

Lake County Illinois

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



Minutes Report

Tuesday, January 27, 2009

8:30 AM

Assembly Room

Planning, Building and Zoning Committee

1.0 Call to Order

The meeting was called to order by Chairman Newton at 8:30 a.m. Roll call was taken with members Carlson, Gravenhorst, Hewitt, Mountsier, Newton, Sabonjian and Wilke present, constituting a quorum.

Staff Present: Jeff Bell, Steve Crivello, Bill Hunt, Megan Krueger, Mike Kuhar, Margo Nelson, Philip Rovang, Pat Tierney, Eric Waggoner, Sheel Yajnik

Others: Amy McEwan - County Administrator's Office, Joe Meyer - LCDOT, Lisle Stalter - State's Attorney's Office, David Howat - Inland Real Estate Development, Milka Velaga - Property Owner, Nicki Snoblin - Property Owner, Gale Wayne - Property Owner, Dan Rogers - Property Owner, Ohannes Korogluyan - Petitioner, John Rozkowski - Pioneer Press

Present 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

2.0 Pledge of Allegiance

The group recited the Pledge of Allegiance.

3.0 Minutes

3.1 09-1167

- Approval of the minutes from the January 6, 2009 PB&Z Committee Meeting
Motion to approve the minutes from the January 6, 2009 PB&Z Committee Meeting by Member Gravenhorst, seconded by Member Carlson . Motion passed.
approved

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

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

There were no items for public comment.

6.0 Chair's Remarks

Chairman Newton stated that there is a full agenda for this morning's meeting, and she would like to get started on the business at hand.

6.1 Members' Remarks

There were no comments from the members of the Committee.

7.0 Old Business

There was no old business to conduct.

8.0 Public Hearings and Public Informational Meetings

Motion to close the regular session of the Planning, Building and Zoning Committee and open the Public Hearing for the Proposed Text Amendments to Article 11 of the Unified Development Ordinance by Member Mountsier, seconded by Member

Wilke. Motion passed.

open the public information meeting

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

8.1 09-1158

Public Hearing to Consider Proposed Amendments to Article 11 of the Unified Development Ordinance Regarding School Contributions

- The PB&Z Committee will conduct the public hearing to consider school contribution-related text amendments to UDO Article 11
- The amendments consist of streamlining the text, clarifying ambiguities, process streamlining and introducing a senior housing calculation to account for such developments.
- Following the Committee's review and recommendation, the County Board will make a final decision on the proposed amendments.
- The final text wording and resolutions will be presented February 3, 2009.

Mr. Eric Waggoner presented the staff report on the proposed text amendments to Article 11 of the Unified Development Ordinance.

Chairman Newton stated that this is a public hearing and not an agenda item for the Committee to act upon today. She asked for any questions from the Committee or any member of the public.

Chairman Newton read a written statement from Dr. Rick Taylor, representing the Fremont School District, into the record: "We have no objections to the revised amendment and will not be at the hearing. Thank you for allowing us input regarding this matter". Dated Tuesday, January 27, 2009.

Member Carlson asked for clarification on the subject of Senior Housing Facilities.

Mr. Waggoner provided a brief summary of the types of facilities referenced in the Article 11 of the UDO.

Member Sabonjian stated that he feels there should be more protection for the developers regarding the monies provided to the school districts for impact fees.

Motion to close the public hearing to discuss the proposed text changes to Article 11 of the Unified Development Ordinance by Member Mountsier, seconded by Member Sabonjian. Motion passed.

approved

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

8.2 09-1165

Public Hearing to Consider Proposed Text Amendments to Article 10 of the Unified Development Ordinance Regarding Subdivisions

- Article 3 of the Unified Development Ordinance requires that the Planning, Building and Zoning Committee hold a public hearing for all text amendments to Article 10 - Subdivisions.
- Staff has prepared a comprehensive revision to Article 10 and presented a summary of the text amendments to the Committee on January 6, 2009. At the conclusion of the presentation, the Committee set a date January 27, 2009 for the public hearing to discuss the amendments and hear comments from the public.
- Subsequent to the introductory meeting, staff has met with the Regional Planning Commission and has received comments from the State's Attorney's Office regarding the proposed draft amendments. Both entities have requested minor amendments to the draft submitted to the Committee prior to the January 6th meeting. Those amendments can be discussed in conjunction with the remainder of the text.
- To assist the Committee in reviewing the text amendments, staff has furnished a detailed summary of the amendments listing the subsection and page reference for the most significant changes to the text. Also provided is a revision to Section 10.20 - Vacations to reflect a suggestion from the State's Attorneys Office regarding the separation of right-of-way vacation and plat vacation procedures.
- The final text wording and resolution will be presented February 3, 2009 for approval.

Motion to close the regular session of the Planning, Building and Zoning Committee and open the public hearing to discuss the proposed text changes to Article 10 of the Unified Development Ordinance by Member Gravenhorst, seconded by Member Mountsier. Motion passed.

approved

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

Mr. Pat Tierney presented the staff report on the proposed text amendments to Article 10 of the Unified Development Ordinance.

Chairman Newton stated that she did not have any notices from the public stating that they wished to discuss the proposed amendments.

Chairman Newton further stated that she wished for the text amendments to reflect that the PB&Z Committee had the ultimate authority to make a determination on an item if the decision of the PB&D Department Director was not satisfactory.

Member Sabonjian asked that a record of any decisions made by the PB&D Department Director and/or staff be provided to the PB&Z Committee on a regular basis.

Chairman Newton stated that the District Representative may have more knowledge regarding the desires of the residents than individual members of the department staff. This knowledge would assist the Committee in making decisions regarding sidewalks and streetlights, and therefore their decisions would be based on the wishes of their constituents allowing for more consistency within the

neighborhoods.

Motion to close the public hearing for the proposed text amendments to Articles 10 of the Unified Development Ordinance and return to the regular session of the Planning, Building and Zoning Committee by Member Mountsier, seconded by Member Hewitt. Motion passed.

approved

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

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 09-1166

Mill Creek Estates PUD

Request for Variations to Release Performance Assurances

Warren Township - District 7

- Mill Creek Estates PUD was approved by the Planning, Building and Zoning Committee on October 2, 2007, and is proposed to be developed by Inland Real Estate Development, L.L.C. (IRED Lake County, L.L.C.).
- Since the subdivision was approved, the developer has completed the majority of the off-site sanitary sewer and water improvements; however, off-site access and all the on-site improvements remain to be completed.
- With the downturn of the housing market, the developer has indicated that they do not anticipate there being a market for their lots until some time in the future. To reduce their costs, they have submitted a request to the County to release of the performance assurances currently being held by the County in exchange for them recording a Bond Agreement with the County Recorder.
- According to the terms of the Bond Agreement, the developer will not sell or commence construction of the improvements, until the proper permits are secured from the County and the necessary assurances are posted for the improvements.
- Article 10 of the Unified Development Ordinance (UDO) requires that assurances be provided to the County prior to Final Plat approval and/or prior to construction. As such, if the Committee is inclined to grant the developers request, variations will need to be approved by the Committee prior to staff releasing the assurances and the developer recording the Bond Agreement.

Mr. Pat Tierney presented the staff report on the variation request to release the subdivision guarantees for Mill Creek Estates Subdivision. Mr. Tierney further stated that if the Committee is inclined to approve the variation, staff requests that the agreements not be recorded until the State's Attorney's Office has completed an in-depth review of the agreement, and any other terms or conditions be added to the agreement that the State's Attorney's Office determines would adequately protect the County. Staff also requested that a condition be added that would require the developer to post guarantees based on the cost of the improvements at the time construction begins.

Mr. David Howat, 2901 Butterfield Road, Oakbrook, Illinois, representing Inland Real Estate Development stated that the developer appreciated the assistance provided by the staff in preparing for this variation. He also thanked the Committee for their considerations, and introduced Mr. Dan Bauer, the attorney for the petitioner.

Mr. Dan Bauer, 2901 Butterfield Road, Oakbrook, Illinois, attorney for the developer stated that the timing for the sale of this parcel was not optimum, and in the current market there is no possibility of selling these lots. He went on to say that the established agreement would bind any future owner of this property to the conditions established for the eventual development of the land.

Chairman Newton stated that no work has been done to the site, and it is still a pristine piece of land. She would urge the County to work with the developers due to the current economic conditions. She stated that she would like a condition added to the agreement that would not allow for on-site marketing of this property as development is not currently scheduled. She does not want the project to begin and then not be completed.

Member Carlson stated that the proposed development is located in his district. He went on to say that as long as the State's Attorney's Office is satisfied with the agreement reached with the developer, he has no problem with the request and would be in support.

Ms. Lisle Stalter from the State's Attorney's Office stated that there is not currently any precedence for a case such as this. She explained that the agreement would follow any potential future property owner.

Motion to approve the variation request to release the subdivision guarantees for Mill Creek Estates Subdivision by Member Carlson, seconded by Member Mountsier. Motion passed.

approved

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

10.2 Zoning

10.2.1 09-1162

A Resolution on a Vacation request by Milka Velaga, record owner of land adjacent to an alley proposed for vacation, being application No. 08-02, which consists of the vacation of the unincorporated portion of an alley located in Block 3 in Frederick H. Bartlett's North Shore Lands Subdivision, Waukegan Township.

- Ms. Milka Velaga, currently residing at 36833 N. Green Bay Road, unincorporated Waukegan Township, is requesting the vacation of a portion of an unimproved alley located adjacent to her property.
- The alley involved in the vacation is partially located in unincorporated Lake County and the Village of Beach Park; however, Ms. Velaga's petition only involves the

portion located in the unincorporated area.

- The Board of Vacation held public hearing on December 22, 2008 to consider the petitioner's testimony and to discuss issues associated with the vacation. The Board continued the hearing until January 13, 2009 so that information could be obtained from the Village of Beach Park regarding their recommendation on the vacation.
- Upon consideration of the information from the Village of Beach Park, the Board acted to unanimously grant the vacation.
- The area being conveyed to the petitioner consists of 2000 sq. ft. Based on the current fee schedule; the value of the conveyed real estate is \$2,216.00.

Mr. Pat Tierney presented the staff report on vacation petition 08-02 in Waukegan Township.

Member Hewitt stated that she represents this district and is in favor of this request as the petitioner has been maintaining this parcel for over twenty-years.

Ms. Milica Velaga, 36833 N. Greenbay Road, Waukegan, IL., petitioner for the vacation, stated that she appreciates the considerations of the Committee.

Motion to approve vacation petition 08-02 for a portion of in Waukegan Township by Member Hewitt, seconded by Member Sabonjian. Motion passed.

approved and referred on to Financial and Administrative Committee

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

10.2.2 09-1160

A Resolution seeking a reduction in the average assessed market value of the real estate located in a vacated right-of-way in Waukegan Township. The applicant is Milka Velaga.

- Ms. Milka Velaga, currently residing at 36833 N. Green Bay Road, unincorporated Waukegan Township, has filed a petition to vacate a portion of an unimproved alley located adjacent to her property.
- In accordance with the procedures contained in Article 3 of the Unified Development Ordinance and the formula adopted by the County Board, the area being conveyed to the petitioner consists of 2,000 sq. ft. and has average assessed value of \$2,216.00. This value is based on 100% of the assessed fair market value of the real estate.
- The petitioner is requesting that the value of the real estate be reduced to \$1,463.00 representing approximately 2/3 of the average assessed fair market value.
- For the reduction in costs to occur, both the PB&Z and the F&A Committees must approve it.

Mr. Pat Tierney presented the staff report on the request for a fee reduction for vacation petition 08-02 in Waukegan Township.

Chairman Newton stated that the Committee worked very diligently to increase the value of the land within Lake County and she is not willing to revert to the former valuation.

Motion to approve the fee reduction request for vacation petition 08-02 in Waukegan Township by Member Sabonjian, seconded by Member Mountsier. Motion failed.

approved and referred on to Financial and Administrative Committee

Aye: 1 - Gravenhorst

Nay: 6 - Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke

10.2.3 09-1019

A Resolution on ZBA Case #3754, which seeks a Conditional Use Permit to allow a Planned Unit Development in Shields Township. The applicant is the Korogluyan Family Trust, record owner.

- Applicant is seeking a Conditional Use Permit for a Planned Unit Development in order to convert and lease the first floor of a former elementary school for professional offices. The requested CUP would apply only to the first floor.
- Subject property is the former West Elementary School in Knollwood. Government and Religious Uses currently occupy the 3rd floor and former gymnasium of this building. These uses are permitted by right in the current R-3 zoning district.
- Applicant wishes to relocate his mortgage/finance business into the first floor. Additional space will be made available for lease.
- The Zoning Board of Appeals recommends by a vote of 5-1 that the request be approved. Planning Department staff also recommends in favor of the proposed use.

Mr. Bob Mosteller presented the staff report on ZBA Case #3754 a request for a Conditional Use Permit to allow for a Planned Unit Development.

Member Gravenhorst stated that she represents this district. The residents of the area are not in favor of this request as the building is in a residential area. She went on to say that she is not in favor of this request.

Chairman Newton stated that the current uses of the building are more intense than what is proposed for the site. She wanted this request to be viewed as a Conditional Use Permit because if for any reason the conditions are not met and the residents are disturbed, the CUP could be revoked.

Mr. Ohannes Korogluyan, 8 N. Skokie Highway, Lake Bluff, IL., the petitioner stated that he was not aware of any opposition to the request at the time of application. He intends to use the building for his offices. Mr. Korogluyan changed his original rezoning request to a request for a CUP to appease the residents of the Knollwood area.

Mr. Dan Rogers, 610 Adelpia, Lake Bluff, IL., resident of the Knollwood area, stated that Mr. Korogluyan has not been truthful with his statements, and has made threats against the residents of the area. He went on to say that if the Committee approves this request they will be setting a precedence that will lead to further problems in the neighborhood. He would request that this property remain R-3

zoning.

Ms. Nicki Snoblin, 1010 Atkinson Road, Lake Bluff, IL., resident of the Knollwood area, stated that the neighbors do not wish to open the door to more intense uses of this property.

Ms. Gale Wayne, 1007 W. Quassey, Lake Bluff, IL., resident of the Knollwood area, stated that the community is very opposed to this request and the residents are asking the County to represent their appeal for denial of this request.

Ms. Gloria Cabri, 808 Foster Avenue, Lake Bluff, IL., resident of the Knollwood area, stated that the condition of the building is not good and she is worried about the value of her property being reduced due to this request.

Member Gravenhorst urged the Committee members to consider this request carefully before providing their decisions.

Motion to approve ZBA Case # 3754 requesting a Conditional Use Permit to allow for a Planned Unit Development subject to the conditions of Exhibit A by Member Sabonjian, seconded by Member Mountsier. Motion passed.

recommended for adoption to the regular agenda

Aye: 4 - Carlson, Mountsier, Newton and Sabonjian

Nay: 3 - Gravenhorst, Hewitt and Wilke

11.0 Permits and Enforcement

11.1 09-1156

Discussion of Proposed Fee Increases to the Planning, Building and Land Development Fee Schedule for FY 2009

- The last fee increase for the Planning, Building and Development Department was 14 months ago.
- Staff has researched other nearby jurisdiction fees as well as calculated the in-house costs of providing the services to customers. The results show that for most new construction the County charges between 23% and 46% less than other jurisdictions. Fees for small projects, such as sheds and fences, are 10% higher than other jurisdictions.
- Overall, the Director will be recommending between 5% and 10% increases with the goal of increasing the fees again next year to close the gap between the County and nearby jurisdictions.
- The Committee is being asked to review the proposed increases and give direction to the staff so that the final fee schedule can be presented on February 3, 2009 for approval.

Mr. Philip Rovang presented the staff report on the proposed increases to the Planning, Building and Development Department Land Development Fee Schedule.

Member Hewitt asked how the increase in fees for commercial properties in Lake County would impact the relocation of businesses to Wisconsin because their

permit fees are less.

Mr. Rovang stated that the location of the buildings are not usually based on a fee structure but the overall needs of the developer.

Chairman Newton stated that the fee increases are rather conservative and feels that the increases should occur annually in order to make the department cost up-to-date. She recommended that staff return this schedule to the Committee at the next PB&Z Committee meeting and would be in favor of an even further increase in some of the fees.

12.0 Planning

There were no planning items to discuss.

13.0 Other Business

13.1 County Administrator's Report

Ms. Amy McEwan stated that Dusty Powell is currently serving jury duty, but she is available if anyone needs assistance.

13.2 Director's Report

Mr. Philip Rovang stated that he would like to provide some notice regarding an item for discussion on the next Committee agenda. He went on to say that he intends to provide the Committee with a plan for department restructuring that will revise some of the current job descriptions. This is in preparation for the departmental move to the new Central Permitting Facility in Libertyville.

14.0 Adjournment of the PB&Z Committee Meeting

Motion to adjourn this session of the PB&Z Committee by Member Sabonjian, seconded by Member Wilke. There being no further business to conduct, the motion passed unanimously.

The meeting adjourned at 11:06 a.m.

	Aye	Nay
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<i>Chairman</i>		
<i>Vice-Chairman</i>		

Recording Secretary
Planning, Building & Zoning Committee
adjourn

Aye: 7 - Gravenhorst, Hewitt, Carlson, Mountsier, Newton, Sabonjian and Wilke