

April 9, 2015

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

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

CASE NO: 6890 Rezoning

REQUESTED ACTION: Rezoning from the Recreational Commercial (RC) zoning district to the Residential-1 (R-1) zoning district.

HEARING DATE: April 16, 2015

GENERAL INFORMATION

APPLICANTS: Steven P. Gundelach, Carole and Michael Debenedetto, record owners

OF PARCELS: Two (2)

SIZE: 0.46 and 0.46 acre, respectively

LOCATION: 25451 West Private Road & 25429 West Private Road, Antioch, Illinois

EXISTING ZONING: Recreational Commercial (RC)

PROPOSED ZONING: Residential-1 (R-1)

EXISTING LAND USE: Single-family residence

PROPOSED LAND USE: Single-family residence

SURROUNDING ZONING / LAND USE FOR PIN 01-12-400-011

NORTH: Residential-1 (R-1) / Single-family dwellings

EAST: Recreational Commercial (RC) / Single-family residence

SOUTH: Recreational Commercial (RC) / Boat canvass business
WEST: Recreational Commercial (RC) / Recreational vehicle park

SURROUNDING ZONING / LAND USE FOR PIN 01-12-400-012

NORTH: Residential-1 (R-1) / Single-family dwellings
EAST: Residential-1 (R-1) / Single-family dwellings and vacant parcels
SOUTH: Recreational Commercial (RC) / Boat canvass business
WEST: Recreational Commercial (RC) / Single-family residence

COMPREHENSIVE PLANS

LAKE COUNTY: Retail/Commercial
MUNICIPALITIES WITHIN 1 1/2 MILES: Village of Antioch: Commercial

DETAILS OF REQUEST

ACCESS: Direct access is provided via West Private Road.
FLOODPLAIN / WETLAND: According to the County's GIS, the properties do not contain mapped wetlands or floodplains.
SEWER AND WATER: Private well and septic system.

ADDITIONAL STAFF COMMENTS

Lake County Division of Transportation - Comments by Joe Meyer

West Private Road is a private drive not maintained by a public agency; therefore, LCDOT offers no comments on the requested rezoning.

Lake County Health Department - Comments by Mark Mussachio

The Department has no objections to their request.

Lake County Environmental Engineering Division - Comments by Eric Steffen

This Division has no objection to the proposed rezoning from RC to R-1.

Lake County Building Division – Comments by Bob Springer

The Building Division has no objections to the granting of this rezoning.

ADDITIONAL COMMENTS

On the 1966 Lake County Zoning Map, the subject properties were “split-zoned” in the Rural Residential (RR) zone on the north side, and Commercial Recreational (CR) on the south side. On the 1988 Lake County Zoning Map, the subject properties were zoned as Neighborhood Conservation/ Commercial Recreation (NC/CR). The properties were designated Recreational Commercial (RC) in 2000.

The current RC zoning of the subject properties is primarily intended to accommodate commercial activities that are dependent upon locations near recreational resources, such as lakes. The RC district also accommodates retail sales and service and other convenience uses that customarily provide service near recreational areas. The regulations of the RC district are intended to encourage maintenance and upkeep of existing commercial recreation neighborhoods, while ensuring that any new development is similar in character and scale. The properties are currently residentially improved and take access off of a residential street.

RECOMMENDATION

In staff’s opinion, based on the preponderance of the evidence relating to the map amendment approval criteria, the request satisfies the criteria and we therefore recommend approval, for the following reasons:

Map Amendment Approval Criteria – UDO Section 151.045 (G)

Standard 1: The proposed amendment is consistent with the stated purpose and intent of Sec. 151.005

Comment: It is the intent of the property owners to maintain the existing single-family dwellings on each parcel. The rezoning will not threaten the existing health safety and general welfare of existing or future Lake County residents.

It is also the intent of the UDO to gradually eliminate uses, structures and situations that do not comply with the Ordinance. The rezoning of these parcels will eliminate the nonconformity of the current residential uses in the RC district and create two conforming uses in the R-1 district. The width of both lots would remain nonconforming, and the lots would be nonconforming in area, as well. The characteristics of the surrounding community support low-density zoning, as denser districts, such as R-2, are intended to be applied in areas with existing infrastructure.

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

Comment: The RC zoning district is intended to accommodate commercial activities that are dependent upon locations near recreational resources, such as lakes. As the subject properties are not afforded direct access to the water or high visibility/accessibility to vehicular traffic, the subject properties are not well-suited for redevelopment with uses permitted in the RC zoning district.

In the case of both parcels, the use of the property of single-family dwellings will not change. The proposed rezoning from RC to R-1 would decrease the intensity of permitted uses on the properties. Given the existing single-family dwellings on the subject property and uses to the north and east, (and the fact that the road serving the properties serves only residential uses) it is staff's opinion that an R-1 zoning district designation would be in the future best interest of the surrounding neighborhood.

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

Comment: The subject parcels are adjacent to single-family zoning and uses to the north and east. In the case of both parcels, the use of the property of single-family dwellings will not change. The proposed change of the zoning of the parcels to Residential-1 (R-1) will be more consistent with the existing use of the properties and neighboring residential properties.

Standard 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 properties have direct access to West Private Road. The property is served by septic and private water well. Adequate public facilities and services exist.

Standard 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 of the parcels will not have an adverse impact on other properties in the vicinity as the uses already exist and the purpose of the rezoning of the parcels is to align the underlying zoning with the existing use of the parcels. If the parcel is not rezoned, establishment of a more intensive use (allowed by right in the RC zoning district) would potentially have an adverse impact on the surrounding neighborhood.

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

Comment: The property is physically suitable for the general types of uses and development allowed in the R-1 zoning district. The surrounding residential community is zoned R-1, because the infrastructure is not available to support the area. All neighboring residential lots are nonconforming in both area and width. Rezoning this property to R-1 would match the adjacent neighborhood.