



Lake County Illinois

Master

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Type: Resolution

Status: Old Business

Version: 1

Reference:

Controlling Body: Planning, Building and Zoning Committee

File Created Date : 09/29/2008

File Name: ZBA Case #3739

Final Action:

Title: Resolution on Zoning Case No. 3739, which consists of the Petition of Michael Corbett, record Owner, and Jack and Margaret Buttacavoli, record owners and the contract purchasers, which seeks rezoning from the Residential-2 zoned to the Limited Commercial zone.

Notes:

Sponsors:

Agenda Date:

Attachments: ZBA Case #3739 Rezoning Request

Enactment Number:

Authorizer:

Hearing Date:

Entered by: MKrueger@lakecountyil.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning, Building and Zoning Committee	10/07/2008	Postponed				Pass
	Action Text: A motion was made by Member Leafblad , seconded by Member Gravenhorst, that this Resolution be Postponed. The motion carried unanimously.						
	Notes: <i>Mr. Bill Hunt presented the staff report on the request to rezone 34039 and 34047 N. Hainesville Road from Residential-2 (R-2) to Limited Commercial (LC).</i>						
	<i>Jennifer Boenzi, 1 Acorn Drive, Hawthorn Woods, Illinois, property owner, stated that they have purchased the adjoining lot in order to move their current sign business and expand their parking lot. They recently added a restaurant to their existing lot. Bbecause business has increased they need the added lot to continue operating. Ms. Boenzi stated that the property was sold due to the Thornton's Fuel Station that was built across the street from the proposed development. The immediate neighbors in the area are in favor of this request. She went on to say that their request is urgent as they are losing business due to the lack of parking. They are anticipating finishing the parking lot before the winter weather arrives.</i>						
	<i>Member Leafblad stated that he is concerned about the request due to the traffic in the area and the added lighting of the new businesses in the area. He would like the highway department to approve the ingress and egress for the business to protect the safety of the area.</i>						
	<i>Mr. Dusty Powell stated that he would make a call to LCDOT to initiate a discussion between the developers and staff to work on solutions to the issues.</i>						

Lake County Board Chairman Suzi Schmidt stated that in her experience, it is important to listen to the district representative when there are issues regarding a proposal. The County would rather error on the side of caution to insure that all of the problems have been resolved.

Motion to defer the request to rezone 34039 and 34047 N. Hainesville Road from Residential-2 (R-2) to Limited Commercial (LC) until the November 11, 2008 PB&Z Committee Meeting by Member Leafblad, seconded by Member Gravenhorst. Motion passed.

1	Planning, Building and Zoning Committee	11/11/2008	Recommended for adoption to the Regular Agenda	Pass
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Action Text: A motion was made by Member Mountsier, seconded by Member Gravenhorst, that this Resolution be Recommended for adoption to the Regular Agenda. The motion carried by the following vote:

Notes: Mr. Bill Hunt provided a brief introduction on the issue.

Mr. Pat Tierney continued with the staff report on the request to rezone from Residential-2 (R-2) to Limited Commercial (LC).

Mr. Jack Buttacavoli, 2216 Shiloh, Long Grove, IL., property owner, stated that it was requested that the entrance be moved further north on the parcel. They are happy to accomodate the request.

Ms. Jennifer Boenzi, 1 Acorn Drive, Hawthorn Woods, IL, property owner, stated that they have decided not to combine the parcel. They are confident that the traffic study will be in their favor with the hours that the sign shop will be in operation.

Member Leafblad stated that his concerns is based on the fact that the future property owners inherit the zoning of this parcel. What is acceptable today may not be viable in the future.

Motion to approve ZBA Case #3739 to rezone from Residential-2 (R-2) to Limited Commercial (LC) by Member Mountsier, seconded by Member Gravenhorst . Motion passed.

1	Lake County Board	11/18/2008
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Text of Legislative File 08-0712

Title

Resolution on Zoning Case No. 3739, which consists of the Petition of Michael Corbett, record Owner, and Jack and Margaret Buttacavoli, record owners and the contract purchasers, which seeks rezoning from the Residential-2 zoned to the Limited Commercial zone.

Body

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 Michael Corbett, record owner, and Jack and Margaret Buttacavoli, record owners and contract purchasers, which seeks rezoning from the Residential - 2 zone to the Limited Commercial zone for the following real estate, to-wit:

Lot 11 (Except the West 7 feet thereof) in Highland Lake Subdivision South, a Subdivision of part of the South East Quarter of the South East Quarter of Section 21, Township 45 North, Range 10, East of the Third Principal Meridian, according to the plat thereof, recorded April 13, 1923, as Document 222647 in Book "L" of Plats, page 64, in Lake County, Illinois.

PIN: 06-21-417-006

Lot 10 (Except the West 7 feet thereof) in Highland Lake Subdivision South, a Subdivision of part of the South East Quarter of the South East Quarter of Section 21, Township 45 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof, Recorded April 13, 1923, as Document 222647 in Book "L" of Plats, page 64, in Lake County, Illinois.

PIN: 06-21-417-015

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 5 - 0 - 1 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 Gravenhorst, to grant the petition. Voting "Aye" Members Gravenhorst, Leafblad, Martini, Mountsier, Newton, and Sabonjian; voting "Nay" Members: none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioners for rezoning from the Residential - 2 to the Limited Commercial 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.

Staff Summary

- The addresses of the two properties are 34039 and 34047 N. Hainesville Road, Round Lake Park, Avon twp. They are located approximately 135 feet north of the intersection of Hainesville Road and Washington Street. The area of both parcels is 0.35 acres.
- The applicants own the adjoining parcel to the south which has a sign business and restaurant. The applicants intend to relocate the sign business into the existing house on one of the properties (address 34039) and create the parking on the other.
- The County's Framework Plan is Residential (0.25 - 1 acre lot density) which reflects the former single-family use on the property of the rezoning request.
- The ZBA recommends approval (5-0-1). Staff recommends approval. Board Member Leafblad and several residents of the Highland Lake neighborhood attended the ZBA hearing to oppose the requested rezoning.
- This item was postponed from the October 7, 2008 PB&Z Committee meeting to allow more time for the applicant and staff to work on issues pertaining to the site plan.
- The Planning, Building and Zoning Committee voted 6-0 to recommend in favor of the rezoning.

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 Michael Corbett, record owner, and Jack and Margaret Buttacavoli, record owners and contract purchasers, which seeks rezoning from the Residential – 2 zone to the Limited Commercial zone for the following real estate, to-wit:

Lot 11 (Except the West 7 feet thereof) in Highland Lake Subdivision South, a Subdivision of part of the South East Quarter of the South East Quarter of Section 21, Township 45 North, Range 10, East of the Third Principal Meridian, according to the plat thereof, recorded April 13, 1923, as Document 222647 in Book "L" of Plats, page 64, in Lake County, Illinois.

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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 5 – 0 – 1 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 _____ to _____ that the petition be granted. Motion made by Member _____, with a second by Member _____, to grant the petition. Voting "Aye" Members _____; voting "Nay" Members _____.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board that the request of the Petitioners for rezoning from the Residential – 2 to the Limited Commercial 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)
)
COUNTY OF LAKE) SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS

November 18, 2008

MADAME CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of Michael Corbett, record owner, and Jack and Margaret Buttacavoli, record owners and contract purchasers, which seeks rezoning from the Residential – 2 zone to the Limited Commercial zone. After due consideration, we hereby recommend by a vote of 5 – 0 – 1 that this application be granted.

We find that this application meets the standards for rezoning in the following manner:

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

Finding: The subject property is designated as Residential (0.25 – 1 acre lot density) in the *Framework Plan*. The land use reflects the former single-family use on the property and is not appropriate given the character of the area and the trend of development. The adjoining property to the south and the property to the west across Hainesville Road are zoned and developed for commercial uses in the Village of Round Lake Park. A recent residential condominium development is located on the southwest corner of the intersection of Hainesville Road and Washington Street in the Village of Hainesville. The area is in transition towards commercial uses and therefore, on balance, the requested rezoning is 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.

Finding: The area in the vicinity of the intersection of Hainesville Road and Washington Street is in transition from detached, single-family dwelling units to commercial and multi-family residential. Rezoning to LC will allow the subject property to benefit from this trend. With its only frontage on Hainesville Road, and the intensity of adjoining and nearby uses, the subject property is poorly suited for detached, single-family dwellings. The amendment is consistent with changing condition in the area.

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

Finding: The LC district provides a "step down" in intensity from the more intensive commercial and multi-family uses at the intersection to the detached residential uses to the north and east. Requirements for transition areas, for fencing and landscaping will reduce the impacts from commercial uses on adjoining residential properties. Development in the LC district will be compatible with the existing uses and zoning of 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 property is served by County sewer and private water well. Vehicle access is from Hainesville Road, which is under the jurisdiction of LCDOT. They may require improvements in conjunction with an access permit. There will not be any significant negative impacts to infrastructure.

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.

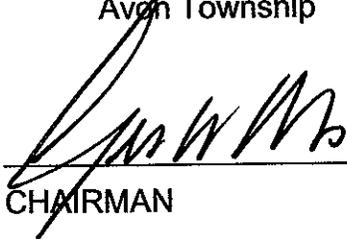
Finding: Because of the transition yard requirements for fencing and landscaping, the rezoning will not have any significant adverse impacts on adjacent and nearby residential properties.

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

Finding: The property is physically suitable for the LC zoning district.

At the close of the hearing held on September 23, 2008, a motion to recommend that the rezoning be granted based on the above findings was made by Member Koeppen, seconded by Member Raymond, and passed by a vote of 5 – 0 – 1. Voting "Aye" were Members Bell, Koeppen, Raymond, Stimpson and Zerba; voting "Nay", none; Member Reindl abstained.

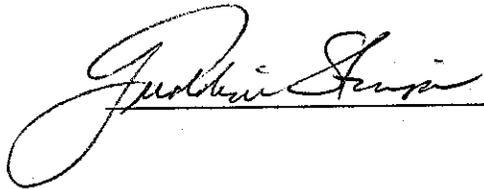
Zoning Case # 3739
Avon Township

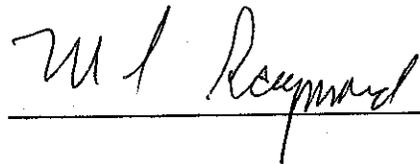


CHAIRMAN



VICE-CHAIRMAN





Dated this 2nd day of October 2008

Summary of Testimony

ZBA #3739

Rezoning from the Residential – 2 zone to the Limited Commercial zone

A public hearing was conducted by the Lake County Zoning Board of Appeals on Tuesday, September 23, 2008, at 1:00 p.m. in the Avon Township Hall, 433 E. Washington Street, Round Lake Park, Illinois, relative to the petition of Michael Corbett, record owner, and Jack and Margaret Buttacavoli, record owners and contract purchasers, which requests rezoning from the Residential 2 zone to the Limited Commercial zone. The subject property is located at 34039 and 34047 N. Hainesville Road, Round Lake Park, and contains approximately 0.35 acres. The following is a summary of the testimony:

1. Ms. Jennifer Boenzi, partial owner of the adjoining sign business, testified the purpose of this rezoning is to allow the relocation of a small sign company and an expansion of a restaurant's parking lot. Both of these businesses are owned by the applicants and are on the south adjoining parcel.
2. Ms. Boenzi further testified that vehicle access to the sign business and restaurant became much more difficult following the opening of the Thornton gas station and convenience store on the west side of Hainesville Road. The rezoning will allow the sign business to upgrade and relocate to the existing house on the abutting lot and move the driveway for both businesses to the north, away from the Washington Street / Hainesville Road intersection and Thornton's.
3. Ms. Boenzi explained that the Limited Commercial district was intended for less-intensive type commercial uses which would limit potential impacts to the adjoining residential uses. Mr. Jack Buttacavoli testified that he had been told by the seller of the parcel with the existing house that he could no longer live in this house because of the light glare from Thornton's. Ms. Boenzi said the relocated sign company is a small family business and will have no appreciable negative impacts on the adjoining residential properties.
4. Mr. Larry Leafblad, the County Board representative and a resident of the neighborhood, stated he was opposed to the rezoning. Ms. Barbara Jolley, president of the Highland Lake Property Owners Association presented a letter dated September 16, 2008 stating that the Highland Lake Community is against the rezoning. Ms. Jolley and Mr. Harry Kirchhardt, executive vice president of the homeowners' association, both expressed their opposition to the rezoning. Ms. Marilyn Michelson, abutting property owner to the east, stated she was against the rezoning because it would increase noise, smells and reduce property values. Ms. Jessica Edwards, adjoining property owner to the north, stated she was against the rezoning because it would reduce the value of her property.

Summary of Department Comments

ZBA #3739

Lake County Division of Transportation:

The change from residential to commercial requires a Major Access Permit from LCDOT; a right-of-way dedication along Hainesville Road is required to create a half width right-of-way of 50 feet; additional dedication for right-of-way may be required for the Washington Street expansion project; existing driveways must be removed; a new access must be located as far as possible from the intersection of Hainesville Road and Washington Street.

Lake County Department of Planning, Building and Development:

Planning staff recommends approval of the rezoning because the request complies with the preponderance of the required standards.

Specifically, the area around the Washington Street / Hainesville Road intersection is in transition from low-density residential to intensive commercial and multi-family uses. With the property's only frontage on Hainesville Road, and facing the Thornton gas station, the property is not suited for detached, single-family uses. The property is designated as residential in the *Framework Plan*, but this land use reflects the former single-family use on the property and is not appropriate given the character of the area and the types of development in Round Lake Park and Hainesville in the vicinity of the property. The requested Limited Commercial zone will allow a "step down" in intensity from more intensive commercial uses, thereby limiting impacts to the abutting single-family properties to the north, east and south (zoned R - 2); transition area landscaping provisions of the UDO will further mitigate impacts. Development under the LC designation will require an access permit from LCDOT and, as a condition, vehicle access and traffic safety will be improved. The property is physically suitable for the LC zoning district.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
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MEMORANDUM

September 12, 2008

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: 3739 Rezoning

REQUESTED ACTION: Rezoning from the Residential - 2 zone to the Limited Commercial zone

ZBA PUBLIC HEARING DATE: September 23, 2008

GENERAL INFORMATION

PETITIONERS: Michael Corbett, record owner, and Jack and Margaret Buttacavoli, contract purchasers

OF PARCELS: Two

SIZE: 0.35 acres

ADDRESS: 34039 and 34047 N. Hainesville Road, Round Lake Park, Avon twp.

EXISTING ZONING: Residential - 2

PROPOSED ZONING: Limited Commercial (LC)

EXISTING LAND USE: Single-family dwelling and detached garage; vacant.

PROPOSED LAND USE: Relocate a sign shop into the existing house. Provide parking for the sign shop and the adjacent restaurant.

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 & EAST: R – 2 / Single-family dwellings

SOUTH: Village of Round Lake Park : C-1 Local Shopping District (Sign Central, Big Jack's restaurant)

Unincorporated : R – 2 / Single-family dwelling

WEST: Village of Round Lake Park : C-1 Local Shopping District (Thornton gas station)

COMPREHENSIVE PLANS

LAKE COUNTY: Residential (0.25 – 1 acre lot size)

MUNICIPALITIES WITHIN 1½ MILES: Village of Round Lake Park – Low density single-family, 1-3 D.U. / Ac.

Village of Hainesville – Not designated

DETAILS OF REQUEST

ACCESS: Access is from Hainesville Road.

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

SEWER AND WATER: The property is served by County sewer and private water well.

ADDITIONAL COMMENTS

The Limited Commercial district is primarily intended to accommodate neighborhood-oriented, low-intensity retail sales and service uses (UDO 5.9.1). The minimum lot area in LC is 10,000 square feet and the minimum width is 50 feet. The maximum gross floor area for any single use is 5,000 square feet (UDO Table 7.1-4).

If the property is rezoned to LC and used for commercial use, transition areas (including 3 plant units per 100 linear feet and a six foot tall wooden fence or 3 foot tall berm) will be required adjacent to R – 2 zoned properties with residential use (UDO 9.3.6). The northern lot is not required to have transition areas if it is left vacant and is not used for commercial parking or used to accommodate the ISR of the parking lot.

The owners of the subject property may attempt to obtain transition area waivers from the owners of adjoining R – 2 properties (UDO 9.3.8).

Hainesville Road is classified as a collector and therefore must have 1 plant unit per 100 feet of road frontage (UDO 9.3.4.B.2).

RECOMMENDATION ON REZONING

In staff's opinion, the request predominately complies with the standards and we recommend approval:

Map Amendment Approval Criteria – UDO Section 3.3.8

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

Comment: The subject property is designated as Residential (0.25 – 1 acre lot density) in the *Framework Plan*. The land use reflects the former single-family use on the property and is not appropriate given the character of the area and the trend of development. The adjoining property to the south and the property to the west across Hainesville Road are zoned and developed for commercial uses in the Village of Round Lake Park. A residential condominium development is located on the southwest corner of the intersection of Hainesville Road and Washington Street in the Village of Hainesville. The subject property's only street frontage is on Hainesville Road, which has two through lanes and two turn lanes in the segment in front of it.

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

Comment: The area in the vicinity of the intersection of Hainesville Road and Washington Street is in transition from detached, single-family dwelling units to commercial and multi-family residential. Rezoning to LC will allow the subject property to benefit from this trend. With its only frontage on Hainesville Road, and the intensity of adjoining and nearby uses, the subject property is not well suited for detached, single-family dwellings.

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

Comment: The LC district provides a "step down" in intensity from the more intensive commercial and multi-family uses at the intersection to the detached residential uses to the north and east. Transition areas and landscaping can reduce the impacts from commercial uses on adjoining residential 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. The uses allowed in LC will be compatible with nearby properties.

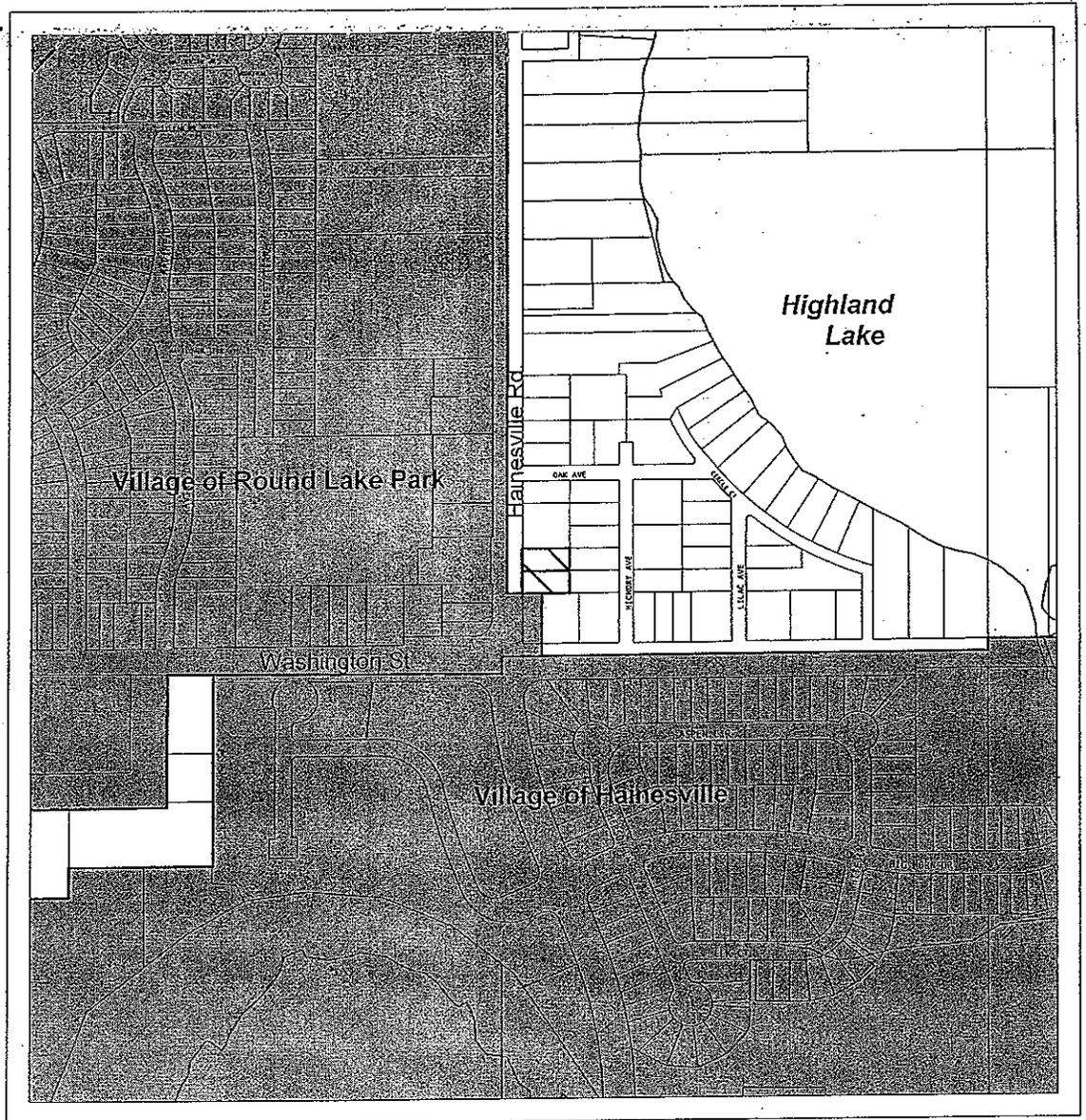
Comment: The property is served by County sewer and private water well. Vehicle access is from Hainesville Road. Hainesville Road is under the jurisdiction of LCDOT and may require improvements in conjunction with an access permit. There will not be any significant negative impacts to infrastructure.

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 rezoning will not have any significant impacts on the adjacent and nearby residential properties.

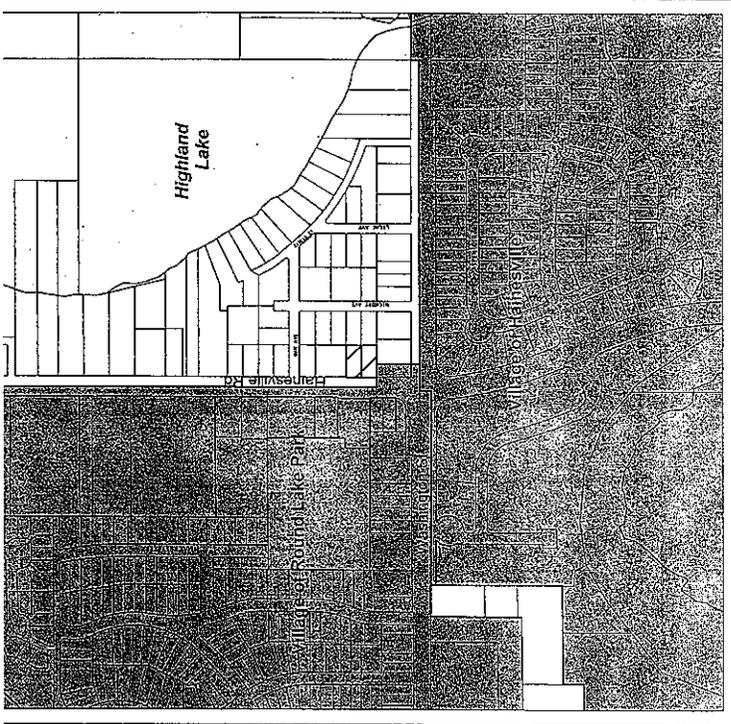
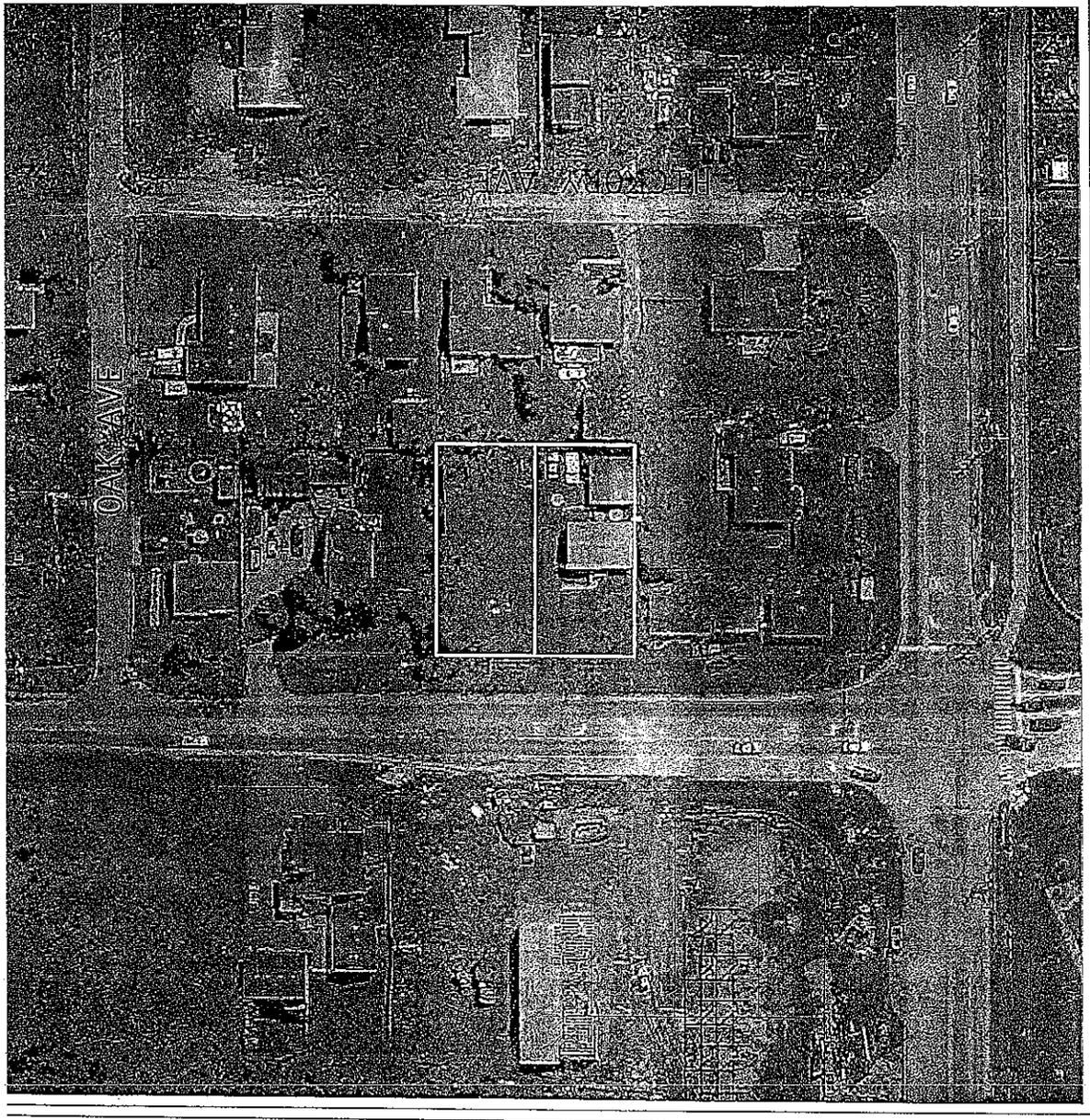
Standard F: The subject property is suitable for the proposed zoning classification.

Comment: The property is physically suitable for the LC zoning district



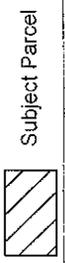
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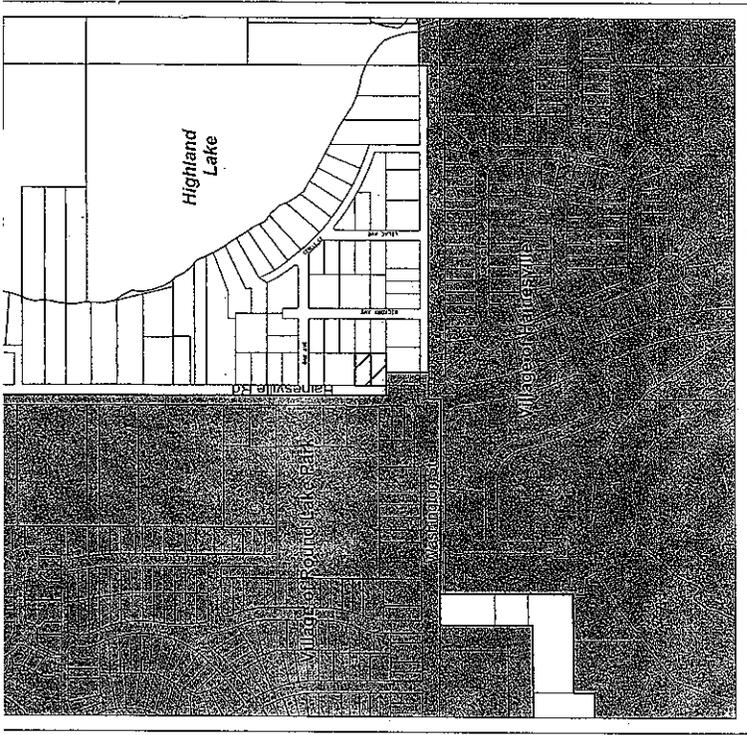
Avon Township



Incorporated Lake County



August 25, 2008



Zoning Board of Appeals Case# 3739

