

**RESOLUTION**

#RZON-000804-2022  
Lake Villa Township

STATE OF ILLINOIS        )  
  )SS  
COUNTY OF LAKE        )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

JULY 11, 2023

**CHAIR AND MEMBERS OF THE COUNTY BOARD:**

Pursuant to State Statutes and following proper publication of public notice, the Lake County Zoning Board of Appeals conducted public hearings on April 19, 2023 and May 10, 2023, relative to the application of the Chicago Title Land Trust Company, Trustee under Trust Agreement #8002382433, record owner, with Kyle Davis, of 617 Deerpath, Lindenhurst, Illinois, being the sole beneficiary of the trust, record owner, to rezone the property identified by PIN 02-30-100-082, commonly known as 39660 N Illinois Route 59, Lake Villa, Illinois, from the Residential-3 (R-3) zoning district to the General Commercial (GC) zoning district. The subject property is legally described as follows:

That part of the south half of the northwest quarter of Section 30, Township 46 North, Range 10, East of the Third Principal Meridian, Described as follows: Commencing at the intersection of the center line of State Route 59 and a line 135 south of and parallel with the north line of said south half of the northwest quarter; thence S 16 degrees, 00 minutes, 11 seconds W along said centerline, a distance of 213.95 feet to the point of beginning; thence continuing S 16 degrees, 00 minutes, 11 seconds W along said north line of the south half of the northwest quarter; thence S 89 degrees, 02 minutes, 19 seconds W along said, parallel line, a distance of 363.5', thence N 16 degrees, 00 minutes, 11 seconds E, a distance of 276.75; thence S 89 degrees, 18 minutes, 31 seconds W, a distance of 363.0' to the point of beginning, in Lake County, Illinois.

The proceedings of the public hearings conducted on this request were manually and electronically transcribed and a transcript of the testimony is on file and available for public review at the office of the Lake County Zoning Board of Appeals.

In making its recommendation, the Zoning Board of Appeals has considered and taken into account the following:

- A. A site inspection of the property in question;
- B. Reports and recommendations from interested official bodies;

- Lake County Public Works - Lake County Public Works has conditionally approved the plans. Final technical reviews, permit fees, IEPA permits, etc. shall be required before the final permit is issued. Lake County Public Works does not object to this request.
- Lake County Health Department – The Health Department has no objections to this request.
- Lake County Environmental Engineering Division - The Engineering Division has no objection to the granting of this request.
- Lake County Building Division - The Building Division has no objection to the granting of this request.
- McHenry – Lake County Soil & Water Conservation District - Due to size of parcel being rezoned, the SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report.

C. The testimony and evidence at the hearings; and

D. Criteria provided in Section 151.047(G)(2) of the Lake County, Illinois Code of Ordinances (Lake County Code).

At the close of the hearing of the Lake County Zoning Board of Appeals held on May 10, 2023, a motion was made by Member Peterson, with a second by Member Starkey to recommend approval of the requested rezoning from the R-3 zoning district to the GC zoning district. Voting “Aye” on this motion were Members Peterson, Starkey, Roche, Garcia, Henderson, and Chair Koeppen. Voting “Nay” was Member Bell. The motion to recommend approval of the requested rezoning from the R-3 zoning district to the GC zoning district passed by a vote of 6 to 1. The Board confirmed that the request meets the standards for map amendments contained in Section 151.047(G)(2) of the Lake County Code as described below.

Standard 1: The proposed amendment is consistent with the stated purpose and intent of Section 151.005 of the Lake County Code.

Comment: While the future land use plan designates the subject parcel as a single-family residential area, there exists unique circumstances that warrant an exception to the rule: a) The Illinois Department of Transportation has stated that access to the property for a residential use from Illinois Route 59 would not be permitted, however, the applicant has received approval from the Illinois Department of Transportation to access Illinois State Route 59 for a nonresidential use. Currently, there is no improved access to the property; b) The improvements to be located at the far northeast corner of the lot are not accessible via Bishop Court without destroying wetlands and cutting down trees. These factors combined would thereby render said property “useless” unless rezoning is granted. c) Illinois Route 59 has several GC

properties within the vicinity of said property, and the proposed GC zoning would be consistent with the changing area given the high traffic along Illinois State Route 59.

**Standard 2:** The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

**Comment:** a) Granting approval to rezone the property to the GC zoning district will correct an error or inconsistency in that the Illinois Department of Transportation will only allow access to the subject property for a business; no residential access will be permitted via IL State Route 59. b) With regard to preserving wetlands and trees, granting approval for GC zoning will ensure that no construction will destroy the wetlands and trees. The applicant will ensure the wetlands will be protected in order to negate any potential harm to natural resources. Reference the applicant's Exhibit A - *ADDENDA TO PUD CONDITIONAL USE PERMIT APPROVAL CRITERIA*, paragraph C3.

**Standard 3:** The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

**Comment:** a) The subject property does not immediately abut nonresidential zoning districts or parcels which contain nonresidential uses; however, along Illinois State Route 59 there exists several businesses in the GC zoning district; b) Furthermore, to the south of and adjacent to the applicant's property, a 551' stretch along Illinois State Route 59 exists and is zoned single family residential but will never be developed because the residents of the Petite Highwood Pines subdivision own it and do not want it developed. c) The applicant will ensure that the portion of property to be included in the GC zoning district will have greenery with proposed landscaping that will meet Lake County requirements, and the proposed building elevation will be similar in appearance to the detached garage located on the property to the north of the applicant's property. See Applicant's Exhibit A - *ADDENDA TO PUD CONDITIONAL USE PERMIT APPROVAL CRITERIA*, paragraph C2.

**Standard 4:** 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) The property will receive public sewer service from Lake County Public Works; b) The applicant has received approval from the Illinois Department of Transportation to access Illinois State Route 59 for a nonresidential use.

**Standard 5:** 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 environmental conditions of the site will be improved through significant open space preservation and the proposed sustainable best practices to be utilized for natural resources management. Specifically, the applicant has committed to the following to ensure that adjacent properties are unaffected by the rezoning to the GC zoning district:

- i. This is a small-scale development.
- ii. This independent parcel will have sole access from IL State Route 59 and will not utilize the roadway to the south on Bishop Court.
- iii. The activities of the building are quiet in nature.
- iv. "Dark sky" exterior lighting, consistent with "dark sky" industry standards will be used to limit light pollution.
- v. Sound emission from any source on the property shall not exceed 50db(A) (SLOW meter response) at the boundary of the property so as to not disturb the peace and comfort of occupants of neighboring residential properties.
- vi. The wetlands on the parcel will be protected to negate any potential harm to natural resources, and the construction project will take place entirely outside of the wetland buffer zones.
- vii. Stormwater flow will be diverted around the proposed building and will not otherwise be affected.
- viii. An Illinois Historic Preservation Agency permit and IL Department of Natural Resources' EcoCat permit have been acquired indicating no adverse effect to endangered species or culture is expected.
- ix. Additional ecological wetland improvements and BMPs would be considered by the applicant as requested/required by Lake County.

**Standard 6:** The subject property is suitable for the proposed zoning classification.

**Comment:** a) Said property, although currently located in the Residential-3 zoning district, is not suitable for a residence given the location of the wetlands, the lack of access from Illinois State Route 59 for residential purposes, and the impairment to use of the property if the applicant is denied the rezoning request; b) The applicant has exhibited a good faith effort to sufficiently mitigate any impacts that could affect the residential neighbors around said property and the applicant has agreed to further conditions.

Zoning Case #RZON-000804-2022  
Lake Villa Township

Craig Keppen

CHAIR

[Signature]

VICE-CHAIR

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



Dated this 8<sup>th</sup> day of June, 2023



