



Zoning Board of Appeals

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May 24, 2019

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: #000487-2019, #000488-2019

REQUESTED ACTION: 1. A rezoning from the Residential-1 (R-1) zoning district to the General Commercial (GC) zoning district.
2. A Conditional Use Permit to allow Contractor's Equipment Storage (Outdoor).

HEARING DATE: May 30, 2019

GENERAL INFORMATION

APPLICANTS: TLT Financial LLC, record owner

OF PARCELS: One

SIZE: 0.89 acres, per Lake County Maps Online

LOCATION: 40881 N. Illinois Route 83, Antioch, Illinois
P.I.N. 02-20-200-051

EXISTING ZONING: Residential-1 (R-1)

PROPOSED ZONING: General Commercial (GC)

EXISTING LAND USE: Detached Garage

PROPOSED LAND USE: Contractor's Equipment Storage (Outdoor)

SURROUNDING ZONING / LAND USE

SOUTH:	Residential-1 (R-1) / single-family dwelling
WEST:	General Commercial (GC) / nursery
NORTH:	General Commercial (GC) / animal hospital
EAST:	Village of Antioch – Residential-1 / Wisconsin Central railroad tracks

COMPREHENSIVE PLANS

LAKE COUNTY:	Residential Medium Lot (1 to 3-acre lot density)
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DETAILS OF REQUEST

ACCESS:	Direct access from Illinois State Route 83.
NONCONFORMING LOT:	The subject property is a nonconforming lot in the R-1 zoning district due to lot area. If a rezoning is approved by the County Board, the property would be classified as a conforming lot in the General Commercial (GC) zoning district.
FLOODPLAIN / WETLAND:	The subject property contains a mapped wetland on the eastern-third of the property. The subject property does not contain floodplains.
SEWER AND WATER:	The property was previously served by a septic system, which was abandoned in 2018 with the demolition of the residential structure. No restrooms are included in the proposed building. A pre-existing private water well remains in service.

STAFF COMMENTS

Lake County Health Department – Comments by Mark Mussachio

No objection

Lake County Building Division – Comments by Bob Springer

The Building Division has no objection to this request; however, it is strongly recommended that toilet facilities be provided on the site.

Lake County Environmental Engineering Division - Comments by Brian Frank

The Environmental Engineering Division has no objection to this request provided the following requirements are met:

1. A Site Development Permit, with associated fees, will be required prior to the start of construction.
2. Provide written approval from IDOT prior to commencement of work within their Right-of-Way.
3. Preservation of buffer areas shall be provided by covenant, deed, or plat restriction. Please note this document (covenant or other) will need to be recorded with the Recorder of Deeds office prior to final approval.
 - a. Buffer areas hydrologically disturbed by allowed construction or as part of a revegetation plan shall be revegetated using the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, NRCS, et al., (as amended) as a minimum standard. Another option is to use a stormwater BMP to help convey the runoff through the site and discharge into the wetland buffer, in a non-erosive manner.
4. Clarify that the north side drainage swale has the depth/capacity to contain the site runoff (example locations: proposed swale inverts 783.75 & 782.75).
5. Note that additional comments and fees may be generated based on a review of the requested items above along with a site visit during the wetland growing season.

ADDITIONAL COMMENTS

- The applicant is seeking to establish a Contractor's Equipment Storage (Outdoor) use, which is permitted in the General Commercial (GC) zoning district with approval of a delegated Conditional Use Permit (CUP) from the Zoning Board of Appeals. The approval of the CUP is contingent upon an approval from the County Board to rezone the property from Residential-1 (R-1) to the General Commercial (GC) zoning district.
- The ZBA has delegated authority of approval or denial for the requested CUP for outdoor storage of contractor's equipment. The CUP is subject to the Site Capacity and Site Plan Review Procedures of Lake County Code Section 151.070; the setback, height, Impervious Surface Ratio (ISR), and Floor Area Ratio (FAR) standards of Section 151.125; and the General Development Standards of Section 151.165. The applicant has submitted plans to staff and the site plan review process has begun. Based on staff's initial review, it appears the site will be able to accommodate the proposed use.
- The Lake County Code requires a landscape buffer to the residential property to the south, however, the applicant and the adjacent property owner have submitted an agreement to waive the transition yard requirement. The agreement stipulates that no plant units will be required along the southern property line.
- The subject property was previously improved with a single-family dwelling and a detached garage. The applicant has removed the single-family dwelling but plans to retain the detached garage as part of the proposed contractor's equipment storage use. Since the existing garage and proposed new building will only be used for storage restroom facilities will not be available on-site. To that end, the applicant has abandoned the previous septic system.
- McHenry-Lake County Soil & Water Conservation District: The agency has filed its required report with the Planning Department.

RECOMMENDATION ON REZONING

Staff recommends approval of the rezoning since, in staff's opinion, the request meets the Standards for a Map Amendment Approval contained in Section 151.047(G)(2) of the Lake County Code as follows:

Zoning Map Amendment Approval Criteria

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

Comment: The proposed rezoning is consistent with the stated purpose and intent of the Ordinance. Although the County's future land use classification of the parcel is residential, the property's adjacency to a busy state highway makes it more suitable for a nonresidential use. Additionally, the future land use map designates the adjoining properties to the north and west, as well as properties to the south as retail/commercial. Further, as it is the intent of the ordinance to gradually eliminate uses, structures and situations that are noncompliant, the rezoning of this parcels would eliminate a nonconforming Residential-1 parcel and create a conforming General Commercial parcel.

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

Comment: A rezoning of the subject parcel would be consistent with the trend of nonresidential zoning in the area to the north, south and west of the subject parcel. The site previously contained a dilapidated, vacant single-family dwelling, which was removed. Given the undesirability of the site for residential development in the future due to its proximity to a busy state highway and other commercial land uses surrounding it, the proposed nonresidential rezoning of the site is appropriate.

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

Comment: The property is contiguous to the General Commercial zoning district to the north. With the exception of two parcels to the south, the area is primarily nonresidential. Due to the proximity of State Highway Route 83 to the west and the Wisconsin Central railroad tracks to the east, in staff's opinion, a nonresidential use would be more compatible for this site, especially considering the predominance of the existing commercial uses in the vicinity. The proposed use is consistent with the uses and zoning of adjacent 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 rezoning of the parcel to General Commercial will allow for a Contractor's Equipment Storage (Outdoor) with a delegated CUP, in-which the applicant proposes

two cold-storage buildings without restrooms. The County will be able to provide adequate levels of service to the property. IDOT will need to approve the proposed access improvements prior to approval of the building permit.

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 applicant is completing the site plan and site capacity review with a Lake County Development Review Team. Compliance with all requirements of the UDO and all applicable permitting agencies will ensure that no significant adverse impacts to neighboring property or the environment will occur.

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

Comment: The property itself is physically suitable for the General Commercial (GC) zoning classification and for the Contractor's Equipment Storage (outdoor), which is allowed in the GC zone with a delegated Conditional Use Permit (CUP).

RECOMMENDATION FOR CONDITIONAL USE PERMIT

Staff recommends approval of the CUP application as the request meets the Conditional Use Permit Approval Criteria in Section 151.050(F) as follows:

Conditional Use Approval Criteria

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

Comment: The proposed use in its proposed location is consistent with the purpose and intent of the Ordinance to protect the health, safety, and general welfare of existing and future residents. Although the Future Land Use Map shows the area as Residential Medium Lot, the properties immediately to the north and west are designated as retail/commercial as is a parcel to the south., The proposed use is consistent with the uses and zoning of these adjacent properties and will be appropriately served by Route 83.

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: It will be necessary for the development to meet the site plan review standards and comply with all Ordinance requirements. The applicant has initiated the site plan review process and in staff's opinion, the site will be able to accommodate the proposed use.

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:

a. Adjacent property

Comment: With the exception of the use and zoning of two parcels to the south, the proposed use is compatible with the surrounding General Commercial zoning to the north, and west, and the nonresidential use of the railroad tracks to the east.

b. Character of the neighborhood

Comment: The majority of parcels abutting State Highway Route 83 in this area contain nonresidential uses and are designated with a commercial zoning classification. Given the preponderance of commercial uses in the vicinity of the subject parcel, access to a state highway from the west and being bound by Wisconsin Central railroad tracks to the east, it is staff's opinion the proposed nonresidential Contractor's Equipment Storage (Outdoor) use is consistent with a predominance of the neighborhood uses and is suitable for a property fronting a busy state highway

c. Natural resources

Comment: The proposed use will not have an impact upon natural resources. This will be verified by the County's Development Review Team through the site plan review process

d. Infrastructure

Comment: The use will not have a negative impact upon existing infrastructure. The property has existing access to an arterial street and is served by an existing private well.

e. Public sites

Comment: This use will not have an impact on public sites. There are no public sites in the area.

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

Comment: There will not be any significant adverse impacts to public health, safety, or welfare by granting approval of the CUP Upon the compliance with UDO requirements and the requirements of other permitting agencies, and the compliance with any additional conditions applied by the Zoning Board of Appeals.

RECOMMENDED CONDITIONS

In the event the Board grants the Conditional Use Permit for Contractor's Equipment Storage (outdoor), staff recommends the following:

1. The property shall be developed in accordance to the site plan submitted as part of ZBA application #000487-2019.
2. The applicant shall receive approval from the Lake County Board to rezone the parcel to the GC zoning district.
3. The applicant shall record the transition yard waiver agreement prior to permit issuance.