

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 Frances Neukirch, record owner, and George and Chris Caritinos, contract purchasers, relative to a request for rezoning from the Residential – 1 to the Limited Industrial zone for the following real estate, to-wit:

Lots 1 and 2 in Shirmer's Subdivision, being a subdivision of part of the Northwest quarter of the Northwest quarter of Section 35, Township 44 North, Range 9, East of the 3rd P.M., according to the plat thereof recorded April 23, 1956, as Document No. 905533, in Book 1437 of Records, page 389, in Lake County, Illinois.

PINs: 09-35-202-003 and -002

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 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 Whitmore, to grant the petition. Voting "Aye," were Members Leafblad, Whitmore, Mountsier, Gravenhorst, Sabonjian and Martini; voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioners for rezoning from the Residential – 1 to the Limited Industrial zone be granted; and

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

STATE OF ILLINOIS)
)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

September 11, 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 August 20, 2007 at 1:00 p.m. in the Wauconda Township Hall, 505 Bonner Road, Wauconda, Illinois, relative to the petition of Frances Neukirch, record owner, and George and Chris Caritinos, contract purchasers, requesting rezoning from the Residential – 1 to the Limited Industrial zone for the following described real estate, to-wit:

Lots 1 and 2 in Shirmer's Subdivision, being a subdivision of part of the Northwest quarter of the Northwest quarter of Section 35, Township 44 North, Range 9, East of the 3rd P.M., according to the plat thereof recorded April 23, 1956, ad Document No. 905533, in Book 1437 of Records, page 389, in Lake County, Illinois.

PINs: 09-35-202-003 and -002

The proceedings of this public 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 Lake County 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 August 20, 2007, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Raymond, to recommend the prayer of the petitioners for rezoning from the Residential – 1 to the Limited Industrial zone be granted. Voting "Aye" on this

motion were Members Bell, Koeppen, Morgan, Raymond, Reindl, Stimpson 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 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 proposal is consistent with the intent of the Ordinance to permit orderly growth in conformance with the County's comprehensive plan. The *Framework Plan* classifies the subject property as "Industrial," and the requested rezoning is consistent with the future land use designation.

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

Finding: The subject property was designated Industrial in the revised *Framework Plan* adopted in 2004. The area is in transition from residential to nonresidential uses. Business or limited industrial uses have been developed on adjoining and nearby properties. Adjoining and nearby properties have been recently rezoned from R – 1 to LI for similar types of business uses. The current R – 1 zoning is not appropriate because of adjoining industrial uses and frontage on U.S. Route 12. The requested rezoning will remedy a zoning inconsistency and will be consistent with recent rezonings and 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: This request will allow development that is compatible with the use and zoning of nearby commercial and light industrial properties, in unincorporated Lake County and in the Village of Wauconda.

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 and has direct access onto U.S. Route 12. Route 12 does not have a cross-over median in the vicinity of the subject property, which limits vehicle access to right-in and right-out only.

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.

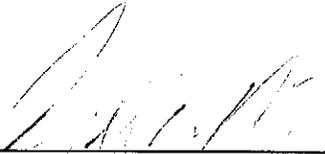
Finding: The proposed use is required to meet the standards of the Lake County site plan approval process. Development will have to meet all requirements of the UDO and permitting agencies, which will ensure there will not be any significant adverse impacts to the environment or other properties in the area.

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

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

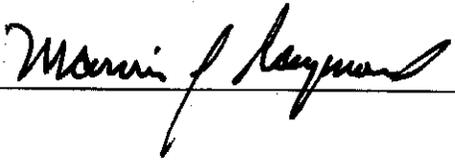
No. 3672
Wauconda Township



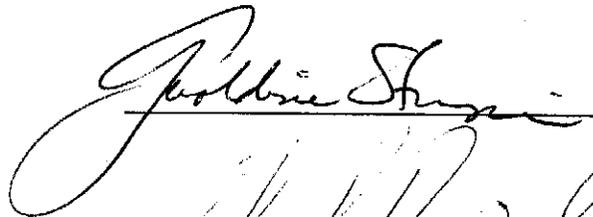
CHAIRMAN

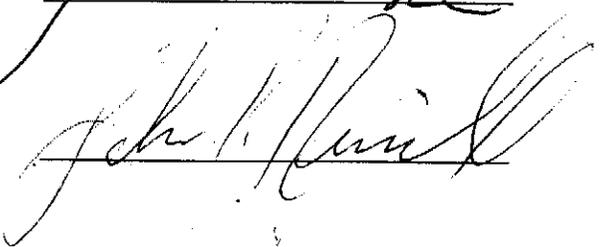


VICE CHAIRMAN









Dated this 29th day of August 2007.

Summary of Testimony

ZBA #3672

A public hearing was conducted by the Lake County Zoning Board of Appeals on August 20, 2007 at 1:00 p.m. in the Wauconda Township Hall, 505 Bonner Road, Wauconda, on the application of Frances Neukirch, record owner, and George and Chris Caritinos, contract purchasers, which seeks rezoning from the Residential-1 zone to the Limited Industrial zone. The applicants intend to operate a tree service business. The subject property is located at 26825 N. U. S. Highway 12, Wauconda, and contains 1.95 acres.

The following is a summary of the testimony:

1. Mr. George Caritinos, contract purchaser, presented the request. Mr. Caritinos testified that his son-in-law, Mr. Nick Willis, owns and operates "Trees R Us" tree service business. Trees R Us will occupy the property if the rezoning is approved. Mr. Willis introduced himself to the Board.
 2. Mr. Willis stated he has owned Trees R Us for nine years. There are 10 employees that comprise three crews utilizing six trucks. The crews generally leave between 6:00 and 6:30 a.m. and return between 5:30 and 6:00 p.m. The existing house will remain temporarily as the office and there will be one or two office employees.
 3. Mr. Willis further testified that he intends to sell firewood. Pre-cut firewood will be purchased in bulk and delivered to the site by semi-truck. Mr. Willis delivers the firewood to his customers; customers will not come to the property to purchase the wood. Mr. Willis also stated that his business includes landscape installation, but explained that the property will not be a nursery and landscape materials will not be stockpiled. Mr. Willis also operates a snow plow business. He purchases bag salt as needed and will not store salt on the property. Future plans include constructing a new building to repair his business trucks.
 4. Mr. Caritinos testified that Lake County has jurisdiction for the on-site wetlands and a wetland delineation has been done. There would not be any parking or storage on the septic system. In response to concerns from the Board, Mr. Caritinos and Mr. Willis stated they were aware of the constraints of the wetlands and the septic system but were confident the property was large enough to accommodate the intended business.
 5. Mr. Harry Milbourn and Mr. Earl Porten, nearby property owners to the northwest and northeast, stated they were concerned over the protection of the wetlands. Mr. Dan Quick, Wauconda Village Administrator, informed the Board that the Village has approved a 53 unit, townhouse development on abutting property to the east. Mr. Quick expressed his concern that there be adequate buffering between the subject property and the future townhouses, and that the wetlands be protected.
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Summary of Department Comments

ZBA #3672

Lake County Health Department:

The Health Department requires reviewing and approving a property alteration/addition application with a site plan for this project that shows any site improvements, septic system components, and well location.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning; the request complies with the standards in the following manner: The *Framework Plan* classifies the subject property as "Industrial," and the requested rezoning is consistent with the future land use designation. Adjoining and nearby properties have been recently rezoned from R – 1 to LI for similar types of business uses. The current R – 1 zoning is not appropriate because of adjoining industrial uses and frontage on US 12. The requested rezoning will remedy a zoning inconsistency and will allow development that is compatible with the use and zoning of nearby commercial and light industrial properties, in unincorporated Lake County and in the Village of Wauconda. The subject property will be served by a private well and septic system and has direct access onto U.S. Route 12. 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. The subject property is physically suitable for the proposed Limited Industrial zoning classification.



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Director

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MEMORANDUM

August 15, 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 NO: 3672

REQUESTED ACTION: Rezoning from the Residential-1 (R-1) zoning district to the Limited Industrial (LI) zoning district. It is the applicant's intent to use the property for a tree service business.

HEARING DATE: August 20, 2007

GENERAL INFORMATION

APPLICANTS: Frances Neukirch, record owner; and George and Chris Caritinos, contract purchasers

OF PARCELS: 1 (one)

SIZE: Approximately 1.95 acres

LOCATION: 26825 N. U. S. Highway 12, Wauconda

EXISTING ZONING: Residential - 1 (R - 1)

PROPOSED ZONING: Limited Industrial (LI)

EXISTING LAND USE: Single-family residence

PROPOSED LAND USE: Tree service business

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

NORTHWEST: Unincorporated: Limited Industrial / Landscaping and tree service businesses

NORTHEAST: Village of Wauconda : Limited Industrial / Commercial & light industrial uses;

EAST: Unincorporated : R – 1 / Single-family dwellings
Village of Wauconda : R – 1 / Single-family dwellings

SOUTH: Unincorporated (Across US 12) : R – 1 / Single-family dwelling

COMPREHENSIVE PLANS

LAKE COUNTY: Industrial

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Wauconda / Commercial

DETAILS OF REQUEST

ACCESS: The subject parcel has access to U.S. Route 12.

FLOODPLAIN / WETLANDS: According to the County's GIS, the northern portion of the subject property contains a wetland.

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

ADDITIONAL COMMENTS

The property to the northwest at 26953 N. Highway 12 (three parcels) was rezoned from R – 1 to LI in 2003 (ZBA # 3346) for a residential swimming pool business and to park construction vehicles. According to information by the applicants, this property now has a landscaping business.

The parcel at 26875 N. Highway 12 (west of 26953) was rezoned from R – 1 to LI in 2005 for use as a tree service business.

RECOMMENDATION FOR REZONING

Staff recommends that the petitioner's request to rezone the subject property from Residential – 1 (R – 1) to Limited Industrial (LI) be approved. The request meets the “Map Amendment Approval Criteria” in UDO Section 3.3.8 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 proposal is consistent with the intent of the Ordinance to permit orderly growth in conformance with the County's comprehensive plan. The *Framework Plan* classifies the subject property as “Industrial,” and the requested rezoning is consistent with the future land use designation.

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

Comment: The subject property was designated Industrial in the revised *Framework Plan* adopted in 2004. The area is in transition from residential to nonresidential uses. Business or limited industrial uses have been developed on adjoining and nearby properties. As stated in the Additional Comments section, adjoining and nearby properties have been recently rezoned from R – 1 to LI for similar types of business uses. The current R – 1 zoning is not appropriate because of adjoining industrial uses and frontage on US 12. The requested rezoning will remedy a zoning inconsistency and will be consistent with recent rezonings and 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: This request will allow development that is compatible with the use and zoning of nearby commercial and light industrial properties, in unincorporated Lake County and in the Village of Wauconda.

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 and has direct access onto U.S. Route 12. Route 12 does not have a cross-over median in the vicinity of the subject property, which limits vehicle access to right-in and right-out only.

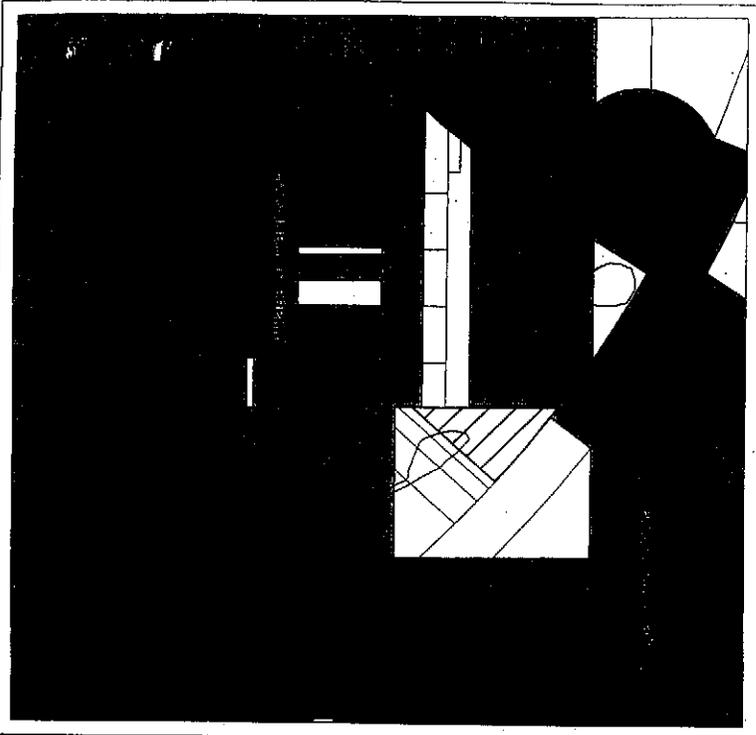
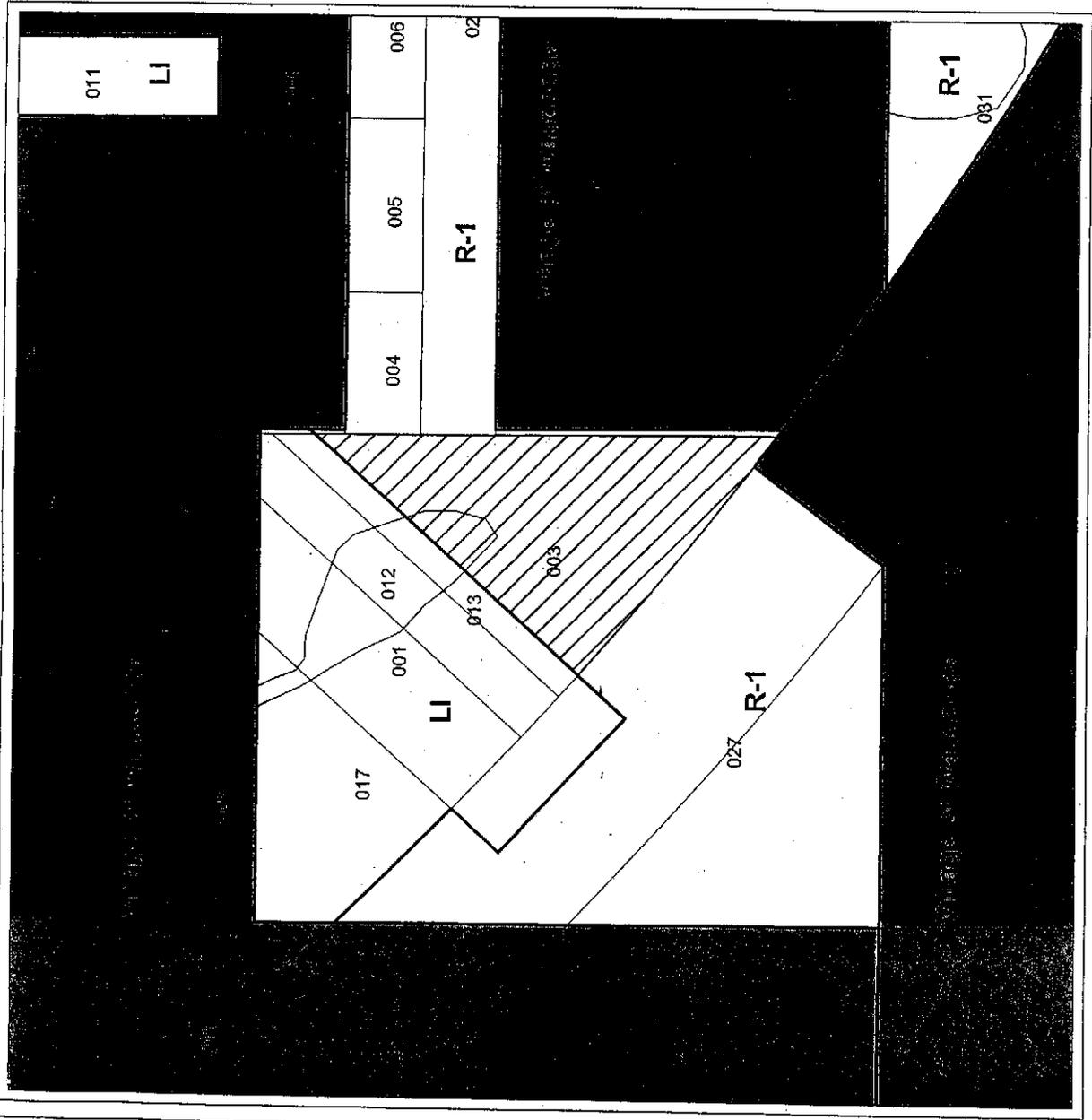
Standard E. The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

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 Limited Industrial zoning classification.



Zoning Board of Appeals Case# 3672