

September 10, 2018

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

FROM: Krista Braun, Senior Planner/Project Manager
Lake County Department of Planning, Building, and Development

CASE NO: #PUD-000368-2018

HEARING DATE: September 18, 2018

REQUESTED ACTION: Major Modification to a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) #4080

GENERAL INFORMATION

APPLICANTS: Jeff Glogovsky, manager for Glogovsky Real Estate, L.L.C., record owner.

OF PARCELS: Four

SIZE: 1.1 acres, per Lake County's GIS Calculated Acreage

LOCATION: Parcel 1: PIN 12-19-117-018/28787 N. Waukegan Road, Lake Bluff, Illinois;

Parcel 2: PIN 12-19-117-019/12616 W. Rockland Road, Lake Bluff, Illinois;

Parcel 3: PIN 12-19-117-020/12622 W. Rockland Road, Lake Bluff, Illinois;

Parcel 4: PIN 12-19-117-021/12610 W. Rockland Road, Lake Bluff, Illinois.

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Restaurant, parking lot and gas station w/convenience store

PROPOSED LAND USE: Reconstruction and expansion of the restaurant; inclusion of the gas station/convenience store into the PUD to allow for relocation of the existing freestanding sign, parking lot and shared trash enclosure; and expansion of the accessory parking lot that serves the restaurant.

SURROUNDING ZONING / LAND USE

NORTH: General Commercial (GC) & Residential-3 (R-3)/Vehicle repair and single-family residence

EAST: General Commercial (GC)/Liquor store and accessory parking lot

WEST: General Commercial (GC)/Gas station and restaurant (vacant)

SOUTH: Village of Lake Bluff; Railroad District (RR) & Light Industry District (L-1)/ mix of recreational (bike path), retail, and restaurant uses

DETAILS OF REQUEST

ACCESS: Direct access to Parcel 1 is provided from N. Waukegan Road, W. North Avenue, and via a 20-foot-wide improved alley. Direct access to Parcels 2, 3 and 4 is provided from Rockland Road and the 20-foot-wide improved alley.

FLOODPLAIN / WETLAND: According to the County's GIS, the property does not contain mapped wetlands and/or floodplain.

SEWER AND WATER: The subject property is serviced by public sewer and water.

ADDITIONAL COMMENTS

- In 2011, the eastern half of PIN 12-19-117-018 was approved for rezoning from Residential-3 to General Commercial and a Conditional Use Permit for a Planned Unit Development was approved for the subject parcels to allow an accessory parking lot to serve the Scooter's restaurant. The PUD/Rezoning action was intended to resolve the applicant's pre-existing parking violation in the R-3 zone and establish landscape buffering controls for the benefit of adjoining residences along North Avenue.

- The applicant is proposing to construct a new restaurant building in the same location as the existing Scooter's building. An addition on the rear side of the building will allow for expansion of the kitchen area. An additional four parking spaces are proposed to be added to the accessory parking lot located on the north side of the alley. Also, the freestanding gas price sign serving the gas station would be moved to allow for relocation of five parking spaces to improve traffic circulation around the gas pumps. Finally, a new shared dumpster enclosure to serve both the restaurant and gas station is proposed to be built across the common lot line.
- Per Section 151.051 (F) of the Lake County, Illinois Code of Ordinances, modifications of approved PUD plans are classified as either "minor" or "major". Among other criteria, a major modification is one that represents a change to the overall character of the previously approved PUD plan. This development proposal has been classified as a major modification because the proposed restaurant encompasses substantial changes from the existing building with regard to architectural character and height and also includes improvements to the gas station and accessory parking lots.
- The applicant has completed the site plan review process with the Lake County Development Review Team.
- The applicant is scheduled to appear at a pending Administrative Adjudication hearing following the issuance of an enforcement ticket for recent alleged outdoor lighting violations of the Lake County Code arising from the operation of flood lights at the gas station property. Staff's recommended conditions (in Exhibit A below) directly address glare from these lights to minimize negative impacts on neighbors and drivers on nearby streets. Although the gas station has also been the subject of noise complaints related to amplified music emanating from the outdoor speakers under the pump canopy, staff conducted inspections and did not find any violations of the Lake County Code. However, staff's recommended conditions include the subject of noise in order to avoid any potential future issues.

RECOMMENDATION ON CONDITIONAL USE PERMIT #PUD-000368-2018

Staff is inclined to recommend approval of the major modification of the Conditional Use Permit (CUP) for a Planned Unit Development (PUD) #4080 because the proposal meets the Conditional Use Permit Approval Criteria in Section 151.050(F)(3) of the Lake County Code as follows:

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

Comment: The subject property is zoned General Commercial (GC) and is designated on the Regional Framework Plan for Retail/Commercial use and has a history of retail and

commercial uses. The modification request, if approved, would allow for continuance of the same uses on the site.

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: The uses on site are allowed within the GC zoning district. Staff has completed their review of the site plans related to the site capacity/site plan review process. Pending the approval of the major modification of the CUP for (PUD) #4080 in conjunction with the recommended conditions listed in Exhibit A (including compliance with the lighting requirements of the Lake County Code), the proposed request will comply with all 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: The adjoining properties to the east and northwest, west, and south are comparable to the proposed development request in terms of both zoning and uses. The properties to the north and northeast are zoned Residential-3 (R-3), contain single-family residential dwellings and are of the greatest concern with regards to any negative impacts that may be associated with the proposed modification request. Specifically, staff is particularly concerned with impacts related to light and noise pollution associated with the current and proposed commercial operations on the subject property. The applicant has proposed measures to help mitigate new impacts caused by the addition of two parking spaces on the north side of the accessory parking lot, which includes the preservation of the existing berm and landscaping and the planting of additional evergreen material. The applicant has also submitted a photometric plan that demonstrates partial compliance with the lighting requirements of Section 151.168. (i.e. the footcandle requirements appear to be satisfied in the lighting plan, but not the prohibition on off-site glare). Staff has significant concerns that the applicant's proposed measures do not fully resolve the issues of buffering, lights, and noise. However, it is staff's opinion that this Standard 3.1 *would* be satisfied provided staff's recommended conditions related to lighting, landscaping and noise impacts are incorporated into the PUD conditions should the PUD major modification be approved. Therefore, if the Board is inclined to recommend approval of the modification request, staff strongly urges the recommended conditions listed in Exhibit A be included in the recommendation.

2. Character of the neighborhood

Comment: The uses of the property and the proposed building are compatible with the character of the commercial corridor along Rockland and Waukegan Roads. The residential character of the properties along North Avenue is threatened by the lighting and noise-related impacts of the current and proposed operations on the subject properties. However, as referenced in Standard 3.1, above, it is staff's position that these impacts would be significantly mitigated by the buffering, lighting and noise reduction-related conditions recommended by staff in Exhibit A below. Consequently, the application (if subject to the staff-recommended conditions) would satisfy Standard 3.2.

3. Natural Resources

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

4. Infrastructure

Comment: A full range of adequate public services are already provided to the property and will continue in the future. The additional spaces proposed for the accessory parking lot will not have a substantial impact on traffic volume since there is no net increase in the total number of parking spaces on the site overall (given the reduction in parking spaces on the restaurant property associated with the proposed reconfiguration of that parcel). Overall, the number of parking spaces proposed exceeds the quantity required by Lake County Code.

5. Public sites

Comment: There are no public sites in the vicinity of the subject property.

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

Comment: The current uses on site have existed in the same general configuration with no impact on the public health, safety, or general welfare aside from lighting and noise-related issues (to be addressed via staff's recommended conditions). The proposed changes to the parking areas and the new building construction will enhance the practical operations of the property. The addition of the permanent planter box along Rockland Road will serve to provide a visual and physical separation between the existing outdoor seating area and vehicular traffic. The combined result of the proposed changes will serve to enhance the health, safety and welfare of the general public, provided staff's proposed buffering, lighting and noise-related conditions are incorporated into the PUD Major Amendment.

RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN

Staff recommends approval of the Preliminary Development Plan because the proposal meets the Standards for Preliminary Plan Approval in Section 151.051(C)(7) of the Lake County Code.

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

Comment: The proposed PUD development in its proposed location is consistent with the Regional Framework Plan.

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

Comment: The proposed modifications to the PUD comply with the standards set forth in Section 151.132(B) of the Lake County Code as follows:

- 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 principal purpose of the PUD concept allows for innovative design in return for benefits that cannot be achieved through the standard zoning regulations. This modification request will permit the construction of an improved commercial facility that will replace a worn and run-down structure. Improvements to the parking layout that serve both businesses will improve vehicular circulation through the property. It also allows for a unique approach to the issue of refuse storage and collection through a shared dumpster enclosure. By combining the dumpsters for the two business into one masonry-enclosed area, refuse storage is more efficient and is screened from public view.
- 5) An efficient use of land resulting in smaller networks of utilities and streets
The modification does not include any new or additional uses of utilities or streets.
- 6) Promotion of mixed use development
The development is and will continue as a mix of retail uses (gas station, convenience store, and fast casual restaurant) with shared parking.

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: See Conditional Use Permit Approval Criteria - Standard 3.1 above.

2. Natural resources

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

3. Infrastructure

Comment: A full range of adequate public services are already provided to the property and will continue in the future.

4. Public sites, or,

Comment: There are no public sites in the vicinity of the subject property.

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

Comment: The current uses on site have existed in the same configuration with no impact on the public health, safety, or general welfare. The proposed changes to the parking areas and the new building construction will enhance the practical operations of the property. The addition of the permanent planter box along Rockland Road will serve to provide a visual and physical separation between the existing outdoor seating area and vehicular traffic. The combined result of the proposed changes will serve to enhance the health, safety and welfare of the general public, provided staff's proposed buffering, lighting and noise-related conditions are incorporated into the PUD Major Amendment.

EXHIBIT A

Proposed Conditions for Case #PUD-000368-2018

Major Modification to a Conditional Use Permit for a Planned Unit Development (PUD) #4080

1. Prior to PUD Final Plan approval, Case #AA-002486-2018 shall be satisfactorily resolved and closed.
2. Prior to PUD Final Plan approval, sheet A006 shall be updated to include one additional plant unit planted on the north side of the parking lot, subject to the approval by the Director of the Planning, Building and Development Department of specific planting locations, species and size.
3. With the exception of #2 listed above, the PUD Final Plan shall be submitted substantially in conformance with the approved PUD Preliminary Plan and the conditions approved by the County Board for the PUD Preliminary Plan.
4. Any alteration and/or change of the approved PUD Final Plan shall be reviewed in accordance with Section 151.050(F) of the Lake County Code.
5. All landscaping proposed on the PUD Final Plan must be installed by November 1, 2019 unless otherwise modified through the approval of the Director of the Planning, Building and Development Department due to reasonable construction and weather-related delays.
6. All lighting on the subject property shall be installed and maintained in accordance to the standards of Section 151.168 of the Lake County Code and all luminaires shall especially be shielded to prevent light and glare spillover to adjacent residential properties and abutting rights-of-way, as verified through staff site inspection.
7. No outside radio or stereo sound amplification shall be in operation between the hours of 10 p.m. and 7 a.m. Outside radio and stereo sound amplification for all other hours of operation shall comply with the noise standards of the Section 94.07.
8. The base of the freestanding gas price sign shall be installed on a base with a width that is at least 75% of the width of the sign's face and the message board shall comply with the operational requirements specified in Section 151.173 (G)(5)(k).
9. Prohibited sign types per Section 151.173 (E) of the Lake County Code may not be installed. These include, but are not limited to, flag/pennant signs, banners, portable or flashing signs.
10. 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.