

# ***Preliminary Development Plan Process - Background and Staff Report***

## ***Regional Planning Commission***

### **DIMUCCI FAMILY APPLICATION**

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## **Separate Attachments**

Memo – Concept Plan Interpretation

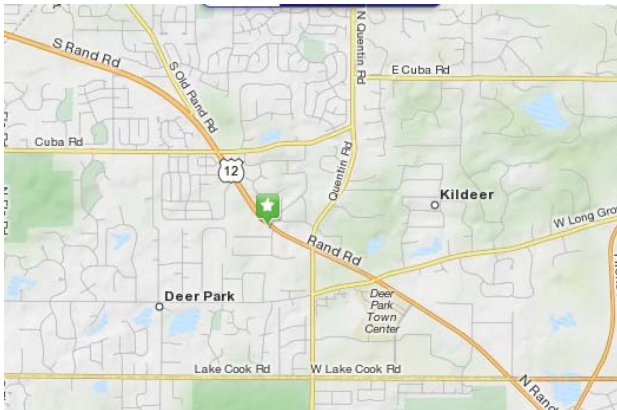
Staff Report

Appendix A – (To Staff Report) UDO Purposes and Intent

## Meeting dates and Agenda

Staff has arranged for three meetings before the Regional Planning Commission to afford the Commission ample time to obtain information from the applicant, staff and the public prior to rendering a decision on the DiMucci application. The dates, times and location are listed below:

<b>Thursday, June 7</b> <b>Wednesday, June 20</b> <b>Monday, June 25</b>	<b>Concorde Banquets,</b> <b>20922 N. Rand Road</b> <b>Kildeer</b>	<b>5:00 – 9:30 p.m. (or earlier, if business is concluded).</b>
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The June 7 meeting will include a presentation by the developer and Lake County Planning Building and Development (PBD) Department, followed by public comment. The June 20 meeting will focus primarily on public comment. At the June 25 meeting, the RPC will discuss and deliberate the application.

## Application Processing

### Proposal

The DiMucci Family's proposal involves a rezoning of a 109.79 acre parcel located at the southeast intersection of Route 12 and Old McHenry Road from the Estate (E) District to the General Commercial (GC) District and a Conditional Use Permit for a Planned Unit Development. The subject property is designated Residential Single Family Medium Lot (1-3 acre density) in the Lake County Regional Framework Plan.

### Role of Commission:

The Unified Development Ordinance requires that the Regional Planning Commission review developments of regional significance and amendments to the zoning map when presented to them by the Director of the Department of Planning, Building and Development.

The Regional Planning Commission makes a recommendation on these development proposals by utilizing criteria for each major decision (rezoning, conditional use permit and Planned Unit Development) contained in Article 3 of the Unified Development Ordinance. In addition, the Commission utilizes the criteria in the Future Land Use Map Amendment Policy adopted by the County Board as well as any relevant policies/objectives from other chapters of the Framework Plan to determine compliance with the purpose and intent of the Unified Development Ordinance. A detailed analysis of how the proposed application meets each criterion is described in the Staff Report attached to this document.

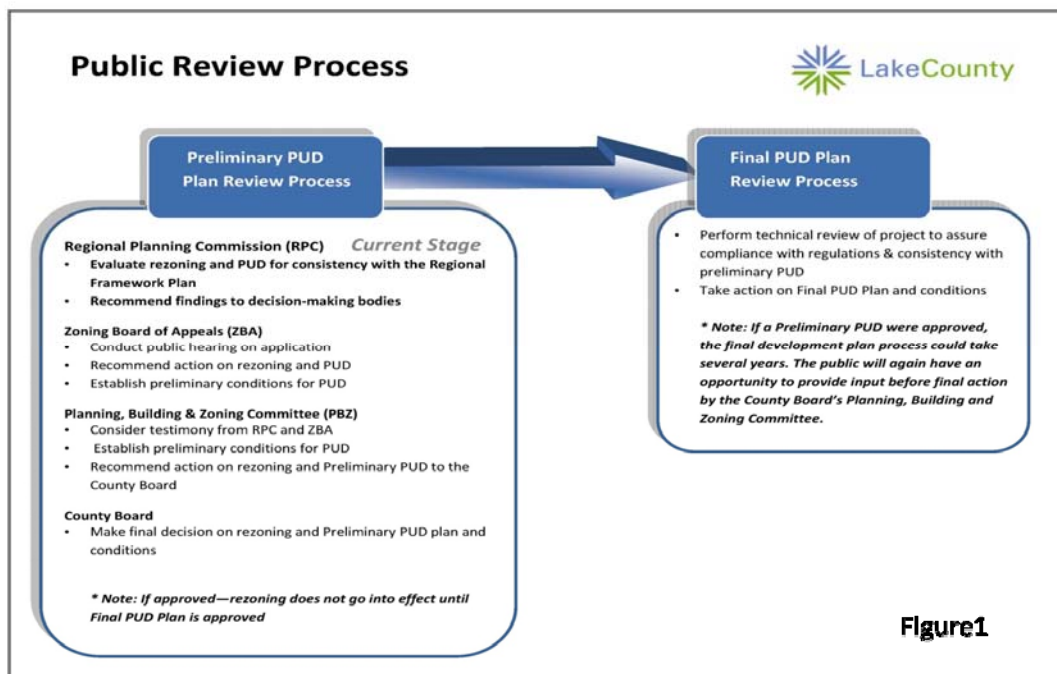
# Process Requirements

The Unified Development Ordinance requires concurrent reviews by the governing bodies for applications involving a rezoning and a Planned Unit Development (PUD). A PUD has two distinct stages; the Preliminary Development Plan (PDP) stage and the Final Development Plan (FDP) stage.

The PDP stage provides for a conceptual review of the project and establishes conditions under which the FDP will need to be submitted and ultimately acted on (see attached memo regarding interpretation of concept plan). It also involves a detailed review and deliberation process by several public bodies, ultimately resulting in a decision by the county board. **We are currently at this stage of the development process.**

The FDP stage is much more technically complex given that all required studies, engineering plans, the plan itself and all legal documents, including associated conditions for development, are finalized. Figure 1 provides a graphic example of the public review process for the application.

## Public Review Process



## APPENDIX

### BOUNDARY AGREEMENT SUMMARY

#### **Intergovernmental Agreement (IGA) between the Villages of North Barrington and Hawthorn Woods and 1<sup>st</sup> Amendment**

- Stipulation - Revenue Sharing Agreement of sales tax revenues from commercial development of the 2 parcels (owned by the Dimucci family), and the terms of how the payment of shared sales tax revenue would take place.
- Exhibit A – Intergovernmental Jurisdictional boundary Line Agreement
  - Establishes the easterly right of way for US Route 12 as boundary line for planning, official map purposes, subdivision control, and annexation of unincorporated territory between the 2 villages
  - Establishes subdivision control and annexation powers within each village's jurisdictional area
  - Establishes that "if the territory (i.e. the Dimucci property)... is annexed to Hawthorn Woods any development of the property shall be subject to the development standards and land uses set forth on Exhibit B...." (Section Seven)
  - Establishes written notice to be provided to the other Village
  - Establishes sales tax revenue sharing between the villages for commercial development
  - Establishes utilization of Best Management Practices for stormwater management
  - Establishes further terms of carrying out the IGA
- Exhibit B
  - Establishes development standards for the Dimucci property, agreed upon by the 2 villages, after annexation by the Village of Hawthorn Woods, including
    - No less than 35 and no more than 50 acres to be developed pursuant to terms of a PUD for commercial development subject to permitted and prohibited uses
    - The square footage and specific types of stores to be developed
- Exhibit C
  - Authorizes any potential taxpayer doing business in Hawthorn Woods to disclose the monthly amount of retailer's occupation tax to the Village
- Exhibit D
  - Establishes the agreement for Hawthorn Woods to share 40% of its sales tax revenues with North Barrington for the period of 99 years
  - Establishes the responsibility and terms under which Hawthorn Woods would pay a portion of its sales tax
- Exhibit E
  - Dismissal of existing lawsuit

#### **April 29, 2002 – First Amendment to the Intergovernmental Jurisdictional Boundary Line Agreement Exhibit 1 replaces Exhibit B Development Standards**

- A. Retail Development
  - Reduces developable land to 25 acres for retail purposes, only on the parcel south of Timberlake Drive

- Limits to only 1 department or grocery store, not to exceed 65,000 sq ft, further limits the type of products to be sold
- Limits the number of stores that can be built to 3, each not to exceed 20,000 sq ft each
- Stores and shops must be in separate buildings
- Further limits parking, roof materials, and building height
- Requires streetscape improvements and pedestrian amenities
- Again outlines the list of acceptable and unacceptable stores
- B. Residential Development
  - No more than 10 acres of townhouses or single family houses with minimal lot lines
  - No more than 40 of such dwellings and not exceed 4 dwelling per acre
  - No more than 20 acres to have lots less than 20,000 sq ft, and number of dwellings not to exceed 32
  - The remainder of the site to be developed with 1 acre lot minimums
  - Townhouses to act as buffer between the commercial and 1 acre lot houses
- C. Open Space
  - Minimum of 10 acres of continuous open space

### **Village of Hawthorn Woods 2004 Comprehensive Plan and BACOG Land Use Policies**



A.



B.

- A. Hawthorn Woods Future Land Use, indicating 50 acres of Business (red) planned to be surrounded by Conservation Estate zoning (light green), on the Dimucci property by the year 2030.
- B. BACOG Land Use Policies Map, showing Commercial land use on the property in red.



## DEVELOPMENT COMPARISON

DEVELOPMENT COMPARISON - DiMucci and Deer Park Town Center		
Development Attribute	DiMucci Family PUD	Deer Park Town Center (retail PUD Phase only)
Site Area	108.79 acres	80 acres
Development Type/Composition	Commercial PUD	Commercial PUD
Floor Area - Maximum	800,000 square feet - (17 % of net site area)	575,000 square feet (19% of net site area)
Impervious surface - Maximum	2,308,680 square feet -(49% of net site area)	2,439,360 square feet (70% of the net site area)
Lighting	.25 foot candle at property line; .75 foot candles at road rights-of-way	minimum of 1 foot candle with an average of 4.63 foot candles at any place across the property and light shall not spill onto adjoining property
Height	50 feet for buildings; 65 feet for architectural features	not to exceed 52 ft. and on average not more than 35 ft.
Setbacks	100 feet Rand Road; 150 feet Old McHenry Road; 150 feet south property line; 1000 feet east property line	No building setback less than 25 ft., the setback from Rand and Long Grove Rd is 75 ft.
Landscaping	Customized per conditions of approval for PUD. Governed by Article 9 in the UDO and the Pattern Book that is consistent with Rt. 12 Guidelines	Governed by the final landscape plan and the village ordinance
Open Space	Minimum proposed open space represents approximately 50% of site; Open space will include natural resources, landscape areas and stormwater detention areas.	21 acres of open space. Open space includes natural resources, landscape areas and stormwater detention areas.
Land Use Control	Only uses permitted by right in the General Commercial District can be established unless otherwise restricted by the County Board. Uses that require a Conditional Use Permit are not permitted unless approved as part of the Planned Unit Development.	The project was developed under a PUD which limits the type of permitted uses on the property as set forth by village ordinance.

## OPEN HOUSE SUMMARY

During the month of April, Lake County staff sponsored three open house sessions that were attended by more than 100 people from both surrounding villages and unincorporated areas. Lake County staff from the departments of County Administrator, Planning, Building and Development, Division of Transportation, Stormwater Management and Public Works provided detailed information related to the following three functional areas:

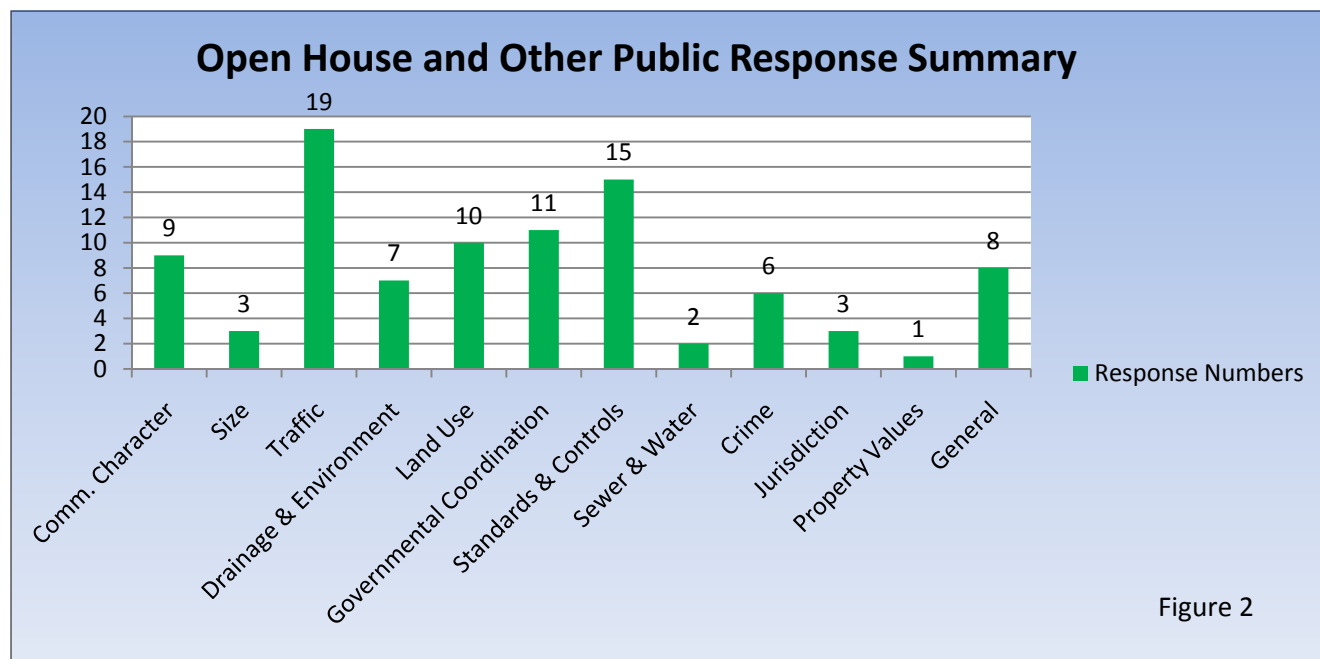
**What is the Proposal?** - Questions related to the Preliminary Development Plan and all the features associated with the plan.

**What is the Process?** Information related to the procedures that are in place for review of the application by the governing bodies prior to a decision being reached on the application.

**What are the Controls?** - Questions associated with the technical aspects of the project (i.e. traffic, stormwater management, sewer and water and community character).

Comments from these sessions and other correspondence received from citizens since the onset of the application, have been compiled, and have been packaged for dissemination to the Regional Planning Commission, Zoning Board of Appeals and the County Board. Figure 2 represents the number of

responses for various topical areas. A full listing of the comments received are listed in the appendix of this document.



## PUBLIC COMMENTS

Last Name	First Name	Jurisdiction	Category	Date	Open House Date	Comment Summary
<b>Email</b>						
Hansen	Roy	Barrington	General		03-Mar	County Board rep. is in favor; the result is a foregone conclusion; misuse of funds.
<a href="mailto:hansenroy@sbcglobal.net">hansenroy@sbcglobal.net</a>						
Kroes	Kevin	Lake Zurich	General		03-Mar	I would like to see the area developed as a nature preserve with a vending machine. I see very limited commercial success.
<a href="mailto:krkroes@gmail.com">krkroes@gmail.com</a>						
Kroes	Kim	Lake Zurich	General		03-Mar	When asking specific questions some people became very short and rude with responses. I understand people are upset, but representatives need to realize WE are upset, not blow us off.
<a href="mailto:kakroes@gmail.com">kakroes@gmail.com</a>						
Matre	Bev	Hawthorn Woods	General		03-Mar	What is happening at Bub's
<a href="mailto:bmatre@comcast.net">bmatre@comcast.net</a>						
Sabitt	Gale	Hawthorn Woods	General		03-Mar	All the pearls in the world don't disguise a pig. You are being sold a bill of goods by the Dimucci Family. Why do businesses with such a litigious entity? Others have thought they could - unsuccessfully.



<a href="mailto:gsabitt@yahoo.com">gsabitt@yahoo.com</a>						
Starkey	Linda	Wauconda	General		03-Mar	As former mayor of North Barrington, member of BACOG and the Rt. 12 Corridor Council, I am unhappy and shocked that after years of cooperative endeavors with municipalities, the County has now decided to poach this highly controversial property - against North Barrington and Hawthorn Woods prior agreement.
<a href="mailto:linda_starkey@hotmail.com">linda_starkey@hotmail.com</a>						
Bahr	Rich	Barrington	Proposal		03-Mar	No firm plan for a large development that ignores the local board and villages. The County is too pro-project.
<a href="mailto:richbj001@comcast.com">richbj001@comcast.com</a>						
Dier	David	Barrington	Proposal		03-Mar	What is the need to change the zoning from Estate residential?
<a href="mailto:dier@write.me">dier@write.me</a>						
Guss	Karen	Lake Zurich	Proposal		03-Mar	Height is my concern. I don't want tall buildings. I would like to see nice restaurants and shops, not all commercial type buildings.
<a href="mailto:kguss@prodigy.net">kguss@prodigy.net</a>						
Hansen	Diane	Barrington	Proposal		03-Mar	The property is surrounded by single-family homes; there is enough retail in the area; we don't have a need for low-income low paying jobs.
<a href="mailto:hansenroy@sbcglobal.net">hansenroy@sbcglobal.net</a>						
Kee	Jeff	Hawthorn Woods	Proposal		03-Mar	I am opposed to the proposed PUD, honor the present border agreement between the surrounding villages.
<a href="mailto:kbsjkee@aol.com">kbsjkee@aol.com</a>						
Kroes	Kevin	Lake Zurich	Proposal		03-Mar	I would like to see more refined plans for potential construction at the next meeting.
<a href="mailto:krkroes@gmail.com">krkroes@gmail.com</a>						
Kroes	Kim	Lake Zurich	Proposal		03-Mar	If you want to "sell" this project to us, you need to be more specific and less gray on the "potential" issues. I know it's all potential, but everything seems so shady.
<a href="mailto:kakroes@gmail.com">kakroes@gmail.com</a>						
Kuhn	Linda	Tower Lakes	Proposal		03-Mar	Strongly opposed to the development that has a façade that proposes to protect the environment and quality of life yet will have a negative impact.
<a href="mailto:linder234@yahoo.com">linder234@yahoo.com</a>						
Roos	Lisa	Hawthorn Woods	Proposal		03-Mar	I am interested in having development to lower real estate taxes and provide services.
<a href="mailto:lglybln9@aol.com">lglybln9@aol.com</a>						

Spiers	Glenn	Lake Zurich	Proposal		03-Mar	I am against the proposal for these reasons: Traffic - development will increase commute times, weekend movement in area, and deaths; Crime - project will bring crime despite a private security force; Drainage - there is already a serious drainage problem in the area, even with detention and slower release rates this will make conditions worse; Lights and noise - lights left on all night, heights that are greater than anywhere else in the area, and property values will go down; Why retail? - where is the market?
<a href="mailto:Glenn.spiers@hotmail.com">Glenn.spiers@hotmail.com</a>						
Swanson	Sue	Barrington	Proposal		03-Mar	The boundary agreement between Hawthorn Woods and North Barrington is historic and unprecedented. It should be respected and revered. To ignore the agreement and double the size of the development is disrespectful and shameful.
<a href="mailto:bkswanee@sbcglobal.net">bkswanee@sbcglobal.net</a>						
Wylie	Marilyn	Lake Zurich	Proposal		03-Mar	Safety of kids @ Middle School walking to mall; Can't handle any more traffic on Rt. 12 or Old McHenry Road including more lights; area residents do not want this proposal
<a href="mailto:wyliec@gmail.com">wyliec@gmail.com</a>						
Hansen	David	Tower Lakes	Proposal		03-Mar	Why do we need more shopping? RT 12 has enough and several buildings are vacant as is. Nobody is complaining that we need more! There is shopping from Lake Cook Rd to Wauconda! This land was for residential use and now they want it changed for their benefit for commercial zoning, this doesn't make sense and seems to benefit the family rather than the community; Concerned about traffic patterns on Rt. 12; concerned about more crime; concerned that I live in Tower Lakes and I see that some runoff will enter through Timber Lake and then through Tower Lakes into our lake. This is very concerning for residents that have to maintain the lake and its quality; I am not in favor of this planning and am hoping this will be shot down.
<a href="mailto:DavidM@nuheat.com">DavidM@nuheat.com</a>						

Sande	Karen	Lake Zurich	Controls		03-Mar	I am not opposed to the development "per se" but I have the following concerns: 1.) the amount of impervious surface has the potential of creating toxic waste and chemical contamination of the groundwater that will left for generations to clean up. Use permeable pavement rather than regular concrete; 2.) look at the aftermath of the development and plan for a market downturn and the potential of vacant space; 3.) plan the development in an ecological and sustainable way and incorporate sustainable standards in the conditions of approval; 4.) I am very concerned about Rt. 12 traffic; 5.) I do not feel that the boards of the townships are fully equipped to make all the decisions they do - we as taxpayers pay the price of their bad decisions every day; be responsible in planning this development.
<a href="mailto:ksande22@att.net">ksande22@att.net</a>						
Pines	Robert	Barrington	Proposal		21-Mar	To big! Not enough collaboration with surrounding municipalities; too close to residential property; roadways are not sufficient; too much vacant commercial in the area.
<a href="mailto:pinesdj@hotmail.com">pinesdj@hotmail.com</a>						
McLeod	Bonnie	Lake Zurich	Proposal		21-Mar	Consider the traffic and its impact on surrounding areas. There are too many stores already and many vacant buildings. I do not support the development.
<a href="mailto:mcleod810@comcast.net">mcleod810@comcast.net</a>						
Oltallrran	Kathy	Lake Zurich	Proposal		21-Mar	Not in favor of project. Traffic on Rt. 12, Old McHenry, Rt. 176, Quentin, Rt. 22 etc. would be gridlock; stores are vacant already in Lake Zurich, Deer Park, Long Grove etc.; build a retirement home instead.
Kusmerz	Tom	Hawthorn Woods	Controls		21-Mar	Very concerned about traffic and future development of Old McHenry Rd. going east. My east property line borders the ROW of the proposed Rt. 53.
<a href="mailto:tom.k.sr@barnnurserylandscape.com">tom.k.sr@barnnurserylandscape.com</a>						
Shusha	Richard & Crystal	Barrington	Controls		21-Mar	Traffic, lighting, pollution, crime comes to my doorstep, thanks to behind the scenes agreements with Lake County; this is a sham, the Lake County staff have become Dimucci pitchmen, where is the objectivity?
<a href="mailto:dshusha@mac.com">dshusha@mac.com</a>						

Deemer	Patricia	Hawthorn Woods	Controls		21-Mar	We prefer that it remain zoned residential. However, the timeline for a concrete development plan should be limited to 2 years, not 5. The setback from Old McHenry Road should be at least 300 feet, with a berm. Access from Old McHenry Road should be restricted to traffic coming from the west.
<a href="mailto:pdeemer@deemerlaw.com">pdeemer@deemerlaw.com</a>						
McGranahan	Nancy	Barrington	Controls		22-Mar	I live in Timber Lake, please don't let drainage cross natural topography - downstream areas of high erosion; concerned about sewer pipe size and costs; Rt. 12 corridor has a 30-40% vacancy rate, how do you justify adding more commercial? It doesn't make sense to add a mall when there are 2 within 15 min. drive; crime in unincorp. areas will increase with not much coverage, how will this be addressed? Traffic down Timber Lake already a lot of cut-through when traffic backs up.
<a href="mailto:fantana@interlync.com">fantana@interlync.com</a>						
Brauer	Marilee	Hawthorn Woods	General		27-Mar	What is the cost of the project?
<a href="mailto:mmtcbrauer@comcast.net">mmtcbrauer@comcast.net</a>						
Moncrieff	James	Hawthorn Woods	Controls		27-Mar	My concerns are: traffic; light "escape" from development; lack of a bike path on Old McHenry; possible impact on wells; project creep.
<a href="mailto:jamesmoncrieff@aol.com">jamesmoncrieff@aol.com</a>						
Klimstra	Melissa	Hawthorn Woods	Controls		27-Mar	I am concerned about open space and traffic control or the increase of traffic. I live off of Milton and I already see traffic cutting through - I am concerned about cut through on residential streets.
<a href="mailto:maklimstra@aol.com">maklimstra@aol.com</a>						
Brauer	Terry	Hawthorn Woods			27-Mar	No comments on the card.
<a href="mailto:terrybrauer@comcast.net">terrybrauer@comcast.net</a>						

Hasselberger	Lynn	N. Barrington	Controls			How can Lake County propose that the County maintain planning, zoning control and even jurisdiction over the development even though the burdens of crime control and traffic will fall on the villages? The proposed development exceeds the size of the Deer Park Mall. The County is ignoring the agreements between Hawthorn Woods and N. Barrington yet crime control and traffic will fall on the villages. I am against high density development and am disappointed how the Board is handling this situation. The development will have a negative impact on the area and will drain natural resources and add to pollution in the area. The process is unfair and underhanded.
<a href="mailto:lynn@myearth360.com">lynn@myearth360.com</a>						
Kefauver	Nelson	N. Barrington	Controls			The proposed development compares with the size of the Deer Park Mall. The County is ignoring the agreements between Hawthorn Woods and N. Barrington yet crime control and traffic will fall on the villages. I am against high density development and am disappointed how the Board is handling this situation. The development will have a negative impact on the area and will drain natural resources and add to pollution in the area. The process is unfair and underhanded.
<a href="mailto:nelskef@yahoo.com">nelskef@yahoo.com</a>						
Sullivan	Diane	N. Barrington	Controls			It appears that many of the county officials are just paying "lip service" to residents' concerns. Rezoning the property from Estate housing violates the County's own guidelines which specify the proposed general commercial zoning is " not compatible with residential" areas. Delay the rezoning until Dimucci can provide detailed plans for the property so the future will be foreseeable. At this time, if the project is approved, a few years from now the Dimucci's can revise their plan to bring in uses that are not acceptable. The Board should delay their vote until November when District 17 is properly represented. If the Board does vote to approve, they must include a requirement for public participation and notification when future plans are presented. Timberlake Drive should be closed or traffic should be routed to avoid cut-through traffic. The County is not agreeing to comply with the intergovernmental agreements.
<a href="mailto:dianedungey@comcast.net">dianedungey@comcast.net</a>						
Leitner	Kathleen	Tower Lakes	Process		03-Mar	
<a href="mailto:kmleitner@aol.com">kmleitner@aol.com</a>						

Sabitt	Jeff	Hawthorn Woods	Proposal	5/30/12	03-Mar	I live directly across from the subject property. The notice I received refers to a "high quality development" when there is no development proposed at all. This is a request to rezone the property to the most intense commercial district for a 5 year period. Homes in the area range from 450,000 to over 1 million. The proposed rezoning and the development will dramatically depreciate the value of the homes in the area and will make them "unsellable". Adding adjectives such as; "family" and "high-quality" seems to indicate that the rezoning has already been decided. I encourage the County Board to visit the area and understand the objections from the neighbors. This should not be Lake County vs. the Villages; we are all part of the County, we should operate as one entity.
<a href="mailto:jeff@sabitt.com">jeff@sabitt.com</a>						
Lorenz	Phil		Proposal	2/9/12		After reading the material from the meeting, it calls for around 50 acres to be used for the site/ Is this just the "footprint" of the actual buildings, or does that include the parking spaces? Also, restrictions as to building height is to be held to 50 feet, with 65 feet for spires, etc. How high is the restriction for light standards in the complex? Or will that need to be addressed after the architectural drawings are complete and it is determined how high each of the components are?
<a href="mailto:plorenz529@comcast.net">plorenz529@comcast.net</a>						
Stanislowski	Hank		Proposal	2/29/12		Why is the County involved in this proposal, with it mostly affects the residents in the area involved? Lake County stays out of local governments jurisdiction! Lake County should not be involved! You finding a way to get tax revenue instead of the municipalities.
<a href="mailto:hank@classictile.us">hank@classictile.us</a>						
Johnston	Jeff	Hawthorn Woods	Proposal	3/23/12	21-Mar	I feel strongly that 800,000 sq. ft. of retail space on 53 acres is too much for that site. Regardless of the open space, landscape buffering, architectural standards, etc., those numbers are too intense. The impact on traffic and congestion in the entire area, including Old McHenry Road, would be significant. I am not entirely opposed to some retail development at that site, bu in order to minimize the negative impact on surrounding communities the scope needs to be reasonable. As currently proposed, the size of the project is not reasonable. Incidentally, for purposes of comparison I refer to the square footage and acreage numbers from another commercial development in the area, Deer Park Town Center.
<a href="mailto:JSJ36@aol.com">JSJ36@aol.com</a>						



Holtgren	Fred	Wauconda	Controls	5/25/12		I live on West Milton Rd. What are the plans for corralling the traffic on our road ??? If this project goes. Right now, at times, it is really busy for the cut off from route 12 & Old Mc Henry TO route 176 via Milton to Fairfield Rd. AND VISA / VERSA.
<a href="mailto:foxfire129@aol.com">foxfire129@aol.com</a>						
Burgoon	Steve	Tower Lakes	Proposal	5/29/12		Comments are reflected in the attached email.
<a href="mailto:sburgoon@comcast.net">sburgoon@comcast.net</a>						
Guss	Karen	Lake Zurich	Proposal	6/1/12		There are many interested people wanting the property on Old McHenry and Rt. 12 to be developed. A high end shopping/business development would be Great! Lake County does a great job with sound factors, traffic, and curb appeal. It would be awesome to have an Olive Garden or Marianno's. There is a need for middle of the road priced restaurants. We already have the low and high restaurants. Another great idea would be to extend the biking and hiking trails from 176 thru the beautiful Forest Preserve to Milton Road, having biking and hiking availability to the new development. Buses Woods has a great black top path throughout their Forest Preserve that Lake County should consider. This new path would increase the enthusiasm of the people living and visiting the surrounding areas.
<a href="mailto:kguss@prodigy.net">kguss@prodigy.net</a>						
Fentress	T.L.	N. Barrington	Controls	6/3/12		Just what we need is more traffic and congestion at that intersection of Rand and Old McHenry Road. This is not a good place to put in a strip mall or any type of a business. I can foresee in the future many-many accidents occurring at that intersection. A case in point is the intersection of Miller Road and Rand Road - look at all of the accidents and deaths that have occurred at that place? This proposal is not a very good one in my opinion.

### Separate Documents (see attached)

Memo – Concept Plan Interpretation

Staff Report

Appendix A – (To Staff Report) UDO Purposes and Intent

June 1, 2012

TO: Marvin Raymond, Chairman  
Lake County Regional Planning Commission

FROM: Delmer H. Powell, Jr., Zoning Administrator, AICP  
Lake County Department of Planning, Building, and Development

RE: Plan Requirements for Preliminary Development Plan (PDP)

This memo is intended to address the question posed by members of the public and RPC Plan Commissioners regarding whether the Preliminary Development Plan included in the DiMucci Family application is a valid "plan" for consideration by the Regional Planning Commission and other governing bodies.

Section 3.7 of the Unified Development Ordinance outlines the review and approval process for Planned Unit Developments. According to Section 3.7.3, the intent of PUD Preliminary Plan/Plat stage is as follows:

*"Upon completion of the Preapplication Conference Stage of the PUD process, applicants shall prepare and submit a preliminary plan/plat for the proposed development. The PUD Preliminary Plan/Plat shall be processed concurrently with any required Zoning Map Amendment. All PUD Preliminary Plans shall require review and recommendation by the Zoning Board of Appeals and the Planning, Building and Zoning Committee. The County Board shall have the final decision-making authority on PUD Preliminary Plans. The County Board's approval of the Preliminary Plan constitutes approval of the conceptual use and layout of the proposed PUD."*

Based on our review of the PDP submitted by the DiMucci Family and consultation with the States Attorney's Office, it is our opinion that the PDP meets the requirements of Section 3.7 for following reasons:

1. The PDP consists of site plan and design elements. The **site plan** portion of the PDP proposed by the DiMucci Family establishes clear boundaries for the development area by means of setbacks and open space limitations; and is further defined through floor area and impervious surface area thresholds. The site plan also limits height and places specific constraints on lighting at all property lines. The **design** features of the development are established by a 61-page "Pattern Book" that reflects and expands on the Route 12 Corridor Planning Council's Guidelines providing clear direction in the areas of signage, architecture, site lay out and landscaping. In staff's opinion, the PDP in the DiMucci Family application provides sufficient

detail to perform a review, evaluate impacts and establish conditions required to be met by the Final Development Plan (FDP) when it is eventually submitted.

2. The Planned Unit Development process is an extensive entitlement process involving a considerable amount of staff and public involvement prior to a plan being approved. For this reason, it is not necessary that the PDP show a final, precise layout of all physical improvements or specific uses that will be located in the development. Rather, in accordance with Section 7.8.7.2: "any use or mix of uses may be allowed within a PUD in a nonresidential zoning district provided that those uses not allowed by right in the underlying zoning district shall be specifically approved within the PUD by the County Board". The application does not request the inclusion of any use that is not allowed by right in the General Commercial District, therefore only those uses permitted in the General Commercial District will be allowed unless other uses are specifically approved by the County Board when acting on the Preliminary Development Plan and Conditional Use Permit application.
3. The PDP constitutes an overall review of the conceptual site plan and a preliminary site capacity analysis for the property. In accordance with Section 4.1.3.3 of the Unified Development Ordinance, "The Planning, Building and Development Director shall determine the type and extent of information necessary to provide for an adequate Site Capacity/Site Plan Review...". The Director has reviewed the proposed application and has determined that the information contained in the plan is sufficient to conduct a review of the PDP for this project. The Final Development Plan stage will require the developer to provide a more detailed site plan and site capacity calculations based on the plan proposed at the time of development, and that plan must reflect all conditions of approval established at the PDP stage. All of the development, including detailed engineering for access, stormwater management, landscaping, architecture etc., will be considered at the Final Development Plan stage. Staff will require that the Final Development Plan meet the regulatory requirements of Lake County and other agencies that will control the plan that is ultimately developed.



Lake County Central Permit Facility  
500 West Winchester Road  
Libertyville, Illinois 60048-1331  
Phone: 847.377.2600  
E-mail [lcpermits@lakecountyil.gov](mailto:lcpermits@lakecountyil.gov)

## **MEMORANDUM**

June 7, 2012

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

FR: Delmer H. Powell, Jr., MSCP, 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.

### **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 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.

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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.

## **APPENDIX A**

### **UDO Purposes and Intent**

#### **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.

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**9. 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.

**10. Promoting conservation development:** The proposal calls for a commercial conservation development consisting of development confined to 53 acres and surrounded by permanent open space.

**11. 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.

**12. 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.

**13. 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.