

## **MEMORANDUM**

June 7, 2012

TO: Marvin L. Raymond, Chairman  
Lake County Regional Planning Commission

FR: Delmer H. Powell, Jr., AICP, Deputy Director  
Lake County Department of Planning, Building and Development

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CASE NO: 3746

REQUESTED ACTIONS:

1. Rezone property from the Estate (E) District to the General Commercial (GC) District
2. Conditional Use Permit (CUP) for a Planned Unit Development (PUD)

RPC MEETING DATE: June 7, 2012

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### **GENERAL INFORMATION**

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OWNER: RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci Trustees.

# OF PARCELS: Six

SIZE: 108.79 acres

LOCATION: Parcel 1: PIN 14-05-300-008; located at 25442 N. Old McHenry Road, Lake Zurich, Illinois.  
Parcel 2: PIN 14-06-200-017; located at 25575 N. Old McHenry Road, Lake Zurich, Illinois.  
Parcel 3: PIN 14-06-400-004; located at 25275 N. Old McHenry Road, Lake Zurich, Illinois.  
Parcel 4: PIN 14-06-400-009; located at 25435 N. U.S. Highway 12, Lake Zurich, Illinois.

Parcel 5: PIN 14-06-400-010; located at 25479 N. Old McHenry Road, Lake Zurich, Illinois.

Parcel 6: PIN 14-06-400-011; located at 26475 N. Old McHenry Road, Lake Zurich, Illinois.

EXISTING ZONING: Estate (E)

EXISTING LAND USE: Vacant/Agricultural

PROPOSED LAND USE: Commercial Development

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#### **SURROUNDING ZONING / LAND USE**

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NORTH: Village of Hawthorn Woods / Single-family dwellings  
General Commercial / Retail sales and service

SOUTH: Estate / Single-family dwellings

EAST: Village of Hawthorn Woods / Single-family dwellings

WEST: Village of North Barrington / Office, single-family dwellings

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#### **COMPREHENSIVE PLANS**

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LAKE COUNTY: Residential Medium Lot ( 1-3 acres)

MUNICIPALITIES/COGS  
WITHIN 1 ½ MILES: Village of Hawthorn Woods / Commercial-Residential Mixed Use  
Barrington Area Council of Governments / Commercial

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#### **DETAILS OF REQUEST**

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ACCESS: Access is provided from US Route 12 (Rand Road) and from Old McHenry Road.

PHYSICAL  
CHARACTERISTICS: The subject property is vacant farmland. The property generally drains from both the northwest and southeast portions of the site to a central location where the combined surface drainage system flows to the southwest corner of the property where it outlets under the Route 12 right-of-way. A tree line bisects property at a central location extending in an east-west direction from the Route 12 right-of-way to the Old McHenry Road right-of-way. A grove of mature woodlands and an isolated wetland are located on the

northeast portion of the site. A berm extends along the south property line to a point approximately 900 feet east of the southwest corner of the property.

**FLOODPLAIN / WETLANDS:** The natural resource inventory provided by the applicant indicates some woodland areas and pockets of isolated wetlands are concentrated in depressional areas. There is also a mapped floodplain area located in the northwest corner of the property.

**SEWER AND WATER:** Public sanitary sewer and public water are contractually available for future commercial development of the site.

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### **ADDITIONAL COMMENTS**

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- The Regional Planning Commission's review of this development proposal is warranted under UDO Sections 3.3.4 (zoning map amendments), 3.6.5 (conditional use permits), and 3.7.3.3 (Planned Unit Developments) as the application is not in strict conformance with the Regional Framework Plan Future Land Use Map, is more than 40 acres in size, has the potential to allow more than 100,000 square feet of nonresidential floor area and, in the opinion of the Planning, Building and Development Director, has the potential to generate significant regional impacts.
- UDO Sections 3.7.1 and 3.7.3 state that a PUD Preliminary Plan / Plat shall be processed concurrently with the Conditional Use Permit and Zoning Map Amendment.
- Staff recommendation on the Rezoning, the Conditional Use Permit, and the Preliminary Development Plan is predicated on public sanitary sewer being available to serve the subject property at the time of the final development plan approval.

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### **RECOMMENDATION ON REZONING**

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Staff recommends approval of the rezoning because the request meets Standards 1 through 6 of the Map Amendment Approval Criteria in Section 3.3.8:

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#### **Map Amendment Approval Criteria – UDO Section 3.3.8**

Standard 1: The proposed amendment is consistent with the stated purpose and intent of Sec. 1.5.

Comment: See Appendix A, below.

Standard 2: The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition in the area.

Comment: The proposed amendment meets the challenge of a changing development trend along US Route 12. Specifically, although decades ago property along US Route 12 was primarily rural and agricultural, development along this strategic regional arterial corridor has consistently and predictably trended commercially in more recent years (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 the shopping, employment and service needs of the growing 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 Ela 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.

Standard 3: The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

Comment: Development permitted through the map amendment will be inextricably bound by the planned unit development and accompanying conditions of approval; as such the combination of rezoning and planned unit development conditions will allow development that is compatible with existing uses and zoning of nearby property. Development along US Route 12 in the vicinity of the site consists of a mixture of existing residential and nonresidential uses and zoning classifications. Specifically, residential development is located immediately to the south, east, and north by northeast; whereas a mixed use development is located immediately to the west (bank, office buildings, and Wynstone maintenance and sewage treatment facilities); and nonresidential is immediately to the north (a vacant former bar and grill), further to the north (commercial day care, a commercial stable, a series of commercial properties to the east and south of W. Old Rand Road), further to the south along US Route 12 (Mt. St. Josephs, a truck repair facility, and golf cart sales), and finally further to the southeast along Old McHenry Road (the District 95 campus). Hence, there is already an established mixed residential and nonresidential development pattern in the vicinity of the site. The development will be significantly constrained by proposed development conditions (via setbacks, buffering and lighting requirements, permanent open space, development intensity and community character-based design elements established under the applicant's Pattern Book) to further ensure compatibility with surrounding uses and zoning, whether residential or nonresidential in nature.

Standard 4: The County and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.

Comment: Public facilities and services available to the property include public sewer and water by agreement, transportation, support services (including law enforcement and fire protection), 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. One of the conditions of approval will be that sanitary sewer will be required for the final development plan. 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. Existing law enforcement and fire protection is available to the site, and the site's additional property tax revenue will support any necessary additional support services from such agencies. Finally, the site has full access to standard utilities such as gas, electric, and telephone services.

Standard 5: The proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources.

Comment: Compliance with all requirements of the UDO and all applicable permitting agencies, in addition to other conditions required through the Conditional Use Permit and Preliminary Development Plan process (including, but not limited to, the Preliminary Development Plan intensity thresholds, setbacks, open space restrictions and other constraints, as well as the Pattern Book's architectural, signage, landscaping and site layout elements) will ensure that no significant adverse impacts to other property or the environment will occur. Specifically, the setbacks provided in the Preliminary Development Plan are far in excess of the General Commercial setback standards; the visual and noise buffering effect of these setbacks on surrounding properties is amplified by the landscaping opacity and earthen berming components of the applicant's Pattern Book. The Preliminary Development Plan's photometrics, as enhanced through its use of "Dark Sky" technology, are significantly more restrictive than the UDO's standard photometric requirements for property lines abutting residential development and rights-of-way, thereby ensuring more light-protection than is otherwise required for standard developments throughout the county. The Pattern Book's emphasis on stormwater best management practices, native species and habitat enhancement, and natural resource protection; standard regulatory stormwater and natural resource protection standards; and the permanent preservation of approximately half the site in open space will ensure not only that environmental impacts will be mitigated, but further improve upon existing environmental conditions given the site's current use as a conventional mono-cropped field.

Standard 6: The subject property is suitable for the proposed zoning classification.

Comment: The property itself is suitable for development as a commercial planned unit development given its size (sufficient to accommodate amply buffered commercial development), access to a strategic regional arterial highway and major collector road, availability of all necessary public infrastructure, the well-established commercial development trend along US Route 12, and the need to promote a well-balanced tax base. The property is therefore suitable for the proposed GC zoning classification.

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## **RECOMMENDATION ON CONDITIONAL USE PERMIT**

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Staff recommends approval of the Conditional Use Permit because the proposal meets Standards 1 through 3 of the Conditional Use Permit Approval Criteria in Section 3.6.7:

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**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, below.

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 Ela 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.

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## **RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN**

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Staff recommends approval of the Preliminary Development Plan because the proposal meets Standards a through c of the Preliminary Plan Approval Criteria in Section 3.7.3.8:

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### **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.