



RESOLUTION No. 02-02-12-1

A RESOLUTION OBJECTING TO THE APPLICATION ON THE PARCEL COMMONLY REFERRED TO AS THE "DIMUCCI PROPERTY" REQUESTING THE REZONING TO GENERAL COMMERCIAL, A CONDITIONAL USE PERMIT APPLICATION, AND AN APPLICATION FOR MODIFICATION TO EXTEND TIME PERIOD FOR PRELIMINARY PLAN APPROVAL

WHEREAS, the applicants RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci, trustees, have requested the rezoning 108.79 acres generally located at the southeast corner of U.S. Route 12 and Old McHenry Road in unincorporated Lake County from Estate to General Commercial district; and

WHEREAS, the applicants RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci, trustees, have also requested a conditional use permit for a nonresidential planned unit development and an application for modification to extend time period for preliminary plan for certain parcels; and

WHEREAS, the Lake County Regional Planning Commission may make a formal recommendation on these requests at a meeting to be held February 6, 2012, at 3:00 p.m. at the Ela Area Library; and

WHEREAS, the Village of Hawthorn Woods and the Village of North Barrington have a long-standing intergovernmental agreement (Dated: April 8, 1999) and subsequent First Amendment (Dated: April 29, 2002) (Intergovernmental Agreement) that was the result of the settlement of litigation between their communities resulting in the joint consensus stipulation for the development, zoning and use of this parcel to protect the interests of their respective communities; and

WHEREAS, the Village of Hawthorn Woods and the Village of North Barrington have historically and consistently rejected large commercial developments on this parcel that are not in-line with the Intergovernmental Agreement; and

WHEREAS, the requests submitted to Lake County, if approved in their original form, would allow for the construction of commercial property with a footprint significantly larger than permitted by the Intergovernmental Agreement and exceeds the Intergovernmental Agreement development standards in height, density, and scope; and

WHEREAS, Lake County encouraged the Village of Hawthorn Woods and other Lake County municipalities as a policy priority in Chapter 11 of the Lake County Regional Framework Plan, titled "Intergovernmental Coordination and Implementation," to reach regional consensus on large track development issues through Intergovernmental Agreements; and

WHEREAS, on December 17, 1998, Lake County sent Hawthorn Woods a letter stating that: "the county would not support a rezoning of this property from the Estate zoning classification which it had under the current County zoning ordinance." The letter further stated that "this type of development would exacerbate objectives of the County Board by pushing large scale development further into Lake County's countryside," that Lake County would not compete for the development, and offered the services of County staff to develop

an intergovernmental agreement for future land use and development in the Hawthorn Woods and North Barrington area; and

WHEREAS, the Circuit Court of Lake County, Illinois, in the case number 99 CH 190, the litigation between the two villages was dismissed with prejudice, with the court retaining jurisdiction to enforce the provisions of the Intergovernmental Agreement; and

WHEREAS, in the application itself there are inconsistencies regarding the boundaries and provisions of utilities to the site, specifically failing to acknowledge the ownership of the 705 sewer population equivalents (PEs) that the Village of Hawthorn Woods purchased for the property and maintains ownership of today, and the provisions of water, which are not allowed to be provided by another municipality across jurisdictional boundaries as memorialized in various Intergovernmental Agreements with Lake Zurich and North Barrington; and

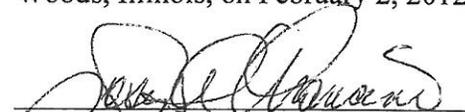
WHEREAS, in this current year, 2012, the Village of Hawthorn Woods was notified by postal letter addressed to the Village Clerk that Lake County was considering a new application for consideration including rezoning of the property to General Commercial, a Conditional Use permit to allow for a Planned Unit Development, although no plan for development has been submitted, and an extension of the time limits for which approval of the PUD Preliminary Plan will remain effective; and

WHEREAS, The proposal before Lake County for rezoning is in direct conflict with the existing settlement agreement and the first amendment to the Intergovernmental Agreement executed in 2002 and recorded with the Lake County Recorder of Deeds, in that the application doubles the allowed retail development footprint, and increases the scope, size, structure height, and allowable development standards in conflict to the existing Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Village of Hawthorn Woods Board of Trustees, on behalf of the residents of Hawthorn Woods, do hereby object to: all three requests submitted to Lake County Government, including the Lake County Regional Plan Commission, the Lake County Zoning Board of Appeals, and the Lake County Board, as they violate the terms of the Intergovernmental Agreement that resolved an issue that was so divisive to the region, and seeks a recommendation opposing the request for the blind zoning of a parcel without public input on a site development plan contrary to Lake County's Regional Framework Plan, published Lake County Zoning Maps, and the stated purpose and intent of the Lake County Unified Development Ordinance; and

BE IT FURTHER RESOLVED this 2nd day of February that the Village Clerk is hereby instructed to deliver a copy of this Resolution to Lake County Government, its officials and administration, and to surrounding municipalities.

The foregoing Resolution was adopted unanimously by the Board of Trustees of the Village of Hawthorn Woods, Illinois, on February 2, 2012.


Joseph Mancino, Mayor


Donna Lobaito, Village Clerk