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April 13, 2016

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

FROM: Eric Tooke, Senior Planner  
Lake County Department of Planning, Building, and Development

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CASE NO: 7682

REQUESTED ACTION: Conditional Use Permit to allow a Tavern in the Limited Commercial zoning district.

HEARING DATE: May 2, 2016

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#### GENERAL INFORMATION

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PETITIONERS: Ralph Hayward, Manager, Delaware Commons, LLC., record owner

# OF PARCELS: One

SIZE: 1.41 acres per the Lake County geographic information system mapping data.

LOCATION: 34491 Old Walnut Circle, Gurnee, IL  
Property Identification Number: 07-19-401-280

EXISTING ZONING: Limited Commercial (LC)

EXISTING LAND USE: Shopping Plaza with existing uses (permitted by right) including: fitness center, dry cleaner, tutoring center and dentist office.

PROPOSED LAND USE: Tavern

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### **SURROUNDING ZONING / LAND USE**

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NORTH:	R-2 PUD (Village of Gurnee) / Single-Family Residential
SOUTH:	Residential-6 (R-6)/ Townhomes
EAST:	Residential-4 (R-4)/ Government Use (Warren Township)
WEST:	Limited Commercial (LC)/ Office and Retail Use

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY:	Retail / Commercial
Village of Gurnee:	None

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### **DETAILS OF REQUEST**

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ACCESS:	Direct access to the facility is provided via an existing access point to Old Walnut Circle.
FLOODPLAIN / WETLAND:	The subject property is not in a floodplain and does not contain wetlands.
SEWER AND WATER:	The property is serviced by Lake County Public Works sewer and water.

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### **ADDITIONAL COMMENTS**

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The subject property is located within the Country Towne II Subdivision which was approved and recorded in 1994. The subdivision was approved with multiple uses in mind including: 90 single family dwellings, 60 multi-family units, 3 commercial lots (Lots 1 and 2 have been consolidated), and out-lots for various open space uses (recreation, storm water detention, and natural resource protection).

The subject property is located within the Limited Commercial (LC) zoning district. The LC, Limited Commercial District, is primarily intended to accommodate neighborhood-oriented, lower-intensity

retail sales and service uses. It is appropriate for application in areas that have been developed with uses allowed in the district, and it may also be used to accommodate new development proposals that should be served by all infrastructure and are compatible with nearby residential uses. The LC District is intended to implement the Regional Framework Plan's "Retail/Commercial" land use designation.

Taverns are permitted by right in the General Commercial (GC) zoning district, and a Conditional Use Permit (CUP) is required in the LC zoning district to ensure such taverns meet the neighborhood oriented, lower-intensity criteria of the LC district (restaurants with liquor service, by contrast, are allowed by right in the LC zoning district). The tavern use, in this case, meets the lower-intensity criteria in both total area of the tavern (1,500 square feet) and seating capacity (31 total seats proposed). The UDO's maximum gross floor area limit for a single use in the LC zoning district is 5,000 square feet. The proposed conditions of approval by staff are to ensure the tavern is neighborhood-oriented by limiting the proposed use's intensity and impact on the surrounding properties. Staff recommends any future expansion be approved with a new CUP.

The covenants and restrictions for the property were recorded in 1994 and did not limit the types of uses allowed on the subject property. The construction of the plaza occurred in 1997 and was completed in 1998. At the time of approval and construction, the plaza met all building and development requirements.

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#### STAFF COMMENTS

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1. **Bob Springer – Building Division**

The Building Division has no objection to the granting of this Conditional Use Permit.

2. **Eric Steffen – Engineering Division**

This division has no objection to the proposed Conditional Use Permit request.

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

The street providing access to the property, Old Walnut Circle, is a Township Road under the jurisdiction of Warren Township; therefore, LCDOT offers no comments on the requested CUP.

4. **Mark Mussachio – Health Department**

The property is served by Public Works sewer and water, therefore Health Department has no objection to the granting of this Conditional Use Permit.

5. **Scott Baum – Lake County Public Works**

Lake County Public Works has no objection to the granting of this Conditional Use Permit.

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## RECOMMENDATION

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Staff recommends approval of the proposed Conditional Use Permit subject to the Conditions attached as Exhibit A. Provided the conditions proposed in Exhibit A are met, the request will meet the criteria for a Conditional Use Permit 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 of the Unified Development Ordinance (UDO):

Comment – The CUP application is consistent with several standards of the intent and purpose of the UDO:

The intent and purpose of the UDO is to implement the Regional Framework Plan. Chapter 9 of the Regional Framework Plan discusses land use in Lake County. A goal in this chapter is to create well balanced communities that provide the locally planned mix of residential and commercial land use. One of the policies listed to meet this goal is to provide land to accommodate potential business development and redevelopment that provides a variety of job opportunities and enhances the local sales and property tax base. The empty store front will be occupied by a business that meets the stated goal and policy of the Regional Framework Plan.

The intent and purpose of the UDO is to regulate the intensity of uses and structures through density, intensity, dimensional and open space standards. The shopping plaza meets the density and dimensional standards set forth in table 151.125(5) of the UDO.

The intent and purpose of the UDO is to manage growth within the unincorporated area of Lake County by concentrating development in areas where adequate sewer and water facilities and roads now exist. The building currently has both sewer and water provided by Lake County Public Works and has existing access to Old Walnut Circle.

Based on the aforementioned factors, the requested Conditional Use Permit is consistent with the stated purpose and intent of the Chapter 151 of the UDO.

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 Unified Development Ordinance.

Comment – The site plan will comply with all applicable ordinances upon the applicant satisfactorily addressing staff comments provided in Exhibit A.

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 – The property located to the west is zoned Limited Commercial (LC) and is occupied by multiple businesses including both office and food service related uses while the property to the south is occupied by townhouses located within the Residential-6 (R-6) zoning district. Both properties are located within the same subdivision as the subject property. The adjoining parcel to the east is zoned Residential-4 (R-4) and is occupied by Warren Township operations and park use. The properties located to the north across W. Washington Street are occupied by single-family residences within the Timberwoods Unit 2 subdivision in the Village of Gurnee.

Granting the requested Conditional Use Permit will not have a substantial adverse impact on adjacent properties. The property owner is not proposing any new structures, parking spaces or lighting that will have an adverse impact on the surrounding properties. The parking study included with the application provided by Kenig, Lindgren, O'Hara, Aboona, Inc. indicates the current parking lot provides ample parking for the existing uses and the proposed tavern use on the subject property. In order to maximize traffic safety, staff has recommended the condition that the five parking spaces that front the dentist office and the two parking spaces that front the tutoring center be reserved for use by those tenants customers.

The landscaping currently provided is a modern design of the 1990's which provides buffering from the surrounding properties. In addition, staff has recommended additional landscaping to buffer the parking lot from the east.

b. Character of the neighborhood

Comment – The proposed use is located on a property with commercial uses. Locally there is a diverse mix of uses including single-family residences, multi-family residences and other business uses. The use appears to be neighborhood-oriented in that it has a small store front; subdued signage as a condition of approval and enhanced screening due to existing landscaping and proposed landscaping as a condition of approval. These recommended conditions take into consideration the character of the neighborhood.

c. Natural resources

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

d. Infrastructure

Comment – There are no proposed changes to the existing infrastructure. There will not be a substantial negative impact on infrastructure.

e. Public sites

Comment – The proposed use will be located within the existing shopping plaza, and the plaza meets the parking standards of the UDO. Staff has recommended additional vegetation be installed to screen the plaza from the Warren Township Center. If approved, the proposed use will be sufficiently screened with landscaping from the Warren Township offices and park.

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

Comment – The applicant's compliance with the conditions of approval along with State, and UDO requirements will assure the public health, safety and general welfare will be met.

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**EXHIBIT A**  
**RECOMMENDED CONDITIONS**

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1. A yearly Conditional Use Permit inspection will be conducted to verify that all approved conditions are met including, vegetation health, signage and parking. A yearly Conditional Use Permit monitoring fee will be assessed by staff and paid by the property owner. The Director of Planning Building and Development will have discretion regarding the frequency of inspections required.
2. Any proposed wall or freestanding signage must be in substantial conformance with the existing signage located on the subject property in regards to style, color, and lighting as verified by staff. No electronic message boards or neon signs shall be installed.
3. Window signage must be limited to 15 percent or less of the total window area of the store front, reduced from the standard 25 percent allowance.
4. No banners shall be placed on the subject property.
5. The seven parking spaces fronting the dentist office and tutoring center must be designated with incidental signage indicating the exclusive use of those spaces for the dentist office and tutoring center customers. This signage must be installed prior to the opening of the tavern. The signage for each use may be removed if the uses cease to operate.
6. Two 8-foot evergreen trees shall be planted and maintained along the east property line. The trees must be strategically located to shield the existing parking lot from the adjacent property to the east. To ensure successful establishment of vegetation, the trees must be installed by June 15 or between September 1st and October 31<sup>st</sup> 2016. These trees must be planted prior to the opening of the tavern.
7. Any expansion in area of this tavern use or the establishment of a new tavern use in a different storefront will require a new CUP.