

**RESOLUTION**

No. 3387  
Lake Villa Township

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF LAKE         )

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
September 14, 2010

MADAME CHAIR AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of One Park Place Ventures, LLC, record owner, which requests rezoning from the Agricultural zone to the General Commercial zone. After due consideration, we hereby recommend by a vote of 7-0 that this application be denied.

We find this application does not meet 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 Lindenhurst’s comprehensive plan classifies the subject property and adjoining properties as Community Business, the County’s future land use map classifies the parcel as Agricultural, consistent with the future land use designations for the properties to the northwest, west, and south. Hence, the request is inconsistent 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 majority of properties within ¼ of a mile along Grand Avenue are either vacant or residential. Based on existing development and future land uses, the Board fails to see an emerging trend of development consistent with the General Commercial zoning district.

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

Comment: The proposed zoning is not compatible with the property to the south and east within unincorporated Lake County. Within the Village of Lindenhurst, the property to the northwest is zoned Multiple Family and is vacant. The

parcels to the northeast and west, zoned CBR-2 Commercial Business Residential-2 within the Village, are vacant.

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 subject property will be served by private septic and water well, however the septic field placement will be significantly constrained by the presence of wetland and floodplain on the subject property. As a formal site plan review has not been conducted by the County Development Review Team, it is unclear if adequate public services are available if the rezoning is approved.

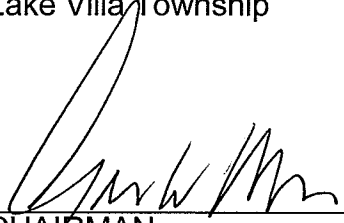
Standard 5: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

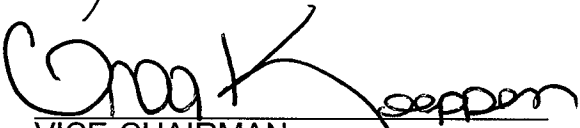
Comment: Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to other property or the environment will occur.

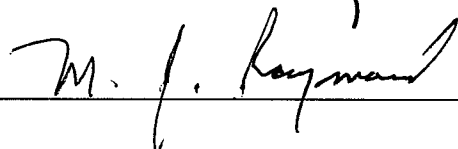
Standard 6: The subject property is suitable for the proposed zoning classification.

Comment: As the properties to the south, southwest, and east are zoned Agricultural, the majority of neighboring sites are either residentially improved or vacant, and as the subject property is designated as Agricultural by the County's Framework Plan, the proposed request is not suitable for the proposed General Commercial zoning district at this time.

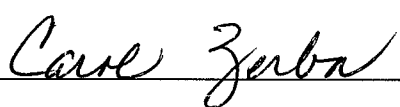
Zoning Case #3387  
Lake Villa Township

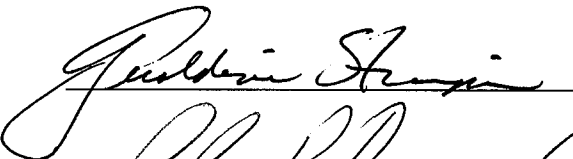
  
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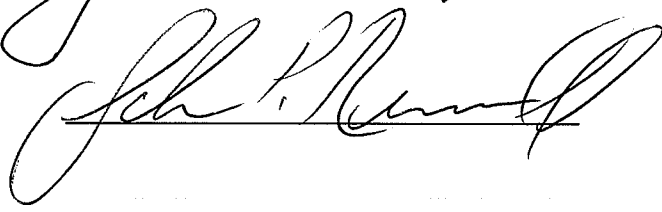
  
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VICE-CHAIRMAN

  
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Dated this 24<sup>th</sup> day of June 2010.

June 18, 2010

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

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

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CASE NO: 3387 Rezoning

REQUESTED ACTION: Rezoning from the Agricultural (AG) to the General Commercial (GC) zoning district.

HEARING DATE: June 22, 2010

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**GENERAL INFORMATION**

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APPLICANTS: One Park Place Ventures, LLC

# OF PARCELS: one

SIZE: 9.19

LOCATION: 19326 W. Grand Avenue, Lake Villa, Illinois

EXISTING ZONING: Agricultural

PROPOSED ZONING: General Commercial

EXISTING LAND USE: Single-family dwelling and warehouse

PROPOSED LAND USE: Health club/tennis facility

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**SURROUNDING ZONING / LAND USE**

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NORTHWEST: Village of Lindenhurst / R-4 Multiple Family District; vacant

NORTHEAST: Village of Lindenhurst / CBR-2 Commercial Business Residential-2; vacant

WEST: Village of Lindenhurst / CBR-2 Commercial Business Residential-2; vacant

EAST: Agricultural (AG) / vacant

SOUTH: Agricultural (AG) / vacant and an nonresidential structure with a parking lot

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### COMPREHENSIVE PLANS

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LAKE COUNTY: Agricultural

MUNICIPALITIES WITHIN 1 1/2 MILES: Village of Lindenhurst: Community Business District

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### DETAILS OF REQUEST

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ACCESS: Direct access is provided via Grand Avenue.

FLOODPLAIN / WETLAND: According to the County's GIS, the property contains a floodplain. The property is located within a wetland.

SEWER AND WATER: Private well and septic system

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### ADDITIONAL COMMENTS

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The applicant has submitted the rezoning application to the ZBA before a formal review of the site plan by the County Development Review Team (concurrent review is not required by the UDO). Nonetheless, based on a cursory review of the site plan, the feasibility of the proposed health club/tennis facility appears to significantly impacted by several complex site-related issues, as follows:

- According to the County Geographical Information System (GIS) mapping system, approximately ¾ of the property is located within a floodplain and/or wetland. Due to the mapped wetland's approximate dimensions, a 50 foot buffer is required for wetland protection. The wetland is under the authority of the U.S. Army Corps of Engineers.
- The limited presence of suitable soils on the subject property would constrain the placement of a septic field to accommodate the development in the absence of public sewer.
- At the time of this report, it is unclear if the applicant can use the floodplain area for stormwater detention.

- As this property will access Illinois Route 132 (Grand Avenue), approval from the Illinois Department of Transportation is required. Access would be constrained by poor sight-lines from southeast-bound traffic.

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## RECOMMENDATION

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Staff recommends denial of the rezoning request. In our opinion the request does not meet the required 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 Lindenhurst’s comprehensive plan classifies the subject property and adjoining properties as Community Business, the County’s future land use map classifies the parcel as Agricultural, consistent with the future land use designations for the properties to the northwest, west, and south. Hence, the request is inconsistent 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 majority of properties within ¼ of a mile along Grand Avenue are either vacant or residential. Based on existing development and future land uses, staff fails to see an emerging trend of development consistent with the General Commercial zoning district.

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

Comment: The proposed zoning is not compatible with the property to the south and east within unincorporated Lake County. Within the Village of Lindenhurst, the property to the northwest is zoned Multiple Family and is vacant. The parcels to the northeast and west, zoned CBR-2 Commercial Business Residential-2 within the Village, are vacant.

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 subject property will be served by private septic and water well, however the septic field placement will be significantly constrained by the presence of wetland and floodplain on the subject property. As a formal site plan review has not been conducted by the County Development Review Team, it is unclear if adequate public services are available if the rezoning is approved.

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: As the properties to the south, southwest, and east are zoned Agricultural, the majority of neighboring sites are either residentially improved or vacant, and as the subject property is designated as Agricultural by the County's Framework Plan, the proposed request is not suitable for the proposed General Commercial zoning district at this time.

## Zoning Case #3387

### Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 22, 2010, on the application of One Park Place Ventures, LLC, record owner, which requests a rezoning from the Agricultural zone to the General Commercial zone. The subject property is located at 19326 W. Grand Ave., Lake Villa, Illinois, and contains approximately 9.19 acres.

The following is a summary of the testimony presented:

1. The applicant is Mr. Luigi DeAngelis, manager of One Park Place Ventures, and interim general manager of Southfield Racket Sports Club, which is the proposed project in conjunction with the requested rezoning. Mr. DeAngelis testified the property is located within an "emerging area" bordered by two main strategic arterial roads, and the trend of development in the area is towards a diversified mix of non-agricultural uses which would support the tax base. Mr. DeAngelis stated he approached staff in August of 2009 to establish the appropriate zoning district for the proposed use, and between the Limited Industrial and General Commercial zoning districts, it was determined that the General Commercial zoning district would be the more appropriate of the two districts for a rezoning request.
2. Mr. DeAngelis stated the far southeast corner of the Township (northwest corner of Routes 45 and 132 approximately ¼ mile from the subject property) is zoned General Commercial. Additionally, the applicant testified the property has not been used for agricultural purposes for the previous 10 to 15 years. Within his business plan, Mr. DeAngelis presented a topographic survey in which he would place the tennis domes outside the wetland area and retrofit the existing metal buildings. The domes can be "collapsed" to accommodate for outdoor conditions. A dome may also be assembled to accommodate for banquets. A racquetball court with retail amenities would be constructed adjacent to the metal building. A wetland delineation has been completed and approved by the U.S. Army Corps of Engineers.
3. It is the intent to convert the single-family dwelling on the north side of the property into professional offices. Mr. DeAngelis stated the existing metal building had been used as contractor storage by the previous property owner, and he was unaware the property/use was in violation for storing equipment and/or operating a business in the Agricultural zoning district.
4. The applicant stated he has contracted a civil engineer, surveyor, architect, and soil specialist to assist with the site design. The southwest corner of the property contains suitable soils where the septic field could be placed. Additionally a well would be placed on the property to service the proposed use. Mr. DeAngelis stated he has obtained the support of the Lake County Partners and the Small Business Administration (SBA).

Member Reindl stated the following:

1. A concern about the suitable buildable areas due to hydric soils,
2. Asked why the applicant had not requested to annex into the Village of Lindenhurst?
3. Has the Illinois Department of Transportation (IDOT) suggested a left turn lane or dedicated right turn lane?



The applicant stated the soil testing has been completed and he does not have an interest with an annexation into the Village. Mr. DeAngelis stated he believed that it will not be necessary to require a left turn lane, based on his conversations with IDOT representatives. Although the entrance to the site may be widened.

Member Stimpson stated the following:

1. What is the current use of the property?
2. What is the required size of the wetland buffer?
3. How do you formulate the belief that the subject property is within an "emerging trend" towards the General Commercial zoning district? (contrary to staff's opinion)?
4. How many employees?
5. Has the Village of Lindenhurst submitted correspondence to the Planning Department?

The applicant stated the property is being used as it always has been as residential and a contractor parking area. A 50 foot wetland buffer is required. Mr. DeAngelis does not agree with staff's opinion regarding the trend of development adjacent to the subject property. Large transactions of adjacent property among new ownership along with resources put into obtaining approvals and amending the comprehensive plan of Lindenhurst would even classify the area as an "emerged area" towards General Commercial. Additionally there are businesses at the corner of Routes 45 and 132. The proposed business will employ three full-time staff and several tennis instructors. Mr. Denz stated the Department has not received correspondence from the Village of Lindenhurst regarding the rezoning request.

Member Raymond stated the following:

1. Questioned the amount of usable land in relation to the proposed use.
2. Pursuant to the Health Department comments, where is the suitable septic expansion field if necessary in the future?
3. Address the access safety for vehicles along Route 132.
4. All uses surrounding the subject property are Forest Preserve or Agricultural zoning. As the economy isn't as strong as it was, the proposed use is mainly funded by personal discretionary funds. If the proposed use is unsuccessful, the stated intention of a conversion into a banquet/meeting hall is a concern.

Mr. DeAngelis stated the estimated amount of usable land (by staff) was estimated prior to the wetland delineation. The applicant stated they have designated an area suitable for septic expansion; however it has not been reviewed by the Health Department. The access for the site is appropriate at the current location of the southwest corner of the property. The applicant stated he is working with IDOT to place yellow flashing "caution" signs and restricting left-turns out of the subject property during rush hour traffic. Additionally, the applicant's research indicates there is a need for this use in the area.

Member Zerba stated the following:

1. If the rezoning is approved and the proposed use is unsuccessful, any use allowed by right within General Commercial zoning district can develop the property.
2. Concerned with the aesthetics of the two domes.
3. Will group lessons or tournaments occur?

Mr. DeAngelis stated the reason to erect the domes rather than a permanent structure is that *if* the area experiences increased nonresidential activity; the domes can be easily removed. It is undetermined if group lessons or tournaments will occur.

Tom Copenhaver of the Health Department stated soil borings conducted by the applicant were taken between Grand Avenue and the existing building which appear to be suitable for a septic system; however no borings were submitted for the back of the property. It will be complicated to design a septic field to fit within the designated area. It will be necessary to calculate the appropriate waste water flow in order to determine the appropriate size of the septic field.

Member Westerman stated the following:

1. The proposed use is overshadowing request for a rezoning to the General Commercial zoning district.
2. As the Board cannot condition a rezoning approval, there are numerous uses which could be implemented on the subject property.
3. Has the applicant approached the Village of Lindenhurst for annexation?
4. When the applicant purchased the property, was he aware of the restrictions of the Agricultural zoning district?
5. Why is a use of an "office" currently advertised on the subject property when staff submitted correspondence stating this use was not allowed in the Agricultural zoning district?
6. Where are the remnants of the flags for the delineated wetland?
7. How do you feel you meet the required standards for a rezoning, in contrast to staff's opinion?

Mr. DeAngelis stated he has contacted the Village regarding being good neighbors, but not annexation. The applicant stated he was aware of the restrictions upon purchasing the property. A letter granting permission for an office use was requested by the applicant to staff. Roberto Rodriguez-Torres of the Planning Department stated the applicant requested a determination for a legal nonconforming use on the subject property, and based on the results of staff research, the office use is not allowed on the subject property. The applicant stated the wetland flags may have been present before the purchase of the property.

Mr. DeAngelis stated he has received approval from staff until Friday June 18, 2010, when he received a recommendation of denial for the rezoning request. Brad Denz from the Planning Department stated staff has been working with the applicant since the fall of 2009. Mr. Denz indicated staff emphasized to the applicant that this is a complex property/project, not only from the zoning standpoint as the requested use is not allowed in the Agricultural zoning district, also environmentally with the wetland, wetland buffer, and limitations for a septic field. Staff informed the applicant the only two zoning districts which would allow the proposed use was the Limited Industrial and General Commercial, and the choice was his to select which one he felt was more appropriate. In order to verify if the proposed improvements can physically be placed on the property (due to the amount of natural resources), staff recommended to the applicant that he complete one formal review of the site plan by the County Development Review Team before submitting the rezoning application. Mr. Denz emphasized that County staff never gave the applicant approval for a favorable recommendation of the rezoning petition, however the County staff is required to work with any applicant who is desirous of developing a site plan (aside from a requested rezoning). Member Raymond referenced the May 12, 2010, letter from County staff to the applicant which states "the project involves several complex issues that could affect the site design and/or the feasibility of the project.....and it was suggested suggest that prior to investing in the rezoning that you explore the issues related to the site plan". Mr. DeAngelis stated they have initiated a preliminary review of the site plan with staff. In response Mr. Denz stated staff has completed a cursory review of the proposed site plan, however a formal site plan review has not been conducted by staff when a official review of the wetland delineation, soil test, and site plan is executed by staff.

Member Bell stated the following:

1. Was this the applicant's original use of the property?
2. What is the applicant's experience to operate the proposed use?
3. If the proposed use is unsuccessful, what is the alternative plan for the property?
4. Is the current residence on the north side of the property for teaching professionals and an office or only an independent business?

The applicant stated the original intent was to use the property as health club/tennis facility and he has been a member of the Lake Forest Health and Fitness Center Board of Directors for three years. The alternative use for the property would be a facility for small parties (weddings, etc). Both proposed uses of an office and employees for the site are being considered for the residential structure.

Paul Baumunk, former Lindenhurst mayor, 402 Beck Road, Lindenhurst, Illinois, stated that the applicant had communication with the Village of Lindenhurst and it appears the applicant did not receive the desired response from the Village and in-turn decided to develop the property within unincorporated Lake County. Mr. Baumunk asked if there was a formal objection letter from the Village of Lindenhurst, how this would affect the rezoning petition. Brad Denz stated if the nearest municipality files a formal objection with the County Clerk, the rezoning would require a super-majority  $\frac{3}{4}$  approval by the County Board. Mr. DeAngelis stated Mr. Baumunk's belief was untrue because there is no benefit to annex into the Village. Additionally the applicant stated he requested meetings with Village officials but did receive a response, however he did receive some communication with the Village Administrator.

Paul Berker, Lake Villa Township Board Member, 20981 San Rem Avenue, Lake Villa, Illinois, asked what is the approximate size of the buildable area of the subject property and was concerned about the traffic safety issues as the previous nursery to the north of the subject property was dangerous. Mr. Berker also stated a concern of an addition to the metal building adjacent to the water. Additionally, as it is unclear how the proposed structures/domes would appear, he would vote against the rezoning request.

Brad Denz stated after the subtraction of the wetland, a "buildable area" is calculated within the site capacity calculations. This will determine the allowable amount of impervious surface and floor area. Any location of a building addition will be contingent on the results of the wetland delineation. Mr. DeAngelis stated the building addition will not be within the floodplain.

David Hartwig, 1816 Skyline Circle, Lindenhurst, Illinois, questioned how much of the dome would be visible from Grand Avenue. Mr. Hartwig questioned the lack of details submitted by the applicant, however he stated if the applicant met the ordinance requirement that he should be able to do what he wants.

Phil Langhoffer, whose wife owns the State Farm Insurance office, and owns 6 acres to the west, stated he is agreeable to the improvement of the property.

## Summary of Department Comments

ZBA #3387

### Rezoning from Agricultural zone to General Commercial

#### Division of Health

Soil testing for septic system suitability must be conducted on the property to identify an area of suitable soils in which to locate the septic system that satisfies all requirements of Lake County Board of Health Ordinance, Article V. A sufficiently large area of suitable soils must be found for the installation of the septic system. Consultations between the developer, the septic system designer and Health Department staff must take place to determine a projected daily wastewater flow for the facility. The Department must review and approve the septic system design for project approval.

The proposed water well for the facility will be classified as a non-community water well and as such will be subject to annual inspection and sampling by Health Department staff. A water well construction permit, approved by the Health Department, is required prior to constructing the well.

#### Department of Planning, Building and Development

This Department recommends denial of the rezoning because the request does not comply with the required standards.

Although Lindenhurst's comprehensive plan classifies the subject property and adjoining properties as Community Business, the County's future land use map classifies the parcel as Agricultural, consistent with the future land use designations for the properties to the northwest, west, and south. Hence, the request is inconsistent with the purpose and intent of the Ordinance.

The majority of properties within  $\frac{1}{4}$  of a mile of the subject property along Grand Avenue are either vacant or residential. Based on existing development and future land uses, staff fails to see an emerging trend of development consistent with the General Commercial zoning district.

The proposed zoning is not compatible with the property to the south and east within unincorporated Lake County. Within the Village of Lindenhurst, the property to the northwest is zoned Multiple Family and is vacant. The parcels to the northeast and west, zoned CBR-2 Commercial Business Residential-2 within the Village, are vacant.