned by the applicants, has a vacant house. A bar and a nursery-garden center are in Wisconsin across State Line Road. The area is undergoing a transition from agricultural to commercial uses. The proposed rezoning is consistent with the trend towards commercial uses.

In spite of these adjacent or nearby commercial uses, the subject property has remained undeveloped under its current Recreational Commercial zoning. The requested rezoning will allow for reasonable commercial utilization of the property.

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

Finding: The subject property is surrounded by commercial uses on the south, west, north and northwest, and abuts permanent open space to the east. The proposed rezoning to GC will allow development that is compatible with the zoning and uses of adjoining 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: A septic system and water well will have to be approved by the Health Department. The Illinois Department of Transportation has the authority for an access permit to US 45 and can require any necessary improvements. An

alternate access to State Line Road may be approved by the Kenosha, WI, Division of Highways based on its applicable regulations.

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: Compliance with all requirements of the UDO should ensure that no significant adverse impacts to the environment will occur.

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

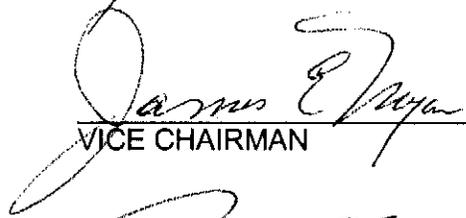
Finding: The property is suitable for the proposed GC zoning.

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.

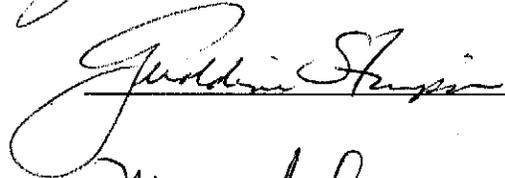
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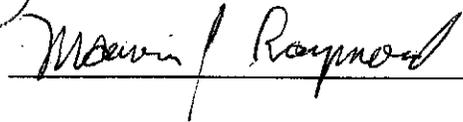


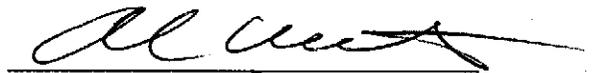
CHAIRMAN

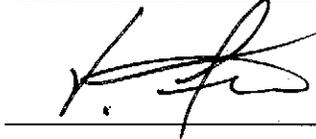


VICE CHAIRMAN









Dated this 10th day of May 2007.

Summary of Testimony

ZBA #3647

A public hearing was conducted by the Lake County Zoning Board of Appeals on April 24, 2007, continued to the ZBA Review Meeting of May 3, 2007, on the application of Steven and Barbara Gunderson which requests rezoning from the Recreational Commercial to the General Commercial zoning district. The rezoning – and a Conditional Use Permit (ZBA # 3648) – are required to enable the applicants to construct a self-service storage facility for expensive automobiles, vehicle repair and indoor contractor storage. The subject property contains 7.66 acres and is located on the east side of U.S. Route 45 at the Wisconsin state line. The following is a summary of the testimony:

1. Mr. Steve Gunderson, property owner, and Mr. Bob Frauenhoffer, project engineer, addressed the Board. Mr. Gunderson testified that nine proposed garage buildings, each 24' X 72', would be for storage (defined as self-service storage) of expensive cars. In addition, there will be two buildings, each 26' X 48', one of which is intended for an automobile upholstery shop and the other for an auto detailing shop. Mr. Gunderson stated that the auto upholstery and detailing shops (defined as vehicle repair) were logical compliments to storing expensive cars and would also benefit from the property's location at the junction of US 45 and State Line Road. Mr. Gunderson further testified that there will be three buildings, each 48' X 72', which are intended for contractor's storage. The contractor's storage use would be entirely inside the 48' X 72' buildings. Finally, there will also be a building that Mr. Gunderson will use for an office.
 2. Mr. Gunderson testified that he had contacted the owner of the adjoining parcel to the west regarding driveway access. Mr. Gunderson stated that the adjacent owner told him he had no objections to a driveway across his property but would not provide Mr. Gunderson with a letter stating this.
 3. Mr. Frauenhoffer testified that attempts to contact the Illinois Department of Transportation regarding access to US 45 had been made in person, by phone and by e-mail, but had not been successful. Mr. Gunderson testified regarding the October 23, 2006 letter from Gary Sipsma, Director, Division of Highways, County of Kenosha, WI, (attached) stating that he interpreted the letter to mean that Kenosha County would allow access to his property from State Line Road after he has approval for his "planned use" from Lake County.
 4. Mr. Gunderson testified that the buildings will be frame construction, with cedar or stucco siding, and architectural shingles; they will not be metal. Mr. Gunderson further testified that pine trees will be planted on the west side of the property to screen the buildings from US 45.
-

#3647
#3648



COUNTY OF KENOSHA

Frederick J. Patrie, Director
Department of Public Works

Gary Sipsma, Director
Division of Highways
P. O. Box 609
Bristol, Wisconsin 53104
(262) 857-1870
Fax: (262) 857-1885

October 23, 2006

Steven and Barbara Gunderson
19595 W Pedersen Drive
Antioch, IL 60002

Dear Mr. & Mrs. Gunderson:

The Kenosha County Department of Public Works has completed its review of your request for access to County Trunk Highway "WG" east of USH 45. Please be advised that Kenosha County does not issue permits for access based on speculated use.

Kenosha County Public Works will allow reasonable access to all parcels of land within its jurisdiction. A proposed access location is reviewed on an individual basis. The location, design and construction specifications are determined based, in part, on the specifically proposed land use. An access permit will not be issued until such time that the planned use has been approved by any legally constituted body having jurisdiction.

If you have any questions regarding this matter, please contact this office.

Sincerely,

Gary Sipsma, Director
Division of Highways

Att. Bob Mosteller

Summary of Department Comments

ZBA #3647

Lake County Health Department:

As this parcel will be served by a septic system and a private water well, an Individual Sewage Disposal system permit application must be submitted, reviewed and approved prior to any construction taking place on the site.

Lake County Department of Planning, Building and Development:

The Planning, Building and Development Department recommends approval for the rezoning, finding that the request satisfies the preponderance of the required standards. Neither the current Recreational Commercial (RC) nor the proposed General Commercial (GC) zoning is consistent with the *Regional Framework Plan's* Future Land Use map that designates the subject property as Agricultural. However, the adjoining property on the south is zoned GC and is used for a commercial purpose. The next parcel to the south was rezoned from AG to GC in January 2007 for a garden center. The property on the west side of US 45 is zoned GC and is developed with a sign business and resale shop. The adjoining property to the north, which is in Wisconsin and is owned by the applicants, has a vacant house. A bar and a nursery-garden center are in Wisconsin across State Line Road. The area is undergoing a transition from agricultural to commercial uses, and despite the adjacent and nearby commercial uses the subject property has remained undeveloped. The requested rezoning will allow for reasonable commercial utilization of the property and is consistent with the trend towards commercial uses.

Compliance with all requirements of the UDO will ensure there will not be any significant adverse impacts on other property, or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

The property is suitable for the proposed GC zoning.



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

April 19, 2007

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

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

CASE NOS: #3647 Rezoning
#3648 Conditional Use Permits

REQUESTED ACTIONS: Rezoning from the Recreational Commercial zone to the General Commercial zone with a Conditional Use Permit to allow a self-service storage facility, vehicle repair, limited vehicle service, landscape contractor storage and contractor storage. It is the desire of the applicants to construct a vehicle storage facility.

HEARING DATE: April 24, 2007

GENERAL INFORMATION

PETITIONER(S): Steven and Barbara Gunderson, record owners

OF PARCELS: One

SIZE: 7.66 acres

LOCATION: East side of U.S. Route 45, just south of the state line

EXISTING ZONING: Recreational Commercial (RC)

PROPOSED ZONING: General Commercial (GC)

EXISTING LAND USE: Agricultural

PROPOSED LAND USE: A vehicle storage facility, to include vehicle repair and limited vehicle service, landscape contractor storage and contractor storage, provided the simultaneous CUPs requested in Case # 3648 is approved.

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

SURROUNDING ZONING / LAND USE

NORTH adjoining:	State of Wisconsin / Vacant (formerly a bar), also owned by the applicants
NORTH across State Line Road:	State of Wisconsin / Bar
NORTHWEST:	State of Wisconsin / Nursery and garden center
WEST adjoining:	RC / Vacant
WEST across US 45:	GC / Agricultural; sign company and resale shop
SOUTH:	GC / Office; garden center
EAST:	RC and AG / Wetlands mitigation site

COMPREHENSIVE PLANS

LAKE COUNTY: Agricultural

MUNICIPALITIES WITHIN 1½ MILES: Village of Antioch / Commercial

DETAILS OF REQUEST

ACCESS:	Access will be from US 45, as shown on the site plan.
PHYSICAL CHARACTERISTICS:	The majority of the property has been used for agriculture. The property gradually slopes to the east and south.
FLOODPLAIN / WETLANDS:	According to the County's GIS, the southeast corner of the property is in the floodplain and has a wetland.
SEWER AND WATER:	Septic system, if needed, and private water well

COMMENTS

- The ZBA has been delegated the authority for the CUPs requested in ZBA #3648.
 - The adjoining property to the north (where the vacant structure formerly used as a bar is located) is in Wisconsin.
 - The adjoining property to the west is zoned RC, but is owned by the RTA and is not included in either request.
-

RECOMMENDATIONS

Map Amendment Approval Criteria – UDO Section 3.3.8

Staff recommends approval. The proposed rezoning is consistent with the commercial uses of surrounding properties with frontage on US 45. In staff's opinion, the preponderance of 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: Neither the current RC nor the proposed GC zoning is consistent with the *Regional Framework Plan's* Future Land Use map that designates the subject property as Agricultural. Nearby properties on both sides of US 45 have a future land use of Agricultural. The nearest property with a future land use of Retail / Commercial is on the south side of Burr Hollow Drive, approximately 1.7 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).

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

Comment: The adjoining property on the south is zoned GC and is used for a commercial purpose. The next parcel to the south (4311 N. Highway 45, Antioch) was rezoned from AG to GC in January 2007 for a garden center. The property on the west side of US 45 is zoned GC and is developed with a sign business and resale shop. The adjoining property to the north, which is in Wisconsin, has a vacant structure that was formerly a bar. A bar and a nursery-garden center are in Wisconsin across State Line Road. The area is undergoing a transition from agricultural to commercial uses. The proposed rezoning is not inconsistent with the trend towards commercial uses.

In spite of these adjacent or nearby commercial uses, the subject property has remained undeveloped under its current Recreational Commercial zoning. The requested rezoning and CUPs will allow for reasonable commercial utilization of the property.

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

Comment: As already described, the subject property is surrounded by commercial uses on the south, west, north and northwest, and permanent open space to the east. The proposed rezoning to GC will allow development that is compatible with the zoning and uses of adjoining 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: A septic system, if needed, and water well will have to be approved by the Health Department. The Illinois Department of Transportation has the authority for an access permit to US 45 and can require any necessary improvements.

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: Compliance with all requirements of the UDO should assure that no significant adverse impacts to the environment will occur.

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

Comment: As explained above, the property is suitable for the proposed GC zoning.

Conditional Use Permit General Standards – UDO Section 3.6.7.

While staff has no objection to the requested CUP, we are compelled to recommend denial because the request does not meet *all* of the standards for a CUP, specifically Standard A, as explained below:

A. The use in its proposed location will be consistent with the stated purpose and intent of Section 1.5:

Comment: The *Framework Plan's* Future Land Use map designates the subject property as Agricultural. Neither the current RC nor the proposed GC zoning is consistent with the future land use and therefore the requested CUP is not consistent with the purpose and intent of the Ordinance.

B. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2.

Comment: The proposed use can comply with Ordinance requirements as demonstrated by the preliminary site plan submitted with the application.

- C. The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of the application or as they may be developed in the future due to implementation of the Comprehensive Plan:

1. Adjacent property

Comment: The adjoining property on the south is zoned GC and is used for a commercial purpose. To the west, there is a small, vacant parcel between the subject property and US 45. Property to the north, in Wisconsin, contains a vacant building formerly used as a bar. The adjoining property on the east is vacant and is owned by the Regional Transportation Authority as a wetlands mitigation site. Granting the requested CUPs should not have a substantial adverse impact on adjacent property. Additional conditions can be required by the Board to ensure compatibility.

2. Character of the neighborhood

Comment: The character of the neighborhood is primarily established by the signalized intersection at US 45 and State Line Road, and the commercial uses that predominate at this intersection. As noted in the comments to Standard B of the rezoning criteria, there are several commercial uses near the subject property and, in staff's opinion, granting the requested CUPs will not have a significant adverse impact on the character of the area. Additional conditions can be required by the Board to ensure compatibility with the character of the neighborhood.

3. Natural resources

Comment: Complying with all regulations will ensure there will not be any significant negative impact to natural resources. Additional conditions can be required by the Board to ensure there will not be any significant adverse impacts to natural resources.

4. Infrastructure

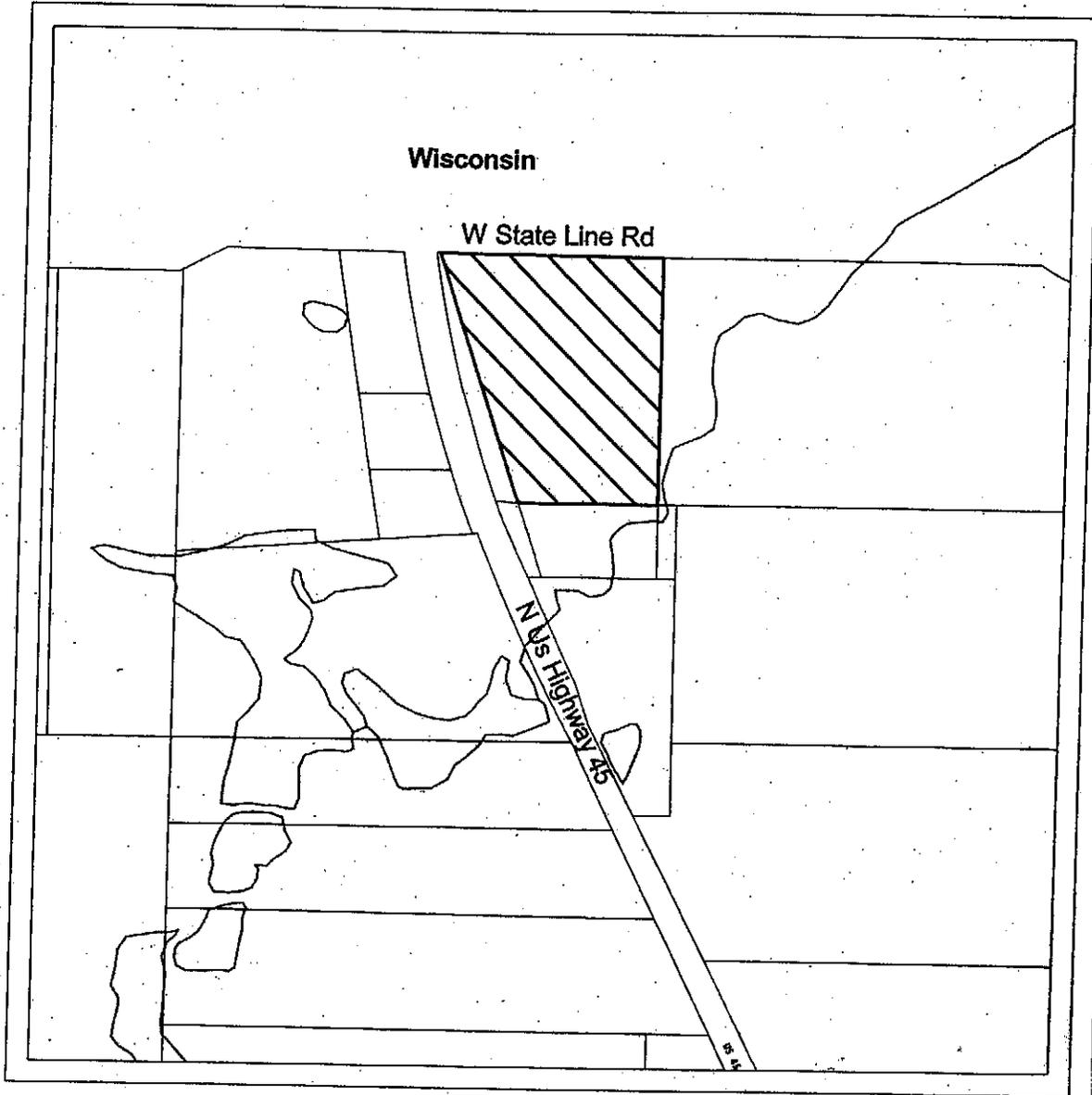
Comment: There will not be an impact on infrastructure. The property will be served by septic system, if needed, and private water well. The Illinois Department of Transportation has jurisdiction over vehicle access to US 45.

5. Public sites

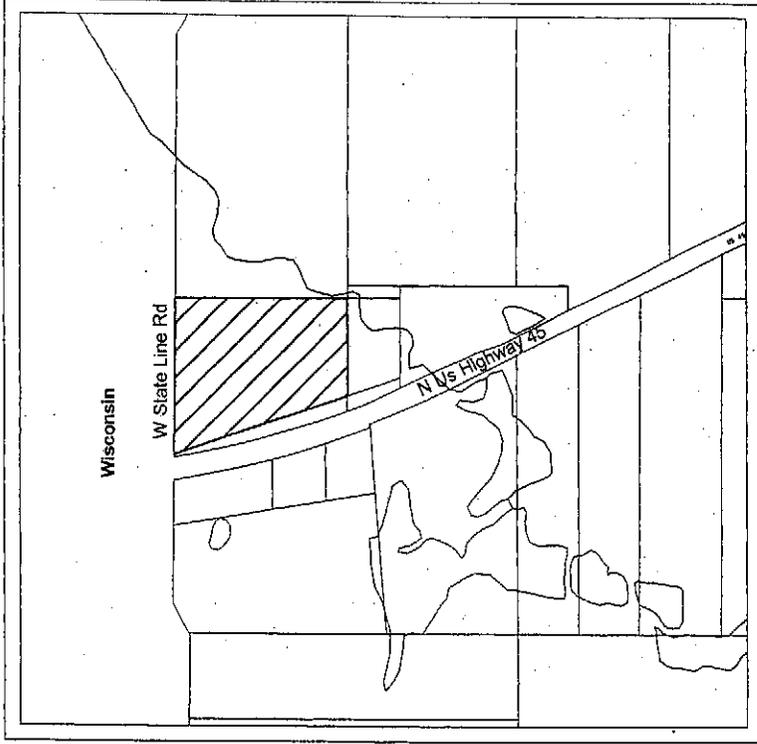
Comment: This use will not have a detrimental impact on public sites.

6. Any other measures affecting the public health, safety, or general welfare

Comment: The use will have to comply with all Ordinance requirements, the requirements of other permitting agencies, and any appropriate conditions applied by the Zoning Board of Appeals. Granting the CUP will not have a substantial negative impact on public health, safety or general welfare.

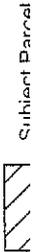
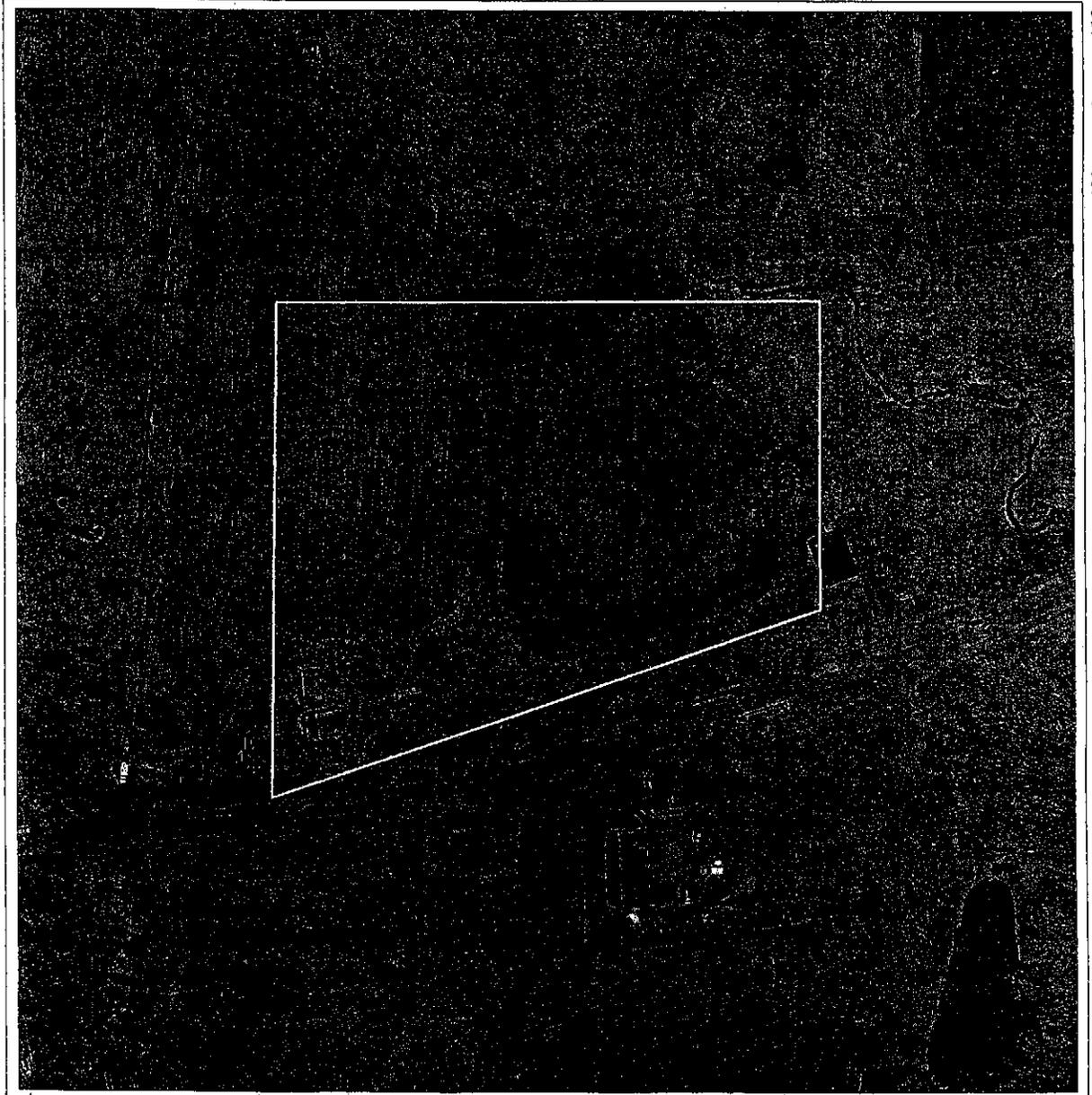


Zoning Board of Appeals
Case# 3647 & 3648



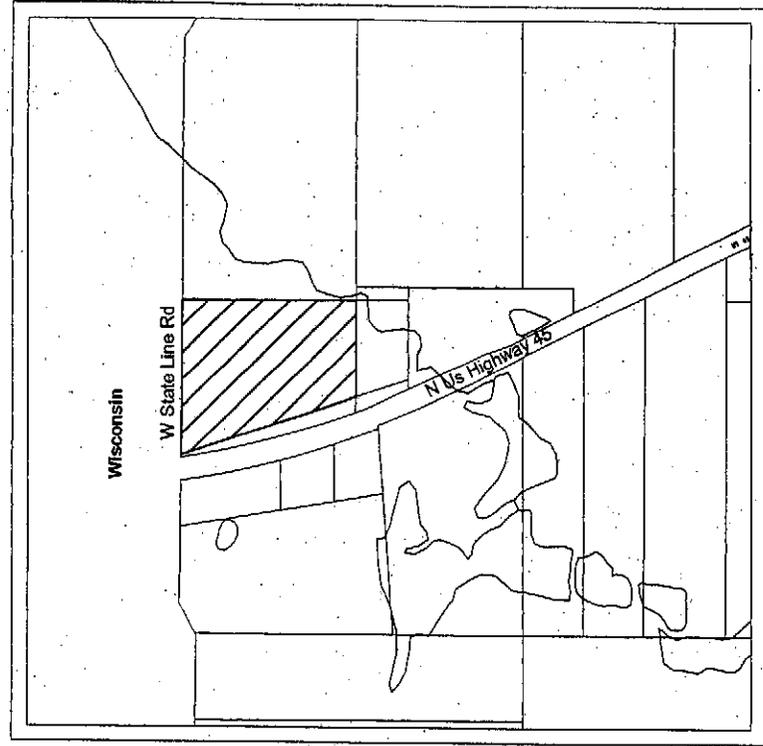
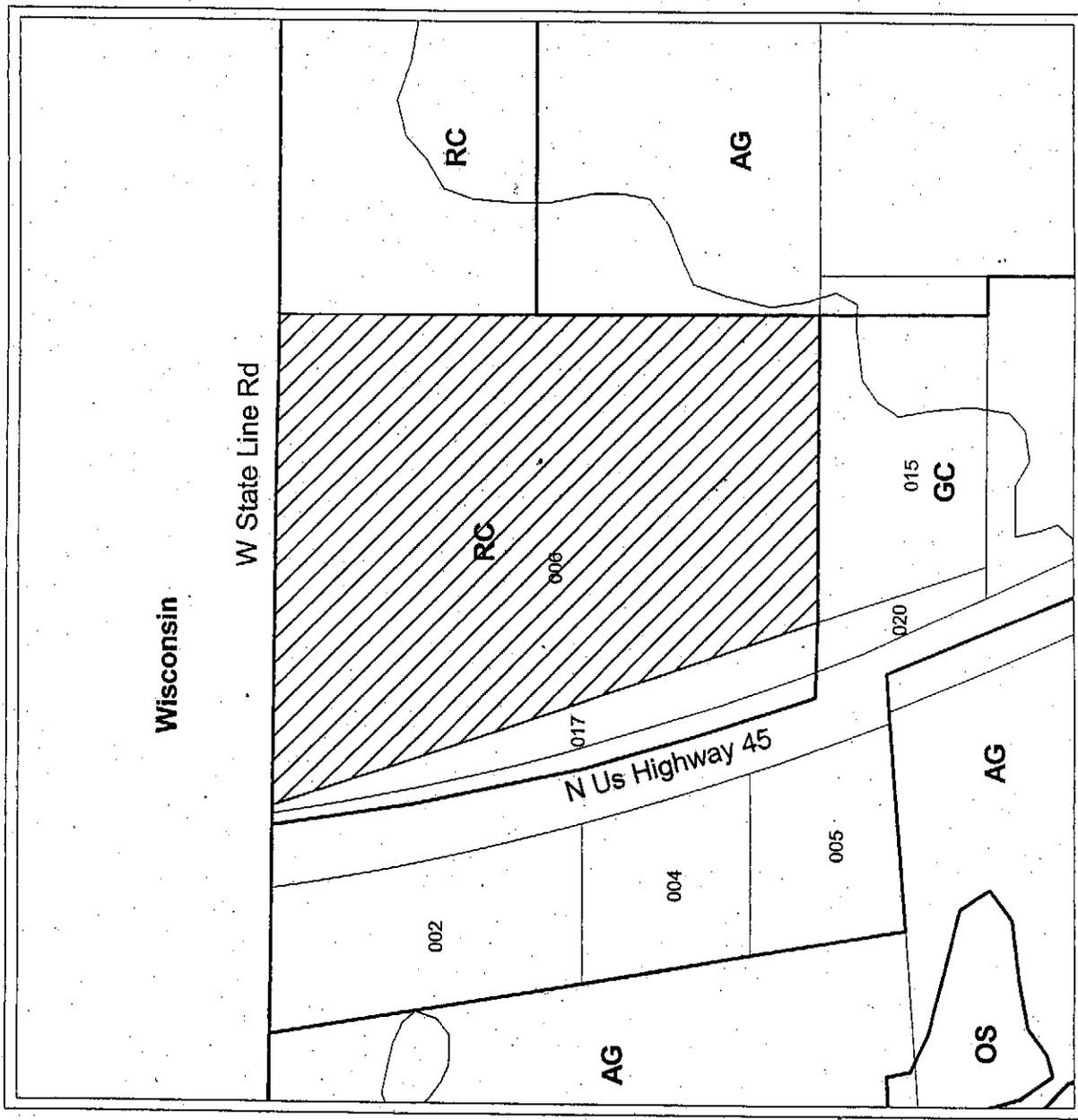
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Antioch Township



Incorporated Lake County





Zoning Board of Appeals
Case# 3647 & 3648



