

# Lake County Illinois

*Lake County Courthouse and Administrative Complex  
18 N. County Street  
Waukegan, IL 60085-4351*



## Minutes Report

Tuesday, June 30, 2009

8:30 AM

Assembly Room

**Planning, Building and Zoning Committee**

**1.0 Call to Order**

*The meeting was called to order by Vice-Chairman Mountsier at 8:35 a.m. Roll call was taken with Members Carlson, Gravenhorst, Hewitt, Mountsier, and Wilke present constituting a quorum*

*Staff Present: Brad Denz, Terry Kuss, Philip Rovang, Pat Tierney, Eric Waggoner, Sheel Yajnik*

*Others: Barry Burton - County Administrator, Dusty Powell - County Administrator's Office, Delores Jarchow - Homeowner's Association President, Mike Clifton - Property Owner, Cheryl Van Duyse - Property Owner, Casey Kobeszko - Property Owner, Aaron Lawlor - Resident*

**Present** 5 - Vice Chair Carlson, Member Hewitt, Member Wilke, Chair Mountsier and Member Gravenhorst

**2.0 Pledge of Allegiance**

*The group recited the Pledge of Allegiance.*

**3.0 Minutes**

**3.1 [09-1685](#)**

Minutes from the Previous Meeting

- Approval of the Minutes from the June 2, 2009 PB&Z Committee Meeting

*Motion to approve the minutes from the June 2, 2009 PB&Z Committee Meeting by Member Gravenhorst, Seconded by Member Carlson. Motion passed.*

**approved**

**Aye:** 5 - Vice Chair Carlson, Member Hewitt, Member Wilke, Chair Mountsier and Member Gravenhorst

**4.0 Added to Agenda Items**

*There were no items to be added to the agenda.*

**5.0 Public Comments - Items not on the Agenda**

*Mr. Mike Clifton, 40177 Dell Drive, Antioch, Il., President of Loon Lake Management Association, stated that Loon Lake is the 1st conservation special service area and the largest in the state of Illinois; it has been in existence for 22 years. This association has initiated a self-imposed 1.1 million dollar tax to maintain East and West Loon Lake, 6000 acre watershed.*

*He stated that most erosion problems are resolved, but one problem has been an issue for four years. It's a property on Deep Lake Road. Mr. Clifton claimed the property owner altered the drainage in their watershed drastically. This causes problems where silting and erosion are so bad that it runs onto other private property and into the lakes. The association has tried to work with the gentleman and the County. Mr. Clifton went on to say that if this gentleman is meeting all the criteria of the ordinance then he would request that the Committee review the regulations. Maybe they need to be changed. Mr. Clifton requested that the*

*County investigate this issue.*

*County Board Chairman Suzi Schmidt provided additional information about the Loon Lake Association.*

*Mr. Clifton added that this special service area consists of fifteen home owners associates and twenty-five businesses and they work together to do things for the betterment of their watershed.*

**6.0 Chair's Remarks**

*Vice-Chairman Mountsier stated that the PB&Z Committee's former Chairman was present to address her peers.*

**6.1 Members' Remarks**

*Ms. Pamela Newton, former Lake County Board Member, and Chairman of the Planning, Building and Zoning Committee was in attendance to address her former colleagues. Ms. Newton gave a brief presentation of her service with the County and thanked everyone for their support and guidance during her terms with the Lake County government.*

*Ms. Newton expressed her appreciation to the Committee and staff. She thanked the Committee for assisting her in her lifelong role in public service. She thanked Chairman Schmidt for placing her in the position of chair and vice chair of this committee. She also thanked the staff for assisting the committee as professionals with their knowledge, wisdom and counsel over the years. Her advice to them was to continue in critical thinking for the good of the County.*

*The Committee members added comments of appreciation for her dedication and counsel.*

**7.0 Old Business**

*There was no old business to conduct.*

**8.0 Public Informational Meetings**

*There were no public informational meetings to conduct.*

**9.0 Stormwater Management Commission**

*There were no items from the Stormwater Management Commission.*

**10.0 Unified Development Ordinance**

**10.1 Subdivisions**

**10.1.1 [09-1687](#)**

Huston Subdivision  
Variation Request to Postpone Letter of Credit  
Wauconda Township - District 17

- Proposed 3-lot Conservation Detached Residential Subdivision on 13.87 acres, approximately 700 feet south of Main Street (Williams Park Subdivision), Wauconda Township.

- Variation from Section 10.19.1 of the UDO to postpone providing the subdivision assurances.
- The Staff Review Committee is opposed to granting the variation to postpone the submittal of the subdivision performance assurance. The variation is not necessary as the applicant could simply delay the recordation of the Final Plat of Subdivision until they have a buyer for the lot. Denying the variation will not prevent the petitioner's ability to subdivide the property.

*Mr. Brad Denz presented the staff report on the request for a variance to postpone the subdivision assurances for the Huston Subdivision.*

*Mr. Denz suggested that the petitioner could put in the road first and have it stabilize over a year and not complete the subdivision till later which would allow them to not have a letter of credit.*

*Mr. Casey Kobeszko, 26700 N. Houston, Wauconda, Il, stated that the property has been in the family for 30 years and he wants to develop this for his family. He has money to do the road but does not have enough to put up the \$85,000 for the subdivision assurances. He wants to do most of the work himself. He is concerned that if he delays the project the ordinance may change and hurt him in the long run.*

*Ms. Deloris Jarchow, 26781 N. Kane Drive, Wauconda, Il, Vice-President of the association, stated that Mr. Kobeszko is a good neighbor that that the Association has been in his support all along. He is spending his money and spinning his wheels and not getting what he needs. She would like for the County to assist Mr. Kobeszko in finding a solution so that he can finalize the plans for his property.*

*Member Steve Carlson inquired if the committee turns this down today what is the alternative for the applicant?*

*Mr. Kobeszko stated that he would have to get a loan at 5% and put it in a CD and get a letter of credit.*

*Mr. Denz again recommended putting the road in first and submitting the subdivision later. He provided details to the process.*

*Eric Waggoner offered another alternative: the applicant could put in the gravel base up to standards and the only thing remaining to do is the blacktop. That procedure would reduce the performance bond considerably. This also would lower the amount of interest.*

*It was agreed by the Committee that the applicant needed to sit down with the staff and find another option.*

*Motion to deny the variation request to postpone the subdivision assurances for the*

*Huston Subdivision by Member Carlson, seconded by Member Wilke. Motion passed.*

**approved**

**Aye:** 5 - Vice Chair Carlson, Member Hewitt, Member Wilke, Chair Mountsier and Member Gravenhorst

**10.2 Zoning**

**10.2.1 09-1478**

**2009 Proposed Text Amendments to the Unified Development Ordinance**

Staff will introduce a series of proposed Amendments to the Unified Development Ordinance (UDO). A majority of the proposed amendments are "Housekeeping" amendments that either clarify or introduce minor changes to the current UDO provisions. Highlights of the substantive amendments include the following:

- At the Committee's previous direction, introduces the R-4A Zoning district to bridge the density gap between the R-4 and R-5 zoning districts.
- At the Committee's previous direction, introduces landscaping-related Best Management Practices and Low Impact Development.
- Allows Contractor's Equipment Sales/Storage (Indoor) by right in the General Commercial (GC) Zoning District.
- Allows Wholesale Nurseries to clear excess inventory on a limited basis through retail sales events.

After the introduction of the proposed amendments, the Committee will subsequently recommend that the County Board direct the Zoning Board of Appeals to conduct a public hearing to consider the proposed amendments.

*Mr. Eric Waggoner presented the staff report on the 2009 Proposed Text Amendments to the Unified Development Ordinance including housekeeping and Substantive Amendments*

*Ms. Cheryl Van Duyse, 25937 Grass Lake Road, Antioch, Ill, stated that she is in favor of the UDO amendments primarily for the section on landscaping and best management practices and low impact development. It's good for the environment and good for the neighborhood property value that is sometimes negatively impacted by development and because of these things it good for the image of Lake County. Also in regards to the section on general commercial property being allowed to store contractor equipment and sales her comment was: General commercial properties do exist in areas along with residential properties and open spaces projected to remain in those zoning areas and for those uses. Some of the open spaces are protected. Contractor equipment sales and storage can involve huge industrial equipment such as cranes, dredges and giant tractors. This kind of equipment should remain in doors if allowed in such areas. These regulations should be required and enforced. We are very supportive of Lake County's decisions to make Lake County a good place for residences and businesses.*

*Section 1: Housekeeping Amendments*

*Amendment #1: No committee comments*

*Amendment #2: No committee comments*

*Amendment #3: No committee comments*

*Amendment #4:*

*Chairman Mountsier expressed his concern on this amendment. Mr. Waggoner stated that there has not been any problems in the past with Greenhouse/Nursery centers operating as a general commercial business under the AG zoning designation, but we don't want to have any problems in the future. The wording of the amendment is already in the definition section. This language is being brought into the standards area and being removed from the definition section.*

*Amendment #5:*

*Member Carlson requested clarification. Mr. Waggoner explained that for non-residential Accessory uses it is difficult to limit the amount of gross floor area to one-and-a-half times the area of the principle because it is difficult to define what the primary and accessory structure is.*

*Amendment #6:*

*Member Carlson asked how the standard of not allowing living in accessory structures is regulated. Mr. Waggoner stated that is mostly complaint driven.*

*Amendment #7: No committee comments*

*Amendment #8: No committee comments*

*Amendment #9:*

*Member Carlson inquired if an eight foot wall or fence could be constructed in a residential area. Mr. Waggoner explained that it would be evaluated and their concerns would be considered. A site specific evaluation would be made and the fences and/or walls in the surrounding area would be considered. A decision would be made based upon that criteria. If the applicant feels the decision is inappropriate they can appeal through the administrative appeal process.*

*Amendment #10:*

*Chairman Mountsier stated that he felt it was unrealistic to enforce home grown farm produce for sale in residential zoning districts. This is not a restriction for AG zoning.*

*Mr. Waggoner explained that this affects residential areas only.*

*Amendment #11: No committee comments*

*Amendment #12: No committee comments*

*Amendment #13: No committee comments*

*Amendment #14: No committee comments*

*Amendment #15: No committee comments*

*Amendment #16: No committee comments*

*Amendment #17: No committee comments*

*Amendment #18: No committee comments*

*Section #2: Substantive Amendments*

*Amendment #1:*

*Mr. Waggoner explained that staff is recommending the creation of a new zoning district R-4A. However, this zoning district would not mapped until the time when a property owner submitted an application for the R-4A zoning.*

*Amendment #2: No committee comments*

*Amendment #3:*

*With this amendment, the Contractor's Equipment must be stored indoors.*

*Amendment #4: No committee comments*

*Amendment #5:*

*Member Carlson recommended that the excavation dept be something that could be waived if necessary. Member Terry Wilke asked if we could encourage and promote developers to use local native indigenous species of trees. Mr. Waggoner stated that is covered in the guidelines of best management practices; staff could investigate adding some language in the standards. This ultimately would be a decision for the the County Board.*

*Dusty Powell stated that if you want to see a good functional parking lot, the Glenview State Bank is great. He also suggested that the Committee travel to the new permit center to view what is being done there. LCDOT uses five species of hardwood trees. In best management practice you want to have a tree that doesn't have much breakage and you don't want to have some trees that shed leaves all at once. It's a matter of choice and practicality as to what you want to accomplish. Mr. Powell suggested that the Committee choose to specify the route to beautify and accept there will be more maintenance. He suggested that the County strive to bring back the native plantings. A few years from now when they are established, they will be beautiful. He stated that he is hopeful that when the Zoning Board of Appeals returns these amendments there will be further discussion on this issue. Mr. Powell went on to explain that something that should be considered when using native plantings is that the native environment reduces the heat signature off the*

*asphalt. At this time there are not any incentives for contractors to specify native plantings, which is why their use tends to be limited. He requested that the Committee begin exploring some incentives to bring some native species back.*

*Amendment #6:*

*Member Gravenhorst asked who would be making sure the requirements of landscaping would be acted upon by the developer. Mr. Rovang asked staff to work on some specifics on incentives for best management practices including specific species that could be incorporated. Mr. Powell suggested the Committee grant staff a greater flexibility in devising some guidelines for landscape design. Mr. Rovang stated that staff would bring some change in three weeks to incorporate in the next resolution. Discussion of additional amendments will take place at the next Committee meeting, possibly as early as July 28, 2009.*

*The July 7, 2009 PB&Z Committee meeting has been cancelled. The Committee will meet again August 4, 2009.*

**presented**

**11.0 Permits and Enforcement**

*The was nothing under permits and enforcement.*

**12.0 Planning**

*There were no items under planning.*

**13.0 Other Business**

**13.1 County Administrator's Report**

*There was no report from the County Administrator's Office.*

**13.2 Director's Report**

**13.2.1 [09-1686](#)**

*2nd Quarter 2009 Key Performance Measures Comparison Reports*

*Mr. Rovang presented to the Committee an overview of the report reflecting the 1st six months of the year for each division in Planning, Building and Development.*

*The activity levels in all divisions are down due to the downturn in the economy.*

*Mr. Rovang reviewed the numbers with the Committee.*

*Susan Gravenhorst commented that she appreciated the information.*

**presented**

**13.2.2 [09-1690](#)**

*Status of Regional Water Supply Planning Process*

*Mr. Philip Rovang distributed a copy of the table of contents to the document that has been drafted. The contacts for this issue for Lake County will be Mr. Rovang and County Board Member Bonnie Carter. The issue with which Mr. Rovang is concerned is located in Chapter 3 of the document which entails what the relationship is between our County's land uses and water resources. By state law*

*local units of government cannot regulate how much water is withdrawn for commercial and residential uses. In chapter 4 there are recommendations for water conservation.*

*Mr. Rovang explained that the state does not regulate water withdrawal. All they do is ask large consumers to provide reports identifying how much water they have withdrawn. IEPA gets involved in water quality.*

*Chairman Mountsier stated that one of the big concerns is if zoning is broken and more homes are put in and all draw on the shallow aquifer you will exhaust the resources.*

*Member Gravenhorst noted that people are becoming more interested in water issues. It is best for us to prepare ourselves.*

*Mr. Rovang concluded his report by reviewing the time line of the CMAP addressing the Regional Water Supply planning.*

**completed**

**14.0 Adjournment of the PB&Z Committee Meeting**

*Motion to adjourn this session of the Planning, Building and Zoning Committee by Member Hewitt, seconded by Member Gravenhorst. There being no further business to conduct, the motion passed unanimously.*

*The meeting adjourned at 11:03 a.m.*

	Aye	Nay
_____	_____	_____
Chairman		
_____	_____	_____
Vice-Chairman		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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*Recording Secretary*  
*Planning, Building & Zoning Committee*  
**approved**

**Aye:** 5 - Vice Chair Carlson, Member Hewitt, Member Wilke, Chair Mountsier  
and Member Gravenhorst