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MEMORANDUM

June 10, 2018

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

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

CASE NO: PUD-000316-2018 and RZON-000366-2018

REQUESTED ACTIONS:

1. RZON-000366-2018 - Rezone from the Residential-3 (R-3) District to the General Commercial (GC) District
2. PUD-000316-2018 - Conditional Use Permit (CUP) for a Planned Unit Development (PUD) to establish accessory commercial parking on PINs 12-19-103-004 and 12-19-103-008 for the benefit of the business located on PINs 12-19-103-009 and 12-19-103-010.

MEETING DATE: June 20, 2018

GENERAL INFORMATION

OWNER: Jane Lee on behalf of 28978-28986 N. Waukegan Road LLC., record owner.

OF PARCELS: four

SIZE: Total acreage of 0.93 acres will be subject to the Conditional Use Permit for the PUD Preliminary Plan. Of that total, 0.64 acres is proposed to be rezoned from the Residential-3 (R-3) District to the General Commercial (GC) District.

LOCATION: PIN 12-19-103-004; 12813 W. Blodgett Avenue, Lake Bluff, Illinois;
PIN 12-19-103-008; 12788 W. Woodland Road, Lake Bluff, Illinois;
PIN 12-19-103-009; 28986 N. Waukegan Road, Lake Bluff, Illinois;
PIN 12-19-103-010; 28978 N. Waukegan Road, Lake Bluff, Illinois.

EXISTING ZONING: Residential-3 (R-3) and General Commercial (GC)

EXISTING LAND USE: A real estate office use has been established on PINs 12-19-103-009 and 12-19-103-010. PINs 12-19-103-004 and 12-19-103-008 are vacant.

PROPOSED LAND USE: Create parking spaces on PINs 12-19-103-004 and 12-19-103-008 for the benefit of the business located on PINs 12-19-103-009 and 12-19-103-010.

SURROUNDING ZONING / LAND USE

NORTH: Residential-3 (R-3); Single Family Dwellings west of the alley right-of-way;
General Commercial (GC); Office Uses east of the alley right-of-way

SOUTH: Residential-3 (R-3); Single Family Dwellings west of the alley right-of-way;
General Commercial (GC); Office Uses east of the alley right-of-way

EAST: General Commercial (GC); 6-Unit Retail/Office Business Center

WEST: Residential-3 (R-3); Single Family Dwellings

COMPREHENSIVE PLANS

LAKE COUNTY: Retail/Commercial (PINs 12-19-103-009 and 12-19-103-010); Residential (PIN 12-19-103-004 and 12-19-103-008)

MUNICIPALITIES
WITHIN 1 ½ MILES: **Village of Lake Bluff:** Retail (PINs 12-19-103-009 and 12-19-103-010);
Residential (PIN 12-19-103-004 and 12-19-103-008)
Village of Green Oaks: Not Designated
City of Lake Forest: Not Designated
City of North Chicago: Not Designated

DETAILS OF REQUEST

ACCESS:	Access to PINs 12-19-103-009 and 12-19-103-010 is provided from W. Blodgett Avenue. PIN 12-19-103-004 is bordered by W. Blodgett Avenue to the north but will take direct access from the 20-foot-wide alley to the east. PIN 12-19-103-008 is bordered by W. Woodland Road to the south and will also take direct access from the 20-foot-wide alley to the east. The alley is proposed to be improved by the applicant. The Township Highway Commissioner must approve the alley access points onto W. Blodgett Avenue and W. Woodland Road.
PHYSICAL CHARACTERISTICS:	The vacant properties consisting of PINs 12-19-103-004 and 12-19-103-008 contain trees that do not meet the criteria for a woodland in accordance with Section 151.071 of the Lake County, Illinois Code of Ordinances (LCC). Some scattered canopy trees associated with PIN 12-19-103-004 that will be protected. PIN 12-19-103-004 contains two significant trees that will be removed and reforested in accordance with Section 151.071(I)(6)(e) of the LCC.
FLOODPLAIN / WETLANDS:	The applicant's Wetland Delineation Report provided by Encap Incorporated indicates there are wetlands on the subject property. Engineering analysis indicates the presence of depressional floodplain on the property.
SEWER AND WATER:	The property is served by public sewer and water.

HISTORICAL ZONING BACKGROUND

- In 1966, the PINs 12-19-103-009 and 12-19-103-010 (hereinafter "Waukegan Road parcels") were zoned Highway Commercial (HC) and the PINs 12-19-103-004 and 12-19-103-008 (hereinafter "western parcels") were zoned Urban Residential-2 (UR-2). In 1988 after an ordinance amendment, the Waukegan Road parcels were reclassified as Neighborhood Conservation/ Commercial Business (NC/CB) and the western parcels were reclassified as Neighborhood Conservation/Urban Residential-2 (NC/UR-2). The ordinance was amended again in 2000 which resulted in the reclassification of the Waukegan Road parcels as General Commercial (GC) and the western parcels as Residential-3 (R-3).

ADDITIONAL COMMENTS

- The Re/Max Real Estate Office located on the Waukegan Road parcels was established in 2014 after completing the site plan review and building permit process. As proposed, the building and associated parking complied with the development standards of the Lake County, Illinois Code of Ordinances (LCC) for office use.
- Following the establishment of the real estate office, the County received complaints and issued a violation ticket for off-site parking that did not meet the requirements of the Unified Development Ordinance (UDO). Specifically, it came to the Department's attention that the real estate office maintained a fleet of moving trucks used to store furniture and stage homes for sale. At the time of ticketing, these trucks were observed to be parked either on the adjoining residential streets or parked on the real estate parking lot (thereby displacing employee parking). Additionally, the Department became aware that the real estate office convened sales force team meetings on-site on a regular basis, thereby increasing the office's parking demand beyond the capacity of the designated parking lot. The on-site and off-site situation continues to be periodically monitored at this time.
- A Planned Unit Development (PUD) is intended to integrate the parking lot parcels with the existing real estate business parcels into a combined development plan. A simple rezoning of the parking lot parcels without the PUD would otherwise allow all uses permitted in the General Commercial (GC) zoning district beyond the proposed accessory commercial parking. The PUD will also allow for a reduction of the landscape transition yard from 20.4 feet to 3 feet along the west property line of PIN 12-19-103-008 and also reduces the required setback for a retaining wall from 4 feet to 1 foot along the north property line of PIN 12-19-103-009 and from 4 feet to 0 feet along the south property line of PIN 12-19-103-010.

RECOMMENDATION ON #RZON-000366-2018

Staff recommends **denial** of the rezoning and finds the request **does not** meet Standards for a Map Amendment Approval contained in Section 151.047(G)(2) of the Lake County Code:

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

Comment: It is staff's position that this standard is not met. The intent of the ordinance is to implement the Regional Framework Plan, protect landowners from any adverse impacts associated with development in unincorporated Lake County and managing growth in

unincorporated Lake County. The Regional Framework Plan Future Land Use Map designates the future use of PINs 12-19-103-004 and 12-19-103-008 as Residential consistent with all of the properties on the west side of the series of alleys from Muir Avenue to the north to North Avenue to the south. Since PINs 12-19-103-004 and 12-19-103-008 have been zoned Residential since at least 1966, adjoining neighbors to the west of the subject parcels have an expectation that the subject parcels will, at most, become residentially developed. Retaining the subject parcels' existing zoning protects those neighbors from the impacts associated with the proposed commercial parking (i.e. noise, light, odor, associated commercial traffic on or adjacent to residential streets, etc.) and maintain the land use proposed by the Regional Framework Plan.

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

Comment: It is staff's position that this standard is not met. The subject parcels have been residentially zoned for more than 50 years and the future land use plan indicates the parcels remain residential. There are changing conditions in the area, particularly with the redevelopment of properties located along Waukegan Road such as Starbucks to the south; however, the commercial redevelopment along Waukegan Road has not extended west beyond the alley right-of-way. The 2017 aerial photograph (attached to the staff report) shows the current uninformed pattern of single-family residential development immediately to the west of the alleyways parallel to and west of Waukegan Road; this pattern occupies 5 blocks extending to the north and 2 blocks extending to the south of the subject properties. The rezoning of the subject parcels would set a precedent for further map amendments along the west side of the alleyways and thereby impact the neighborhood's predominant residential character.

This development pattern mirrors the east side of Waukegan Road which consists of commercial development occurring on the west side of the alleyways parallel to and east of Waukegan Road and residential development occurring uniformly east of the alleyways. The pattern likewise occupies 5 blocks extending to the north and 2 blocks extending to the south.

Recent rezoning of residentially zoned lots to General Commercial to accommodate commercial growth in the Knollwood area has occurred *only* along North Avenue on the north side of IL. Rte. 176, east of Waukegan Road, on parcels within a larger area designated by the Future Land Use Map as Retail/Commercial and historically used for commercial purposes. The Future Land Use Map specifically designates those lots as Retail/Commercial, in contrast with the subject properties' residential future land use map designation.

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

Comment: It is staff's position that this standard is not met. The proposed use is an accessory commercial parking use for the real estate office located on the east side of the alley right-of-way. The parking will include concentrated fleet parking, which is not compatible with the existing zoning and uses located immediately adjacent to the west, north and south of the subject parcels. The proposed parking will be located along the eastern portion of the subject properties at a distance from the lots to the west and buffered via landscaping and a fence. However, the expansion of this activity closer to residential development to the west (along with associated commercial traffic on the adjacent residential streets) introduces additional impacts (i.e. noise, light, odor, associated commercial traffic on or adjacent to residential streets, etc.) to the western neighbors inconsistent with residential character of the area and establishes a precedent for additional rezoning actions to the north and south.

The 2017 aerial photograph (attached to the staff report) shows the current uninformed pattern of single-family residential development immediately to the west of the alleyways parallel to and west of Waukegan Road; this pattern occupies 5 blocks extending to the north and 2 blocks extending to the south of the subject properties. The rezoning of the subject parcels would set a precedent for further map amendments along the west side of the alleyways and thereby impact the neighborhood's predominant residential character.

This development pattern mirrors the east side of Waukegan Road which consists of commercial development occurring on the west side of the alleyways parallel to and east of Waukegan Road and residential development occurring uniformly east of the alleyways. The pattern likewise occupies 5 blocks extending to the north and 2 blocks extending to the south.

Recent rezoning of residentially zoned lots to General Commercial to accommodate commercial growth in the Knollwood area has occurred only along North Avenue on the north side of IL. Rte. 176, east of Waukegan Road, on parcels within a larger area designated by the Future Land Use Map as Retail/Commercial and historically used for commercial purposes. The Future Land Use Map specifically designates those lots as Retail/Commercial, in contrast with the subject properties' residential future land use map designation.

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: It is staff's position that this standard *may* be able to be met. The development proposal indicates that the parcels take access from the alley right-of-way which will be improved

from W. Blodgett Avenue to W. Woodland Road and maintained by the applicant. The County has approved the engineering plans for the alley and has forwarded the plans to the Shields Township Highway Commissioner for review, however, the County has not received approval of the engineering for the access points onto W. Blodgett Avenue and W. Woodland Road. Customarily, the County receives a notice of access approval at the time of site development subsequent to the rezoning legislative action.

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: It is staff's position that this standard is not met. In the case of the proposed development, the rezoning would specifically allow concentrated commercial fleet parking closer to residential development to the west (along with associated commercial traffic on the adjacent residential streets). In turn, the proposal would directly introduce additional impacts (i.e. noise, light, odor, associated commercial traffic on or adjacent to residential street, etc.) to the properties to the west. More broadly, the current precedent for lots located on the west side of the alley is exclusively residential. Approval of the rezoning would set a new precedent for commercial rezoning of parcels west of the alleys on the west side of Waukegan Road. This precedent would introduce additional commercial impacts to the residential neighborhood west of Waukegan Road including associated air, noise, light, and other issues.

Wetlands, depressional floodplain and two significant trees will be impacted by the proposed development, though the impacts to these resources are permitted by the Ordinance. Additional impervious surface on floodplain and wetlands requires additional flood storage for the area.

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

Comment: It is staff's position that this standard is not met. The Regional Framework Plan's Future Land Use Map designates the future land use of the subject parcels as residential, consistent with all such alley-fronting parcels to the north and south from Muir to North Avenue. This series of alleyways delineates the established and maintained border/buffer between residential development and commercial development since at least 1966. The proposal introduces commercial impacts to the residential neighbors to the west (from the parking of fleet vehicles and associated commercial traffic on the adjoining residential streets). Preservation of the existing zoning protects the western neighboring residential area from the impacts associated with the proposed commercial parking.

The 2017 aerial photograph (attached to the staff report) shows the current uninformed pattern of single-family residential development immediately to the west of the

alleyways parallel to and west of Waukegan Road; this pattern occupies 5 blocks extending to the north and 2 blocks extending to the south of the subject properties. The rezoning of the subject parcels would set a precedent for further map amendments along the west side of the alleyways and thereby impact the neighborhood's predominant residential character.

This development pattern mirrors the east side of Waukegan Road which consists of commercial development occurring on the west side of the alleyways parallel to and east of Waukegan Road and residential development occurring uniformly east of the alleyways. The pattern likewise occupies 5 blocks extending to the north and 2 blocks extending to the south.

Recent rezoning of residentially zoned lots to General Commercial to accommodate commercial growth in the Knollwood area has occurred only along North Avenue on the north side of IL. Rte. 176, east of Waukegan Road, on parcels within a larger area designated by the Future Land Use Map as Retail/Commercial and historically used for commercial purposes. The Future Land Use Map specifically designates those lots as Retail/Commercial, in contrast with the subject properties' residential future land use map designation.

RECOMMENDATION ON CONDITIONAL USE PERMIT – #PUD-000316-2018

Staff recommends **denial** of the Conditional Use Permit because the application **does not** meet the Conditional Use Permit Approval Criteria in Section 151.050(F)(3) as follows:

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

Comment: It is staff's position that this standard is not met. The intent of the ordinance is to implement the Regional Framework Plan, protect landowners from any adverse impacts associated with development in unincorporated Lake County and managing growth in unincorporated Lake County. The Conditional Use Permit, if approved, will contradict the Regional Framework Plan which indicates that the use on PINs 12-19-103-009 and 12-19-103-010 remain Residential. In addition, the landowners to the west of the subject parcels have an expectation that the parcels to the east will be developed with homes appropriate for the current zoning when they purchased their lots. Approving the Conditional Use Permit does not protect those property owners from the impacts associated with the proposed commercial parking (i.e. noise, light, odor, associated commercial traffic on or adjacent to residential streets, etc.).

Standard 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.

Comment: As mentioned in the “Additional Comments” section of this report, the Planned Unit Development is necessary to narrow the scope of the allowed uses on PINs 12-19-103-004 and 12-19-103-008 to accessory commercial parking only. If the Conditional Use Permit for the Planned Unit Development is approved, it will comply with all the applicable Ordinance standards.

Standard 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:

1. Adjacent property

Comment: It is staff’s position that this standard is not met. The subject parcels are located adjacent to residential development to the west and are directly across the street from residential uses on both W. Blodgett Avenue to the north and W. Woodland Road to the south. To the east across the alley right-of way is commercial zoning. The alley right-of-way has represented a boundary between the residential zoning to the west and the commercial zoning to the east since at least 1966. The proposal introduces commercial impacts to those nearby residential properties

2. Character of the neighborhood

Comment: It is staff’s position that this standard is not met. Both the Lake County Regional Framework Plan and the Village of Lake Bluff Comprehensive Plan designate PINs 12-19-103-004 and 12-19-103-008 for residential use. All the properties in the neighborhood located to the west of the series of alleyways from Muir Avenue to the north to W. North Avenue to the south are zoned Residential-3 and are improved with single-family homes. This proposal (and associated impacts) would significantly differ from the established residential character of development along the west side of the alleyways west of Waukegan Road.

3. Natural resources

Comment: It is staff’s position that this standard is not met. The property does contain 0.374 acres of depressional floodplain and isolated wetlands that will be eliminated and mitigated. In addition, two significant trees that are classified as grade fair and poor by a professional arborist will be removed (subject to reforestation).

4. Infrastructure

Comment: It is staff's position that this standard *may* be able to be met. Although PIN 12-19-103-008 has frontage along W. Blodgett Avenue and PIN 12-19-103-004 has frontage along W. Woodland Road, the parking area will take direct access from the 20' wide alley to the east. The alley is proposed to be improved with 16 feet width of pavement and maintained by the applicant. The alley access points onto W. Blodgett Avenue and W. Woodland Road have not been approved by the Shields Township Highway Commissioner at this time. Customarily, the County receives a notice of access approval at the time of site development subsequent to the rezoning legislative action.

5. Public sites

Comment: It is staff's position that this standard will be met. There are no public sites in the vicinity of the subject property that will be impacted by the approval of the Conditional Use Permit.

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

Comment: It is staff's position that this standard is not met. Public health, safety and general welfare will be affected by the proposed project associated with the Conditional Use Permit. The applicant along with staff have taken measures to try and ease the impact of the use, however noise, light and odor generated by concentrated fleet parking will not be completely alleviated, and the noise, light, odor and other impacts of commercial traffic on nearby residential streets will increase.

ADDITIONAL COMMENT

Although staff recommends denial of the CUP any motion in favor of the application shall be subject to conditions set forth in EXHIBIT A.

RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN

Staff recommends **denial** of the Preliminary Development Plan because the proposal **does not** meet Standards for Preliminary Plan Approval in Section 151.051(C)(7):

Standard a.: The proposed development in its proposed location is consistent with the Regional Framework Plan.

Comment: It is staff's position that this standard is not met. Lake County's Regional Framework Plan and the Village of Lake Bluff's Comprehensive Plan indicate that the use on PIN's 12-19-103-004 and 12-19-103-008 remain residential. The approval of this development conflicts with both plans.

Section 151.132 of the Lake County, Illinois, Code of Ordinances was developed for mixed housing subdivisions and mixed-use developments and does not contemplate this type of Planned Unit Development.

Standard b.: The proposed development in its proposed location complies with the PUD standards of § 151.132.

Comment: The proposed PUD complies with the intent standards in Section 151.132(B) that apply to this development in the following manner:

- (1) Greater choice in the type of environment and living units to the public;
Not Applicable.
- (2) More open space through conservation development practices;
Not Applicable.
- (3) Open space resources connected to one another;
Not Applicable.
- (4) A creative approach to the use of land and related physical development;
The development limits the accessory commercial parking use to the east side of the property along the alley right-of-way in an attempt to limit the impact of the use on the neighboring properties to the west. The development proposes improving and using the alley right-of-way instead of creating new access points onto W. Blodgett Avenue and W. Woodland Road.
- (5) An efficient use of land resulting in smaller networks of utilities and streets;
The development does not propose any new additional use of utilities. The improvement of the existing alley right-of-way will use existing platted access points onto streets.
- (6) Promotion of mixed use development;
Not Applicable.

Standard c.: The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan:

1. Adjacent property;

Comment: It is staff's position that this standard is not met. The subject parcels are located adjacent to residential zoning to the west and are directly across the street from residential

uses on both W. Blodgett Avenue to the north and W. Woodland Road to the south. To the east across the alley right-of way is commercial zoning. The series of alleyways has represented a boundary between the residential zoning to the west and the commercial zoning to the east from Muir Avenue to W. North Avenue since at least 1966.

2. Natural resources;

Comment: It is staff's position that this standard is not met. The property does contain 0.374 acres of depressional floodplain and isolated wetlands that will be eliminated and mitigated. In addition, two significant trees that grade fair and poor by a professional arborist will be removed (subject to reforestation).

3. Infrastructure;

Comment: It is staff's position that this standard *may* be able to be met. Although PIN 12-19-103-008 has frontage along W. Blodgett Avenue and PIN 12-19-103-004 has frontage along W. Woodland Road, the parking area will take direct access from the 20' wide alley to the east. The alley is proposed to be improved with 16 feet width of pavement and maintained by the applicant. The alley access points onto W. Blodgett Avenue and W. Woodland Road have not been approved by the Shields Township Highway Commissioner at this time. Customarily, the County receives a notice of access approval at the time of site development subsequent to the rezoning legislative action.

4. Public sites; or

Comment: It is staff's position that this standard will be met. There are no public sites in the vicinity of the subject property that will be impacted by the approval of the Conditional Use Permit.

5. Any other matters affecting the public health, safety, or general welfare.

Comment: It is staff's position that this standard is not met. Public health, safety and general welfare will be affected by the proposed project associated with the Conditional Use Permit. The applicant along with staff have taken measures to try and ease the uses' impact, however noise, light and odor generated by concentrated fleet parking will not be completely alleviated, and the noise, light, odor and other impacts of commercial traffic on nearby residential streets will increase.

EXHIBIT A

Proposed Conditions Zoning Case #PUD-000316-2018 Conditional Use Permit for PUD Preliminary Plan Re/Max Accessory Parking Spaces

1. The PUD Final Plan shall be constructed in substantial conformance with the approved PUD Preliminary Plan and the conditions approved by the County Board for the PUD Preliminary Plan.
2. Any future expansion of the accessory commercial parking shall be reviewed as part of the site capacity and site plan review process.
3. All landscaping proposed on the PUD Final Plan must be installed by November 1, 2019.
4. Alley right-of-way access point improvements onto W. Blodgett Avenue and W. Woodland Road must be approved by the Shields Township Highway Commissioner prior to the issuance of any permits for this project.
5. An alley maintenance agreement must be approved by staff and recorded with the Lake County Recorder of Deeds prior to the issuance of the site development permit for the project.
6. An engineer's estimate of probable cost for the alley right-of-way improvements and landscaping must be provided. A Restoration Assurance and Performance Assurance equal to 130% of the estimate shall be provided in acceptable form to assure the completion of alley right-of-way and landscape improvements prior to the issuance of a Site Development Permit for the project. The assurance will be reduced to a 15% maintenance assurance for a term of 1-3 years once installation has been completed and approved by staff.
7. A sidewalk shall be installed along Waukegan Road on PINs 12-19-103-009 and 12-19-103-010 to meet the requirements of Chapter 151.194(Q) of the LCC.
8. The site shall be subject to annual monitoring inspections which have an associated administrative fee. The Director of the Planning, Building and Development Department may modify the frequency of monitoring inspections, as determined to be appropriate.