

Zoning Case #4547

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on October 18, 2011 on the petition of Daniel and Denise Johnson, record owners, which seek to rezone this property from Residential-1 (R-1) to General Commercial (GC). Daniel and Denise Johnson would like to open an insurance agency. The subject property is located at 36104 N. Green Bay Road in Waukegan, Illinois and contains approximately 0.4 acre. The following is a summary of the testimony presented:

1. Daniel Johnson explained that he has owned the property for nine years and that Green Bay Road is a busy thoroughfare and is not conducive to residential. He has also stated that he owns a Farmer's Insurance and he would like to locate it on this property.
2. Member Westerman asked the following questions:
 - A. Do you, Daniel Johnson, currently reside in the residence?
Mr. Johnson replied yes.
 - B. Will anyone be living in the building when the business is established after the rezoning?
Mr. Johnson explained that no one will be living in the building when the business is established.
 - C. Why did you choose General Commercial instead of Limited Commercial?
Mr. Johnson explained that GC was chosen over LI because of marketability and because there are other General Commercial zoned property on that street.
3. Member Stimpson asked the following:
 - A. Are there any other sites along Green Bay Road that are zoned General Commercial and that are unincorporated?
Roberto Rodriguez explained that there are other General Commercial zoned property on Green Bay Road that are unincorporated.
 - B. Member Stimpson said that she did see other commercial sites on Green Bay Road on the map. She also said that she does not have a problem with the proposed commercial use because it is not an intense use.
 - C. Member Stimpson asked if there will be an exit onto the side street and whether the garage will be gone.
Mr. Johnson said yes, for safety reasons.
 - D. Will the small trees go?
Mr. Johnson said that the trees will go, but that they are not really good trees. He said that a Pine will be there.

4. Member Zerba said that her questions were already answered and that the use and zoning seems appropriate for the area.
5. Member Koeppen said that he has no questions and no problems with it.
6. Member Raymond says that he feels Limited Commercial may be more appropriate than General Commercial. He also expressed his concern with “spot zoning.”
7. Chairman Bell asked the following:
 - A. Did you get approval from the Township Highway Commissioner?

Mr. Johnson said that he did call them but did not yet get a response. Pat Tierney, then explained that the Township Highway Commissioner would be contacted during the Site Plan review procedures required in the UDO. We would also consider landscaping and buffering of neighboring property owners. The well, septic, sewer, water, and access to Green Bay would all be evaluated as part of the review process. The building division would also review the building to assure that the building meets building codes for the proposed use. These would be items that would happen after the rezoning. Mr. Johnson was advised not to begin these items until after the rezoning was approved, due to the costs involved and the unknowns in terms of the rezoning approval.
 - B. Has Mr. Johnson been made aware of the landscaping requirements?

Pat Tierney explained that there is minor street landscaping and more intensive landscaping would be required abutting other residential property, but Mr. Johnson could seek transition yard agreements with those neighbors to have some of those requirements waived. Some modifications could be permitted but must be verified in the ordinance.
 - C. Did staff see or know of any potentially problematic uses allowed that the UDO permits in the GC zone such as a daycare, private school, limited adult entertainment, or a crematorium?

Pat Tierney explained that these uses would all require a site plan review and there would probably be not enough room for problematic type uses due to the size of this parcel. He also explained that we were initially undecided about GC verses LC, but the lot is on an arterial and the Framework Plan calls for Retail/Commercial so we felt GC was more consistent. It is the decision of Mr. Johnson, but highway oriented commercial is more appropriate than neighborhood oriented uses.
 - D. George Bell explained his concerns for the neighbors, but it appears that a lot of the neighbors are rental properties.

Mr. Johnson said that many neighbors are rentals.

8. Bob Caufler who lives across the street said that he has seen the Future Land Use Map and has seen that the entire corridor is planned for commercial, and thinks that this is a good start.
9. No Board Members had additional comments except for Member Westerman who felt that it should go Limited Commercial instead of General Commercial because the nearby areas are residential. He feels that GC is too intense of a use and he will be voting against the rezoning.

Mr. Johnson feels that it would not be a problem because all reviews must go through Planning, Building, and Development for approval.

Pat Tierney explained that staff advised that the applicant seek GC because of the transition happening in the area and the fact that the lot is on the major arterial. Staff could have gone with either one, but Mr. Johnson asked for GC. Either one would be consistent with the plan.

Member Raymond also explained that the size of the property would also limit what could be built on the property in the future.

Roberto Rodriguez explained that any new use on the property would require that certain ISR and FAR standards be met. A more intense use that would require more floor area would not fit on this property.

As there were no more questions, there was a motion to close testimony made by Member Raymond and seconded by Member Westerman. A motion was then made by Member Koeppen, with a second by Member Zerba to approve the requested rezoning. Voting "Aye" on this motion were Members Koeppen, Zerba, Raymond, Stimpson, and Chairman Bell. Voting "Nay," Member Westerman. The motion to approve the requested rezoning was passed by a vote of 5 to 1.