

STATE OF ILLINOIS)
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COUNTY OF LAKE) SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS
February 10, 2009

MADAME CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of the Korogluyan Family Trust which requests a Conditional Use Permit to allow a Planned Unit Development. After due consideration, we hereby recommend by a vote of 5 to 1 that this application be approved subject to the following conditions.

1. General office uses shall be allowed only on the first floor of the existing building. Office uses shall consist only of professional services and shall be limited to lawyers, accountants, engineers, architects, financial businesses and/or real estate agents. The remainder of the building may only be used as allowed by the R – 3 zoning regulations.
2. There shall be no retail sales conducted on the premises at any time.
3. Should the existing building be destroyed by more than 50% of value, this CUP shall expire.
4. The first floor of the existing building shall not be enlarged to increase the floor area available for office use.
5. Landscaping shall be installed in accordance with the landscaping plan prepared by JTS Architects dated 8/07/08.

We find this application meets the standards for a Conditional Use Permit to allow a Planned Unit Development in the following manner:

1. character of the neighborhood

Finding: The subject property was developed as a public school and is currently used for government offices and a church. The property adjoining to the east contains baseball fields, a use that can be expected to receive a great deal of activity during the spring and summer. Waukegan Road, a four-lane, arterial, state highway, is approximately 200 feet to the west. The property with frontage on Waukegan Road, while developed with single-family houses, has a future land use of Retail / Commercial. General office use on the first floor will not have a greater impact on the area than has been the case with the public school and the existing uses. The CUP will not result in greater impacts to adjacent and nearby single-family residences.

2. natural resources

Finding: The proposed CUP will not have a substantial negative impact on natural resources.

3. infrastructure

Finding: The property is served by public sewer and water. Driveways from Foster Avenue and parking along Muir Avenue are existing. There will not be a negative impact on infrastructure.

4. public sites

Finding: The proposed CUP will not have a substantial adverse impact on public sites.

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

Finding: The proposed CUP will not have a substantial adverse impact on public health, safety or the general welfare.

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.

Finding: The proposed PUD is consistent with *Framework Plan* as is explained in the response to Standard A, Conditional Use Permit General Standards, above the .

2. 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 PUD will not have a substantial adverse impact on the above. The conversion of a portion of a former elementary school building into general office use will be less disruptive to adjacent and nearby residences than the former school. The Board is also concerned that if the owner is not allowed the opportunity to obtain a reasonable economic return to pay operational and maintenance costs, the property could be abandoned which would have a very detrimental impact on the neighborhood.

At close of the hearing held on November 17, 2008, a motion to recommend approval subject to the above conditions based on the above findings was made by Member Koeppen, seconded by Member Raymond, and passed by a vote of 5 to 1. Voting "Aye" were Members Koeppen, Raymond, Reindl, Westerman and Zerba; voting "Nay", Chairman Bell.

ZBA #3754

Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on November 17, 2008 on the application of the Korogluyan Family Trust which seeks a Conditional Use Permit to allow a Planned Unit Development. The subject property contains 2.16 acres and is located at 906 Muir Avenue, Knollwood, IL. The following is a summary of the testimony presented.

1. Mr. Ohannes Korogluyan, Trustee of the applicant trust and beneficial owner, testified that the subject property is improved with a two story structure which was formerly an elementary school. This building was built in 1966 and contains about 27,000 sq. ft. of floor area. Space is presently leased to Shields Township, State Senator Terry Link and a church that uses the gymnasium for services on Sunday. These uses consume about 70 % - 80% of the available, leasable floor area, and are permitted by right in the R-3 zone as government and religious uses.
2. Mr. Korogluyan further testified that he bought this property about one year ago with the desire to relocate his mortgage/finance business from Lake Bluff to this building. His business generates no customer traffic and he needs about 1500 sq. ft. for his three employees. He is seeking this CUP to allow office uses only on the first floor of the building; the basement and second floor will remain subject to the current R3 zoning restrictions.
3. Mr. Korogluyan also stated that he withdrew a previous rezoning request and is now pursuing this CUP due to neighbor objections to a rezoning. The CUP process will allow additional conditions to be imposed which can address these neighbor concerns.
4. Several neighborhood residents expressed their concerns and objections. Among them, Mr. Richard Mohrmann objects as this would set a precedent leading to turning the entire property to commercial; Mr. Dan Rogers also feared that a new CUP would expand the use of the property causing unknown traffic impacts; and Ms. Nicole Snoblin gave her opinion that this use would be detrimental to the residential character of the neighborhood.

Summary of Department Comments

ZBA #3754

Lake County Health Department:

As the property will be served by public sewer and water, this Department has no objection.

Lake County Department of Planning, Building and Development:

While staff does not believe that a Conditional Use Permit for a Planned Unit Development is the appropriate procedure in this instance, Staff does recommend in favor of the proposed use of the building for professional offices.

MEMORANDUM

November 12, 2008

TO: George Bell, Chairman
Lake County Zoning Board of AppealsFR: Robert Mosteller, Deputy Director
Lake County Department of Planning, Building and Development

CASE NO: 3754: Conditional Use Permit for a Planned Unit Development in a residential zoning district.**REQUESTED ACTION:** Conditional Use Permit for the purpose of allowing a Planned Unit Development (first floor general office space, balance of building to retain R-3 uses).**ZBA PUBLIC HEARING DATE:** November 17, 2008

GENERAL INFORMATION**PETITIONER:** Family Trust Created Under Korogluyan Family Trust, Ohannes Korogluyan, Trustee, record owner**# OF PARCELS:** Three**SIZE:** 2.15 acres**LOCATION:** 906 Muir Avenue, Lake Bluff, Shields twp.

EXISTING ZONING: Residential – 3 (R – 3)**EXISTING LAND USE:** Government office, church (former public school)**PROPOSED LAND USE:** Planned Unit Development utilizing the first floor of the existing building for general office space; the remainder of the building will continue to be limited to uses allowed by right in the R – 3 zoning district.

SURROUNDING ZONING / LAND USE

EAST: R – 3 / Public and Private Open Space (baseball fields, Lake Bluff Park District)

WEST: R – 3 / Vacant lot; single-family dwellings

NORTH & SOUTH: R – 3 / Single-family dwellings and vacant lots

SOUTHWEST: GC / Apartments

COMPREHENSIVE PLANS

LAKE COUNTY: Government & Institutional and Residential Single-family Residential (0.25 to 1 acre lot size) – See the included Future Land Use map

MUNICIPALITIES WITHIN 1½ MILES: Village of Lake Bluff / Institutional
City of Lake Forest, City of North Chicago & Village of Green Oaks / Not designated

DETAILS OF REQUEST

ACCESS: Access is via Foster Avenue and Muir Avenue.

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

SEWER AND WATER: The property is served by public sewer and water.

ADDITIONAL COMMENTS

A petition from the owner to rezone the property from R – 3 to General Office was heard by the Zoning Board of Appeals in March 2008 (ZBA #3700). The request was withdrawn by the applicant following the ZBA public hearing.

All PUDs must be approved by the County Board.

The applicant also owns the two vacant, triangular lots adjoining to the west (PINs 12-18-317-012 and -019). However, these are not part of this application.

Generally, the uses that can be established in a PUD in the R – 3 district are those allowed in the R – 3 district plus the nonresidential uses allowed by right in the General Office and Limited Commercial zoning districts.

In this specific case, the applicant is voluntarily restricting non-residential GO and LC uses to general office only and is further limiting the general office use to the first floor; the remainder of the building will only be allowed uses permitted by right in the R – 3 district (principally only churches and government uses; a caretaker's dwelling is the only type of residential use that would be allowed). If the PUD is approved with the only LC / GO use allowed being general office, and this restricted to the first floor as shown on sheet A1 submitted with the petition, future addition of any other LC / GO use or a change in the area within the building where uses other than those allowed by right in R – 3 may be established will require an amendment to the PUD which must be approved by the County Board.

RECOMMENDATION ON CONDITIONAL USE PERMIT

In staff's opinion, this request presents a dilemma between the process and the product. While we cannot support the process, we can support the proposed use of the property.

The applicant has requested a conditional use permit for a planned unit development and the UDO allows this. However, in reality, this is not a planned unit development and it does not comply with either the description or the intent of a PUD as specified in the Ordinance (see Attachment A). The principal purpose of the PUD concept is to allow innovative design in return for benefits that cannot be achieved through the standard zoning regulations. In this case, we see no innovative design or any corresponding public benefit.

Further, as a general rule, what can be accomplished by rezoning, rather than by variations or CUPs, should be. In this case the applicant first pursued rezoning (ZBA #3700) but withdrew this request before a final decision was made, presumably because he thought the County Board could not overcome the $\frac{3}{4}$ vote required due to neighbor objections.* The CUP process does not allow neighbor objections to trigger a supermajority vote requirement.

* We must note, however, that the conditions imposed by a CUP can address the concerns of the neighbors, an advantage that the rezoning process cannot offer.

We believe this request is very clearly an attempt to circumvent the intents and regulations of the UDO and therefore we must object on procedural grounds.

However, Staff supported the applicant's previous request for rezoning and we continue to support the proposed use of the property. We believe the conversion of a former elementary school building into office use will be less disruptive to the surrounding residents than the former school, and the proposed office use constitutes a reasonable use of the property. Staff is also very concerned that if the property is not allowed an economic return at least sufficient to pay its operational and maintenance costs, the property could well become abandoned and have a very detrimental impact on the surrounding residential community. Therefore, Staff continues to support the proposed office use of the property.

We believe this request complies with the preponderance of the Standards for a CUP for a PUD in the following ways:

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: On the County's comprehensive plan, the subject property has two land use designations: Government & Institutional and Single-family Residential (0.25 to 1 acre lot size). The Government and Institutional land use was given to the portion of the property with the building to reflect its uses when the Framework Plan was adopted in 2004. The Government and Institutional land use includes the existing building, a driveway from Foster Avenue and a portion of a parking lot, and a portion of a children's outdoor play area. The parcel with the residential land use contains another driveway from Foster Avenue and the remaining portions of the play area and parking lot. The general office use is consistent with Government and Institutional land use. The requested CUP is consistent with the purpose and intent of the Ordinance.

- 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: Because the request is for a CUP (and simultaneous PUD), the standards will be those established by the County Board if it approves the request.

- 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: The building and parking are existing. The property is currently used as government offices and a church. The proposed CUP will not result in significant adverse impacts to adjacent property. Additional conditions can be imposed by the County Board.

2. character of the neighborhood

Comment: The subject property was developed as a public school and is currently used for government offices and a church. The property adjoining to the east contains baseball fields, a use that can be expected to receive a great deal of activity during the spring and summer. Waukegan Road, a four-lane, arterial, state highway, is approximately 200 feet to the west. The property with frontage on Waukegan Road, while developed with single-family houses, has a future land use of Retail / Commercial. General office use on the first floor will not have a greater impact on the area than has been the case with the public school and the existing uses. The CUP will not result in greater impacts to adjacent and nearby single-family residences. Additional conditions can be imposed by the County Board.

3. natural resources

Comment: The proposed CUP will not have a substantial negative impact on natural resources.

4. infrastructure

Comment: The property is served by public sewer and water. Driveways from Foster Avenue and parking along Muir Avenue are existing. There will not be a negative impact on infrastructure.

5. public sites

Comment: The proposed CUP will not have a substantial adverse impact on public sites.

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

Comment: The proposed CUP will not have a substantial adverse impact on public health, safety or the general welfare. Additional conditions can be imposed by the County Board.

ANALYSIS OF THE PROPOSED PUD

Staff recommends approval for the PUD although it does not comply with the description or intent for Planned Unit Developments contained in Section 7.8 of the UDO as explained earlier.

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 proposed PUD is consistent with the *Framework Plan* as is explained in the response to Standard A, Conditional Use Permit General Standards, above.

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

Comment: The proposed development is not a PUD and does not comply with the description or intent of UDO Sections 7.8.1 or 7.8.2.

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 PUD will not have a substantial adverse impact on the above. In staff's opinion, the conversion of a portion of a former elementary school building into general office use will be less disruptive to adjacent and nearby residences than the former school. Staff is also concerned that if the owner is not allowed the opportunity to obtain a reasonable economic return to pay operational and maintenance costs, the property could be abandoned which would have a very detrimental impact on the neighborhood. Additional conditions can be imposed by the County Board.

ZBA # 3754
RECOMMENDED CONDITIONS

Should the Board see fit to recommend in favor of the applicant, staff suggests the following conditions be considered:

1. General office uses shall be allowed only on the first floor of the existing building. The remainder of the building may only be used as allowed by the R – 3 zoning regulations.
2. Should the existing building be destroyed by more than 50% of value, this CUP shall expire.
3. The first floor of the existing building shall not be enlarged to increase the floor area available for office use.
4. Landscaping shall be installed in accordance with the landscaping plan prepared by JTS Architects dated 8/07/08.