

Agenda Item # 40

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

STATE OF ILLINOIS )  
 )  
COUNTY OF LAKE )

No. 3570  
Shields Township

SS

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. 3570, which consists of the Petition of Oak Development LLC, relative to a request for a Conditional Use Permit for a Landscape Waste Transfer Station. 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 6 "Ayes" and 0 "Nays"; 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

Ludy Martinic  
CHAIRPERSON

Samuel D. Ueck  
VICE-CHAIRPERSON

Susan L. Bravenhorst ✓

Robert Salome ○

[Signature] ✓

[Signature] ✓

## 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 a Conditional Use Permit to allow a Landscape Waste Transfer Station 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 6 – 0 that the petition be granted, subject to the conditions in Exhibit A; 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 was made by Member Gravenhorst, with a second by Member Whitmore to grant the petition, subject to the conditions in Exhibit A. Voting "Aye" were Members Leafblad, Whitmore, Mountsier, Newton, Gravenhorst, Sabonjian 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 granted a Conditional Use Permit for a Landscape Waste Transfer Station, subject to the conditions in Exhibit A, and

BE IT FURTHER RESOLVED, that the Lake County Board hereby adopts the findings of the Zoning Board of Appeals as its own, 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        )  
                                  )  
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 a Conditional Use Permit for a Landscape Waste Transfer Station 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 3.6 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 a Conditional Use Permit for a Landscape Waste Transfer Station be granted, subject to the conditions in Exhibit A. Voting "Aye" on this motion were Members Bell, Freese, Koeppen, Morgan, Raymond and Westerman. Voting "Nay", none. The motion to recommend the petition be granted subject to the conditions in Exhibit A was passed by a vote of 6 - 0.

The Board finds that the request for a Conditional Use Permit meets the Standards for a Conditional Use Permit 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 Section 1.5:

**Finding:** The requested Conditional Use Permit for a landscape waste transfer station is consistent with the purpose and intent of the Ordinance to provide for the orderly development of Lake County while providing protection to both adjoining property and the environment.

**Standard B.** The proposed use in its proposed location can comply with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.3.

**Finding:** The proposed landscape waste transfer station can comply with all requirements of the UDO. Site development will be required to meet the standards of the Lake County site plan approval process contained in the UDO.

**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 subject property is bordered by elevated railroad tracks on the north, elevated railroad tracks and a power line on the east, and US 41 on the west. The adjacent property to the south is vacant, and the petitioner is one of the owners. Approximately 3.8 acres of the site will remain undisturbed. The extent of development for the landscape waste transfer station will be restricted by the site plan and the natural resource protection standards of the UDO. There will not be a substantial negative impact on adjacent properties.

2. Character of the neighborhood

**Finding:** The US 41 corridor contains a mixture of commercial and industrial uses. The development of the landscape waste transfer station allowed by the CUP must conform to an approved site plan meeting all requirements of the County and other reviewing agencies which will ensure that the use will not detract from the character of the area.

3. Natural resources

**Finding:** Development on the site will have to comply with the requirements of the UDO regarding tree protection and wetlands. There will not be a substantial adverse impact to natural resources.

4. Infrastructure

**Finding:** If needed, the property may be served by private septic and water well, which must be approved by the Lake County Health Department. Vehicle access shall be right-in – right-out from US 41. IDOT has the authority for approving vehicle access and can require any needed improvements. There will not be a substantial adverse impact on infrastructure.

5. Public sites

**Finding:** This use will not have a detrimental impact on public sites.

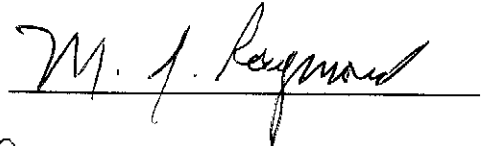
6. Any other measures affecting the public health, safety, or general welfare

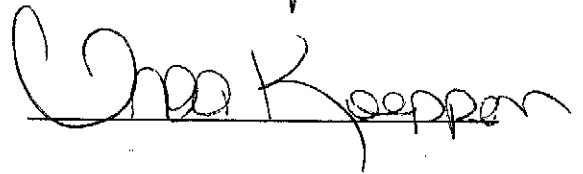
**Finding:** The landscape waste transfer station will have to comply with all Ordinance requirements; the requirements of other permitting agencies, particularly those of the Illinois Environmental Protection Agency; and any appropriate conditions applied by the County Board as a condition of the CUP. The CUP will not have a substantial negative impact on public health, safety or general welfare. IDOT will review the existing driveway and determine if acceleration / deceleration lanes from US 41 are necessary for safety.

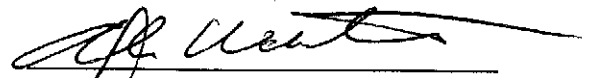
At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

No. 3570  
Shields Township

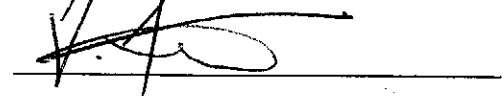
  
ACTING CHAIRMAN













Dated this 10th day of August 2006.

**ZBA # 3570**

**Conditional Use Permit Recommended Conditions**

**EXHIBIT A**

1. Landscape waste shall not be kept on the site for more than 24 hours.
2. The area used for the landscape waste transfer station shall be enclosed by a security fence at least 8 feet in height.
3. The portion of the fence facing US 41 shall be a board-on-board wooden, or other architectural, solid fence with a similar gate.
4. The hours of operation are limited to between 6:00 a.m. and 6:00 p.m., Monday through Saturday.

## 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: 3570, Conditional Use Permit [a simultaneous request for rezoning to Intensive Industrial (ZBA # 3569) has been submitted]

REQUESTED ACTION: Conditional Use Permit to allow a landscape waste transfer station

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 operating 24 hours per day 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; ComEd power lines; 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 property's southern border.

**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 CUP.
  - The UDO defines Landscape Waste as "All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees" (UDO 14.2 Def. #216).
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## RECOMMENDATION

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Staff recommends approval of the CUP. Development will have to comply with all applicable Ordinance requirements, the requirements of all other permitting agencies, and any additional conditions required by the County Board. As this request is moot without the approval of the rezoning, Staff's recommendation assumes approval of the requested rezoning. In Staff's opinion, this request complies with the standards for CUP approval in the following manners:

### General Standards – Section 3.6.7

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

Comment: The requested Conditional Use Permit is consistent with the purpose and intent of the Ordinance to provide for the orderly development of Lake County while providing protection to both adjoining property and the environment.

- B. The proposed use in its proposed location can comply with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.3.

Comment: The proposed use can comply with all requirements of the UDO. Site development will be required to meet the standards of the Lake County site plan approval process contained in the UDO.

- 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 subject property is bordered by elevated railroad tracks on the north, elevated railroad tracks and a power line on the east, and US 41 on the west. The applicant states that 3.8 acres of the site will remain undisturbed. The applicant also states that the nearest developed parcel south of the subject property is owned by an affiliate of the applicant. The extent of development for the waste transfer station will be restricted by the site plan and the natural resource protection standards of the UDO. There will not be a substantial negative impact on adjacent properties.

2. Character of the neighborhood

Comment: The US 41 corridor contains a mixture of commercial and industrial uses. If the CUP is approved, development must conform to an approved site plan meeting all requirements of the County and other reviewing agencies. This provision will ensure that the landscape waste transfer station will not detract from the character of the area.

3. Natural resources

Comment: Any development on the site will have to comply with the requirements of the UDO regarding tree protection and wetlands. There will not be a substantial adverse impact to natural resources.

4. Infrastructure

Comment: The property will be served by private septic and well, with right-in – right-out vehicle access from US 41. Approval for the private septic and well must be obtained from the Health Department. IDOT will have to approve vehicle access and can require any needed improvements. There will not be a substantial adverse impact on infrastructure.

5. Public sites

Comment: This use will not have a detrimental impact on public sites. The Lake Bluff golf course will not be impacted.

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

Comment: The use will have to comply with all Ordinance requirements, the requirements of other permitting agencies, and any appropriate conditions applied by the County Board as a condition of the CUP. Granting the CUP will not have a substantial negative impact on public health, safety or general welfare. IDOT will review the existing driveway and determine if acceleration / deceleration lanes from US 41 are necessary for safety.

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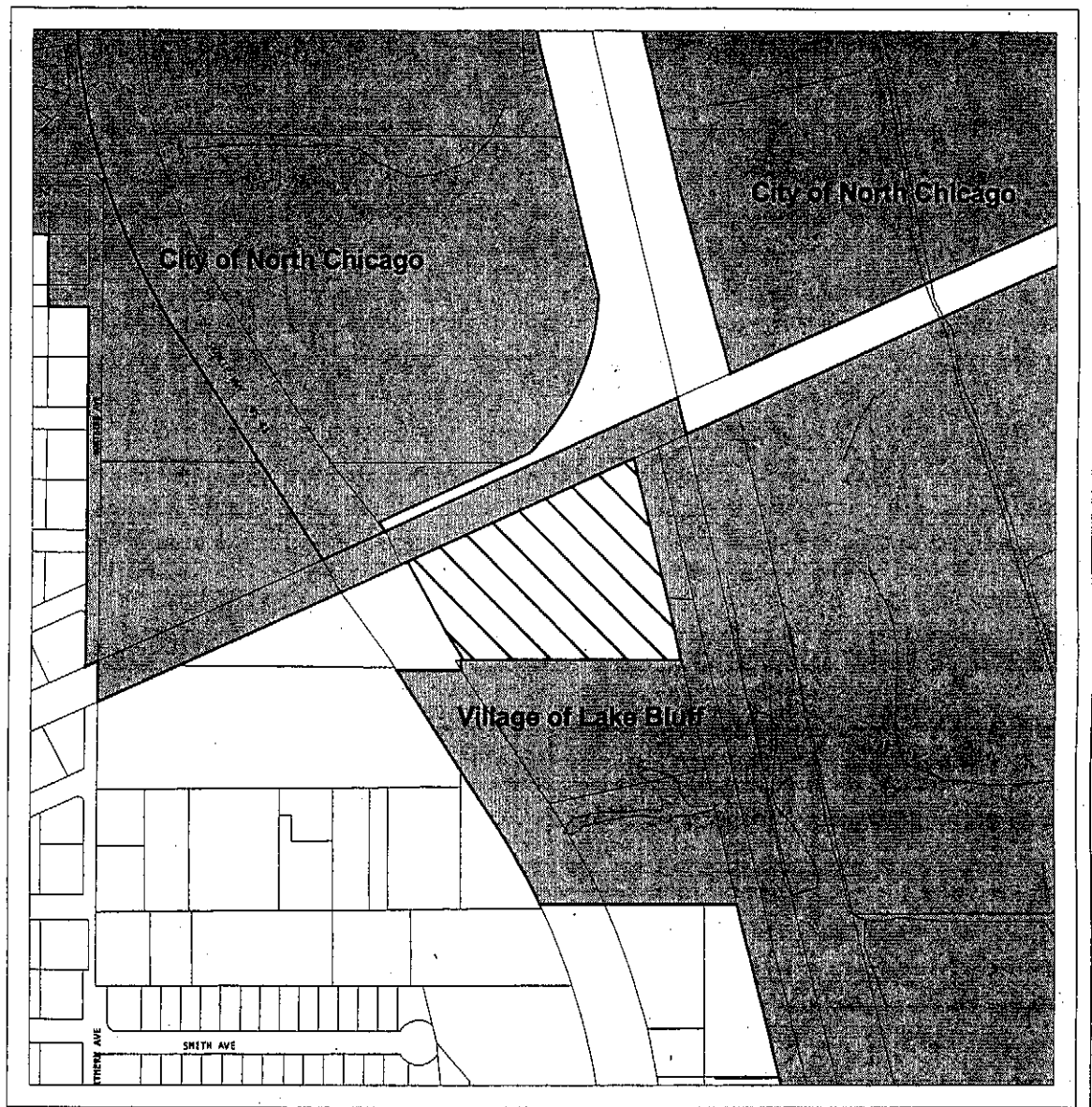
SUGGESTED CONDITIONS

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The Board may wish to recommend conditions which:

- prohibit the keeping of any waste on site for more than 24 hours.

- require the area of the transfer station be enclosed by a security fence at least 8 ft. in height.
- require that that portion of the fence facing Route 41 be a board-on-board wooden or other architectural solid fence with a similar gate.
- limit the hours of operation.



**Zoning Board of Appeals  
Case# 3569 & 3570**

**Shields Township**