

RESOLUTION

No. PUD-000368-2018

Shields Township

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
October 25, 2018

CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals conducted a public hearing on September 18, 2018 on the application of Jeff Glogovsky, manager for Glogovsky Real Estate, L.L.C., record owner, requesting approval for a Major Modification to a Conditional Use Permit for a Planned Unit Development (PUD) #4080 and PUD Preliminary Plan for PINs 12-19-117-019, 12-19-117-021, 12-19-117-018, and 12-19-117-020.

After due consideration, we hereby recommend by a vote of 5–0 this application be approved subject to the applicant complying with the conditions listed in Exhibit “A” attached to this resolution. We find this application meets the standards for a Conditional Use Permit and a Planned Unit Development PUD Preliminary Plan in the following manner:

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), 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. Pending the approval of the major modification of the CUP for PUD #4080 in conjunction with the conditions listed in Exhibit A (including compliance with the lighting requirements of the Lake County code) and the County’s permit review processes, the proposal 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 located in the Residential-3 (R-3) zoning district, however, provided the recommended conditions are incorporated into the PUD conditions of approval, any adverse impacts, especially those pertaining to buffering, lights, and noise, will be mitigated.

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. Although the residential character of the properties along North Avenue may be affected by the lighting and noise-related impacts of the current and proposed operations on the subject properties, these impacts are addressed through the buffering, lighting and noise reduction-related conditions listed in Exhibit A.

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 conditions listed in Exhibit A. The proposed changes to the parking areas and the new building 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 in conjunction with the recommended conditions will serve to enhance the health, safety and welfare of the general public.

We make the following findings with respect to standards for Preliminary Planned Unit Development:

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 general configuration with no impact on the public health, safety, or general welfare aside from lighting and noise-related issues (to be addressed via conditions listed in Exhibit A. The proposed changes to the parking areas and the new building 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 in conjunction with the recommended conditions will serve to enhance the health, safety and welfare of the general public.

**ZBA CONDITIONS #PUD-000368-2018
EXHIBIT A**

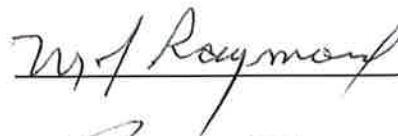
1. Prior to PUD Final Plan approval, Case #AA-002486-2018 shall be satisfactorily resolved and closed.
2. Prior to PUD Final Plan approval, sheet A006 shall be updated to include one additional plant unit planted on the north side of the parking lot, subject to the approval by the Director of the Planning, 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.

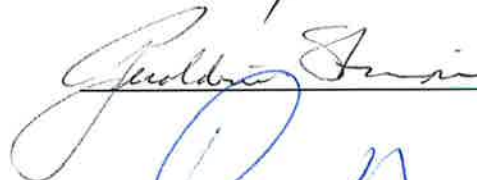
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Shields Township


CHAIRMAN

VICE-CHAIRMAN







Dated this 25th day of October 2018.