Agenda Item # 35

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3657
Warren and Waukegan Townships

COUNTY BOARD, LAKE COUNTY, ILLINOIS

August 14, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3657, which consists of the Petition of Jose Zurita, record owner, relative to a request for rezoning from the Residential – 1 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 1 "Ayes" and 5 "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		1
	✓	
		✓
		✓

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 Jose Zurita relative to a request for rezoning from the Residential – 1 to the General Commercial zone for the following real estate, to-wit:

LOTS 25 AND 26 IN WESTERN HEIGHTS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 45 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED SEPTEMBER 19, 1953 AS DOCUMENT NO. 803003, IN BOOK 1201 OF RECORDS, PAGE 457, (EXCEPT THOSE PORTIONS OF LOTS 25 AND 26 CONVEYED FOR HIGHWAY PURPOSES BY DEED RECORDED NOVEMBER 6, 1986 AS DOCUMENT NO. 2501945, OR CONDEMNED FOR HIGHWAY PURPOSES IN CASE NO. 87ED19), IN LAKE COUNTY, ILLINOIS.

PINs: 07-12- 404-027and -028
08-07-314-008 and -012

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 aforedescribed and recommends by a vote of 1 to 5 that the petition be granted. Motion made by Member Martini, with a second by Member Sabonjian, to grant the petition. Voting "Aye," was Member Sabonjian; voting "Nay," Members Leafblad, Whitmore, Martini, Gravenhorst and Newton .

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioners for the rezoning from the Residential – 1 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.

No. 3657
Warren and Waukegan Townships

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

August 14, 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 June 19, 2007 at 9:00 a.m. in Room 1001 of the Lake County Administration Building, 18 N. County St., Waukegan, Illinois, relative to the petition of Jose Zurita for rezoning from the Residential – 1 to the General Commercial zone for the following described real estate, to-wit:

LOTS 25 AND 26 IN WESTERN HEIGHTS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 45 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 45 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED SEPTEMBER 19, 1953 AS DOCUMENT NO. 803003, IN BOOK 1201 OF RECORDS, PAGE 457, (EXCEPT THOSE PORTIONS OF LOTS 25 AND 26 CONVEYED FOR HIGHWAY PURPOSES BY DEED RECORDED NOVEMBER 6, 1986 AS DOCUMENT NO. 2501945, OR CONDEMNED FOR HIGHWAY PURPOSES IN CASE NO. 87ED19), IN LAKE COUNTY, ILLINOIS.

PINs: 07-12- 404-027and -028
08-07-314-008 and -012

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 Soil and Water Conservation District; 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 June 19, 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 to the General Commercial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Raymond, Reindl, 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 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: The subject property has two Future Land Use designations: Retail / Commercial and Residential Single-family Small Lot. The proposed rezoning to GC for a commercial use is consistent with the Ordinance for the eastern 80% of the subject property that is designated Retail / Commercial. Because the abutting property to the west is residentially zoned and has a single-family dwelling, a transition area on the subject property is required. This transition area will encompass the portion of the property with the Residential future land use. The proposed amendment is consistent with the Ordinance.

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

Finding: Property with frontage on Green Bay Road (IL 131) and Retail / Commercial future land use is generally not well suited for single-family residential uses as currently zoned. The nearest GC zoning is approximately 2400 feet to the south, at the intersection of Atlantic Avenue and Green Bay Road. Uses at this location include an auto repair garage and a fence company on the west side of Green Bay Road and a used car sales business on the east side of Green Bay Road. Other commercial uses of a GC nature (but within the City of Waukegan) are located at the intersection of Sunset Avenue approximately 620 feet away on the west side of Green Bay; 310 feet away on the east. The nearest non-residential property in unincorporated Lake County is approximately 420 feet to the north. This property, which is zoned LI, appears to be used as a single-family dwelling. The proposed amendment is consistent with the trend of development in the area which is towards commercial development.

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

Finding: The property has previously been used for a used car business and welding / auto repair shop. Site plan review is required which will ensure that the safeguards in the Ordinance are met and will protect nearby properties from potential adverse impacts. When the factors of location on Green Bay Road,

future land use designation of Retail / Commercial, trend of development towards commercial, previous use and the requirements of the UDO are considered, the development allowed by the proposed amendment will be compatible with the uses and zoning of nearby property.

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 a septic system and private water well, subject to approval by the Health Department. The Illinois Department of Transportation has the authority for vehicle access to Green Bay Road (IL 131).

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 assure that no significant adverse impacts to the environment will occur. The property is large enough so that the required transition areas can be provided.

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

Finding: The property is physically suited for the proposed zoning and desired use.

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. 3657
Warren and Waukegan Townships

CHAIRMAN

VICE CHAIRMAN

Dated this 11th day of July 2007.

Summary of Testimony

ZBA #3657

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 19, 2007 on the application of Jose Zurita which requests rezoning from the Residential – 1 to the General Commercial zoning district. There is a simultaneous petition before the Zoning Board of Appeals requesting a Conditional Use Permit to allow vehicle sales and limited vehicle service (ZBA # 3658). The subject property contains 0.95 acres and is located at 36272 N. Green Bay Rd., Waukegan, Warren and Waukegan townships.

1. Mr. John Dax, attorney, accompanied by Jose Zurita, record owner, presented the case and testified that the subject property had been utilized for a used car sales and automobile repair / welding business for approximately 15 years prior to it being purchased by Mr. Zurita in December 2005.

2. Mr. Dax testified there is a progression towards commercial uses along Green Bay Road. He pointed out that the intersection of Green Bay and Sunset, which is approximately 500 feet north of the subject property, has commercial uses on all four corners. Also, there is a small strip commercial center approximately 200 feet to the north on the east side of Green Bay Road. Mr. Dax stated it was natural for commercial uses to locate along arterial streets because high volumes of traffic are detrimental to residences. He testified that the proposed rezoning would not have an impact on the traffic already on Green Bay Road.

3. Mr. Dax provided correspondence from the Lake County Soil and Water Conservation District. Mr. Dax summarized the correspondence as stating there would be little or no impact since the property was already developed. He further testified that the existing trees will remain and that a certified arborist will be consulted to ensure these trees will not be damaged when the property is improved for Mr. Zurita's intended business use.

4. Mr. Dax further testified that the former automobile businesses had not had any substantial adverse impacts. A consulting firm had been hired to conduct a Phase I environmental survey of the property before Mr. Zurita purchased it. A small oil spill was discovered and cleaned up.

5. In response to a question from the Board, Zoning Administrator Sheel Yajnik replied that used car and auto repair businesses would qualify as legal nonconforming uses on this property. However, the area devoted to a nonconforming use could not be expanded beyond what was already existing. Furthermore, improvements to an existing building could not exceed 50% of the building's value. The rezoning and CUP were necessary because Mr. Zurita's proposed businesses probably would exceed one or both of these limitations.

6. The landscaping and transition areas that are required if the property is rezoned to General Commercial were discussed. Ms. Yajnik informed the applicant that he can ask the abutting property owners for waivers to eliminate or reduce the transition areas and landscaping.

7. Mr. Charles Willms, a neighbor owning property to the east across Green Bay Road, testified in opposition to the rezoning and CUP. Mr. Willms stated his opinion that the area around the subject property was residential and should remain residential. Mr. Willms further testified that there were three used car sales lots in the nearby area and an additional one was not needed. He was also concerned that the proposed auto repair would create noise.

8. Regarding the CUP request, it was the consensus of the Board members that the sketch provided with the application was not adequate to evaluate the appropriateness of the proposed uses. Mr. Dax and Mr. Zurita agreed to provide a detailed site plan which would be distributed to staff for review prior to the CUP portion of the case being heard at the August 2nd continued hearing before the ZBA.

Summary of Department Comments

ZBA # 3657

Lake County Health Department:

Since the subject property is served by a septic system and a private water well, a Property Alteration application must be submitted, reviewed and approved prior to occupancy of the site.

Soil and Water Conservation District of Lake County:

Because the site has been developed, a full report is not required. The District recommends a tree preservation plan be developed and implemented prior to additional development. With proper planning, there will be minimal impact to natural resources.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning as the request meets all the standards. The majority of the property (the eastern 80%, approximately) has a future land use of Retail / Commercial due to its frontage on Green Bay Road; the trend of development in the area along Green Bay is towards commercial. The subject property, though now vacant, has been used for used car sales and vehicle repair in the past. Transition areas are required to the north, west and south due to abutting residential zoning and uses; the transition area on the west will encompass the portion of the property with Residential future land use. There will not be any significant adverse impacts to the environment or to infrastructure.

When the factors of location on Green Bay Road, future land use designation of Retail / Commercial, trend of development towards commercial, previous use and the requirements of the UDO are considered, development allowed by the proposed amendment will be compatible with the uses and zoning of nearby property. Site plan review for future development will ensure that the safeguards in the Ordinance are met and will protect nearby properties from potential adverse impacts.

Planning Building & Development

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

LakeCounty

MEMORANDUM

June 11, 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:	#3657 & #3658 Rezoning and CUP
REQUESTED ACTIONS:	Rezoning from the Residential 1 zone to the General Commercial zone with a Conditional Use Permit to allow vehicle sales and limited vehicle service. It is the desire of the applicant to operate a used car sales business with minor repair services.
HEARING DATE:	June 19, 2007

GENERAL INFORMATION

PETITIONER:	Jose Zurita, record owner
# OF PARCELS:	Four
SIZE:	0.95 acres
LOCATION:	36272 N. Green Bay Rd., Waukegan
EXISTING ZONING:	Residential – 1 (R – 1)
PROPOSED ZONING:	General Commercial (GC)
EXISTING LAND USE:	Vacant: The subject property contains a single-family dwelling; a dilapidated building that had been used in a used car sales business; a Quonset hut; a small, dilapidated shed; two driveways and parking areas from the former uses.
PROPOSED LAND USE:	Vehicle sales and limited vehicle service

SURROUNDING ZONING / LAND USE

NORTH: R – 1 / Vacant

EAST: R – 1 / Single-family dwellings and vacant lots

SOUTH: R – 1 / Single family dwellings and vacant lots

WEST: Village of Gurnee: R – 2 Residential / Single-family dwelling

COMPREHENSIVE PLANS

LAKE COUNTY: Retail Commercial and Residential Single Family (0.25 – 1 acre lot size): The eastern approximately 170 feet of the subject property (that part in Waukegan Twp.) has Retail / Commercial Future Land Use. The western 35 feet (approximately) has Residential Single Family land use.

MUNICIPALITIES WITHIN 1½ MILES: Village of Gurnee: Not designated
City of Waukegan: Not designated

DETAILS OF REQUEST

ACCESS: Direct access is via Green Bay Road.

PHYSICAL CHARACTERISTICS: Relatively flat, with trees and undergrowth on the western and northern borders of the property. Some mature trees and limited landscaping are present around the vacant house. Parking and driveways of asphalt and gravel are present.

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

SEWER AND WATER: Septic system and private water well

ADDITIONAL COMMENTS

- The ZBA has been delegated the authority for the CUPs requested in ZBA # 3658 which are for Consumer Vehicle Sales / Rental / Outdoor (e.g., cars, pick-up trucks, SUVs, motorcycles) and Limited Vehicle Repair in the GC zone.

- Limited Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Accessory uses may include auto repair and tire sales. Examples of uses in this category include car washes, quick lubrication services and service stations (both full-service or self-service) (UDO 14.1.5.H).

- Landscaping requirements are:

  South and west: 30 foot wide transition yard containing 3 plant units per 100 feet (1 unit = 1 canopy tree, 2 understory trees, 2 evergreen trees, and 7 shrubs) plus either an 8 foot solid fence or a 5 foot high berm. The transition yard along the west must not interfere with the existing 5 foot utility easement.

  North: 30 foot wide transition yard containing 3 plant units per 100 feet. The fence or berm is not required because the adjoining residentially zoned property is vacant.

  The landscaping requirements for the south, west and north transition yards may be modified by agreement with the adjoining property owners.

  East: 1 plant unit per 100 feet of road frontage along Green Bay Road

- All buildings on the subject property are vacant. Based on the site sketch provided with the application, the building west of the house and north of the Quonset hut, and the small shed in the south west corner of the property, will be removed. It also appears from the site sketch that the existing single-family dwelling will be used for an office, and the applicant would like to use the Quonset hut for a minor repair garage. If used as part of the desired business, the existing house must be upgraded to comply with commercial building code requirements.

- The maximum impervious surface ratio for automobile sales is 80% (UDO Table 7.1-4, Note 8).

- Since the requested CUP is for a nonresidential use, the CUP is subject to the General Development Standards of Article 9 (UDO 3.9.2) and the Site Plan Review Procedures of Article 4.

RECOMMENDATIONS

Map Amendment Approval Criteria – UDO Section 3.3.8

Staff recommends approval of the requested rezoning to the General Commercial district. In staff's opinion the request predominately satisfies the 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 subject property has two Future Land Use designations: Retail / Commercial and Residential Single-family Small Lot (RSL). *Please see the attached future land use map.* The proposed rezoning to GC for a commercial use is consistent with the Ordinance for the eastern 80% of the subject property that is designated Retail / Commercial. Because the abutting property to the west is residentially zoned and has a single-family dwelling, a transition area on the subject property is required. This transition area will encompass the portion of the property with the Residential future land use. The proposed amendment is consistent with the Ordinance.

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

Comment: Property with frontage on Green Bay Road (IL 131) and Retail / Commercial future land use is generally not well suited for single-family residential uses as currently zoned. The nearest GC zoning is approximately 2400 feet to the south, at the intersection of Atlantic Avenue and Green Bay Road. Uses at this location include an auto repair garage and a fence company on the west side of Green Bay Road and a used car sales business on the east side of Green Bay Road. Other commercial uses of a GC nature (but within the City of Waukegan) are located at the intersection of Sunset Avenue approximately 620 feet away on the west side of Green Bay; 310 feet away on the east. The nearest non-residential property in unincorporated Lake County is approximately 420 feet to the north. This property, which is zoned LI, appears to be used as a single-family dwelling. The proposed amendment is consistent with the trend of development in the area which is towards commercial development.

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

Comment: The property has previously been used for a used car business and welding / auto repair shop. Staff is unaware of any complaints from nearby residents regarding the former business. Site plan review is required which will ensure that the safeguards in the Ordinance are met and will protect nearby properties from potential adverse impacts. When the factors of location on Green Bay Road, future land use designation of Retail / Commercial, trend of development towards commercial, previous use and the requirements of the UDO are considered, the

ROW
Sunset Ave
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development allowed by the proposed amendment will be compatible with the uses and zoning of nearby property.

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 a septic system and private water well, subject to approval by the Health Department. The Illinois Department of Transportation has the authority for vehicle access to Green Bay Road (IL 131).

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. The property is large enough so that the required transition areas can be provided.

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

Comment: The property is physically suitable for the proposed zoning and desired use.

Conditional Use Permit General Standards – UDO Section 3.6.8.

Staff recommends approval for the requested Conditional Use Permit. The petition complies with the standards in the following manner:

General Standards – Section 3.6.7

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

Comment: Staff has recommended approval for the rezoning to GC requested in simultaneous ZBA #3657. If the rezoning to GC is approved, the CUP will be 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. Transition areas are required on the north, west and south sides of the subject property where it abuts residentially zoned property. Structures (notably the Quonset hut) and parking areas that are within the required transition areas cannot be used for business purposes.

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 UDO requires a 30-foot transition area with landscaping and a fence or berm along the west and southern boundaries of the subject property where it abuts properties with residential uses. A 30-foot transition area with landscaping is required along the subject property's northern boundary that abuts vacant, residentially zoned property. The transition areas, requirements of the Site Plan Review Procedures of Article 4 and any additional conditions imposed by the Board will ensure the uses requested in the CUP will not have a substantial adverse impact on adjacent properties.

2. Character of the neighborhood

Comment: As already stated, property with frontage on Green Bay Road (IL 131) is generally not well suited for single-family residential uses and, in addition, the general area is in transition from residential go commercial uses. Establishing a use that complies with the current requirements of the UDO should improve the appearance of the subject property which will improve 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 and private water well. The Illinois Department of Transportation has jurisdiction over vehicle access to Green Bay Road (IL 131).

5. Public sites

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

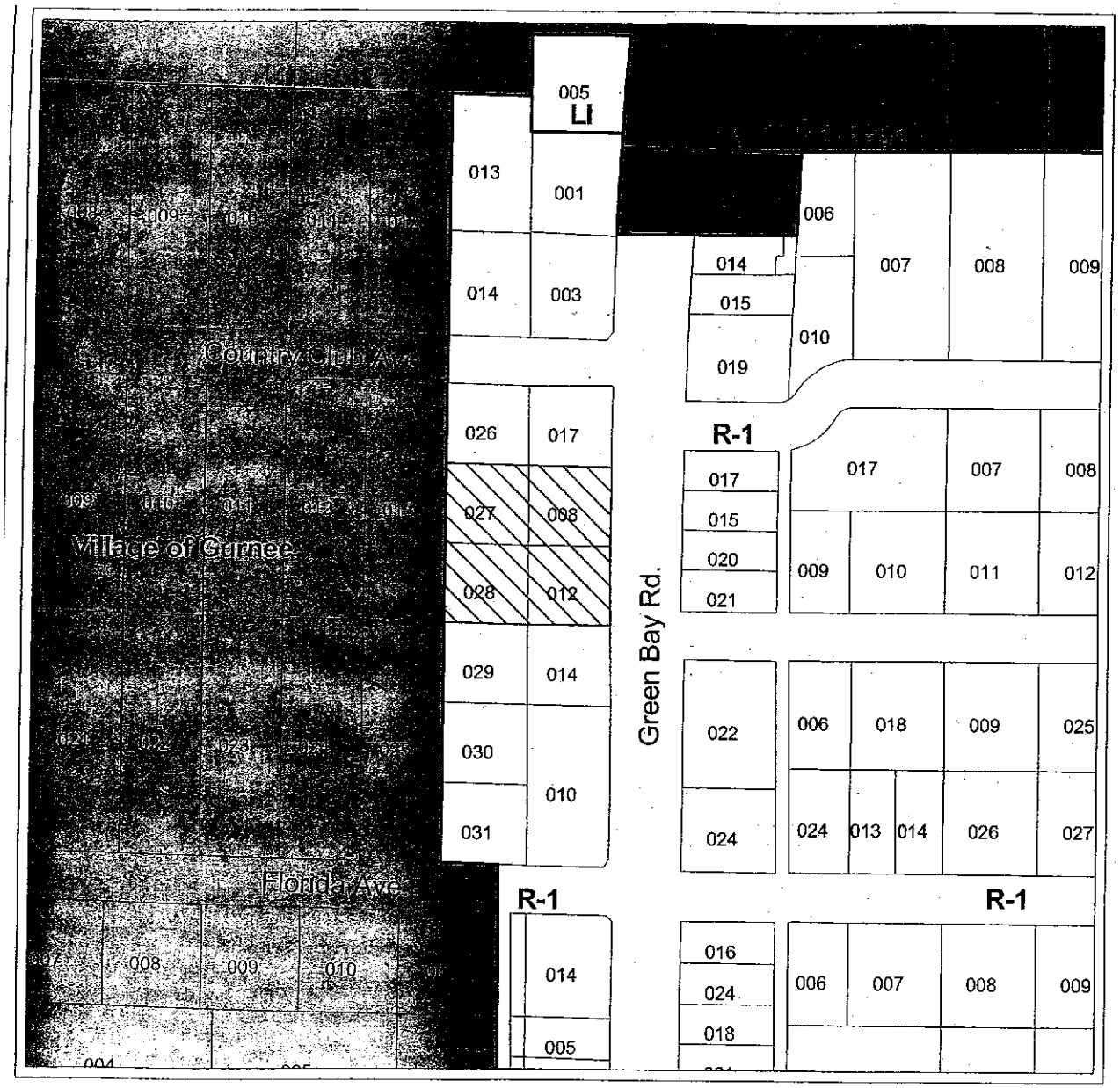
6. Any other measures affecting the public health, safety, or general welfare

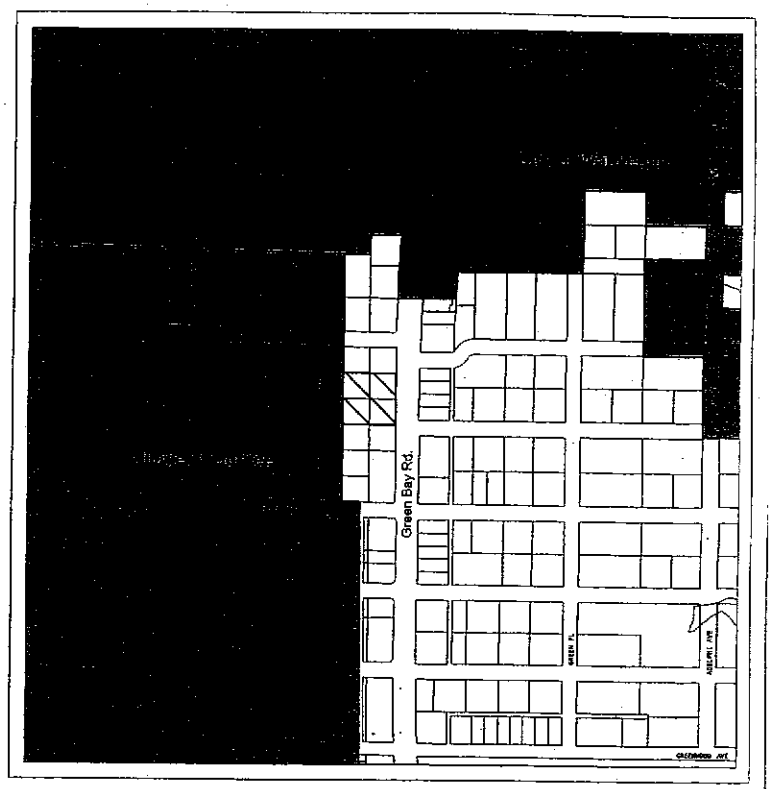
Comment: The use will have to comply with all Ordinance requirements, the requirements of other permitting agencies, and any appropriate conditions applied by the Zoning Board of Appeals as part of the CUP. Granting the CUP will not have a substantial negative impact on public health, safety or general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

RECOMMENDED CONDITIONS FOR CUP

If the rezoning to GC is approved by the County Board, and the CUP is granted by the ZBA, staff recommends the following conditions:

- The Quonset hut and shed in the transition areas will be removed.
- The dilapidated structure west of the existing house will be removed, as indicated on the site sketch submitted with the application.
- Inoperable vehicles shall be removed as will all junk or debris.





Zoning Board of Appeals
Case# 3657 & 3658

Incorporated Lake County

Subject Parcel

100 0 100 200 Feet