



Zoning Board of Appeals
Gregory Koeppen
Chair

500 W. Winchester Road, Suite 101
Libertyville, Illinois 60048
Phone 847-377-2600
Fax 847-984-5608
Email: pbdzoning@lakecountyil.gov

November 4, 2020

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

FROM: Krista Braun, AICP, Planning and Zoning Manager
Lake County Department of Planning, Building and Development

CASE NO: #CUP-000584-2020

HEARING DATE: November 10, 2020

REQUESTED ACTION: Conditional Use Permit to allow a private heliport.

GENERAL INFORMATION

OWNER: Atkinson North Chicago, LLC, (record owner/principal)

REPRESENTATIVE: AbbVie Aviation, LLC

OF PARCELS: One

SIZE: 10.06 acres, per Lake County's GIS Calculated Acreage

LOCATION: 13394 W. Atkinson Road, Libertyville, Illinois, PIN 11-13-400-023

EXISTING ZONING: Limited Industrial (LI)

EXISTING LAND USE: Vacant/Agricultural

PROPOSED LAND USE: Heliport (landing pad and 2,374 sq. ft. maintenance facility) licensed for private use only to serve one helicopter. No helicopter fueling or storage will take place on the site. The development footprint will occupy a little less than 1 acre and the remaining 9 acres (+/-) of the site will retain the existing agricultural/open space use.

SURROUNDING ZONING / LAND USE

NORTH: City of North Chicago-General Industrial District (M2) / Corporate campus

EAST: Limited Industrial (LI) / Vacant

WEST: Limited Industrial (LI) / Agricultural (vacant)

SOUTH: Limited Industrial (LI) / Agricultural (vacant)

COMPREHENSIVE PLANS

LAKE COUNTY: Industrial

MUNICIPALITIES WITHIN 1 ½ MILES:

City of North Chicago:	Not Designated
Mettawa	Not Designated
Libertyville	Not Designated
Green Oaks	Not available
Lake Forest	Not Designated
Lake Bluff	Not Designated

DETAILS OF REQUEST

ACCESS: Access to the site is provided from Atkinson Road, a right-of-way under the jurisdiction of the City of North Chicago. The North Chicago Public Works department has indicated their intent to approve an access permit per the letter dated January 6, 2020 (Application Exhibit F).

CONFORMING LOT: The subject property is a conforming lot in the LI district.

FLOODPLAIN / WETLAND: The property contains FEMA mapped regulatory floodplain and mapped wetlands. The proposed development is located outside of the floodplain. A No Wetland Impact Determination/(LONI) letter was issued by this Department on September 29, 2020 confirming there will be no impact to the wetlands.

SEWER AND WATER: The subject property is serviced by public water and private septic systems (holding tanks for special and sanitary wastes).

LAKE COUNTY AND EXTERNAL AGENCY COMMENTS

Lake County Environmental Health Department - Jeff Bixler

- The Health Department has no objection to the requested Conditional Use Permit. Approval will be required for an on-site wastewater treatment (OWTS) application for a non-soil based septic systems.

Lake County Environmental Engineering Division - Joel Krause

- The Engineering Division has no objection to the requested Conditional Use Permit. A Site Development Permit is required and will need to be obtained prior to the start of construction.

Lake County Building Division - Ieva Donev

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

Lake County Public Works - Daniel Salgado

- The LCPW has no objection to the requested Conditional Use Permit. The applicant will need to submit completed water main extension plans.

Lake County Division of Transportation - Joe Meyer

- No Comments.

McHenry-Lake County Soil & Water Conservation District - Spring Duffy

- The McHenry-Lake County SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report.

Illinois Department of Natural Resources-Kyle Burkwald

- Per letter issued by IDNR on October 7, 2019, a natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action, however, the IDNR concluded that adverse effects are unlikely.

ADDITIONAL COMMENTS

- Per Section 151.111 Use Table of the Lake County, Illinois Code of Ordinances (Lake County Code), a heliport is an allowed use in the LI district only with a Delegated Conditional Use Permit (CUP). Heliports are defined as *“a facility constructed for the taking off and landing of helicopters”*.
- Lake County Code Section 151.112 sets forth the following requirements for heliports:
 - The site shall be in compliance with all applicable state and federal requirements.
 - Setbacks, landscaping and fencing appropriate to the specific nature of the use shall be established during the CUP review process.
 - The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - All areas proposed for active use shall be fenced.
 - Takeoff and landing facilities shall be located so as to minimize the impact on existing and proposed residential areas.
- The application requests establishment of a heliport for use by one helicopter with flight operations conducted on weekdays only between the hours of 7 a.m. and 7 p.m., with up to four operations (defined as a take-off or landing) per day on Mondays, Tuesdays, and Wednesdays, and up to six operations proposed on Thursdays and Fridays. No night or weekend operations are proposed. The heliport may also be available for emergency medical uses, if warranted.
- The applicant has completed the Site Capacity/Site Plan Review process with the Lake County Development Review Team, demonstrating they meet all development standards of the LCC.
- Lake County Planning, Building and Development issued a letter of No Wetland Impact Determination (LONI) on September 29, 2020.
- The FAA 5010 Airport Master Record Database indicates there are fifteen private heliports located throughout Lake County; six appear to be associated with medical facilities and the remaining nine associated with private companies or private individuals.
- Pursuant to federal statutes Title 14 Part 157, a private use heliport operator must submit a Form 7480-1 to the Federal Aviation Administration (FAA) for an airspace determination. The applicant submitted the required form and the FAA is in review of the submitted application, pending receipt of appropriate local zoning. Per page 11 of the application, the site plan for the proposed heliport has been designed to meet or exceed all Federal Aviation Administration (FAA) design standards.

RECOMMENDATION ON CONDITIONAL USE PERMIT #CUP-000584-2020

Staff recommends that the CUP, if approved, be subject to the Conditions attached as Exhibit A. In staff's opinion, provided the conditions proposed in Exhibit "A" are met, the request complies the CUP 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: See Appendix A

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: Establishment of a heliport on the subject property is allowed within the LI zoning district with an approved CUP. Staff has completed their review of the site plans related to the site capacity/site plan review process. Pending the approval of the CUP in conjunction with the recommended conditions listed in Exhibit A, the proposed request will comply with all applicable Codes.

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: Mapping resources indicate that industrial zoning has existed on the subject parcel and adjacent properties since the 1960s. The Future Land Use Map envisions industrial uses for the area, a designation which is not contradicted by any municipal comprehensive plans. Immediately east of the subject parcel is a fire station, and the east, south, and west parcels are vacant and contain agricultural fields. To the north is a corporate campus. The proposed development request is compatible with the adjacent properties in terms of both zoning and uses.

2. CHARACTER OF THE NEIGHBORHOOD

Comment: The subject parcel and the surrounding properties have a long-standing history of an industrial use designation. Atkinson road is a designated collector corridor, and the site is in proximity to a railroad and the Interstate-94 travel corridor. The proposed maintenance

building and private helicopter landing pad are not out of character with the existing uses surrounding the subject property, which include a fire station, a corporate campus, transportation corridors, and agricultural/open space uses.

To the southeast of the subject parcel, there is a residential neighborhood that is zoned Residential-2 (R-2) and contains single-family residential dwellings. While not adjacent to the subject parcel, it is of the greatest concern with regards to any negative land use impacts, specifically related to lighting, noise, and air pollution. However, to the extent that these issues are associated with the proposed use, all efforts have been made to limit the adverse impacts to the surrounding area. For lighting, the applicant has submitted a photometric plan that demonstrates the general site lighting is compliant with the requirements of Section 151.168. The lighting specific to flight operations will be “timer-controlled”, and only activated for use by the pilots when necessary for flight operations. Another area of concern is associated with noise generated by helicopter landings and takeoffs. However, per the *Heliport Noise and Air Quality Report* prepared by Mead & Hunt, Inc., and submitted with the application, the noise contour study indicates there will be no significant aircraft noise impacts extending beyond the eastern property boundary and the residential areas to the east will experience a noise level comparable to a quiet rural nighttime environment¹. Additionally, the proposed use is buffered from the residential uses to the east by a densely forested woodland. Finally, as it relates to air pollution concerns, as demonstrated in Table 3 of the *Heliport Noise and Air Quality Report*, the calculated annual emissions associated with the construction and operation of the heliport are far below the impact thresholds set in the *FAA Aviation Emissions and Air Quality Handbook* and thus will not create concerns related to air quality. Overall, it is staff’s opinion that the use will be no more impactful to this area than the industrial park to the south and the operations of the railroad to the west.

3. NATURAL RESOURCES

COMMENT: Given the site is currently used predominantly for conventional agriculture (crop raising), there are few existing natural resources on the subject parcel. The design of the site and related facilities have been configured to avoid all impacts on those natural resources which are present, which include limited floodplain and wetlands. This Department has determined there will be no impact to the wetlands per a Letter of No Impact (LONI) determination and the footprint of the development is well outside of the floodplain boundary. Furthermore, the McHenry-Lake SWCD Inventory report states that impact to natural resources from the proposed use is minimal as does the IDNR report. The impervious surface of the development will be less than ten percent (approximately), of the overall site, which leaves a substantial portion of the subject parcel to be preserved for open space and agriculture.

¹ Per the *Heliport Noise and Air Quality Report*, the FAA has adopted a “DNL 65 dBA” (DNL is day-night average sound level and dBA is A weighted decibel scale) as the threshold of significant noise exposure, below which residential land uses are compatible. The 65DNL contour is contained entirely within the subject parcel. Further, the 40DNL (A 40DNL is comparative to a quiet rural nighttime environment) sound contour does not extend to this residential area to the east.

4. INFRASTRUCTURE

COMMENT: Public facilities and services available to the property include public water, transportation, support services (fire protection and emergency medical services), and standard utilities. Atkinson Road is classified as a collector road per Appendix B of the Lake County Code and meets the specific requirement of Section 151.111 (D)(4) for a heliport. The City of North Chicago has indicated that they will issue an access permit. The low volume of traffic associated with the CUP request is not anticipated to affect the existing vehicular traffic loads on Atkinson Road. Public water is available from Lake County Public Works. The property will be served by two private on-site wastewater treatment systems, for both sanitary and special wastes. Therefore, the proposed use will not have an adverse impact on infrastructure.

5. PUBLIC SITES

COMMENT: There are no public sites in close proximity to the subject property.

6. ANY OTHER MEASURES AFFECTING THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE

COMMENT: The applicant's use of the site, including the proposed flight standards and limited operations, will be in compliance with FAA regulations. The heliport is situated in close proximity to Interstate-94, which will be used as a flight corridor, and the three flight paths identified to provide access to the corridor are located over vacant land and open space, which minimizes risk in the event of a helicopter accident within the flight path. Additionally, the applicant has indicated their intent to collaborate with local first responders to allow use of the facility for emergency operations, which will be a benefit to the public. The applicant's compliance with the requirements of the Lake County Code, coordination with other applicable regulatory agencies, and any additional conditions imposed by the Zoning Board of Appeals will ensure there will not be any significant adverse impacts to the public health, safety, or general welfare of Lake County residents.

APPENDIX A
Section 151.005 Purpose and Intent
Lake County, Illinois Code of Ordinances

Staff note: A number of listed purpose and intent provisions in Section 151.005 of the Lake County Code are not relevant to this development proposal as they either address the regulatory mechanics of the ordinance (such as the classification of the unincorporated area into zoning districts) or land use or other topics (such as the elimination of nonconformities). As such, staff's analysis will be confined to those specific purpose and intent provisions that are relevant to this CUP application, as follows:

- A. Implementing the Regional Framework Plan:** The subject property is designated on the Future Land Use Map as Industrial. The proposed use is compliant with this designation.
- B. Regulating and restricting the location and use of buildings, structures, and land for agriculture, natural resource conservation, recreation, trade, industry, residences, and other uses:**
The intent of the code is to restrict uses and structures that may not be appropriate for a property in an area or neighborhood. In this case, the subject parcel is surrounded by limited industrial vacant properties on the east, south, and west sides and across Atkinson Road from the corporate campus on the north that it will be servicing.
- C. Protecting landowners from any adverse impacts associated with development:**
Helicopter landings and takeoffs generate noise; however, the applicant will limit the use of the heliport to weekday business hours with only a few trips per day. For a landing or takeoff on the subject property, the impacts of sound will only last for a short time, typically a couple of minutes at most. Many days throughout the year there will be no operations at all. Further, the planned flight paths will take place between the site and the I-94 corridor to the west. The noise contour modeling demonstrates that there will be no significant noise impacts to the residential areas to the east. The helicopter landing pad will be constructed of concrete which will minimize any dust that would be associated with the helicopter operations and the operational air emissions will be well below the impact thresholds set in the *FAA Aviation Emissions and Air Quality Handbook* and thus will not impact air quality.
- D. Implementing land use and open space policies that will preserve agricultural uses of land and the rural, open character of the unincorporated area of the county:** The site plan includes areas of open space and agricultural land.
- E. Controlling development in areas of sensitive natural resources, in order to reduce or eliminate adverse environmental impacts:** The site's existing wetlands will be protected, and no development will occur in the floodplain.
- F. Protecting the integrity of watersheds:** The proposed site and stormwater management plan meets the detention required to protect the watershed.

- G. Promoting sustainable development:** The project represents sustainable development best practices by minimizing the development footprint and enabling the remaining land to continue to be used for agriculture or as open space. Again, the site's existing wetlands will be protected, and no development will occur in the floodplain. The use of native species is emphasized in the planting schedule. Finally, the site will be decommissioned and returned to its previous agricultural state if no longer needed by the owners.
- H. Managing growth within the unincorporated area of the county by concentrating development in areas where adequate sewage and water facilities, roads, and schools now exist or can be provided, and limiting development where these facilities are not adequate:** The subject property will utilize a private septic system and is adequately served by public water facilities and roads. The development will have no impact on school facilities but will provide additional property tax revenue to support local school services.
- I. Protecting the tax base by managing growth within unincorporated Lake County:** This industrial site will contribute to the tax base in unincorporated Lake County.
- J. Promoting land use patterns that increase efficiency in service provision and prudent use of fiscal resources and local government expenditures:** Emergency services agencies, both public and private, will benefit from the ability to access the site for emergency flights, if needed.
- K. Ensuring protection from fire, flood, and other dangers:** The site's development must conform to fire and life safety codes and will have its own fire suppression system that exceeds the requirement of the FAA. The immediate adjacency of the Libertyville Fire Station No. 3 will further ensure protection from fires or other dangers. As previously mentioned, no development will occur in the floodplain.
- L. Providing adequate privacy, light, and air:** The project involves a significant portion of the site to remain as open space or agricultural. The project's minimal development footprint will provide adequate privacy, light, and air both within and surrounding the site.

EXHIBIT A
Proposed Conditions for Case #CUP-000584-2020

1. Prior to any permits issued by staff, the applicant shall demonstrate compliance with all applicable state and federal requirements.
2. The development of the site shall conform to the approved site plans and the terms and conditions set forth as part of the Conditional Use Permit.
3. The private use of the heliport shall conform to the operational standards set forth in the application associated with CUP-00584-2020, including, but not limited to:
 - a. Flight operations are limited to occur between 7 a.m. to 7 p.m. Mondays through Fridays, with the total number of operations (takeoffs and landings) not to exceed 24 per week. (Emergency service operations exempted).
 - b. The flight paths shall be limited to those described in Exhibit I, *AbbVie Aviation Heliport Noise and Air Quality Report* prepared by Mead & Hunt, Inc., on October 30, 2019, unless weather conditions prohibit use of the predetermined paths, based on pilot's judgment.
4. General 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 be shielded to prevent light and glare spillover to any residential properties and abutting rights-of-way.