

Zoning Case #5220

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on September 17, 2012, on the application of ATG Trust #10059, record owner, which seeks to rezone PINs 15-21-100-004 & 15-16-307-006 from R-1 (Residential-1) to GC (General Commercial). The subject properties are located at 23008 N. Main St. & 23023 N. 1st Street, Prairie View, Illinois and contains .42 and .55 acres respectively.

The following is a summary of the testimony presented:

1. Helmut Peter, attorney for the applicant, stated the applicant purchased both properties for the purpose of expanding the existing landscape business. The Main Street property was purchased in June of 2003 and the 1st Street property was acquired in 2005. The applicant was able to operate the landscape business on the subject properties as the use was considered “agricultural” and was exempt from the underlying use regulations, however they must meet the stricter setback of the existing Residential-1 zoning district. The owner has requested a rezoning to the GC zoning district in order to operate under one set of zoning regulations. Mr. Peter stated the surrounding property zoning and uses are predominantly commercial to the north and south. To the east the property is zoned B-3 nonresidential within the Village of Buffalo Grove. Mr. Peter stated the rezoning request meets the UDO standards in the following manner:
 - The proposed rezoning will not adversely impact the health, safety and general welfare of existing and future residents and will enhance the tax base.
 - The granting of the rezoning will eliminate the inconsistencies of the current zoning districts for the existing wholesale nursery use.
 - The General Commercial zoning classification and the uses permitted are fully compatible with the existing uses and zoning of properties in the area of the subject site.
 - The subject property will utilize individual well and sewage disposal systems.
 - The purpose of the rezoning will eliminate certain inconsistencies with the current R-1 zoning designation.
 - Zoning of the subject property to General Commercial will not adversely impact the subject property or adjacent properties. The use of the property will not be changed and will remain as a component of the Fiore Wholesale Landscape Nursery.
2. Member Reindl asked the following question:
 - A. Does the applicant intend a different use on the subject property?

Mr. Peter stated the use will remain as a wholesale landscape nursery.
 - B. Was it ever the intent of the property owner to establish a residence for the landscape workers?

Mr. Peter stated there were existing residential structures when properties were purchased by the applicant, however both structures were demolished in order to expand the wholesale landscape nursery.

3. Member Westerman asked the following:
 - A. How are the landscape supplies delivered to the parcel along 1st Street?

Mr. Peter explained that service to both parcels is from Main Street and the interior of the property.
4. Member Zerba asked the following:
 - A. Why didn't the applicants request to rezone the properties when they were initially purchased?

Mr. Peter stated it was not necessary for the operation of the business.
 - B. Where are the private well and septic system located?

David Fiore stated there are three water wells is located along the west side of the property and adjacent t existing buildings and the septic is located towards the center of the property.
5. Member Stimpson stated the following:
 - A. No objection to the rezoning, however the applicant should emphasize to the PB&Z Committee and the County Board that the rezoning would benefit the applicant by having less restrictive setbacks.

Eric Tooke stated with those properties zoned R-1 and the others zoned GC, it is technically not considered "one zoning lot" and would have to meet the more restrictive setbacks of an agricultural zoning district of 30' on the front and sides and 50' to the rear.
6. Chairman Bell asked the following:
 - A. Is the applicant required to install any transitional yard landscaping along 1st Street?

Eric Tooke stated not at this time because it is already an existing business on the property. If an expansion of the use is requested, the applicant would be required to install the applicable landscape trees.
7. Pamela Devos, of 16623 W. Easton, Prairie View, Illinois, asked the following:
 - A. Stated the applicants use trucks on 1st Street and workers uses the street for ingress and egress and can be dangerous.

Lisa Fiore stated the hours of operation are from 7:00 a.m. to 5:00 p.m. and stated that she has disciplined an employee who broke the rules. Ms. Fiore stated she will welcome questions and requests from the neighbors to accommodate their concerns. No semi-trucks use 1st street. The Fiore Company will purchase land next year at the Buffalo Grove Train Station to the east to accommodate their employee parking.

8. Jennifer Christie of 23026 1st Street, Prairie View, Illinois, stated the following:
 - A. Stated of concern of the employees driving too fast on 1st Street and asked if the 1st Street entrance could be closed.

Eric Tooke stated the rezoning request could not address the removal of the 1st Street entrance to the site.

As there were no more questions, a motion was then made by Member Koeppen, with a second by Member Raymond to approve the requested rezoning. Voting "Aye" on this motion were Members Koeppen, Raymond Zerba, Stimpson, Westerman, Reindl and Chairman Bell. Voting "Nay," none. The motion to approve the requested rezoning was passed by a vote of 7 to 0.

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Summary of Department Recommendation

Department of Planning, Building and Development

This Department recommends approval of the rezoning because the request complies with the required standards.

Specifically, it is the intent of the property owner to continue the existing wholesale nursery use on the subject properties. The rezoning will not threaten the existing health safety and general welfare of existing or future Lake County residence. It is also the intent of the ordinance to gradually eliminate uses, structures and situations that do not comply with the Ordinance. The rezoning of these parcels will eliminate two nonconforming Residential-1 parcels and create two conforming General Commercial parcels. Each parcel is surrounded on three sides by property zoned general commercial. Also in the case of both parcels, the use of the property for wholesale nursery purposes will not change. The surrounding properties abutting the subject parcels include the wholesale nursery use to the south and west, portable toilets and scrap metal to the south, and the Metra train station to the east. The proposed amendment will be compatible to these uses on the surrounding parcels. The properties have direct access to N. Main St. and N. 1st St. The property is served by septic and private water well. Adequate public facilities and services exist. The parcels meet the area and width requirements of the General Commercial zoning district. In addition, the property is physically suitable for the general types of uses and development allowed in the GC zoning district.