



Zoning Board of Appeals

Gregory Koeppen
Chair

500 W. Winchester Road, Suite 101
Libertyville, Illinois 60048
Phone 847-377-2600
Fax 847-984-5608
Email pbdzoning@lakecountyil.gov

December 16, 2022

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

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building, and Development

CASE NO: #RZON-000834-2022

REQUESTED ACTION: Rezoning from the Residential-1 (R-1) zoning district to the Recreational Commercial (RC) zoning district to establish an accessory parking lot.

HEARING DATE: December 20, 2022

GENERAL INFORMATION

PETITIONERS: TRLPJ Real Estate, LLC, record owners.

TRLPJ Real Estate, LLC, 38470 N Columbia Bay Road, Lake Villa, IL is equally owned by Larry Phillips, Jr., 25365 W. Columbia Bay Road, Lake Villa, Illinois, and Thomas Ryder, 42727 N. Woodbine, Antioch, Illinois.

OF PARCELS: One

SIZE: The area to be rezoned is 0.22 acres. The total area of the former right-of-way that was vacated in 2019 is 0.44 acres, per Lake County's GIS Calculated Average.

LOCATION: 38241 N. Bolton Place, Antioch, Illinois

PINs: 01-35-304-141

EXISTING ZONING: Residential-1 (R-1)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Parking lot for the Captain's Quarters tavern use located north of the subject property.

SURROUNDING ZONING / LAND USE

SOUTH and WEST:	Residential-1 (R-1)/Single-family dwellings
NORTH:	Recreational Commercial (RC)/Tavern w/outdoor seating and volleyball courts
EAST:	Open Space (OS)/Fox Lake

COMPREHENSIVE PLAN

LAKE COUNTY:	Transportation
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DETAILS OF REQUEST

ACCESS:	Direct access to the property is provided via Bolton Place from the west.
LOT CONFORMITY:	The subject property is considered a nonconforming zoning lot in the Residential-1 (R-1) zoning district. If the rezoning request is approved by the Lake County Board, the applicant would consolidate the subject property with the parcels to the north, rendering it part of a conforming lot in the Recreational Commercial (RC) zoning district.
FLOODPLAIN / WETLAND:	Based on Lake County's GIS, a majority of the subject property is within a wetland. The subject property is located within a floodplain.
SEWER AND WATER:	The proposed use of the property is a parking lot. If the rezoning is approved, the property will be consolidated with the parcels to the north (tavern use) which uses a private water well and septic system.

STAFF COMMENTS

Building Division – Bob Springer

- The Building Division has no objection to the granting of this request.

Engineering Division – Joel Krause

- The Engineering Division has no objection to this requested rezoning. Since the site contains regulatory floodplain of Fox Lake, a Site Development Permit will be required for the construction of a new accessory parking lot. The site also contains U.S. Army Corps of Engineers (USACE) jurisdictional wetlands. Written approval from the USACE will also be

required for the construction of a new accessory parking lot prior to issuance of a Site Development Permit.

Health Department – Arnie Rapa

- The Health Department has no objection in granting this request. The existing septic tanks and septic lines must be at least a minimum of five feet from the new parking lot.

ADDITIONAL COMMENTS

The subject property was originally a 50' wide section of the Woodland Avenue right-of-way (ROW), running between Bolton Avenue and Fox Lake and comprised of 0.44 acres. This portion of the ROW was unimproved and located in both the Recreational Commercial (RC) zoning district on the north side, and the Residential-1 (R-1) zoning district along the southern side of the platted road. The property owner of the tavern and RV park uses to the north desired to utilize this area for accessory parking, and as such, the following procedures were necessary:

1. Vacation of the unimproved ROW: On October 8, 2019, the Lake County Board approved a street vacation of the subject property. The result of this action allowed the applicant to automatically obtain the north side of the platted road. Additionally, the applicant also obtained the southern portion of the road from the adjacent property owner to the south, located at 38235 N. Bolton Place, Antioch, Illinois, via a quit-claim deed.
2. Site Capacity Site Plan Review: Verify the proposed 32-space parking lot meets the Lake County Code site plan review requirements. This site plan review was completed and approved by staff.
3. Zoning Map Amendment: As the R-1 zoning district does not allow accessory parking for commercial uses; it is necessary for the applicant to rezone the remnant R-1 portion of the former ROW to the Recreational Commercial (RC) zoning district.

Additionally, the Lake County Code requires a transition area for a nonresidential use (parking lot) abutting a residential use (single-family dwelling), which includes 3 plant units per 100 linear feet plus a 6-foot high fence (95% opacity), or a 3-foot high earthen berm. However, the adjacent property owners have entered into an agreement that provides for a partial waiver of the requirements to only require a 6-foot high wood fence, 357 linear feet in length.

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- Subsection 151.005(A) states that the purpose of the ordinance is to implement the Lake County Regional Framework Plan. The subject property was previously

a platted road and designated as "Transportation" on the Regional Framework Plan. However, given the vacated ROW's adjacency to the RC-zoned tavern property, the rezoning of the subject property would be compatible with the future land use plan and would allow the applicant to expand the parking use for the tavern use to the north.

Subsection 151.005(K) indicates that the 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.

A third purpose of the Lake County, Illinois Code of Ordinances per Subsection 151.005(L) is to protect the tax base by managing growth within unincorporated Lake County. With the growth of the existing tavern business to the north and consolidation of the subject property into that zoning lot, the rezoning of the subject property 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- As previously stated, the Lake County Board approved a street vacation of the subject property (Woodland Avenue) in anticipation of the property owner's eventual application for a rezoning to accommodate additional necessary parking.

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 adjacent property to the north (tavern use), which will expand the use to allow a 32-space parking lot and prevent potential spillover of customer parking onto the nearby residential area. Also, as agreed upon by both property owners adjacent to the subject property, a 6-foot-high wooden fence, 357 linear feet in length will mitigate any potential negative impacts to the nearest adjacent residential property.

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 proposed rezoning will not have an impact upon public facilities.

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 property to the south will be protected by a 6-foot high wooden fence along the southern property line of the subject property. Additionally, the applicant has addressed the environmental protection requirements by obtaining site plan approval from County staff. Written approval from the U.S. Army Corps of Engineers (USACE) will also be required for the construction of a new accessory parking lot prior to issuance of a Site Development Permit.

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

Comment- The subject property is suitable for the proposed zoning classification of Recreational Commercial (RC) as it would be consistent with the zoning and use of the property to the north. Visual protection will be implemented against the abutting property to the south.

RECOMMENDED CONDITIONS

In the event the Board is inclined to recommend approval of the rezoning request, staff recommends the following:

1. The applicant shall record the property consolidation and transition yard waiver agreement prior to issuance of a site development permit and the fence shall be installed prior to permit closure.