

STATE OF ILLINOIS)
)
) SS
)
COUNTY OF LAKE)

No. 3521
Grant Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

January 10, 2006

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3521, which consists of the Petition of CJW Development Company, record owner, relative to a request for rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District. The Department of Planning, Building and Development recommends the rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District be denied. On the motion to "to approve" the request to rezone from the Residential – 2 Zoning District to the Residential – 5 Zoning District, the Zoning Board of Appeals vote is 4 "Ayes" and 3 "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

Judy Martini ✓
CHAIRMAN

Pamela D. Neeson ✓
VICE-CHAIRMAN

Susan L. Greenblatt ✓

Roger Sabourjian ✗

[Signature] ✓

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 CJW Development Company, record owner, relative to a request for rezoning from the Residential – 2 District to the Residential – 5 Zoning District for the following real estate, to-wit:

LOT A (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ON A LINE FORMING AN ANGLE OF 90 DEGREES 33 MINUTES 35 SECONDS TO THE LEFT WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12 ON AN ASSUMED BEARING OF NORTH 89 DEGREES 07 MINUTES 08 SECONDS EAST 318.35 FEET; THENCE ALONG A CURVE, WHOSE CENTER BEARS NORTH 00 DEGREES 5 MINUTES 45 SECONDS WEST 2203.87 FEET. AN ARC DISTANCE OF 480.75 FEET; THENCE SOUTH 12 DEGREES 35 MINUTES 39 SECONDS EAST 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59 WHICH IS THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID CURVED LINE WHOSE CENTER BEARS NORTH 12 DEGREES 35 MINUTES 39 SECONDS WEST 2253.87 FEET AND ARC DISTANCE OF 140.00 FEET; THENCE SOUTH 20 DEGREES 22 MINUTES 57 SECONDS EAST 41.21 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF OLD GRAND AVENUE; THENCE NORTH 88 DEGREES 30 MINUTES 59 SECONDS WEST 150.00 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.)

IN OLD HICKORY ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTH WEST QUARTER OF SECTION 12, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN. ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 2, 1952 AS DOCUMENT 759183, IN BOOK 1109 OF RECORDS, PAGE 589, IN LAKE COUNTY, ILLINOIS.

PIN: 05 -12-116-003

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that the rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District be denied; 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 4 – 3 that the petition for rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District 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 rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District be granted for development of six (6) residential townhome units with attached garages. Motion by Member Whitmore, second by Member Gravenhorst, to grant the petition. Voting "Aye"; Members Gravenhorst, Newton, Sabonjian, Whitmore and Martini. Voting "Nay", none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board, that the request of the Petitioner for the rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District be granted; 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.

No. 3521
Grant Township

STATE OF ILLINOIS)
)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

January 10, 2006

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 November 29, 2005, at 1:00 p.m., in the Grant Township Hall, Ingleside, Illinois, relative to the petition of CJW Development Company, record owner, requesting rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District for the following described real estate, to-wit:

LOT A (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 45 NORTH, RANGE 9. EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ON A LINE FORMING AN ANGLE OF 90 DEGREES 33 MINUTES 35 SECONDS TO THE LEFT WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12 ON AN ASSUMED BEARING OF NORTH 89 DEGREES 07 MINUTES 08 SECONDS EAST 318.35 FEET; THENCE ALONG A CURVE, WHOSE CENTER BEARS NORTH 00 DEGREES 5 MINUTES 45 SECONDS WEST 2203.87 FEET. AN ARC DISTANCE OF 480.75 FEET; THENCE SOUTH 12 DEGREES 35 MINUTES 39 SECONDS EAST 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59 WHICH IS THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID CURVED LINE WHOSE CENTER BEARS NORTH 12 DEGREES 35 MINUTES 39 SECONDS WEST 2253.87 FEET AND ARC DISTANCE OF 140.00 FEET; THENCE SOUTH 20 DEGREES 22 MINUTES 57 SECONDS EAST 41.21 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF OLD GRAND AVENUE; THENCE NORTH 88 DEGREES 30 MINUTES 59 SECONDS WEST 150.00 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.)

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PIN: 05 -12-116-003

The proceedings of this hearing have been electronically recorded and a tape recording is 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 Building and Code Enforcement Division;
The Lake County Health Department;
The Lake County Department of Public Works;
The Lake County Division of Transportation; and
The Department of Planning, Building and Development

In making its recommendation, the Zoning Board of Appeals 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 close of the hearing of the Lake County Zoning Board of Appeals held on November 29, 2005, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Morgan, to recommend the rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District be approved. Voting "Aye" on this motion were Members Bell, Koeppen, Morgan and Wilson. Voting "Nay" were members Stimpson, Van Erden and Westerman. The motion was passed by a vote of 4 – 3.

The Board finds that the request for rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District meets the standards for map amendments contained in Section 3.3 as described below.

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

Finding: The purpose of the Unified Development Ordinance is to protect the health, safety, and general welfare of existing and future residents of the unincorporated area of Lake County by implementing the *Framework Plan*, amongst other factors. The proposed amendment is inconsistent with the *Framework Plan's* Future Land Use map which designates the subject property as "Single-family Residential," with lot sizes between .25 and 1 acre. However, the amendment does comply with the *Framework Plan* by helping provide a range of housing types and prices to accommodate all demographic groups. The amendment also furthers the purpose and intent of the Ordinance (UDO Section 1.5) by promoting sustainable development, protecting the tax base, promoting land use patterns that increase efficiency in service provision and local government expenditures, and provides affordable housing. On balance, the proposed amendment is consistent with the Ordinance.

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

Finding: An error was made in the Future Land Use map of the *Framework Plan* in that the adjoining parcel to the east, where the Lakes Region Sanitary District administrative building is located, was designated Single-family Residential rather than Government / Institutional. Like the Lakes Region Sanitary District, the subject property has been designated Single-family Residential in the *Framework Plan*, and both properties are zoned R – 2. The subject property is located between IL 59 and Old Grand Avenue. Although Old Grand Avenue is relatively short, it does provide access to two large residential subdivisions and the Lakes Region Sanitary District facility. Because of the traffic volumes on IL 59 and Old Grand Avenue, and the adjoining Lakes Region Sanitary District facility which is a non-residential use, the subject property is unsuitable for the development of detached, single-family houses. The current R – 2 zoning is an error that will be corrected by the proposed amendment.

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

Finding: Most of the nearby properties (other than the Lakes Region Sanitary District building) have single-family houses, making the character of the area residential. The amendment will allow additional residential development that, while the density will be higher, will be compatible with the residential uses. Compatibility of appearance will be ensured through the design and landscaping standards of the UDO.

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 property will obtain public sewer from the Lakes Region Sanitary District. The proposed private well system must be approved by the Health Department. The traffic generated by a six-unit townhouse development, or any other use that could be established on the parcel, will not have a significant impact on Old Grand Avenue or IL 59. An access permit from the township will be required for Old Grand Avenue. Because of the type of housing, it is expected that very few, if any, families with school-aged children will live in the development.

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

Finding: Rezoning the property to R – 5 will not have a significant adverse impact on the environment. If the rezoning is granted, development of the townhouses will require site plan approval which will ensure that all County requirements are met.

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

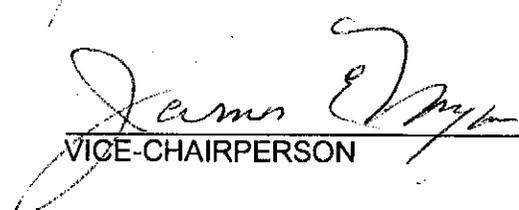
Finding: As explained in the findings above, the property is suitable for the proposed zoning classification. The townhouses will help buffer the single-family residences south of Old Grand Avenue from IL 59. The rezoning will allow a reasonable use for property that is not suited for development under its current classification of R – 2.

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.

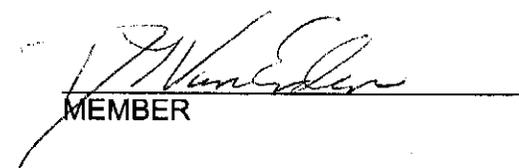
Zoning Case # 3521
Grant Township



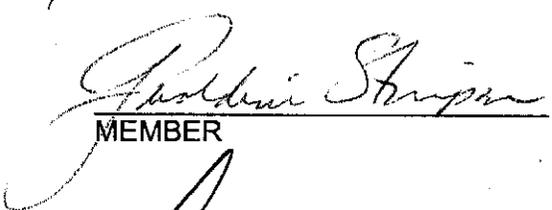
CHAIRPERSON



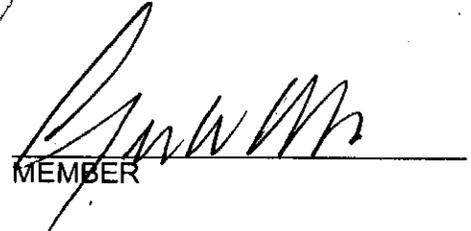
VICE-CHAIRPERSON



MEMBER



MEMBER



MEMBER

MEMBER

MEMBER

Dated this 8th day of December 2005.

SUMMARY OF TESTIMONY ZONING CASE #3521

The Lake County Zoning Board of Appeals conducted a public hearing on November 29, 2005 on the application of CJW Development Company, record owner, which seeks rezoning from the Residential – 2 Zoning District to the Residential – 5 Zoning District. The subject property contains 1.01 acres and is located at 36525 N. Route 59, Grant Township. The following is a summary of the testimony presented:

1. Mr. Daniel Venturi, attorney, presented the request and testified that the purpose for the rezoning is to allow the property to be subdivided for six townhouses. Mr. Venturi testified that Christine Welsch, the owner of CJW Development Company, held several meetings with nearby property owners to obtain their reactions to various proposals for developing the subject property. The neighbors preferred the concept of six townhouses with attached garages. The townhouses will each have two bedrooms.
2. Mr. Venturi further testified that, in his opinion, the subject property was not suitable for the current R – 2 zoning because it is located between IL 59 and Old Grand Avenue and adjoins the site of the Lakes Region Sanitary District administration building. He stated that according to the Illinois Department of Transportation there are 15,000 cars per day on IL 59. Mr. Venturi noted that while the Lakes Region Sanitary District building is allowed in any zoning district, its location adjoining the subject property demonstrates that neither parcel should be zoned R – 2.
3. Mr. Venturi testified that the request is consistent with the UDO in that the rezoning would implement the *Framework Plan* by helping provide a range of housing types and prices to accommodate all demographic groups; promotes sustainable development; protects the tax base; promotes land use patterns that increase efficiency in service provision and local government expenditures; and provides affordable housing. He cited figures projecting that the development of six townhouses will produce \$28,000 in property taxes annually, \$19,000 of which will go to the schools. He stated that families with children usually do not live in two bedroom townhouses so the taxes would go to Gavin School District without resulting in additional students.
4. Mr. Venturi concluded his testimony by stating that the Future Land Use Map in the *Framework Plan* contains a large error in that the adjoining Lakes Region Sanitary District site is designated Single-family Residential rather than Government / Institutional. Rezoning the subject property from R – 2 to R – 5 will rectify the error, and enable the subject property to be developed with a reasonable use.
5. Mr. Jim Keim, project engineer, testified that the intent is to build a safe residential facility through the use of berms and landscaping. The architecture and attached garages will give the townhouses a residential, rather than an "apartment feel" which will fit into the area. In Mr. Keim's opinion the townhouses will be an appropriate transitional use that will block the noise from IL 59 and provide a housing option not currently available in the area.
6. Ms. Bonnie Thomson Carter, County Board District #5, testified that she had attended some of the neighborhood meetings. She commented that the owner had considered commercial development at one time, but this idea had been abandoned in favor of townhouses due to the opposition of the neighbors.
7. Christine Welsch, owner of the CJW Development Company, testified that she intends to develop the townhouse project as it is depicted in the conceptual plans presented at the hearing.

SUMMARY OF DEPARTMENT AND AGENCY COMMENTS

ZONING CASE # 3521

Lake County Health Department:

The Health Department memorandum states that a single water well for the site would be considered a shared semi-private well which would have to meet the Board of Health Ordinance. A variance is required for the water well.

Lake County Department of Public Works:

The Public Works memorandum states that sanitary sewer service will have to be provided by the Lakes Region Sanitary District, and that the County does not have any water service available to the site. The Public Works Department has no objection to the rezoning.

Lake County Division of Transportation:

Access to Old Grand Avenue must be approved by the Grant Township Highway Commissioner.

Grant Township Highway Commissioner:

Kim Kiesgen, Grant Township Highway Commissioner, provided a letter in support of the rezoning. Commissioner Kiesgen's letter stated that her department would be able to provide adequate service to the subject property after it is rezoned and that there would not be any negative impacts to the level of service.

Fox Lake Fire Department and Rescue Squad:

A letter was provided by the Fox Lake Fire Department stating that the department would be able to provide adequate fire and rescue services to the subject property. The proposed rezoning would not negatively impact the department's ability to provide an adequate level of service to the community.

Lake County Department of Planning, Building and Development:

This Department recommends the rezoning be denied because it does not meet all the standards required by the UDO. The rezoning is not consistent with the Future Land Use Map of the Framework Plan; it would not correct a zoning error; and there is no changing condition that supports the proposed amendment. In addition, the current R – 2 zoning will allow detached, single-family dwelling units consistent with the housing in the area, particularly the residential subdivisions on the south side of Old Grand Avenue. Since there is no R – 5 zoned property in the area, and the proposed density of six dwelling units on the one-acre site is much greater than the density in the nearby residential subdivisions, the proposed amendment is not compatible with the area. The current zoning will allow the property to be developed with a reasonable use allowed in the R – 2 zoning district.



Philip J. Rovang
Director

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MEMORANDUM

November 18, 2005

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

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

CASE NO: 3521

REQUESTED ACTION: Rezoning from the Residential 2 (R - 2) to the Residential 5 (R - 5) Zoning District. It is the applicant's desire to construct six (6) townhouses.

ZBA HEARING DATE: November 29, 2005

GENERAL INFORMATION

PETITIONER: CJW Development Company, record owner

OF PARCELS: One

SIZE: 1.01 acres

LOCATION: 36525 N. Route 59, Ingleside (NE corner of Route 59 and Old Grand Avenue)

EXISTING ZONING: R - 2

PROPOSED ZONING: R - 5

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Six townhouses with attached garages

SURROUNDING ZONING/LAND USE

NORTH: R – 3 / Single-family houses and vacant lots
EAST: R – 2 / Administration building and offices (Lakes Region Sanitary District)
WEST: R – 2 / Single-family houses; GC / vacant, St. Bede Catholic Church
SOUTH: R – 2 / Single-family houses and vacant lots

COMPREHENSIVE PLANS

LAKE COUNTY: Single-family Residential (0.25 – 1 acre)
MUNICIPALITIES WITHIN 1½ MILES: Village of Round Lake Heights / Suburban
Village of Fox Lake / Not designated
Village of Lake Villa / Not designated

DETAILS OF REQUEST

ACCESS: The subject parcel has direct access to Old Grand Avenue
PHYSICAL CHARACTERISTICS: The subject property is designated "Made Land" in the Soil Survey indicating that it has been excavated or filled.
FLOODPLAIN / WETLANDS: The property is not in a floodplain and does not contain any wetlands.
SEWER AND WATER: Central sewer is available from the Lakes Region Sanitary District. The Health Department must approve a "shared semi-private well."

ADDITIONAL COMMENTS

A townhouse is a dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. A townhouse does not share common floors / ceilings with other dwelling units (UDO 14.2.414).

Townhouses are permitted only within conventional residential developments in the R – 5 and R – 6 Zoning Districts and within conservation residential developments in the R – 4, R – 5, and R – 6 Zoning Districts (UDO 6.2).

The table below shows the uses that differ between the R – 2 and R – 5 Zoning Districts:

USE TYPE	R – 2	R – 5
Townhouse		P
Atrium House		P / Conservation
Duplex		P
Multi – dwelling Structure		P
Multiplex		P
Patio House		P / Conservation
Twinhouse		P
Assisted Living	CUP / ZBA	P
Group Living		P

RECOMMENDATION

Staff recommends denial of the petitioner's request to rezone the subject property from Residential – 2 to Residential – 5. The petition does not meet Standards A, B, C and F as explained below:

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

Comment: The purpose of the Unified Development Ordinance is to protect the health, safety, and general welfare of existing and future residents of the unincorporated area of Lake County by implementing the *Framework*

Plan, amongst other factors. The proposed amendment is inconsistent with the *Framework Plan's* Future Land Use map which designates the subject property as "Single-family Residential," with lot sizes between .25 and 1 acre. To be consistent with the Land Use map the subject property would need to be in the "Residential Single-family Small Lot" category, which provides for lots less than .25 acres in area. The proposed density is 1 dwelling unit per .17 acres

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

Comment: Staff has not identified an error, inconsistency or changing condition that would support the proposed amendment. The residential development in the area consists of detached, single-family dwelling units. The current R – 2 zoning of the subject parcel would allow detached, single-family dwelling units which would be consistent with the housing in the area, particularly the residential subdivisions on the south side of Old Grand Avenue.

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

Comment: The subject property only abuts one property, which is the Lakes Region Sanitary District administrative-office building to the east. The property to the south across Old Grand Avenue is zoned R – 2 and consists of single-family subdivisions with detached dwelling units. Property to the north, across IL 59, is zoned R – 3 and also has single-family, detached dwelling units. General Commercial zoned property (a vacant parcel, and a church and school owned by the Catholic Church) is located about 350 feet west of the subject property. Since there is no R – 5 zoned property in the area, and the proposed density of six dwelling units on the one-acre site is much greater than the density in the nearby residential subdivisions, staff believes that the proposed amendment is not compatible with the area.

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 obtain sewer from the Lakes Region Sanitary District. The proposed private well system must be approved by the Health Department. The traffic generated by a six-unit townhouse development, or any other use that could be established on the parcel, will not have a significant impact on Old Grand Avenue or IL 59. An access permit from the township will be required for Old Grand Avenue.

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: Rezoning the property to R – 5 will not have a significant adverse impact on the environment. The property does not contain any identified natural resources. If the rezoning is granted, development of the townhouses will require site plan approval which will ensure that all County requirements are met.

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

Comment: The subject property is not suitable for the proposed zoning classification because it would allow much greater residential density than currently exists in the area. We believe the existing R – 2 zoning allows a reasonable use on the subject property.



**Zoning Board of Appeals
Case# 3521**