

Zoning Case #4158

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 16, 2011, on the petition of Ramon Hernandez, record owner, which seeks to rezone his property from Rural Estate (RE) to Agricultural (AG), seeks a Conditional Use Permit to allow a Landscape Contractor's Equipment Storage Yard, requests a variance to reduce the required minimum percentage of plantings required in for a landscape contractor on an AG zoned lot from 50% to 35%, and seeks a Conditional Use Permit (CUP) for the purpose of allowing a landscape contractor's equipment and material storage yard (outdoor). The subject property is located at 14805 W. IL Route 173, Zion, Illinois and contains approximately 10 acres. The following is a summary of the testimony presented:

1. Mr. Ramon Hernandez, record owner, stated that he is trying to get a permit to run his business on the property. He felt that it should not have been a problem because it is a big piece of property and there are other such businesses in the area. Additionally, he is not planning on expanding any further. He also explained that 35% of the property would be planted in nursery stock.
2. Ramon Hernandez, Jr. explained that the property would be kept clean, including any stock pile that might be kept there.
3. Member Raymond expressed that the property owner has made the property a lot nicer than it was. Marvin also stated that the large amount of trees on the property makes it difficult because of the 50% landscape stock requirement and the desire of the County to want to maintain good trees.
Member Raymond then asked:
 - A. Will there be snowplows or trucks stored on the property for use over the winter months or any other activity?
 - B. How many people are employed?
 - C. How many days a week do you work?

Mr. Hernandez replied:

No snowplows, only for personal use, not for the business. There are eight people employed who work 5 or 6 days a week, weather permitting.

4. Member Westerman indicated that he wanted to know some historical information on the property:
 - A. Was the house that you live in next door bought first and what year?
 - B. Did you build that house next door?
 - C. Was the plan to ever put your business on that property?
 - D. What year was the subject property bought?
 - E. What is happening with the house located on the subject property?
 - F. Did you know it was residentially zoned?

G. Have there been any complaints from your neighbors regarding the business that you have been running?

Mr. Hernandez replied:

Yes and I built the house and purchased the land in around 2003. I thought about putting the business on this property, but I never intended doing it. I bought the subject property in 2007. My brother lives in the house. I was told that the property was agricultural zoning. That is what the seller told me. There have been no complaints from my neighbors, as far as I know. My neighbor across the street might be the only to hear, but I have not heard a complaint.

5. Member Zerba asked if the red-tag was cleared up and Pat Tierney explained that the red-tag was for the berm and that permit has since been secured. Member Zerba began asked some additional questions:
- A. Is there a determined location for bins?
 - B. Will materials be stored in the bins?
 - C. Will the site be cleaned up and trucks and equipment stored?
 - D. Will another building be constructed?
 - E. Will plantings be all trees?
 - F. How many vehicles are on-site and can they be stored inside?

Roberto Rodriguez explained that Pat Tierney is Ramon Hernandez's project manager and has been working with Mr. Hernandez on preparing a site plan that would be reviewed for compliance with all UDO standards such as setbacks, impervious surface, tree protection, etc. Mr. Hernandez explained that another building would be built in the future, and that all proposed nursery plantings would be trees. There are eight vehicles in which the equipment can be stored inside but not the trucks.

6. Member Stimpson asked:
- A. What kind of bulk storage there will be and what types of material?
 - B. Will there be firewood stored?
 - C. Will the house be an office?
 - D. Do you understand that our board is only advisory to the County Board?
 - E. Do you understand the requirements necessary in the UDO for the site plan?

Mr. Hernandez replied:

Bins will be used for the storage of materials. Firewood is not for sale and would not be stored in the bins. The only firewood on the property would be for my house. The house on the subject property would not be an office. My employees are all family.

7. John Reindl asked:
- A. How can the ZBA approve the CUP with amount of UDO requirements which have to be addressed?
 - B. What is the status of the asphalt driveway?
 - C. Is the house habitable?

Roberto Rodriguez stated the approval of the CUP is always contingent upon the applicant meeting the UDO site plan requirements. Mr. Hernandez stated the asphalt is located entirely on his property. The house is habitable.

8. Member Bell asked:

A. What are the logistics of the business (type, employees, etc.)?

B. Asked staff the status of the site plan review.

Mr. Hernandez stated the landscape business involves grass mowing, tree planting, grading, and stone and brick installation. Off-site landscape waste is not delivered onto the subject property. Pat Tierney stated the applicant has the ability to meet the site plan review requirements. The applicant will relocate the landscape operation away from the trees and meet the natural resource protection requirements. It will be necessary for the applicant to restore the ditch-line.

9. Moses Amidei, Village of Wadsworth Administrator, stated the Village does not have an official position regarding this application. The Village's long term plan for the area of the subject property is residential.

10. Edward of 14850 Route 173 stated Mr. Hernandez always keeps his property clean and is in favor of the rezoning.

11. Jeff Smith of 14820 21st Street stated he has not complained about the business in the past, however there is a lot of machinery he heard operating last fall (trucks backing-up, drop-off and relocation of debris). Consideration should be made to the adjacent residential properties. Mr. Hernandez stated he has removed the back-up alarm on all of his trucks to prevent noise.

Summary of Department Comments

Zoning Case #4158

Rezoning from Rural Estate to Agricultural zone

Department of Planning, Building and Development

This Department recommends approval of the rezoning because the request complies with the required standards.

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. 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. The proposed 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. 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).