

REQUEST FOR CONDITIONAL USE PERMIT

DECISION OF THE LAKE COUNTY ZONING BOARD OF APPEALS

Pursuant to State Statutes and following proper publication of public notice, public hearings were conducted before the Lake County Zoning Board of Appeals on July 18, July 25, September 6, September 11 and September 18, and September 20 relative to the application by RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci Trustees., for the purpose of a request for a Conditional Use Permit for a Planned Unit Development and PUD Preliminary Plan approval relating to the following listed properties.

The property for which this Conditional Use is sought is legally described as follows:

Parcel 1: PIN 14-05-300-008; located at 25442 N. Old McHenry Road, Lake Zurich, Illinois 60047.
Parcel 2: PIN 14-06-200-017; located at 25770 N. Old McHenry Road, Lake Zurich, Illinois 60047.
Parcel 3: PIN 14-06-400-004; located at 25275 N. Old McHenry Road, Lake Zurich, Illinois 60047.
Parcel 4: PIN 14-06-400-009; located at 25435 N. U.S. Highway 12, Lake Zurich, Illinois 60047.
Parcel 5: PIN 14-06-400-010; located at 26479 N. Old McHenry Road, Lake Zurich, Illinois 60047.
Parcel 6: PIN 14-06-400-011; located at 26475 N. Old McHenry Road, Lake Zurich, Illinois 60047.

The issues before the Board are whether this requested Conditional Use Permit for a Planned Unit Development and PUD Preliminary Plan approval fully complies with the Conditional Use Approval Criteria required by Section 3.6.7 of the Lake County Unified Development Ordinance and the criteria for PUD Preliminary Plan Approval required by Section 3.7.3.8 of the Lake County Unified Development Ordinance (UDO), if so, this request should be granted, or should be subject to conditions of approval, or denied.

The proceedings of the public hearing conducted on this request were manually and electronically transcribed and a transcript of the testimony is on file and available for public review at the office of the Lake County Zoning Board of Appeals.

The reports and recommendations received from the various County Departments and other interested agencies are on file and available for public review at the office of the Lake County Zoning Board of Appeals. The Board is in receipt of reports and recommendations from the following agencies to-wit:

The Lake County Division of Building and Engineering;
The Lake County Department of Public Works;
Lake County Division of Transportation;
The Lake County Department of Planning, Building, and Development
the Illinois Department of Transportation,
the Village of Hawthorn Woods,
The Village of North Barrington,
The Barrington Area Council of Governments,

ACRE, Inc.,
Teska Associates, Inc.,
Timber Lake Homeowners Association,
Copperfield Subdivision Homeowners Association,
and other neighboring property owners and area residents.

In conformance with the requirements of the Lake County Unified Development Ordinance, the Zoning Board in making its decision has taken into account:

- a) The testimony at the hearing;
- b) A site inspection of the property in question;
- c) The recommendations from interested official bodies;
- d) comments from area residents, and
- e) The standards provided in Section 3.6.7 and 3.7.3.8 of the UDO.

At the close of the continued meeting of the Lake County Zoning Board of Appeals held on September 20, 2012, after a final review of all evidence and testimony presented, a motion was made by Member Koeppen, with a second by Member Raymond to approve the requested Conditional Use for a Planned Unit Development and PUD Preliminary Plan subject to conditions specified in ZBA Exhibit 1 and ZBA Exhibit 1A., and;. Voting "Aye" on this motion were Members Koeppen, Raymond, Reindl, Westerman, Zerba, Stimpson and Bell. Voting "Nay," None. The motion to approve the requested Conditional Use for a Planned Unit Development and PUD Preliminary Plan was passed by a vote of 7 to 0.

The Board finds that the requested application meets the approval criteria for a Conditional Use Permit for a Planned Unit Development and PUD Preliminary Plan contained in Section 3.6.7 and 3.7.3.8 in the following manner:

Conditional Use Permit General Standards – UDO Section 3.6.7.

Standard 1: The use in its proposed location will be consistent with the stated purpose and intent of Section 1.5.

Comment: See Appendix A, attached.

Standard 2: The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 6.3.

Comment: The County's review processes will ensure that all Ordinance requirements are met.

Standard 3: The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of the application or as they may be developed in the future due to implementation of the Regional Framework Plan:

1. Adjacent property

Comment: The proposed commercial PUD, constrained by a variety of development conditions, will not have an adverse impact on adjacent property. First, commercial development along the US Route 12 strategic regional arterial corridor has consistently trended commercially in recent decades (primarily through larger developments such as the Deer Park Town Center, the Shoppes of Kildeer, and various larger commercial complexes in Lake Zurich) to meet shopping, employment and service needs of the growing population in this part of the County. Along this regional corridor, large commercial projects have been uniformly sited adjacent to or in the direct vicinity of existing residential development at a short distance from the highway or at major road intersections. Second, this project's approximately 50% permanent preservation of open space surrounding the development area, reinforced through significant setbacks, landscaping opacity and berming conditions, and strict photometric requirements, will ensure minimal visual, noise and light impacts on adjacent property. Third, the property is currently farmed and hence off-site stormwater release and water quality is largely uncontrolled, stormwater management and water quality impacts on adjacent property will be mitigated in the proposed development through UDO standards and additional best management practices established by the applicant's Pattern Book. Finally, the applicant's Pattern Book – as one of several development conditions – will ensure that the design of the site and buildings thereon will be visually appealing, and visually compatible with adjacent properties.

2. Character of the neighborhood

Comment: The character of the area along and near the US Route 12 corridor is well-established as a mixture of residential and abutting commercial uses. The Route 12 Corridor Planning Council, consisting of the Villages of Deer Park, Kildeer, Lake Zurich, Hawthorn Woods and North Barrington, along with Elia Township and the County, collaborated for several years in the development of a uniform vision for corridor development to ensure consistent community character among any new developments along US Route 12. The Council's work resulted in a series of design guidelines in the areas of architectural, signage, landscaping and site layout which would be incorporated as conditions of development approval for new developments in each jurisdiction. The County's Framework Plan promotes the use of these guidelines in regulating new corridor developments in the unincorporated area, and the County Board has adopted a series of resolutions requiring their use in the context of conditional use permits and planned unit developments along US Route 12 within the boundaries of Elia Township. The applicant's Pattern Book replicates all of these design elements and expands on them to provide even more precise guidance for the development review process; the Pattern Book's 61 pages, proposed in total as one of many conditions of approval, will ensure that the development's aesthetics will be high quality and consistent with the area's character. Hence, the development will not have substantial adverse impacts on the character of the area.

3. Natural resources

Comment: Given the site's current predominant layout as a conventional monoculture farm field with minimal stormwater or water quality controls, there are few existing natural resources on-site. The County's ordinance and other agency regulations will ensure that such existing natural resources will be protected or mitigated. Further, the development's impact on the environment will be significantly improved through the extensive use of permanent open space, the inclusion of stormwater and water quality best management practices, and the Pattern Book's emphasis on establishment of landscaping and native species habitat. Therefore, the development will not have a substantial adverse impact on natural resources.

4. Infrastructure

Comment: Public facilities and services available to the property include public sanitary sewer and water by agreement, transportation, support services (including law enforcement and fire protection), and standard utilities. Public sanitary sewer and water will be available to the development of this site based on an executed contractual agreement between the applicant and the Village of Lake Zurich. Should the property develop prior to 2018, per the Lake Zurich executed contractual agreement, a private water well system could be implemented on-site on an interim basis until the contractually obligated public water supply becomes available. One of the conditions of approval will be that sanitary sewer will be required for the final development plan. Capacity for this development will be sufficient. The site is served by an existing strategic regional arterial (US Route 12) and a major collector road (Old McHenry); at the time of final development plan approval, all additional necessary road improvements and access-related improvements will be required by the relevant highway authorities before development can proceed. The site's stormwater will be handled adequately through extensive stormwater management controls established by ordinance and the applicant's Pattern Book. Finally, the site has full access to standard utilities such as gas, electric, and telephone services among others. Hence, the development will not have a substantial adverse impact on infrastructure.

5. Public sites

Comment: The proposed PUD will not have a substantial adverse impact on public sites. No residential is proposed in the development; hence the net impact of the project on local schools will be beneficial as no students will be added and the site's property tax will provide significant tax revenue for the schools. Other local taxing districts (including libraries) will likewise benefit from the site's generated property taxes.

6. Any other measures affecting the public health, safety, or general welfare

Comment: The applicant's development proposal, bound by significant open space preservation, intensity limits, setbacks, lighting controls, stormwater and water quality best management practices, and an extensive series of community character-related

design conditions, will help both mitigate negative impacts on public health, safety and welfare and add positive benefits to the area. Required transportation improvements will both mitigate the site's traffic impact and will benefit the overall capacity of the area roadways at and near the intersection of US Route 12 and Old McHenry Road. The site's proposed commercial use will enhance and balance the local tax base, add shopping, employment and service options for the area population, and will not add to population growth directly adjacent to a strategic regional arterial corridor. As such, the proposed development will not have a substantial adverse impact on any other aspects of public health, safety or general welfare.

PUD Preliminary Plan Approval Criteria - UDO Section 3.7.3.8.

- a. The proposed development in its proposed location is consistent with the Comprehensive Plan:

Comment: See response to Appendix A, Standard 1, below.

- b. The proposed development in its proposed location complies with the PUD Standards of Section 7.8:

Comment: The proposed PUD complies with the Standards in Section 7.8 as follows:

7.8.1/Description:

7.8.1.1: The proposed PUD consists of a flexible design in contrast to the standard conventional requirements of the General Commercial Zone. Rather than incorporating flexibility to allow *fewer* restrictions, the proposed PUD instead uses flexible design to significantly constrain development of the site below the thresholds and allowances of the proposed underlying zone.

7.8.1.2: The site's flexible design involves more context-sensitive means of providing access, light, open space and design amenities than is normally present in the proposed underlying zone.

7.8.1.3: The site's large size and location, coupled with the proposal's high-quality design, environmental controls and open space preservation, will ensure that resulting development will be environmentally sensitive and consistent with local community character. These features will allow the development to be oriented to US Route 12, provide more significant buffering to the residential development south, east and north of the site, and greatly enhance native habitat and other natural amenities.

7.8.2/Intent:

7.8.2.1: No residential is proposed on-site; adequate available residential is in the vicinity of the site.

7.8.2.2: While the development area is confined to 53 of the site's 108.79 acres, approximately half of the site will be conserved as permanent, naturally enhanced open space consistent with conservation design.

7.8.2.3: While the site's precise recreational connectivity will be specified at the Final Development Plan stage, the property's open space will not be internally fragmented and will be located adjacent to surrounding properties.

7.8.2.4: The proposed development's open space-related design is an innovative, creative alternative to conventional commercial development design.

7.8.2.5: No residential is proposed on-site; the proposal's cluster-development approach will locate utilities on-site more efficiently than under conventional development.

7.8.2.6: A mixture of commercial uses is contemplated on-site; the site's location in the vicinity of other commercial and residential development at or near US Route 12 allows for an appropriate balance of uses in the site's immediate area.

7.8.3/Zoning Districts: A PUD is allowed in the proposed General Commercial Zone.

7.8.4/Minimum Site Area: The UDO does not require a minimum site area; the proposed PUD (given its context-sensitive design) is consistent with the surrounding existing development in the area along US Route 12.

7.8.5/Compliance with Other Regulations: The Final Development Plan can be approved only if all applicable standards of the UDO and specific development conditions are met.

7.8.7.2/Allowed Uses/Nonresidential Zoning Districts: Uses will be limited to those allowed by right in the General Commercial Zone and others expressly permitted or excluded by the County Board.

7.8.8/Standards: The development will be subject to extensive development conditions, and shall comply with all other applicable UDO standards at the time of Final Development Plan approval.

7.8.9.2/Density and Intensity/Nonresidential PUDs: The maximum floor area for a nonresidential PUD in the General Commercial Zone is 34.5% whereas the maximum impervious surface is 80.5%. The development's confinement to a maximum of 800,000 square feet on only 53 acres of the 108.79 acre site results in floor area and impervious surface significantly below these thresholds.

7.8.11/Road Standards and Specifications: Road standards will be addressed at the Final Development Plan stage.

7.8.12/Public Roads: Road standards will be addressed at the Final Development Plan stage.

- c. The proposed development in its proposed location will not result in a substantial adverse effect on any of the following, either as they exist at the time of application or as they may in the future be developed as a result of implementation of the Regional Framework Plan:
- a. adjacent property,
 - b. natural resources,
 - c. infrastructure,
 - d. public sites, or

- e. any other matters affecting the public health, safety, or general welfare

Comment: See response to Standard 3, Conditional Use Permit Approval Criteria above.

APPENDIX A
UDO Purposes and Intents
Section 1.5 of the Unified Development Ordinance

Staff Note: A number of listed purpose and intent provisions in Section 1.5 of the UDO are not relevant to this development proposal as they either (a) address the regulatory mechanics of the UDO (such as the classification of the unincorporated area into zoning districts), (b) or address land use or other topics not relevant to a commercial development proposal (such as the elimination of nonconformities). As such, staff's analysis will be confined to those specific purpose and intent provisions that are relevant to the Dimucci proposal.

1. Implementing the Framework Plan:

- A. **Future Land Use Map:** The subject property is designated on the Future Land Use Map as Single Family Residential Medium Lot. At the time the Framework Plan Future Land Use Map was adopted in 2004, this residential designation (consistent with residential properties in the site's vicinity) was predicated in part on the lack of available sanitary sewer infrastructure to the subject property in the unincorporated area (in contrast to contemporaneous Hawthorn Woods Village plans reflecting commercial development of the site given the capability to service the property in the Village). However, sanitary sewer service is now available to the site through an executed contractual agreement between the property owner and the Village of Lake Zurich, reflecting a change in the assumptions underlying the original Future Land Use Map designation. Development along the US Route 12 strategic regional arterial corridor from the County Line north to Wauconda has consistently and predictably trended commercially in recent years (examples include larger developments such as the Deer Park Town Center, the Shoppes of Kildeer, and various larger commercial complexes in Lake Zurich) to provide shopping, employment and service needs of the population in this part of the County and to provide a balanced tax base for taxing districts. Conversely, in contrast to the site's current Estate zoning classification, new single family detached residential development directly along US Route 12 has been virtually non-existent within Elia Township and to the north for several miles since the early 1990s. Residential development has occurred primarily at a distance from this regional highway along local and collector roads. Hence, while Future Land Use Map is currently inconsistent with the proposed development, changing conditions since 2004 warrant the development's approval.

B. Regional Framework Plan Objectives: For purposes of reviewing zoning map amendments, the goals and policies of the Regional Framework Plan have been summarized into six main objectives:

- 1. Encourage commercial development that meets the shopping, service and employment needs of local residents:** The comprehensive plans for BACOG and Hawthorn Woods plan for some or all of the site to be developed commercially. The proposed development is also consistent with the trends of development along US Route 12. Given the site's large size and roughly equidistant location midpoint between Wauconda's commercial center to the north and the Lake Zurich/Kildeer/Deer Park continuum of larger commercial development to the south, this particular site represents an opportunity to meet the shopping, service and employment needs more locally for residents in the vicinity of the property while adding value as a regional destination along the US Route 12 regional commercial corridor. This particular proposal also reflects local needs by offering high-end commercial opportunities in a manner that is consistent with the Route 12 Corridor Planning Council's high quality vision for the area.
- 2. Protect prime agricultural lands from premature development; and protect priority open space, natural and cultural resources:** The site's current monoculture farming use is no longer consistent with the needs and trends along this commercial highway. Policy 9.3.2 recommends rezoning of agricultural land "to accommodate desirable development and when appropriate infrastructure and services are available or will be provided by the developer." In considering the amount and intensity of commercial development along the US Route 12 corridor and the fact that sanitary sewer and water services are now contractually available through Lake Zurich, the subject property is appropriate for rezoning. Due to past farming practices, there are limited natural resources on the site. The proposed development sets aside approximately half of the site in permanent open space for the protection and enhancement of natural resources and environmental features. The proposed development plan includes significant setbacks and landscape buffering in order to preserve scenic views, particularly adjacent to residential areas located east and north of the subject property. The open space preservation and applicant's Pattern Book, proposed as a development condition, further provides a commitment to incorporating Best Management Practices (in terms of native species, stormwater features, and

other best management practice elements) in the enhancement, care and maintenance of the site's permanent open space.

3. **Direct growth to locations where infrastructure capacity is available or committed to be available in the near future:** Infrastructure available to the property includes public sanitary sewer and water by agreement, transportation, and standard utilities. Public sewer and water will be available to the development of this site based on an executed contractual agreement between the applicant and the Village of Lake Zurich; existing sewer lines extend as far north as Wynstone at this time and public water can be extended at the time of development. Should the property develop prior to 2018, per the Lake Zurich executed contractual agreement, a private water well system could be implemented on-site on an interim basis until the contractually obligated public water supply becomes available. The site is served by an existing strategic regional arterial (US Route 12) and a major collector road (Old McHenry); at the time of final development plan approval, all additional necessary road improvements and access-related improvements will be required by the relevant highway authorities. Finally, the site has full access to standard utilities such as gas, electric, and telephone services among others.
4. **Support the revitalization of residential, commercial and industrial areas:** The area surrounding the site is not identified as a disinvested area. Nonetheless, the property's development as a commercial site will help diversify the local tax base and provide needed tax revenue to support services.
5. **Support the integration of mixed land uses and transportation systems to provide more choices in housing, shopping, communities and transportation:** The proposed development includes a mix of commercial development with open space, offering shopping in well-buffered environment from surrounding properties. While a residential component is not part of the development plan, housing opportunities are currently available in the site's vicinity. The site's commercial development would have direct transportation access to a major regional arterial roadway and major collector roadway.
6. **Encourage an appropriate range of housing types:** While being located in the vicinity of various housing developments, the proposed development

itself does not include additional housing. Since the proposed development does not include residential uses, it would provide additional tax revenues to support local schools and other public services for residents without adding a corresponding burden on such public services.

- 7. Protecting landowners from any adverse impacts associated with development that occurs in unincorporated Lake County:** The proposed commercial PUD, constrained by a variety of development conditions, will not have an adverse impact on the surrounding area. First, commercial development along the US Route 12 strategic regional arterial corridor has consistently trended commercially in recent decades. Along this regional corridor, large commercial projects have been uniformly sited adjacent to or in the direct vicinity of existing residential development at a short distance from the highway or at highway/collector road intersections. This project's approximately 50% permanent preservation of open space surrounding the development area, reinforced through significant setbacks, landscaping opacity and berming conditions, and strict photometric requirements, will ensure minimal visual, noise and light impacts on adjacent property. As the property is currently farmed and hence off-site stormwater release and water quality is largely uncontrolled, stormwater management and water quality impacts on adjacent property will be mitigated in the proposed development through UDO standards and additional best management practices established by the applicant's Pattern Book. Finally, the applicant's Pattern Book – as development condition – will ensure that the design of the site and buildings thereon will be visually appealing, and visually compatible with adjacent properties.
- 8. Implementing land use and open space policies that will preserve agricultural uses of land and the rural, open character of the unincorporated area of the county:** This commercial project will introduce permanent open space in a large, concentrated area characterized by native habitat and species and significant landscaping features.
- 9. Controlling development in areas of sensitive natural resources, in order to reduce or eliminate adverse environmental impacts:** The site's minimal existing natural resources will be protected or mitigated, while the project's large area of preserved open space coupled with sustainable natural features and stormwater management best practices will reduce or eliminate adverse environmental impacts.
- 10. Protecting the integrity of watersheds:** The site falls within two watersheds, each of which will be protected through the site's large concentration of open space and stormwater management best practices.

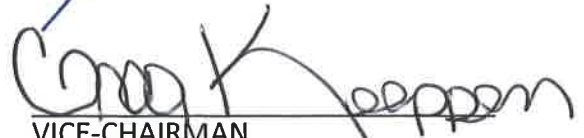
- 11. Promoting sustainable development:** The project represents a regional model for sustainable development best practices by incorporating both clustered development within significant open space and sustainable best practices through the applicant's Pattern Book.
- 12. Promoting conservation development:** The proposal calls for a commercial conservation development consisting of development confined to 53 acres and surrounded by permanent open space.
- 13. Managing growth within the unincorporated area of the county by concentrating development in areas where adequate sewage and water facilities, roads, and schools now exist or can be provided, and limiting development where these facilities are not adequate:** Adequate sewage and water facilities are now available by executed contractual agreement with the Village of Lake Zurich; the site is bounded on two of three sides by a strategic regional arterial and a major collector road. Schools exist in the area: the development does not generate a need for school facilities but provides additional property tax revenue to support local school services.
- 14. Protecting the tax base by managing growth within unincorporated Lake County:** This large commercial site will help diversify and strengthen the tax base in unincorporated Lake County.
- 15. Promoting land use patterns that increase efficiency in service provision and prudent use of fiscal resources and local government expenditures:** Regarding service provision, a sanitary sewer force main is currently adjacent to the site. Law enforcement and fire protection services will benefit from the commercial site's property tax revenues, and the site's concentrated, managed commercial character and required conformance with commercial fire and other life safety codes will accommodate more efficient use of such services.
- 16. Ensuring the continued usefulness of all elements of the highway system for their planned function by increasing the safety and free flow of traffic by limiting numbers of intersections and driveways on major roads, while requiring greater connectivity of local streets:** The site's large concentrated commercial layout will necessitate fewer highway access connections than would otherwise be needed for more piecemeal development of a large commercial or residential area. The project will involve major transportation improvements at the Final Development Plan stage, thereby increasing the safety and free flow of traffic in the vicinity of the US Route 12 and Old McHenry intersection.

17. Ensuring protection from fire, flood, and other dangers: The site's commercial development must conform to modern fire and life safety codes. The site's significant amount of permanent open space coupled with stormwater management best practices will mitigate against flooding dangers and will cumulatively decrease off-site stormwater impacts over the site's current use as agricultural field with minimal stormwater controls.


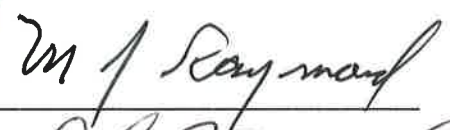
18. Providing adequate privacy, light, and air: The project involves significant setbacks and the concentration of commercial development to only 53 acres of the site's total 108.79 acres. The site will be further buffered via landscaping, earthen berms and other features. Hence, the project's development conditions will provide adequate privacy, light and air within and surrounding the site.

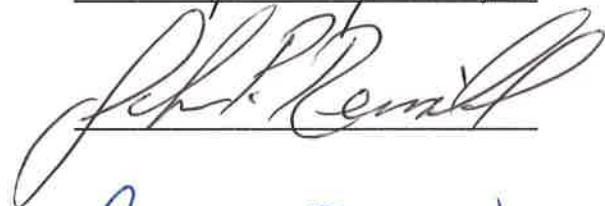
THE REQUESTED CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND PUD PRELIMINARY PLAN ARE HEREBY APPROVED SUBJECT TO CONDITIONS EXPRESSED IN ZBA EXHIBIT "1" AND ZBA EXHIBIT "1A" ATTACHED.


CHAIRMAN


VICE-CHAIRMAN







Dated this 18th day of September, 2012.

Rezoning Case No. 3746; Conditional Use Permit Case No. 4756
DiMucci Property Application
Zoning Board of Appeals - Exhibit "1" -
Conditions for PUD Preliminary Plan

Letter of Intent – Development Conditions

1. The site's maximum allowed floor area shall be reduced from 800,000 square feet to no more than 450,000 square feet of retail with the balance of the project as "local service-oriented uses" such as restaurants, entertainment, local commercial service, other neighborhood-oriented uses or general office uses, provided that the total project floor area is limited to 650,000 square feet. It is to be noted that the total allowed floor area thus being allowed for "retail" and "local service-oriented uses", 650,000 square feet, is less than half the approximately 1,400,000 square feet which would be allowed if the property were rezoned to general commercial zoning without restrictions and is a little more than half of the approximately 1,200,000 square feet of floor area in the Deer Park Triangle commercial area.
2. Any buildings located within 300 feet of the Old McHenry Road right-of-way line shall be limited to 35' in height (with 15' of additional height allowed for architectural features).
3. For the remainder of the buildable area (as defined by the setbacks on the Preliminary Development Plan), buildings shall be limited to no more than 50' in height (with 15' of additional height allowed for architectural features) and shall be further limited to no more than 3 stories.
4. Lighting shall be limited to the following maximum thresholds: 0.75 footcandle along Rand Road, 0.25 footcandle along all other property lines and all lighting fixtures shall meet the criteria of "Dark Sky" principles.
5. The following uses shall be prohibited on the property:
 - Hospitals/medical centers with overnight beds
 - Adult entertainment establishments (as defined in the current Lake County UDO, including adult stores, adult theatres and adult cabarets; and as otherwise defined as "adult entertainment facilities" in 55 ILCS 5/5-1097.5)
 - Crematoria
 - Boat/Car/Other Vehicle Sales with outdoor storage/display
 - Airports

- Bus terminals
 - Tattoo parlors
 - Mortuaries
 - Self-service (coin-operated) laundromats
 - Dwelling units
 - Outdoor Kennels
 - Service Stations/Fuel Storage Facilities
6. The development shall retain on-site security for all retail hours of operation if requested by the Sheriff's Office.
 7. The developer shall provide up to an acre of land to be used for Sheriffs and Fire Protection District substations on-site, if requested by these agencies.
 8. Any outdoor storage/display associated with established retail uses on-site shall be completely enclosed and screened from view by a wall meeting the architectural conditions of the applicant's Pattern Book dated January 25, 2010; such outdoor storage/display area shall only be accessible via the interior of the retail building.
 9. Parking structures shall be limited to 2 stories; any parking structures oriented to Old McHenry Road shall be visually buffered from the Old McHenry right-of-way through additional enhanced screening.
 10. The development layout shall, at least in part, feature separate structures, individual external store entrances or other means of promoting open-air circulation of pedestrians.
 11. Open-air pedestrian-oriented amenities shall be featured to further enhance community character. Examples include, without limitation, the following: fountains, waterfalls and other decorative water features; gazebos and pavilions; pedestrian trails; outdoor seating; and internal streetscape improvements.
 12. Off-site stormwater flow from the development shall be at least restrictive as the Squaw Creek Release Rate (specifically defined as 0.02 cubic feet per second, per acre for the 2-year 24-hour storm event; 0.09 cubic feet per second, per acre for the 100-year 24-hour storm event) in lieu of any less-restrictive release rates of the current Lake County Unified Development Ordinance.
 13. The Lake County Planning, Building and Development Department and the Stormwater Management Commission will exercise concurrent responsibility for

review and approval over the stormwater-related components of the project utilizing, unless otherwise provided herein, the standards of the Lake County Unified Development Ordinance (UDO).

14. Performance guarantees shall be required for the installation and maintenance of landscaping equal to the following: for installation-130% (100% plus 30% contingency) of the estimated installation costs (including labor and materials); for maintenance: 15% of the estimated installation costs (including labor and materials). Such guarantees shall encompass not only new landscape buffering required along all property lines but also required screening enhancements to existing landscaping and berming along abutting properties in Valentine Manor.

Staff Recommended Conditions

FINAL DEVELOPMENT PLAN CONTENT AND DESIGN

Development Standards

1. The Final Development Plan [a.k.a. PUD Final Plan] shall be submitted substantially in conformance with the approved Preliminary Development Plan [a.k.a. PUD Preliminary Plan] and conditions identified on the plan in Tab 5 in the petitioner's application dated January 23, 2012 and the provisions of this Exhibit [Exhibit "1"]. Modifications to the Preliminary Development Plan shall be evaluated based on Article 3, Section 3.7.4 – Modification of Approved PUD Preliminary Plans/Plats in the Unified Development Ordinance.
2. Proposed modifications to increase the overall site release rate or decrease the quantity or quality of water treatment shall be considered Major PUD Modifications.
3. Final Development Plan acceptance and approval shall be governed by the conditions listed in this Exhibit [Exhibit "1"], as modified during the review of the Final Development Plan.
4. The engineering for the DiMucci Family Property hereafter referred to as "The Property" shall be prepared in accordance with the Engineering conditions of this Exhibit [Exhibit "1"] and current ordinances of Lake County or applicable permitting agencies at the time of application for the Final Development Plan review. The Final Development Plan shall not be approved until the applicant has demonstrated to the County and other permitting agencies that all permit requirements have been met. The Director of the Department of Planning, Building and Development shall determine when this condition has been satisfied.
5. The final development plan shall not be approved until sanitary sewer is available and a public water system is available to service the proposed development.

6. The Development Area shall not exceed 53 acres of the Net Site Area. The use of the development area shall contain all buildings, parking areas, ingress and egress roads and entrance features (i.e. sign monuments).
7. The Conditional Use for the Planned Unit Development of the DiMucci property shall be subject to developer's strict compliance with the standards identified in the "DiMucci Development Pattern Book." Where the language of the Pattern Book identifies standards that "should" be utilized or "encouraged," the Planning Director shall analyze and make a recommendation that the architectural, sign, site layout, parking, and landscaping conditions of the "Pattern Book" are sufficiently met. The Planning, Building and Zoning Committee shall review and approve all recommendations to determine compliance during the public informational meeting.
8. Covenants, Conditions and Restrictions shall meet the minimum requirements of Section 10.9.4.5 of the Unified Development Ordinance and include provisions for the permanent protection and maintenance of all open space areas and associated improvements (stormwater detention areas/facilities and improvements, landscape areas, natural resource protection areas, recreational areas, native plantings, landscaping and best management practice improvements) to assure that these improvements will be permanently protected and maintained in the future.
9. The Final Development and Final Engineering Plans shall be prepared in accordance with the provisions of Article 4 – Site Capacity, Site Plan Review and Natural Resource Protection, Article 8 –Site Development Regulations, Article 10 – Subdivisions, the Lake County Highway Access Regulation Ordinance, and the Standard Specifications for Water and Sewer Construction in Illinois.
10. A Site Development Permit shall not be issued for any onsite construction activity related to the development until the final engineering plans for transportation, stormwater management, site capacity and natural resource protection and sanitary sewer and water systems have been substantially approved by all permitting agencies and transportation agencies have agreed to issue permits to begin onsite improvements.
11. Following staff's initial review and comment period of the Final Development Plan, the developer shall hold an informational meeting in a neighboring facility to receive public input on the proposed Final Development Plan. Following this meeting, staff will present the Final Development Plan and staff's report to the Planning, Building and Zoning Committee for the required public informational meeting before the Committee.

Development Support Documents

1. The development support documents shall be based on and reflect all standards of the "Pattern Book".

2. Prior to acceptance of the Final PUD Plan for review, the developer shall have substantially completed all reports, studies and plans necessary to support the proposed development plan including the submission of the following listed plans. This will be verified by a check-in with staff, the developer and their consultants'.
 - a. Site Plan: A detailed site plan shall be required that meets the application submittal requirements of Article 4 of the Unified Development Ordinance.
 - b. Engineering Improvement Plans: Detailed engineering plans that include provisions for:
 1. Stormwater Management, Erosion and Sedimentation Control
 2. Transportation engineering for both onsite and offsite transportation improvements.
 3. Sanitary Sewer and Water Main Engineering and utility placement provisions.
 4. Natural Resource Inventory and Plan that identifies all natural resources on the property and demonstrates how the resources will be protected in development of the property. All support information (i.e. calculations, studies, reports etc.) shall be submitted prior to processing the application for the Final Development Plan.
 - c. Landscape Plan: A landscape plan shall be provided with the submittal of the Final PUD Plan. The landscape plan shall comply with the Landscape standards of the Unified Development Ordinance – Article 9 – for perimeter street landscaping, transition yards and parking lots and the provisions of the Pattern Book. The plan shall also provide information on the installation, maintenance and monitoring of plant materials.
 - d. Parking and Circulation Plan: The Final PUD Plan shall satisfy the parking standards of Article 9 of the Unified Development Ordinance for the proposed use mix. The parking plan shall include time of use statistics for uses that would be active at different parts of the day and/or of the week to determine if shared parking would be possible to reduce the overall parking within the development. The parking plan should also include a circulation plan and provisions for loading of supplies.
 - e. Sign Plan: A sign plan will need to be provided for all proposed signs for the project. The plan should identify the type (i.e. ground, informational), size and location of each sign and must comply with the “Pattern Book”.
 - f. Photometric Plan shall be provided that complies with the lighting standards specified in the Preliminary PUD Plan and the provisions of the Pattern Book.

- g. Architectural Plans showing the building details, elevations, height, color palette, windows, signage and lighting standards for all buildings proposed for the development shall be provided along with a narrative from a registered architect explaining how the proposed building plans and details comply with the provisions of the "Pattern Book".

Identification and Conveyances

1. Stormwater detention areas, landscape areas, natural resource protection areas, water features, recreational areas and similar open space uses will need to be identified on the Final Development Plan in accordance with Article 4 of the UDO.
2. A plat of easement will need to be provided for all utility elements and easements required for the project.
3. A Plat of Dedication shall be prepared in accordance with the provisions of the Illinois Department of Transportation and/or the Lake County Division of Transportation for all land conveyed to the public for public roadway purposes.
4. All sanitary sewer and water supply facilities owned and operated by a public utility provider and shall be dedicated to that provider as part of the Final Development Plan.

Open Space Development and Use

1. The portion of the property to be dedicated as "Open Space" on the Preliminary Development Plan (approximately 51 acres) shall be restricted to permanent open space through legal encumbrance. The open space shall be limited to such uses and improvements as: natural resources, stormwater detention facilities, open water features, recreational improvements, utilities and landscape improvements. The open space area shall be restored and established in part with native vegetation indigenous to Lake County.
2. Sustainable features such as: rain gardens, bio-swales, and native landscaping will be considered part of the open space provided such spaces are integrated into the overall open space for the development.
3. Site disturbance by heavy machinery shall extend no more than 100 feet beyond the developable area. All areas to be disturbed within the open space shall utilize low ground pressure (LGP) machinery and equipment, except where structural soil compaction is required.
4. The project site shall be designed to maintain or reduce natural stormwater flows by promoting infiltration. Sustainable design strategies shall be utilized to integrate natural treatment systems such as constructed wetlands, vegetated filters, and open channels to treat and dissipate stormwater runoff, as well as to promote infiltration.

Assurance of Public Improvements:

1. Prior to the onset of construction activities, a performance assurance in the amount of 130% of the cost of construction for the public improvements included in the approved final engineering and/or other improvement plans provided by the project's consulting engineer, landscape architect and/or architect, shall be provided in the form of a bond or other form of security that has been approved by the States Attorney's Office. The initial term of the performance assurance shall be for 2 years and may be extended for a term of 7 years with approval by the Director, of the Department of Planning, Building and Development. Assurance extensions beyond the 7 year period shall be approved by the Planning, Building and Zoning Committee. If the Final Development Plan is to be implemented in phases, each phase shall have its own assurance and will be subject to these terms.
2. The costs included in the estimate shall be consistent with Article 10, Section 10.9.5.5.a.1 of the Unified Development Ordinance and shall include the costs associated with installation, maintenance and monitoring of landscaping, native planting and natural area enhancement, stormwater management and water quality best management practice improvements.
3. An escrow account shall be established prior to the issuance of a Site Development Permit for ongoing site inspections and/or reinspections associated with reducing or releasing the development assurances. The amount of the escrow account shall be established at the time of engineering review as part of the Final Development Plan review process.
4. The performance assurance may be reduced during the performance period upon submittal of: 1.) a formal request from the developer or their representative (i.e consulting engineer or project manager), 2.) all support information necessary to enable the County to assess the feasibility of the reduction; this includes a cost estimate that reflects the original cost of construction and the amount and value of the remaining improvement costs.
5. A maintenance assurance shall be provided to assure that the structure, function and integrity of the improvements that were included in the performance assurance are maintained in accordance with the standards and specifications approved with the Final Development Plan. The amount of the overall maintenance assurance shall not be less than 15% of the cost of the performance assurance and shall be held for a term not less than 2 years. Improvements associated with landscaping, native planting and natural area enhancement, stormwater management and water quality best management practice improvements and recreational improvements, if any, shall have a maintenance period not less than 5 years unless the County Determines said improvements are properly established and have a long-term maintenance plan in place to insure their long-term viability.

ENGINEERING DESIGN

1. A soils report shall be prepared by an Illinois licensed Professional Engineer and shall include a boring log and development recommendations for the structural design.
2. Ingress and egress roads shall be designed in accordance with the Public Street standards of Article 10, Section 10.10 of the Unified Development Ordinance.

Site Capacity

1. Site Capacity Calculations shall be updated at the time of Final Development Plan submittal to reflect current delineations of all natural resources present on the property at the time of application.
2. A natural resource inventory and plan for the protection of natural resources shall be updated to substantiate the protection of natural resources as defined by Article 4 of the Unified Development Ordinance.

Stormwater Detention Conditions:

1. The stormwater management system for the development shall be designed to meet the more restrictive Squaw Creek Watershed release rates of 0.02 cubic feet per second, per acre for the 2-year 24-hour storm event; 0.09 cubic feet per second, per acre for the 100- year 24-hour storm event in lieu of the standard Unified Development Ordinance release rates.
2. A minimum 30' vegetative buffer shall be placed directly downstream of all stormwater discharge points within the overall drainage system.
3. The boundary of all detention basins shall be irregular and shall mimic naturally formed water/wetland features; a riparian buffer of native vegetation shall be provided to benefit water quality and habitat.
4. No underground, pavement surface ponding, permeable pavement storage, or roof detention will be allowed to meet the stormwater management detention credit requirements.

Water Quality Requirements:

1. Prior to discharging to any wetlands or adjoining property, the development must divert and detain the "first flush" of a storm event, defined as 0.01 inches of runoff for every 1 percent of impervious surface for the development, with a minimum volume equal to 0.2 inches of runoff.

2. Where practical, stormwater shall discharge into the buffer area of a wetland or water body rather than directly into such a feature. Such discharges shall enter the buffer as unconcentrated flow with appropriate energy dissipation measures to prevent erosion.
3. Where stormwater management facilities are designed to meet water quality treatment requirements, native plantings shall be established between the design normal and high water levels.
4. In addition to the requirements above, hydrocarbon (e.g. oil and grease) removal technology shall be required using a volume of 0.5 inches of runoff for the impervious surface tributary area to each treatment device meeting a minimum of 70 percent removal rate for parking lots with more than 25 stalls and vehicle fueling and servicing facilities.
5. All best management practices and water quality devices shall be designed by an Illinois licensed Professional Engineer.
6. Water quality treatment device installation shall occur concurrently with installation of all stormwater management devices onsite, with the exception of devices which are integrated into impervious areas, such as parking lot bioswales or landscaped rain garden features. No occupancy shall be granted prior to installation of all water quality treatment devices integral to the development phase.
7. The south property line drainage way is within the jurisdiction of the United States Army Corps of Engineers, and grading or impacts to the channel will require a permit from that office. This drainage way shall be enhanced and improved to provide adequate water conveyance, improved water quality, and to minimize soil erosion and sedimentation. Enhancement activities include regrading side slopes, removing invasive plant species, and re-vegetating the area with native plants.
8. All stormwater runoff from the development area and all impervious surfaces shall discharge to vegetative buffer areas prior to entering any stormwater management devices, wetland areas, or leaving the property.
9. On-site stormwater and water quality best management practices shall be implemented, where practicable. These are site-specific practices that can minimize onsite and offsite hydrologic and water quality impacts by replicating natural hydrologic processes and incorporating these designs into the development site. Examples of stormwater best management practices include:
 - a. *Native Landscaping:*
 - i. *Suitability:* Native landscaping may be installed throughout the site to meet and complement existing landscaping standards; native vegetation may be installed internal to the development area and throughout the open space area.

- ii. *Benefits:* Native landscaping benefits biodiversity, aesthetics, habitat, cooling of ambient air, and stormwater management. Native landscapes, including native prairies and wetlands, can improve water quality through infiltration and cleansing of stormwater runoff. Properly designed landscapes that incorporate native plants and hydrologically and ecologically appropriate vegetation can not only facilitate effectiveness of stormwater management but also provide wildlife habitat and quality open space. Native vegetation is recommended as either a large site ecological enhancement in the open space or smaller, interior “garden” projects within the developed area. Native vegetation uses plants that are endemic to northeastern Illinois prior to European settlement that are adapted to the local climate and are not considered invasive species or noxious weeds. Native landscapes can serve a variety of purposes, stormwater infiltration, filtering of pollutants, evapotranspiration of stormwater, and wildlife habitat. Native plants require minimal or no irrigation following establishment, do not require active maintenance such as mowing or chemical inputs such as fertilizers, pesticides or herbicides, and promote biodiversity through avoidance of monoculture plantings.

b. *Bioswales:*

- i. *Suitability:* Bioswales may be installed throughout the site as filtration and infiltration systems planted with native grasses and forbs, and designed to filter, retain and evapotranspire stormwater.
- ii. *Benefits:* Vegetation enhances filtration, cooling, and cleansing of water to improve water quality and prevent sealing of subsoils. The bioswales typically include an infiltration trench below the vegetated swale to provide temporary storage to increase the volume of runoff water infiltrated.

c. *Filter Strips/Level Spreaders:*

- i. *Suitability:* Filter strips and level spreaders are typically installed at the outfall of stormwater management devices within the system and at the ultimate outfall point.
- ii. *Benefits:* Filter strips are areas of dense, native, vegetative cover used to filter and absorb runoff. Level spreaders are often used in conjunction with filter strips and are laid on the contour to distribute runoff over filter strip areas. Filter strips/level spreaders can be used within stream and wetland buffers to diffuse stormwater prior to discharge to streams and wetlands.

d. *Green Roofs:*

- i. *Suitability:* Green roofs may be incorporated into the architectural design of any building.
- ii. *Benefits:* Vegetated roof systems are designed to capture, temporarily store, and evapotranspire rainwater on the top of roofs. Typically, green roofs are

planted with drought and wind tolerant vegetation. Green roofs can be designed as simple, lightweight systems that provide stormwater benefits, or as more elaborate rooftop gardens that also provide outdoor space.

e. *Naturalized Detention:*

- i. *Suitability:* Designed detention basins, used to store and filter runoff, may incorporate a naturalized design, benefiting water quality.
- ii. *Benefits:* Native wetland and prairie vegetation improves water quality and provides habitat benefits. Naturalized detention basins can be designed as either shallow marsh or hemi-marsh systems with little or no open water, or as open water ponds with a wetland fringe and prairie side slopes.

f. *Porous Pavement:*

- i. *Suitability:* Permeable or perforated paving materials may be incorporated into parking areas, internal drives, and paths and walkways within the development.
- ii. *Benefits:* Permeable or perforated paving materials with spaces that allow for the infiltration of rainwater and the transmission of water to aggregate base and subsoils. Runoff is temporarily stored in the base for infiltration into the subsoils and/or slow release to a bioswale or stormwater system.

g. *Rain gardens:*

- i. *Suitability:* Rain gardens are landscaped gardens designed to retain, detain, infiltrate, and evapotranspire stormwater runoff may be installed throughout the site as landscaped planting areas, within parking lots, or on rooftops.
- ii. *Benefits:* Rain gardens reduce stormwater runoff and improve water quality, while providing an aesthetic benefit to the site and incorporating natural areas throughout the site, linking interior spaces to the greater open space.

h. *Vegetated Swales:*

- i. *Suitability:* Vegetated stormwater features convey, retain, infiltrate, and cleanse stormwater. Such features may be installed downstream of impervious surface areas to provide pre-treatment before stormwater enters a detention facility.
- ii. *Benefits:* Native vegetation enhances filtration and retention of stormwater.

Additionally, directing stormwater runoff through an overland swale may reduce the resources devoted to storm sewer piping and installation, while improving stormwater runoff quality.

i. Additional information on best management practices can be obtained from:

- i. BMP Toolbox: The Dead River Watershed-Based Plan (SMC Website)

1. [http://www.Lakecountyil.gov/Stormwater/Documents/Planning/Dead%20River/DR 4 ShedBMPToolbox 0908.pdf](http://www.Lakecountyil.gov/Stormwater/Documents/Planning/Dead%20River/DR_4_ShedBMPToolbox_0908.pdf)
- ii. Watershed BMP Handbook - First Edition, Village of North Barrington, Illinois, August 2010
1. <http://www.Lakecountyil.gov/Stormwater/Publications/BMPs/Vil%20of%20North%20Barrington%20Watershed%20BMP%20Handbook.pdf>

Monitoring and Maintenance Conditions:

1. A short-term and long-term maintenance, monitoring, and management plan shall be developed for all stormwater management features, native vegetation, landscaping, and deicing activities. The plan shall be created by an appropriate professional and shall include a narrative describing the regular short-term and long-term inspection schedule and maintenance practices to be implemented for the following items, at a minimum:
 - a. Maintenance of pipes, drainage swales, stormwater detention basins, water quality treatment devices, and best management practices, in addition to other necessary procedures to ensure maintenance of the facilities in accordance with the approved final engineering plans.
 - b. A Certified Wetland Specialist (CWS) shall define the short-term and long-term native plant establishment and maintenance conditions for each of the natural areas, buffers, stormwater drainage facilities, water quality treatment areas, and other best management practices facilities utilizing native plans. The plan shall include:
 - i. A narrative describing the inspection schedule, management, and maintenance practices for each area and the respective responsible party.
 - ii. A complete plant list shall be provided for each best management practices area, along with performance standards to be achieved within a specified time period.
 - iii. The performance period shall consist of a minimum five years at which time the vegetation performance standards are met, unless the vegetation performance standards can be met earlier for two consecutive growing seasons, at which time the performance period shall be considered complete.
 - iv. Conversely, if the vegetation performance measures are not met within the standard five year timeframe, the performance period may be required to be extended.
 - c. Monitoring and maintenance plan specifications shall be developed for landscaped areas and shall include watering schedules, mulching requirements, pruning schedules and instructions, vegetation replacement requirements, landscape debris management, and turf management. Turf management shall include the following:

- i. Phosphorous fertilizers shall not be applied unless new lawn is being established or if a soil test indicates a soil phosphorous deficiency.
 - ii. Lawn fertilizer applications shall not occur on frozen ground or ground saturated with water.
 - d. We recommend that a De-icing Program be adopted to promote the understanding of the tools, best practices, and limitations for snow and ice control. The program should be designed to encourage progressive changes in snow and ice control practices that will reduce salt/sand use and environmental impacts while meeting the safety and mobility needs of road and parking lot users.
 - e. All responsible parties shall be identified in the plan.
- 2. For additional information on preparing the maintenance plan, the following references shall be considered:
 - a. *Stormwater Wet Pond and Wetland Management Guidebook*, based on material originally produced by: Center for Watershed Protection, 8390 Main Street, Second Floor, Ellicott City, MD 21043,
 - i. www.cwp.org, www.stormwatercenter.net
 - b. *A Citizen's Guide to Maintaining Stormwater Best Management Practices*, Lake County Stormwater Management Commission
 - i. <http://www.lakecountyil.gov/Stormwater/Publications/BMPs/Citizens%20Guide%20to%20Maintaining%20Stormwater%20Best%20Management%20Practices.pdf>
 - c. *Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois*, NRCS, et al., (as amended) as a minimum standard. [Revised 05.09.06]
 - i. <http://www.il.nrcs.usda.gov/technical/plants/npg/>
 - d. *Minnesota Snow and Ice Control Field Handbook for Snowplow Operators*, August 2005
 - i. <http://www.mnltap.umn.edu/publications/handbooks/documents/snowice.pdf>
 - e. *Winter Parking Lot and Sidewalk Maintenance Manual*, Revised for Lake County, IL, September 2011
 - i. Available from the Lake County Health Department or at:
 - ii. http://www.pca.state.mn.us/index.php/component/option,com_docman/task,doc_view/gid,5491

- f. Additional and updated references shall be provided at the time of final design.
- 3. The maintenance plan shall be recorded and incorporated in the final development plan and referenced on all engineering plans to ensure all current and future owners are aware of the required maintenance activities.
- 4. The developer shall provide annual monitoring reports to be prepared by a Certified Wetland Specialist on the status of all constructed best management practices and natural areas established or enhanced. These include all natural areas to be provided for the purpose of stormwater management, water quality, preserved wetlands, enhanced drainage ways, all areas enhanced with native planting, etc. The maintenance and monitoring report shall identify the legally responsible parties for short and long-term operation and maintenance, and dedicated funding sources.
- 5. The annual report shall summarize the results of the previous year's monitoring data shall be submitted to PB&D by January 31st of the following year. The annual reports shall contain, at a minimum:
 - a. A narrative summary of the vegetation monitoring data.
 - b. A discussion of the progress of native vegetation establishment relative to the approved performance standards.
 - c. An appendix containing the monitoring data.
 - d. Representative photographs.
 - e. A narrative summary of the management practices employed during the previous year and photographs documenting these activities.
 - f. Recommendations for proposed management practices to be employed during the following year(s), based on the monitoring results to date.
 - g. The proposed schedule for management practices in the following year(s).
- 6. The developer shall undertake all necessary remedial action to bring each area into compliance with the performance standards approved under the approved management plan.

Soil Erosion and Sediment Control Conditions;

- 1. The site shall be developed in construction phases or sequences in accordance with Lake County Stormwater Management Commission Typical Construction Sequencing:
 - a. Installation of soil erosion and sediment control SE/SC measures
 - i. Selective vegetation removal for silt fence installation
 - ii. Silt fence installation
 - iii. Construction fencing around areas not to be disturbed
 - iv. Stabilized construction entrance
 - b. Tree removal where necessary (clear & grub)
 - c. Construct sediment trapping devices (sediment traps, basins...)

- d. Construct detention facilities and outlet control structure with restrictor & temporary perforated riser
- e. Strip topsoil, stockpile topsoil and grade site
- f. Temporarily stabilize topsoil stockpiles (seed and silt fence around toe of slope)
- g. Install storm sewer, sanitary sewer, water and associated inlet & outlet protection
- h. Permanently stabilize detention basins with seed and erosion control blanket
- i. Temporarily stabilize all areas including lots that have reached temporary grade
- j. Install roadways
- k. Permanently stabilize all outlot areas
- l. Install structures and grade disturbed areas
- m. Permanently stabilize disturbed areas
- n. Remove all temporary SE/SC measures after the site is stabilized with vegetation

Phasing shall include the expected start date of clearing, the estimated duration of exposed areas, and the sequence of installation of temporary sediment control measures, clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures.

- 2. A detailed soil erosion and sediment control plan or stormwater pollution prevent plan (SWPPP) is required. The EPA's "Developing Your Stormwater Pollution Prevention Plan" guide shall be utilized for the development of the SWPPP and guidance on SE/SC conditions throughout the project.
- 3. The SE/SC plan shall include seasonal preparation. The plan shall discuss specific SE/SC measures to be installed prior to spring/summer/fall/winter months. Dates shall be provided for temporary and permanent vegetation establishment.
- 4. A detailed soil erosion and sediment control report shall be prepared and shall include the following:
 - a. Statement which names the responsible party (name, address, telephone number) for maintenance of the SE/SC measures during and after construction.
 - b. Narrative description of the construction sequencing.
 - c. Construction schedule
 - d. Contingency Plan
- 5. A construction schedule shall be submitted for each phase. A meeting with the engineer/designer, contractor, owner/applicant, and DECI shall be required prior to the commencement of each phase to discuss the construction sequencing and selection of the appropriate SE/SC measures.
- 6. A pre-construction meeting with the contractor, owner/applicant, and DECI shall be required

prior to start of any work to verify all SE/SC measures have been installed properly and in the appropriate locations.

7. A weekly or "as-needed" meeting shall be held onsite with the owner/applicant, contractor, engineer/designer, and DECI to discuss the construction status, condition of the existing SE/SC measures, corrective actions, and potential issues.
8. A spill prevention and response plan shall be submitted to reduce the chance of hazardous spills. The plan shall include where to contain and how to clean up spills, how to properly dispose of contaminated materials, and which agencies should be contacted. The plan shall include training of personnel on spill prevention and response.
9. The site shall be watered during dry or arid conditions to avoid any wind erosion or transport of sedimentation.
10. Energy dissipation devices shall be installed at the discharge locations of all stormwater management facilities to prevent erosion.
11. Properly sized sediment basins shall be installed prior to site grading to prevent any sediment from leaving the site.
12. Any disturbed areas that remain unchanged or dormant for 7 days shall be temporarily or permanently stabilized.
13. Temporary soil stockpiles shall not be located within any natural resource protection areas (regulatory floodplain, wetland, wetland buffers, drainage ways, etc.). The temporary soil stockpiles shall conform to the existing site conditions in the event that the stockpile remains onsite long term.
14. Temporary soil stockpiles shall be temporarily or permanently stabilized within 7 days following the end of disturbance or re-disturbance.
15. A Designated Erosion Control Inspector (DECI) is required to inspect the site for compliance of the soil erosion and sediment control plan or SWPPP. The DECI shall be selected from the Lake County Stormwater Management Commission's approved DECI list and shall keep a written report of all inspections including the conditions of the soil erosion and sediment control measures and corrective actions that need to be taken. The DECI must complete a SE/SC inspection every 7 calendar days and after every ½ inch or greater rainfall event. The DECI must submit a copy of the reports directly to the Lake County Planning, Building and Development Department.
16. A National Pollutant Discharge Elimination System (NPDES) permit from the Illinois Environmental Protection Agency (IEPA) is required. The applicant shall submit a Notice of Intent (NOI) to the IEPA to comply with the NPDES Storm Water Permit.

TRANSPORTATION AND ACCESS

Lake County Division of Transportation

1. The Lake County Highway Access Regulation Ordinance and the Lake County Highway Temporary Closure and Utility and Facility Placement Ordinance shall govern any proposed work within the right-of-way of Old McHenry Road.
2. A traffic study, prepared in accordance with the **Lake County Highway Access Regulation Ordinance**, shall be provided to accurately assess the impact to Old McHenry Road for any development. Assumptions can be made by the Engineer for different types of development. The traffic study shall include an evaluation of the need for a signal at the proposed access point and any improvements needed at the intersection of Old McHenry and U.S. Route 12.
3. A sight distance study shall be completed at any potential access point on Old McHenry Road to know that intersection sight distance can be obtained.
4. Right-of-way shall be dedicated along the frontage of Old McHenry Road to provide at a minimum of 60 feet of half right-of-way. In addition to this required dedication, the engineer shall determine if additional right-of-way will be required to allow the construction of the required improvements. .
5. The engineer shall determine what is required for pedestrian connectivity to this site if warranted, and make provisions for connectivity as part of the Final PUD Plan.
6. A geometric plan of the improvements warranted per the traffic study shall be provided to determine if the access location suggested by the plan is feasible with the existing access locations and the location of the signalized intersection.
7. Widened pavement along Old McHenry Road shall be accommodated in the detention calculations for the site.
8. Provisions shall be made in the engineering plans for utility and facility connections.

Illinois Department of Transportation

1. The developer's initial submittal shall include a complete Traffic Impact Study including the Traffic Signal Warrant study for any proposed signalized access and preliminary roadway and access geometry.
2. A proposal to provide a signalized access to this property opposite the median opening on US 12 at TimberLake Drive will be considered. The modification of the TimberLake Dr. geometry at US 12 to properly align with the new full access to US 12 shall be done by widening to the south to make sure the 1/4 mile minimum spacing from the existing traffic signal at US 12 and Old McHenry Rd requirement is met.

3. Assuming that the minimum $\frac{1}{4}$ mile spacing requirement can be met, any proposed signal shall meet an SRA traffic signal warrant prior to approval. The engineer shall adhere to IDOT guidelines for performing such a warrant study which would need to be performed by an IDOT qualified Traffic Engineer.
 4. If an SRA Traffic Signal Warrant is met and a new traffic signal is approved, the design of the new signalized access shall include interconnection to the existing traffic signal at US 12 and Old McHenry Road.
 5. A restricted "Right-in/Right-out" only access to US 12 could be considered but would require dedicated Right Turn lane construction of adequate storage and taper lengths to meet design speeds and projected traffic volumes.
 6. The existing high south bound US 12 to Southeast bound Old McHenry Road left turn movement volumes at the existing traffic signal would likely require that any increase to this left turn movement generated by the development be mitigated by the developer. Transportation improvements specified will be based on the development plan proposed at the time of Final Development Plan submittal and the results of associated reports including an intersection design study. The proximity of the W. Milton Rd. intersection with Old McHenry Rd. just south of US 12 will be coordinated by the developer with IDOT and LCDOT as part of the permitting process.
 7. Any release of storm water to or modification of drainage patterns immediately upstream or downstream of the US 12 right of way shall require the submittal of a "Drainage Connection Checklist" (see attached) Report along with all related support documentation to the Department for review and approval as part of the Permitting process.
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SANITARY SEWER AND WATER INFRASTRUCTURE

1. The applicant shall comply with the terms and conditions of the agreement with Lake Zurich to provide water and sewer services to the subject development; minimum design standards are noted in the comments for the Final Development Plan.
2. A public water supply shall be available (final engineering plans approved, improvements bonded and an IEPA permit secured) prior to approval of the Final Development Plan; if a public water supply is not available or cannot be provided to the subject property, an on-site water system may be used for the development under the following conditions:
 - i. The on-site water system shall be designed in a manner that will enable connection into an available public water system when said system becomes available.
 - ii. Water well support facilities (i.e. treatment, storage, pump equipment, shelters etc.) shall either be dedicated to a public utility provider or a contract shall be prepared and recorded with a utility maintenance company to assure long-term

maintenance of the system.

- iii. A Water System serving the development shall comply with Title 35 Environmental Protection Subtitle F Public Water supplies Chapter II Environmental Protection Agency Part 653 Design, Operation and Maintenance Criteria.
3. Water well support equipment shall comply with the provisions of the design guidelines for the Planned Unit Development.
4. All onsite potable water supply, storage, and treatment facilities shall be located within a dedicated easement with paved access suitable for operation and maintenance.
5. A Submersible sewage pumping station complete with an onsite standby generator within a dedicated easement shall be installed with permanent paved access on site.
6. Environmental Protection Agency Permits shall be obtained for Sanitary Sewer and Water System Improvements.

Note: To the extent any one of the conditions listed herein conflict with either any Lake County Regulation and/or the Letter of Intent Development Conditions, the more restrictive regulation or condition will control.

Rezoning Case No. 3746; Conditional Use Permit Case No. 4756
DiMucci Property Application
Zoning Board of Appeals - Exhibit "1A" – Added Conditions 9-20-12
Conditions for PUD Preliminary Plan

Landscaping

1. A landscape berm that does not interfere with the vision triangle and meets the requirements of the transportation agencies, shall be placed at the ultimate right of way line of Old McHenry road. Said berm shall have a minimum height of 10 ft. and shall be planted with a minimum of 2 plant units for every 100 feet.
2. The existing berm currently located along the south property line shall be extended to the ultimate western right of way line of Route 12. Said berm shall be planted with a minimum of 3 plant units for every 100 ft.

Height

1. no building shall exceed the height of 40 ft.; a 15 feet exception will be approved for architectural features.

