

**RESOLUTION**

No. 000536-2019  
Wauconda Township

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF LAKE         )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

April 14, 2020

**CHAIR AND MEMBERS OF THE COUNTY BOARD:**

Pursuant to State Statutes and following property publication of public notice, the Lake County Zoning Board of Appeals conducted a public hearing on January 7, 2020 relative to the application of Timothy James, requesting approval of a Conditional Use Permit for a Planned Unit Development (PUD) and PUD Preliminary Plan for the property identified by PIN 09-36-400-009 and commonly known as 25250 W. Old Rand Road, Wauconda, Illinois for a self-service storage use (indoor/outdoor). The subject property is legally described as follows:

*That part of the northeast ¼ of the southeast ¼ of Section 36, Township 44, North, Range 9, East of the Third Principal Meridian, described as follows: Commencing at the northeast corner of said quarter quarter section thence running west on the quarter quarter section , line 80 rods, thence south 68 rods; thence east 80 rods, thence north 68 rods to the place of the beginning ( excepting therefrom that part thereof conveyed by Andrew C. Bangs, and Frances M. Bangs, his wife, to Louis H. Todd, by warranty deed recorded March 13, 1876, in Book 58 of Deeds, Page 476, describes as follows: commencing 12 rods north of the southwest corner of the northeast ¼ of the southeast ¼ of Section 36, Township and Range aforesaid, thence north 24 rods to the center of Wauconda and Chicago Highway thence southeasterly along the center of said road 38 rods, thence west 29 rods and 11 links to the place of beginning, and except the west 300 feet to the northeast ¼ of the southeast ¼ of Section 36, Township 44 North, Range 9, East of the Third Principal Meridian, lying north of the center line of Rand Road), in Lake County, Illinois, also excepting therefrom the north 240 feet of the east 250 feet of the southeast ¼ of Section 36, Township 44 North, Range 9 East of the Third Principal Meridian, in Lake County, Illinois.*

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.

In making its recommendation, the Zoning Board of Appeals has considered and taken into account the following:

- a. A site inspection of the property in question;
- b. Reports and recommendations from interested official bodies;
- c. The testimony at the hearing; and

d. Criteria provided in Section 151.050(F)(3) of the Lake County, Illinois Code of Ordinances.

At the close of the hearing of the Lake County Zoning Board of Appeals held on January 7, 2020, a motion to recommend approval of the Conditional Use Permit for a Planned Unit Development (PUD) and PUD Preliminary Plan subject to the conditions specified in Exhibit "A-1", as attached to this resolution, passed by a vote of 7 to 0.

Following the ZBA public hearing, the ZBA reconvened at its regular review meeting on March 5, 2020 to execute a resolution incorporating written findings of fact compiled in accordance with the ZBA's adopted recommendation. The executed ZBA resolution formally confirms that the requested application, based upon due consideration of all the evidence and testimony presented, meets the standards for a Conditional Use Permit and PUD Preliminary Development Plan as contained in Section 151.050(F)(3) and Section 151.057(C)(7) of the Lake County as described below.

**Standards for a Conditional Use Permit**

The application meets the Conditional Use Permit Approval Criteria in Section 151.050(F)(3) as follows:

Standard 1: The use in its proposed location will be consistent with the stated purpose and intent of Section 151.005.

Comment: 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. Although the subject property is adjacent to and not abutting Route 12, development along the US Route 12 strategic regional arterial corridor from the County Line north to Wauconda has generally trended commercial/nonresidential in recent years which provides employment and service needs of the population in this part of the County and provides a balanced tax base for taxing districts. Conversely, in contrast to the site's current Residential-1 zoning classification, new single family detached residential development directly along US Route 12 has been virtually non-existent within Wauconda and Ela Township since the 1990s. Residential development has occurred primarily at some distance from this regional highway along local and collector roads. Hence, while the proposed development is currently inconsistent with the Future Land Use Map, changing conditions since its' 2004 adoption warrant the development's approval.

Standard 2: The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Section 151.112.

Comment: With the exception of the outdoor RV storage, the proposed uses are allowed within the GC zoning district. The County's development review process will ensure all Ordinance requirements are satisfied.

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, controlled by a variety of development conditions, will not have an adverse impact on adjacent property. New development along the US Route 12 strategic regional arterial corridor has generally trended towards commercial uses in recent decades to meet retail, employment, and service needs of the growing population in this part of the County. At various locations along this regional corridor, commercial and other non-residential projects have been sited adjacent to or in the direct vicinity of existing residential development at a short distance from the highway or at major road intersections. More recent non-residential development proposals along the corridor have incorporated more context-sensitive and environmentally sustainable site planning features. In the case of the subject proposal, the permanent conservation easement specifically designating 61% of the property as permanently preserved open space along the northside of the property, and reinforced through significant setbacks, landscaping opacity, and photometric requirements, will ensure minimal visual, noise and light impacts on adjacent property. Further, the property is currently improved with a single-family dwelling and equestrian agricultural use, and as a result off-site stormwater release and water quality has become degraded over time. The stormwater management and water quality impacts on adjacent property will be improved and mitigated in the proposed development through UDO standards and additional best management practices. Finally, the applicant's architectural plans, as one of several development conditions, will ensure that the design of the site and buildings thereon will be visually appealing, unobtrusive from surrounding properties, 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 and other non-residential uses. 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 nearby Ela Township. Although the proposed development is just north of the Ela Township border, the proposal follows these corridor design elements. The development will not have adverse impacts on the character of the area.

### 3. Natural resources

Comment: The County's ordinance and other agency regulations will ensure that such existing natural resources will be protected, enhanced, or mitigated. Further, the development's impact on the environment will be significantly improved through the extensive incorporation of permanent open space, the inclusion of stormwater and water quality best management practices. The development will not have a substantial adverse impact on natural resources; to the contrary, the proposed development's environmental features will enhance and improve the quality of wetlands and mature woodland areas. The site's existing wetlands will be mitigated and protected, includes protection of 50% of the existing mature woodland, and reforestation utilizing native trees will occur. Invasive tree species detrimental to the native species and woodland habitat will be removed. These factors, combined with the large area of land to be set aside in a permanent restrictive covenant/conservation easement, will have a net benefit on the environment.

### 4. Infrastructure

Comment: The property will be served by private septic system and on-site well. The site's concentrated commercial layout on the south side of the property necessitates a main access point to the southwest along Old Rand Road, and an emergency access point along Brown Road to the east. The site's commercial development must conform to modern fire and life safety codes.

### 5. Public sites

Comment: The Lake County Forest Preserve, *Lakewood Horse Trailer Parking and Trail*, is located east of the subject property along Brown Road. This public park is open from 6:30 a.m. to sunset and includes a 0.82-mile walking trail and an equestrian path which extends to the north and east into the Lakewood Forest Preserve grounds, which are south of US Route 176 and east of Fairfield Road. Landscaping and berming along the subject property's eastern perimeter adjacent to Brown Road will visually buffer the development from the adjacent Forest Preserve property. Moreover, the proposal's emphasis on thorough buckthorn

eradication and native woodland and wetland enhancement will bring the subject property into closer alignment and continuity with the Forest Preserve property from a natural resource stewardship standpoint.

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

Comment: The applicant's development proposal, bounded by significant open space preservation, development intensity limits, setbacks, lighting controls, stormwater enhancements, and water quality best management practices, will help mitigate negative impacts on public health, safety, and welfare and add positive benefits to the area. The site's proposed commercial use will enhance and balance the local tax base, add a service option 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 an adverse impact on any other aspects of public health, safety, or general welfare.

**Standards for Planned Unit Development**

The requested Conditional Use Permit meets Standards for a Planned Unit Development (PUD) Preliminary Plan approval of Section 151.051(C)(7) in the following manner:

Standard A. The proposed development in its proposed location is consistent with the Regional Framework Plan.

Comment: 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. Although the subject property is adjacent to and not abutting Route 12, development along the US Route 12 strategic regional arterial corridor from the County Line north to Wauconda has generally trended commercial/nonresidential in recent years which provides employment and service needs of the population in this part of the County and provides a balanced tax base for taxing districts. Conversely, in contrast to the site's current Residential-1 zoning classification, new single family detached residential development directly along US Route 12 has been virtually non-existent within Wauconda and Ela Township since the 1990s. Residential development has occurred primarily at some distance from this regional highway along local and collector roads. Hence, while the proposed development is currently inconsistent with the Future Land Use Map, changing conditions since its' 2004 adoption warrant the development's approval.

Standard B. The proposed development in its proposed location complies with the PUD standards of § 151.132.

Comment: The proposed PUD complies with the standards set forth in Section 151.132(B) of the Lake County Code as follows:

- 1) Greater choice in the type of environment and living units to the public:  
Not applicable.
- 2) More open space through conservation development practices  
The Preliminary Development Plan proposes 61% of the property on the north side adjacent to the residential zoning use remain as permanent, protected open space through the establishment of a conservation easement for the protection of natural resources.
- 3) Open space resources connected to one another  
The area to be restricted as permanent, protected open space in a conservation easement is contiguous along the north side of the property and is near (i.e. across a local road from) the open space to the East within the Forest Preserve.
- 4) A creative approach to the use of land and related physical development  
The principal purpose of the PUD concept allows for innovative design in return for benefits that cannot be achieved through the standard zoning regulations. The rezoning and PUD application combined will ensure only the proposed use of a self-service storage facility can be located on the subject property.
- 5) An efficient use of land resulting in smaller networks of utilities and streets  
The site's large size and location, coupled with the proposal's high-quality design, environmental controls, and the conservation easement for 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 north of the site, and greatly enhance native habitat and other natural amenities.
- 6) Promotion of mixed-use development  
Not applicable

Standard 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:

## 1. Adjacent property

Comment: The proposed commercial PUD, controlled by a variety of development conditions, will not have an adverse impact on adjacent property. New development along the US Route 12 strategic regional arterial corridor has generally trended towards commercial uses in recent decades to meet retail, employment, and service needs of the growing population in this part of the County. At various locations along this regional corridor, commercial and other non-residential projects have been sited adjacent to or in the direct vicinity of existing residential development at a short distance from the highway or at major road intersections. More recent non-residential development proposals along the corridor have incorporated more context-sensitive and environmentally sustainable site planning features. In the case of the subject proposal, the conservation easement designating 61% of the property as permanently preserved open space along the northside of the property, reinforced through significant setbacks, landscaping opacity, and photometric requirements, will ensure minimal visual, noise and light impacts on adjacent property. Further, the property is currently improved with a single-family dwelling and equestrian agricultural use, and as a result off-site stormwater release and water quality has become degraded over time. The stormwater management and water quality impacts on adjacent property will be improved and mitigated in the proposed development through UDO standards and additional best management practices. Finally, the applicant's architectural plans, as one of several development conditions, will ensure that the design of the site and buildings thereon will be visually appealing, unobtrusive from surrounding properties, 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 and other non-residential uses. 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 nearby Ela Township. Although the proposed development is just north of the Ela Township border, the proposal follows these corridor design elements. The development will not have adverse impacts on the character of the area.

## 3. Natural resources

Comment: The County's ordinance and other agency regulations will ensure that such existing natural resources will be protected, enhanced, or mitigated. Further, the development's impact on the environment will be significantly improved through the

large area of land to be set aside as open space, the inclusion of stormwater and water quality best management practices. The development will not have a substantial adverse impact on natural resources; to the contrary, the proposed development's environmental features will enhance and improve the quality of wetlands and mature woodland areas.

#### 4. Infrastructure

Comment: The property will be served by private septic system and on-site well. The site's concentrated commercial layout on the south side of the property necessitates a main access point to the southwest along Old Rand Road, and an emergency access point along Brown Road to the east. The site's commercial development must conform to modern fire and life safety codes.

#### 5. Public sites

Comment: The Lake County Forest Preserve, *Lakewood Horse Trailer Parking and Trail*, is located east of the subject property along Brown Road. This public park is open from 6:30 a.m. to sunset and includes a 0.82-mile walking trail and an equestrian path which extends to the north and east into the Lakewood Forest Preserve grounds, which are south of US Route 176 and east of Fairfield Road. Landscaping and berming along the subject property's eastern perimeter adjacent to Brown Road will visually buffer the development from the adjacent Forest Preserve property. Moreover, the proposal's emphasis on thorough buckthorn eradication and native woodland and wetland enhancement will bring the subject property into closer alignment and continuity with the Forest Preserve property from a natural resource stewardship standpoint.

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

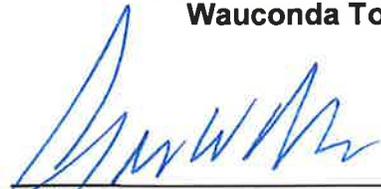
Comment: The applicant's development proposal, bounded by the incorporation of a conservation easement that preserves 61% of the site as permanent open space, and through the development intensity limits, setbacks, lighting controls, stormwater enhancements, and water quality best management practices, will help mitigate negative impacts on public health, safety, and welfare. The site's proposed commercial use will enhance and balance the local tax base, add a service option for the area population, and will not add to population growth directly adjacent to a strategic regional arterial corridor, all positive benefits to the area. As such, the proposed development will not have a substantial adverse impact on any other aspects of public health, safety, or general welfare.

**ZBA Conditions Case No. 000536-2019  
Exhibit "A-1"**

**Zoning Board of Appeals Recommended Conditions for  
Conditional Use Permit for PUD Store More Preliminary Plan  
January 7, 2020**

1. The Planned Unit Development Final Plan shall be consistent with the proposed architectural plans.
2. Wetland protection and enhancement verification is required upon site plan approval.
3. The applicant must submit an addendum to the CUP application modifying the height of the proposed sign to meet the standards set forth in the Lake County, Illinois Code of Ordinances.
4. The applicant must submit an addendum to the CUP application that establishes a permanent restrictive covenant or conservation easement for the protection of natural resource which specifically designates 61% of the property (as reflected in the Natural Resource Plan) to remain as permanent, protected open space.

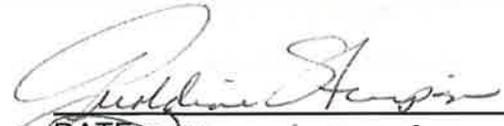
Zoning Case #000536-2019  
Wauconda Township



CHAIRMAN  
DATE:



VICE-CHAIRMAN  
DATE: 3-5-2020



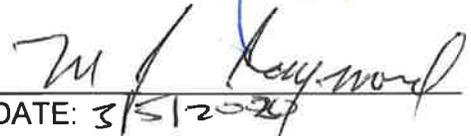
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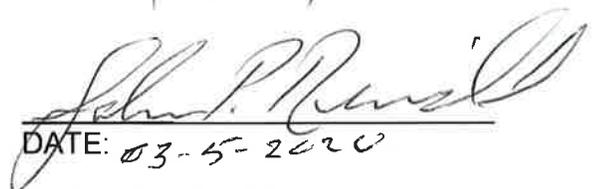
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Dated this 5th day of March, 2020