

**MEMORANDUM**

April 24, 2012

TO: Lake County Planning, Building and Zoning Committee

FR: Brad Denz, Senior Planner  
Lake County Department of Planning, Building and Development

RE: Schall Subdivision – Fremont Township  
Variation from the Lake County Unified Development Ordinance (UDO) for an extension to allow an approved Final Plat of Subdivision to be recorded with the Lake County Recorder of Deeds two years after the final plat approval.

The Schall Subdivision is 4.5 acre parcel zoned Estate, and is located along east side of Chevy Chase Road, approximately ¼ mile east of Gilmer Road in Fremont Township. The general character of the surrounding area is single-family residential zoned Estate (E). The subdivision is being developed as a Conventional Single-Family Residential Subdivision in accordance with the Lake County UDO. The applicant is Michael Schall. The subdivision will take access to Chevy Chase Road via a private shared drive. This subdivision will be served by private water wells and wastewater septic systems.

**Previous County Action**

1. On May 25, 2010, this Committee held the required public informational meeting.
2. On January 25, 2011, this Committee granted a variation from Section 10.7.6.8.b of the UDO to allow a one-year extension of the recordation of the approved final plat of subdivision.
3. On May 3, 2011, this Committee approved the final plat and final engineering for the Schall Subdivision.

**Variation Request**

As required by Article 10.7.6.8.b of the UDO, upon the Planning, Building and Zoning Committee approving a Final Plat of Subdivision, the applicant shall have the responsibility of recording the Final Plat of Subdivision and associated documents with the Lake County Recorder's of Deeds within 5 (five) days following the approval unless other arrangements are authorized. The applicant, Mike Schall, is seeking to extend this final plat recordation time period up to two years due to his inability to obtain a construction loan from his lending institution prior to securing a buyer for the lot(s). The Committee previously granted a one-year extension from this requirement which went into effect on May 3, 2011.

## **Recommendation**

Pursuant to Illinois state statutes, any applicant which seeks County approval for a plat of subdivision shall post a performance assurance with the County in order to cover the estimate of expenditures (if necessary) made by the applicant's engineer.

In order to finalize the proposed subdivision, the developer of the Schall Subdivision is required to provide a performance assurance in the amount of \$50,935.00 (based on the engineer's cost estimate from January 2011) to guarantee the construction of the private street and associated drainage work prior to the final plat being submitted to the Committee for consideration. However, due to the difficult economic climate for real estate development, financial institutions are unmotivated to assist developers with construction loans. Accordingly, the applicant is unable to obtain the amount for the performance assurance from his financial institution at this time. Once the applicant obtains a buyer for the lot(s), the financial institution will lend the applicant the money for the performance assurance. In turn, the applicant shall submit the performance assurance to the Planning Department and the Final Plat of Subdivision will be recorded.

Staff recommends approval of the variation. The postponement of recordation of the Final Plat of Subdivision and submittal of the performance assurance will not have a negative effect upon the adjacent property owners and relieves the applicant's financial hardship.