

VILLAGE OF LIBERTYVILLE

ORDINANCE NO. 19-O-06

AN ORDINANCE AMENDING SECTION 6-3.3
OF THE LIBERTYVILLE ZONING CODE
RELATING TO SPECIAL PERMIT USES

Adopted by the
President and Board of Trustees
of
the Village of Libertyville
Lake County, Illinois
this 12th day of February, 2019.

Published in pamphlet form by direction
and authority of the Village of Libertyville
Lake County, Illinois
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RELATING TO SPECIAL PERMIT USES

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered amending the Libertyville Zoning Code to include Pharmacies and Drug Stores as a Special Permit Use in the O-2, Office, Manufacturing and Distribution Park District; and

WHEREAS, on December 17, 2018, the Development Review Committee reviewed and recommended approval of the requested zoning relief; and

WHEREAS, the Plan Commission of the Village of Libertyville, pursuant to notice duly published on January 12, 2019, in the *Daily Herald*, held a public hearing on January 28, 2019, at 7:05 p.m., at the Village Hall, 118 West Cook Avenue, Libertyville, Illinois for the purpose of hearing and considering testimony regarding the requested zoning relief; and

WHEREAS, on January 28, 2019, the Plan Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the President and Board of Trustees of the Village of Libertyville that the proposed text amendment be approved, all as is more specifically set forth in that certain Report of the Plan Commission on Case No. PC 19-01, dated as of February 5, 2019; and

WHEREAS, the President and Board of Trustees of the Village of Libertyville have considered the findings and recommendations of the Plan Commission and are fully advised in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LIBERTYVILLE, COUNTY OF LAKE, STATE OF

ILLINOIS, AS FOLLOWS:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated herein as if fully set forth.

SECTION TWO: Determination as to Findings. The Village Board finds the following:

- a. *The consistency of the proposed amendment with the purposes of this Code.* The proposed amendment is consistent with the purpose of the Code.
- b. *The existing uses and zoning classifications of properties in the vicinity of the subject property.* The zoning classification of the property is currently O-2 and will remain O-2, Office, Manufacturing and Distribution Park District. The existing uses and zoning classifications of properties in the vicinity of the subject property are medical uses within the O-2 District to the north, south, and east. The property to the west is zoned C-4, Shopping Center Commercial District.
- c. *The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.* The proposed site is currently developed with a medical building with various medical and dental office type land uses. No change in the land use trend is anticipated.
- d. *The extent to which the value of the subject property is diminished by its present zoning classification.* The property will remain O-2, Office, Manufacturing and Distribution Park District. It is not anticipated that the value of the subject property will be diminished.
- e. *The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.* The property will remain O-2, Office, Manufacturing and Distribution Park District. It is anticipated that the diminution in value of the subject property will be affected positively by an increase in the public health, safety and welfare.
- f. *The extent, if any, to which the use and enjoyment of adjacent properties would be adversely affected by the proposed amendment.* The operation and land use of the ProHealth Pharmacy at 1900 Hollister Drive in Libertyville will not be injurious to the uses and enjoyment of the other properties in the immediate vicinity, nor substantially diminish or impair property values within the neighboring area in which it is located.
- g. *The extent, if any, to which the value of adjacent properties would be adversely affected by the proposed amendment.* The operation and land use of the ProHealth Pharmacy at 1900 Hollister Drive in Libertyville will not be injurious to the uses and enjoyment of the other properties in the immediate vicinity, nor substantially diminish or impair property values within the neighboring area in which it is located.
- h. *The extent, if any, to which the future orderly development of adjacent properties would be adversely affected by the proposed amendment.* The pharmacy occupancy within the medical

building located at 1900 Hollister Drive will not adversely affect the orderly development of the adjacent properties.

- i. *The suitability of the subject property for uses permitted or specially permitted under its zoning classification.* The property will remain zoned O-2, Office, Manufacturing and Distribution Park District. The subject property will continue to be suitable for uses permitted and specially permitted under its zoning classification.
- j. *The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.* The proposed site will have access to Hollister Drive and Milwaukee Avenue which will provide adequate ingress and egress from the subject property and will have minimum impact on the overall traffic of the area.
- k. *The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or specially permitted under its present and proposed zoning classification.* Adequate utilities and essential public services to the subject property are currently available to accommodate the pharmacy occupancy and all other current occupants and future occupants that are permitted or specially permitted in 1900 Hollister Drive which is located in the O-2, Office, Manufacturing and Distribution Park District.
- l. *The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.* The subject property is not currently vacant.
- m. *The community need for the proposed amendment and for the uses and development it would allow.* The community need for the proposed Text Amendment is evidenced by medical land uses occupying properties in the O-2 District. The proposed amendment will provide pharmacies the opportunity to apply for occupancy on properties located in the O-2, Office, Manufacturing and Distribution Park District as a Special Permitted Uses. As a Special Use Permit applicant, they will be required to comply with the Standards for Special Use Permit and to be reviewed by the Plan Commission prior to approval by the Village Board of Trustees.

SECTION THREE: Amendment to Section 6-3.3. Section 6-3.3 entitled “Special Permit

Uses” of Article 6 of the Libertyville Zoning Code shall be, and it hereby is, amended pursuant to

Section 16-14 of the Libertyville Zoning Code to include as follows:

Retail Trade, but limited to:

- 1) Health and Personal Care Stores (446), but further limited to Pharmacies and Drug Stores (44611)

SECTION FOUR: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

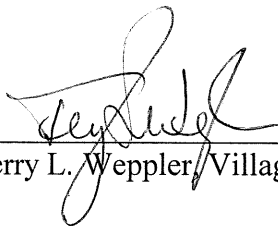
PASSED this 12th day of February, 2019.

AYES: Johnson, Moras, Justice, Adams, Garrity, Carey

NAYS: None


ABSENT: None

APPROVED this 13th day of February, 2019.



Terry L. Weppeler/Village President

ATTEST:



Sally Kowal, Village Clerk