



Zoning Board of Appeals
Gregory Koeppen
Chair

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November 8, 2023

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

FROM: Thomas Chefalo, Principal Planner/Project Manager
Lake County Department of Planning, Building and Development

CASE NO: CUP-000918-2023

REQUESTED ACTION: Conditional Use Permit to allow for the establishment of a contractor's equipment sales or storage (outdoor), landscape contractor's storage yard, and truck/trailer parking.

HEARING DATE: November 14, 2023

GENERAL INFORMATION

OWNER: TLMV 24831 MILWAUKEE LLC, record owner

OF PARCELS: Two

SIZE: 4.0 Acres, per Lake County Maps Online

LOCATION: 24803 & 24831 N MILWAUKEE AVE VERNON HILLS, IL

PINs: 1510101007 & 1510101008

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Currently occupied by the proposed uses and associated caretaker's residence without required approvals (since 2019); previously the property and residential structure were vacant for a period of time.

PROPOSED LAND USE: Contractor's equipment sales or storage (outdoor), landscape contractor's storage yard, and truck/trailer parking (with associated caretaker's residence)

SURROUNDING ZONING / LAND USE

NORTH:	Village of Vernon Hills General Business (B1) /Single-family house
WEST:	Village of Vernon Hills Business Park (BP) /Office & Warehouse
SOUTH:	General Commercial (GC)/Retail Commercial
EAST:	Village of Mettawa Open Space (OS) /Des Plaines River & Forest Preserve

COMPREHENSIVE PLANS

LAKE COUNTY:	Retail Commercial
MUNICIPALITIES WITHIN 1 ½ MILES:	Village of Vernon Hills: Commercial Small Retail/Service Village of Mettawa: Five Acre Estate Residential Village of Lincolnshire: None

DETAILS OF REQUEST

ACCESS:	The subject property is accessed from Milwaukee Ave (IL RT. 21)
CONFORMING LOT:	The subject property is a conforming zoning lot in the GC zoning district.
WETLAND/FLOODPLAIN:	The subject property contains a small area of floodplain and floodway immediately adjacent to the Des Plaines River. There is one identified wetland located in the southeast quadrant of the property.
SEWER AND WATER:	The subject property is served by a private septic system and well.

LAKE COUNTY AND EXTERNAL AGENCY COMMENTS

McHenry – Lake County Soil & Water Conservation District

- McHenry – Lake County Soil & Water Conservation District has no record of an application from the petitioner for the Natural Resource Inventory Report as part of this CUP application process.

Lake County Health Department

Jeff Schrei – Environmental Health

- The Health Department has no objections to this Conditional Use Permit request.

Lake County Building and Engineering Division
Joel Krause – Engineering

- Please be advised that there is an open violation on the property associated with building alterations being completed without a permit and occupying a structure without a certificate of occupancy. There are engineering review comments (i.e., pertaining to wetlands, stormwater detention, etc.) that will need to be addressed prior to issuance of the Site Development Permit.

ADDITIONAL COMMENTS

- Per the Lake County, Illinois Code of Ordinances (Lake County Code) Section 151.111 Use Table, “*contractor’s equipment sales or storage (outdoor)*”, “*landscape contractor’s storage yard*”, and “*truck/trailer parking*” are classified as uses which require a delegated Conditional Use Permit in the GC zoning district.
- Lake County Code Section 151.112 (FF) contains standards specific to Landscape contractor’s storage yard uses, as follows:

The following standards apply in the GC District.

- (a) Equipment, parking facilities, and bulk material storage areas shall be screened from adjoining properties as established in the conditional use permit. Bulk material storage shall not exceed ten feet in height, or a height established by the conditional use permit.
- (b) Landscape waste composting, wood-chipping, mulching, and grinding activity, and wholesale sales of landscape-related bulk materials shall be allowed as an accessory use only if expressly approved as part of the conditional use permit application. Noise abatement measures for any permitted mulching, chipping, or grinding activity shall be addressed as part of the conditional use permit.
- Lake County Code Section 151.112 (CC) also contains standards applicable to contractor’s equipment sales or storage (outdoor), landscape contractor’s storage yard, and truck/trailer parking, as follows:
 - Current state and federal permits, waivers of permits, licenses, and certificates of insurance shall be on file with the Planning, Building and Development Department throughout the life of the conditional use permit.
- A Conditional Use Permit (CUP) for a Landscape Contractor’s yard was approved for the property in July 2011 by a previous property owner. A CUP lapse date, June 2, 2016, was included as a condition of the CUP. The CUP expired and the previous property owner did not apply for revision to extend the CUP. It is no longer in effect.
- Per aerial photography available to Planning, Building and Development department staff, during the winter of 2017/2018 the property was cleared of the previous landscape contracting use and remained vacant until the summer of 2018 when significant grading began on the property. Lake County Clerk and Assessment records show that TLMV 24831

MILWAUKEE LLC acquired the property in 2018.

- The property received a citation in April 2019 for mass filling and grading in wetlands and floodplain without permits (including, in the case of the wetland impact, permits from the Army Corps of Engineers). Aerial photography shows that a contractor's storage yard was established on the property without the required permits by March 2020. In October 2021, the property was cited for:
 1. Operating a landscape contractors' yard in the GC zoning district without a CUP;
 2. Truck parking in the GC zoning district without a CUP;
 3. Use and rental of a structure as a residence in the GC zoning district;
 4. Building alterations without a permit and occupying a structure without a certificate of occupancy.

These four citations were subsequently referred to the State's Attorney's office in October, 2021.

- Since 2021, although the petitioner's submitted site capacity/site plan application has not yet been approved by staff due to required applicant revisions and further despite the active red tag status for the uses, the applicant has continued to expand the uses on the property and encroach upon the remaining natural resources on the site (including a large stand of protected trees). Therefore, to protect the health and safety of the public and to prevent additional natural resource impacts on the property pending completion of site capacity/site plan review, the Department has determined that it would be appropriate for the applicants to proceed with the Delegated Conditional Use Permit process prior to completion of site capacity/site plan review. The Zoning Board of Appeals has been provided a conceptual site plan for informational purposes; that site plan will be subject to change. Final site plan approval shall be a required condition of CUP if the Zoning Board of Appeals approves the applicant's requests.
- The property was recently cited for additional code violations including storage of inoperable vehicles and junk and debris on the site.

RECOMMENDATION FOR CONDITIONAL USE PERMIT

Staff recommends denial of the proposed Conditional Use Permit. In staff's opinion, the request does not meet the criteria for a Conditional Use Permit (CUP) in the following manner:

Conditional Use Approval Criteria – Section 151.050 (F)(3)

1. The use in its proposed location will be consistent with the stated purpose and intent of Section 151.005.

Comment: The requested CUP for the subject property is inconsistent with the purpose and intent of the Ordinance to protect the health, safety, and general welfare of existing and future residents with respect to several standards. Standards relevant to this request include the following: (E) protecting landowners from any adverse impacts associated with development; (G) controlling development in areas of sensitive natural resources in order to reduce or eliminate adverse environmental impacts; (H) protecting the

integrity of watersheds and (P) ensuring the continued usefulness of all elements of the highway system for their planned function by increasing the safety and free flow of traffic by limiting numbers of intersections and driveways on major roads, while requiring greater connectivity of local streets. For a detailed assessment of these factors, see the analysis in Section 3 (below).

2. The proposed use in its proposed location complies with all applicable standards of this Chapter, including any applicable use standards of Section 151.112.

Comment: As a condition of the CUP, the applicant will be required to complete the site capacity/site plan review process and comply with all other applicable standards of the Lake County Code of Ordinances.

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: It is staff's position that this standard is not met. The uses immediately adjacent to the property are primarily low intensity commercial uses including a dog training facility and vacant commercial property. There are institutional uses within 1,300 feet of the property, including the Lake County Depke Center and the Laurel at Vernon Hills Memory Care Facility, to its south, and Brookdale, a senior living facility, to its north. The Capitan Daniel Wright Woods Forest Preserve is directly to its east. The International Corporate Park is directly west across Milwaukee Ave. from the property and is occupied by office and warehouse uses. The proposed uses will likely result in industrial impacts related to aesthetics, noise, and traffic to nearby properties.

- b) Character of the neighborhood

Comment: The neighborhood character is a mix of office, warehousing, retail, and institutional uses. The applicant's operations will likely function at a much more intense level, more characteristic of an industrial corridor. These proposed uses, in the aggregate, are significantly out of character with the surrounding uses.

- c) Natural resources

Comment: Given the proximity of sensitive natural resources (floodway, floodplain, wetlands and protected trees) to the site's proposed operations, the proposed uses will likely pose a threat to the site's (and adjacent) natural resources.

- d) Infrastructure

Comment: The property is served by private septic and well.

The property has two (2) access points onto Milwaukee Ave in close proximity to each other and to a signal-controlled intersection. These access points will be used frequently by heavy vehicles. The applicant has not provided proof of access permission for the expanded uses on the property from the Illinois Department of Transportation.

In addition, the applicant's site planning submittals have not satisfactorily shown that the required stormwater infrastructure can be adequately accommodated on the site (in light of the area needed for required reforestation due to previous protected tree impacts).

e) Public sites

Comment: Lake County Forest Preserve District property abuts the subject property to the east but is physically separated from the uses by the Des Plaines River. A hiking trail is located within 400 feet of the portion of the applicant's property. Noise generated by the uses, such as truck back-up alarms, idling, loading/unloading, etc., may impact use and enjoyment of the trail system.

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

Comment: N/A

RECOMMENDED CONDITIONS FOR CUP #000918-2023

1. The applicant is required to complete the site capacity/site plan review process on or before March 1, 2024, and comply with all other applicable standards of the Lake County Code of Ordinances.