

RESOLUTION

No. 3486
Vernon Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
SEPTEMBER 14, 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 North Star Trust Company as successor the Michigan Avenue National Bank of Chicago, as Trustee under Trust No. 2139, with the beneficiary of the trust which owns the subject property as Concrete Erectors, Ltd., record owner, which requests rezoning from the Residential-1 zone to the Limited Industrial zone. After due consideration, we hereby recommend by a vote of 7-0 that this application be granted, with conditions.

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: Although the County's future land use classification of the parcel is residential, the property has been used for a nonresidential use for 38 years. The County's future land use map for the adjoining properties to the north, west, northwest, and east are nonresidential. The future land use in the Buffalo Grove comprehensive plan for the subject property is multi-family. The Village designates the properties north and west as Parks/Open Space, and the property to the east as Industrial.

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

Comment: Prior to the adoption of the UDO in April 2000, the previous zoning of the subject property was Suburban. As the property was not serviced by public sewer, the automatic rezoning of the UDO was to the successor zoning classification of Residential-1. Not only would the rezoning reflect the similar nonresidential uses adjacent to the existing business, the rezoning would also legitimize the existing contractor's business on the subject property.

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

Comment: A majority of the uses/land adjacent to the existing use on the subject property are the nonresidential zoning districts within the Village of Buffalo Grove. The properties to the south and southwest within the Village are residentially zoned are buffered by a wetland and a 2.5 acre area of trees on the south side of the subject property. If the County Board is inclined to adopt the proposed conditions, it is unlikely that the requested rezoning will have a negative effect upon the properties to the south and southwest.

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 Deerfield Parkway. 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: Adherence to the petitioner's proposed conditions, compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property and 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.


THE ZONING BOARD OF APPEALS GRANTS A RECOMMENDATION OF APPROVAL OF THE REQUESTED REZONING SUBJECT TO THE FOLLOWING CONDITIONS:

1) LANDSCAPING MAINTENANCE. Vegetation, including but not limited to trees and tree limbs, overhanging the boundary of the property adjacent to any property zoned or occupied by residential uses shall be trimmed if adjacent property owners request said trimming, and any removal is subject to approval of the Lake County Planning, Building and Development Department.

2) LANDSCAPE BUFFER. A permanent landscape buffer thirty (30) feet in width shall be established and maintained at the boundary of the Property adjacent to any property zoned or occupied by residential uses. Said landscape buffer shall meet the applicable standards of the Lake County Unified Development Ordinance (UDO). Modifications to existing vegetation (including the removal and replacement of dead or diseased trees and/or the removal of invasive or undesirable species and reforestation by species in the Unified Development Ordinance Approved Plant List) in the buffer area is subject to the approval of the Lake County Planning, Building and Development Department.

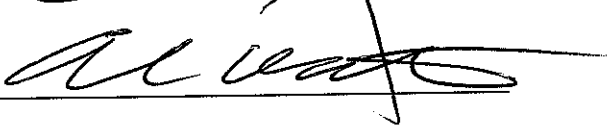
3) NOISE CONTROL. The emission of sound from any source on the Property shall not exceed 70db(A) (SLOW meter response) at the boundary of the property in such a manner as to disturb the peace and comfort of occupants of neighboring residential properties.

Zoning Case #3486
Vernon Township



CHAIRMAN





Case Zebra

Grant Johnson

Dated this 26TH day of August 2010.



July 28, 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: 3486 Rezoning

REQUESTED ACTION: Rezoning from the Residential-1 (R-1) to the Limited Industrial (LI) zoning district.

HEARING DATE: July 29, 2010

GENERAL INFORMATION

APPLICANTS: North Star Trust Company as successor the Michigan Avenue National Bank of Chicago, as Trustee under Trust No. 2139, with the beneficiary of the trust which owns the subject property as Concrete Erectors, Ltd.

OF PARCELS: one

SIZE: 6.7 acres

LOCATION: 16051 W. Deerfield Parkway, Prairie View, Illinois

EXISTING ZONING: Residential-1

PROPOSED ZONING: Limited Industrial

EXISTING LAND USE: light industrial, auto repair, landscape contractor, office

PROPOSED LAND USE: same

SURROUNDING ZONING / LAND USE

NORTH: Village of Buffalo Grove / Industrial and Residential-9; vacant Commonwealth Edison easement and multi-family housing

WEST: Village of Buffalo Grove / Office and Research District; various office uses

SOUTHWEST: Village of Buffalo Grove / Residential-5; single-family residential

SOUTH: Village of Buffalo Grove / Residential-4; single-family residential

EAST: Village of Buffalo Grove / Industrial; various industrial and office uses

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Medium Lot

MUNICIPALITIES WITHIN 1 1/2 MILES: Village of Buffalo Grove : Multi-Family

DETAILS OF REQUEST

ACCESS: Direct access is provided via Deerfield Parkway.

FLOODPLAIN / WETLAND: According to the County's GIS, a wetland is located on the south side of the property. A small portion of a floodplain is located at the northwest corner of the property.

SEWER AND WATER: Private water well and septic system.

ADDITIONAL COMMENTS

The petitioner has considered the potential impact directly associated with a rezoning of the subject property from residential (R-1) to the nonresidential (LI) zoning district and has accordingly offered that conditions be considered by the ZBA to help address such potential impacts (See Exhibit A, page 4). In particular, the rezoning shall be subject to meet standards regarding minimum landscape maintenance, the establishment of a 30 foot landscape buffer adjacent to residentially zoned properties, and a noise control limit of 70db(A) (SLOW meter response) at the boundary of the subject property.

It is staff's opinion that these conditions – if adopted - would help address any significant current and foreseeable impact of a nonresidential zoning classification. Further, any site improvements to the subject property are and will continue to be subject to other applicable standards of the UDO and other County ordinances.

RECOMMENDATION

Staff recommends that the rezoning, if approved, be subject to the petitioner's proposed Conditions attached as Exhibit A. As such, in our opinion, the request meets the Standards in the following manner:

Map Amendment Approval Criteria – UDO Section 3.3.8

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

Comment: Although the County's future land use classification of the parcel is residential, the property has been used for a nonresidential use for 38 years. The County's future land use map for the adjoining properties to the north, west, northwest, and east are nonresidential. The future land use in the Buffalo Grove comprehensive plan for the subject property is multi-family. The Village designates the properties north and west as Parks/Open Space, and the property to the east as Industrial.

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

Comment: Prior to the adoption of the UDO in April 2000, the previous zoning of the subject property was Suburban. As the property was not serviced by public sewer, the automatic rezoning of the UDO was to the successor zoning classification of Residential-1. Not only would the rezoning reflect the similar nonresidential uses adjacent to the existing business, the rezoning would also legitimize the existing contractor's business on the subject property.

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

Comment: A majority of the uses/land adjacent to the existing use on the subject property are the nonresidential zoning districts within the Village of Buffalo Grove. The properties to the south and southwest within the Village are residentially zoned and are buffered by a wetland and a 2.5 acre area of trees on the south side of the subject property. If the County Board is inclined to adopt the proposed conditions, it is unlikely that the requested rezoning will have a negative effect upon the properties to the south and southwest.

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 Deerfield Parkway. 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: Adherence to the petitioner's proposed conditions, compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property and 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.

EXHIBIT A
RECOMMENDED CONDITIONS

1) LANDSCAPING MAINTENANCE. Vegetation, including but not limited to trees and tree limbs, overhanging the boundary of the property adjacent to any property zoned or occupied by residential uses shall be trimmed if adjacent property owners request said trimming, and any removal is subject to approval of the Lake County Planning, Building and Development Department.

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3) NOISE CONTROL. The emission of sound from any source on the Property shall not exceed 70db(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.

Zoning Case #3486

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on July 29, 2010, on the application of North Star Trust Company as successor the Michigan Avenue National Bank of Chicago, as Trustee under Trust No. 2139, with the beneficiary of the trust which owns the subject property as Concrete Erectors, Ltd. 16051 Deerfield Parkway, Prairie View, Illinois, which requests a rezoning from the Residential-1 zone to the Limited Industrial zone.

The subject property is located at 16051 W. Deerfield Parkway, Prairie View, Illinois and contains approximately 6.7 acres.

The following is a summary of the testimony presented:

1. George Bell, ZBA Chairman, requested staff to elaborate upon the conditional approval of the rezoning request. Eric Waggoner, Zoning Administrator, Lake County Planning, Building & Development Department, stated the County has previously approved conditional rezoning requests, however it is infrequent because staff seldom believes a rezoning petition necessitates a series of conditions. In terms of the validity of a conditional rezoning approval, this issue has been vetted with the States Attorney's Office and it was determined that this type of approval is only appropriate provided that the following criteria were addressed:
 - The conditions were volunteered by the applicant;
 - The conditions have a relevancy or "nexus" to the approval criteria addressed in the rezoning application.

With regards to ZBA #3486, staff believes the volunteered conditions are appropriate to mitigate foreseeable impacts associated with rezoning the subject property. If the ZBA is agreeable to the conditions, the Board should condition its recommendation for the rezoning approval in part on the basis of the volunteered conditions.

2. Richard Mittelman, attorney for the applicant, stated when the applicant, Richard Kammerer, bought the property in 1972, the adjacent properties were vacant and he obtained a building permit and appropriate zoning of limited industrial/office zoning for the applicant's business, Concrete Erectors. The existing business provides pre-formed large concrete sections for use in the construction of modular concrete industrial buildings. Concrete Erectors used the property for its business offices, storage of multiple cranes and heavy equipment, repair of its vehicles, along with offices for a small engineering firm. In 1988, the zoning of the property was changed to Suburban due to the fact that the property was not served by public sewer. In 2000, the zoning designation was changed to the successor zoning of Residential-1 (R-1) through the County's zoning district conversion policy for non-sewered Suburban (S) zoned parcels. Mr. Mittelman stated by changing the zoning now it would amend the property into its proper and former zoning designation of Limited Industrial. A majority of the uses/land adjacent to the existing use are nonresidential zoning districts within the Village of Buffalo Grove. Additionally, the applicants

stated they have never received a complaint regarding noise or visibility. Ultimately, a change of use is not proposed for the subject property at this time.

Member Raymond asked the applicants if they have considered annexation into the Village of Buffalo Grove. Mr. Mittelman stated the property owner has not annexed into the Village due to economic reasons (annexation fees).

3. Ms. Ghida Neukirch, Deputy Village Manager for the Village of Buffalo Grove, stated the applicant has been a good neighbor to the abutting properties in the Village. The Village long-term use for the subject property is transit-oriented development. The Village attempted to execute an annexation agreement with the applicant, however the agreement did not advance as the property owner did not want to discontinue the existing uses on the subject property. Additionally, the Village requires any annexed properties to connect to public sewer and water services.

Ms. Neukirch stated the conditions in the staff report would be supported by the Village officials and critical in addressing concerns of the residential property owners to the south and west. The conditions would be enforced on a complaint basis to the Village and in-turn, the Lake County Planning, Building and Development Department would be notified of any potential violations.

4. Ms. Amy Jankowski, managing agent for the Amlis at Windbrook multi-family residences (north of the subject property on the opposite side of Deerfield Parkway), conveyed to the Board that there is substantially more residential uses adjacent to the subject property since it was first purchased. Member Zerba asked Ms. Jankowski if the subject property has ever been problematic to her tenants to the north. Ms. Jankowski stated there has never been a problem with the use on the subject property. However she did have a concern regarding the types of uses allowed within the Limited Industrial zoning district. Eric Waggoner stated a majority of the uses allowed by right in the Limited Industrial zoning district are consistent with the existing uses on the subject property. Intensive uses are often classified as Conditional Uses or requiring an approval from the County Board. High-impact industrial uses are only allowed in the Intensive Industrial zoning district. Staff would review all new tenants proposed for the subject property if, in the future, new tenants were proposed.

Zoning Case #3486
Summary of Department Recommendation

Department of Planning, Building and Development

This Department recommends conditional approval of the rezoning because the request, as proposed, complies with the required standards.

Specifically, the property was previously zoned Limited Industrial 22 years ago and a nonresidential use has been present on the subject property since 1972. A majority of the uses/land adjacent to the existing use on the subject property are the nonresidential zoning districts within the Village of Buffalo Grove. The properties to the south and southwest within the Village are residentially zoned are buffered by a wetland and a 2.5 acre area of trees on the south side of the subject property. Adherence to the petitioner's proposed conditions, compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property and the environment will occur. The property is physically suitable for the type of use / development allowed in the LI zoning district.