

RESOLUTION

#CUP-000803-2022
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, requesting approval of a Conditional Use Permit for a Planned Unit Development (PUD) and PUD Preliminary Plan for the property identified by PIN 02-30-100-082, and commonly known as 39660 N Illinois Route 59, Lake Villa, Illinois for a 5,000 square foot office/storage building, the associated parking and grading for contractor's equipment storage building, and future office space. 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 Sections 151.050(F)(3) and 151.051 (C)(7) 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 to recommend approval of the Conditional Use Permit (CUP) for a Planned Unit Development (PUD) and PUD Preliminary Plan was made by Member Peterson, with a second by Member Starkey, subject to the conditions specified in Exhibit “A-1”, as attached to this resolution. 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 Conditional Use Permit CUP for a PUD and PUD Preliminary Plan for a 5,000 square foot office/storage building, and the associated parking and grading for contractor’s equipment storage building and future office space, passed by a vote of 6 to 1. The Board confirmed that the request meets the standards for CUP and PUD Preliminary Development Plan as contained in Section 151.050(F)(3) and 151.051 (C)(7) of the Lake County Code as described below.

Standards for a Conditional Use Permit

The application meets the Conditional Use Permit Approval Criteria in Section 151.050(F)(3) of the Lake County Code as follows:

Standard 1: The use in its proposed location will be 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 a residential home from Illinois Route 59 is not possible, and the Applicant has received approval from the Illinois Department of Transportation to access Illinois State Route 59. Currently there is no improved access to the property; b) The property located at the far northeast corner of the lot is not accessible via Bishop Court without destroying wetlands and cutting down trees; therefore, making said property useless unless rezoning is granted; c) Illinois Route 59 has several general commercial properties within the vicinity of said property and the proposed GC zoning would be consistent with the changing area given the high traffic area of Illinois State Route 59.

Standard 2: The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Lake County Code Section 151.112.

Comment: a) The granting of the GC zone 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 Illinois State Route 59; b) In the essence of preserving wetlands and trees, granting a GC zone will ensure that no construction will destroy the wetlands and trees. In fact, the Applicant has ensured that the wetlands will be protected to negate any potential harm to natural resources; 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 they may be developed in the future due to implementation. And that is adjacent property, character of the neighborhood, natural resources, infrastructure, public sites, and any other measures affecting the public health, safety, or general welfare.

Standard 3: 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
2. Character of the neighborhood
3. Natural resources
4. Infrastructure
5. Public sites
6. Any other measures affecting the public health, safety, or general welfare:

Comment: Applicant has committed to the following to ensure that the adjacent properties are unaffected:

- i. This is a small scale construction development.
- ii. This independent parcel will have full access from Illinois State Route 59 and will not utilize adjacent roadway to the south on Bishop Court.
- iii. The activities of the building are quiet in nature.
- iv. "Dark sky" exterior lighting is consistent with "dark sky" industry standards and 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 in such a manner as to disturb the peace and comfort of occupants of neighboring residential properties.
- vi. The wetland on the parcel will be protected to negate any potential harm to natural resources, and the construction project takes 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 Illinois Department of Natural Resources EcoCat permit have been acquired indicating no adverse effects to endangered species or culture is expected.
- ix. Additional ecological wetland improvements and BMPs would be considered by the Applicant as required by Lake County.

Standards for Planned Unit Development

The requested Conditional Use Permit meets Standards for a Planned Unit Development (PUD) Preliminary Plan approval of Section 151.051(C)(7) of the Lake County Code in the following manner:

Standard A. The proposed development in its proposed location is consistent with the Regional Framework Plan.

Comment: The proposed development in its proposed location is consistent with the Regional Framework Plan (previously stated). While the Future Land Use plan designates the subject parcel as a single-family residential area, there are unique circumstances that warrant an exception to the rule. One is access through Route 59 granted by the Illinois Department of Transportation is strictly for commercial use and not residential. The property located at the far northeast corner of the lot is not accessible via Bishop Court without destroying wetlands and cutting down trees, therefore, making said

property useless unless the rezoning and CUP are granted. Illinois Route 59 has several General Commercial properties within the vicinity of said property.

Standard B. The proposed development in its proposed location complies with the PUD standards of Section 151.132 of the Lake County Code.

Comment: The proposed PUD complies with the standards set forth in Section 151.132(B) of the Lake County Code as follows:

- 1) Greater choice in the type of environment available to the public.
The proposed use for a contractor's equipment storage building and future secondary commercial space provides an efficient and consolidated space available to clients within one building and minimally sized parking lot adjacent to Illinois State Route 59.
- 2) More open space through concentration development practices.
The site concentrates the full scale of development within the northeastern quarter of the subject property, approximately 0.27 acres of the 1.99-acre parcel.
- 3) Open space resources connected to one another.
Concentrating the development to the northeastern portion of the site retains the wetland area on the west side of the property thereby maintaining the integrity of the natural resource space. The limit of project footprint to the northeastern portion of the site similarly preserves to a degree the parcel's currently open character.
- 4) A creative approach to use of land and related physical development.
The principal purpose of the PUD concept is to allow for innovative design that cannot be achieved through standard rezoning regulations. Given the wooded and wetland areas of the subject property, the site currently functions as wildlife habitat and harbors birds. In light of the site's habitat characteristics and the Applicant's flexibility to design the building with a minimal amount of window area, the Applicant has volunteered to utilize a bird-friendly building design which is currently not required by the ordinance. The Applicant likewise proposes a creative solution to limiting the otherwise wide impact of commercial zoning on the subject property. The rezoning and the PUD application combined, if approved subject to the CUP conditions, will ensure only the proposed use of a contractor's equipment storage building and the future secondary commercial space can be located on the subject property.

- 5) An efficient use of land resulting in smaller networks of utilities and streets.
The natural resources limit development of the property controlling the extent and density of the development to the northeastern portion of the property. This limited footprint may reduce the extent of public services that will need to be provided to serve the property.

- 6) Promotion of mixed use development.
The site's natural resource limitations spatially confine development to the site's northeast corner. In light of the resulting diminished project footprint, the applicant has proposed a shared building space that meets the goal of mixed use development, specifically, the co-location of future secondary commercial space within the proposed contractor's equipment storage building, which can be considered an efficient mixed use.

Standard C: The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan:

The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan. The approval, with conditions, would not result in any 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. The applicant is committed to the following to ensure that the adjacent properties are unaffected by the PUD in the following manner:

1. Adjacent property
2. Natural resources
3. Infrastructure
4. Public sites
5. Any other measures affecting the public health, safety, or general welfare:

Comment: Applicant has committed to the following to ensure that the adjacent properties are unaffected:

- i. This is a small scale construction development.
- ii. This independent parcel will have full access from Illinois State Route 59 and will not utilize adjacent roadway to the south on Bishop Court.
- iii. The activities of the building are quiet in nature.
- iv. "Dark sky" exterior lighting is consistent with "dark sky" industry standards and 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 in such a manner as to disturb the peace and comfort of occupants of neighboring residential properties.
- vi. The wetland on the parcel will be protected to negate any potential harm to natural resources, and the construction project takes 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 Illinois Department of Natural Resources EcoCat permit have been acquired indicating no adverse effects to endangered species or culture is expected.
- ix. Additional ecological wetland improvements and BMPs would be considered by the Applicant as required by Lake County.

**Zoning Case #CUP-000803-2022
Lake Villa Township**

**ZBA Conditions Case No. CUP-000803-2022
Exhibit "A-1"**

**Zoning Board of Appeals Recommended Conditions
Preliminary Plan - May 10, 2023**

1. The property shall be developed in accordance with the approved plans submitted as part of SCSP-000543-2020.
2. Above and beyond the one plant unit requirement along Illinois State Route 59, additional landscaping along the highway may be required as determined by staff following a site visit within 90 days after completion of the building and outdoor storage area in order to soften the view of the development from Illinois State Route 59 and thereby preserve the predominantly residential character of the area as viewed from the highway and the east side of Illinois Route 59.
3. Although the trees removed from the property in April of 2022 were not required to be protected under the Lake County Code standards for natural resource protection, those trees did provide visual screening buffer between homes at the northern end of Bishop Court and the proposed location of the contractor's storage use building. To restore the visual barrier as necessary between the proposed development and these homes, additional landscaping and fencing and/or berming shall be required in locations and in number types as determined by staff following a site visit within 90 days after completion of the building and outdoor storage area to ensure year-round screening of the development from these homes.
4. No operation of equipment such as idling, truck movement, et cetera shall occur outside the hours of 7:00 a.m. to 3:30 p.m., Monday through Friday. Exceptions are permissible for emergency service calls. This condition does not apply to the use of employees' personal vehicles.
5. The Applicant shall implement "dark sky" exterior lighting and any lighting provided on site consistent with "dark sky" industry standards to staff's satisfaction.
6. The applicant's building shall incorporate bird-friendly building design to staff's satisfaction. The Applicant shall demonstrate compliance with this condition by constructing the proposed building in substantial conformance to the building design reflected in the Applicant's application. See proposed development building elevation and associated window treatment description in additional building site amenities.

7. The building shall be maintained and repainted every ten years.
8. Any dumpsters located on the subject property must be screened with either a privacy fence or similar screening.
9. The outdoor storage or parking of trailers, vehicles, boats, or any other equipment not associated with contractor's storage is prohibited.
10. The emission of sound from any source on the property shall not exceed 50db(A) (SLOW meter response) at the boundary of the property in such a manner as to disturb the peace and comfort of occupants of neighboring residential properties.
11. A CUP annual monitoring inspection is required to verify continued compliance with the conditions. The fee for the CUP monitoring inspection will be assessed annually per the Lake County Planning, Building and Development Department's current fee schedule.
12. In the event a future additional use is proposed aside from the requested contractor and office use for any portion of the building absent the requirements of a CUP for such use the director shall have the authority to impose additional conditions on such use/activity to mitigate any reasonably foreseeable adverse impacts of the use/activity on the surrounding residential area. Such conditions shall be imposed as part of any applicable permitting process. These conditions apply to uses allowed by right in the General Commercial zone. Any uses not allowed in the GC zone district will require additional relief.

Zoning Case #CUP-000803-2022
Lake Villa Township

Craig Jeppan

CHAIR

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VICE-CHAIR

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Dated this 8th day of June, 2023