

Agenda Item # 65

Distribution  
County Board  
Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS )

) SS

No. 3344  
Vernon Township

COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
August 12, 2003

MS. CHAIRPERSON AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3344, which consists of the Petition of Parkway Bank and Trust Company, T/U/T #12499 and George and Patricia Loukas relative to a request for rezoning from the Estate District to the General Commercial District. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to approve" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays"; the Planning, Building and Zoning Committee vote is 6 "Ayes" and 0 "Nays".

- o A "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.
- o A "Nay" vote on the motion shall operate against the prayer of the petitioner.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Ludy Martini  
CHAIRPERSON

Janet O. Kuehl  
VICE CHAIRPERSON

Donald Lee Carter

Stewart Moutsin

Randy Whitman

Steph E. Carlson

## RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois, on the petition of Parkway Bank and Trust Company, T/U/T #12499 and George and Patricia Loukas, relative to a request for rezoning from the Estate District to the General Commercial District for the following real estate, to-wit:

THAT PART OF LOT 2 IN TRIPP'S SUBDIVISION OF PART OF SECTION 26 AND 27, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 21, 1894, AS DOCUMENT NUMBER 58422, IN BOOK "C" OF PLATS, PAGE 80, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE CENTER LINE OF MILWAUKEE ROAD, AT A POINT SOUTHEASTERLY OF THE NORTH LINE OF SAID LOT 2, 272.19 FEET ALONG SAID CENTER LINE OF MILWAUKEE ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID MILWAUKEE ROAD, 257.76 FEET; THENCE RUNNING EAST 915 FEET, MORE OR LESS, ON A LINE PARALLEL TO SAID NORTH LINE OF SAID LOT 2 AND DISTANT 514 FEET SOUTH THEREFROM TO THE CENTER LINE OF THE DES PLAINES RIVER; THENCE RUNNING NORTHWESTERLY ALONG THE CENTER LINE OF THE DES PLAINES RIVER TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL TO THE NORTH LINE OF SAID LOT 2 AND DISTANT 264 FEET SOUTH THEREFROM; THENCE RUNNING WEST 850 FEET, MORE OR LESS ALONG SAID LAST DESCRIBED LINE TO THE PLACE OF BEGINNING, EXCEPT THAT PART ACQUIRED FOR ROAD PURPOSES BY THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION IN EMINENT DOMAIN CASE 79ED45 DESCRIBED AS FOLLOWS: THAT PART OF THE LAND FALLING IN THE FOLLOWING DESCRIBED TRACT: THE WEST 50 FEET, AS MEASURED PERPENDICULAR TO THE CENTERLINE OF MILWAUKEE AVENUE, OF THE SOUTH 250 FEET OF THE NORTH 514 FEET OF THAT PART OF LOT 2 LYING EAST OF THE CENTER OF MILWAUKEE AVENUE IN TRIPP'S SUBDIVISION AFORESAID, IN LAKE COUNTY, ILLINOIS

P.I.N.: 15-26-100-027

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be granted; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 7 - 0 that the petition be granted; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 6-0 that the petition be granted. Motion by Member Newton, second by Member Mountsier, to grant the petition. Voting "Aye," Members Mountsier, Carter, Newton, Carlson, Whitmore and Martini. Voting "Nay," none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board, that the prayer of the Petitioner be granted and that the above described real estate shall be rezoned from the Estate District to the General Commercial District; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the petitioner as to the action taken by the Board.

STATE OF ILLINOIS        )  
                                  )        SS  
COUNTY OF LAKE         )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

August 12, 2003

MS. CHAIRPERSON AND MEMBERS OF THE COUNTY BOARD:

Pursuant to State Statutes and following proper publication of public notice, a public hearing was conducted before the Lake County Zoning Board of Appeals on June 23, 2003, at 1:00 p.m., in the Vernon Area Public Library, Lincolnshire, Illinois, relative to the petition of Parkway Bank Trust Company, T/U/T #12499 and George and Patricia Loukas requesting rezoning from the Estate District to the General Commercial District of the following described real estate, to-wit:

THAT PART OF LOT 2 IN TRIPP'S SUBDIVISION OF PART OF SECTION 26 AND 27, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 21, 1894, AS DOCUMENT NUMBER 58422, IN BOOK "C" OF PLATS, PAGE 80, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE CENTER LINE OF MILWAUKEE ROAD, AT A POINT SOUTHEASTERLY OF THE NORTH LINE OF SAID LOT 2, 272.19 FEET ALONG SAID CENTER LINE OF MILWAUKEE ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID MILWAUKEE ROAD, 257.76 FEET; THENCE RUNNING EAST 915 FEET, MORE OR LESS, ON A LINE PARALLEL TO SAID NORTH LINE OF SAID LOT 2 AND DISTANT 514 FEET SOUTH THEREFROM TO THE CENTER LINE OF THE DES PLAINES RIVER; THENCE RUNNING NORTHWESTERLY ALONG THE CENTER LINE OF THE DES PLAINES RIVER TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL TO THE NORTH LINE OF SAID LOT 2 AND DISTANT 264 FEET SOUTH THEREFROM; THENCE RUNNING WEST 850 FEET, MORE OR LESS ALONG SAID LAST DESCRIBED LINE TO THE PLACE OF BEGINNING, EXCEPT THAT PART ACQUIRED FOR ROAD PURPOSES BY THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION IN EMINENT DOMAIN CASE 79ED45 DESCRIBED AS FOLLOWS: THAT PART OF THE LAND FALLING IN THE FOLLOWING DESCRIBED TRACT: THE WEST 50 FEET, AS MEASURED PERPENDICULAR TO THE CENTERLINE OF MILWAUKEE AVENUE, OF THE SOUTH 250 FEET OF THE NORTH 514 FEET OF THAT PART OF LOT 2 LYING EAST OF THE CENTER OF MILWAUKEE AVENUE IN TRIPP'S SUBDIVISION AFORESAID, IN LAKE COUNTY, ILLINOIS

P.I.N.: 15-26-100-027

The proceedings of this hearing have been electronically recorded and are available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received prior to this hearing from the various County Departments and other interested agencies are on file at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of the reports and recommendations from the following agencies, to-wit:

The Health Department;  
The Building and Code Enforcement Division; and  
The Department of Planning, Building and Development;

In making its recommendation, the Zoning Board has considered and taken into account the following:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies; and
- d) Standards provided in Section 3.3 of the Unified Development Ordinance

At the close of the hearing of the Lake County Zoning Board of Appeals held on June 23, 2003, after a final review of all evidence and testimony presented, Member Morgan moved, with a second by Member Wilson to recommend the prayer of the petitioner for rezoning from the Estate District to the General Commercial District be granted. Voting "Aye" on this motion were Members Zingle, Van Erden, Wilson, Freese, Bell, Morgan and Helke. Voting "Nay, none. The motion to recommend this petition be granted was passed by a vote of 7 - 0.

The Board finds that the request for rezoning meets the standards for map amendments contained in Section 3.3 for rezoning from the Estate District to the General Commercial District in the following manner:

**Standard A.** The proposed amendment is consistent with the stated purpose and intent of the Unified Development Ordinance.

**Finding:** The proposal is consistent with the intent of the Ordinance to permit orderly growth in conformance with the County's comprehensive plan. The Framework Plan designates the subject property as "Suburban", the location of the subject parcel abuts Illinois State Highway Route 21, has the ability to utilize public sewer and water, and is located entirely within a floodplain. Given the petitioners' proposed use of recreational fields, the property could be appropriately designated under the General Commercial zoning district.

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

**Finding:** The subject property has been designated Suburban since the Framework Plan was originally adopted in 1982. Due to the fact that surrounding area is predominantly comprised of nonresidential uses, and the petitioners' proposed recreational use is an appropriate use of the floodplain, the property could be appropriately designated under the General Commercial zoning district.

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

**Finding:** The proposed amendment will allow development that is compatible with existing nonresidential uses and zoning of properties to the north, south and west.

**Standard D.** 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;

**Finding:** The property has the capability to utilize public sewer and water and can take direct access to Illinois State Route 21.

Standard E. 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; and

Finding: All site modifications will be required to meet the standards of the Lake County site plan approval process. Open space recreational uses are appropriate in the floodplain.

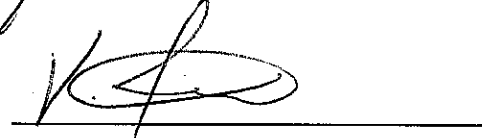
Standard F. The subject property is suitable for proposed zoning classification.

Finding: As previously stated, the location of the subject parcel abuts Illinois State Highway Route 21, has the ability to utilize public sewer and water, and is located entirely within a floodplain. A commercial use such as recreational fields is probably the best viable use of the property.

At the direction of the Chairman of the Zoning Board of Appeals. This report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

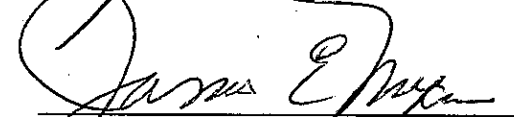
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CHAIRPERSON

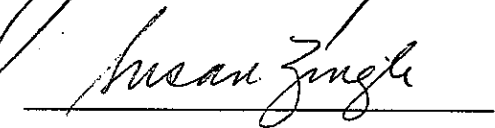
  
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VICE-CHAIRPERSON

  
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Dated this 30<sup>th</sup> day of June, 2003.

**Summary of Testimony**  
**Zoning Case #3344**

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 23, 2003 on the application of Parkway Bank and Trust Company, T/U/T #12499, record owner, and George and Patricia Loukas, beneficiaries, which seeks rezoning from the Estate District to the General Commercial District. The subject property is unimproved, contains 4.79 acres and is located on the east side of Milwaukee Ave. approximately 1400 ft. south of Aptakisic Road in Vernon Township. The following is a summary of the testimony presented.

1. Mr. Joe Morrison, attorney representing the applicants, testified that the applicants also own the Cubbie Bear Restaurant which immediately adjoins the subject property to the north. It is the applicants' desire to use the subject property for two softball fields, volleyball courts and other recreational facilities that will be accessory to the Cubby Bear Restaurant. The only structures planned for the property are bleachers and a small awards presentation platform. No buildings will be constructed. It is the intention of the applicants to make these facilities available to corporate softball leagues, little league and the like in order to draw additional business to the restaurant.
2. Mr. Morrison further testified that in his opinion the property is well suited for the requested zoning and proposed use. He noted that according to the County's maps, the entire property is in the floodplain and the easternmost portion is in the floodway and, therefore, no buildings can be erected on the property. Surrounding uses and zonings include the Cubbie Bear Restaurant to the north which is zoned General Commercial and the Par King miniature golf course zoned Recreational Commercial. To the northwest in the Village of Lincolnshire is a commercial complex that includes two restaurants, a hotel, theatres and other businesses. Across Milwaukee Avenue to the west is a former landfill that is zoned General Office in the County that is being planned for development and to the south is a single-family residence with a landscaping business behind it. To the east is the Des Plaines River and property owned by the Lake County Forest Preserve District.
3. Mr. Morrison and Mr. Loukas testified that access to the property will only be provided through the restaurant property and all parking will also be located on the restaurant property. Mr. Morrison noted that all site development, including any outdoor lighting and all landscaping, is subject to the County site plan review and approval process and must conform with all Ordinance requirements.
4. Mr. Tom Hahn, Lake County Forest Preserve Director of Land Preservation, testified that the District is interested in acquiring a 100 ft. wide trail corridor across the eastern edge of the property as part of the Des Plaines River trail system. They wish to discuss this further with the applicant.

**Summary of Department Comments**  
**Zoning Case #3344**

**Lake County Health Department:**

The Department has no objections.

**Lake County Department of Planning, Building and Development:**

Staff recommends this rezoning request be approved as it meets the standards of the Ordinance. It conforms with the County's comprehensive plan, is compatible with surrounding uses and zoning and will have no significant adverse impacts on natural resources or public services.



Philip J. Rovang  
Director

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**MEMORANDUM**

June 16, 2003

TO: Gloria Helke, Chairperson  
Lake County Zoning Board of Appeals

FR: Robert Mosteller, Deputy Director *RM*  
Lake County Department of Planning, Building and Development

CASE NO: 3344

REQUESTED ACTION: Rezoning from the Estate (E) zoning district to the General Commercial (GC) zoning district. It is the applicants' desire to utilize the subject property for recreational fields in conjunction with the adjoining *Cubby Bear North Tavern/Restaurant*

HEARING DATE: June 23, 2003

**GENERAL INFORMATION**

OWNER(s): Parkway Bank and Trust Company, T/U/T #12499, record owner, and George and Patricia Loukas, sole beneficiaries

# OF PARCELS: 1 (one)

SIZE: Approximately 4.79 acres

LOCATION: The property is located at 21615 Milwaukee Avenue, Deerfield, IL.

EXISTING ZONING: Estate (E)

PROPOSED ZONING: General Commercial (GC)

EXISTING LAND USE: vacant

PROPOSED LAND USE: It is the applicants' desire to utilize the subject property for recreational fields in conjunction with the adjoining *Cubby Bear North Tavern/Restaurant*

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**SURROUNDING ZONING\LAND USE**

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NORTH: General Commercial (GC) and Open Space (OS)/Cubby Bear Tavern/Restaurant and vacant Lake County Forest Preserve property

SOUTH: Estate (E)/single-family dwelling and landscaping business

EAST: Open Space (OS)/Des Plaines River and vacant Lake County Forest Preserve property

WEST: General Office (GO)/Prairie Recreational Development (landfill)

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**COMPREHENSIVE PLANS**

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LAKE COUNTY: Suburban

MUNICIPALITIES WITHIN 1 ½ MILES:

Village of Buffalo Grove: commercial

Village of Lincolnshire: planned business mixed use

Village of Riverwoods: not designated

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**DETAILS OF REQUEST**

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ACCESS: The subject parcel has access to Illinois State Route 21

PHYSICAL CHARACTERISTICS: The subject property is currently vacant

SOIL TYPES: 442A Mundelein silt loam, 0 to 2 percent slopes

FLOODPLAIN WETLAND: According to the Lake County Wetlands Inventory Maps, a wetland is located on the eastern edge of the subject parcel. FEMA maps indicate that the subject parcel is located entirely within a mapped floodplain.

SEWER AND WATER: The site is served by public water and sewer.

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## RECOMMENDATION FOR REZONING

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Staff recommends that the petitioner's request to rezone the 4.79-acre of subject property from Estate (E) to General Commercial (GC) be approved. Staff's recommendation is based on the petitioner's ability to meet all of the "Map Amendment Approval Criteria" stated in the Unified Development Ordinance as follows:

Standard A: The proposed amendment is consistent with the stated purposes and intents of the UDO (Sec. 1.5);

Comment: The proposal is consistent with the intent of the Ordinance to permit orderly growth in conformance with the County's comprehensive plan. The Framework Plan designates the subject property as "Suburban", the location of the subject parcel abuts Illinois State Highway Route 21, has the ability to utilize public sewer and water, and is located entirely within a floodplain. Given the petitioners' proposed use of recreational fields, the property could be appropriately designated under the General Commercial zoning district.

Standard B: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area;

Comment: The subject property has been designated Suburban since the Framework Plan was originally adopted in 1982. Due to the fact that surrounding area is predominantly comprised of nonresidential uses, and the petitioners' proposed recreational use is an appropriate use of the floodplain, the property could be appropriately designated under the General Commercial zoning district.

Standard C: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby properties;

Comment: The proposed amendment will allow development that is compatible with existing nonresidential uses and zoning of properties to the north, south and west, as well as the vacant floodplain property to the south.

Standard D: 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.

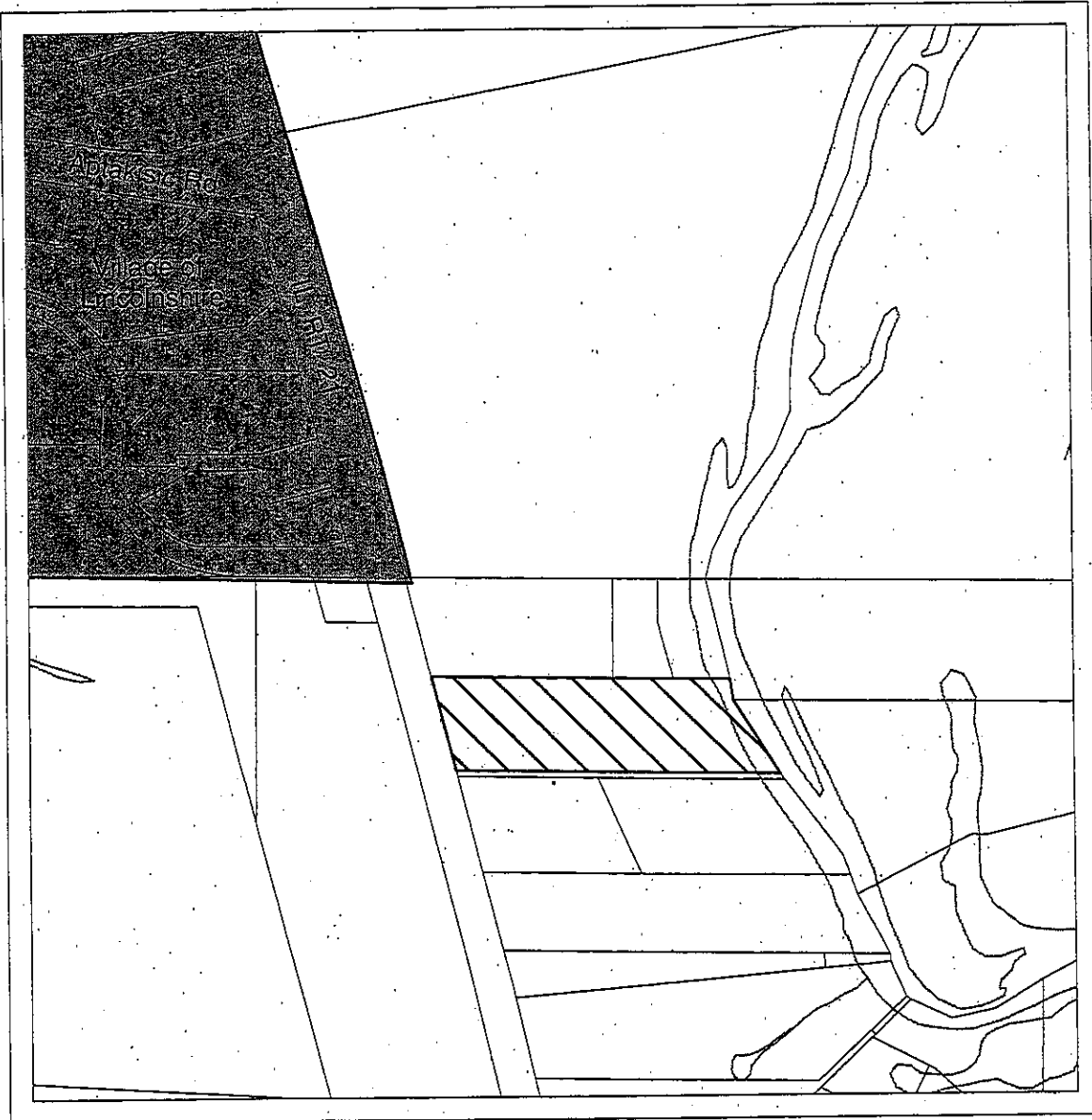
Comment: The property has the capability to utilize public sewer and water and can take direct access to Illinois State Route 21.

Standard E: 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; and

Comment: All site modifications will be required to meet the standards of the Lake County site plan approval process. Open space recreational uses are appropriate in the floodplain.

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

Comment: As previously stated, the location of the subject parcel abuts Illinois State Highway Route 21, has the ability to utilize public sewer and water, and is located entirely within a floodplain. Staff is of the opinion that a commercial use such as recreational fields are probably the best viable use of the property.



## Zoning Board of Appeals Case# 3344

### Vernon Township

Request for rezoning from the Estate district to the General Commercial district. It is the applicants' desire to utilize the subject property for recreational fields in conjunction with the adjoining Cubby Bear North Restaurant, which the applicants also own.