



Zoning Board of Appeals

Gregory Koeppen
Chair

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

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

CASE NO: #RZON-000743-2022 and #CUP-000744-2022

REQUESTED ACTION: 1. Rezoning from the Residential-1 (R-1) zoning district to the General Commercial (GC) zoning district.
2. Conditional Use Permit (CUP) to allow a consumer vehicle sales facility with outdoor vehicle display.

HEARING DATE: March 22, 2022

GENERAL INFORMATION

PETITIONER: Abbas Anthony Elaty, record owner

OF PARCELS: Five

SIZE: 0.80 acres, per Lake County's GIS Calculated Average

LOCATION: 35851 N Green Bay Road, Waukegan, IL PIN 08-18-113-029;
35841 N Green Bay Road, Waukegan, IL PIN 08-18-113-030;
35831 N Green Bay Road, Waukegan, IL PIN 08-18-113-031;
35821 N Green Bay Road, Waukegan, IL PIN 08-18-113-32; and
35811 N Green Bay Road, Waukegan, IL PIN 08-18-113-041

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Consumer vehicle sales (outdoor)

SURROUNDING ZONING / LAND USE

NORTH: Residential-1 (R-1)/Vacant

SOUTH: General Commercial (GC)/Consumer vehicle sales (outdoor)

EAST: Residential-1 (R-1)/Vacant and Single-Family Dwellings

WEST: Residential-1 (R-1)/Vacant and Single-Family Dwellings

COMPREHENSIVE PLAN

LAKE COUNTY: Retail/Commercial

MUNICIPALITIES
WITHIN 1 ½ MILES: Village of Gurnee: None
Village of Beach Park: None
City of Waukegan: Commercial Area
City of Park City: None

DETAILS OF REQUEST

ACCESS: Direct access to the property is provided via 35781 N Green Bay Road (PIN 08-18-113-042) which has an existing consumer vehicle sales use owned by the applicant.

LOT CONFORMITY: The subject properties are considered a zoning lot, which collectively meets the minimum area and width requirements of the General Commercial zoning district.

FLOODPLAIN / WETLAND: Based on Lake County's GIS, the subject property is not in a floodplain and does not contain any wetlands.

SEWER AND WATER: The property is served by a private water well and septic system.

STAFF COMMENTS

1. **Ieva Donev – Building Division**

Building Division has no objections to the proposal. Building Permits will be required for the parking lot lights and signage.

2. **Joel Krause – Engineering Division**

The Engineering Division has no objections to the proposal. A Site Development permit will be required for the new parking lot to ensure that all stormwater requirements of the Ordinance are being met.

3. **Joe Meyer – Lake County Division of Transportation**

IL Route 131 (Green Bay Road) is a State Highway under the jurisdiction of IDOT; therefore, LCDOT offers no comments on the requested Rezoning or CUP for outdoor vehicle sales.

4. **Tom Copenhaver– Health Department**

The well and septic system for the property are sufficiently far enough away from the proposed car parking area. The Health Department has no objections to the project.

ADDITIONAL COMMENTS

- The subject parcel was created as part of the Frederick H. Bartlett's 4th Addition to North Shore Highlands subdivision, which was platted in 1926. At that time, the property was envisioned to be developed for residential purposes as Green Bay Road was not the major thoroughfare it is today. The land use patterns have changed in this region over the past 96 years as is reflected in the Future Land Use map. The Future Land Use map envisions this portion of the Green Bay Road corridor transitioning into a commercial/retail corridor on both sides of the right-of-way. The proposed map amendment attempts to meet the future land use plan and the future development pattern of this portion of Green Bay Road.
- The applicant is currently operating a business for consumer vehicle sales on the adjoining property to the south per Delegated CUP approved by the Lake County ZBA in January 2016 and now desires to expand the business' sales area. The approval of the CUP is contingent upon an approval from the Lake County Board to rezone the property from the R-1 zoning district to the GC zoning district.
- The Zoning Board of Appeals (ZBA) has been delegated the authority to approve or deny the requested CUP, which is for Consumer Vehicle Sales/Rental (e.g. cars, pick-up trucks, SUVs, motorcycles) (Outdoor).

- The applicant has met the requirements for Site Capacity/Site Plan Review. Based upon this completed review by the project team, it has been determined that the proposed use can be accommodated on the subject property. If the CUP is approved, the applicant will need to obtain a Site Development Permit for the proposed additional parking area to display vehicles for sale.
- McHenry-Lake County Soil & Water Conservation District: The agency has filed its required report with the Planning, Building and Development Department.

REZONING RECOMMENDATION

Staff recommends approval of the proposed map amendment. In staff’s opinion, the request meets the Standards in the following manner:

Zoning Map Amendment Approval Criteria – Lake County Code of Ordinances Section 151.047(G)(2)

1. The proposed amendment is consistent with the stated purpose and intent of Section 151.005.

Comment- The Lake Code, Illinois Code of Ordinances (Lake County Code) Subsection 151.005(A) states that a purpose of the ordinance is to implement the regional framework plan. The rezoning of the subject property will bring the property into conformance with the future land use plan which indicates that the subject parcels be developed with retail/commercial uses.

Secondly, Lake County Code Subsection 151.005(K) indicates that an intent of the ordinance is to manage growth by concentrating development in areas where adequate infrastructure now exists or can be provided. There is adequate infrastructure in place with no improvements to the existing infrastructure required.

Additionally, Lake County Code Subsection 151.005(L) states an intent to protect the tax base by managing growth within unincorporated Lake County. Rezoning these parcels will allow the growth of the existing business to the south which will not only protect, but also promote tax growth.

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

Comment- Given the proximity to the busy roadway, it is unlikely that the subject properties would ever be developed for residential purposes. Further, the Future Land Use map indicates retail/commercial uses not just for the subject parcels but also envisions a larger retail commercial corridor on both sides of Green Bay Road.

The rezoning of the subject parcels will permit the continuation of commercial development along this corridor consistent with the transitional trend from residential to commercial uses as supported by the Future Land Use map.

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

Comment- The proposed rezoning is compatible with existing uses and zoning of nearby properties as it will allow for the expansion of the existing consumer vehicle sales use to the south which is in the GC zoning district and also owned by the applicant. There is property to the southwest on the opposite side of Green Bay Road that is also in the GC zoning district.

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- Electrical service will be extended for the proposed lighting for the proposed display lot. No additional public facilities or services will be used.

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 rezoning will not have a significant adverse impact on the surrounding properties. The site is currently vacant and contains no natural resources or wildlife habitat. Compliance with all requirements of the Lake County Code and all applicable permitting agencies will ensure that no significant adverse impacts to neighboring property or the environment will occur. Installation of required transition landscaping along the east property line of the subject property will serve to screen the use from the adjacent residences to the east.

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

Comment- The subject property is suitable for the proposed zoning classification of General Commercial as indicated and supported by the future land use plan designation of retail/commercial. The proposed use is an expansion of the zoning and use from the adjacent parcels to the south. There are existing parcels zoned General Commercial along this portion of Green Bay Road.

CONDITIONAL USE PERMIT RECOMMENDATION

Staff recommends approval of the proposed Conditional Use Permit subject to the Recommended Conditions. In Staff's opinion, the petition complies with the standards in the following manner:

Conditional Use Approval Criteria – Section 151.050(F)

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

Comment- The requested CUP for the subject property is consistent with the purpose and intent of Ordinance to protect the health, safety, and general welfare of existing and future residents. The property is designated for Retail/Commercial uses under the Future Land Use map, is consistent with the uses and zoning of nearby properties and will be appropriately served by N. Green Bay Road.

2. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable use standards of Section 151.112 of the Lake County Code.

Comment- Staff has completed their review of the site plans related to the site capacity/site plan review process. Pending approval of the rezoning, requested CUP, and required permits, the proposed request will comply with all applicable 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 Comprehensive Plan:

a. Adjacent property:

Comment- Granting the CUP as requested will not have a substantial adverse impact on adjacent properties. The adjoining property to the south, which is also owned by the applicant and located within unincorporated Lake County, has a Delegated CUP for the same use as the proposed use for the subject properties. In addition to the applicant's consumer vehicle sales business, there are similar commercial businesses involving vehicle repair and retail uses existing on properties located on the west side of Green Bay Road. There is separation from the parcels to the east by an unimproved alley. Additionally, there will be landscaping installed along the eastern side of the property which will further reduce any impact on the parcels east of the alley.

b. Character of the neighborhood:

Comment- The proposed use is compatible with the character of surrounding properties and is suitable for a property fronting a busy, four-lane road. The proposed request will offer a viable use of land that is currently vacant and unused.

c. Natural resources:

Comment – There are no natural resources on the property requiring protection.

d. Infrastructure:

Comment- There will not be a substantial negative impact on infrastructure. The property has existing access to an arterial street. Utility services are available and the property is served by an existing septic system and well.

e. Public sites:

Comment- There are no public sites near the proposed facility.

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

Comment- Granting the CUP will not have a substantial negative impact on public health, safety, or general welfare.

RECOMMENDED CONDITIONS

1. The ZBA's approval of the Conditional Use Permit is predicated upon the County Board's approval of the accompanying rezoning request and shall not be effective until such approval.
2. The property shall be developed in accordance to the approved plans submitted as part of SCSP-000645-2021 with approved landscaping installed by April 15, 2023.
3. Concrete wheel stops or similar barriers shall be installed a minimum of five feet from all property lines to prevent vehicles from encroaching into required setbacks and to confine the vehicles to the impervious surface areas represented on the proposed site plan.
4. A site development permit shall be issued prior to work being done to expand the car display area.
5. Building permits shall be issued prior to the installation of lighting and signage.