



**Lake County Central Permit Facility**  
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March 13, 2017

TO: George Bell, Chairman  
Lake County Zoning Board of Appeals

FROM: Eric Tooke, Senior Planner  
Lake County Department of Planning, Building and Development

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CASE NO: 8526

REQUESTED ACTION: Conditional Use Permit to allow ninety (90) events of public interest consisting of sixteen (16) boat racing events, two (2) boat racing exhibition events and seventy-two (72) outdoor live music events (consisting of up to 10 "marquee" or advance-advertised feature festival/ticketed concert events; and up to 62 routine/local live music events) with the number, timing, duration and associated activities subject to adjustment through administrative procedures.

HEARING DATE: March 20, 2017

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#### GENERAL INFORMATION

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OWNER: Chicago Title Land Trust #3711 and #3849 beneficiary is HaleyCo Inc. owned by Blarney Enterprises L.L.C. Blarney Island is owned by Blarney Enterprises L.L.C. who is owned by Rob Hardman of 27763 West Grass Lake Road, Antioch, IL, 60002, the General Manger of Blarney Island, owning 57%.

# OF PARCELS: Five

SIZE: 27.7 acres

LOCATION: Blarney Island, 27258 W. Fox River, Antioch, Illinois and Port of Blarney, 27843 W. Grass Lake Rd., Antioch, Illinois

EXISTING ZONING: Blarney Island - Open Space (OS) and Recreational Commercial (RC) PIN 01-22-400-001, 01-27-200-001  
Port of Blarney - Recreational Commercial (RC) and Open Space (OS) PIN 01-35-100-018  
Fort Apache Pier and Neighboring Parcel - Recreational Commercial (RC), Open Space (OS), and Agricultural (AG) – PIN 01-35-101-004, 01-34-201-001

EXISTING LAND USE: Restaurant and Tavern on Blarney Island. Automobile parking, restaurant, and marina at the Port of Blarney. Cold storage building, parking, driveway access, and boat fueling station at Fort Apache Pier.

PROPOSED LAND USE: Updating existing Conditional Use Permit #3209, which was approved in 2010. The new proposal is to allow up to ninety (90) events of public interest consisting of sixteen (16) boat racing events, two (2) boat racing exhibition events and seventy-two (72) outdoor live music events (consisting of up to 10 “marquee” or advance-advertised feature festival/ticketed concert events; and up to 62 routine/local live music events) with the number, timing, duration and associated activities subject to adjustment through administrative procedures.

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### **SURROUNDING ZONING / LAND USE**

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#### Blarney Island

NORTH, SOUTH,  
and EAST: Open Space (OS) / Grass Lake

WEST: Open Space (OS) and Recreational Commercial (RC) / Grass Lake, Illinois State Park, and a small island with three cabins and two vacant lots

#### Port of Blarney

NORTH: Recreational Commercial (RC) and Agricultural / vacant and property owned by Blarney Island

SOUTH: Open Space (OS) / channel to Fox Lake and Grass Lake, vacant land

EAST: Recreational Commercial / RV – marina uses

WEST: Recreational Commercial (RC) and Residential-1 (R-1) / vacant and single-family dwellings

#### Fort Apache Pier and Neighboring Parcel

NORTH: Recreational Commercial (RC) and Open Space (OS) / vacant and Grass Lake

SOUTH: Recreational Commercial (RC) / vacant and RV – marina uses

EAST: Recreational Commercial (RC) and Residential-1 (R-1) / RV – marina uses and vacant

WEST: Open Space (OS) / Grass Lake

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## COMPREHENSIVE PLANS

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LAKE COUNTY:            Port of Blarney – Retail Commercial and Water

Fort Apache Pier and Neighboring Parcel – Retail/Commercial and Agricultural

Blarney Island – Retail/Commercial and Water

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Fox Lake:

Port of Blarney – Commercial and Natural Areas

Fort Apache Pier and Neighboring Parcel– Natural Areas

Blarney Island - Water

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## DETAILS OF REQUEST

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ACCESS:                    The existing access to the Port of Blarney is via Grass Lake Road. The Fort Apache Pier has access through the neighboring parcel to the east via Grass Lake Road.

CONFORMING LOT:        The Port of Blarney is a conforming lot in the Recreational Commercial (RC) zoning district.

                                 Fort Apache Pier and its neighboring parcel are located north of Grass Lake Road. Fort Apache Pier is located in the Recreational Commercial (RC) zoning district and is considered a conforming lot,

                                 Blarney Island, located with the Open Space (OS) zoning district, is considered a nonconforming lot due to lot size and width.

WETLAND / FLOODPLAIN: Port of Blarney: The property contains mapped floodplain and wetlands are present on the southern end of the property.

Fort Apache Pier and Neighboring Parcel: Apart from an access road and the area immediately surrounding the existing building, the properties contain mapped wetlands. The properties contain mapped floodplain.

Blarney Island: The property contains mapped floodplains and wetlands.

SEWER AND WATER: Private septic system, holding tank and wells

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### **ADDITIONAL STAFF COMMENTS**

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Staff of the Lake County Division of Transportation, the Health Department, and the Building and Engineering Division, have provided the following comments:

Joe Meyer – Lake County Division of Transportation

- No Comments.

Arnie Rapa – Environmental Health

- Health has no objections for a Conditional Use Permit to allow 90 events consisting of 16 boat race events, 2 boat racing exhibitions, and 72 outdoor live music events with the number, duration and activities associated subject to adjustment per administrative procedure.

Eric Steffen – Engineering

- The Engineering Division has no objection to the requested Conditional Use Permit.

Robert Springer – Building

- The Building Division has no objection to the granting of this CUP.
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### **ADDITIONAL STAFF COMMENTS**

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Planning, Building and Development has provided regulatory oversight over Blarney Island special events since 2005 through the Conditional Use Permit process (which allows multiple “temporary events of public interest”). Due to the overlap in waterway jurisdictions on the Chain of Lakes (Lake County Sheriff, IDNR, Fox Waterway Agency) and adjacency of first responder communities (Lake Villa, Antioch, Fox Lake), PBD’s oversight necessitates tight coordination between the Department and its counterpart agencies over the Blarney Island events (informally referred to as the “Waterway Agency Coordination Group”). The Waterway Agency Coordination Group convenes periodically and as needed at the Sheriff’s Office Marine Unit facility in Fox Lake. Between routine coordination on regular events and more intensive coordination on larger events on the Chain of Lakes (including Blarney Island boat races, Fireworks events at other locations, etc.), the Waterway Agency Coordination Group has developed an effective administrative operating relationship over the past several years to ensure the safety of the public on the Chain at and around events of public interest. This collaboration has resulted in standard notice and comment procedures, event-specific safety planning protocols, shared responsibilities over event monitoring and emergency response coordination, collectively referred to herein as the “Waterway Agency Coordination Group Administrative Procedures”.

In the years following the approval of the original Blarney Island CUP (in 2005) and its amendment (in 2010), the Waterway Agency Coordination Group’s collaboration has allowed these waterway

jurisdictions to respond effectively to changing conditions on the Chain of Lakes. Consistent with the applicant's request, the Group recognizes the need to provide some additional flexibility in event planning and approval beyond the limits of the Blarney Island Conditional Use Permit, to both (1) ensure that Blarney Island events can be safely managed in light of changing conditions and to (2) accommodate Blarney Island's evolving business needs. Accordingly, staff's recommended conditions below reference the recommendation to provide the PBD Director the discretion to authorize additional events and/or restrictions on Blarney Island events in collaboration with the Waterway Agency Coordination Group, subject to the "Waterway Agency Coordination Group Administrative Procedures". These Administrative Procedures will continue to be refined for Blarney Island events (and other temporary events on the Chain) and would thereby allow Blarney Island's Conditional Use Permit to be a "living document" that gives the waterway agencies the opportunity to continually evolve their approach to safe and reasonable regulation of event activities.

Blarney Island stands as a unique waterway venue in Grass Lake. Its isolated location (limited ingress and egress, significant distance to shoreline, etc.) limits the impacts of Blarney Island events on the surrounding area, as evidenced by very infrequent to nonexistent neighbor complaints about event activities. The combination of this isolation with the Waterway Agency Coordination Group's rigorous administrative controls over Blarney Island events ensures, in staff's opinion, an opportunity to create reasonable flexibility in the Blarney Island CUP conditions.

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### **RECOMMENDATION FOR CONDITIONAL USE PERMIT**

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Staff recommends approval of the proposed Conditional Use Permit subject to the Conditions attached as Exhibit A. Provided the conditions proposed in Exhibit A are met, the request will meet the criteria for a Conditional Use Permit in the following manner:

#### **Conditional Use Approval Criteria – Section 151.050 (F)(3)**

1. The use in its proposed location will be consistent with the stated purpose and intent of Section 151.005.

Comment: The 2004 *Framework Plan* currently designates the subject sites in the Retail Commercial and Water Land Use categories. The subject properties (the areas with the most potential activity) are zoned Recreational Commercial and Open Space, which are zoning districts compatible with the Land Use. Events of Public Interest, which include water craft races and outdoor concerts, are allowed in the Recreational Commercial and Open Space zoning districts with a Temporary Use Permit. The applicant received a CUP for up to 16 drag boat races and up to 38 outdoor concert events per year in 2005 (ZBA #3472). The Conditional Use Permit was then revised and approved for 80 events which included 16 boat races and 64 outdoor concerts in 2010 (ZBA #3209).

2. The proposed use in its proposed location complies with all applicable standards of this Chapter, including any applicable use standards of Section 151.112.

Comment: In 2005, a Conditional Use Permit was issued to Blarney Island / Port of Blarney for 16 boat races and 64 outdoor concerts per year. These CUPs were limited to a time period of five (5) years and both expired in October 2009. Temporary use permits were required, and all applicable ordinance requirements had to be met in order for the Temporary Use Permits to be issued for the events conducted between 2005 and 2009. If this CUP is granted, each boat race and outdoor concert will still require a Temporary Use Permit.

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 Regional Framework Plan:

- a) Adjacent property

Comment: Outdoor concerts have been held since 1976 and drag boat races since 1978 without causing any adverse impacts. The isolated location of this unique venue provides a significant buffer for the nearest properties.

- b) Character of the neighborhood

Comment: The events have been held for many years and will not alter the character of the nearest neighborhoods adjoining Grass Lake.

- c) Natural resources

Comment: The events will not have a detrimental effect on natural resources. The Illinois Department of Natural Resources and Fox Waterway Agency have approved the drag boat races in the past. Agencies manage and enforce “no wake” zones in times of adverse conditions to minimize shoreline damage.

- d) Infrastructure

Comment: There is no expansion proposed for the infrastructure of the subject property.

- e) Public sites

Comment: The boat races and concerts will be visible and *may* be audible from Grass Lake. All boats are either parked at Blarney Island or along the racecourse. People who do not have boats are shuttled to Blarney Island from the Port of Blarney. Parking for all customers is provided at Port of Blarney, which is zoned Recreational Commercial.

- f) Any other measures affecting the public health, safety, or general welfare

Comment: Complying with UDO requirements, the requirements of other permitting agencies (i.e. the Waterway Agency Coordination Group Administrative Procedures) plus any additional conditions applied by the Zoning Board of Appeals will ensure there will not be any significant adverse impacts to public health, safety or welfare.

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## EXHIBIT A

### CONDITIONS OF APPROVAL FOR CUP #8526

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1. In addition to the conditions listed below, Blarney Island events shall be subject to Administrative Procedures (the "Waterway Administrative Procedures") to be developed, utilized and periodically amended as necessary by the PBD Director in collaboration with the "Waterway Agency Coordination Group" or "WAC", consisting of all agencies jointly overseeing regulation and safety on the Chain of Lakes within the County of Lake including but not limited to the Lake County Sheriff's Office, the Illinois Department of Natural Resources, the Fox Waterway Agency, and, when relevant, the adjoining first responder agencies of all Lake County municipalities bordering the Chain of Lakes in Lake County.
2. In addition to the temporary use permit fee associated with the proposed events of public interest, the CUP shall be subject to an annual fee to partially off-set the directly attributable cost of such events borne by the Lake County Sheriff's Office. The fee shall be calculated by the Sheriff's Office based on the number of proposed events, the number of boats used to patrol the events, the number of personnel used to operate each boat and the number of hours each boat is required to patrol the event. The fee shall be prorated by the Sheriff's office, invoiced at the end of the season, and paid by the applicant by no later than November 1st of that year.
3. Up to 16 water craft (drag boat) racing events conducted on Thursdays shall only between 5:00 p.m. and sunset from June 1 through September 14. The race course for the Thursday water craft (drag boat) shall not exceed seven hundred fifty (750) feet in length and shall not exceed three hundred (300) feet in width. (these seasons start and end dates and the race course dimensions may be adjusted at the discretion of the PBD Director in consultation with the WAC, subject to the Waterway Administrative Procedures)
4. In addition to the Thursday water craft (drag boat) racing events, up to 2 additional weekend boat race exhibition events shall be permitted, subject to timing, notice, safety protocols and other requirements as established under the Waterway Administrative Procedures. Following the first year of adoption of this CUP Amendment, the PBD Director will retain discretion to adjust the number of such exhibition events in collaboration with the WAC, subject to the Waterway Administrative Procedures.
5. Nitromethane shall not be permitted as a racing fuel for any event.
6. Up to 72 concerts shall be allowed on Saturdays, Sundays, holidays and on the two weekdays immediately preceding or following Federal holidays. Concerts shall not extend past 1 a.m. Helicopter rides may accompany these events but shall operate only during daylight hours. The number, duration, and activities (including but not limited to helicopter rides) associated with such concert events may be adjusted at the PBD Director's discretion in collaboration with the WAC, subject to the Waterway Administrative Procedures.

7. Additional unique public events such as benefits, charity events, and ticketed concerts may be permitted Monday through Thursday at the discretion of the PBD Director in collaboration with the WAC, subject to timing, notice, safety protocols and other requirements as established under the Waterway Administrative Procedures.
8. Prior to issuance of a coordinating permit for Waterway events, an application for such permit must be submitted to the coordinating permit agency at least sixty (60) days prior to the event. This deadline may be adjusted as necessary at the PBD Director's discretion in collaboration with the WAC, subject to the Waterway Administrative Procedures.
9. Lake County Planning, Building and Development Department shall be the coordinating permit agency for waterway events within unincorporated Lake County.
10. Lake County Planning, Building and Development (functioning as the coordinating permit agency) shall require proof of approval by, and payment of requisite fees to other WAC member agencies, subject to the Waterway Administrative Procedures.
11. A Sheriff's Office Emergency Pick-Up location shall be established for any Blarney Island Event at the Fort Apache Pier. This location may be adjusted at the Sheriff's Office discretion subject to the Waterway Administrative Procedures.