

Rezoning Standards

The following are the standards for rezoning contained in the Lake County Unified Development Ordinance

- A. **The proposed rezoning is consistent with the stated purposes and intents of the zoning regulations (see Sec.1.5);**

Response: The proposed zoning is GC, General Commercial. Please refer to the discussion of section 1.5 of the Unified Development Ordinance in the section following these standards.

- B. **The proposed rezoning corrects an error or inconsistency or meets the challenge of some changing condition in the area.**

Response: The proposed zoning meets the challenge of changing conditions along the Route 12 corridor. What was once a purely rural environment has been transformed into a vibrant part of the northwest suburbs. In recent decades, the trend of development along Rt. 12 has included a variety of commercial projects, with one instance of multi-family development. From Lake Cook Road to Route 120, the petitioner has been unable to find a single new detached single family development in the past 20 years.

An example of this trend is Deer Park Town Center, which prior to re-development was a vegetable farm stand, and now serves the growing residential communities around it, and supports the tax base of local taxing districts. The attached exhibit represents the trend of development for current and planned growth.

Commercial development typically follows growth along major highways to balance the demand for services, increase the tax base, and distribute commercial development in the region.

- C. **The proposed rezoning will allow development that is compatible with existing uses and zoning of nearby property.**

Response: Nearby property consists of a mixture of many uses. To the east are residences against which petitioner proposes to place the majority of its open space. To the immediate south is Valentine Manor, a residential subdivision currently physically and visually separated from the property by a substantial berm. There is also a recorded Memorandum of Development Conditions benefitting certain property owners in Valentine Manor subdivision. The conditions contain agreements regarding development along petitioner's south property line which petitioner will honor.

Further south along Route 12 are Mount St. Joseph's (an institutional use), a truck repair shop, EZ GO golf cart sales, a multifamily residential development and a Walgreens. To the west of the property, along Route 12 are many commercial office buildings, a bank, and the Wynstone maintenance and sewage treatment facility. Further south is the Wynstone office park. To the north are an abandoned bar and grill, large commercial billboards, dilapidated residences, commercial day care center and commercial stable.

There is no primary use in the area, but the trend of development along Rt. 12 includes a variety of commercial projects, with one instance of multi-family development, making the proposed use compatible with existing and emerging development in the area.

As an accommodation to the mixed use nature of the area, the zoning will be coupled with a conditional use permit which will serve to significantly minimize externalities by limiting lighting, development size and location, enforcing the community character and design aesthetics through approval of development conditions and the "Pattern Book" (separately submitted with this application), and providing large expanses of contoured, landscaped open space.

The Pattern Book was modeled after the Design Guidelines of the Route 12 Corridor Planning Council, a document which the County and nearby communities (including Hawthorn Woods and North Barrington) took years to complete to guide development of the Robert Dimucci and other properties.

D. 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.

Response: The property will be served with sewer and water service from Lake Zurich, which will also enhance the level of service to properties along the utility route. Lake Zurich has adequate capacity to service this corridor without impacting service to other areas. Under the executed agreement with Lake Zurich, sewer service is immediately available to the Property. Municipal water service will be available at a future date, but not later than June, 2018. Prior to that date, alternative sources of water (such as well service) are permitted. The property when developed will produce tax dollars for law enforcement and patrol. The transportation infrastructure is already present, subject to the recommendation of transportation officials when actual uses and site design are known. Petitioner's engineer has determined that there is excess capacity in Rte 12 for all potential uses of the property proposed by petitioner. A traffic signal will be requested at the main entrance on Route 12.

Additionally, petitioner's engineer has determined that electrical, telephone, cable, gas and other necessary utility services are available to the site in sufficient quantities.

- E. **The proposed rezoning 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.**

Response: All buildings, parking areas, access drives and ancillary impervious surfaces will be confined to an area no larger than 53 of the 109 acres. The entire remainder of the land, adjacent to our neighbors (and including the intersection with Old McHenry Road), will be designated as deed restricted open space for the purposes of natural resource protection, stormwater management, passive recreation, landscaping, utilities, and natural and sustainable open space protection.

Impacts on the environment will be positive. Habitat, as described in the Pattern Book, will be enhanced and more balanced than the current annual production of single crops such as corn. Vegetation will be comprised of and support native species.

Open space will provide ample light and air. Adherence to the Pattern Book will provide proper set backs, heights and separation of buildings. Passive solar design and other sustainable architecture will also allow for the purposeful control of external light entering the buildings and reduce energy use. Environmentally sensitive and electronically controlled "dark sky" lighting will serve to reduce light at night to foot candle levels at or below those allowed by ordinance.

There is no surface water on the property requiring protection. All stormwater will be properly detained and retained using all current standards for volume, filtration, settling, and release prior to leaving the property. Currently runoff is for the most part uncontrolled.

No use permitted by this application is inherently noisy. The landscaped, bermed open space, being primarily oriented towards the residential areas will allow for attenuation of sound over a distance and absorbed and diffused by natural plantings and topography.

Finally, there are very few natural resources on the property. It is all farmed and is relatively flat. Petitioner has enclosed with this application its natural resource summary document disclosing those natural resources which exist, which if affected will be properly mitigated in accordance with all regulations.

- F. **The subject property is suitable for the proposed zoning classification.**

Response: The property is suitable for GC, General Commercial zoning given the trend of development along Route 12, which is a Strategic Regional Arterial and U.S. highway, along which there are similar developments at similar

intersections. The property lies across the highway from newer, non residential uses.

The property is large enough to promote non residential development, while still providing significant protection to neighboring properties through expansive open space, landscaping requirements, lighting standards, signage limitations and strict architectural controls.

The GC classification of the property will be coupled with a conditional use permit for planned development, which will impose appropriate constraints on the size, look and the sustainable nature of development.

The petitioner's proposal will provide commercial development in an area that is under-served. Distribution of commercial uses within and around largely bedroom communities balances the commercial/residential mix.

The best sites must be utilized to balance taxing district budgets. There are plenty of other locations for residential development. There are few locations that have the formula for attracting development of this character and tax generating ability for this area.

Other zoning considerations

1. The existing uses and zoning of nearby property.

Response: Nearby property consists of a mixture of many uses. To the east are residential areas against which petitioner proposes to place the majority of its open space. To the immediate south is Valentine Manor, a residential subdivision currently physically and visually separated from the property by a substantial berm. There is also a recorded Memorandum of Development Conditions benefitting certain property owners in Valentine Manor subdivision. The conditions contain agreements regarding development along petitioner's south property line which petitioner will honor.

To the south of Valentine Manor along Route 12 are Mount St. Joseph's, a truck repair shop and EZ GO golf cart sales, a multifamily residential development and a Walgreens. To the west of the property, along Route 12 are many commercial office buildings, a bank, and the Wynstone maintenance and sewage treatment facility. Further south is the Wynstone office park. To the north are an abandoned bar and grill, large commercial billboard, dilapidated residences, a commercial day care center and a commercial stable.

In recent decades, the trend of development along Rt. 12 has included a variety of commercial projects, with one instance of multi-family development, thus making the proposed use compatible with development in the area.

As an accommodation to the mixed use nature of the area, the conditional use permit will minimize impacts by limiting lighting and protecting the community character and design aesthetics through special use conditions which, among other things, require compliance with the Pattern Book. There will be minimal disruption to visual aspects of surrounding properties because land in excess of the development area (not to exceed 53 acres) will be designated as deed restricted open space for natural resource protection, stormwater management, passive recreation, landscaping, utilities, and natural and sustainable open space protection.

Perhaps most importantly, the current comprehensive plan for Hawthorn Woods calls for up to 50 acres of commercial development in the same location as proposed by petitioner. The current proposal reflects this concept. The Village's plan also called for the remaining land to contain a mix of single family and multifamily residences, which have been eliminated by the petitioner and replaced with open space. Every plan proposed for this parcel has included commercial uses, even plans proposed by neighboring Villages.

2. **The extent to which property's value is diminished by the present zoning restrictions.**

Response: This is a severely under-utilized site under estate zoning, given the property's size and its location along a strategic regional arterial and U.S. highway, and the trend of development as discussed above, over the past 20 years. Current estate zoning would permit approximately 43 residential homes in a community dominated by similar housing stock. The cost of development would consume the value of the property.

3. **The extent to which the destruction of property values of applicant by the existing zoning promotes the health, safety, morals or general welfare of the public.**

Response: Existing zoning does not promote the health, safety, morals and general welfare of the public. Development of more of the same home sites would undermine the already fragile local market, impose additional burdens on taxing districts, and continue the need to travel longer distances for needed services.

Left undeveloped and farmed, the local habitat will be less balanced by the current annual production of single crops such as corn, than by the more indigenous habitat proposed by petitioner.

Currently the property is farmed with no runoff controls. The property when developed will include both natural and environmentally sound treatment with enhanced stormwater control.

The transportation infrastructure is already present, subject to the recommendation of transportation officials when actual uses and site design are known.

Petitioner's proposal will provide a windfall for the schools, since no students and corresponding burden will be generated by this proposal.

Petitioner's proposal will also dramatically improve the availability of retail/commercial establishments for the local market, and will result in aesthetic improvements to site.

The conditional use restrictions, revenue, services, adequate systems for the collection and treatment of sewage to eliminate pollution of lakes and streams, open space preservation, flood control, limitation of population density, and aesthetic and engineering improvements resulting from construction of an upscale center will increase the health, safety, morals and general welfare of the public.

Therefore, rejecting the zoning and conditional use proposal would both destroy the petitioner's property value while at the same time deny the public of the essential benefits described in this application.

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

Response: This standard weighs the interest of the property owner against the public interest. Here the balance is strongly in favor of the petitioner. As noted in response #2 above, the hardship imposed on the owner by the existing zoning is severe. As argued in response #3 above, there is no gain, and likely a loss, to the public in retaining the existing zoning on the property when compared to petitioner's proposal. Owner's hardship is not self created and has been imposed on the owner by zoning contrary to the trend of development.

The owner's offer to leave a generous buffer all around the property is unique to this proposal. This is unlike any past proposal or any future proposal likely to be made if this application is denied. The owner's petition to develop far less of the property than would likely be allowed by law presents a one time chance to voluntarily address the interests of the owner, the region and surrounding landowners, both commercial and residential.

5. The suitability of the subject property for the (presently) zoned purposes.

Response: The property is on a busy Strategic Regional Arterial and U.S. highway at a signalized intersection. Given the available housing options in the area on both current and undeveloped land, the property is a poor choice for

residential development, especially on large area lots with high development costs per lot. This is a prime vacant parcel of suitable size for more appropriate zoning.

The property lies in a mixed use area. Therefore, one form of development is not dominant. In recent decades, the trend of development along Rt. 12 has included a variety of commercial projects, with one instance of multi-family development. Directly across the Rt. 12 frontage from the property are many newer commercial office buildings, a bank, and the Wynstone maintenance and sewage treatment facility. Further south is the Wynstone office park. What once may have been appropriate zoning has been negated by changing conditions in the area.

The property is also unsuitable for development under existing zoning simply because it is far more suitable for more appropriate zoning in the manner petitioner proposes. The County and local taxing districts cannot support themselves on residential development. That is why it is important to locate commercial developments at appropriate sites to generate more tax revenue without the resulting costs. The best sites must be utilized to balance the budget. There are plenty of other locations for residential development. There are few locations that have the formula for attracting development of this character and tax generating ability.

6. **The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.**

Response: The property has always remained vacant and has been farmed, while a mix of uses has developed around it. Commercial development in the last 10 years is becoming more prevalent, both in the immediate locale (across Route 12 from the frontage of the property), and from a wider perspective at intersections along Route 12 spreading from south to north. Under the current zoning the property will remain vacant indefinitely since there is no market for lots described by estate zoning, either currently or for the foreseeable future.

Although developers have sought out the owner for development of the property, none have been for a primarily residential use, although during the housing boom of the last 15 years, mixed use development was considered with residential components, likely as a result of the mixed uses required by municipal boundary agreements. Absent these agreements, there has been no interest in development of the property as residential.

7. **The care with which the County has undertaken to plan its land use development. Framework plan.**

Response: The Framework Plan is discussed in detail in item #1 of section 1.5 of the Lake County Unified Development Ordinance in the section following these standards.

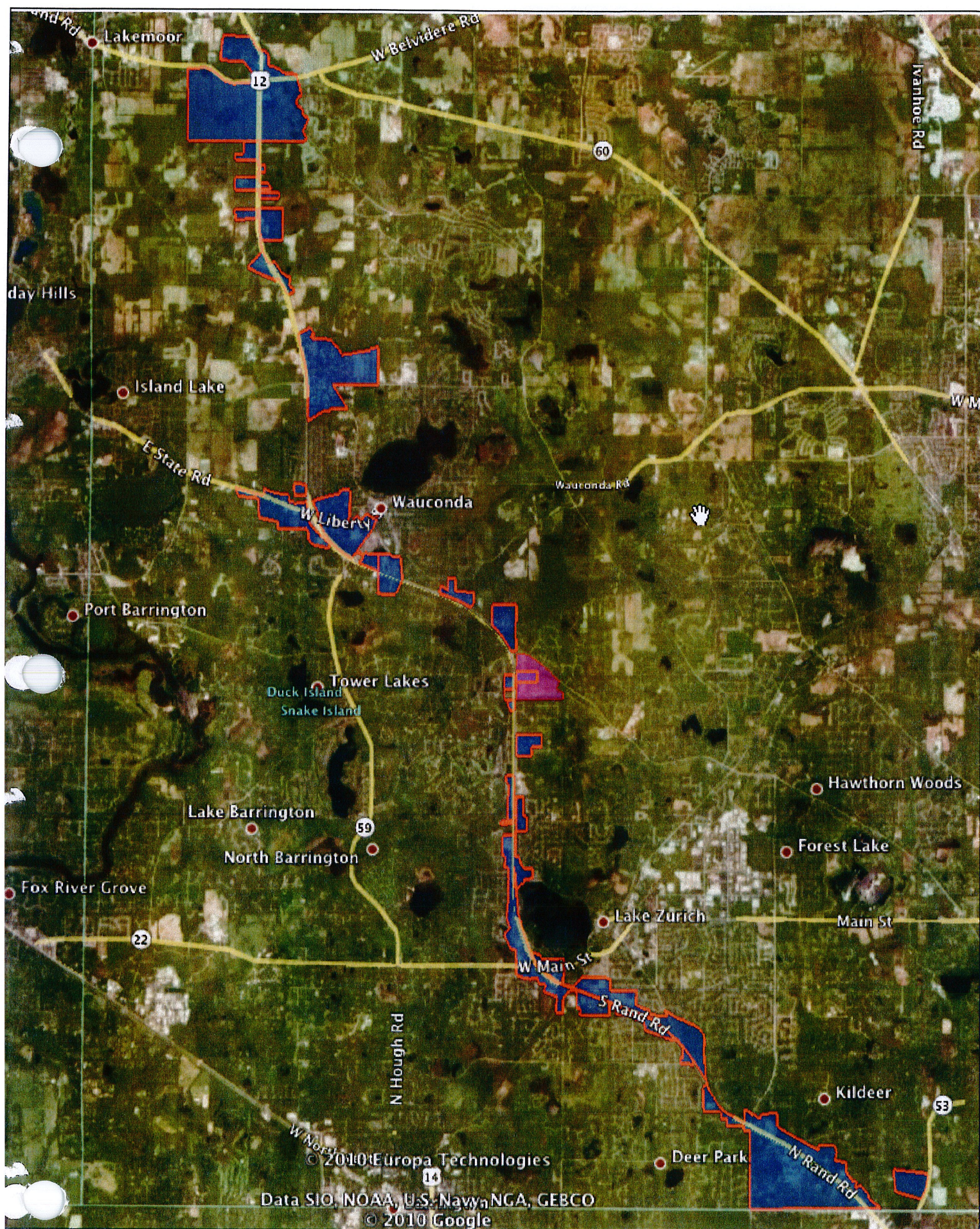
8. The community need for the use proposed.

Response: There is a community need for an increase in the tax base. The proposal contained in this application supports a finding that petitioner's proposal will bring significant tax dollars from real estate taxes alone.

Perhaps most importantly, the current comprehensive plan for Hawthorn Woods calls for up to 50 acres of commercial development in the same location as proposed by petitioner. The current proposal reflects this concept. The Village's plan also called for the remaining land to contain a mix of single family and multifamily residences, which have been eliminated by the petitioner and replaced with open space. Every plan proposed for this parcel has included commercial uses, even plans proposed by neighboring Villages.

Other vacant land in the area is not sufficient in its location or size to bring attractive and revenue producing development to the extent of this site. Therefore, this site is both available, properly sized and in a suitable location for this proposal.

Conversely, there is no need for uses allowed under the current estate zoning.

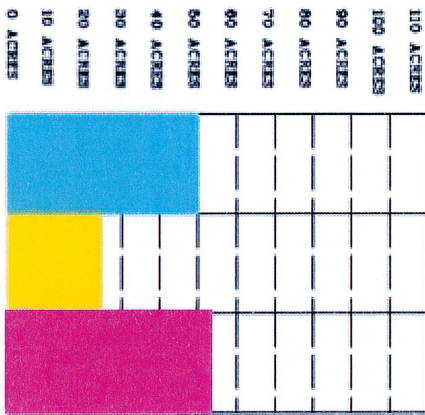


PROPOSED DEVELOPMENTS FROM 1999 TO 2012

VILLAGE AGREEMENT
OF 1999

VILLAGE AGREEMENT
OF 2003

PROPOSED DEVELOPMENT
OF 2012

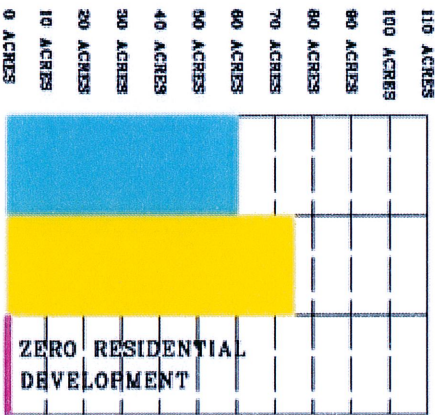


COMMERCIAL DEVELOPMENT

VILLAGE AGREEMENT
OF 1999

VILLAGE AGREEMENT
OF 2003

PROPOSED DEVELOPMENT
OF 2012

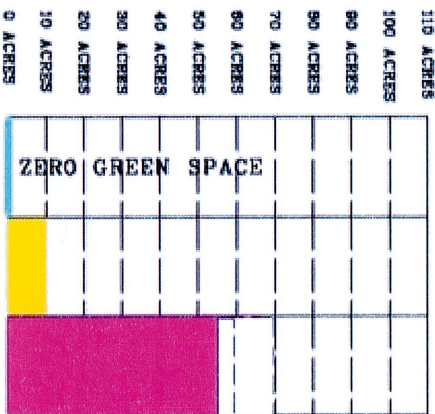


RESIDENTIAL DEVELOPMENT

VILLAGE AGREEMENT
OF 1999

VILLAGE AGREEMENT
OF 2003

PROPOSED DEVELOPMENT
OF 2012

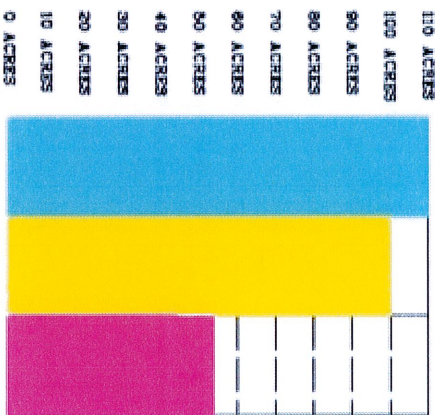


OPEN "GREEN SPACE"

VILLAGE AGREEMENT
OF 1999

VILLAGE AGREEMENT
OF 2003

PROPOSED DEVELOPMENT
OF 2012



TOTAL ACRES DEVELOPED