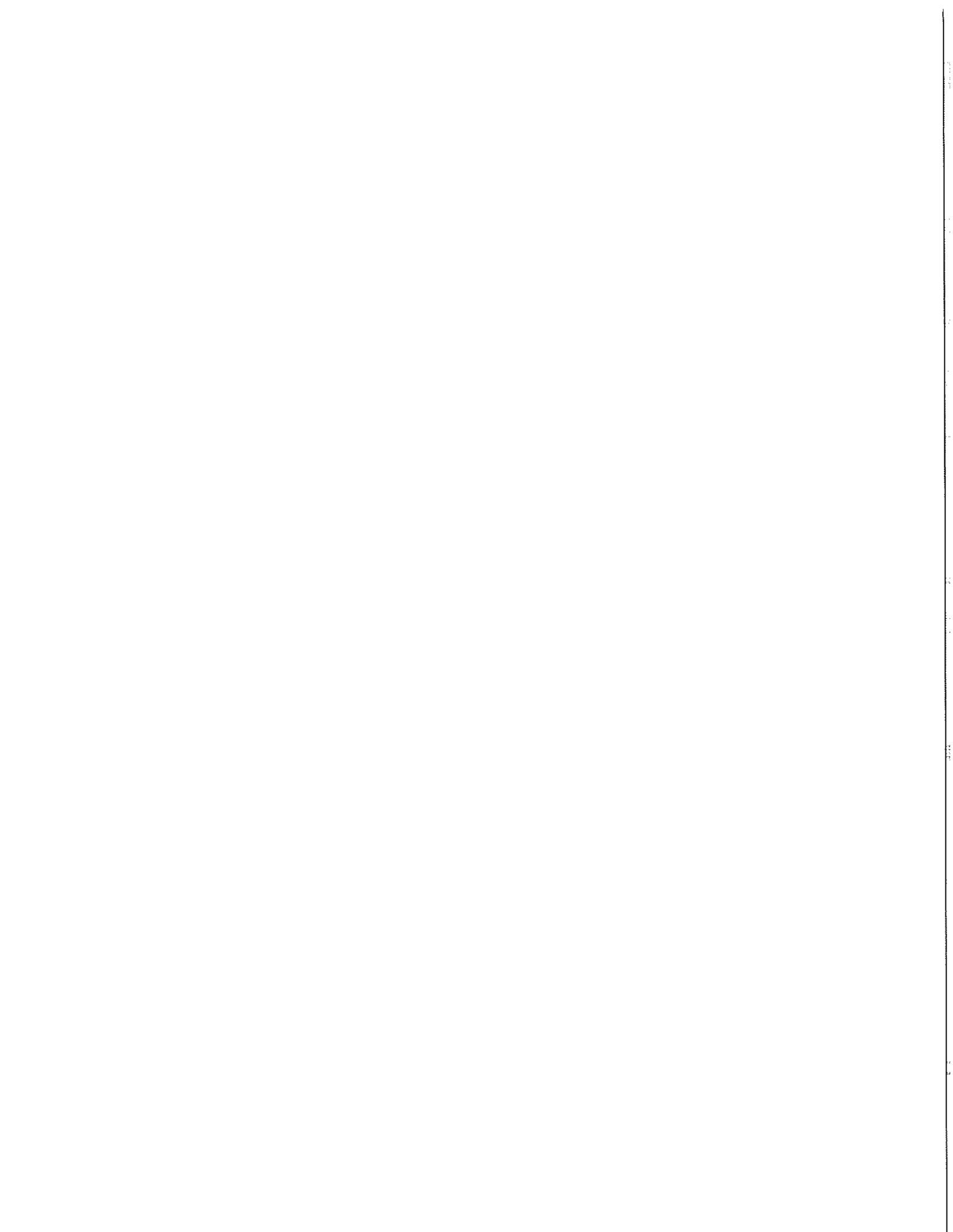


Item #3:
Ordinance Approving Water Treatment Plant Subdivision



VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-O-__

**AN ORDINANCE GRANTING SUBDIVISION PLAT APPROVAL
AND A VARIATION FROM THE LONG GROVE SUBDIVISION REGULATIONS
FOR THE LONG GROVE WATER TREATMENT PLANT SUBDIVISION**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this __ of _____, 2010

Published in pamphlet form by direction
and authority of the Village of Long Grove
Lake County, Illinois
this __ of _____, 2010

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-O-__

**AN ORDINANCE GRANTING SUBDIVISION PLAT APPROVAL
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WHEREAS, 4180 Route 83 LLC and the Village of Long Grove are the legal owners and proposed subdividers ("**Owner**") of certain real property in the Village of Long Grove, commonly known as the "Long Grove Executive House" and located at 4180 Route 83 and legally described on Exhibit A attached hereto and made a part hereof ("**Property**"); and

WHEREAS, the Owner has applied for tentative and final plat approval for the subdivision of the Property into two lots ("**Proposed Lot 1**" and "**Proposed Lot 2**" respectively); and

WHEREAS, the Property is zoned in the R-2 District pursuant to the Long Grove Zoning Code ("**Zoning Code**"); and

WHEREAS, the Property is the subject of a Consent Decree entered on February 3, 1977 by the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, and thereafter amended from time-to-time ("**Consent Decree**"), which Consent Decree sets forth parameters regarding zoning and development of the Property ; and

WHEREAS, the Subdivision Regulations of the Village of Long Grove, Illinois ("**Subdivision Regulations**") require that each lot in a subdivision be not less than the requirements of the Zoning Code, unless relief is granted pursuant to Section 6-8-1 of the Subdivision Regulations; and

WHEREAS, the area of Proposed Lot 2 does not satisfy the minimum lot size requirement for the R-2 District as set forth in Section 5-3-12 of the Zoning Code; and

WHEREAS, the Consent Decree does not contain any provisions governing minimum lot size, but such Consent Decree authorizes the division of the Property into the Proposed Lot 1 and the Proposed Lot 2; and

WHEREAS, to the extent required, the Owner has requested a variation pursuant to Section 6-8-1 of the Subdivision Regulations to authorize subdivision of the Property to include Proposed Lot 2 with an area less than that required by the Long Grove Zoning Code; and

WHEREAS, the Plan Commission has recommended (i) approval of the final plat for the subdivision of the Property, and (ii) the grant of a variation pursuant to Section 6-8-1 of the Subdivision Regulations for Proposed Lot 2, subject to certain conditions and restrictions; and

WHEREAS, the President and Board of Trustees of the Village have considered the recommendations of the Plan Commission, together with all the relevant supporting materials and data, including the final subdivision plat, and have determined that it is in the best interests of the Village and its residents to approve the final subdivision plat and variation requested, subject to the terms and conditions of this Ordinance as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth.

SECTION TWO: Final Plat and Variation Approval. The proposed "Plat of Subdivision of Long Grove Treatment Plant," a copy of which is attached hereto as Exhibit B and made a part hereof ("***Final Plat***"), and a variation pursuant to Section 6-8-1 of the Subdivision Regulations, are hereby approved, subject to the conditions and restrictions set forth in Sections Three and Four of this Ordinance, and subject to final review of its form by the Village Attorney. Upon satisfaction of the conditions in Section Three of this Ordinance, the Village President, Clerk, and other appropriate Village officials shall be authorized and directed to execute, attest, and/or seal the customary certifications on the Final Plat indicating such approval for and in the name of the Village. The Village Attorney shall then be authorized and

directed to record or cause to be recorded the Final Plat with the Recorder of Deeds of Lake County, Illinois.

SECTION THREE: Prerequisites to Village Approval of Final Plat. No Village official shall sign the Final Plat on behalf of the Village of Long Grove or record the Final Plat unless and until the Owner shall have presented to the Village an original of the Final Plat, bearing all of the required signatures depicted on the Final Plat from all persons who are not Village officials acting in a governmental capacity, and a certification from the surveyor authorizing the Village Attorney to record the Plat; such certification shall be in a form acceptable to the Village Attorney. Notwithstanding the foregoing, the Village President and Clerk and other Village officials may elect to execute, attest, and/or seal the Final Plat prior to its execution and certification by the Lake County Clerk.

SECTION FOUR: Additional Conditions. The approval of the Final Plat is further conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, render void all permits and approvals granted pursuant to this Ordinance:

- (a) No further subdivision of the Property shall be permitted that would be inconsistent with the Consent Decree.
- (b) Except as expressly set forth herein, nothing in this Ordinance shall be construed to waive or modify any provisions or requirements of the laws, ordinances, or regulations of the Village or other agency with jurisdiction, nor shall this Ordinance be construed to excuse the Owner or its successor lot owners from complying with such laws, ordinances, or regulations.

SECTION FIVE: Recording. The Village Attorney is hereby authorized and directed to cause to be recorded a copy of this Ordinance with the Recorder of Deeds of Lake County, Illinois immediately before the recording of the Final Plat, and this Ordinance and all approvals granted herein (including the approval of the Final Plat) shall be null and void and of no effect if

any lot created by the Final Plat (or any portion thereof) is conveyed, leased, or otherwise transferred or encumbered to any person not signing the Final Plat prior to the recording of the Final Plat and this Ordinance.

SECTION SIX: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this __ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED this __ day of _____, 2010.

Village President

ATTEST:

Village Clerk

9143032_v3

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B

FINAL PLAT

[to be attached]



STAFF REPORT

TO: LONG GROVE PLAN COMMISSION
FROM: JAMES M. HOGUE, VILLAGE PLANNER
DATE: 1/28/10
RE: PCZBA REQUEST 10-01; Request for approval of a Final Plat of Subdivision to be known as the Long Grove Water Treatment Plant Subdivision on Property commonly known at the "Long Grove Executive House" and located at 4180 Route 83, Long Grove, Illinois submitted by the Village of Long Grove.

Item: PCZBA PETITION 10-01

Status: Final Plat submitted 12.2.09 Referral by Village Board not required. Filing fees & Escrow not applicable as the Village of Long Grove is the subdivider of the property.

History: The property is located on east side of Illinois Route 83 and also immediately adjacent to the Sunset Grove Development to the north. The property contains 5.370 +/- acres of land area and is presently "zoned" by a Consent Decree authorizing the development of an office building. The property is currently occupied by the "Executive House" office building and was developed per the stipulations of the Consent Decree. Technically, the property carries the R-2 District classification however the Consent Decree supersedes the underlying zoning in this instance.

Proposal: Consideration of the final plat of a two lot subdivision for property to be known as the "Long Grove Water Treatment Plant Subdivision". (Plat Attached) Lot 1 is proposed essentially remain unchanged and will continue to house the "Executive House" in the short term. Ultimately, long term, reclassification of this property to the HR-1 Highway retail District is anticipated. Lot 2 will contain the water treatment plant and will be owned and maintained by the Village of Long Grove.

Land Use, Zoning and Locational Data:

The property is located on the east side of Illinois Route 83 and immediately south of and adjacent to the Sunset Grove Property with a common street address of 4180 Route 83. The property is presently configured into a single lot and contains 5.370 acres of land area.

As previously noted a Consent Decree was issued in 1977 through the Circuit Court of Lake County regarding the development of this property. This document essentially serves as the "zoning ordinance" for this property and the development of the "Executive House", on this property, was done conformance with this judgment. An amendment was also approved in November 1977 which allowed for additional square footage to be placed on the property. Initially, a two story building with 5,880 square feet of floor area on each floor was permitted. This was modified to allow a two story building with 6,466 square feet on the first floor and 5,629 square feet on the second floor.

The Consent Decree allowed for office space on this property and mandated (among other things) a 125' setback was established from the west property line (RT. 83) and a 200 foot setback was mandated from the east property line. The 125' setback will remain intact.

The Consent Decree will need to be modified with regard to both land use and setback in order for the water treatment plant/water well to proceed on proposed Lot 2 of the subdivision. Village legal staff has worked with the property owner to established suitable modifications to the existing Consent Decree to allow the well, treatment plant and development of Lot 2 to proceed. Lot 1, containing the "Executive House" will remain essentially unchanged (as will the consent decree as it relates to this lot) at this time. Once modified, this revised consent decree and not the Village Zoning Code will govern the land use and development (bulk, setback, etc.) on this property.

Issues/Conclusions:

Final Plat

Title 6, Section 6-2-2 (B) provides for "Minor Subdivisions". Minor subdivisions are defined as follows:

MINOR SUBDIVISION: Any subdivision containing not more than five (5) lots, and fronting on an existing improved minor street, and not involving any new street or road or the extension of municipal facilities, and not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the official plan, zoning title³ or this title.

Staff finds as this subdivision as proposed to qualify as minor subdivision under this definition. As such, Section 6-2-2 (B) allows for this subdivision proceed directly to the final plat stage.

The final plat conforms to the requirements for final plats as identified in Title 6, Section 6-3-5 of the Village Code with the exception of the lot size on proposed Lot 2.

Lot sizes

Proposed Lot 1 (The "Executive House") will contain 4.666 acres of land area. This exceeds the 33,000 square feet of land area as mandated by the Village Subdivision Regulations. As previously noted the "Executive House" is target to remain on this lot in the short term. Further development of the property under the HR-1 District Regulations (similar to the "Sunset Grove Development to the north) is anticipated long term on this lot.

Lot 2 does not contain the minimum 33,000 square feet of lot area mandated by the Village Code. The Village proposes a variation of the this requirement as provided for in Title 6, Section 6-8-1 "Hardship" as provided for in the Village Subdivision Regulations as follows;

When the planning commission¹, in interpreting this title with section 6-4-1 of this title, finds that extraordinary hardship or injustice will result from strict compliance with this title, said commission may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification:

(A) Is due to physical features of the site;

(B) Is the least deviation from this title which will mitigate the hardship; and

(C) Is not detrimental to the public interest, and is in keeping with the general spirit and intent of this title. (Ord., amd. 1977)

Staff submits that due to the unique nature of the proposed use of the property as a Village owned and operated water treatment facility, the minimum amount of property required for the plant was negotiated for purchase. This was done principally for two reasons;

- 1). To keep the purchase price of the property at a minimum thereby protecting the fiscal resources of the Village.
- 2). To maximize the amount of developable land which remains on Lot 1 with the understanding that long term development under the HR-1 District Regulations is anticipated.

The deviation in lot size is minimal. The reduction in square footage is 2,351 square feet (or 7%) of the required minimum building area. In short, the lot contains 93% of the required building area. Additionally, only a limited number of properties exist in the area on which the treatment plant can be placed to provide water service to the Sunset Grove Development and ultimately downtown Long Grove as well.

Furthermore, this standard has been typically applied to the building area of residential lots. Lot 2 will be used for non-residential purposes (and in fact will remain unmanned most of the time). Presently the Village Code makes no provision for "municipal uses" of any kind. This is likely due to the fact that other than Village Hall relatively few properties are controlled by the Village for "municipal use". Often times zoning codes will recognize and make special provisions for uses which are necessary for the municipal entity to function.

Staff further submits that keeping the lot size minimal is in the public interest as opposed to being detrimental to it. A smaller lot represents a smaller expenditure of public dollars and retains a larger area for future development under the HR-1 District regulations as is anticipated under the Downtown Master Plan as adopted in 2008. This has the potential to provide additional sales tax

revenues to the Village and promotes more efficient use of land all of which serve to benefit the public interest.

Finally, provision of a reliable potable water supply is often a primary responsibility of a municipality. Typically this is a basic element in maintaining the health, safety and welfare of a community. The provision of a municipal water supply therefore promotes and benefits the public interest as opposed to being detrimental to it.

The PCZBA should be aware that this is a variation to the Village Subdivision Regulations and **not a variation of the Zoning Code** which the PCZBA typically deals with.

Ingress & Egress

Ingress to the Lot 1 will not change under this proposal. Access to Route 83 as it presently exists will be maintained to service the "Executive House" in the short term. Lot 2 (the Water Treatment Plant) will be accessed by a private driveway which ties into the access to Coffin Road via the Sunset Grove Development.

Easements

A 20' utility easement is identified around the perimeter of the entire 5.370 acre site (including both proposed Lots 1 & 2). This easement will be used to run watermain from the treatment plant among other things.

No conservancy soils exist on the property therefore Conservancy Easements are not required to be identified on the plat.

Respectfully Submitted,

James M. Hogue

**James M. Hogue
Village Planner**

