

Zoning Case #000536-2019, #000537-2019

Summary of ZBA Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on January 7, 2020, on the application of Timothy James, who seeks to rezone PIN 09-36-400-009 from the Residential-1 (R-1) zoning district to the General Commercial (GC) zoning district; and requests a Conditional Use Permit (CUP) for a Planned Unit Development (PUD) for a self-service storage use (indoor/outdoor). The subject property is located at 25250 W. Old Rand Road, Wauconda, Illinois, and is comprised of 22.50 acres.

The following is a summary of the testimony presented:

1. Krista Braun, Planning and Zoning Manager, Lake County Planning, Building & Development Department, stated the application request under consideration was for a Conditional Use Permit for a Planned Unit Development to establish an indoor-outdoor self-service storage use and request to rezone the subject property from Residential-1 to General Commercial. Ms. Braun described the legislative review process which entails a recommendation by the Zoning Board of Appeals, a recommendation by the Lake County Public Works, Planning & Transportation Committee, a County Board decision for the rezoning request and Preliminary Plan for the Conditional Use Permit for a Planned Unit Development, and a decision by the Lake County Public Works, Planning & Transportation Committee for the Final Development Plan. Ms. Braun stated the ZBA recommendation for the rezoning is based on a preponderance of the evidence related to the approval standards rather than being based on single factors. After outlining the procedural process for the hearing, Ms. Braun went on to describe the overall proposal, as follows. The project will be concentrated on the southern half of the property to preserve as much of the natural resources as possible. The development impacts 50 percent of the mature woodlands and 10 of 13 significant trees for which an area of reforestation of 1.05 acres is required. The applicant has proposed 1.6 acres of reforestation. Personal self-storage and indoor storage of recreational vehicles are permitted in the General Commercial Zoning district; however, the outdoor recreational vehicle storage use is not allowed in this zoning district absent a Planned Unit Development. With the exception of the natural resource protection standards, the Planned Unit Development provides flexibility of the development standard requirements such as setbacks and floor area. In this case, the proposed project meets or exceeds all of the ordinance requirements with the exception of the proposed sign. Ms. Braun concluded the opening statements by mentioning that based on the recommendation from the State's Attorney's Office, staff has advised ZBA members that are not acting as voting members to not attend the hearing, as a precautionary measure to avoid any influence or appearance of influence over the ZBA's deliberations.
2. Mark Saladin, attorney with Zanck, Coen, Wright & Saladin, and representative for the applicant, introduced the applicant/property owner and the subject matter experts who provided testimony.
3. Timothy James, property owner of 25250 W. Old Rand Road, Wauconda, Illinois, provided background information on his past business experience and history of working in Lake County.

He testified that based on his research it is necessary for a self-storage facility to be located near a busy highway (U.S. Route 12). The site is 22.5 acres of which 13.73 acres (61%) will remain in open space. The development area will be concentrated on the south half of the property, which abuts commercial zoning and uses to the south, adjacent to U.S. Route 12. Access to the site will be in a similar position to the existing entrance off of Old Rand Road. The property is currently improved with a single-family dwelling and two agricultural structures, all which are in disrepair and are proposed to be removed.

Mr. James stated when rainfall occurs, there is nothing to stop the flow of water through the wetlands and to the north crossing Ivanhoe Road. The pond and wetlands are in poor condition without native species. The proposed site plan will allow for the timed-release of the water with an improved pond. The existing woodlands contain buckthorn, other non-native species, and dead trees. These will be replaced with native species in a quantity that exceeds the Ordinance requirement by 50 percent, as indicated on the reforestation plan. The location of the reforestation will be north of the storage facility improvements in part to screen the buildings from the adjacent properties and subdivision. He further explained the area of reforestation extended to the edge of the adjacent wetland buffer area and wetlands.

Mr. James presented renderings illustrating typical architectural features of the storage buildings and his plans for the business sign and electronic message board. The sign would be five feet taller than allowed by Ordinance, but he explained the additional height would be offset by the grade difference between the property and Route 12. Mr. James gave a detailed description of the adjacent property uses and roads and the proposed layout of the storage facility.

The landscape plan indicates traditional plantings along the west side, Brown Street, and extra (non-required landscaping) within the interior of the property to provide buffering. The public access to the site will be from Old Rand Road, with a limited emergency access on the east side along Brown Street, to meet the Wauconda Fire Department requirement. Mr. James concluded his presentation by describing the feasibility study for a storage use that he obtained, and the results of the study indicated a storage use is a needed business for the area. Ultimately, the site will remain in 61 percent open space, and an approval of this development would eliminate a history of abuse to the property and enhance the property's natural resources with improvements.

4. Ron Adams, of Pearson, Brown & Associates, testified as the professional engineer for the project and briefly described the civil engineering and stormwater management improvements planned for the property. Mr. Adams stated the project will comply with all applicable portions of the Lake County Stormwater Management Ordinance which includes floodplain storage detention, and all elements regarding wetlands and wetland buffers. A portion of the property is located within a Lake County floodplain, portions of the floodplain will be disturbed by the construction of the stormwater detention facility which will be compensated at a 1.2 to 1 ratio, which will be compensated with an additional 20 percent. From a topographical standpoint, the first building is situated away from Ivanhoe Road by a distance of 477 feet and at a higher elevation by 15 to 20 feet higher. The project improvements will be located on the highest portion of the property within the southeast corner, and the water runoff flows west before it moves north to an 18-inch culvert that conveys water underneath Ivanhoe Road. The watershed for the subject property includes

some of the land to the west (church), and some from the south (nonresidential uses), but a significant amount of water drains onto the property from the east from Lakewood Forest Preserve. Ultimately, the project will control the runoff by storing a majority of the water from rain events and release it at a slower rate. Currently, water falls onto the subject property and leaves as the pond does not have a restrictor or control feature. After reconstructing the pond and immediate area, control outlet structures will be placed to only allow water to leave the site at a certain rate by utilizing both a 4 ¼ inch and 6inch pipes. Any water greater than the capacity of those two restrictors is stored as detention. Presently, the water that leaves the site is from agricultural or livestock waste and the new design will incorporate best management practices that will improve the water quality. Mr. Adams concluded his testimony by stating that the planned engineering improvements would have a positive effect on the property owners to the north.

5. Steven Rauch, a certified wetland specialist with Hey & Associates, is the Environmental Services Manager who conducted the tree inventory and the wetland delineation on the subject property. The tree inventory indicated 249 trees of greater than 12-inches located on the subject property. The property also contains two wetlands separated by a berm, neither of which are classified as a “high-quality” wetland. Buckthorn and other invasive species are located within the northern wetland and will be removed, which will allow for improved growth of the larger trees and planted saplings. Large oak, hickory, and black cherry trees are located on the subject property; however, their growth and vitality are limited due to the non-native, invasive species. The reforestation plan will assist with the native species regeneration and improve the biodiversity around the pond. Incorporation of up to 40 new species of flowering plants will benefit pollinators such as the Monarch butterfly.

A pipe is currently located within the southern wetland; however, it does not flow often since it has a skim of algae over it and is surrounded by buckthorn and box elder trees. The proposal will place emergent plantings and a wet prairie around the wetland, which will prevent algae. The County Ordinance requires a 3-year monitoring plan, verified by an annual report, which entails herbicide application and weed removal. Mr. Rauch concluded his statements by testifying that the open space area would be effective in screening the storage facility from the neighborhood to the north, especially during the summer.

6. Frank Harrison, a real estate appraiser and land use consultant, was hired by the applicant to verify the “highest-and-best-use” of the subject property. Mr. Harrison indicated there are 24 self-storage units operating in McHenry and Lake Counties. He explained that in order to determine the “highest-and-best-use” of the property, it has to pass four tests. The first step in his analysis was to inspect the subject property which he determined to be in disrepair and the buildings to be of no value and should be demolished.

His second step was to examine the character of the surrounding properties. The land to the east is owned by the Forest Preserve District, who would not have any interest in this property due to its limited size, relative isolation and separated from their equestrian facility parking lot by a public street. To the south along Route 12 are commercial uses, to the west is a church and residential to the north. Mr. Harrison stated his preliminary choice for the use of the property was commercial.

Mr. Harrison stated his investigation indicated this property has been marketed for a residential use for many years with no success. Without public sewer and water available to the subject property, any residential development would have to be low-density and would be limited by the extent of wetlands. Mr. Harrison summarized the four potential uses for the subject property are: 1) Farming: not viable; 2) Single-family residential: has not occurred and will likely not occur in the future as most of the Wauconda residential development is occurring to the north; 3) Industrial or 4) Multi-family; neither of which would occur without public sewer and water which is not in immediate proximity. As the character of the property is more reflective of the Route 12 corridor than the uses to the north, the highest-and-best-use of the property is commercial. There would not be a negative impact upon the surrounding properties.

The third step in his analysis was to determine if there is a demand for this use. Mr. Harrison stated self-storage is present throughout Lake County, however people want to be located within very close proximity to this use. It was his opinion that no other alternate use exists for the property that would meet the development criteria and provide a higher value. The per day traffic count on U.S. Route 12 is 36,800 vehicles, Ivanhoe Road is 1,000 vehicles, and Old Rand Road is 1,000 vehicles. Both Mr. Harrison, and the Mr. James testified the application meets the County criteria for a rezoning CUP and PUD.

7. Member Peterson asked the following:

- A. Could the applicant decrease the height of the freestanding sign?
- B. Will bright lighting occur with the project and will it occur along Brown Road?
- C. Will the lighting have an effect on the wildlife on the property?

Mr. James stated he will amend the application to lower the sign height. The proposed lighting will be a dimmer LED lighting and the message board would indicate time-and-temperature and storage specials. The lighting photometric plan meets the County requirements. The entire property will be fenced which will discourage wildlife from accessing the developed portion of the site.

8. Member Koeppen asked the following:

- A. How many lighting fixtures?
- B. Upon a formal approval, what is the timeframe for construction?
- C. What are the staff hours?
- D. Will rentals occur?

Mr. James stated there will be approximately 150 lighting fixtures. He would like to initiate the grading and site improvements in the spring of 2020 and overall completion between 3 and 5 years. The staff hours would be from 9 a.m. to 6 p.m. No rentals of moving vehicles or product sales will occur.

9. Member Stimpson asked the following:

- A. Will the applicant use the private septic tank and well from the existing single-family dwelling?
- B. Will you apply for a landscape waiver with the property owner to the northeast?

C. Does the church property to the west have an objection?

Mr. James stated the septic and well for the single-family dwelling will be abandoned and capped and he would establish a new water well. There will be no water for the storage facility buildings. The applicant stated he was in the process of negotiating a landscape waiver with the adjacent property owner(s) which would be reduce the buffer requirement to installation of just a berm or fence. The property owner in question, Michelle Antonucci, who was in attendance, stated she is the primary property owner. Mr. James stated if a berm was established, it would trap the water from the northeast, but a fence would facilitate improved water flow. There will be a perimeter fence on the property line and the location of the nearest storage building would be 250 feet from the adjacent northeastern parcel. Mr. James stated he has discussed the project with the church representative and would work with them to potentially incorporate additional landscaping on the western property line.

10. Member Reindl asked and stated the following:

- A. For a self-storage use, are restroom facilities required for the general public?
- B. Voiced objection to “moving” (animated messages) in signs.
- C. Deer may jump the perimeter fence.

Mr. James stated they are not proposing nor required to install bathroom facilities for the storage buildings.

11. Member Hockney stated the following:

- A. What will happen to the water flowing towards Ivanhoe Road?

Ron Adams stated when the pond fills, the water outlets through a controlled structure and moves north into the existing wetlands, and ultimately the crosses Ivanhoe Road through an 18-inch corrugated metal pipe. Currently, there is a drain tile coming from the south to the north/northeast, and the water flows to the culvert. Additionally, there is a drain tile from the Forest Preserve property and water is received via a drainpipe, under Brown Street. Ultimately, the drainage from the east will not change, and the drainage from the south will go in the same general path toward the existing wetland. Clearing and cleaning will occur in the existing wetland, however, no regrading will occur.

12. Member Raymond asked the following:

- A. Will the area of the storage building be entirely impervious surface?
- B. The center area will be for to open storage for vehicles?
- C. Has the County examined the water runoff calculations from the storage building roofs?

Mr. James stated the storage area will be impervious surface. The open storage area will be for boats and RV's. The engineering firm established the runoff calculations for a 100-year rain event.

13. Chairman Bell asked the following:

- A. Is there any way the stormwater can be retained on the subject property?
- B. What will happened to the water flow that towards the residential areas to the north?

- C. Will the drainage onto the residential property be decreased?
- D. Can the proposed freestanding sign height be decreased?

Ron Adams stated it would be impossible to store all the water on-site. An applicant can control and reduce the rate at which stormwater runoff leaves the property, which is the intent of the Ordinance. The property currently contains 2 acres of impervious surfaces, and the larger storm events will be collected in the pond and slowly released. The amount of water which leaves the site after development is going to be less than what leaves the site now because there is no restriction on the impervious surface which exists today. The runoff will occur to the west then to the north. The residential area north of Ivanhoe Road has a large unbuilt area due to the presence of floodplain and depressional storage. The houses are located on a higher elevation on the north side of the neighborhood. A drainage study was conducted of the subject property, and the other properties in all directions and the conclusion was that the property to the north contains a base flood area. The proposed project will not change this base flood which stores water today and would continue to do so after a proposed development is built on the subject property. The elevations of the property to the north are lower than that of the subject property. The release and flow of water from the subject property will decrease onto the residential property to the north. The design calls for one restrictor to be 4.5 inches and the other restrictor at 6 inches at a higher level.

Mr. James stated he would lower the proposed sign; however, a monument sign would be ineffective as U.S. Route 12 is approximately 12 feet lower in elevation.

- 14. Larry Svec, president of the Tamarack Civic Association (residential property to the north), asked the following:
 - A. Can the 61 percent of the designated open space be permanently established in perpetuity?

Eric Waggoner, Lake County Planning, Building & Development Director stated there are two ways to permanently establish open space. First, is a conventional approach which is to designate it as a feature of the site plan which is approved as part of the planning development. Additionally, the County Board would have the option of requiring it as a condition of approval. A permanent restrictive covenant on that section of the property would ensure the area is preserved permanently and impose appropriate requirements on the maintenance of that open space as part of the restrictive covenant, which could be a condition of the development. If it was a concern of the residents that the permanent open space restriction may be eliminated at some point in the future, that is the second and more significant approach that some developments take when looking forward to the future to guarantee that an area is preserved as a benefit to the surrounding areas and stays a benefit over time. The permanent open space can be imposed as a condition.

- 15. John Cushman asked the following:
 - A. What is the frontage of Old Rand Road?
 - B. Will the paving between the units be gravel or concrete?

Steve Rauch stated the property frontage along Old Rand Road is 257 linear feet. Mr. James stated the property will be improved with blacktop.

16. Sue Swanson asked the following:

- A. Could the blacktop area be improved with percolated pavement to assist with runoff?
- B. Can the drainpipe be percolated to help water absorb into the ground?
- C. How much floodplain area is present?
- D. How much water will leave the site?
- E. How many storage units?
- F. What is the standard maximum impervious surface and floor area for this zoning district?
- G. Are the storage units restricted to the development area?
- H. She would prefer an atrium or landscape nursery on the property rather than the proposed self-storage facility.

Mr. James stated they will not use that type of pavement as it tends to be unstable and unattractive over time. The pipe will only be use for a short distance and will not be perforated. Mr. Rauch stated the depressional floodplain was determined elevational, and it is located mainly in the wetland area identified in yellow. A portion of the floodplain area would be disturbed for grading and replanting of the berm and stormwater base. They will modify the elevations and compensatory storage of 1.2 to 1 ratio. Mr. James stated the site will have 431 units. Mr. Waggoner stated the maximum impervious surface allowed in the GC district for a by-right use would be over 11 acres and the applicant is proposing 9 acres of impervious surface. The maximum floor area permitted would be 5 acres and the applicant is proposing 3.08 acres. The Planned Unit Development locks in the maximum buildable area, so in order for any expansion to occur, it could only be within the area that is allowed to be developed. If there is any permanent restrictive covenant, for example, the 61 percent of the property dedicated to open space could not be used for expansion of any units or impervious surface. If so requested, a maximum of 431 units could be a condition of approval that as part of the site plan, the County Board could impose a condition that no more units be allowed above and beyond the number that is provided on the current site plan.

17. Hugh Brandt asked the following:

- A. Will the water within the development area flow into the western pond and what is the timing of the release?
- B. What is the timetable for the water mitigation and grading to occur?
- C. Stated he had a concern with the drainage of the site and its effects on the neighbors.

Mr. James stated that he and his consultants have been very sensitive to the impacts on surrounding properties. Unlike the existing situation, the water will be directed toward the western pond by gravity and then released slowly, which will improve drainage conditions off-site. The County requires pipelines underneath the impervious surface, so that will be initially installed with the drainage improvements.

18. Steve Karmatz asked the following:

A. What is the use and the size of the buildings on the west side of the development area?

Mr. James stated the sales office will be located on the west side of the development area. The other part of this area will be for enclosed storage of maintenance equipment and a personal camper.

19. Bill O'Connell asked the following:

A. How long will it take to remove the buckthorn?

Mr. James stated the County requires removal in a timely manner. There is currently no set timeframe, however, it will have to proceed hand-in-hand with the reforestation, which has to be done in the initial stages of the development.

20. Michelle Antonucci asked the following:

A. Are there going to be blue tarps visible from the development property?

B. Is the perimeter lighting going to appear as a car dealership?

C. Will a motion detector be constantly in use?

D. Will the monitor cameras be able to see her house?

E. Will the water currently seeping into the round underneath the subject property, once it reaches a certain level, be directed to a 4-inch pipe into the wetland?

F. How will the facility improve/decrease her property value and those in the residential area?

Mr. James stated there will be no blue tarps associated with the storage units. For improved screening, he will include evergreens on the north side of the development area. All the storage buildings will be single-story, and lighting will be LED for security purposes, facing downward on during the nighttime hours. The security cameras will be mounted for viewing any internal activity inside the development area, not outside. Mr. Adams stated the elevation of the self-storage units will be relatively flat within the 730 range. Part of the property will be cut and filled with the ponds approximately 15 feet lower and wetlands approximately 20 feet lower than the development area. The pond will obtain a high-water level for a 100-year event and the water will leave the pond at two different rates, a 2-year release and a 100-year release rate and one of those is with a 4-inch restrictor and the other a 6-inch restrictor. The project will not alter the creek, which is located within the residential property to the northeast. The proposed fence will be 60 inches tall. In response to the question about property values, Mr. Harrison stated it is not going to negatively impact the value of any properties north of Ivanhoe Road; however, it will significantly increase the real estate taxes which are paid on the subject property. It would not improve the value of Ms. Antonucci's property; o impact would be limited to the natural resource modifications. Conversely, he stated it would not cause a decrease in her property value. Based on his experience, a decrease in property value is more likely to be damaged by market conditions rather than a development like this. If a destination grocery store were placed on-site, there would be an increase in traffic.

21. Anonymous audience question:

A. Could the Board consider a permanent covenant, and if so, what would be the process?

Eric Waggoner stated if a recommendation was carried forward by the Zoning Board of Appeals to the County Board, the County Board could impose a condition that at such time as the final development plan is approved, the property owner would be required to record a restrictive covenant against the property with the Lake County Recorder of Deed that specified whatever criteria was appropriate for the preservation, protection, and maintenance of the open space area. Mr. James was amenable to that type of condition; however, he would prefer to have the covenant prepared as a conservation easement so as to not lose a tax break. Mr. Harrison added that the property could be encumbered with a voluntary conservation easement, which would satisfy the desires of all parties. Mr. Waggoner also added that the petitioner has the right to amend his application to include any voluntary additional conditions.

22. Valerie Campbell asked and stated the following:

- A. Would the paved area affect the residential private water wells?
- B. The light from the new development would affect the quality of life for the residential properties to the north.
- C. Believes the development will impact the residential property values.

Mr. James stated that currently the water runoff into the pond and wetlands has been contaminated from the agricultural waste accumulated from the uses on site. The new development will improve the quality of water runoff since there will be no animal waste, and the new native vegetation which will be installed adjacent to the wetlands will act as filtration. Mr. Rauch stated any water from the development will settle into the sediment in the water or it is going to be uptake through the plants.

23. Cheryl Jaros asked the following:

- A. Questioned why the applicant wanted the use on the subject property rather than another property already zoned for commercial purposes.

Mr. James stated the property addresses their specifications of price, size, and location for a storage use.

24. Michael Yakes asked the following question:

- A. How often do you plan to use plow trucks in the winter?
- B. How much snow and how long will it take to plow the facility?
- C. Would the plow trucks require lights and make noise?
- D. Would plow trucks interfere with the neighbors view in the evening?

Mr. James stated he would plow when there is a snowfall of 1.5 inches or greater. When a nighttime snowfall occurs, Mr. James stated he would wait until 7:00 a.m. to plow. He does not believe the plows would be visible to neighbors since they would not be able to see customer vehicle traffic.

25. Art Leech asked the following:

- A. Will the debris from the existing barns and single-family dwelling be removed from the site and new fill be used to increase the height or is the grading going to be used for the filling?

Mr. James stated 90-100 percent of the debris from those buildings will be recycled. The elevation will remain flat, with the higher area located at the same area as the footprint of the existing barn.

26. Susan Eccles asked the following:

- A. How tall are the light poles?

Mr. James stated most of the lighting will be building mounted with a few perimeter lights. Member Koeppen asked if the applicant would amend the petition regarding the sign height. Mr. James stated he would amend the height of the sign in the application to meet the Ordinance maximum sign height.

27. John Eccles asked the following:

- A. Stated he did not feel the lights should be on unless there were part of motion sensors.
- B. When and how did the feasibility study occur?
- C. Asked members of the audience if the proposed use was desired in the area.

Mr. James stated they submitted a lighting photometric plan to the County in which the requirements do not allow excessive lighting to leave the site. The feasibility study occurred one year ago by an independent company named Storage 101, which reviewed storage facility occupancy rates in the area, and they determined there is a need for this use in the area.

28. Amy Davis asked the following:

- A. Will the site have 24-hour access?
- B. With 24-hour access, there will be headlights from vehicle traffic.
- C. She owns Main Street Storage in Wauconda and was not contacted about occupancy rates or the feasibility study.

Mr. James stated the facility will be accessible 24 hours.

29. Scott Weisbruch, Wauconda Township Highway Commissioner, asked the following:

- A. Most neighbors are concerned about water, but his primary concern was with the wetlands. The pipe that runs underneath Brown Street is at capacity so the runoff from Brown runs from east to west and goes west through the Tamarack Subdivision. The Township completed a \$30,00.00 improvement in this area. The pipes at the entrance to Tamarack Subdivision are at the top of the grade of the road and the water, the wetland on the other side is over the top of the pipes. This area cannot take more water and there is nothing more the Township can do. When they say it is a 16-inch pipe, that goes underground, then it reduces to 12-inches through private property. There was never a designated stormwater easement in this location,

so the Township cannot touch it. When the water does exit again, it goes into a 12-inch pipe. There is no more water that can go that direction.

Mr. James stated it would be helped by reducing the flow into the outlet.

30. Glen Swanson, Wauconda Township Supervisor, asked the following:

- A. Questioned the existing conditions on the property.
- B. Was unaware of reconfiguring a pond for increased water retention.
- C. How does the applicant think more water will not flow through the area onto Brown or Ivanhoe Road if 41 percent of 22 acres is covered and cannot drain into the ground?
- D. Retention vs. detention.

Mr. Rauch stated you can reconfigure the pond. What is considered for any development is the rate at which the water is leaving the property. The purpose of water retention of any development is to control the water, hold it back, and release it slowly. It is ultimately the rate, and not the volume. We are taking the 100-year rain event and putting it into a pond and releasing it into a flow similar to a two-year rain event. So, we are making a huge improvement in the run-off conditions. If you were to say you could not increase the volume of rain, then you cannot develop. Retention and detention are the same. The outlet is the control. A retention pond is pumped below the outlet and then fills up. Ours is going to be at a normal water, and when the rain occurs it will increase. The water will go through a 4.5-inch restrictor until it gets to a certain level, and then through a 6-inch restrictor. Anything which cannot go through those two restrictors is stored behind the detention pond. So, rain that would run off in an hour is going to run off in 24 hours or longer. The County decided they want .04 cubic feet per second release rate for a two-year event and .15 cubic feet per second for the 100-year rate.

31. An anonymous audience member asked the following:

- A. Will the area on the west side of the property still flood after the development?
- B. Will the developed area create more water?
- C. Feels the development will create more water runoff.

Mr. Rauch stated the grade of the pond area will not change. The development will create more water runoff; however, it will be managed with a detention facility and controlled release. Mr. James stated currently the water is uncontrollably released to the north across Ivanhoe Road. The pond is going to be "D water expanded" and will have more capacity than the previous pond. Mr. Rauch stated currently the pond is not a detention pond, the water that flows into it flows right back out of it. The water that flows into the new pond is going to be held back and trickle out of a small restrictor, improving the situation from what it is today.

Brian Frank, civil engineer for the Lake County Planning, Building & Development Department stated he reviewed the development for stormwater for detention and Stormwater Management Commission requirements for depressional floodplain as the site is greater than 20 acres. After reviewing the flow, the runoff generated by the development, the stormwater report, the calculations, and the outlet structure, the project meets the requirements. There is 2-plus acres

of impervious area from the existing development which is not being restricted. The applicant is proposing a 24-inch pipe which is going to be released out of a 4.5-inch restrictor, which will be a net benefit from a drainage standpoint. He further explained there is a misconception regarding drainage with the belief the existing site soaks in water. When there are hydric soils present, not much soaks in. Lake County has clay soils with little infiltration. This is 10 acres of development and there is roughly 60 acres draining through this area from the Forest Preserve. It will not be a “end-al fix-all”, but it will be a net benefit from a stormwater and flooding standpoint.

32. Brian Sheahan stated the following:

A. Stated he was from LSC Development, the shopping center at 600-604 W. Liberty, Wauconda that has a self-storage tenant. Currently, on a per capita basis we are at the national average with existing storage, not including the current proposal. The new development would place storage over 20 percent of the national average in a 3-mile radius, and 15 percent in a 4-mile radius. There is a lot of self-storage in the area, occupancy is down, and rates are dropping. Occupancy at these facilities brings in an element that is not always in the best interest of other communities.

33. Michael Gates stated the following:

A. Stated he was from Apple Self Storage and he was not contacted for the feasibility study, and storage facilities in the area have low rates. Wauconda Self Storage has a 25-year low occupancy, down 25 percent, Volo Storage is down 16 percent over 2018, Main Street Storage is at an all-time low, and Extra Space Storage is well below capacity. Occupancy affects property values and business values, and if business values go down, the taxes the Township and County receive goes down also. Although they will bring new tax dollars it is going to be at a low rate because they are not generating any cash. So, using their property as a comparable, and I am going to lower my tax rate, so is Extra Space Storage, Self-Storage, Main street Storage, Volo storage and Roberts Road Storage.

34. Larry Svec stated the following:

A. I am officially requesting that applicant establish a permanent restrictive covenant to ensure 61 percent of the property can never be developed. He is concerned if this project were to fail what this area could be used for in the future.

Mr. Waggoner stated in order for any Planned Unit Development to be substantially modified (including a change in land use), the County would consider that to be a Major Modification to the PUD Final Development Plan, which would necessitate starting the entire process over (beginning with a required public hearing by the ZBA with the public in attendance).

35. John Cushman stated the following:

A. Stated he is the vice-president of the Tamarack Homeowners Association, and the reason there is no self-storage in Hawthorn Woods, Barrington, and Lake Zurich is because they are ugly. Their neighborhood association covenants stated they could not have outdoor storage sheds because they are ugly.

- B. There is a concern about enforcement if the property owner sells the property and the new owner does not follow the Ordinance.
- C. Asked for a show of hand from the audience who may have a concern about the development.

Eric Waggoner stated one of the benefits of a Planned Unit Development and Conditional Use Permit Process is it allows the County Board to impose conditions on the long-term maintenance of the facility. For example, in the past this ZBA has made recommendations to the full board which have been accepted by the Board that allow for ongoing maintenance inspections to ensure that the condition of the property remains professionally well-maintained and that structures do not become dilapidated. That would provide for an enforcement remedy.

Member Koeppen asked Mr. James if he was ok voluntarily designating a 61 percent open space covenant for the development. Mr. James stated he had no objection as long as it would not affect his tax break.

36. Mark Saladin, attorney for the applicant, stated the following:

- A. Stated they understood all of the neighbors' concerns and they have made every attempt to propose a development that they believe only Mr. James has the ability to do the enhancements to the wetlands, reforestation, and preserve those items that are natural resources and will work with the County relative to the appropriate open space requirements. The applicant has agreed to the sign condition, and lighting is controlled by the County Ordinance. He believes through the expert testimony, and the Zoning Ordinance standards, they have met the requirements for a rezoning, conditional use and a Planned Unit Development, in which the PUD designates various restrictions on the site and any modification in the future. We have received a favorable recommendation from staff after working with them over a year-and-a-half on a site plan balancing the natural features with a productive business use. He requested their exhibits be admitted into evidence and requested a favorable recommendation from the ZBA. Although the Comprehensive Plan for the property is Residential, the testimony presented indicated the parcel cannot be residential on the entire 22 acres, and the property has been neglected.

Member Koeppen made a motion to close testimony, which was seconded by Member Stimpson. Member Koeppen made a motion to recommend approval of rezoning case 000537-2019 as it is consistent with ordinance rezoning Standard number 1 as predicated on the testimony presented at the hearing; consistent with Standard number 2 since the surrounding area is changing and commercial is present along Route 12; and is additionally supported on the finding that there is no public sewer or water available for residential development, and private well water use is the only option. The motion was seconded by Member Raymond. The Board voted in favor of a positive recommendation 7-0 for the rezoning request.

Member Koeppen made a motion to recommend approval of the Conditional Use Permit for a Planned Unit Development application number 000536-2019 as it is consistent with Ordinance standards referenced in the staff recommendation report dated December 31, 2019; as predicated on the testimony presented at the hearing; and on the finding the development will not have an adverse effect upon the adjacent properties. The motion was seconded by Member Peterson. The Board voted in favor of a positive recommendation 7-0 for the Conditional Use Permit for a Planned Unit Development request.