

Agenda Item # 46

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

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

No. 3608
Warren Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS

January 16, 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3608, which consists of the Petition of Wanish, LLC, relative to a request for a Conditional Use Permit for a Planned Unit Development. 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 4 "Ayes" and 1 "Nay"; the Planning, Building and Zoning Committee vote is 7 "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.

Respectfully submitted,

	Aye	Nay
<u>Samuel D. Neuh</u>	✓	_____
CHAIRPERSON		

<u>Judy Martini</u>	✓	_____
VICE-CHAIRPERSON		

<u>Thomas D. Greenhurst</u>	✓	_____
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<u>Robert Saboryan</u>	✓	_____
<u>[Signature]</u>	✓	_____

<u>Randy [Signature]</u>	✓	_____
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<u>[Signature]</u>	X	_____
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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 Wanish, LLC relative to a request for a Conditional Use Permit to allow a Planned Unit Development for the following real estate, to-wit:

PARCEL 1: THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST 1647.5 FEET THEREOF AND EXCEPT THE SOUTH 642 FEET OF THE NORTH 1004.95 FEET OF THE EAST 321.9 FEET THEREOF AND EXCEPT THE NORTH 760.0 FEET OF THE EAST 330.02 FEET OF THE WEST 1977.5 FEET THEREOF AND EXCEPT THE SOUTH 260.00 FEET OF THE EAST 321.90), IN LAKE COUNTY, ILLINOIS.

PARCEL 2: THE SOUTH 397.0 FEET OF THE NORTH 759.95 FEET OF THE EAST 321.91 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29 NORTH, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL 3: THE SOUTH 245.0 FEET OF THE NORTH 1004.95 FEET OF THE EAST 321.90 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER SECTION 29, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS.

PINs: 07-29-200-011, -012 and -032

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 4 – 1 that the petition be granted, subject to the conditions in Exhibit A; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 7 to 0 that the petition be granted. Motion was made by Member Martini, with a second by Member Gravenhorst to grant the petition, subject to the conditions in Exhibit B. Voting "Aye" were Members Leafblad, Whitmore, Mountsier, Martini, Gravenhorst, Sabonjian 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 granted a Conditional Use Permit for a Planned Unit Development, subject to the conditions in Exhibit B, and

BE IT FURTHER RESOLVED, that the Lake County Board hereby 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.

ZBA # 3608

Conditional Use Permit Conditions

EXHIBIT B

This Conditional Use Permit shall be subject to the following conditions:

1. This development shall be constructed in phases.
2. This development shall contain a covenant which requires the emergency access to be kept clear of plowed snow and other obstructions.
3. Ownership of the dwelling units shall be restricted to persons 50 years of age or older; occupancy of units by persons 18 years of age or younger shall be prohibited.

STATE OF ILLINOIS)

COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

January 16, 2007

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 October 30, 2006, at 1:00 p.m., in the Warren-Newport Public Library, 224 N. O'Plaine Road, Gurnee, Illinois, relative to the petition of Wanish, LLC requesting a Conditional Use Permit for a Planned Unit Development for the following described real estate, to-wit:

PARCEL 1: THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 45 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST 1647.5 FEET THEREOF AND EXCEPT THE SOUTH 642 FEET OF THE NORTH 1004.95 FEET OF THE EAST 321.9 FEET THEREOF AND EXCEPT THE NORTH 760.0 FEET OF THE EAST 330.02 FEET OF THE WEST 1977.5 FEET THEREOF AND EXCEPT THE SOUTH 260.00 FEET OF THE EAST 321.90), IN LAKE COUNTY, ILLINOIS.

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PINs: 07-29-200-011, -012 and -032

The proceedings of this hearing have been manually recorded and a transcript 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:

The Health Department;
The Building and Code Enforcement Division;
The Lake County Division of Transportation;
The Lake County Department of Public Works;
The Lake County Soil and Water Conservation District; and
The Department of Planning, Building and Development

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

At the close of the continued public hearing of the Lake County Zoning Board of Appeals held on October 30, 2006 after a final review of all evidence and testimony presented, Member Raymond moved, with a second by Member Koeppen, to recommend the prayer of the petitioner for a Conditional Use Permit for a Planned Unit Development be granted, subject to the conditions in Exhibit A. Voting "Aye" on this motion were Members Bell, Koeppen, Raymond and Stimpson; voting "Nay", Member Westerman. The motion to recommend the petition be granted subject to the conditions in Exhibit A was passed by a vote of 4 – 1.

The Board finds that the request for meets the Standards for a Planned Unit Development contained in Section 3.7.3.G in the following manner:

Standard 1. The proposed development in its proposed location is consistent with the Comprehensive Plan:

Finding: The proposal is substantially consistent with the major objectives of the *Framework Plan* as is explained in the response to Standard A, Map Amendment Approval Criteria.

Standard 2. The proposed development in its proposed location complies with the PUD Standards of Section 7.8:

Finding: The proposed PUD complies with the standards in the Ordinance. The proposed plan reserves 72% of the site as open space which will lessen the impact on the floodplain and wetlands and the housing types serve a niche where there is a shortage. However, this development cannot be considered innovative as it is a single-use, residential PUD with only one driveway connection, and this to a four-lane arterial highway.

Standard 3. The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Comprehensive Plan:

- a. adjacent property,
- b. natural resources,
- c. infrastructure,
- d. public sites, or
- e. any other matters affecting the public health, safety, or general welfare

Finding: The proposed development will not have a substantial adverse effect on adjacent property, natural resources, infrastructure or public sites.

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.

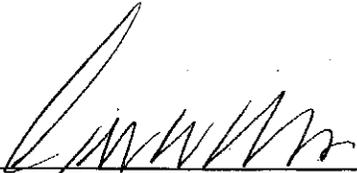
ZBA # 3608

Conditional Use Permit Recommended Conditions

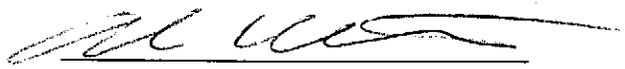
EXHIBIT A

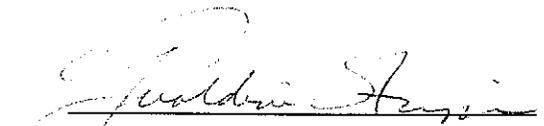
This Conditional Use Permit shall be subject to the following conditions:

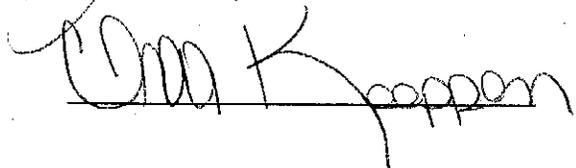
1. This development shall be constructed in phases.
2. This development shall contain a covenant which requires the emergency access to be kept clear of plowed snow and other obstructions.



CHAIRMAN







Dated this 20th day of November, 2006.

SUMMARY OF TESTIMONY

ZONING CASE #3607 and #3608

A public hearing was conducted by the Lake County Board of Appeals on October 30, 2006 on the applications of Wanish, L.L.C., which request rezoning from the Residential-4 zone to the Residential-5 zone with a Conditional Use Permit to allow a planned unit development. The subject property contains 22 acres and is located at the southwest corner of Hunt Club and Gages Lake Roads in Warren Township. The following is a summary of the testimony presented:

1. Mr. Helmet Peter, land planner, testified that the applicant wishes to construct an age-restricted development of 97 dwelling units consisting of 54 condominiums in two multi-family buildings and 43 townhouses in 10 buildings. A clubhouse and fitness center will also be provided. Mr. Peter estimated the average sales price of a condominium to be \$240,000 while the average townhouse would sell for \$380,000. Ownership will be restricted to those 50 yr. old and older, and residency by anyone under 18 will be prohibited by covenant. He estimated that Woodland Elementary School District would have a net tax benefit of \$314,000 annually while Warren High School District would receive a \$161,000 annual benefit.
2. Mr. Peter further testified that 72% of the site will remain in common open space. This development will be served with sanitary sewers and public water by the Lake County Public Works Department and access will come from Hunt Club Road with an emergency access provided onto Gages Lake Road. The Division of Transportation will require that Hunt Club Road be improved with a south-bound deceleration right turn lane and a north-bound left-turn lane.
3. Mr. Peter stated it is his opinion that the proposed rezoning and development is compatible with surrounding zoning and land uses and consistent with the trend of development. Surrounding zoning and uses are as follows:

North: Summerfield subdivision of 52 single family homes zoned R-4

Northeast – closed golf learning center zoned C/B2 in Gurnee, being redeveloped for commercial

East: a church zoned R-1 in Gurnee, and a landscape nursery business in the County zoned R-4

Southeast: Chelsey Crossing PUD in Gurnee consisting of 52 townhomes on 9.6 acres (5.4 d.u./ac.)

South: Cunningham square, zoned R-4 in the County consisting of 50 townhomes at a density of 3.57 d.u./ac.

West: Woodland Elementary School and Gagewood Subdivision consisting of 16 single family homes at a density of 2.78 per acre, zoned R-3

Mr. Peter noted the density of the proposed development is 4.47 d.u./ac.

4. Ms. Penny Boukidis, neighbor to the south, stated she objected because this development will cause additional flooding in the area regardless of the County's regulations.
5. Mr. Jim Mattern, neighbor to west, was also concerned that additional drainage and flooding problems would be created. Another concern is that once the drainage facilities are constructed, they are not maintained.
6. Mr. Tom Keefe of the Gurnee Fire Department stated they did not need the emergency access because they are usually blocked. The Department would prefer a full, second access. The Department would also encourage the installation of sprinklers into all dwelling units.

Summary of Department Comments

Zoning Cases #3607 and #3608

Lake County Public Works:

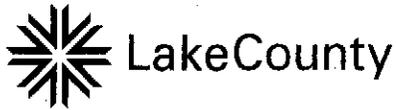
This Department can provide water and sanitary sewer service to this property. This Department has no objection to these requests.

Lake County Health Department:

This Department has no comments on these requests.

Lake County Department of Planning, Building and Development:

This Department recommends these requests be approved as they meet the applicable standards. More specifically, this proposal is consistent with the goals and policies of the County's comprehensive plan, the proposal provides for age-related multi-family and attached housing for which there is a public need, the proposals are compatible with the uses and zoning of nearby properties, the development can be adequately served by public facilities and services and the development will not have any adverse effects on the environment.



Philip J. Rovang
Director

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Waukegan, Illinois 60085
Phone 847 377 2875
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MEMORANDUM

October 19, 2006

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: 3607 & 3608: Rezoning and a Conditional Use Permit for a
Planned Unit Development

REQUESTED ACTION: Rezoning from the Residential-4 zone to the Residential-5 zone
and a Conditional Use Permit to allow a Planned Unit
Development. The applicant is proposing a mix of 43 townhouses
and 54 multi-family dwelling units, all restricted to residents 50
years of age or older.

HEARING DATE: October 30, 2006

GENERAL INFORMATION

PETITIONER: Wanish, L.L.C., record owner

OF PARCELS: Three PINs: 07-29-200-012, -011 and -032

SIZE: 22 acres

PIN: 07-29-200-011 / 2.59 acres

PIN: 07-29-200-012 / 1.6 acres

PIN: 07-29-200-032 / 17.8 acres

LOCATION: 33588 N. Hunt Club Road, Libertyville IL (southwest corner of
Hunt Club and Gages Lake Road)

EXISTING ZONING: Residential - 4

PROPOSED ZONING: Residential - 5

EXISTING LAND USE: Two single-family dwelling units

PROPOSED LAND USE: An age-restricted (50 years of age and over) PUD with 43 townhouses and 54 multi-family dwelling units.

SURROUNDING ZONING / LAND USE

NORTH: R - 4 / Single-family dwellings and open space (Summerfield Subdivision)

NORTHEAST: Village of Gurnee: Community Business (golf driving range)

EAST: Village of Gurnee: R - 1 / church (St. Paul the Apostle)
Unincorporated: R - 4 / Farmland (nursery)
Village of Gurnee: Farm homesite with acreage

WEST: R - 3 / Single-family dwellings and open space (Gagewood Subdivision);
Woodland Elementary School

SOUTH: R - 4 / LCDOT detention basin; condominiums (Cunningham Square
Condominiums)
R - 3 / Single-family dwellings and vacant (Woodland Meadows)

COMPREHENSIVE PLANS

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

MUNICIPALITIES WITHIN 1 ½ MILES: Village of Gurnee / Not designated

DETAILS OF REQUEST

ACCESS: Access will be provided from Hunt Club Road.

PHYSICAL CHARACTERISTICS: Wetlands associated with meandering streams, mature and young woodlands are present. The ground surface on the subject property slopes from east to west.

SOIL TYPES: Soil types present include Corwin silt loam, 2-4% slopes (495B), Montmorenci silt loam, 4-7% slopes, eroded (57C2), Beecher silt loam, 2-4% slopes (298B), and a former gravel pit (GP).

FLOODPLAIN / WETLANDS: According to the on-site topographic survey, 7.3 acres are in the floodplain. Wetlands associated with meandering streams are also present.

SEWER AND WATER: Public sewer and water are available.

ADDITIONAL COMMENTS

- A PUD may be approved in any base zoning district, except AG, RE and OS (UDO 7.9.3).
 - The maximum residential density possible in a PUD is based on the density in the underlying zoning district (UDO 7.9.9.A). However, the density is limited to what is approved in the final PUD plan.
 - Multi-dwelling structures are allowed by right in the R-5 zoning district. Townhouses are allowed by right in conventional residential developments in the R-5 district.
 - The rezoning and CUP, if approved by the County Board, shall not become effective until the Final PUD Plat / Plan has been approved and recorded by the County Recorder (UDO 3.7.1).
 - UDO Sections 3.7.1 and 3.7.3 state that a PUD Preliminary Plan / Plat shall be processed concurrently with the Conditional Use Permit and Zoning Map Amendment.
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RECOMMENDATION

Staff supports the rezoning only if the PUD is approved.

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 Future Land Use of the subject property is Residential Single-family Medium Lot, which allows a maximum density of one dwelling unit per acre. The existing R – 4 zoning, with a maximum density of 2.5 dwelling units per acre, and the requested R – 5 zoning, with a maximum density of 8 dwelling units per acre, are both inconsistent with the *Framework Plan*. However, the proposed density is generally consistent with the residential developments to the north (Summerfields, R – 4 zoning), south (Cunningham Square Condominium, R – 4 zoning and Woodland Meadows, R – 3 zoning) and west (Gagewood, R – 3 zoning).

The County uses six main objectives to determine whether or not a rezoning proposal is consistent with the goals and policies of the *Framework Plan*. The proposed rezoning and companion PUD comply with four of these criteria:

1. Protect prime agricultural lands from premature development and protect priority open space, natural and cultural resources;
2. Direct growth to locations where infrastructure capacity is available or committed to be available in the near future;
3. Support the integration of mixed land uses and transportation systems to provide more choices in housing, shopping, communities, and transportation;
4. Encourage an appropriate range of housing types.

The request does not help accomplish the objectives to encourage commercial development that meets the shopping, service, and employment needs of local residents or to support the revitalization of residential, commercial, and industrial areas.

Because the residential density in the proposed PUD is comparable with the residential uses in the vicinity, and since four of the six objectives of the *Framework Plan* will be furthered by the proposal, staff believes the request is consistent with the intent and purpose 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 proposed zoning amendment will allow age-restricted, attached housing. There is a shortage of attached housing which the proposed rezoning and PUD will help address.

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

Comment: The residential density of the PUD is approximately 4.4 dwelling units per acre (97 dwelling units on 22 acres) which is comparable with the nearby residential subdivisions. Because this is a PUD, the maximum density will be limited by a final, approved plan.

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 PUD will be served with public sewer and water. The access to Hunt Club Road and the emergency access to Gages Lake Road must be approved by LCDOT. Adequate public services for the proposed PUD are available.

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: Compliance with all requirements of the UDO and all applicable permitting agencies, plus any additional conditions required through the CUP / PUD process will ensure that no significant adverse impacts to other property or the

environment will occur. Wetland buffers are being provided. According to the application, approximately 72% of the site will remain as permanent open space.

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

Comment: In staff's opinion, the property is suitable for the proposed PUD under the R – 5 zoning classification and all standards for the rezoning have been met.

PUD Preliminary Plan Approval Criteria - UDO Section 3.7.3.G.

1. The proposed development in its proposed location is consistent with the Comprehensive Plan:

Comment: The proposal is substantially consistent with the major objectives of the *Framework Plan* as is explained in the response to Standard A, Map Amendment Approval Criteria, above.

2. The proposed development in its proposed location complies with the PUD Standards of Section 7.8:

Comment: In staff's opinion, the proposed PUD minimally complies with the standards in the Ordinance. The proposed plan does reserve 72% of the site as open space which will lessen the impact on the floodplain and wetlands and the housing types do serve a niche where there is a shortage. However, this development cannot be considered innovative as it is a single-use, residential PUD with only one driveway connection, and this to a four-lane arterial.

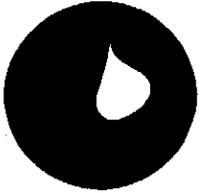
3. The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Comprehensive Plan:

- a. adjacent property,
- b. natural resources,
- c. infrastructure,
- d. public sites, or
- e. any other matters affecting the public health, safety, or general welfare

Comment: The proposed development will not have a substantial adverse effect on adjacent property, natural resources, infrastructure or public sites.

PRELIMINARY RECOMMENDED CONDITIONS

1. The PUD shall be constructed in substantial conformance with an approved site plan.
2. There shall be no more than 97 dwelling units.
3. The sidewalk shall be extended to the townhouses in Lot 3.



**Lake County
Soil & Water Conservation
District**

Review

Wanish, LLC

21.7 Acres

Lake County

Natural Resources

NRI

05-2438

RECEIVED

JUN 20 2005

LAKE COUNTY
PLANNING, BUILDING & DEVELOPMENT

SUMMARY - NATURAL RESOURCE INFORMATION REPORT

NRI# 05-2438

Board Review: June, 2005

PARCEL INFORMATION

Petitioner and Request: Wanish, LLC; Zoning Change, Conditional Use Permit.

Parcel Information: 21.7 acres; southwest corner of Hunt Club and Gages Lake Rds.

Governing unit; Parcel Identification No.: Lake County; 07-29-200-011, 012, & 032.

Current Zoning and Existing Land Use: R-4; Single Family Residences & Open Space.

Requested Zoning & Proposed Land Use: R-5 PUD; Townhomes, Condo's, & Commercial (84 units).

Proposed Utilities: Community water and sanitary sewers.

Proposed Stormwater Improvements: Wet detention basin.

IMPORTANT NATURAL RESOURCE FEATURES

Wetlands: Wetlands; shown on site plan.

Wetlands located on the parcel in question based on the LCWI: 7.72 Acres - 35.1% of parcel.

Floodplain Location: Floodplain present; shown on Flood of Record maps -

Delineation recommended. Floodplain located on the PIQ based on the Flood of Record: 3.98 Acres - 18.1%.

Woodlands: Some mature trees throughout site. *Preservation plan needed.*

Cultural Resources: Resources are present in the same township, range, and section as the PIQ.

Cultural Resource Assessment recommended.

Soil Erosion & Sediment Control Plan Needed? YES; highly erodible soils present.

Watersheds & Subwatersheds: Des Plaines River; Upper Des Plaines Subwatershed.

Soil Ratings for Proposed Activities: Slight to Severe. *Main limitations: Wetness & Ponding.*

SOIL INFORMATION

Soil Characteristics Affecting Construction (Percent of total soils):

Highly Erodible Soils

14.1%

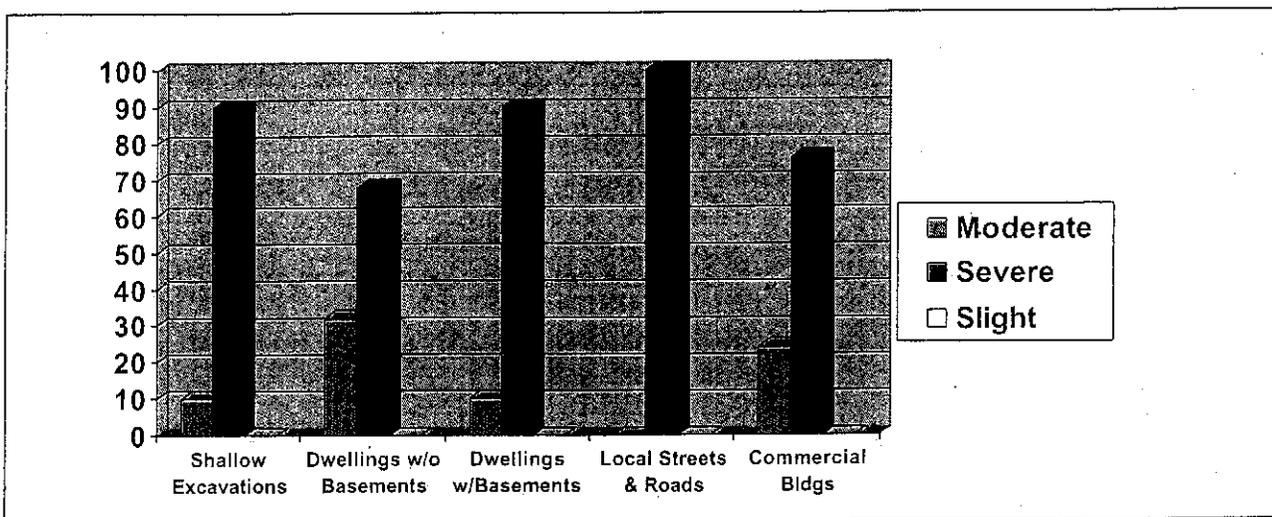
Hydric Soils

42.6%

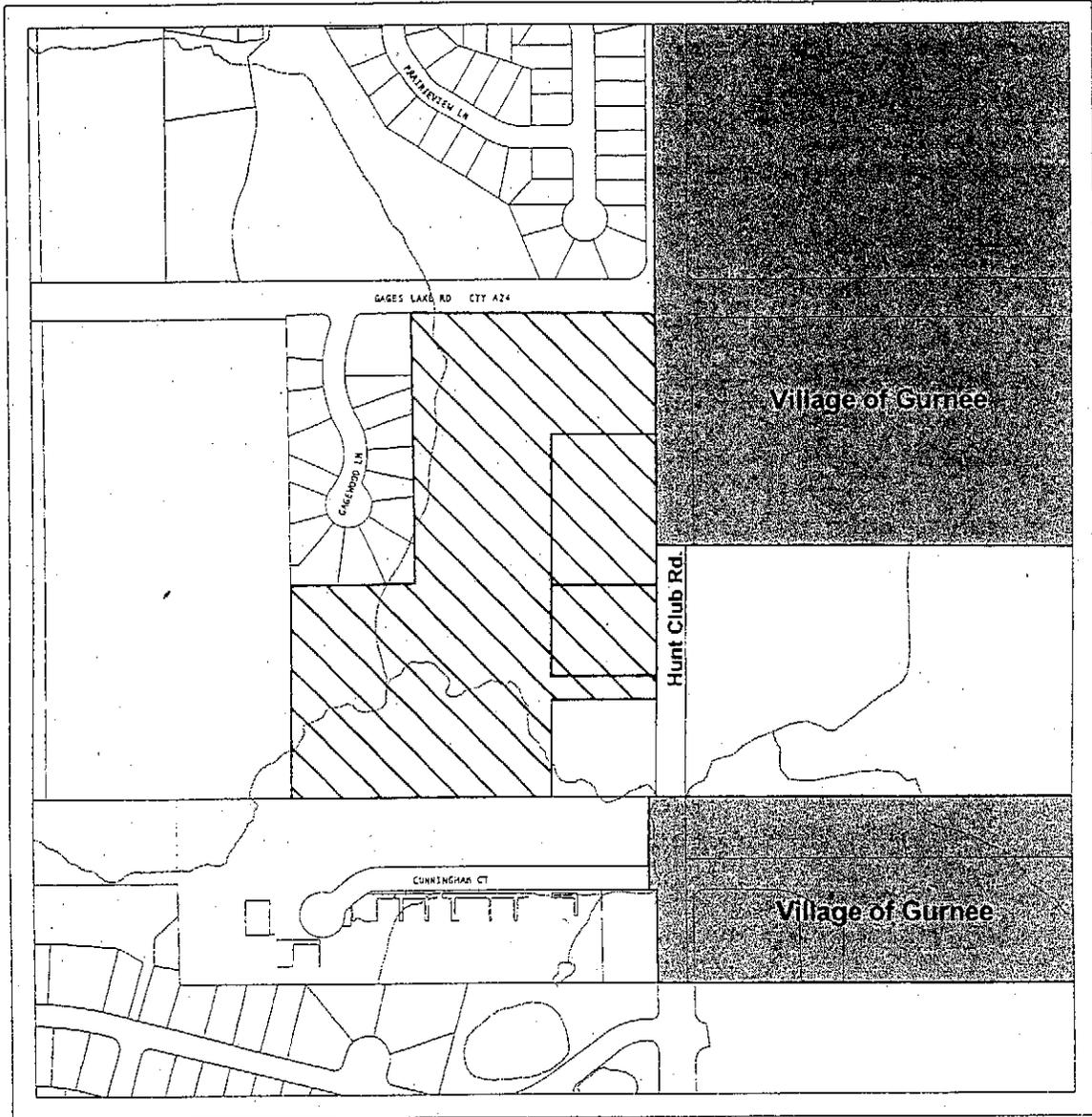
Non-Hydric Soils
With Hydric Inclusions

0%

Soil Limitations



For a detailed description of each concern and specific recommendations, please refer to the following report.



Zoning Board of Appeals Case# 3607 & 3608

Warren Township