

## **Zoning Case #RZON-000743-2022 Summary of ZBA Testimony**

A public hearing was conducted by the Lake County Zoning Board of Appeals on March 22, 2022, on the application of Abbas Anthony Elaty, record owner, who seeks to rezone 0.80 acres from the Residential-1 (R-1) zoning district to the General Commercial (GC) zoning district. The subject properties are located at 35851, 35841, 35831, 35821, and 35811 N. Green Bay Road, Waukegan, Illinois.

The following is a summary of the testimony presented:

1. Abbas Anthony Elaty, property owner, stated his request is to rezone the property to the General Commercial zoning district to allow for the expansion of his existing consumer vehicle sales (outdoor) business operating on the adjacent property to the south of the subject property.
2. Member Starkey stated the following:
  - A. Do we have a landscape plan?
  - B. Has the plan been approved by staff?
  - C. What is the 25' landscape buffer?

Eric Tooke stated that staff determined that the 25' buffer yard and the landscaping within the buffer yard was necessary to screen the properties to the east from the proposed use. Mr. Tooke additionally stated that these plans were reviewed by staff and found to be in substantial compliance with the Lake County Code prior to the application proceeding to the ZBA. The landscaping plan does meet the code requirements for landscaping.

3. Member Starkey stated the following:
  - A. We saw this property a year or two ago for a variance?
  - B. Is the shed in compliance with the ZBA approval?

Mr. Tooke stated that the variance was for a shed located on the property to the south and that Mr. Elaty has received his occupancy permit for the shed. Mr. Tooke added this was actually Mr. Elaty's third time in front of the ZBA. He received a delegated Conditional Use Permit for the consumer vehicle sales use, also located on the property to the south in 2016. There have not been any issues with that property.

Member Peterson made a motion to close testimony, which was seconded by Member Starkey. Member Peterson made a motion to recommend approval of rezoning Case #RZON-000743-2022 as it is consistent with ordinance rezoning for the following reasons:

Standard Number 1: 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; there is adequate infrastructure in place with no improvements to the existing infrastructure required; and rezoning these parcels will allow the growth of the existing business to the south which will not only protect, but also promote tax growth.

Standard Number 2: Given the proximity to the busy roadway, it is unlikely that the subject properties would ever be developed for residential purposes. 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.

Standard Number 3: 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.

Standard Number 4: No additional public facilities or services will be used.

Standard Number 5: The rezoning will not have a significant adverse impact on the surrounding properties.

Standard Number 6: The proposed use is an expansion of the zoning and use from the adjacent parcels to the south.

The motion was seconded by Member Hockney. The Board voted in favor of a positive recommendation 6-0 for the rezoning request.