



Zoning Board of Appeals
Gregory Koeppen
Chair

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July 7, 2022

TO: Gregory Koeppen, Chair
Lake County Zoning Board of Appeals

FROM: Brad Denz, Senior Planner
Lake County Department of Planning, Building and Development

CASE NO: #000785-2022

REQUESTED ACTION: Conditional Use Permit (CUP) to allow to allow sixty (60) events of public interest (outdoor concert events) per year.

HEARING DATE: July 12, 2022

GENERAL INFORMATION

OWNER: Sean R. Smith (record owner of 18490 W. Old Gages Lake Road) and JOAKS, LLC (record owner of 18511 W. Dady Ct.) (Sean R. Smith is the owner and principal of JOAKS, LLC.)

OF PARCELS: Two

SIZE: 2.09 acres

LOCATION: 18490 W. Old Gages Lake Road, Grayslake, Illinois, and 18511 W. Dady Ct., Grayslake, Illinois

P.I.N. 07-30-200-015 and 07-30-109-016

EXISTING ZONING: General Commercial (GC)

EXISTING LAND USE: Tavern and restaurant

PROPOSED LAND USE: Same as existing, with the additional allowance of up to sixty (60) events of public interest (outdoor concert events) per year.

SURROUNDING ZONING / LAND USE

NORTH and NORTHEAST:	Residential-4 (R-4) / Single-family residential and vacant
EAST:	General Commercial (GC) / Auto repair service
SOUTHEAST:	Residential-4 (R-4) / Single-family residential
SOUTH and SOUTHWEST:	General Commercial (GC) / Liquor store, tavern, and mixed-use commercial building
WEST:	General Commercial (GC) / Mix of uses including single-family residential, commercial, park w/playground, and vacant

COMPREHENSIVE PLANS

LAKE COUNTY:	Retail / Commercial
MUNICIPALITIES WITHIN 1 ½ MILES:	Village of Grayslake: not designated Village of Third Lake: not available Village of Gurnee: not designated

DETAILS OF REQUEST

ACCESS:	Access to the property is from Old Gages Lake Road.
CONFORMING LOT:	The property is a conforming lot in the General Commercial (GC) Zoning District.
WETLAND / FLOODPLAIN:	None present
SEWER AND WATER:	The property is served by Lake County public sewer and water systems.

LAKE COUNTY AND EXTERNAL AGENCY COMMENTS

Lake County Public Works - Brittany Sloan

- The Lake County Public Works Department (LCPW) provides sewer and water service to the subject property. System capacity is available to accommodate the proposed and therefore LCPW has no objections to the requested conditional use permit.

It is important to note, the current proposal does not require a review of connection fees (also referred to as “system impact fees”), but future alterations may require connection fee review. Fees are assessed in accordance with Chapter 51 of the Lake County Code and departmental policies and procedures.

Lake County Engineering Division - Joel Krause

- The proposed use will have no demonstrable effect on overall site conditions and therefore, the Engineering Division has no objection to the requested Conditional Use Permit.

McHenry-Lake County Soil & Water Conservation District – Ryan Bieber

- The McHenry-Lake County SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report.

ADDITIONAL STAFF COMMENTS

- Events of Public Interest are allowed in the General Commercial Zoning District through a Temporary Use Permit. The Lake County, Illinois Code of Ordinances (Lake County Code) Section 151.114(K)(1) states: “Temporary Use permits for *events of public interest* shall be limited to specified hours and a maximum of 15 days per calendar year (per zoning lot)”. Jesse Oaks Tavern and Restaurant has already applied for and received these 15 Temporary Use Permits for the 2022 calendar year. However, per Lake County Code Section 151.114 (C)(9), a request for modification from any of the time limits requires a CUP. The ZBA has the delegated authority for the requested CUP.
- Lake County Code Section 151.114(K)(7) states noise levels associated with events of public interest, except for supervised display of fireworks, shall not exceed 60 dB(A) (SLOW meter response) at the property line of any abutting property zoned and used for residential purposes.
- If a CUP is granted to allow up to sixty (60) events of public interest (outdoor concerts) per year, a Temporary Use Permit is still required for each specific event of public interest.
- Consistent with current practices at Jesse Oaks, the outdoor concerts are proposed to be held on a deck outside in the beer garden area, located to the west of the Jesse Oaks restaurant building. An 8-foot fence on the west property line acts as a sound mitigation barrier and the property is similarly enclosed by fencing along portions of the northern, eastern, and southern property lines.
- The applicant also owns property immediately west of the proposed concert location, at 18520 W. Old Gages Lake Road, Grayslake, Illinois.

- The applicant requests a total of 60 outdoor concerts to be held per calendar year, from April until early November (weather permitting), on weekends and holidays, of which the concert hours would be limited to 2:00 p.m. until 6:00 p.m. on Saturdays, and to 1:30 p.m. until 5:30 p.m. on Sundays and holidays. The applicant has received permission from the Lake County Liquor Commission to serve liquor during the hours of the concert events.
- Staff consulted with the Lake County Sheriff's Office to review incident records relating to the subject property. Since 2016, the Lake County Sheriff's Office has received 24 calls for noise complaints about the subject property, Jesse Oaks Tavern. Of these complaints, 17 of the 24 calls were related to activity within the Jesse Oaks Tavern, while the remainder were at other locations in the neighborhood or were from vehicles at Jesse Oaks parking lot. Per LC Sheriff's Office records, there was one ordinance ticket issued to Jesse Oaks, on November 8, 2020. Other Sheriff's Office site visits resulted in a finding of no violation, and in a number of cases the responding deputy directed the manager to turn down the volume of the music.

RECOMMENDATION ON CONDITIONAL USE PERMIT #000785-2022

In Staff's opinion, the proposed request for up to sixty (60) events per calendar year does not meet the criteria for a Conditional Use Permit in the following manner:

Conditional Use Approval Criteria – Section 151.050 (F)(3)

1. The use in its proposed location will be consistent with the stated purpose and intent of Section 151.005.

Comment: The subject property is currently located within the General Commercial (GC) Zoning District. Events of Public Interest, which includes outdoor concerts, are permitted in the GC Zoning District with a Temporary Use Permit with up to fifteen (15) events allowed per calendar year by right. A Conditional Use Permit is required for any additional events beyond 15, to ensure adequate protection for the surrounding area. Section 151.005 of the Lake County Code ("Purpose and Intent") is intended to protect the health, safety, and general welfare of existing and future residents of the unincorporated area of Lake County by, in relevant part, "protecting landowners from any adverse impacts associated with development that occurs in unincorporated Lake County". The petition requests an allowance of up to sixty events of public interest per calendar year, however, these events would occur primarily during an eight-month period (April to November). As noted in 3(b) below, approval of a Conditional Use Permit to allow up to 60 events per year would potentially create adverse impacts on nearby residents, in light of the pattern of noise complaints already on record related to music at the subject property and especially given the compressed seasonal timeframe.

2. The proposed use in its proposed location complies with all applicable standards of this Chapter, including any applicable use standards of Section 151.112.

Comment: Events of public interest on the subject property are permitted by right, provided that no more than 15 such events occur within any given calendar year. Each outdoor concert requires a Temporary Use Permit. If the Board grants approval of a Conditional Use Permit to allow additional events per year above the currently allowed 15 events, each

additional event shall likewise require a Temporary Use Permit. Each such event is subject to temporary use permit standards.

3. 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 Regional Framework Plan:

a) Adjacent property

Comment: Between the two road frontages of the subject property (Old Gages Lake Road to the south, and Gages Lake Road to the north), the adjacent parcels to the east and west are located in the General Commercial (GC) Zoning District. The uses immediately to the east and west are nonresidential. The use to the northwest (18531 Dady Ct., Grayslake, Illinois) is the residence of the applicant. To the south and southwest are parcels in the GC Zoning District with nonresidential uses. The proposed additional events would not be disruptive to these adjacent uses/properties.

To the southeast (south of Old Gages Lake Road) and north/northeast (north of Gages Lake Road) are zoned Residential-4 (R-4) with single-family dwellings. See Section 3(b) below for potential impacts to these homes and the residential neighborhoods within which they are located.

b) Character of the neighborhood

Comment: Since 2016, and nearly every year since that time, the subject property has generated noise complaints, a number of which resulted in direction from the responding Lake County Sheriff's deputy to turn down the music, and one which resulted in an ordinance violation. Currently, fifteen (15) events are allowed by right on the subject property. The request for sixty (60) events (quadruple the number currently allowed) will likely result in further disruption of the residential quality of life in the vicinity of the subject property and lead to a proportionate increase in the frequency of neighbor noise complaints. An approval of 60 outdoor concerts at the subject property per year, with weather being conducive to outdoor events for approximately eight of those months, would accommodate two outdoor concerts nearly every week from April/May through November with no lapse in concerts on either Saturday or Sunday for the entire concert season, along with additional holiday events. Given the subject property's relatively close proximity to residential neighborhoods to the north and south, it is foreseeable that quadrupling the number of permitted outdoor concerts (with multiple events per week) will negatively alter the residential character of the area.

c) Natural resources

Comment: The proposed use will not have an impact upon natural resources.

d) Infrastructure

Comment: There is no expansion proposed for the infrastructure of the subject property. Access to the property is from Old Gages Lake Road, which is under the jurisdiction of Warren Township, who has the responsibility of street maintenance.

e) Public sites

Comment: No negative impacts are expected.

f) Any other measures affecting the public health, safety, or general welfare

Comment: No other concerns affecting the public health, safety or general welfare are anticipated.

EXHIBIT A
RECOMMENDED CONDITIONS FOR CUP #000785-2022

As stated above, staff recommends denial of the request for sixty (60) events of public interest per calendar year at the subject property. However, if the Board is inclined to grant approval of additional events of public interest, staff recommends that the approval be limited to no more than thirty (30) events of public interest per calendar year, subject to the Conditions proposed in Exhibit A herein. This year, as the applicant has already applied for and received the annually permitted 15 events of public interest (with event #15 scheduled for July 24, 2022), an approval of 30 events per year would allow the applicant to continue to schedule one event of public interest per weekend, with the last event occurring either November 5 or 6, 2022. While in staff's opinion, an increase to 30 events per year may still not necessarily meet the CUP criteria, the conditions below would provide additional safeguards to help limit further disruption of the residential character and quality of life in the surrounding neighborhoods:

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1. The Conditional Use Permit shall be limited to no more than thirty (30) events of public interest (outdoor concert events) per year and shall expire in two years from the date of the formal CUP approval. If the applicant desires to retain or increase the number of events of public interest at that time, it will be necessary for the applicant to formally request a new CUP approval from the Lake County Zoning Board of Appeals.
 2. Concerts shall be limited to either Saturdays, Sundays, or legal holidays, with a maximum of one (1) concert to take place within any given calendar week and a maximum of one (1) concert to take place within any given weekend. Concert hours shall be limited to between 2:00 p.m. and 6:00 p.m. on Saturdays, and between 1:30 p.m. and 5:30 p.m. on Sundays and legal holidays.
 3. Violations of the noise requirements for events of public interest shall result in progressive penalties up to and including revocation of the CUP. Specifically: (a) if one warning or formal notice of violation/ticket is issued by the PBD Department or the Sheriff's Office for a noise violation at an event, the frequency of events for the next four weeks shall be limited to only one (1) per every 2 weeks; (b) following the first warning/notice of violation, if a second warning or notice of violation/ticket is issued by the PBD Department or the Sheriff's Office for a noise violation at an event, all events for the next month shall be withheld/cancelled by the PBD Department; and (c) following the second warning/notice of violation, if a third warning or notice of violation/ticket is issued by the PBD Department or the Sheriff's Office for a noise violation at an event, the CUP shall be revoked by the PBD Director. If the CUP is revoked prior to the 15th event of the year, Jesse Oaks shall be permitted to host events up to and including the 15th event, but in no case shall that number be exceeded.
 4. The concert event area for the CUP includes and is limited to PIN 07-30-200-015, located at the southwest corner of the property, in accordance with the submitted site plan of CUP application #000785-2022.