

RESOLUTION

No. 3372

Warren Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
July 13, 2010

MADAME CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of Manuel Martinez, record owner, which requests rezoning from the General Office zone to the Limited Industrial zone. After due consideration, we herby recommend by a vote of 6-0 that this application be granted.

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

Standard 1: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The County's future land use classification of the parcel is Industrial. The County's future land use map for all adjoining parcels is similarly Industrial. The future land use in the Gurnee Comprehensive Plan for the subject property and adjoining properties is Industrial / Office Research. Based on the future land uses in the Framework Plan, the request is consistent with the purpose and intent of the Ordinance.

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

Comment: The General Office Zoning classification became one of a number of successor zones to the Urban Zoning District classification upon adoption of the UDO in April of 2000. As the uses of the area today largely reflect those of the Limited Industrial zoning district (of unincorporated Lake County and the Village of Gurnee), the rezoning will certainly reflect the changing condition of the area (consistent with the County's similar rezoning of the parcel immediately to the north of the subject property to accommodate an industrial use of the property). The rezoning would legitimize the existing landscape contractor's use on the subject property.

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

Comment: The Planning Department is not aware of any complaints from adjoining property owners regarding the use on the subject property. The properties in the Village of Gurnee that are east, west, and south of the subject property are zoned General Industrial. The property to the southeast is zoned Public Land and is entirely within a mapped wetland. Vehicle access for the properties in Gurnee west of the subject property is via St. Paul Avenue, not Barberry Lane. Additionally, the elevation of Barberry Lane is approximately 10 feet higher than the elevation of St. Paul Avenue which creates a buffer from those properties. Future expansion on the subject property must comply with the site development requirements of the UDO. The rezoning will be compatible with nearby properties.

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: The property has direct access to Barberry Lane. The property is served by septic and private water well. Adequate public facilities and services exist.


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: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

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

Comment: The property is physically suitable for the type of use / development allowed in the LI zoning district.

Zoning Case #3372
Warren Township



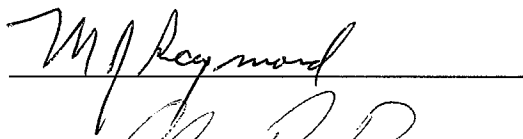
CHAIRMAN

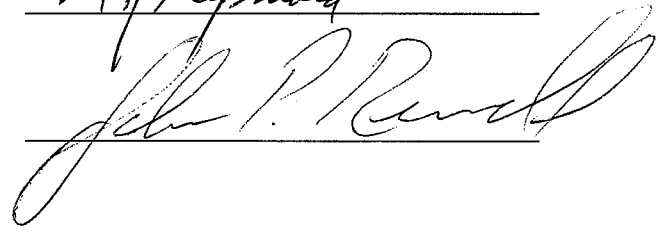


VICE-CHAIRMAN









Dated this 22nd day of June 2010.

Zoning Case #3372

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 14, 2010, on the application of Manuel Martinez, record owner, which requests rezoning from the General Office zone to the Limited Industrial zone. The subject parcel is located at 35805 N. Barberry Lane, Gurnee, Illinois, and contains 6.37 acres.

The following is a summary of the testimony presented:

1. Mr. Harry Krajcer, planning consultant for the owner of the subject property, testified that Manuel Martinez has owned the property for fifteen years. The current use of the property is a nursery and a farm. In 2000, the property was rezoned to General Office in which the property was "red-tagged" for operating a nursery and farm in the General Office district. Mr. Martinez would like to retain the existing uses along with a landscape contractor's business. Mr. Krajcer testified the surrounding properties are zoned/used for industrial purposes. The property to the north is used to recycle concrete.
2. Mr. Krajcer testified the applicant will not accept landscape materials from other landscapers, however the applicant's own landscaping business will generate clippings for on-site composting and will assist in feeding the farm animals. The applicant will construct a landscape berm along the north side of the property to shield the concrete crushing operation from the subject property. The nursery stock is approximately 60% of the property and is grown on the north side of the property. Access to the property will only be along the south side of the property. At this point in time, the farm use has been authorized by the Department.
3. Mr. John Helander, attorney for the applicant, stated the property was used as a farm and a landscape business prior to the Mr. Martinez's acquisition of the property. Brad Denz stated the property was zoned Urban prior to 2000 and a landscape contractor was only allowed if the property was served by sewer service.
4. Robert Petersen of 35845 N. Barberry Lane, Gurnee, Illinois, stated he has no objection to the rezoning request. However, he posed the following questions to the applicant:
 - How many animals can the land support?
 - What type of businesses will the LI district allow?
 - How will the operation affect the groundwater?
 - Are railroad ties allowed?
 - Will large parties and rodeos continue?
 - Will the IEPA monitor the grass-clippings/compost?
 - How many entrances?
 - What will the berms be made of?

- What will the applicant do with the fences?
 - How many water wells/type are proposed?
5. In response, Mr. Denz stated as the property is greater than 5 acres, the applicant has applied for an Agricultural Exemption to allow the farm animals and has been authorized to continue this activity. Mr. Krajcer stated the berms will be made of outside fill. No other business are proposed for the property. The applicant stated rodeos are not conducted on the property. The applicant stated the railroad ties will be used to construct the fence. There is one water well (for human consumption) adjacent to the road. The Health Department shall verify the number and type of water wells prior to site plan approval. Mr. Petersen stated the applicant has caused flooding on the property to the north due the restriction of the water flow to the culvert along Barberry Lane. Mr. Krajcer stated he will work with the Lake County Engineering Department to alleviate water flow onto the adjacent property.

Zoning Case #3372
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, the County's future land use classification of the parcel is Industrial. The County's future land use map for all adjoining parcels is similarly Industrial. The future land use in the Gurnee Comprehensive Plan for the subject property and adjoining properties is Industrial / Office Research. The property to the north is zoned Limited Industrial within unincorporated Lake County. The properties in the Village of Gurnee that are east, west, and south of the subject property are zoned General Industrial. The property to the southeast is zoned Public Land and is entirely within a mapped wetland. Vehicle access for the properties in Gurnee west of the subject property is via St. Paul Avenue, not Barberry Lane. The rezoning will be compatible with nearby properties. The property has direct access to Barberry Lane. The property is served by septic and private water well. Adequate public facilities and services exist. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.



June 11, 2010

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

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: 3372 Rezoning

REQUESTED ACTION: Rezoning from the General Office (GO) to the Limited Industrial (LI) zoning district.

HEARING DATE: June 14, 2010

GENERAL INFORMATION

APPLICANTS: Manuel Martinez

OF PARCELS: two

SIZE: 6.37

LOCATION: 35805 N. Barberry Lane, Gurnee, Illinois

EXISTING ZONING: General Office

PROPOSED ZONING: Limited Industrial

EXISTING LAND USE: Single-family dwelling and landscape contractor

PROPOSED LAND USE: Single-family dwelling and to retain the landscape contractor business

SURROUNDING ZONING / LAND USE

NORTH: Limited Industrial / single-family dwelling, excavating business, concrete crushing and bulk material storage.

SOUTH: Village of Gurnee / General Industrial District (I-2) PUD; various light industrial and office uses

SOUTHEAST: Village of Gurnee / Public Land District; vacant

EAST: Village of Gurnee / General Industrial District (I-2); vacant

WEST: Village of Gurnee / General Industrial District (I-2) PUD; various light industrial and office uses

COMPREHENSIVE PLANS

LAKE COUNTY: Industrial

MUNICIPALITIES WITHIN 1 1/2 MILES: Village of Gurnee : Industrial / Office Research

DETAILS OF REQUEST

ACCESS: Direct access is provided via Barberry Lane

FLOODPLAIN / WETLAND: According to the County's GIS, the property is not in a floodplain. The southeast corner of the property is located within a wetland.

SEWER AND WATER: Private well and septic system.

ADDITIONAL COMMENTS

The applicant is currently in violation of the UDO as the property is being used for a landscape contractors business in the General Office zoning district. Previously, the 1989 Lake County Zoning Ordinance designated the property as "Urban" (which did not allow non-residential uses in the absence of public sewer).

The Lake County Regional Framework Plan states that the Industrial future land use is intended for industrial, warehousing, wholesale trade, and mining uses. Office / Research future land use includes independent office buildings and office and research parks. The Gurnee Comprehensive Plan states that the industrial uses in the Industrial Land Use category include businesses such as light manufacturing, assembly operations, and warehouses. The office / service category includes large office / research complexes in campus-like settings as well as small office facilities. The small offices typically are for professional services such as insurance, accounting, legal and medical.

RECOMMENDATION

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

Map Amendment Approval Criteria – UDO Section 3.3.8

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