

ORDINANCE NO. 1875-18

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR DISPLAY HOMES—  
TAYLOR MORRISON OF ILLINOIS, INC.—HIGH POINTE ESTATES  
SUBDIVISION

WHEREAS, on or about June 25, 2018, Ok Capital, Inc., and Taylor Morrison of Illinois, Inc., as applicants and/or owners of the property, filed an application for a special use permit for display homes regarding the property legally described on **Exhibit "A"** attached hereto and incorporated herein (the "SUBJECT REALTY"); and

WHEREAS, all hearings required to be held before agencies of the Village took place pursuant to proper notice as required by law, and the Planning, Building and Zoning Commission has forwarded their recommendations to the Mayor and Board of Trustees, a copy of said recommendations being attached hereto as **Exhibit "B"** and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

SECTION TWO: That the SUBJECT REALTY is zoned as R-2 and is the subject of an application for a special use for planned unit development.

SECTION THREE: That there is hereby granted a special use permit for the SUBJECT REALTY subject to the following conditions: (1) No more than four (4) display duplexes (8 dwelling units) shall be built on the SUBJECT REALTY or on the property commonly known as High Pointe Estates subdivision in the Village of Hawthorn Woods. The locations of the display homes shall be approved administratively by the Chief Operating Officer prior to the submission of any building permit; (2) Approval of a special use permit for planned unit development by the Board of Trustees; (3) Approval of Final Engineering Modification and

Subdivision Septic System Plan by the Village Engineer; (4) Compliance of terms of the approved subdivision improvement agreement; (5) Compliance of terms of the approved First Amendment to Annexation Agreement and any amendments thereto; and (6) Approval of building permits for the display homes.

SECTION FOUR: That the recommendations of the Planning, Building and Zoning Commission, heretofore attached hereto as **Exhibit "B"**, are hereby adopted by the Mayor and Board of Trustees of the Village of Hawthorn Woods.

SECTION FIVE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION SIX: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Hosik, Riess, Corrigan, Dimaggio

NAYS: 0

ABSTENTIONS: 0

ABSENT: Kaiser, David

APPROVED: Joseph Mancino  
Joseph Mancino, Mayor

ATTEST: Donna Lobaito  
Donna Lobaito, Village Clerk

PASSED: Aug. 20, 2018

APPROVED: Aug 20, 2018

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

The west 396.46 feet of the south 80 rods of the east 100 rods of the north half of the southeast quarter of Section 21, also that part of the east 100 rods of the south half of the southeast quarter of Section 21, Township 44 North, Range 10 East of the Third Principal Meridian, all lying northerly of the Right of Way Line of Illinois Route #176, in Lake County, Illinois.

**EXHIBIT "B"**

FINDINGS OF FACT



2 LAGOON DRIVE - HAWTHORN WOODS, ILLINOIS 60047 - (847) 438-5500

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## FINDINGS OF FACT

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**Public Meeting Date:  
August 13, 2018**

**Taylor Morrison – High Pointe Estates  
Request for Special Use Permit for Proposed Planned Unit Development  
Final Development Plans**

*Based upon the evidence presented to the Planning Building and Zoning (PB&Z) Commission at the public meeting, the PB&Z Commission makes the following findings of fact with respect to the requested special use permit in connection therewith.*

**9-14-4.B:**

**(1) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.**

**Finding:** The PB&Z Commission finds that the single-family attached residential development is designed with the interest of public convenience and will contribute to the general welfare of the neighborhood and the community at large.

**(2) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or injurious to property values or improvement in the vicinity.**

**Finding:** The PB&Z Commission finds that the special use and uses permitted in the development will not cause an undue detrimental influence or effect upon the surrounding neighborhood, be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

**(3) That the proposed use will comply with the regulations and conditions specified in this Title for such use, and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.**

**Finding:** The PB&Z Commission finds that the special use and uses permitted in the development will comply with (i) the regulations and conditions specified in this Title for such use, and (ii) with the stipulations and conditions made as a part of the authorization granted by the Village Board of Trustees.

All of the above Findings of Fact are subject to the conditions of approval made by the PB&Z Commission on August 13, 2018.

Respectfully submitted,



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Jim Merkel, Chairperson

MJC



2 LAGOON DRIVE - HAWTHORN WOODS, ILLINOIS 60047 - (847) 438-5500

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## FINDINGS OF FACT

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**Public Meeting Date:  
August 13, 2018**

**Taylor Morrison – High Pointe Estates  
Request for a Planned Unit Development  
Final Development Plans**

*Based upon the evidence presented to the Planning Building and Zoning (PB&Z) Commission at the public meeting, the PB&Z Commission makes the following findings of fact with respect to the requested Planned Unit Development in connection therewith.*

**9-15-7.A. General:**

**(1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.**

**Finding:** The PB&Z Commission finds that the single-family attached residential uses permitted by the requested exceptions from the Village Code are necessary, desirable and appropriate for development of this subdivision as a planned unit development.

**(2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.**

**Finding:** The PB&Z Commission finds that the uses permitted in the development will not cause an undue detrimental influence or effect upon the surrounding neighborhood.

**(3) That any industrial park areas established in the planned unit development conform to all requirement therefor as set forth elsewhere in this Title.**

**Finding:** N/A

**(4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned unit development shall be subject to the requirements for each individual classification as established elsewhere in this Title, except as may be**

specifically varied in the ordinance granting and establishing a planned unit development use.

**Finding:** The PB&Z Commission finds that the departures to the minimum requirements established in the R-2 One-Family Residence District of the Village Code shall be specifically identified in the ordinance granting and establishing this planned unit development.

**(5) When private streets and common driveways are made a part of the planned unit development or private common open space or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the Village Board.**

**Finding:** The PB&Z Commission finds that all covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development provide for the continued operation and maintenance of any private streets, common driveways, private common open space, and/or recreation facilities that are part of the planned unit development and shall be subject to the approval of the Village Board. The PB&Z Commission also finds that the above items shall not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

#### **9-15-7.B. Residential:**

**(1) Residential density for a planned unit development shall not be greater than the recommended density, as shown in this Title for the Village, nor shall any lot to be used for residential purposes be less in area or dimension than that required by the district regulations applicable to the district in which the planned unit development is located, except that the PB&Z may recommend and the Village Board may grant a reduction in such lot area and dimension, but not more than fifteen percent (15%) when the planned unit development provides common open space equal to not less than ten percent (10%) of the gross area of the planned unit development.**

**Finding:** The PB&Z Commission finds that the planned unit development provides for residential density that is inconsistent with the R-2 District. Although the planned unit development provides for dwelling lot areas that are consistent with the R-2 District requirements, the PB&Z Commission acknowledges that the dwelling parcel areas are inconsistent with the R-2 District requirements for individual lot area. However, the PB&Z Commission finds acceptable a departure to the minimum requirement for lot areas or parcel areas as identified in Standards 9-15-7.A.4 and 9-15-7.D.1 of these Findings of Fact and in the planned unit development ordinance for this planned unit development.

**(2) Business uses may be included as part of a planned residential development when the PB&Z Commission finds that such business uses are beneficial to the overall planned unit development and will not be injurious to adjacent or neighboring properties. Such business uses shall not be greater in area than ten percent (10%) of the planned unit development.**

**Finding:** N/A

**(3) The open areas provided in the part of the planned development containing only residential structures shall be preserved over the life of the planned unit development for use only by the residents of the planned development.**

**Finding:** The PB&Z Commission finds that the planned unit development provides for commons, greenways and open areas for use by residents of the planned unit development and the general public. As such, the PB&Z Commission finds acceptable a departure to the minimum requirement for the above item as identified in Standards 9-15-7.A.4 and 9-15-7.D.1 of these Findings of Fact and in the planned unit development ordinance for this planned unit development.

**(4) For that part of a planned development devoted to residential uses, the PB&Z Commission may recommend and the Village Board of Trustees may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser widths or depths than required by district regulation for the district in which the planned development is located, provided:**

**a. That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwelling served;**

**Finding:** The PB&Z Commission finds that all covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development perpetuate access easements for use by the residents of the dwellings served. The PB&Z Commission also finds that the above items shall not be modified, removed, or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.

**b. The spacing between buildings shall be approved by the PB&Z Commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets.**

**Finding:** The PB&Z Commission finds that the planned unit development provides for spacing between buildings and adequate rights-of-way widths that are consistent with the application of recognized site planning principles for a single-family attached housing development. As such, the PB&Z Commission finds acceptable a departure to the minimum requirement for spacing between buildings as identified in Standards 9-15-7.A.4 and 9-15-7.D.1 of these Findings of Fact and in the planned unit development ordinance for this planned unit development.

**c. The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the districts in which the planned development is located; and the plan is developed to afford adequate protection to neighboring properties as recommended by the Village Board of Trustees.**

**Finding:** The PB&Z Commission finds that the planned unit development provides for dwelling lot widths and depths along the periphery of the development that are inconsistent with the R-2 District requirements. However, the PB&Z Commission finds acceptable a departure to the minimum requirement for lot areas as identified in Standards 9-15-7.A.4 and 9-15-7.D.1 of these Findings of Fact and in the planned unit development ordinance for this planned unit development.

**9-15-7.C. Cluster Subdivision:** In any one-family cluster subdivision, the PB&Z Commission may recommend and the Village Board may authorize the following exceptions to the regulations of the district in which the cluster subdivision is permitted as a special use:

**(1) A reduction of the lot area by not more than five percent (5%) and in no case shall the lot area be less than twenty thousand (20,000) square feet.**

**Finding:** N/A

**(2) A reduction of the lot width to:**

**100 feet in the R-1 District**

**90 feet in the R-2 District**

**Finding:** N/A

**(3) Lot Area:**

**a. That in the part of the planned development containing only residential uses, the minimum lot area per dwelling unit may be not more than five percent (5%) less than that required for permitted uses in the district regulations applicable to the district in which the planned development is located.**

**Finding:** N/A

**b. Reduction of such lot area be recommended by the PB&Z Commission and approved by the Village Board only where there is contained within the planned development permanent open area, the area and location of which shall meet with the approval of the Commission, and that such open space shall not be less than that which would pertain if developed on individual lots.**

**Finding:** N/A

**c. Such open areas shall be preserved over the life of the planned development, for use only by the residents of the planned development or dedicated to the Village for school, park, playground or other public uses.**

**Finding:** N/A

4. That in a planned development devoted to residential use, the PB&Z Commission may recommend and the Village Board may approve, access to a dwelling by a driveway or pedestrian walk easement; however, off-street parking facilities for such dwellings shall be located not more than two hundred feet (200') from the dwelling served; yards of lesser widths or depths than required for permitted uses in the district regulations applicable to the district in which the planned development is located; provided:

a. That protective covenants are recorded which perpetuate access easements and off-street parking spaces for use by the residents of the dwellings served;

**Finding:** N/A

b. That spacing between buildings shall be consistent with the application of recognized site planning principles for securing a unified development and due consideration is given to the openness normally afforded by intervening streets and alleys;

**Finding:** N/A

c. Spacing between principal buildings within a part of a planned development shall be equivalent to such spacing as would be required between buildings by district regulations for the district in which it is located.

**Finding:** N/A

5. That in a planned business development, the following additional requirements are hereby specified:

a. All buildings shall be set back not less than thirty feet (30') from all streets bounding the site;

**Finding:** N/A

b. Required off-street parking space shall be provided in the ratio of not less than ten (10) parking spaces for every one thousand (1,000) square feet of gross floor area;

**Finding:** N/A

c. All walks within the planned development shall be paved with a hard surfaced material meeting the specifications of the Village Engineer;

**Finding:** N/A

d. Any part of the planned development not used for buildings, loading and accessways, shall be attractively landscaped with grass, trees, shrubs or pedestrian walkways, according to a landscape plan, as approved by the PB&Z;

**Finding:** N/A

e. The buildings in the planned development shall be planned and designed as a unified and single project.

**Finding:** N/A

**9-15-7.D. Variations of Minimum Requirements:**

1. Wherever the applicant proposes to provide and set out, by platting, deed, dedication, restriction or covenant, and land or space separate from one-family or multi-family residential districts to be used for parks, playgrounds, commons, greenways or open areas, the PB&Z Commission may consider and recommend to the Village Board and the Village Board may vary the applicable minimum requirements of the subdivision regulations and this Title which may include, but not necessarily be limited to, the following:

- a. Rear yard
- b. Side yard
- c. Lot area
- d. Bulk
- e. Intensity of use
- f. Street width
- g. Sidewalks
- h. Public utilities
- i. Off-street parking

**Finding:** The PB&Z Commission finds that the planned unit development provides for commons, greenways and open areas. As such, the PB&Z Commission finds acceptable departures to the minimum requirements for the above items as identified in the planned unit development ordinance and in accordance with Standard 9-15-7.A.4 of these Findings of Fact.

**2. Business:**

- a. Business uses shall be as prescribed by the PB&Z Commission.
- b. All business and storage of materials shall be conducted or stored within a completely enclosed building.
- c. Not more than thirty percent (30%) of the lot area shall be covered by buildings or structures.

- d. At least ten percent (10%) of the lot shall be provided for landscape and open space purposes.
- e. No building shall be more than thirty five feet (35') in height.
- f. No dwelling shall be permitted in a planned business development.
- g. Off street parking shall be provided and maintained on the same lot based upon three (3) square feet of parking space for each square foot of gross floor area unless the PB&Z recommends and the village board requires additional off street parking space.
- h. Service and loading and unloading facilities shall be provided as recommended and approved by the PB&Z.
- i. No building shall be located nearer than fifty feet (50') to any street line.
- j. Business developments shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches or other similar uses. The screen planting shall be prepared by a landscape architect and shall meet the approval of the PB&Z.
- k. Outside lighting shall be so designed and placed so as to not be disturbing to adjacent residential areas. (Ord. 381-87, 6-9-1987)
- l. Signs shall comply with the regulation of the B retail business/commercial uses permitted in this title. (Ord. 381-87, 6-9-1987; amd. Ord. 1314-10, 1-19-2010)

**Finding:** N/A

**9-15-7.E. Conditions And Guarantees:** Prior to granting any special uses, the PB&Z Commission may recommend, and the village board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection and requirements specified herein or as may be from time to time required. In all cases in which special uses are granted, the village board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**Finding:**

1. Special Use Permit for a Planned Unit Development recommended for approval subject to:
  - A. Approval of the final plans, exhibits and other documents provided in the submittal booklet by the Board of Trustees.
  - B. Approval of the Final Engineering Modification and Subdivision Septic System Plan by the Village Engineer.

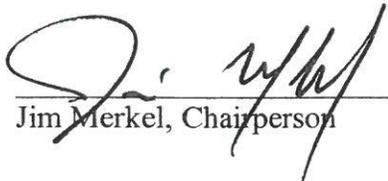
- C. Approval of the Onsite Wastewater Treatment System (biobarrier-style community septic system) by the Lake County Health Department and Community Health Center.
  - D. Approval of the individual water wells by the Lake County Health Department and Community Health Center.
2. Special Use Permit for display homes recommended for approval subject to:
- A. Approval of the final plans, exhibits and other documents provided in the submittal booklet by the Board of Trustees.
  - B. Approval of the Final Engineering Modification and Subdivision Septic System Plan by the Village Engineer.
  - C. Approval of the Onsite Wastewater Treatment System (biobarrier-style community septic system) by the Lake County Health Department and Community Health Center.
  - D. Approval of the individual water wells by the Lake County Health Department and Community Health Center.
3. Final PUD plan subject to:
- A. Approval of the final plans, exhibits, departures and other documents provided in the submittal booklet by the Board of Trustees.
  - B. Approval of the Final Engineering Modification and Subdivision Septic System Plan by the Village Engineer.
  - C. Approval of any off-site roadway improvement plans and access permits by the Illinois Division of Transportation.
  - D. Plan review comments provided by Christopher B. Burke Engineering, Ltd. dated August 7, 2018, and as subsequently revised.
  - E. Plan review comments provided by Erika Frable, PE, Village Engineer, dated August 6, 2018, and as subsequently revised.
  - F. Plan review comments provided by Michael Cassata, AICP, Village Community Development Director, dated August 7, 2018, and as subsequently revised.
  - G. Plan review comments provided by Rolf C. Campbell & Associates, dated August 7, 2018, and as subsequently revised.
  - H. Plan review comments provided by Countryside Fire Protection District, dated July 31, 2018, and as subsequently revised.
4. Final Engineering Modification and Subdivision Septic System Plan recommended for approval subject to:
- A. Approval of the Final PUD Plan by the Board of Trustees.
  - B. Plan review comments provided by Christopher B. Burke Engineering, Ltd. dated August 7, 2018, and as subsequently revised.
  - C. Plan review comments provided by Erika Frable, PE, Village Engineer, dated August 6, 2018, and as subsequently revised.
  - D. Approval of the Final Engineering Modification and Subdivision Septic System Plan by the Village Engineer.
  - E. Approval of the Public Service Uses by all federal, state, and local regulatory agencies, as required.
  - F. Approval of the Onsite Wastewater Treatment System (biobarrier-style community septic system) by the Lake County Health Department and Community Health Center.

G. Approval of the individual water wells by the Lake County Health Department and Community Health Center.

5. Temporary Sign Exhibit (marketing) recommended for approval as depicted in the final plans submittal booklet, dated August 13, 2018 and August 20, 2018, and as subsequently revised.
6. Building elevations for Lots 2- 11 recommended for approval as depicted in the final plans submittal booklet, August 13, 2018 and August 20, 2018.
7. Address and Mailbox Exhibit recommended for approval as depicted in the final plans submittal booklet, August 13, 2018 and August 20, 2018, and as subsequently revised.
8. Construction and Sales Equipment plans recommended for approval as depicted in the final plans submittal booklet, August 13, 2018 and August 20, 2018.
9. Departures from the Village Code recommended for approval as identified in the final plans submittal booklet, August 13, 2018 and August 20, 2018.
10. Such other relief or approvals as the Village Attorney and/or the Village Board may determine reasonably necessary.
11. Execution of a Subdivision Improvement Agreement for on-site and off-site improvements prior to construction grading work on the subject property.
12. Agree to approval of back-up SSA for homeowner's association obligations.

All of the above Findings of Fact are subject to the conditions of approval made by the PB&Z Commission on August 13, 2018.

Respectfully submitted,

  
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Jim Merkel, Chairperson

MJC



2 LAGOON DRIVE - HAWTHORN WOODS, ILLINOIS 60047 - (847) 438-5500

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## FINDINGS OF FACT

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**Public Meeting Date:**  
**August 13, 2018**

**Taylor Morrison – High Pointe Estates**  
**Request for a Planned Unit Development Subdivision**  
**Final Development Plans**

*Based upon the evidence presented to the Planning Building and Zoning (PB&Z) Commission at the public meeting, the PB&Z Commission makes the following findings of fact with respect to the requested planned unit development subdivision in connection therewith.*

**10-5-2.A Hardships:**

**(1) Public Welfare Protected:** The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

**Finding:** The PB&Z Commission finds that the single-family attached residential subdivision is designed with the interest of public and will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood.

**(2) Unique Condition:** The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property.

**Finding:** The PB&Z Commission finds that the conditions of the proposed subdivision are unique in that the subdivision is comprised of higher density single-family homes, which is reflected in the design of the subdivision and respective variation requests.

**(3) Particular Physical Conditions:** Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

**Finding:** The PB&Z Commission finds that due to the specific conditions of the proposed subdivision, a particular hardship would result if the strict letter of the regulations were carried out. These conditions include the existing infrastructure and the biobarrier-style Community Septic System located on the subject property, which is reflected in the design of the subdivision and respective variation requests.

All of the above Findings of Fact are subject to the conditions of approval made by the PB&Z Commission on August 13, 2018.

Respectfully submitted,



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Jim Merkel, Chairperson

MJC