

Agenda Item # 45

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3468
Libertyville Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

April 12, 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3468, which consists of the Petition of Holy Cross Lutheran Church relative to a request for a Conditional Use Permit to allow a religious institution having more than ten thousand square feet of assembly floor area. 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 5 "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.
- 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
<u><i>Judy Martini</i></u> CHAIRMAN	✓	—

VICE-CHAIRMAN

<u><i>Susan D. Brunehart</i></u>	✓	—
----------------------------------	---	---

<u><i>Robert Sabon</i></u>	✓	—
----------------------------	---	---

<u><i>[Signature]</i></u>	✓	—
---------------------------	---	---

<u><i>[Signature]</i></u>	X	—
---------------------------	---	---

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 Holy Cross Lutheran Church relative to a request for a Conditional Use Permit to allow a religious institution having more than ten thousand square feet of assembly floor area for the following real estate, to-wit:

The North 660 feet of the South 1260 feet of the East 660 feet of the Northeast ¼ of Section 15, Township 44 North, Range 11 East of the Third Principal Meridian.

PIN: 11-15-200-004, 006 and 007

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; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 5 to 0 that the petition be granted. A motion was made by Member Leafblad, with a second by Member Mountsier, to grant the petition. Voting "Aye" were Members Sabonjian, Gravenhorst, Mountsier, Leafblad 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 issued a Conditional Use Permit allowing a religious institution having more than ten thousand square feet of assembly floor area; and

BE IT FURTHER RESOLVED, that the Lake County Board hereby accepts and adopts the findings of the Lake County Zoning Board of Appeals, 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

April 12, 2005

MR. 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 March 7, 2005, at 1:00 p.m. in the Libertyville Township Hall, Libertyville, Illinois, relative to the petition of Holy Cross Lutheran Church requesting a Conditional Use Permit to allow a religious institution having more than 10,000 sq. ft. of assembly floor area for the following described real estate, to-wit:

The North 660 feet of the South 1260 feet of the East 660 feet of the Northeast ¼ of Section 15, Township 44 North, Range 11 East of the Third Principal Meridian.

PIN: 11-15-200-004, 006 and 007

The proceedings of this hearing have been manually and 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 Zoning Division;
The Department of Planning and Development; and
The Department of Public Works.

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) Standards provided in Section 3.6 of the Unified Development Ordinance.

At the conclusion of the hearing of the Lake County Zoning Board of Appeals held on March 7, 2005, after a final review of all evidence and testimony presented, Member Bell moved, with a second by Member Koeppen to recommend the prayer of the petitioner for a Conditional Use Permit to allow a religious institution having more than ten thousand square feet of assembly floor area be granted. Voting "aye" on this motion were Members Bell, Freese, Koeppen, Westerman, Van Erden and Wilson. Voting "nay", none. The motion to recommend this petition be granted was passed by a vote of 6 - 0.

The Board finds that the request for a CUP meets the "Conditional Use Approval Criteria" specified 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 2004 *Framework Plan* currently designates the subject site in the Residential Single-family Medium Lot (1-3 acres) Land Use category. The R – 1 zoning of the subject property is consistent with the future land use category and, therefore, the purpose and intent of the Ordinance.

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

Finding: The proposed expansion of the day care center and parking lot can comply with all applicable standards of the Ordinance. These standards include, amongst others, transition yards with landscaping, preservation of significant trees, maximum floor area and impervious area, stormwater management, lighting, and any necessary improvements to St. Mary's Road.

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 existing church and preschool have not had a substantial adverse impact on abutting single-family houses and residential neighborhoods. The proposed expansions must comply with all regulations, including those for landscaping, lighting and stormwater management. These requirements will ensure that the church and expanded day care facility will not have a substantial adverse impact on the adjacent residential properties.

2. character of the neighborhood

Finding: The neighborhood surrounding the subject property consists of developed, single-family residential subdivisions. The abutting residential properties in the Terre Fair subdivision back up to the sides and rear of the subject property and do not share any road with the subject property. Thus, traffic from the church or day care will not pass through the subdivision. The proposed expansion will not have any substantial adverse impact on the existing character of the neighborhood.

3. natural resources

Finding: UDO Section 4.2.9.C.4 requires that at least 70% of all significant trees (trees having a diameter of 24 inches or greater) must be preserved. The property is not in a floodplain and does not contain wetlands. Granting the requested Conditional Use Permit will not result in any substantial adverse impacts to natural resources.

4. Infrastructure

Finding:- The use can be served with existing infrastructure without creating any substantial adverse impacts. The site is served by public sewer and water. The UDO classifies St. Mary's Road as a collector road and the applicant is required to develop and implement an acceptable roadway improvement plan for St. Mary's Road. The site has an existing onsite stormwater detention system. Storage can be increased to accommodate the increase in impervious surface if needed to comply with Ordinance requirements.

5. public sites

Finding: This use will not affect any public lands.

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

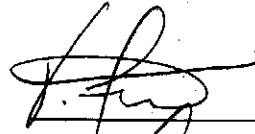
Finding: The church and proposed day care expansion can comply with all applicable regulations of the UDO and can meet all the standards for the approval of the requested CUP's. We see no other concerns that would significantly affect the public health, safety or general welfare.

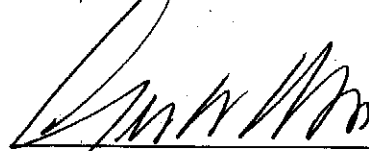
At the direction of the Chairman of the Zoning Board of Appeals, the findings and decision of each member after a full review of all evidence adduced, as appears from the records of the Zoning Board of Appeals are incorporated herewith. This report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.


No. 3468
Libertyville Township


CHAIRPERSON

VICE-CHAIRPERSON









Dated this 15th day of March, 2005.

SUMMARY OF TESTIMONY

ZONING CASE #3468

SUM

A public hearing was conducted by the Lake County Zoning Board of on the application of Holy Cross Lutheran Church which requests a C allow a religious institution having more than 10,000 sq. ft. of assembl property is zoned Residential 1, contains 8.8 acres and is located at 29 Libertyville, Il. The following is a summary of the testimony presented

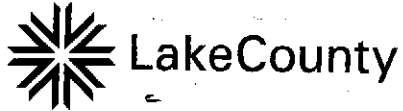
Lake County Health Department
This Department has no objection to this request.

Lake County Division of Public Works
The applicant will be required to provide for additional right-of-way and utility easements.

Lake County Public Works
This property is currently zoned Residential 1. There is no objection to this request.

Lake County Department of Public Works
Staff recommends the request for a Conditional Use Permit. Specifically the existing use meets the requirement of the UDO code. There is no impact to adjacent property, infrastructure, public sites or utilities.

1. Rev. Robert A. Davis, Sr. Pastor of Holy Cross, testified that this church was founded in 1979 and moved to the subject property in 1985. This building has an education wing was built in 1995 and the worship space was enlarged. The church wishes to add a new child care facility, a small storage addition, a new parking lot. They are seeking this CUP to allow this planned expansion and parking lot and resolve its current nonconforming status. (Staff notes that under the UDO, this church was permitted by right. Further, authority to approve the child care facility has been delegated to the ZBA which approved the church's expansion in 2005).
2. Mr. Howard Patschke, Chairman of the Church's Building Commission, testified that the subject property as being improved with the existing church having 18,920 sq. ft. of floor area, a school licensed for 50 children, a 4600 sq. ft. house and a 400 sq. ft. addition. The church plan to construct an addition onto the west side of the church which will be 10,000 sq. ft. of floor area and provide new day care facilities for a maximum of 50 children. The addition will also have a full basement that will be used for mechanical equipment and Sunday school classes. A 737 sq. ft. storage addition will also be constructed. The property is served by public sewer and water and all exterior surfaces are sprinkled for fire protection purposes. When completed, the total floor area including the basement, will be 39,028 sq. ft. (9.2% F.A.R.; 35% impervious area will be about 125,000 sq. ft. (I.S.R. of 33%; 35% impervious).
3. Mr. Patschke and Mr. Glen Ericson, civil engineer, testified they have advised the Terre Fair Homeowners Association to develop a mutually acceptable buffer between the church and the adjacent residential properties. Large berms of 8 to 10 feet wide will be constructed on both the north and west sides of the church. Current plans call for a 2 ft. wide berm on the north side and adding a 6 ft. tall stockade fence along the west side. The fence will be extended south to screen the new parking area and many new evergreens, and other landscaping will be added. In addition, the Illinois State Transportation is requiring that St. Mary's Road be improved with a deceleration/right-turn lane and a north-bound left turn lane. The church will provide one entrance and two exit lanes.
4. Rev. Davis testified that the current congregation consists of 462 members. A Conditional Use Permit is necessary to allow the continuing expansion of the church. He noted a great number of community service programs are conducted at the church, including Habitat for Humanity, P.A.D.S., C.O.O.L., local scouting groups, literacy programs, consulting services, food



Philip J. Rovang
Director

18 North County Street - 6th Floor
Waukegan, Illinois 60085
Phone 847 377 2875
Fax 847 360 6734
E-mail planning@co.lake.il.us

MEMORANDUM

February 16, 2005

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

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

CASE NO: 3468 CUPs

REQUESTED ACTION: Conditional Use Permits to allow (1) a religious institution having more than ten thousand square feet of assembly floor area and (2) a day care facility

HEARING DATE: March 7, 2005

GENERAL INFORMATION

OWNER: Holy Cross Lutheran Church, record owner

OF PARCELS: Three

SIZE: 10 acres

LOCATION: 29700 North Saint Mary's Road, Libertyville

EXISTING ZONING: Residential - 1 (R - 1)

EXISTING LAND USE: Church, day care center, vacant single-family house

PROPOSED LAND USE: Same as existing

ZONING / SURROUNDING LAND USE

NORTH: R – 1 / Single-family houses: Terre Fair Subdivision – 1 acre lots

SOUTH: R – 1 / Single-family houses: Terre Fair Subdivision – 1 acre lots

EAST: Village of Green Oaks: SR – 2 / Single-family houses: Fairwell Estates Subdivision – 2 acre lots

WEST: R – 1 / Single-family houses: Terre Fair Subdivision & 1st Addition to Percy Wilson's Oak Spring Woods – 1 acre lots

COMPREHENSIVE PLANS

LAKE COUNTY: Residential Single-Family Medium Lot (1-3 acres)

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Green Oaks

- Northern Parcel, PIN 11-15-200-004: Open space, school or church
- Other Two Parcels, PINs 11-15-200-006 and 007: Suburban Residential 1 (1 acre lots)

DETAILS OF REQUEST

ACCESS: Direct access is provided via St. Marys Road

CONFORMING LOT: Yes

SOIL TYPES: Nappanee silt loam, 2 – 4% slopes (228B);
Montgomery silty clay (465)

FLOODPLAIN / WETLAND: The property is not in a floodplain and there are no wetlands

SEWER AND WATER: Public sewer and water

ADDITIONAL COMMENTS

The Lake County Board has the final authority on CUPs for religious institutions that have more than 10,000 square feet of assembly space. *Assembly Space* is defined as "Space intended to accommodate a group of people gathered together for a particular purpose, whether religious, political, educational, or social. Assembly space may include but shall not be limited to meeting rooms / halls, classrooms, worship halls, and social halls" (UDO 14.2).

The Zoning Board of Appeals has been delegated the final authority for CUPs for day care facilities. A *Day Care Facility* is "Any facility which is established and maintained for the general care of children or adults. Whether established for gain or otherwise, a day care facility receives or arranges for care or placement of more than 7 individuals unrelated to the operator of the facility. The term 'Day Care Facilities' includes facilities commonly called 'child care centers,' 'day nurseries,' 'nursery schools,' 'adult day cares' and 'kindergartens' but does not include any state operated institution for child care, any juvenile detention housing, any licensed nursing home, or any bona fide boarding school" (UDO 14.2).

According to the Holy Cross Lutheran Church website (www.holycrosschurch.org), the church's first building on the site was occupied in 1985, the construction of the education wing was completed in 1994, and the new sanctuary was completed in 2001. According to information from the website and the Illinois Department of Children and Family Services (DCFS), Crossways preschool was started on the site in 1992.

The maximum development intensity allowed on the subject property is governed by a maximum floor area factor of .20 and a maximum impervious surface ratio of .35. Although staff has not seen detailed site capacity calculations, we estimate that with the planned expansion the total floor area will be about half the maximum allowed. However, we also estimate the total impervious surface area will approach the maximum permitted.

The proposed expansions will require transition landscaping consisting of 4 plant units / 100 linear feet and either a 6 foot solid fence or a 3 foot berm. Berms are present on the north and west sides of the site which provide a large amount of screening for the adjacent residential properties. The actual amount of additional landscaping needed, and areas where additional berming or a fence will be necessary, will be determined during the review of the site plan.

RECOMMENDATION

Staff recommends that the two requested CUPs be approved. This recommendation is based on the applicant's ability to fulfill all of the General Standards for Conditional Use Permits contained in Section 3.6.8. in the Unified Development Ordinance for Conditional Use Approval Criteria.

General Standards – Section 3.6.8.

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

Comment: The 2004 *Framework Plan* currently designates the subject site in the Residential Single-family Medium Lot (1-3 acres) Land Use category. The R – 1 zoning of the subject property is consistent with the future land use category and, therefore, the purpose and intent of the Ordinance.

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

Comment: The proposed expansion of the day care center and parking lot can comply with all applicable standards of the Ordinance. These standards include, amongst others, transition yards with landscaping, preservation of significant trees, maximum floor area and impervious area, stormwater management, lighting, and any necessary improvements to St. Mary's Road.

The applicant has provided a copy of its current DCFS license for Crossways preschool along with a letter from DCFS stating that it is aware of the planned expansion and will ensure compliance with state requirements.

- 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 existing church and preschool have not had a substantial adverse impact on abutting single-family houses and residential neighborhoods. The proposed expansions will have to comply with all regulations, including those for landscaping, lighting and stormwater management. These requirements will ensure that the church and expanded day care facility will not have a substantial adverse impact on the adjacent residential properties.

2. character of the neighborhood

Comment: The neighborhood surrounding the subject property consists of developed, single-family residential subdivisions. The abutting residential properties in the Terre Fair subdivision back up to the sides and rear of the subject property and do not share any road with the subject property. Thus, traffic from the church or day care will not pass through the subdivision. Staff does not believe that the proposed expansion will have any substantial adverse impact on the existing character of the neighborhood.

3. natural resources

Comment: UDO Section 4.2.9.C.4 requires that at least 70% of all significant trees (trees having a diameter at breast height of 24 inches or greater) have to be preserved. The property is not in a floodplain and does not contain wetlands. Granting the requested Conditional Use Permits will not result in any substantial adverse impacts to natural resources.

4. infrastructure

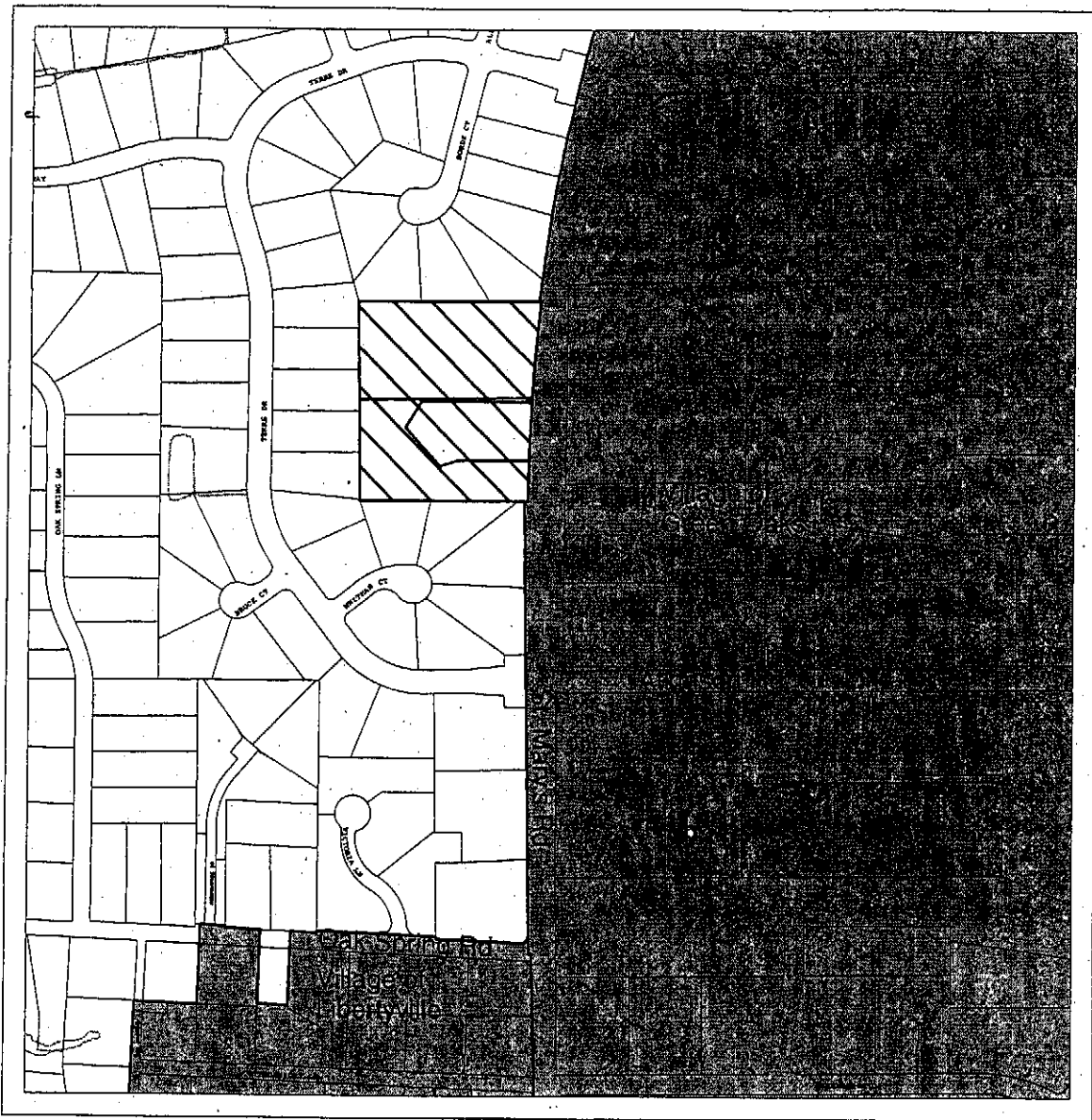
Comment: The use can be served with existing infrastructure without creating any substantial adverse impacts. The site is served by public sewer and water. The UDO classifies St. Mary's Road as a collector road and the applicant is required to develop and implement an acceptable roadway improvement plan for St. Mary's Road. The site has an existing onsite stormwater detention system. Storage can be increased to accommodate the increase in impervious surface if needed to comply with Ordinance requirements.

5. public sites

Comment: This use will not affect any public lands.

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

Comment: Staff believes the church and proposed day care expansion can comply with all applicable regulations of the UDO and can meet all the standards for the approval of the requested CUPs. We see no other concerns that would significantly affect the public health, safety or general welfare.



**Zoning Board of Appeals
Case# 3468**