

Agenda Item #

33

Distribution

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

STATE OF ILLINOIS)

) SS

COUNTY OF LAKE)

No. 3721

Vernon Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS
July 8, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3721, which consists of the Petition of Chicago Title and Trust Co., T/U/T #11649 relative to a request for rezoning from the Estate District to the Agricultural District. The Department of Planning, Building and Development recommends the petition be approved. On the motion "to approve" the prayer of the petitioner, the Zoning Board of Appeals vote is 7 "Ayes" and 0 "Nays"; on the motion to grant the prayer of the petitioner, the Planning, Building and Zoning Committee vote is 7 "Ayes" and 0 "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,

Samuel D. Walsh ✓
CHAIRMAN

Judy Martini ✓
VICE-CHAIRMAN

Susan L. Braverman ✓

Robert Saboyan ✓

[Signature] ✓

Randall White ✓

Sharon Mautsien ✗

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 Chicago Title and Trust Co., T/U/T #11649, relative to a request for rezoning from the Estate District to the Agricultural District for the following real estate, to-wit:

PARCEL 1: THE WEST 440.82 FEET (AS MEASURED ON THE NORTH LINE) OF THE NORTH 10 ACRES OF THE HORT WEST 1/4 OF THE SOUTH WEST ¼ OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN TOGETHER WITH THE SOUTH 168.04 FEET (AS MEASURED ON THE WEST LINE) OF THE WEST 440.82 FEET (AS MEASURED ON THE SOUTH LINE) OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 31, EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS.

PARCEL 2: THOSE PARTS OF THE WEST 1/2 OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: TRACT 1: THE NORTH 177.87 FEET OF THE SOUTH 345.93 FEET OF THE WEST 440.02 FEET OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 12.; TRACT 2: THE EAST 77.79 FEET OF THE WEST 518.61 FEET OF THE NORTH 10 ACRES OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION 12, TOGETHER WITH THE EAST 77.79 FEET OF THE WEST 518.61 FEET OF THE SOUTH 345.91 FEET OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 12; AND TRACT 3: THE EAST 128.90 FEET OF THE WEST 647.51 FEET OF THE SOUTH 345.91 FEET OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 12, TOGETHER WITH THE EAST 128.90 FEET OF THE WEST 647.51 FEET OF THE NORTH 10 ACRES OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION IN LAKE COUNTY, ILLINOIS.

PIN's: 15-12-100-010 and -013

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be approved; 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 7 - 0 that the petition be approved; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 7 - 0 that the petition be approved. Motion by Member Sabonjian, second by Member Martini, to grant the petition. Voting "Aye," Members Leafblad, Whitmore, Sabonjian, Martini, Mountsier and Newton. 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 rezoned from the Estate District to the Agricultural 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

July 8, 2008

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 May 29, 2008, at 1:00 p.m., in the Vernon Area Public Library, Lincolnshire, Illinois, relative to the petition of Chicago Title and Trust Co., T/U/T #11649 requesting rezoning from the Estate District to the Agricultural District of the following described real estate, to-wit:

PARCEL 1: THE WEST 440.82 FEET (AS MEASURED ON THE NORTH LINE) OF THE NORTH 10 ACRES OF THE HORT WEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN TOGETHER WITH THE SOUTH 168.04 FEET (AS MEASURED ON THE WEST LINE) OF THE WEST 440.82 FEET (AS MEASURED ON THE SOUTH LINE) OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 31, EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS.

PARCEL 2: THOSE PARTS OF THE WEST 1/2 OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: TRACT 1: THE NORTH 177.87 FEET OF THE SOUTH 345.93 FEET OF THE WEST 440.02 FEET OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 12; TRACT 2: THE EAST 77.79 FEET OF THE WEST 518.61 FEET OF THE NORTH 10 ACRES OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION 12, TOGETHER WITH THE EAST 77.79 FEET OF THE WEST 518.61 FEET OF THE SOUTH 345.91 FEET OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 12; AND TRACT 3: THE EAST 128.90 FEET OF THE WEST 647.51 FEET OF THE SOUTH 345.91 FEET OF THE SOUTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 12, TOGETHER WITH THE EAST 128.90 FEET OF THE WEST 647.51 FEET OF THE NORTH 10 ACRES OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION IN LAKE COUNTY, ILLINOIS.

PIN's: 15-12-100-010 and -013

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; and
The Department of Planning, Building and Development.

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 conclusion of the hearing of the Lake County Zoning Board of Appeals held on May 29, 2008, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Stimpson to recommend the prayer of the petitioner for rezoning from the Estate District to the Agricultural District be approved. Voting "Aye" on this motion were Members Koeppen, Raymond, Reindl, Stimpson, Westerman, Zerba and Bell. Voting "Nay, none. The motion to recommend this petition be approved was passed by a vote of 7 - 0.

The Board finds that the request for rezoning meets the standards for map amendments contained in Section 3.3 for rezoning in the following manner:

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

Finding: The County's comprehensive plan shows the property as Agricultural. A horse stable is an agricultural-type use. The requested rezoning is consistent with the purpose and intent of the Ordinance.

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

Finding: The parcels of this rezoning are physically located adjacent to, and are owned by, Banner Day Camp. The property contains a horse stable, which is a use allowed in both Estate and Agricultural zoning districts. However, the rezoning is required because camps are allowed in AG (with a CUP), but are not allowed in Estate. The intent is to make this property available for use as part of the camp (subject to County Board approval of CUP 3722). Because the subject property is owned by the camp, and a horse stable is allowed in both the Estate and the Agricultural districts but cannot be utilized by the camp unless the property is in the Agricultural zoning district, the rezoning will correct an inconsistency.

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

Finding: The property of the rezoning is at the northwest corner of Banner Day Camp, well removed from the residential subdivision on the south. North Park, an active park in Lincolnshire, is north of Banner Day Camp. The North Park Nature Preserve and Florsheim Nature Preserve abut the camp on the east and southeast. A Lake County Forest Preserve is west of the subject property, across Riverwoods Road. The church which abuts the subject property, the residential subdivision south of the camp, and the subdivisions on the west side of Riverwoods Road will not be negatively impacted by the rezoning of the existing horse stable.

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: There will not be any additional construction with the stable / rezoning. There will not be a negative impact on infrastructure. The LCDOT states that the existing access points will be reevaluated because of the desired expansion of the camp.

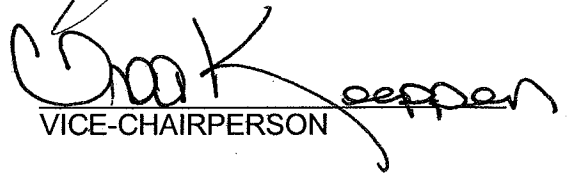
Standard E: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Finding: Banner Day Camp has been at this location since 1987, and Liberty Farm horse stable has been at this location for 14 years. No significant adverse impacts from the rezoning should occur.

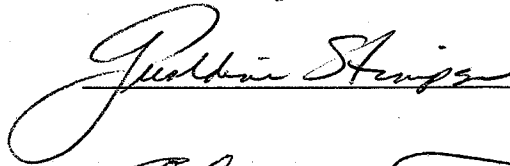
Standard F: The subject property is suitable for the proposed zoning classification.

Finding: The property is physically suitable for the types of uses / development allowed in the Agricultural zoning district.

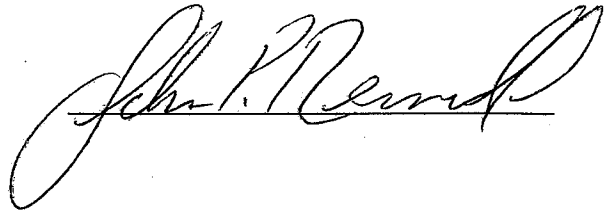

CHAIRPERSON


VICE-CHAIRPERSON









Dated this 5th day of June, 2008.

Zoning Case #3721

Summary of Testimony

A public hearing was conducted before the Lake County Zoning Board of Appeals on May 29, 2008 on the application of Chicago Title and Trust Company, T/U/T #11649 (Allen and Helen Schwartz, beneficiaries) which requests rezoning from the Estate zone to the Agricultural zone. The subject property contains 9.6 acres and is located on the east side of Riverwoods Road approximately ¼ mile south of Everett Road (1181 Riverwoods Road) in Vernon Township.

The following is a summary of the testimony submitted:

1. Mr. Brad Schwartz, Director of Operations and part-owner of Banner Day Camp, testified the subject property is improved with a commercial stable which the applicant wishes to include under the conditional use permit that regulates the adjacent Banner Day Camp. The Schwartz family acquired the Camp property in 1987 and the stable in 1991. This rezoning is necessary to allow camp operations to include stable activities.
2. Mr. Al Maiden, Planner, testified the stable adjoins camp-owned property to the north and east, a church to the south, and estate residential and Forest Preserve property to the west. North Park, a 28 acre Lincolnshire Village Park, is located a very short distance to the north. In his opinion, the continued operation of the stable and its inclusion as part of Banner Day Camp is fully compatible with the surrounding uses and zoning of neighboring properties.
3. Mr. Michael Wolin, appraiser, testified that in his opinion the requested rezoning will have no negative effect on surrounding property values.

Zoning Case #3721

Summary of Department Comments

Lake County Division of Transportation:

Based on the increased use and operation of the camp, LCDOT must re-evaluate the existing access points on Riverwoods Road.

Lake County Health Department:

The Department has no objection to the rezoning.

Lake County Department of Planning, Building and Development:

Staff recommends the rezoning be approved as it meets the preponderance of the standards of the UDO. Specifically, the rezoning is consistent with the County's comprehensive plan, it corrects a zoning inconsistency in the area, it is compatible with the uses and zoning of nearby properties, it will have no significant adverse impacts on the area or on the environment, and the property is suitable for the rezoning.



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

May 28, 2008

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

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

CASE NO: 3721 Rezoning

REQUESTED ACTION: Rezoning from the Estate zone to the Agricultural zone for the purpose of incorporating an existing private horse stable into the existing day camp. (ZBA # 3722 is a simultaneous petition to amend Banner Day Camp's current CUP to include the property in this rezoning.)

ZBA PUBLIC HEARING DATE: May 29, 2008

GENERAL INFORMATION

OWNER: Chicago Title and Trust Co., T/U/T 11649, record owner (sole beneficiary of the applicant Trusts is Riverwoods Road 2000 L and LLC, of which Allen and Helen Schwartz, 1225 Riverwoods Road, Lake Forest, IL, own a 100% interest)

OF PARCELS: Two

SIZE: 9.6 acres

LOCATION: Riverwoods Road, Lake Forest, Vernon twp.

EXISTING ZONING: Estate

PROPOSED ZONING: Agricultural

Development Review
Bob Mosteller
Deputy Director

Zoning Administration
Sheel Yajnik
Zoning Administrator

Planning and Support Services
Dennis Sandquist
Deputy Director

Community Development
Vern Witkowski
Deputy Director

EXISTING LAND USE: Private horse stable and single family dwelling.

PROPOSED LAND USE: The horse stable will become part of Banner Day Camp (subject to approval of CUP # 3722).

SURROUNDING ZONING / LAND USE

NORTH: Unincorporated: Agricultural / (owned by applicant) 60' wide entrance to Banner Day Camp that is also ingress & egress, drainage & public utilities easement for Lincolnshire's North Park

Village of Lincolnshire: R - 1 + SU (2 acre minimum lot size and certain cultural, educational, recreational, religious and public uses) / North Park (active recreation)

EAST: Unincorporated: Agricultural / (owned by applicant) Banner Day Camp

SOUTH: Village of Lincolnshire: R - 1 + SU / Church

Unincorporated: Agricultural / (owned by applicant) Banner Day Camp

WEST: Village of Lincolnshire: R - 1 (2 acre minimum lot size) single-family subdivision
Unincorporated: Open space / Lake County Forest Preserve

COMPREHENSIVE PLANS

LAKE COUNTY: Agricultural

MUNICIPALITIES WITHIN 1½ MILES: Village of Mettawa: 5 acre residential
Village of Lincolnshire: Environmentally sensitive estate residential
City of Lake Forest: Not designated

DETAILS OF REQUEST

ACCESS: Access from Riverwoods Road (County Highway 58) is existing. The memorandum from LCDOT states the access points must be reevaluated.

FLOODPLAIN / WETLANDS: According to the County's GIS, the subject property is not in a floodplain and does not contain any wetlands.

SEWER AND WATER: The property is served by a private, land applied spray irrigation wastewater treatment system and private water well.

ADDITIONAL COMMENTS

The subject property cannot be used as part of Banner Day Camp unless simultaneous CUP # 3722 is approved by the County Board.

RECOMMENDATION ON REZONING

Staff finds that the petition meets the preponderance of the conditions required by the standards and we recommend approval.

Map Amendment Approval Criteria – UDO Section 3.3.8

Standard A: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: The County's comprehensive plan shows the property as Agricultural. A horse stable is an agricultural-type use. The requested rezoning is consistent with the purpose and intent of the Ordinance.

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

Comment: The parcels of this rezoning are physically located within, and are owned by, Banner Day Camp. The property contains a horse stable, which is a use allowed in both Estate and Agricultural zoning districts. However, the rezoning is required because camps are allowed in AG (with a CUP), but are not allowed in Estate. The intent is to make this property available for use as part of the camp. Because the subject property is owned by the camp, and a horse stable is allowed in both the Estate and the Agricultural districts but cannot be utilized by the camp unless the property is in the Agricultural zoning district, the rezoning will correct an inconsistency.

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

Comment: The property of the rezoning is at the northwest corner of Banner Day Camp, well removed from the residential subdivision on the south. North Park, an active park in Lincolnshire, is north of Banner Day Camp. The North Park Nature Preserve

and Florsheim Nature Preserve abut the camp on the east and southeast. A Lake County Forest Preserve is west of the subject property, across Riverwoods Road. The church which abuts the subject property, the residential subdivision south of the camp, and the subdivisions on the west side of Riverwoods Road will not be negatively impacted by the rezoning of the existing horse stable.

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: There will not be any additional construction with the stable / rezoning. There will not be a negative impact on infrastructure. The memorandum from LCDOT states that the existing access points will be reevaluated because of the desired expansion of the camp.

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.

Comment: Banner Day Camp has been at this location since 1987, and Liberty Farm horse stable has been at this location for 14 years. No significant adverse impacts from the rezoning should occur.

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

Comment: The property is physically suitable for the types of uses / development allowed in the Agricultural zoning district.