

Agenda Item # 26

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

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

No. 3578  
Fremont Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

July 11, 2006

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3578, which consists of the Petition of the County Board of School trustees, District #79 relative to a request for a Conditional Use Permit to allow a wastewater treatment plant having a surface discharge. 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 7 "Ayes" and 0 "Nay"; the Planning, Building and Zoning Committee vote is 5 "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.

Respectfully submitted,

<i>Judy Martini</i>	Aye	Nay
CHAIRMAN	✓	—

VICE-CHAIRMAN

<i>Susan L. Greenheart</i>	Aye	Nay
VICE-CHAIRMAN	✓	—

<i>Robert Solonjian</i>	Aye	Nay
MEMBER	✓	—

<i>[Signature]</i>	Aye	Nay
MEMBER	✓	—
<i>[Signature]</i>	Aye	Nay
MEMBER	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 the County Board of School Trustees, District #79 relative to a request for a Conditional Use Permit to allow an addition to an existing sewage treatment plant having a surface discharge for the following real estate, to-wit:

THE SOUTH 100 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21 AND ALSO THE SOUTH HALF OF THE NORTH HALF OF THE NORWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21 AND ALSO THE NORTH HALF OF THE SOUTH HALF OF THE NORHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, ALL IN TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS.

PIN: 10-21-204-001, 10-21-200-002 AND 003

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 7 - 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 approved. Motion by Member Gravenhorst, second by Member Mountsier, to grant the petition. Voting "Aye" were Members Mountsier, Leafblad, Gravenhorst, Sabonjian 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 to allow a sewage treatment system having a surface discharge; and

BE IT FURTHER RESOLVED that the County Board adopts the findings of the Zoning Board of Appeals as its own; 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 11, 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 June 12, 2006 at 1:00 p.m., in the Fremont Township Hall, Mundelein, Illinois relative to the petition of the County Board of School Trustees, District #79 requesting a Conditional Use Permit to allow an addition to an existing sewage treatment plant having a surface discharge for the following described real estate, to-wit:

THE SOUTH 100 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21 AND ALSO THE SOUTH HALF OF THE NORTH HALF OF THE NORWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21 AND ALSO THE NORTH HALF OF THE SOUTH HALF OF THE NORHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21, ALL IN TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS.

PIN: 10-21-204-001, 10-21-200-002 AND 003

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 County agencies, to-wit:

The Health Department;  
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 Sections 3.6 and 6.2 of the Unified Development Ordinance

At the close of the hearing of the Lake County Zoning Board of Appeals held on June 12, 2006, after a final review of all evidence and testimony presented, Member Koeppen moved, with a second by Member Freese, to recommend the prayer of the petitioner for a Conditional Use Permit to allow an addition to a sewage treatment plant be approved. Voting "Aye" on this motion were Members Bell, Freese, Koeppen, Stimpson, Westerman, Van Erden and Morgan. Voting "Nay", none. The motion to recommend this petition be granted was passed by a vote of 7 - 0.

The Board finds that the request for a Conditional Use Permit meets the standards contained in Section 3.6 in the following manner:

Standard A. The requested CUP to improve an existing sewage treatment system to provide better treatment of effluent complies with the Ordinance as follows:

Finding: The requested CUP is consistent with the *Framework Plan*. The Future Land Use Map designates the District # 79 property as Government / Institutional which is appropriate for public schools. The request allows the property to continue to function as a school.

The requested CUP is consistent with *Framework Plan* Goal 5.6:

Provide sewage treatment systems in a manner that best protects the public health, promotes the efficient utilization of public infrastructure investments, promotes desirable land uses, protects the natural environment, and maintains community character.

The school has utilized a sewage treatment system with surface discharge for many years with no adverse impacts. The CUP allows an existing wastewater treatment system to be upgraded which will permit the continuation of a desirable land use, protect the natural environment, and maintain community character.

One of the purposes of the UDO is to control development in areas of sensitive natural resources in order to reduce or eliminate adverse environmental impacts (UDO 1.5.G). The modifications and improvements to the existing sewage treatment system will improve the quality of the effluent and must be approved by IEPA. Inspection by the IEPA will ensure that there will not be any significant adverse impacts to environmental resources.

Standard B. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2

Finding: All requirements of the UDO can and will be met.

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

Comment: According to PSA - Dewberry, the lead consultant for the project, after treatment, the effluent is discharged into a long, perforated pipe that has an outfall at the eastern end of the school's property. Because of the length of this perforated pipe, it is rare for effluent to discharge from the end of the pipe. When this does occur, the effluent enters a creek channel on the eastern boundary of the school property. The creek channel, which is usually dry, is located between the school's property and the Thorngate Country Club golf course. The system must obtain an operating permit from the IEPA and is required to perform according to the standards specified in that permit. Permitting and inspections by the IEPA will ensure there will not be any substantial adverse impact to adjacent property when the treated effluent does reach the creek channel.

2. character of the neighborhood

Comment: The schools that will discharge into the sewage treatment system are existing. There will not be any impact on the character of the neighborhood.

3. natural resources

Comment: The current sewage treatment system with surface discharge has been permitted and must be inspected by IEPA. The treated effluent that is discharged must meet water quality standards. As already stated, treated effluent rarely reaches the outfall to be discharged into the creek channel. Effluent would either be diluted with water in the creek or be absorbed into the ground. There will not be a substantial negative impact to natural resources.

4. infrastructure

Comment: This CUP request will allow an existing wastewater treatment system to be upgraded and improved. The CUP will have a positive impact on the infrastructure.

5. public sites

Comment: The schools that will utilize the wastewater treatment system are public sites. Any treated effluent that enters the creek channel adjacent to the golf course will not have a negative impact on the golf course.

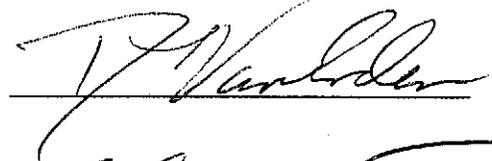
6. any other measures affecting the public health, safety, or general welfare

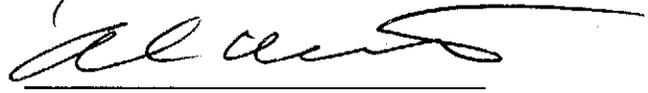
Comment: Because of the safeguards described in the above Comments, there will not be an adverse impact on public health and safety. The requested CUP will allow the existing wastewater treatment system to be improved to better protect public health and safety.

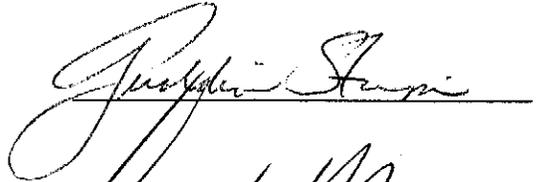
At the direction of the Chairman of the Zoning Board of Appeals, this report is herewith forwarded to your Honorable Body with the recommendation that it be accepted.

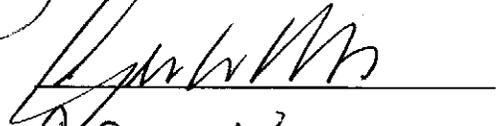
  
CHAIRPERSON

VICE-CHAIRPERSON











Dated this 22<sup>nd</sup> day of June, 2006.

## **Summary of Testimony**

### **Zoning Case #3578**

A public hearing was conducted by the Lake County Zoning Board of Appeals on June 12, 2006 on the application of the County Board of School Trustees, District #79 which requests a conditional use permit to allow an addition to an existing sewage treatment plant having a surface discharge. The subject property is the site of the Fremont Elementary School on the east side of Fremont Center Road approximately one mile north of Gilmer Road in Fremont Township. The following is a summary of the testimony presented.

1. Mr. Martin Liebrock, architect representing the applicant, testified that the purpose of this requests is to add a piece of equipment to the existing sewage treatment plant to improve the quality of the effluent during low-flow periods; it is not to enlarge the plant. This plant has a capacity of 10,000 gallons per day and currently treats an average of 4200 gpd. This extra capacity is sufficient to meet the District's 8-year enrollment forecast. This new equipment is necessary to reduce the ammonia and nitrogen in the effluent, especially during school vacations when extensive clearing is performed.
2. Mr. Liebrock further testified the proposed addition consists of rotating bio-disc contractors. Effluent currently passes through sand filters and a disinfection unit before flowing into a long, circuitous, perforated pipe which finally discharges into a wetland that is tributary to Squaw Creek. He stated that surface discharge rarely occurs as the effluent usually leaches through the perforated pipe and is absorbed by the soil. Although the discharge location is near houses in the Ivanhoe Club development, he knows of no past complaints.

## **Summary of Department Comments**

### **Zoning Case #3578**

#### **Lake County Health Department:**

This Department has no objection. As this is a surface discharge system generating over 1500 gallons per day, it is regulated by the IEPA.

#### **Lake County Department of Planning, Building and Development:**

Staff recommends this request be approved as it complies with the comprehensive plan, can meet all ordinance requirements and will have no substantial adverse impact on adjacent properties or the environment.



Philip J. Rovang  
Director

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**MEMORANDUM**

June 8, 2006

TO: James Morgan, Vice – Chairman  
Lake County Zoning Board of Appeals

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

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CASE NO: 3578 Conditional Use Permit

REQUESTED ACTION: Expansion of an existing, privately owned sewage treatment plant having surface discharge.

HEARING DATE: June 12, 2006

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**GENERAL INFORMATION**

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RECORD OWNER: County Board of School Trustees District #79

# OF PARCELS: Three

SIZE: Approximately 22 acres

LOCATION: 28855 Fremont Center Road, Mundelein

EXISTING LAND USE: Fremont Middle School, sewage treatment system with surface discharge, administration building, bus maintenance facility, parking.

PROPOSED LAND USE: Same as existing with an improved sewage treatment system

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## SURROUNDING ZONING / LAND USE

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NORTH: AG / Farm land; farm homesite with acreage  
EAST: R – 1 / Single-family dwellings (Ivanhoe); Golf course (Thorngate Country Club)  
SOUTH: AG / Farm land; farm homesite with acreage  
WEST: AG / Fremont Elementary School

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## COMPREHENSIVE PLANS

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LAKE COUNTY: Government / Institutional

MUNICIPALITIES WITHIN 1 ½ MILES:

Village of Mundelein: Public / Semi-Public; Environmental Corridor  
Village of Hawthorn Woods: Open Space / Public & Quasi-Public Space

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## DETAILS OF REQUEST

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ACCESS: The subject property has direct access via Fremont Center Road.

SOIL TYPES: The predominate soil types on the subject property are Houghton Muck (Series 103) and Ozaukee Silt Loam (Series 530).

FLOODPLAIN / WETLANDS: Approximately one-half of the area of the three parcels (11.3 acres) is in the floodplain. There are approximately 7.6 acres of wetlands.

SEWER / WATER: The CUP is to upgrade an existing private, decentralized sewage treatment system with surface discharge. The property is served by private water wells.

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## ADDITIONAL COMMENTS

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- UDO Section 6.3.41 states that any sewage treatment system with surface discharge requires a Conditional Use Permit. The County Board has final authority for this CUP.

- According to information from Bonestroo Devery & Associates, project consultants for the wastewater treatment system, effluent flows in the last two years have averaged about 4,200 gallons per day, which is less than half the system's permitted capacity of 10,000 gallons per day. However, since some of the substances monitored by IEPA and limited by the permit are relatively high, upgrades to the system are warranted.

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## RECOMMENDATION

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Staff recommends approval. Approval of the CUP and the improvement to the existing sewage treatment system will result in cleaner effluent thereby protecting and improving water quality. The request meets the standards in the following manner:

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### Conditional Use Permit General Standards – UDO 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 requested CUP to improve an existing sewage treatment system to provide better treatment of effluent complies with the Ordinance as follows:

The requested CUP is consistent with the *Framework Plan*. The Future Land Use Map designates the District # 79 property as Government / Institutional which is appropriate for public schools. The request allows the property to continue to function as a school. The school enrollment continues to increase due to residential development within the district. The sewage treatment system must be improved to process the additional effluent.

The requested CUP is consistent with *Framework Plan* Goal 5.6:

Provide sewage treatment systems in a manner that best protects the public health, promotes the efficient utilization of public infrastructure investments, promotes desirable land uses, protects the natural environment, and maintains community character.

The school has utilized a sewage treatment system with surface discharge for many years with no adverse impacts. The CUP allows an existing wastewater treatment system to be upgraded which will permit the continuation of a desirable land use, protect the natural environment, and maintain community character.

One of the purposes of the UDO is to control development in areas of sensitive natural resources in order to reduce or eliminate adverse environmental impacts (UDO 1.5.G). The modifications and improvements to the existing sewage treatment system must be approved by IEPA. Inspection by the IEPA will ensure that there will not be any significant adverse impacts to environmental resources.

- B. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.2

Comment: As shown on the plan submitted with the application, the new equipment will be in the vicinity of the existing treatment plant. All setbacks will be met. The site plan review process will ensure that any required landscaping is provided. The requested CUP can comply with all Ordinance 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: According to PSA - Dewberry, the lead consultant for the project, after treatment, the effluent is discharged into a long, perforated pipe that has an outfall at the eastern end of the school's property. Because of the length of this perforated pipe, it is rare for effluent to discharge from the end of the pipe. When this does occur, the effluent enters a creek channel on the eastern boundary of the school property. The creek channel, which is usually dry, is located between the school's property and the Thorngate Country Club golf course. The system must obtain an operating permit from the IEPA and is required to perform according to the standards specified in that permit. Permitting and inspections by the IEPA will ensure there will not be any substantial adverse impact to adjacent property when the treated effluent does reach the creek channel.

2. character of the neighborhood

Comment: The schools that will discharge into the sewage treatment system are existing. There will not be any impact on the character of the neighborhood.

3. natural resources

Comment: The current sewage treatment system with surface discharge has been permitted and must be inspected by IEPA. The treated effluent that is discharged must meet water quality standards. As already stated, treated effluent rarely reaches the outfall to be discharged into the creek channel. Effluent would either be diluted with water in the creek or be absorbed into the ground. There will not be a substantial negative impact to natural resources.

4. infrastructure

Comment: This CUP request will allow an existing wastewater treatment system to be upgraded and improved. The CUP will have a positive impact on the infrastructure.

5. public sites

Comment: The schools that will utilize the wastewater treatment system are public sites. Any treated effluent that enters the creek channel adjacent to the golf course will not have a negative impact on the golf course.

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

Comment: Because of the safeguards described in the above Comments, there will not be an adverse impact on public health and safety. The requested CUP will allow the existing wastewater treatment system to be improved to better protect public health and safety.