

Agenda Item # 60

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3397
Lake Villa Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS
May 11, 2004

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3397, which consists of the Petition of Patrick and Carolyn Lamont relative to a request for a Conditional Use Permit to allow consumer vehicle sales, rental and repair. 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 "Nay"; the Planning, Building and Zoning Committee vote is 7 "Ayes" and 0 "Nays".

- o An "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.

Respectfully submitted,

	Aye	Nay
<u>Juday Martene</u> CHAIRMAN	✓	
<u>Samela D. Ullrich</u> VICE-CHAIRMAN	✓	
<u>Robert Sabony</u>		○
<u>Steph E. Carlen</u>	✓	
<u>Randall Whitman</u>	✓	
<u>Stinson Jounsin</u>		X
<u>Bonnie Hart</u>	✓	

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 Patrick and Carolyn Lamont relative to a request for a Conditional Use Permit to allow consumer vehicle sales, rental and repair for the following real estate, to-wit:

Lot 1 (except the Northerly 200 feet of said lot measured along the front line of said Lot) and the North 123 feet of Lot 2, measured along the front line of said Lot 2 in John Stratton Subdivision, being a subdivision of part of the North East Quarter of Fractional Section 1, Township 45 North, Range 9, East of the Third Principal Meridian according to the plot thereof recorded April 22, 1957, as Document No. 947798 in Book 1534 of Records, page 298, in Lake County, Illinois.

PN: 05-01-207-002

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 7 to 0 that the petition be granted subject to the conditions attached hereto as Exhibit A. Motion by Member Whitmore, second by Member Mountsier, to grant the petition. Voting "Aye", Members Carter, Mountsier, Whitmore, Sabonjian, Carlson, Newton 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 issued a Conditional Use Permit to allow consumer vehicle sales, rental and repair subject to the conditions attached hereto as Exhibit A; 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.

EXHIBIT A

Zoning Case #3397

This Conditional Use Permit shall be issued subject to the following additional conditions:

1. Two (2) plant units for each one hundred (100) feet of frontage shall be installed along IL Route 59.
2. Except for security lighting, the property shall only be lit between the hours of 8:00 a.m. and 5:00 p.m.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

May 11, 2004

MADAM CHAIRMAN 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 April 12, 2004, at 1:00 p.m., in the Lake Villa Township Hall, Lake Villa, Illinois, relative to the petition of Patrick and Carolyn Lamont requesting a Conditional Use Permit to allow consumer vehicle sales, rental and repair for the following described real estate, to-wit:

Lot 1 (except the Northerly 200 feet of said lot measured along the front line of said Lot) and the North 123 feet of Lot 2, measured along the front line of said Lot 2 in John Stratton Subdivision, being a subdivision of part of the North East Quarter of Fractional Section 1, Township 45 North, Range 9, East of the Third Principal Meridian according to the plot thereof recorded April 22, 1957, as Document No. 947798 in Book 1534 of Records, page 298, in Lake County, Illinois.

PN: 05-01-207-002

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 Division of Transportation;
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 Sections 3.6 and 6.2 of the Unified Development Ordinance

At the close of the hearing of the Lake County Zoning Board of Appeals held on April 12, 2004, after a final review of all evidence and testimony presented, Member Van Erden moved, with a second by Member Koeppen, to recommend the prayer of the petitioner for a Conditional Use Permit to allow consumer vehicle sales, rental and repair be granted. Voting "Aye" on this motion were Members Koeppen, Bell, Van Erden, Morgan, Stimpson, Helke and Wilson. 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 a Conditional Use Permit meets the standards contained in Section 3.6 in the following manner:

Standard A. The use in its proposed location will be consistent with the stated purpose and intent of the Unified Development Ordinance.

Finding: The Unified Development Ordinance allows "consumer vehicle sales/rentals," in the General Commercial zone subject to a Conditional Use Permit. Because the use can comply with all requirements and standards for a CUP, this request complies 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" which requires a full complement of public services and facilities. The location of the subject parcel abuts Illinois State Highway Route 59 and several small auto related businesses are located together along the highway. The property is also served by public sewer and water.

Standard B: The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2

Finding: The subject property is zoned General Commercial (GC) and can meet all Ordinance requirements.

Standard C. 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 Comprehensive Plan:

1. Adjacent property

Finding: The proposed uses are compatible with surrounding commercial uses. The subject property is bound on the north and south by parcels also zoned General Commercial that are improved with small businesses of a similar nature. Along the north and south property lines the UDO will require no transition yard or landscape material to be installed, as the zoning is similar and the uses are compatible in nature.

To the east, the property abuts a large marsh that is part of Forest Preserve property. The landscape requirements include a 30-foot transition yard, 2 plant units per 100 lineal feet and a split rail fence. The planting requirement has been waived due to the amount of existing vegetation along the east property line and the expanse and type of open space in the forest preserve.

The western property line that abuts Route 59 will have a landscape requirement of 1 unit per 100 lineal feet of right of way. This will be implemented prior to occupancy.

The western property across Route 59 is a vacant parcel of approximately 30 acres, the frontage of which is also zoned GC.

No adverse impact will occur to any adjoining parcel.

2. Character of the neighborhood

Finding: The character of the area along Route 59 in the vicinity of the subject property is one of small commercial auto oriented services. This will not be changed by the proposed use and will be enhanced with the UDO landscape requirements that will be implemented along the street frontage of the subject property.

3. Natural resources

Finding: As noted the forest preserve lies adjacent to the eastern property edge and will not be disturbed. No development is proposed that will disrupt the vegetation, wetland or wildlife in the area. The applicant has proposed an additional 10 feet of undisturbed rear yard, widening the buffer to 40 foot along the east property line.

4. Infrastructure

Finding: The proposed use will be served by public sewer and water and the property has direct access to an arterial street.

5. Public sites

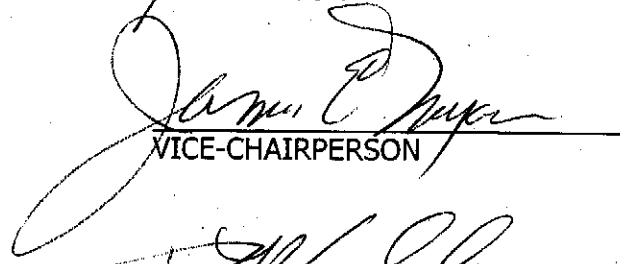
Finding: This use will not affect any public lands. There is over 200 feet of marsh, wetland and trees between trails in the forest preserve which effectively screens the property from public view.


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

Finding: The proposed development of this site can comply with all applicable regulations of the UDO and can meet all the standards for the approval of the CUP. We see no other concerns that would significantly affect the public health, safety or general welfare.

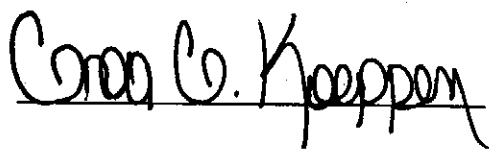
At the direction of the Chairman of the Zoning Board of Appeals. This report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.


CHAIRPERSON


VICE-CHAIRPERSON







Dated this 19th day of April 2004.

Summary of Testimony Zoning Case #3397

A public hearing was held by the Lake County Zoning Board of Appeals on April 12, 2004 on the application of Patrick and Carolyn Lamont which requests a Conditional Use Permit to allow vehicle sales, rental and repair. The subject property is zoned General Commercial, contains 1.02 acres and is located at 37611 N. Highway 59 (east side of Route 59 about ½ mile south of Grand Ave.) in Lake Villa Township. The following is a summary of the testimony presented:

1. Mr. Bill Effinger, representing the applicants, testified that the applicants purchased the subject property in October 2002 and previous to this purchase it had been used for vehicle sales and repair for the past 30 years. The applicants wish to expand their present vehicle sales, repair and U-Haul truck rental business currently located just two lots to the south. They are seeking this CUP in order to re-establish the original use of the property, enlarge the parking area and, in the future, enlarge the existing building.
2. Mr. Effinger further testified that the proposed use is similar to and compatible with the surrounding uses and zoning. He noted that GC zoning exists on both sides of Route 59 extending several hundred feet both north and south of the subject property. Although the west side of Route 59 is vacant, auto repair and sales businesses (including the applicants') are located on both adjoining parcels to the south and an engineering and manufacturing business is located just south of these. To the north is another auto sales business and a quick-mart, to the east is an unimproved area of the Grant Woods Forest Preserve containing a wetland area and, beyond that, a trail.
3. Mr. Effinger also noted that the proposed use is fully in compliance with the County's comprehensive plan which shows the property as Suburban. The site is served with both public sewer and water and has direct access onto Route 59. He also stated that the proposed site plan complies with all Ordinance requirements for setbacks, landscaping, floor area and impervious area. In fact, it proposes an additional ten feet of width (total 40 ft.) to the required transition yard abutting the Forest Preserve. Also, the property contains no protected natural resources.

Summary of Department Comments
Zoning Case #3397

Lake County Health Department:

As this property is served by public sewer and water, this Department has no objection to this request.

Lake County Division of Transportation:

IDOT has jurisdiction over access to Route 59, therefore this Department has no comments.

Lake County Department of Planning, Building and Development:

Staff recommends this request be approved as it meets all Ordinance requirements. Specifically, the proposed use fully complies with the County's comprehensive plan, it is compatible with surrounding zoning, land uses and the character of the area, it can be served by public sewer and water, it has direct access to Route 59, and it will have no detrimental effect on the adjoining Forest Preserve or any other matter affecting the public health, safety or welfare.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
Phone 847 377 2875
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E-mail planning@co.lake.il.us

MEMORANDUM

March 31, 2004

TO: Dennis Wilson, Chairman
Lake County Zoning Board of Appeals

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

CASE NO.: 3397

REQUESTED ACTION: Conditional Use Permit to allow consumer vehicle sales, rental and repair.

HEARING DATE: April 12, 2004

GENERAL INFORMATION

OWNER: Patrick and Carolyn Lamont

OF PARCELS: 1 (one)

SIZE: Approximately 1.02 Acres

LOCATION: 37611 N. Highway 59

EXISTING ZONING/
LAND USE: General Commercial (GC) with an existing vacant commercial building.

SURROUNDING ZONING/LAND USE

NORTH: GC/ Villa Pantry Convenience Store and Classic Car Sales

SOUTH: GC/SMT Research, Engineering Consultants/Business Machine Parts Sales

EAST: Open Space (OS) Grant Woods Forest Preserve

WEST: GC/Vacant un-improved

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

COMPREHENSIVE PLANS

LAKE COUNTY: Suburban

MUNICIPALITIES WITHIN 1 ½ MILES:

Village of Lake Villa: Not designated

Village of Fox Lake: Not designated

Village of Round Lake Heights: Not designated

DETAILS OF REQUEST

ACCESS: Access is provided via Highway 59.

SOIL TYPES: 320, Frankfort silt loam

WETLANDS/
FLOODPLAIN: A mapped wetland exists to the east of the property and is located on Forest Preserve land. FEMA maps indicate that the subject parcel is not located within mapped floodplain limits.

SEWER/WATER: The site is served by public sewer and private well.

RECOMMENDATION FOR CONDITIONAL USE PERMIT

Staff recommends that the CUP request be approved. Staffs' recommendation is based on the petitioner's ability to fulfill all of the General Standards for Conditional Use Permits contained in Section 3.6.8. in the Unified Development Ordinance for Conditional Use Approval Criteria.

General Standards – Section 3.6.8.

- A. The use in its proposed location will be consistent with the stated purpose and intent of Section 1.5:

Comment: The Unified Development Ordinance allows "consumer vehicle sales/rentals," in the General Commercial zone subject to a Conditional Use Permit. Because the use can comply with all requirements and standards for a CUP, this request

complies 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" which requires a full complement of public services and facilities. The location of the subject parcel abuts Illinois State Highway Route 59 and several small auto related businesses are located together along the highway.

- B. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2

Comment: The subject property is zoned General Commercial (GC) and can meet all ordinance requirements.

- C. 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 Comprehensive Plan:

1. Adjacent property

Comment: The proposed uses are compatible with surrounding commercial uses. The subject property is bound on the north and south by parcels also zoned General Commercial and are improved with small businesses (See page 1). Along the north and south property lines the UDO will require no transition yard or landscape material to be implemented as the zoning is similar and the uses are compatible in nature.

To the east, the property abuts a large marsh that is part of forest preserve property. The landscape requirements include a 30 foot transition yard, 2 plant units per 100 lineal feet, and a split rail fence. The planting requirement has been waived due to the amount of existing vegetation along the east property line and the expanse and type of open space in the forest preserve.

The western property line that abuts Route 59 will have a landscape requirement of 1 unit per 100 lineal feet of right of way. This will be implemented prior to occupancy and will include the following material;

The western property across Route 59 is a vacant parcel of approximately 30 acres, the frontage of which is also zoned GC.

Staff believes that no adverse impact will occur to any adjoining parcel.

2. Character of the neighborhood

Comment: The character of the area along Route 59 in the vicinity of the subject property is one of small commercial auto oriented services. This will not be changed by the proposed use and will be enhanced with the UDO landscape requirements that will be implemented along the street frontage of the subject property.

3. Natural resources

Comment: As noted the forest preserve lies adjacent to the eastern property edge and will not be disturbed. No development is proposed that will disrupt the vegetation, wetland or wildlife in the area. The applicant has proposed an additional 10 feet of undisturbed rear yard, widening the buffer to 40 foot along the east property line.

4. Infrastructure

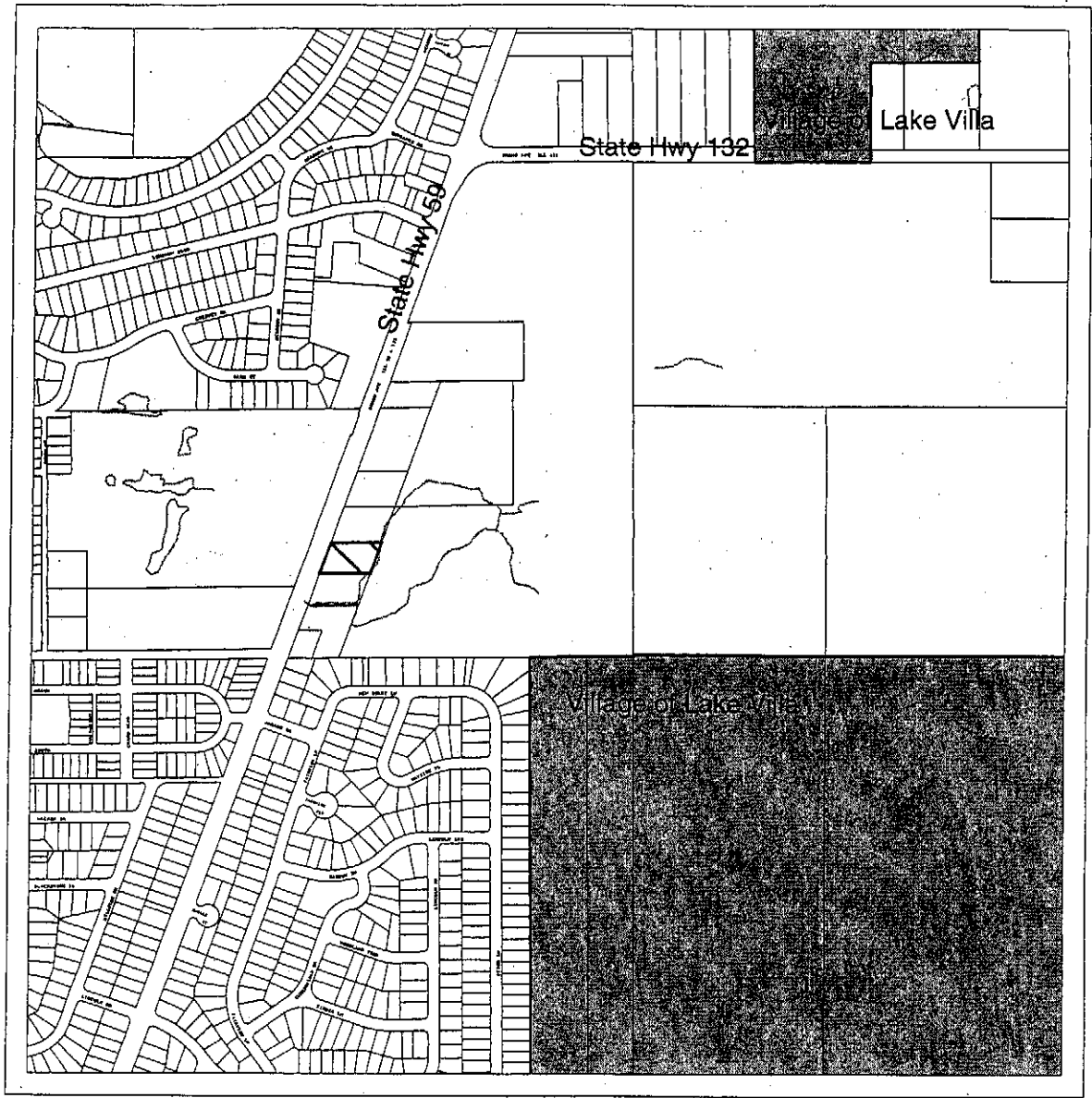
Comment: The proposed use can be adequately served by private well and septic system and the property has direct access to an arterial street.

5. Public sites

Comment: This use will not affect any public lands. There is over 200 feet of marsh, wetland and trees between trails in the forest preserve, which effectively screens the property from public view.

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

Comment: Staff believes the proposed development of this site can comply with all applicable regulations of the UDO and can meet all the standards for the approval of the CUP. We see no other concerns that would significantly affect the public health, safety or general welfare.



**Zoning Board of Appeals
Case# 3397**