

ORDINANCE 2017-O-5_

**AN ORDINANCE REZONING PROPERTY LOCATED
AT 1142 SHERIDAN ROAD AND GRANTING A
SPECIAL USE PERMIT**

WHEREAS, Robert D. Loy is the owner of record of the Subject Parcel located at 1142 Sheridan Road, and includes parcels identified as PIN 04-09-408-020 and PIN 04-09-408-024 (also known as 0 12th Street), with a total land area of approximately 1.44 acres, and

WHEREAS, the Subject Parcel is legally described as follows:

All of Lot “Q” in Frederick H. Bartlett’s North Shore Acres, being a Subdivision in Sections 8, 9, 10, 16, and 17, all in Township 46 North, Range 12, East of the Third Principal Meridian, according to the plat thereof, recorded June 13, 1916, as Document 165570 in Book “J” of Plats, pages 68, 69, 70 and 71, in Lake County, Illinois.

and

That part of Lot “R” lying East of a Line due North and South 309 feet East of and parallel with the West line of said Lot “R” in Frederick H. Bartlett’s North Shore Acres, being a Subdivision in Sections 8, 9, 10, 16, and 17, all in Township 46 North, Range 12, East of the Third Principal Meridian, according to the plat thereof, recorded June 13, 1916, as Document 165570 in Book “J” of Plats, pages 68, 69, 70 and 71, in Lake County, Illinois.

WHEREAS, the Subject Parcel is currently improved with a single story commercial building and a paved parking lot, as well as an opaque wooden security fence and has been used as a staging area and storage facility for a moving company since 1980 when the property was within the B-2 General Business zoning district, and

WHEREAS, the Subject Parcel was rezoned from the B-2 General Business zoning district to the the B-1 retail business district in 1985, and the moving company’s use of the parcel for its purposes has been allowed as a matter of right as a legal nonconforming use since that time, and

WHEREAS, Timothy Schwuchow is the conditional contract purchaser of the said parcel, and he is the Petitioner herein, and

WHEREAS, at the time the Petition was filed, Robert D. Loy was the current sitting Mayor of the Village and he recused himself from any and all proceedings involving the Subject Parcel and the Petition, and

WHEREAS, the Petition seeks rezoning of the property from the B-1 Zoning District to the B-2 General Business Zoning District, and in addition seeks the grant of a special use permit which

will allow the specifically approved use of the Subject Parcel for the purposes of repairing large semi trucks and trailers, and

WHEREAS, the Petitioner complied in all material respects with the notice provisions required by law and the Winthrop Harbor Municipal Code, and a public hearing was duly convened and evidence taken under oath before the combined Planning and Zoning Board on March 14, 2017, and

WHEREAS, at the conclusion of that public hearing, a motion was duly made and seconded to recommend that the Village Board approve the said rezoning petition, and

WHEREAS, the Planning and Zoning Board voted in favor of the said motion by a 5 to 1 roll call vote, and

WHEREAS, the Planning and Zoning Board further considered the request for a special use permit consistent with Section 154.282(Q) of the Winthrop Harbor Municipal Code and upon a motion duly made and seconded, it approved the request unanimously, finding the following standards described in Section 154.283 of the Winthrop Harbor Municipal Code have all been met:

(1) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood, provided that air-operated tools are generally prohibited from being operated outside the buildings at times other than Monday through Saturday, 7:00 am to 7:00 pm;

(2) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(3) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(4) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

(5) That the special use conforms in all other respects to the applicable regulations of the district in which it is located, except for the existing non-conformity of excessive lot coverage, and the proposed use will not expand that non-conformity, and

WHEREAS, the Chairman of the Planning and Zoning Board thereafter provided notice of its positive recommendations on the two matters involving the Subject Property to the Village Board, and

WHEREAS, the Village Board met and considered the recommendations, and unanimously approved the same in principle in a public meeting held on March 21, 2017, and

WHEREAS, the Village Board finds that the evidence presented to it establishes the following to be true:

(1) The proposed use at the particular location requested is necessary or desirable to provide a service or facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community;

(2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare or persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and

(3) That the proposed use will comply with the regulations and conditions specified in this subchapter for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: That property owned by Robert D. Loy, commonly known as 1142 Sheridan Road including two parcels identified as PIN 04-09-408-020 AND PIN 04-09-408-024, with a total land area of approximately 1.44 acres is hereby rezoned from the B-1 Zoning District to the B-2 Zoning District.

SECTION TWO: The Community Development Director is hereby directed to cause the next zoning map to reflect this change and to apply all pertinent B-2 District regulations to this property in the future.

SECTION THREE: The existing legal non-conforming use of the property, i.e., the excessive lot coverage, which existed on this property prior to the adoption of this ordinance shall remain a legal non-conforming use, subject to all the regulations applicable thereto.

SECTION FOUR: A Special Use Permit is hereby granted to the Petitioner to operate a truck and trailer repair facility on the Subject Property, provided that the following conditions shall in all instances be met and maintained:

- A. To the maximum extent practical, the trucks, tractors and trailers shall be parked and worked on inside the fenced enclosure or within the building;
- B. The operation of air equipment outside the building shall be permitted only Monday through Saturday, from 7:00 am to 7:00 pm;

- C. The Zoning Administrator (or in his/her absence, the Police Chief or his designee) may make occasional allowances for outside work being performed at other times during emergencies or for other good cause shown, provided that the residential neighbors are not unduly disturbed by the noise;
- D. All truck and trailer traffic shall access the Subject Property from Sheridan Road and shall not enter or exit from or onto 12th Street.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR,
ILLINOIS, ON THIS 2nd DAY OF MAY, 2017.

ATTEST:

DR. MICHAEL BRUNO, MAYOR

JULIE RITTENHOUSE, VILLAGE CLERK