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PLAN COMMISSION REPORT OF FINDINGS OF FACT

DOCKET NOS. 84-28: Annexation
84-29: Rezoning

84-30: Special use
84-31: Subdivision

PETITIONER: Albert S. Jacobs, Inc.
3652 Palm Canyon Drive
Northbrook, IL 60062

PROPOSAL: Development of a 13-lot residential subdivision including one outlot.

PROPOSED SUBDIVISION NAME: Waters Edge Subdivision

SITE: Generally south of Rosemary Lane and west of Lee Road around an area commonly called Spring Lake.

SIZE: Approximately 19.25 acres (gross)

CURRENT ZONING: Cook County R-3 Single Family Residence District

PROPOSED ZONING: R-2 Single Family Residential District with a special use for a Planned Unit Development

WHEREAS this property has been the subject of formal and informal development discussions since at least 1973, which discussions focussed on residential development ranging from 190 condominiums and townhomes to the present petition for 13 single family dwelling units. Some of these discussions were with the Village, some with Cook County and some before legal courts;

WHEREAS the current petitioner has submitted a request with appropriate documentation asking for annexation of the 19.25 acres with approval to develop 13 single family homes by subdividing the property into 13 lots with 1 out-lot containing a lake and rezoning the property to R-2 with a special use for a planned unit development;

WHEREAS a public hearing, with Notice duly published on November 8, 1984 in the "Northbrook Star", was held on November 27, 1984 for the purpose of considering the original petitions and was continued to January 15, 1985 with a negative recommendation rendered on that date;

WHEREAS after the Plan Commission rendered said recommendation, the petitioner revised its plan reducing the number of lots to 13;

WHEREAS at the petitioner's request, the Village Board of Trustees remanded the petition back to the Plan Commission for further deliberation and for its recommendation with respect to the revised plan;

WHEREAS a Public Notice stating said requests was duly published on May 2, 1985 in the "Northbrook Star";

EXHIBIT A

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WHEREAS the petitioner returned to the Plan Commission for further review on May 21, 1985 and the Plan Commission conducted a public hearing on June 18, 1985 for the purpose of considering these amended petitions and continued the hearing to July 16, 1985;

WHEREAS the Plan Commission has reviewed the following drawings:

1. Tentative Subdivision Plan for Albert S. Jacobs Homes Inc., prepared by Pearson, Brown & Associates, Inc., revised 5/13/85.
2. Preliminary Engineering Plan for Albert S. Jacobs Homes Inc., prepared by Pearson, Brown & Associates, Inc., revised 1/2/85.
3. Landscape Plan (2 sheets) prepared by Allen L. Kracower & Assoc., Inc., 12/13/84.
4. Plat of Annexation prepared by B.H. Suhr & Company, 10/5/84; and

WHEREAS a written protest against the proposed special use has been submitted signed and acknowledged by the owners of twenty (20) per cent of the frontage immediately adjoining the subject property and the objectors were represented by counsel at all public hearings;

NOW, THEREFORE, the Plan Commission hereby finds as follows:

- 1) Existing uses within the general area are:
 - a) North: Single family residential
 - b) East: Single family residential and a cemetery
 - c) South: Forest Preserve and single family residential
 - d) West: Forest Preserve
- 2) Existing zoning within the general area is:
 - a) North: R-2 Single Family and Cook County R-3 Single Family
 - b) East: R-2 Single Family
 - c) South: R-2 Single Family and Cook County P-1 Public Land
 - d) West: Cook County P-1 Public Land;
- 3) Subject Property is well suited to the single family residential use permitted under the existing and proposed zoning classifications. It is also suited to its current vacant use as a passive recreational open space, however, it is not suited for use as commercial open space which is essentially the way the property is used from time to time by groups of persons from outside the neighborhood;
- 4) There is a clearly established trend toward large-lot, single family residential usage in the area;
- 5) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;
- 6) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

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- 7) Adequate utilities, access roads, drainage and other necessary facilities are being provided;
- 8) This proposal would:
 - a. Promote the public health, safety, morals, comfort and general welfare of the Village;
 - b. Provide adequate light and air;
 - c. Encourage the most appropriate use of land throughout the Village;
 - d. Conserve and enhance land values;
 - e. Prevent land overcrowding;
 - f. Avoid population concentration;
 - g. Foster a rational pattern of use relationships;
 - h. Protect against harmful encroachment of incompatible uses;
 - i. Provide adequate ingress and egress so as to minimize congestion of the public streets; and
 - j. Preserve and increase Village amenities;
- 9) This proposal will provide amenities not otherwise required by law, including provisions for common open space, engineering, site planning and landscaping features;
- 10) The proposal will establish open space greater than the minimums required by law and will provide for density of development less than the maximums permitted by law;
- 11) The proposal will provide screening and other facilities which will benefit neighboring property or the public beyond those otherwise required by law;
- 12) The subject parcel does not meet the minimum lot size requirement of 20 acres required for a residential P.U.D. without a variation of 0.75 acres;

With respect to the exception to the applicable bulk regulations requested as part of the Planned Unit Development, including the request to allow 19.25 acres rather than 20 acres, the Plan Commission finds as follows:

- 1) Such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would be obtained under the bulk regulations of the Zoning Ordinance for buildings developed on separate zoning lots;
- 2) The overall floor area will not exceed the maximum floor area allowable;
- 3) The total number of dwelling units shall not be increased above the number which would be permitted under the otherwise applicable district regulations;
- 4) Spacing between principal buildings shall be consistent with recognized site planning principles, due consideration being given to the openness normally afforded by intervening streets and alleys;

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- 5) Along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located; and
- 6) The area which would otherwise be dedicated right-of-way has been subtracted from the area of the planned development site in determining the floor area and number of units allowable under (2) and (3) above.

With respect to the requested variations from the Subdivision Ordinance, the Plan Commission finds as follows:

- 1) Because of the particular physical surroundings, shape or topographical conditions of the property involved, a particular hardship to the subdivision would result as distinguished from mere inconvenience if the strict letter of the regulations were carried out;
- 2) The conditions upon which the requests for variations are based are unique to the property for which the variations are sought and are not applicable, generally, to other property in the Village;
- 3) The requested variations are based, in part, upon a desire to maximize return on the property;
- 4) The alleged difficulty or hardship is caused by the ordinances and has not been solely created by any persons having an interest in the property;
- 5) The granting of the variations would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- 6) The proposed variations will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or substantially damage or impair property values within the neighborhood.

The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Trustees pursuant to the recommendations of this Plan Commission.

NOW, THEREFORE, the Plan Commission of the Village of Northbrook hereby recommends to the Board of Trustees as follows:

The Plan Commission finds merit with and recommends approval of the following exceptions to and variations of the Zoning and Subdivision Ordinances:

1. Exception to the applicable bulk requirements for all interior lots and the minimum lot size of 20 acres for a residential P.U.D. by 0.75 acres to allow a zoning lot of 19.25 acres, pursuant to Article VI-J.7(d) of the Northbrook Zoning Ordinance.

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2. Variation of the following subdivision requirements:

- a. Public streets - to allow private streets;
- b. 60 foot r-o-w - to allow 30 access easements;
- c. Street lighting - to allow less than the minimum requirement;
- d. Cul-de-sac design - to allow for modified turn-around provisions,

provided the following conditions are met:

- a. Interior streets must be improved with curb and gutter.
- b. In addition to "a." above, street design must satisfy the Village's Engineering and Fire Departments, including making modifications to the 'T' turn-arounds off Lee Road per the Village Engineer's specifications.

Docket Nos. 84-28, 29, 30 and 31, petitions for annexation, rezoning, special use and tentative subdivision approval of Waters Edge Subdivision should be approved subject to the following conditions:

1. Easement agreements, covenants and annexation agreement controlling development around the lakeshore, maintenance of lake and other common areas and roads and also preserving certain existing vegetation, all of which must be acceptable to the Village Attorney, must be submitted prior to final subdivision approval.
2. The property along the western and southern sides of the lake shall be common area and under the control and responsibility of the homeowners' association.
3. The required front yard along Lee Road must be shown as 40 feet on the subdivision plat and any other drawings upon which it appears as well as adding yards for the interior lots.
4. External roadway improvements, as discussed at the November 27, 1984 hearing, must be made. Briefly, these include:
 - a. Dundee/Lee Road intersection site distance improvements by cutting back on vegetation;
 - b. Street light improvements at the Dundee/Lee Road intersection;
 - c. Pavement widening at the intersection; and
 - d. Traffic signal modification at Dundee/Shermer Road intersection to allow for a stop in the westbound Dundee Road traffic flow.
 - e. Thornwood Lane improvements, per Village Engineer's specifications.
5. A sidewalk should be added to connect the interior streets and along the proposed East Bank Road to facilitate pedestrian movement.
6. An updated landscaping plan, acceptable to the Village Engineer, must be submitted prior to Final Subdivision approval.
7. The practical buildable area of each lot should be shown on the final subdivision plat.

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8. Relevant flood plain regulations must be complied with. Any basements must be subject to approval of the Director of Development and the Village Engineer.
9. Soil borings must be submitted to the Development Department prior to issuance of building permits.
10. Property within the subdivision is not to be rented out for parties.
11. An annexation fee, if appropriate, should be assessed.
12. Compliance with Final Engineering requirements is necessary.


Stuart Horvitz, Chairman
Northbrook Plan Commission

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84-28/29/30/31

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BUSINESS
Village of
Northbrook
John [Signature]

ORDINANCE NO 86-11

AN ORDINANCE GRANTING A
SPECIAL USE FOR A PLANNED
RESIDENTIAL DEVELOPMENT
KNOWN AS THE "WATERS
EDGE" SUBDIVISION

Passed by the Board of Trustees, April 22, 1986

Printed and Published, April 23, 1986

86163008

Printed and Published in Pamphlet
Form by Authority of the President
and Board of Trustees

VILLAGE OF NORTHBROOK
COUNTY OF COOK, ILLINOIS

I certify that this
document was duly
adopted and published
on the dates stated
above

Sandra D. Kent
Village Clerk

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ORDINANCE NO. 86-11

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

AN ORDINANCE GRANTING A SPECIAL USE FOR A PLANNED RESIDENTIAL DEVELOPMENT KNOWN AS THE "WATERS EDGE" SUBDIVISION

be and is hereby adopted as follows.

Section 1. BACKGROUND.

On February 3, 1986, the President and Board of Trustees of the Village of Northbrook adopted Northbrook Resolution No. 86-R-9 approving the execution by the Village President of an annexation agreement (the "Annexation Agreement") for the property described in Section 2 below (the "Subject Property"). The Annexation Agreement was executed on April 22, 1986, after the conditions set forth in Section 2 of Resolution No. 86-R-9 had been satisfied.

Pursuant to Paragraphs 2 and 3 of the Annexation Agreement, the Village Board of Trustees has, immediately preceding the adoption of this Ordinance, adopted an Ordinance annexing the Subject Property and confirming the zoning thereof to be in the R-2 Single Family Residence District of the Northbrook Zoning Ordinance.

Pursuant to Paragraph 3 of the Annexation Agreement, the Village is required to adopt an ordinance, containing any and all necessary variations, granting a special use for a planned residential development on the Subject Property.

The petitioners for this special use initially sought approval of a planned development containing eighteen (18) homesites. However, after a negative recommendation of the same by the Northbrook Plan Commission, the petitioners voluntarily modified their request to seek approval of a planned development containing thirteen (13) homesites. The latter, modified request is the subject of this Ordinance.

Section 2. DESCRIPTION OF SUBJECT PROPERTY.

The Subject Property consists of approximately 19.25 acres, is located on the west side of Lee Road and south of Rosemary Lane and is legally described as follows:

The Northeast quarter of the Southeast quarter (except the North 550.0 ft.) and (except the South 315.0 ft. of the North 870.0 ft. of the East 330.0 ft. thereof) of Section 3, Township 42 North, Range 12, East of the Third Principal Meridian (except that part lying West of the centerline of the Middle Fork of the North Branch of the Chicago River) in Cook County, Illinois. 04-03-401-015 AND -016

Section 3. PUBLIC HEARING.

A public hearing to consider a petition for a special use for the eighteen (18) homesite planned development on the Subject Property was held by the Northbrook Plan Commission as Docket No. 84-30 on November 27, 1984 and January 15, 1985 pursuant to notice duly published on November 8, 1984, with a negative recommendation rendered on January 15, 1985.

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A second public hearing to consider a modified special use petition for the thirteen (13) homesite planned development was held by the Northbrook Plan Commission as Amended Docket No. 84-30 on May 21, 1985, June 18, 1985 and July 16, 1985, pursuant to notice duly published on May 2, 1985, with a positive recommendation rendered on July 16, 1985.

Section 4. OFFICIAL WRITTEN PROTEST.

A written protest against a special use for the initial proposed eighteen (18) homesite planned development for the Subject Property was filed with the Village Clerk on November 27, 1984 in accordance with Article VI, Section J, Paragraph 5 of the Northbrook Zoning Ordinance by the owners of at least twenty percent (20%) of the frontage adjacent to the Subject Property. Although the written protest concerned the original, and not the modified thirteen (13) homesite, petition for special use, the Village Board of Trustees has interpreted the protest in a manner most favorable to the protestors and has accordingly determined that such protest triggers the requirement for a favorable vote of three-fourths (3/4) of the Board of Trustees for the passage of this Ordinance.

Section 5. ACCEPTANCE AND ADOPTION OF PLAN COMMISSION FINDINGS.

Certain findings were made and rendered by the Plan Commission and codified into its Written Report dated July 16, 1985 and approved at its regular meeting on September 3, 1985, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "A," with respect to the subject special use and the request for an exception to the R-2 District bulk regulations (the "Plan Commission Findings"). The Plan Commission Findings are hereby accepted and adopted. Specifically, and without limitation of the foregoing, the Board of Trustees does hereby find and determine that the proposed planned development will provide compensating amenities not otherwise required by law including provisions for common open space, a lake, engineering, site planning and extensive landscaping and that it will promote the general health, safety and welfare and that it will serve the best interests of the Village of Northbrook.

Section 6. SPECIAL USE.

Based on the findings and determinations set forth in Section 5 of this Ordinance and subject to and contingent upon the conditions, restrictions and provisions set forth in Section 8 of this Ordinance, a special use permitting the development and existence of a planned residential development on the Subject Property is hereby granted to Albert S. Jacobs Homes, Inc. in accordance with and pursuant to Sections VII-B-2(b) and VI-J-7 of the Northbrook Zoning Ordinance and the home rule powers of the Village of Northbrook.

Section 7. EXCEPTIONS AND VARIATIONS.

Based on the findings and determinations set forth in Section 5 of this Ordinance and pursuant to Section VI-J-7(d) of the Northbrook Zoning Ordinance, Article V-G of the Northbrook Subdivision Ordinance, and the home rule powers of the Village of Northbrook, exceptions to the applicable bulk regulations of the R-2 Single Family Residence District are hereby authorized for the Subject Property (1) to allow for a planned residential development with a zoning lot size of approximately 19.25 acres; (2) to eliminate all lot size and yard requirements for all interior lots of record; and (3) to allow for a periphery rear yard of less than 40 feet.

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Section 8. CONDITIONS.

The special use granted in Section 6 above and the exceptions authorized in Section 7 above shall be, and they are hereby, expressly subject to and contingent upon each of the following conditions, restrictions and provisions:

1. The Subject Property shall be developed, used and maintained only in strict accordance with the following documents and plans, except for minor engineering changes and site work approved by the Village Engineer:
 - a. The provisions of the Annexation Agreement for the Subject Property dated April 22, 1986;
 - b. The Site Plan for the Subject Property prepared by Otis Associates, with latest revision date of February 3, 1986, and initialed by the Village President, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "B;"
 - c. The Landscape Plan and Berming Plan for the common open space on the Subject Property, consisting of four (4) pages, prepared by Otis Associates, with latest revision date of April 17, 1986 and initialed by the Village President, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "C." To the extent that any conflict exists between the Landscape and Berming Plans attached hereto and the Landscape and Berming Plans attached to and referred to in Paragraph 4-e of the Annexation Agreement, the Landscape and Berming Plans attached hereto shall control;
 - d. The Final Engineering Plan prepared by Pearson, Brown & Associates with latest revision date of April 14, 1986 and initialed by the Village President, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "D." To the extent that any conflict exists between the Final Engineering Plan attached hereto and the Preliminary Engineering Plan attached to and referred to in Paragraph 4-d of the Annexation Agreement, the Final Engineering Plan attached hereto shall control;
2. No common open space on the lake outlet ("Outlet A") or on the road outlet ("Outlet B") shall be used for the construction or maintenance of any structure or improvements except such structures or improvements as are depicted on the Site Plan attached hereto or as are permitted in the declaration of covenants for the Subject Property approved by the Village

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and except for private piers extending into the lake.

3. No house or structure of any kind on the Subject Property shall be located within thirty (30) feet of any other house or structure of any kind on the Subject Property.
4. Every house on the Subject Property shall be set back a minimum of forty (40) feet from the closest border of Outlot B.
5. Every house on the Subject Property shall be set back a minimum of forty (40) feet from the closest border of Outlot A.
6. Any and all damage to Lee Road resulting from any and all construction activity on the Subject Property shall be repaired by Albert S. Jacobs Homes, Inc., at no cost or expense to the Village, to the satisfaction of the Village Manager.
7. All development on the Subject Property shall be in compliance with all applicable flood plain regulations.
8. A declaration of covenants, easements and restrictions and a homeowner's agreement, acceptable in form and substance to the Village Attorney, codifying, at a minimum, the provisions of Paragraph 12 of the Annexation Agreement, shall be recorded against the Subject Property prior to the execution of a contract for the sale of any house or subdivided lot on the Subject Property.

Section 9. FAILURE TO COMPLY WITH CONDITIONS.

Upon the failure or refusal of Albert S. Jacobs Homes to comply with any or all of the conditions, restrictions or provisions of Section 8 of this Ordinance, at any time after the effective date of this Ordinance, the special use granted in Section 6 of this Ordinance and the exceptions authorized in Section 7 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void. In such event, the development and use of the Subject Property shall be governed solely by the regulations of the R-2 zoning district, or then applicable zoning district, of the Northbrook Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation of the said special use, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. Albert S. Jacobs Homes acknowledges that the zoning notices and hearings held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or of any denial of any procedural right.

Section 10. BINDING EFFECT.

The privileges, obligations, and provisions of each and every section of this Ordinance are for and shall inure to the benefit of and are and shall be binding on Albert S. Jacobs Homes, Inc. and its successors, assigns, heirs and transferees to all, or any part of the Subject Property including, but not li-

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mitted to, the owner or owners of any subdivided lots (including Outlot A and Outlot B) on the Subject Property.

Section 11. EFFECTIVE DATE.

(a) This Ordinance shall be effective upon the occurrence of all of the following events:


- (i) passage by a three-fourths (3/4) majority of the Board of Trustees of the Village of Northbrook in the manner required by law; and
- (ii) publication in pamphlet form in the manner required by law; and
- (iii) the filing by Albert S. Jacobs Homes, Inc., with the Village Clerk, for recording in the office of the Cook County Recorder of Deeds, of the unconditional agreement and consent to accept and abide by each and all of the terms, conditions and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in the form attached hereto and, by this reference, incorporated herein as Exhibit "E."

(b) This Ordinance shall be of no force or effect and shall be rendered null and void in the event that Albert S. Jacobs Homes, Inc. does not file with the Village Clerk the unconditional agreement and consent referenced in Section 11(a)(iii) of this Ordinance within fourteen (14) days of the date of passage of this Ordinance by the Village Board of Trustees.

PASSED: This 22nd day of April, 1986

AYES: (6) Trustees Miller, Zeitlin, Donahue, Gray, Jaeger and Walker

NAYS: (0)



Village President

ATTEST:


Village Clerk

I hereby certify this to be a true and exact copy of the original.

04-24-86
Date


Village Clerk

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INVESTIGATION REPORT
DATE: 11/15/2011
CASE NO: 11-11111
SUBJECT: [Illegible]

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EXHIBIT "E"

ALBERT S. JACOBS HOMES, INC.
UNCONDITIONAL AGREEMENT AND CONSENT

WHEREAS, ALBERT S. JACOBS HOMES, INC., an Illinois corporation, has applied for a special use permit for the development of a planned residential development on certain property located in the Village of Northbrook; and

WHEREAS, Ordinance No. 86-11 adopted by the President and Board of Trustees of the Village of Northbrook on April 22, 1986, grants such special use permit; and

WHEREAS, Section 11 of Ordinance No. 86-11 provides that said Ordinance will be of no force or effect unless and until the undersigned shall have filed with the Village Clerk, within 14 days following the passage of said Ordinance, its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance.

NOW, THEREFORE, the undersigned, on behalf of themselves and their successors, assigns, heirs and transferees, does hereby acknowledge the validity of and does unconditionally accept, consent to, and agree to abide and be bound by each and all of the terms, conditions, and limitations set forth in Northbrook Ordinance No. 86-11.

Dated:

April 22, 1986

ALBERT S. JACOBS HOMES, INC.

By: [Signature]

ATTEST:

[Signature]

My Commission Expires January 16, 1987

86169008

PROHIBITED BY COOK COUNTY CLERK'S OFFICE

WILL CALL

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WILL CALL

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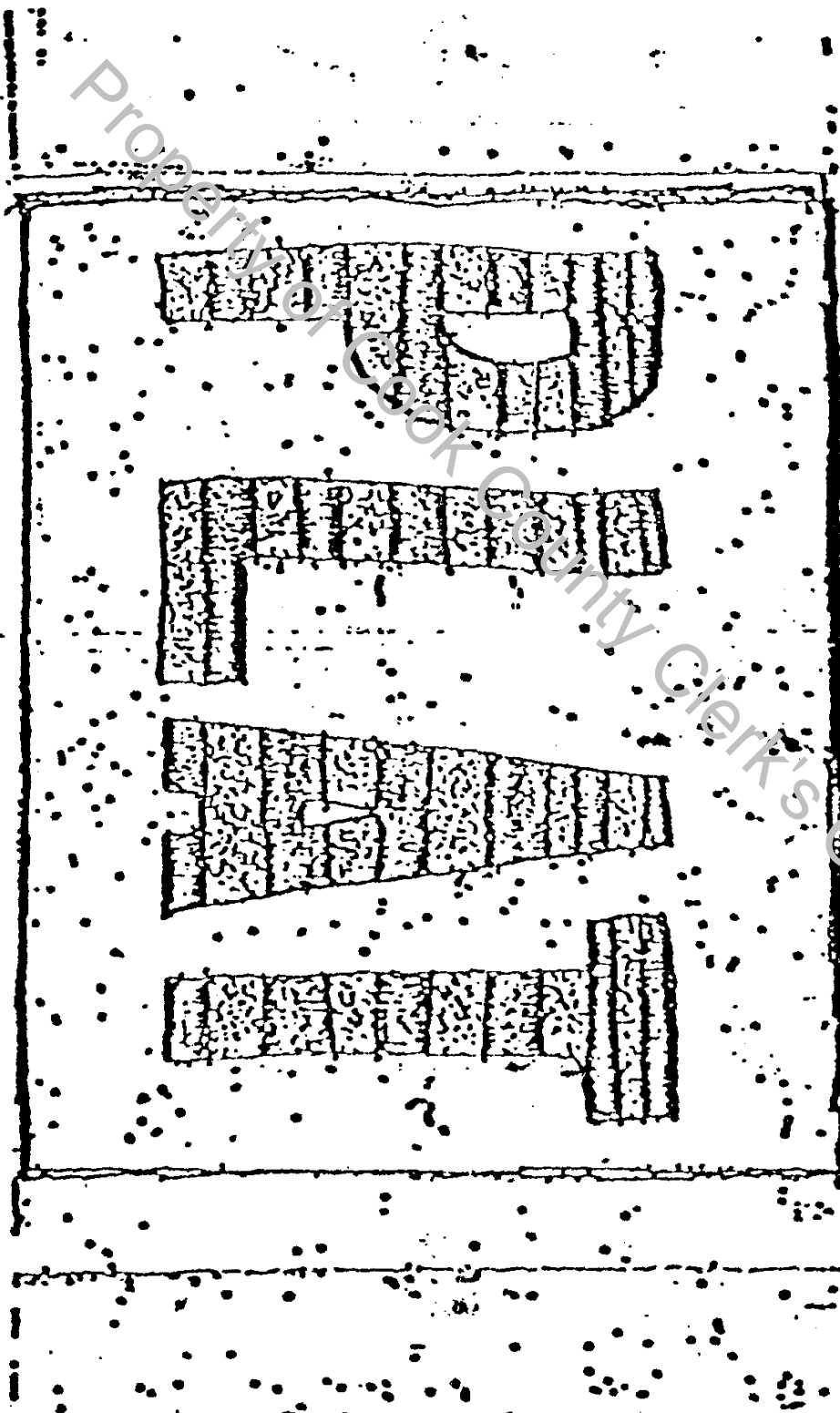
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