

Agenda Item # 46

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3395
Ela Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS
June 8, 2004

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3395, which consists of the Petition of Harris Trust and Savings Bank, T/U/T HTB 1417 and LaSalle Bank, T/U/T 556 relative to a request for rezoning from the Agricultural District to the Residential-1 District. The Department of Planning, Building and Development recommends the petition be granted. On the motion "to deny" the prayer of the petitioner, the Zoning Board of Appeals vote is 5 "Ayes" and 2 "Nays"; on the motion "to approve" the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 3 "Ayes" and 2 "Nays".

- o A "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*

<i>Judy Martini</i> CHAIRMAN	_____	_____
<i>Samuel D. Nix</i> VICE-CHAIRMAN	✓	_____
<i>Robert Sabongnon</i>	✓	_____
<i>Samuel M. Fournier</i>	_____	X
<i>Donna Lane</i>	X	_____
<i>Stephane</i>	_____	✓
_____	_____	_____

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 Harris Trust and Savings Bank, T/U/T HTB 1417 and LaSalle Bank, T/U/T 556, relative to a request for rezoning from the Agricultural District to the Residential-1 District for the following real estate, to-wit:

The Southwest Quarter of the Northwest Quarter of Section 13, Township 43 North, Range 10 East of the Third Principal Meridian; and also, the Southeast Quarter of the Northeast Quarter of Section 14, Township 43 North, Range 10 East of the Third Principal Meridian, except that part thereof lying Southwest of the Right of Way of Old McHenry Road Per Document No. 508786 and Document No. 508787, all in Lake County, Illinois.

PIN's: 14-13-100-003, 14-14-200-006

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 – 2 that the petition be denied; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 3-2 that the petition be granted. Motion by Member Sabonjian, second by Member Newton, to grant the petition. Voting "Aye" Members Newton, Carter and Sabonjian; Voting "Nay," Members Carlson and Mountsier.

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 Agricultural District to the Residential-1 District; 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)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

June 8, 2004

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 April 7, 2004, at 1:00 p.m., in the Ela Area Library, Lake Zurich, Illinois, relative to the petition of Harris Trust and Savings Bank, T/U/T HTB 1417 and LaSalle Bank, T/U/T 556 requesting rezoning from the Agricultural District to the Residential-1 District of the following described real estate, to-wit:

The Southwest Quarter of the Northwest Quarter of Section 13, Township 43 North, Range 10 East of the Third Principal Meridian; and also, the Southeast Quarter of the Northeast Quarter of Section 14, Township 43 North, Range 10 East of the Third Principal Meridian, except that part thereof lying Southwest of the Right of Way of Old McHenry Road Per Document No. 508786 and Document No. 508787, all in Lake County, Illinois.

PIN's: 14-13-100-003, 14-14-200-006

The proceedings of this hearing have been electronically recorded and are 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, to-wit:

The Health Department;
The Division of Transportation;
The Building and Code Enforcement Division;
The Department of Planning, Building and Development; and
The Department of Public Works.

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) Standards provided in Section 3.3 of the Unified Development Ordinance

At the Review Meeting of the Lake County Zoning Board of Appeals held on May 7, 2004, after a final review of all evidence and testimony presented, Member Helke moved, with a second by Member Freese, to recommend the prayer of the petitioner for rezoning from the Agricultural District to the Residential-1 District be denied. Voting "Aye" on this motion were Members Helke, Morgan, Stimpson, Freese and Wilson. Voting "Nay, Members Koeppen and Bell. The motion to recommend this petition be denied was passed by a vote of 5 – 2.

The Board finds that the request for rezoning does not meet the standards for map amendments contained in Section 3.3 for rezoning from the Agricultural District to the Residential-1 District in the following manner:

Standard A. the proposed amendment is consistent with the stated purpose and intent of the Unified Development Ordinance.

Finding: One of the fundamental purposes of the Unified Development Ordinance is to insure that the proposed zoning and development of property is compatible with the use and zoning of surrounding properties. This request is for R-1 (one-acre) zoning to permit the 74 acre subject property to be developed as a 46 lot conservation development. Property to the north is developed as a one-acre conventional subdivision in the Village of Hawthorn Woods while properties to the east and south in the Village of Long Grove are zoned Planned Unit Development in a zoning district with a two-acre maximum density. The subject property abuts County Estate (2 acre) zoning to the west and southwest. No County R-1 zoning exists in this area. We find the proposed zoning and development of the subject property is too dense and out of character with the adjacent developments. Estate zoning would be much more compatible.

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

Finding: The existing zoning is not in error and there have been no changing conditions in the area sufficient to justify the requested rezoning.

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

Finding: As stated above under Standard A, the proposed rezoning would allow development that is not compatible with the uses and zoning of nearby properties.

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 applicants proposed the use of a County-owned sanitary sewer in the Village of Long Grove and individual private wells to serve their development. However, the President of the Village of Long Grove testified that the Village would not allow access to this sewer. The applicants also offered no evidence that 46 new wells would not adversely affect adjacent residents.

Standard F. the subject property is suitable for proposed zoning classification.

Finding: We find that the subject property is not suitable for R-1 zoning for the factors stated above.

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. 3395
Ela Township

/s/ Dennis Wilson
CHAIRMAN

/s/ James Morgan
VICE-CHAIRMAN

/s/ Gloria Helke

/s/ Geraldine Stimpson

/s/ George Bell

Dated this 19th day of May, 2004.

Summary of Testimony

Zoning Case #3395

A public hearing was conducted by the Lake County Zoning Board of Appeals on April 7, 2004, and continued to May 7, 2004, on the application of Harris Trust and Savings Bank, T/U/T HTB 1417 and LaSalle Bank, T/U/T 556 which seeks rezoning from the Agricultural District to the Residential-1 District. The subject property contains approximately 74 acres and is located on the northeast side of Old McHenry Road (23552 N. Old McHenry) approximately 700 feet southeast of Hillcrest Drive in Ela Township. The following is a summary of the testimony presented:

1. Mr. Richard Thomas and Mr. Michael Schwartz, beneficiaries of the applicant trust, testified they are seeking this rezoning in order to permit the subject 74 acre parcel to be subdivided into approximately 46 single family lots. This concept plan is a conservation subdivision that preserves 70% (52 acres) of the site as common open space. The average lot size is 16,000 sq. ft. (.37 acre) and 100 feet in width. The proposed homes would each have at least 4000 sq. ft. of floor area and side-loading garages. The overall density is 0.61 dwelling units per acre (or 1.64 acres/d.u.).
2. The applicants further testified that, in their opinion, this proposed development is fully compatible with the surrounding subdivisions. They noted that Hawthorn Knoll subdivision in the Village of Hawthorn Woods adjoins the north and is composed entirely of single-family lots of a least one-acre. To the south in the Village of Long Grove is the White Oak Estates Subdivision that also consists entirely of lots of greater than one acre each and to the east, also in Long Grove, is the Prairie Trails Planned Development which has a density of .61 d.u./ac, identical to the proposed development.
3. The applicants further testified that they would prefer to utilize the County owned sewer system that serves this area and the nearest connection is 300 feet east of the property. However, Long Grove has refused to provide an easement to access this connection and they are now exploring the feasibility of extending sewers to the southwest or northwest to connect with the County's system. The Lake County Public Works Department has confirmed that adequate capacity exists to serve this development. The applicants also noted that each lot will be served by a private well. Primary road access will come from Old McHenry Road and in accordance with County requirements a road connection will also be made to Quail Hollow Road in the Hawthorn Knoll Subdivision to the north.

4. The applicants also testified they have presented this plan to both local school districts, two fire protection districts, the Ela Township Planning Commission and both the Villages of Long Grove and Hawthorn Woods. They noted that a boundary agreement exists between these two Villages which calls for this property to be annexed to Hawthorn Woods, however they prefer to remain unincorporated.
5. Ms. Pam Newton, District 18 County Board Member, testified that this is the best development she has seen proposed for this site and, in her opinion, the County needs more up-scale R-1 developments in the unincorporated areas. This plan does a great job of preserving open space and protecting natural resources, and is consistent with the character of the area.
6. Mr. Anthony Dean, President of the Village of Long Grove, testified that the Village will object to this rezoning as it is not consistent with the adjoining subdivisions and would not comply with the Village's standards for public donations. The Village will also deny the developers access to the County sewer.
7. Mr. Russell Binford, Village Manager of Hawthorn Woods, testified this Village will also object to this rezoning. He noted that the Hawthorn Knolls subdivision to the north is entirely composed of lots of a least 40,000 sq. ft. each and the proposed development would be out of character with this subdivision. The Village would be willing to annex this property if the applicants proposed a similar, conventional subdivision of one-acre lots.
8. Mr. Mike Rubin, owner of adjacent property, testified that the proposed street connection to Quail Hollow Road will reduce his property value and his privacy. In his opinion, this development is not compatible with the existing homes in his neighborhood, all of which have lots of at least an acre in size.
9. Mr. Chris Peters, neighboring property owner, submitted statements signed by 25 adjacent property owners objecting to this rezoning as it is not compatible with the uses and zoning of surrounding properties, it would have a major traffic impact on an already over-crowded Old McHenry Road and would have significant adverse impacts on the environment. A connection to Quail Hollow Road would also change the quality of life and property values of the residents.

**Summary of Department and Agency Comments
Zoning Case #3395**

Lake County Health Department:

This Department has no objections to the rezoning request.

Lake County Pubic Works Department:

This Department has no objections to this rezoning request. The County owns and operates a sanitary main located approximately 300 feet east of the subject property and there is adequate capacity to serve the proposed development. Connection to this sewer will require the approval of an easement by the Village of Long Grove. The Village has also established a recapture agreement for all developments utilizing this system.

Lake County Division of Transportation:

Access to Old McHenry Road must be approved by the Division and comply with the County's Highway Access Regulation Ordinance.

Lake County Department of Planning, Building and Development:

Staff recommends this rezoning request be granted as it complies with all the "Map Amendment Approval Criteria" contained in the UDO. Specifically, the proposal is similar to and compatible with the surrounding zoning, density and land use; the rezoning conforms with the County's comprehensive plan; the present Agricultural zoning is not appropriate given the parcel's location, trend of development and character of the area; the property can be served by adequate public facilities; the rezoning will have no significant adverse impacts on surrounding properties or the environment; and the property is suitable for development under the R-1 zoning classification.



Robert Mosteller

Deputy Director

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MEMORANDUM

April 2, 2004

TO: Dennis Wilson, Chairman
Lake County Zoning Board of Appeals

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

CASE NO: 3395

REQUESTED ACTION: Rezoning from Agricultural (AG) to Residential (R-1). It is the applicants' desire to divide the subject property into 46 single-family lots with common open space.

ZBA HEARING DATE: April 7, 2004

GENERAL INFORMATION

OWNER(s)/PETITIONER: Harris Trust Savings Bank, T/U/T HTB1417 and LaSalle Bank, T/U/T 556, record owners

OF PARCELS: 2 (two)

SIZE: Approximately 74 acres

LOCATION: The subject property is located at 23552 N. Old McHenry Road, Lake Zurich, IL (northeast side of Old McHenry Road, approximately 700 Feet southeast of Hillcrest Drive).

EXISTING ZONING: Agricultural (AG)

PROPOSED ZONING: Residential (R-1)

EXISTING LAND USE: Agriculture and Vacant

PROPOSED LAND USE: Single-family conservation residential development containing 46 lots and having 70% open space.

SURROUNDING ZONING/LAND USE

NORTH: Village of Hawthorn Woods, Residential-1 (40,000 sq. ft minimum)/single-family residences

SOUTH & EAST: Village of Long Grove, Residential-2, PUD, (not less than 2 acres of lot area)/single-family residences

WEST:/NORTHWEST: Estate (E)/vacant and single-family dwellings. The designated right-of-way of the proposed Il. Rt. 53 is 300 ft. west of the property.

SOUTHWEST: Agricultural (AG), Estate (E) and General Office (GO)/landscape nursery, 2 houses and a golf course

COMPREHENSIVE PLANS

LAKE COUNTY: Estate

MUNICIPALITIES WITHIN 1 ½ MILES:

Village of Hawthorn Woods: northwest portion subject property designated Estate; central and northeast portion of subject property designated Public/Quasi-Public ; southern portion of subject property designated Rural Estate

Village of Kildeer: not designated

Village of Long Grove: Residential-2

.61 du/acre 1.6 ac/acre

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450	290
1100	276
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DETAILS OF REQUEST

ACCESS: The subject parcel has direct access to Old McHenry Road and Quail Hollow Rd.

PHYSICAL CHARACTERISTICS: The subject property is vacant and contains wetlands, floodplains and a mixture of mature and young woodlands.

WETLAND/ FLOODPLAIN: According to the Lake County Wetland Inventory Maps, the subject property contains mapped wetland areas on the northern

portion of the property. The petitioner is required to submit a tree survey to determine if mature woodlands, young woodlands and "significant trees" are located on the subject property.

SEWER
AND WATER: Private wells and public sewer would be utilized.

ADDITIONAL COMMENT

The applicants have submitted a concept plan of the "Schlesser Farms Subdivision" which indicates 46 lots being created. However, the applicable natural resource verification requirements (wetland jurisdictional determination, wetland delineation, base flood elevation verification and a tree survey) for the site capacity calculations have not been performed. Therefore, at this time staff cannot confirm how many lots could be permitted if the rezoning is approved.

RECOMMENDATION

Staff recommends the petitioners' request to rezone the 74 acres of the subject property from Agricultural (AG) to Residential-1 (R-1) be granted as it meets all of the "Map Amendment Approval Criteria" stated in the Unified Development Ordinance in the following manner:

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

Comment: One of the fundamental purposes of zoning is to allow new development which is compatible with the uses and zoning of surrounding property. In this case, the subject property abuts existing single-family residential subdivisions to the south, north and northwest and a single-family residential subdivision under construction to the east. The applicants desire to subdivide 46 lots from the 74-acre parcel. This density and zoning is compatible with both the surrounding land use and density to the north and northwest. The proposed use would be compatible with the existing and proposed uses to the south and east.

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

Comment: The subject property was designated Estate when the comprehensive plan was last updated in 1994. The location of the subject parcel abuts single-family development to the south, east, north and northwest. The subject property could be appropriately developed under the Residential-1 (R-1) zoning district. In addition, we do not believe the present Agricultural zoning remains appropriate given this property's location, trend of development and the character of the area.

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

Comment: As previously stated, the subject property is nearly surrounded by single family residential developments of a similar density and zoning.

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.

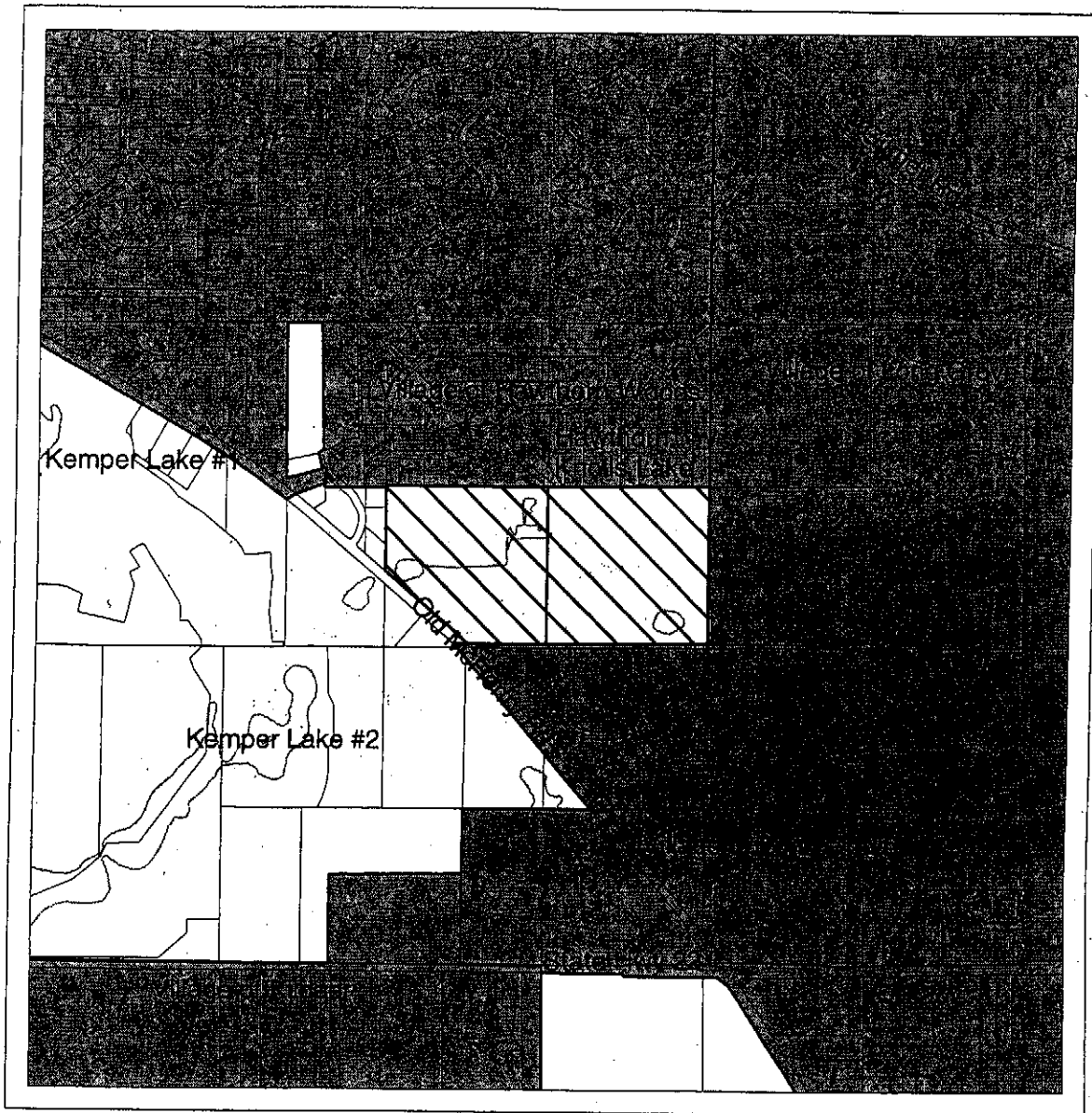
Comment: The property would be served by private wells and public sewer. The petitioners are required to obtain an access permit from the Lake County Division of Transportation for access onto Old McHenry Road and from the Village of Hawthorn Woods for access onto Quail Hollow Rd.

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: The subdivision of the subject property under the proposed R-1 zoning must meet all applicable regulations including those governing natural resource protection, lot density standards and requirements for construction of public improvements. These regulations are sufficient to assure that no significant adverse impacts to the environment or adjacent properties will result.

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

Comment: While it is still necessary to complete the subdivision review process, the subject property appears suitable for development under the Residential-1 zoning classification.



Zoning Board of Appeals
Case# 3395