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June 15, 2011

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

FROM: Roberto Rodriguez, Senior Planner
Lake County Department of Planning, Building, and Development

CASE NO: 4158, 4159, 4175

REQUESTED ACTION: 1. Rezone from RE (Rural Estate) to AG (Agricultural)

2. Variance to reduce the minimum percentage of plantings required in the Lake County Unified Development Ordinance for a landscape contractor on an AG zoned lot from 50% to 35%

3. Conditional Use Permit for the purpose of allowing a landscape contractor's equipment storage yard (outdoor)

HEARING DATE: June 16, 2011

GENERAL INFORMATION

OWNER: Ramon Hernandez

OF PARCELS: One

SIZE: 10 acres

LOCATION: 14805 W. Route 173, Zion, Illinois
PIN: 03-14-300-019

EXISTING ZONING: RE (Rural Estate)

PROPOSED ZONING: AG (Agricultural)

EXISTING LAND USE: Detached Single Family Residence
PROPOSED LAND USE: Landscape Contractor’s Equipment Storage Yard (outdoor)

SURROUNDING ZONING / LAND USE

NORTH: RE (Rural Estate) / Detached Single Family Residence
EAST: AG (Agricultural) / Crop Raising
SOUTH & WEST: Village of Wadsworth AG / Crop Raising and Single Family Residence

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Large Lot
WADSWORTH: Residential 5+ Acres

DETAILS OF REQUEST

ACCESS: Direct access is provided via IL Route 173
CONFORMING LOT: The subject property is conforming in the RE zone and would remain conforming in the AG zone.
FLOODPLAIN / WETLAND: The property contains no mapped wetlands or floodplains.
SEWER AND WATER: The property is on well and septic.

ADDITIONAL COMMENTS

- The property owner would like to establish a Landscape Contractor's Equipment Storage Yard. This is an allowed use in the AG zone with a Conditional Use Permit (CUP). A rezoning from RE to AG is required in order to establish this use.
- A large portion of the property is covered with mature trees, but one of the standards for a Landscape Contractor's Equipment Storage Yard in the AG zone is that 50% of the property must be planted in nursery stock. The property owner must seek a variance from this standard in order to establish the proposed use due to the mature woodlands, the area where the house is, plus the necessary space required for storing his landscaping equipment will exceed more than 50% of the area of the property. This variance must be granted before the CUP can be approved in accordance with the proposed site plan.
- The ZBA has been delegated the authority for the requested CUP. Since the requested CUP is for a landscape contractor's equipment storage in the AG zone, the CUP is subject to the Site Capacity and Site Plan Review Procedures of Article 4, the standards for a Landscape Contractor's Storage Yard in Article 6 Section 6.3.27, the setback, height, ISR, and FAR standards in Article 7 Table 7.1-3, and the General Development Standards of Article 9. The applicant has submitted plans to staff and the site plan review process has been initiated (See Department site plan comments of June 10, 2011).
- The property has been red-tagged for running a Landscape Contractor Equipment Storage Yard in the RE zone.

RECOMMENDATION ON REZONING

Staff recommends approval. In staff's opinion, the request complies with the standards in the following manner:

Map Amendment Approval Criteria – UDO Section 3.3.8

1. The proposed amendment is consistent with the stated purpose and intent of the zoning regulations (see Sec. 1.5).

Comment: The proposed rezoning is consistent with the stated purpose and intent of the zoning regulations. It is consistent with the Regional Framework Plan in that the minimum lot size in the AG zoning district is 5 acres and the Future Land Use Map indicates this area as Residential Large Lot. The proposed rezoning is also consistent with the Residential 5+ acre designation of the Village of Wadsworth's Comprehensive Plan. Additionally, establishing a Landscape Contractor's Equipment Storage Yard in the AG zone also necessitates a CUP. This requirement would place conditions that will help maintain the Agricultural character of the property and of the area.

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

Comment – Rezoning this parcel to AG would create greater consistency in the area. The subject property abuts a larger AG zoned parcel located to the east. The property to the west is also zoned AG in the Village of Wadsworth.

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

Comment – The proposed rezoning of the subject property is consistent with the AG zoning in the area. Additionally, a Landscape Contractor's Equipment Storage Yard in the AG zone requires that a substantial amount of the parcel be planted with nursery stock. This planting requirement and the AG zone are compatible with the agricultural uses in the area.

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 rezoning is associated with a Landscape Contractor's Equipment Storage Yard on a 10 acre parcel. No additional services or public infrastructure will be required. The property is served by a private well and septic.

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 – The applicant is in the middle of site plan and site capacity review with a Lake County Multi-Disciplinary Team. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to neighboring property or the environment will occur.

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

Comment – The property itself is physically suitable for the AG zoning classification and for the Landscape Contractor’s Equipment Storage Yard, which is allowed in the AG zone with a Conditional Use Permit (CUP).

RECOMMENDATION ON VARIANCE

Staff recommends approval. In staff’s opinion, the request complies with the standards in the following manner:

Zoning Variance Approval Criteria – UDO Section 3.12.3.4

1. Exceptional conditions peculiar to the applicant’s property:

Comment – The exceptional condition peculiar to the applicant’s property is that over 50% of the property is covered with mature trees.

2. Practical difficulties or particular hardship in carrying out the strict letter of the regulation:

Comment – The ordinance requires that 50% of the property be planted with nursery stock, however, the UDO requires that mature woodlands be preserved during the development process. There is a practical hardship in carrying out this requirement because a major portion of the subject property is covered with mature woodlands.

3. Harmony with the general purpose and intent of the zoning regulations:

Comment – Granting this variance is consistent with the purpose and intent of the zoning regulations. This variance will allow for the preservation of mature woodland areas as is required in the UDO.

Staff recommends that this variance be conditioned upon the adoption by the County Board of the zoning change of the subject parcel from RE to AG.

RECOMMENDATION ON CONDITIONAL USE

Staff recommends that the CUP, if approved, be subject to the Conditions attached as Exhibit A. As such, in our opinion, the request meets all of the criteria in the following manner:

Conditional Use Approval Criteria – Section 3.6.7

1. The use in its proposed location will be consistent with the stated purpose and intent of Section 1.5:

Comment – The proposed use in its proposed location is consistent with the purpose and intent of the Ordinance to protect the health, safety, and general welfare of existing and future residents. Although the Future Land Use Map shows the area as Residential Large Lot, the intensity of the proposed use will be controlled by the conditions placed by this CUP. These conditions include those standards set during the Site Capacity and Site Plan Review process including the preservation of agricultural uses through nursery stock plantings and protecting natural resources by preserving mature trees.

2. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2.

Comment – The applicant has initiated the site plan review process. It will be necessary for the development to meet the site plan review standards and comply with all Ordinance requirements.

3. The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of the application or as they may be developed in the future due to implementation of the Regional Framework Plan:

- a. Adjacent property

Comment – The use is compatible with the surrounding Agricultural uses. Additionally, the setback and buffering standards required by the UDO will minimize any perceived adverse impacts this use may have on adjacent property.

- b. Character of the neighborhood

Comment – The area is primarily agricultural. The nursery planting requirement will help to maintain the agricultural character of the area. Staff agrees with the applicant in that any future residential neighborhoods would not be negatively affected as the protected natural resources and necessary buffering will reduce noise and block any undesirable views.

- c. Natural resources

Comment – The proposed use will not have an impact upon natural resources. This will be verified by the County’s Multi-Disciplinary Review Team.

d. Infrastructure

Comment – The property will have a private septic system and water well. The property has an access point onto IL Route 173. The use will not have a negative impact upon existing infrastructure.

e. Public sites

Comment – This use will not have an impact on public sites. There are no public sites in the area.

f. Any other measures affecting the public health, safety, or general welfare

Comment – It is imperative that all red-tag violations be corrected. Furthermore, the compliance with UDO requirements, the compliance with the requirements of other permitting agencies, and the compliance with any additional conditions applied by the Zoning Board of Appeals will ensure there will not be any significant adverse impacts to public health, safety, or welfare.

EXHIBIT A
RECOMMENDED CONDITIONS

1. The development must be in substantial conformance with the site plan pursuant to ZBA application #4175, upon its final approval and satisfactorily addressing the “Staff Comments” Memorandum of June 10, 2011, as verified by the County’s Multi-Disciplinary Review Team.
2. The site plan for the property shall be updated to include all existing and proposed structures (floor area) and impervious surface to verify compliance with the site capacity calculations for the AG (Agricultural) District.
3. The site plan will need to be revised to accurately indicate the location of the drip-line of existing mature trees located on the property and the limits of current and future construction for the landscape operations.
4. The applicant shall comply with all conditions specified in Section 6.3.27 of the Unified Development Ordinance in addition to the following conditions specific to the proposed site plan for the landscape operations.
 - a. All bulk storage bins, woodchips, dirt utilized for the landscape operations must be located outside of the drip-line of existing mature trees and shall meet the setback requirements of the AG (Agricultural) District. All disturbed areas must be restored with clean topsoil and stabilized with vegetation.
 - b. The proposed 70 ft. x 100 ft. equipment building shall be located outside of the drip-line of existing mature trees and shall meet the setback requirements of the AG (Agricultural) District.
 - c. All site employee parking and daily operations shall be limited to the cleared area of the property outside of the drip-line of the mature woodlands/trees located on the property.
 - d. With the exception of plant material being staged for daily installation, all landscape plant material shall be located in the area designated for “Nursery” on the proposed site plan.
5. All plant material shall be installed by September 2013.
6. The access to the site shall be restored in accordance with the requirements of the Illinois Department of Transportation prior to approval of the site plan.
7. This approval is to be conditioned upon the adoption by the full County Board of the zoning change from RE to AG.