

October 4, 2017

TO: Lake County Planning, Building and Zoning Committee

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

RE: Bull Creek Drive Subdivision – Libertyville Township
Subdivision Modification from the Lake County Code

The Bull Creek Drive Subdivision is located on the east side of Bull Creek Drive, approximately 150 feet north of Illinois State Route 137, Libertyville Township. The subject property was platted on June 26, 2006 as a 5-lot Conservation Single-Family Residential Subdivision in the Residential-1 (R-1) zoning district, with an average net lot area of 35,545 square feet. The character of the surrounding area is single family residential zoned R-1. The subdivision will be served by private wells and septic systems.

Project History

PB&Z Committee actions occurred in 2005 and 2006 regarding subdivision modifications, public informational meetings, and approval of the final plat of subdivision. Subsequent meetings were held by the PB&Z Committee in 2010, 2012, 2014, and 2015 to extend the subdivision performance assurances* as the economic downturn did not support home building or buying. Consequently, the construction of the subdivision improvements were delayed until this year.

2005 – 2006 Approval Process

1. Subdivision Modifications - On March 28, 2005, this Committee approved a modification from the UDO to not require the installation of the side walk along the south side of the subdivision. Additionally, this Committee also approved a modification from UDO to eliminate the street lighting at the intersection of Bull Creek Drive and Capri Court and at the end of the street stub.
2. Two Public Informational Meetings - On August 22, 2005, this Committee held the required public informational meeting of which the discussed topics were drainage, stormwater detention, natural resource protection, and lot size. Staff held an additional public informational meeting during the evening of September 7, 2005, at Libertyville Township Hall for the benefit of those who could not attend the first meeting.
3. Final Plat of Subdivision Approval - On June 26, 2006, this Committee approved the subdivision Final Plat and Final Engineering.

*Performance Assurance – A financial document to ensure the timely and safe installation and maintenance of the required subdivision improvements.

Interim Committee Action

As a result of the economic downturn after the formal approval of the subdivision, it became apparent to the developer (Collodi Builders, Inc.), that completion of the subdivision improvements was not economically viable until market conditions improved. In an effort to maintain the viability of the subdivision and enable the County to release the performance assurances, an agreement was entered into between Collodi Builders, Inc. and Lake County which temporarily suspended the Committee's approval of the final plat and set terms to control the marketing and development of the subdivision over the time of the suspension. It also enabled Collodi Builders, Inc. to develop the subdivision in accordance with the ordinance standards in effect at the time of final plat approval. The PB&Z Committee actions regarding these extensions were as follows:

- On August 3, 2010, this Committee approved an agreement which suspended the Committee's approval of the Bull Creek Drive Final Plat of Subdivision and establish conditions, including the time-period by which the plat must be re-approved. (Final Plat and Horizontal Control Plan), in exchange for which the County released the performance assurance. Collodi Builders, Inc., agreed not to sell or market lots, or initiate construction of the subdivision improvements until the performance assurance was submitted to the County. The deadline for completion was August 3, 2012.
- On July 31, 2012, this Committee approved an agreement extending the completion date for the Bull Creek Drive Final Plat of Subdivision, pursuant to the conditions of the previous approval. The deadline for completion was August 3, 2014.
- On August 5, 2014, this Committee approved an agreement extending the completion date for the Bull Creek Drive Final Plat of Subdivision, pursuant to the conditions of the previous approval. ***Additionally, this action amended the terms of the agreement to require compliance with current State and Federal floodplain, floodway and wetland regulations that were previously exempted under the original agreement.*** The deadline for completion was November 6, 2015.
- On October 5, 2015, this Committee approved an agreement extending the completion date for the Bull Creek Drive Final Plat of Subdivision, pursuant to the conditions of the previous approval, including compliance with applicable current floodplain, floodway and wetland regulations. The deadline for completion was December 31, 2017.

The conditions of this agreement have been satisfied, as the assurances have been posted and the development is underway. The developer is requesting the following subdivision modifications from the Lake County Code:

Modification Request

1. Section 151.194 (Q)(1)(a) of the Lake County Code requires sidewalks shall be required on both sides of the street except single family residential subdivisions containing lots with an average area of 40,000 square feet or more. The applicant requests a modification to eliminate the sidewalk requirement on the north side of the street.

The developer's request for the modification is attached to this report.

Recommendation

Staff recommends approval of the modification request to eliminate the sidewalk along the north side of Capri Court for the following reasons:

1. The purpose for providing sidewalks is to afford a safe pedestrian system throughout the subdivision separated from the street system. The adjacent subdivision to the west and east are large-lots and are not improved with sidewalks.
2. The sidewalk would only serve four homes.
3. This Committee previously granted a modification to eliminate the sidewalk requirement along the south side of the property.
4. The sidewalk could potentially affect three large trees south of Lots 1 and 2.
5. The elimination of the sidewalk would decrease the impervious surface by approximately 1,300 square feet.

Granting of this modification would not create a negative impact upon the neighborhood nor compromise the public safety, health or welfare, nor be injurious to other property improvements in the neighborhood.