

Agenda Item # 39

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

STATE OF ILLINOIS )  
 )  
 ) SS  
 )  
COUNTY OF LAKE )

No. 3569  
Shields Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

September 12, 2006

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3569, which consists of the Petition of Oak Development LLC, relative to a request for rezoning from the General Commercial to the Intensive Industrial zone. 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 5 "Ayes" and 1 "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.
- o A 3/4 (18) affirmative vote is required to approve the rezoning if there is a legal objection on file.

Respectfully submitted,

Aye    Nay

Judy Martini ✓  
CHAIRPERSON

Patricia D. ...  
VICE-CHAIRPERSON

... ✓

Robert Sabony 0

... ✓

... ✓

... X

## 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 Oak Development LLC relative to a request for rezoning from the General Commercial to the Intensive Industrial zone for the following real estate, to-wit:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 44 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, LYING WESTERLY OF THE WESTERLY LINE OF DEMARIE'S COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2657862 ON FEBRUARY 17, 1988, AND LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF SKOKIE HIGHWAY, ALL IN SECTION 18, TOWNSHIP 44 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LAKE COUNTY, ILLINOIS.

PIN: 12-18-400-112

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 5 – 1 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. Motion made by Member Gravenhorst, with a second by Member Mountsier to grant the petition. Voting "Aye," were Members Leafblad, Newton, Mountsier, Whitmore, Sabonjian, Gravenhorst 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 General Commercial to the Intensive Industrial zone, 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.

No. 3569  
Shields Township

STATE OF ILLINOIS )

COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

September 12, 2006

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 June 6, 2006, at 1:00 p.m., in the Shields Township Hall, Lake Bluff, Illinois, relative to the petition of Oak Development LLC requesting rezoning from the General Commercial to the Intensive Industrial zone for the following described real estate, to-wit:

THAT PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 44 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, LYING WESTERLY OF THE WESTERLY LINE OF DEMARIE'S COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2657862 ON FEBRUARY 17, 1988, AND LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF SKOKIE HIGHWAY, ALL IN SECTION 18, TOWNSHIP 44 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LAKE COUNTY, ILLINOIS.

PIN: 12-18-400-112

The proceedings of this hearing have been manually recorded and a transcript is 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:

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

As required by the Lake County Zoning Ordinance, 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) The Standards provided in Section 3.3 of the Unified Development Ordinance.

At the close of the continued public hearing of the Lake County Zoning Board of Appeals held on July 17, 2006, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Freese, to recommend the prayer of the petitioner for rezoning from the General Commercial to the Intensive Industrial zone be granted. Voting "Aye" on this motion were Members Bell, Koeppen, Morgan, Raymond and Westerman. Voting "Nay", Member Freese. The motion to recommend the petition be granted was passed by a vote of 5 - 1.

The Board finds that the request for rezoning meets the Standards for Map Amendments contained in Section 3.3 in the following manner:

**Standard A.** The proposed amendment is consistent with the stated purpose and intents of the Unified Development Ordinance (Sec. 1.5).

**Finding:** The subject property is shown as "Retail/Commercial" by the County's comprehensive plan. While the proposal is not strictly consistent with this designation, it is not in conflict either. The plan designates abutting property to the north as "Industrial" and adjoining property to the east as "Utility/Waste Facilities", both of which are clearly compatible with the proposal. The subject property also abuts municipal industrial zoning to both the north and south. In addition, it is part of an industrial/office/commercial corridor that extends along U.S. Route 41 from Lake Bluff to north of Gurnee, most of which is used for industrial and related uses. The proposed amendment is consistent with the purpose and intents of the UDO.

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

**Finding:** Other than the recent demolition of the former motel on the subject property, there have been no changing conditions in the area nor will this rezoning correct an error or inconsistency. The subject property abuts municipal industrial zoning and uses to both the north and south, is bounded by elevated railroad tracks to both the north and east and has direct access to U.S. Route 41, designated by the UDO as a freeway. These factors are more conducive to industrial, rather than commercial, development.

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

**Finding:** As previously mentioned, the subject parcel adjoins municipal industrial zoning and uses to both the north and south. The property is also unusually well buffered from adjoining properties by U.S. Route 41 on the west and elevated railroad tracks on both its north and east sides. Additionally, both the subject property and the immediately adjoining parcel to the south are heavily wooded with mature oak trees and very dense undergrowth. These conditions, combined with Ordinance requirements for woodland protection and transitional landscaping, are sufficient to assure compatibility with nearby development.

**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 will continue to utilize a private well and septic system. Access will continue to be taken from U.S. Route 41 and the developer must satisfy IDOT requirements.

**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.

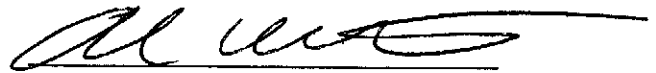
**Finding:** Any development will have to meet all requirements of the UDO and permitting agencies which will ensure there will not be any significant adverse impacts to the environment or other properties in the area.

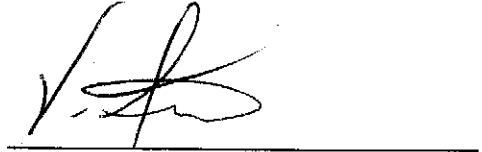
**Standard F.** The subject property is suitable for proposed zoning classification.

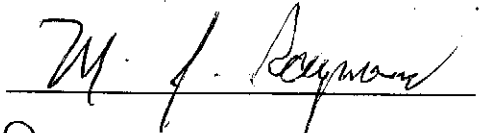
**Finding:** The subject property is physically suitable for the proposed use.

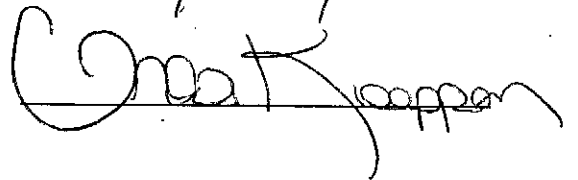
No. 3569  
Shields Township

  
ACTING CHAIRMAN









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Dated this 10th day of August 2006.

## Summary of Testimony

### Zoning Cases #3569 and #3570

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 6, 2006 on the application of Oak Development LLC, which requests rezoning from the General Commercial to the Intensive Industrial zoning district and a conditional use permit for a Landscape Waste Transfer Station. The subject property contains 6.33 acres and is located at 29307 N. Skokie Highway, Shields Township. The following is a summary of the testimony presented:

1. Mr. Gerald Callaghan, attorney, introduced the request and testified that the property, which formerly had a motel, is now vacant. He stated that the proposed use was a landscape waste transfer station with wholesale sales of landscape materials such as mulch, soil, gravel and chipped wood.
2. Mr. Callaghan further testified that the petitioner currently owns and operates a landscape waste transfer station on the west side of US 41, a short distance north of the subject property in North Chicago, on the site of the Scott Byron landscape company. Mr. Byron and the petitioner both need to expand their businesses, and therefore the petitioner needs to relocate his business. The petitioner also owns a combination landscape waste transfer station and composting facility in Lake Forest, which has operated since 1991, and another compost facility in Lake Bluff, which opened in 1995.
3. Mr. Callaghan testified that when a landscape service company cuts grass, trims shrubs and trees and rakes leaves, this yard waste is taken from the customer's property and delivered to a transfer station. At the transfer station, the yard waste is consolidated, loaded into semi-trailer trucks, and taken to a compost facility. By IEPA regulations, the landscape waste brought to a transfer station must be removed within 24 hours. The Lake County Health Department is responsible for enforcement.
4. Mr. Chris Miller, landscape architect and land planner, testified that the subject property is bordered on the north and east by railroad tracks. The property to the east is in the Village of Lake Bluff, and is zoned light industrial; property to the north is in North Chicago and has General Industrial uses; and the property to the northwest is in Lake Bluff, zoned light industrial, and vacant. The adjoining property on the south is in Lake Bluff, is zoned light industrial, and is owned by the principals of Oak Development LLC.
5. Mr. Miller testified that the property is not suited for commercial development because access to the property is limited to right turns in and right turns out from the northbound lane of US 41, and the visibility of the property from southbound traffic is poor. Mr. Miller testified the trend of development in the area is for industrial type uses. He also stated that the County's *Framework Plan* encourages recycling, and the use is consistent with the intent of the Plan. He further testified that only about 2 ½ acres of the site can be utilized because of the natural resources. He stated his opinion that this unique piece of property was well suited for the proposed use.

6. Mr. Peter Lemmon, transportation consultant, explained the traffic impact study. Based on the traffic generated at the applicant's operation in North Chicago, the study estimates that the proposed use would generate 100 vehicle trips per day. Mr. Lemmon recommended a full width right turn lane for vehicles entering the site and an acceleration lane for vehicles exiting the site. He further testified that under the property's current zoning, it could be developed with approximately 26,000 square feet of retail development or 40,000 square feet of office, and the traffic generated by these developments would be comparable to the generation for the proposed use.
7. Under questioning, Mr. Lemmon testified that he recommends a 150-foot long acceleration lane, which is the maximum length possible due to the bridge abutment for the railroad tracks crossing US 41. Mr. Lemmon stated there would be approximately three semi-trailer trips per day, which would be at non-peak times.
8. Mr. Bill Cussen, a civil engineer, explained the conceptual site plan. He testified the proposed detention facility would be a wetland-type basin using best management practices, and a small wetland on the site may be mitigated.
9. Mr. Dave Gorter, the owner and principal of DK Organics and a principal of Oak Development LLC, testified, that the Lake County Health Department inspects the three facilities his company operates weekly and they have an impeccable record. The yard waste brought to the site by local landscapers is shredded in a grinder to reduce its volume and is removed within 24 hours, as required by IEPA. In addition, he proposes to sell the compost from his other sites, plus soil, mulch, rock and sand to the landscapers who bring the landscape waste to the transfer station. There would not be retail sales to the general public. The hours of operation would be from 6:00 a.m. to 6:00 p.m.
10. Mr. Kent Street, village administrator for the Village of Lake Bluff, testified that the future land use map in the Village's Comprehensive Plan designates the subject property for commercial use. The Village's long-term concept for this portion of the US 41 corridor is for commercial / retail uses in conjunction with the improvement and redevelopment at the Route 176 interchange and a service road on the east side of US 41.



## **Summary of Department Comments**

### **Zoning Cases #3569 and # 3570**

#### **Lake County Health Department:**

The Department has no objection.

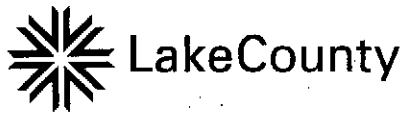
#### **Lake County Department of Planning, Building and Development:**

In staff's opinion, the two requests meet the applicable standards for rezoning and a conditional use permit and staff recommends approval. Specifically, the request for rezoning does not conflict with the Comprehensive Plan; allows development that will be compatible with the zoning and industrial uses of nearby properties; and will not result in significant adverse impacts to other property, natural resources or the environment. The subject property is physically suitable for the proposed rezoning and use.

The requested CUP will not have a substantial adverse impact on adjacent properties, which include railroad tracks on the north and east, and properties zoned or developed with industrial or intense commercial uses. The proposed use is compatible with the neighborhood, which is defined by US 41 and consists of a mixture of commercial and industrial uses. The proposed landscape waste transfer station will comply with all UDO requirements to ensure tree and wetland protection. Permission for a driveway onto US 41 must be approved by IDOT, according to their rules and regulations. There will not be any substantial adverse impacts to infrastructure, public sites or public health, safety or general welfare.

#### **Other:**

State Senator Susan Garrett sent a letter of support.



Philip J. Rovang  
Director

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**MEMORANDUM**

June 2, 2006

TO: James Morgan, Vice Chairman  
Zoning Board of Appeals

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

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CASE NO: 3569, Rezoning

REQUESTED ACTION: Rezoning from General Commercial to Intensive Industrial  
(a simultaneous request for a Conditional Use Permit for a  
landscape waste transfer station has been submitted, ZBA  
# 3570)

HEARING DATE: June 6, 2006

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**GENERAL INFORMATION**

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OWNER: Oak Development LLC

# OF PARCELS: One

SIZE: Approximately 6.33 acres

LOCATION: 29307 N. Skokie Highway (US 41), Lake Bluff

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Landscape waste transfer station with wholesale  
sales of landscape materials

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## SURROUNDING ZONING / LAND USE

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**NORTH:** Lake Bluff: Light Industry / EJ & E railroad  
Unincorporated: Limited Industrial / vacant  
North Chicago: General Industrial (M - 2) vacant; business park

**WEST (across US 41):** Unincorporated: R - 3 / Vacant; business center

**SOUTH:** Lake Bluff: Light Industry (L-1) / Vacant; storage facility and offices  
Unincorporated: R-6 / motel, mobile home park

**EAST:** Lake Bluff: Light Industry / Vacant; Union Pacific Railroad; power lines, ComEd; Estate Residence (E - 1) Lake Bluff Park District golf course

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## COMPREHENSIVE PLANS

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**LAKE COUNTY:** Retail / Commercial

**MUNICIPALITIES WITHIN 1½ MILES:** Village of Lake Bluff / Retail - Commercial  
City of North Chicago / Not designated

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## DETAILS OF REQUEST

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**ACCESS:** Right-in - right-out only access is from US 41 (N. Skokie Highway). The existing driveway does not have deceleration or acceleration lanes to US 41.

**SOIL TYPES:** Predominant soil types are Beecher Silt Loam (298A) and Ashkum Silty Clay Loam (232A)

**FLOODPLAIN / WETLANDS:** According to the County's GIS, the subject property is not in a floodplain. There are wetland areas along the southern boundary of the property.

**SEWER AND WATER:** Septic system and private well

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## ADDITIONAL COMMENTS

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- The County Board has the authority for granting or denying the requested conditional use permit to allow a landscape waste transfer station in ZBA # 3570.
- By staff observation, there is a clear sight distance of about 650 ft. from the property's driveway south along Route 41. This provides 10 to 12 seconds of travel time.
- One plant unit of landscaping will be required along Route 41 and 3 plant units along its southern boundary. Transition yards are not required along railroad tracks.
- The property contains a mature woodland. 70% of the area encompassed by this woodland must be protected. The site also contains many significant trees of more than 24" DBH. 70% of these individual trees must also be protected.
- The Building Division is not aware of any significant problems with illegal "fly-dumping" of landscape waste.
- A "mobile trailer" cannot be used as a permanent office.

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## RECOMMENDATION

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Staff recommends the petitioner's request to rezone the subject property from General Commercial to Intensive Industrial be granted. In staff's opinion, the petition meets the standards in the following manner:

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

**Comment:** The subject property is shown as "Retail/Commercial" by the County's comprehensive plan. While the proposal is not in strictly consistency with this designation, we do not believe it is in conflict either. The plan designates abutting property to the north as "Industrial" and adjoining property to the east as "Utility/Waste Facilities", both of which are clearly compatible with the proposal. This property also abuts municipal industrial zoning to both the north and south. In addition, it is part of an

industrial/office/commercial corridor that extends along Route 41 from Lake Bluff to north of Gurnee, most of which is used for industrial and related uses.

We suspect the plan designated this parcel as commercial to mirror its current zoning and former use as a motel.

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

Comment: Other than the recent demolition of the former motel on the subject property, there have been no changing conditions in the area nor will this rezoning correct an error or inconsistency. We note however, the property abuts municipal industrial zoning and uses to both the north and south, is bounded by elevated railroad tracks to both the north and east and takes direct access to Route 41, designated by the UDO as a freeway. We believe these factors are more conducive to industrial, rather than commercial, development.

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

Comment: As previously mentioned, the subject parcel adjoins municipal industrial zoning and uses to both the north and south. The property is also unusually well buffered from adjoining properties by Route 41 on the west and elevated railroad tracks on both its north and east sides. Additionally, both the subject property and the immediately adjoining parcel to the south are heavily wooded with mature oak trees and very dense undergrowth. These conditions, combined with Ordinance requirements for woodland protection and transitional landscaping, are sufficient to assure compatibility with nearby development.

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.

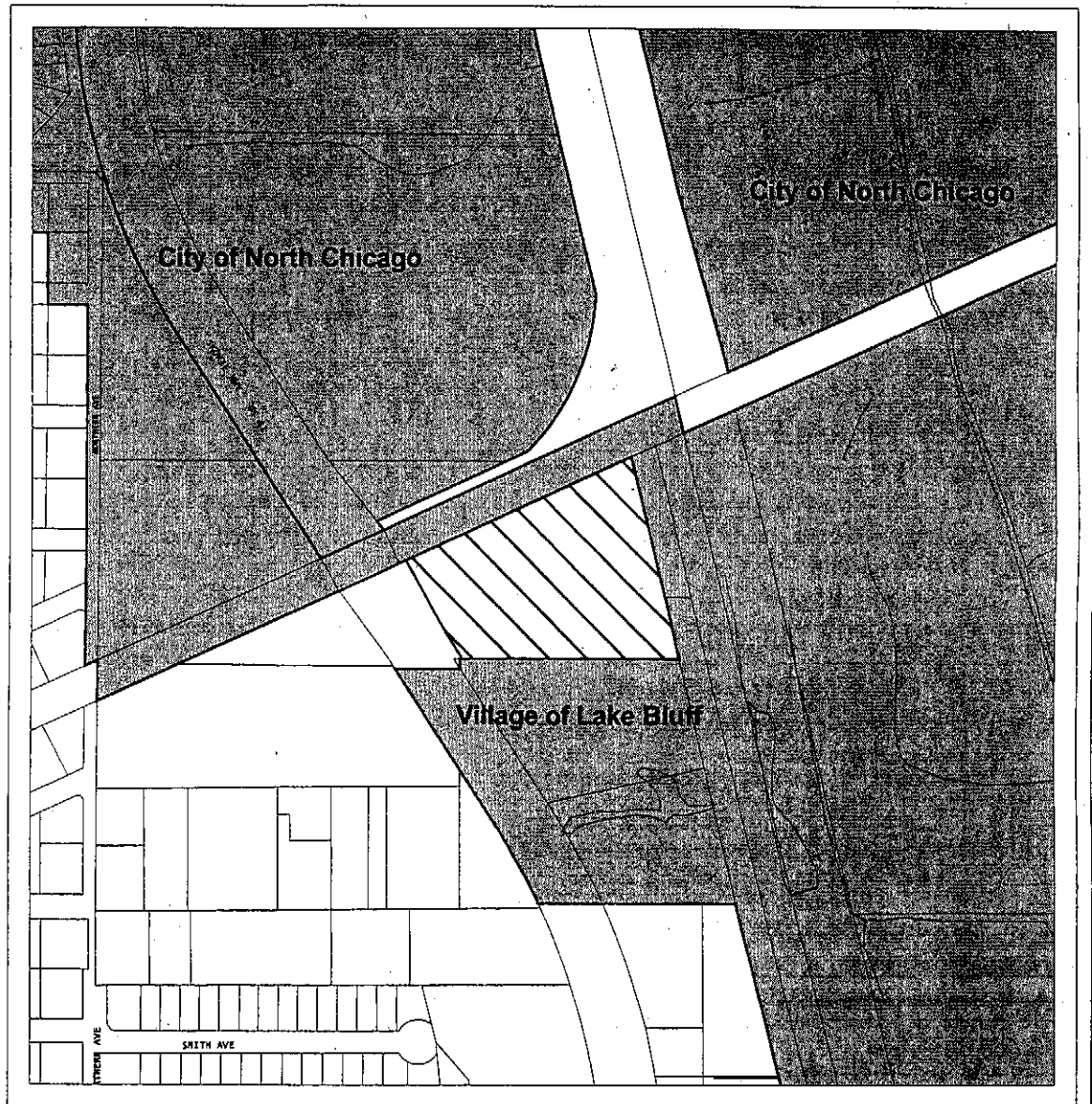
Comment: The property will continue to utilize a private well and septic system. Access will continue to be taken from U.S. Route 41 and the developer must satisfy IDOT requirements.

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: Any development will have to meet all requirements of the UDO and permitting agencies which will ensure there will not be any significant adverse impacts to the environment or other properties in the area.

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

Comment: The subject property is physically suitable for the proposed use.



# Zoning Board of Appeals Case# 3569 & 3570

**Shields Township**