

Zoning Case #RZON-000834-2022 Summary of ZBA Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on January 17, 2023, on the application of TRLPJ Real Estate, LLC, record owner, who seeks to rezone 0.22 acres from the Residential-1 (R-1) zoning district to the Recreational Commercial (RC) zoning district. The subject property is located at 38241 N. Bolton Place, Antioch, Illinois and is adjacent to the Captain's Quarters tavern and RV park.

The following is a summary of the testimony presented:

1. Larry Phillips Jr., as property owner and representative of TRLPJ Real Estate, LLC, stated he obtained a building permit in 2017 to construct a pavilion for the tavern business. The increased volume of patrons on the weekends during the summer months led to parking along Bolton Avenue. A rezoning approval to the Recreational Commercial zoning district would allow for him to create an additional parking area on the subject property which is adjacent to his business.
2. Member Bell stated the following:
 - A. The tavern property was part of application presented to the Zoning Board of Appeals in 2017 and one of the issues considered at that hearing was if sufficient parking was available. The proposed rezoning (to allow for an additional parking area) would alleviate the current parking issues.
3. Member Starkey stated the following:
 - A. Will the parking lot be gravel and if so, would that be considered impervious surface?
 - B. Will the run-off to the neighboring parcels be regulated?

Mr. Phillips stated the parking lot would be graveled. Joel Krause from the Lake County Engineering Division stated the gravel is considered impervious surface. The property is located within the floodplain and no additional fill is allowed. The existing drainage patterns shall be maintained by the applicant.

4. Tommie Lee, resident, stated the following:
 - A. How will the parking lot affect the septic system?

Larry Philips, Jr. stated he has the septic tank pumped each weekend. Brad Denz stated the site plan was approved by the Health Department in 2020. Pursuant to the rezoning application request, the Health Department stated "The Health Department has no objection in granting this request. The existing septic tanks and septic lines must be at least a minimum of five feet from the new parking lot."

5. Mike Wyatt, resident, stated the following:
 - A. He encouraged an approval of the rezoning.
6. Member Roche stated the following:
 - A. To verify, a fence will be placed along the southern property line without landscaping.

Brad Denz stated that was accurate, per the landscape waiver agreement between the two property owners. Larry Phillips Jr. stated he will place a four-foot high safety fence between the playground equipment and parking area.

Member Peterson made a motion to close testimony, which was seconded by Member Starkey. Member Peterson made a motion to recommend approval of rezoning Case #RZON-000834-2022 as it is consistent with ordinance rezoning for the following reasons:

Standard Number 1: The rezoning of the subject property will bring the property into conformance with the future land use plan, which indicates the subject property as a Transportation designation; there is adequate infrastructure in place with no improvements to the existing infrastructure required; and rezoning this parcel will allow the growth of the existing business to the north, which will not only protect, but also promote tax growth.

Standard Number 2: The Lake County Board approved a street vacation of the subject property (Woodland Avenue) in anticipation of the property owner's eventual application for a rezoning to accommodate additional necessary parking.

Standard Number 3: The proposed rezoning is compatible with adjacent property to the north (tavern use), which will allow a 32-space parking lot and prevent potential spillover of customer parking onto road and into the nearby residential area. Also, as agreed upon by both property owners adjacent to the subject property, a six-foot high wooden fence, 357 feet in length will mitigate any potential negative impacts to the nearest adjacent residential property.

Standard Number 4: No additional public facilities or services will be used.

Standard Number 5: The rezoning will not have a significant adverse impact on the surrounding properties. The property to the south will be protected by a 6-foot high wooden along the southern property line of the subject property. Additionally, the applicant has addressed the environmental protection requirements by obtaining site plan approval from County staff. Written approval from the U.S. Army Corps of Engineers (USACE) will also be required for the construction of a new accessory parking lot prior to issuance of a Site Development Permit.

Standard Number 6: The subject property is suitable for the proposed zoning classification of Recreational Commercial (RC) as it would be consistent with the zoning and use of the property to the north. Visual protection will be implemented against the abutting property to the south.

Recommended Conditions:

1. The applicant shall record the property consolidation and transition yard waiver agreement prior to issuance of a site development permit and the fence shall be installed prior to permit closure.
2. The applicant is required to verify the grade and drainage flow patterns will not affect adjacent property owners.

The motion was seconded by Member Roche. The Zoning Board of Appeals voted in favor of a positive recommendation 6-0 for the rezoning request.