

## CUP Standards

The following are the standards for conditional use permit contained in the Lake County Unified Development Ordinance

- A. **The use in its proposed location will be consistent with the stated purpose and intent of the Zoning Ordinance (see Sec. 1.5).**

Response: Please refer to the separate discussion of section 1.5 of the Unified Development Ordinance accompanying this application.

- B. **The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Sec. 6.3; and**

Response: All development will comply with GC zoning, the conditional use requested herein, the preliminary and final development plan, all applicable site development permits, and all remaining applicable standards of this ordinance. None of the uses specifically regulated in section 6.3 are applicable to this petition.

- C. **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 application or as they may be developed in the future due to implementation of the Comprehensive Plan:**

1. **Adjacent property**

Nearby property consists of a mixture of many uses. To the east are residential areas against which petitioner proposes to place the majority of its open space. To the immediate south is Valentine Manor, a residential subdivision currently physically and visually separated from the property by a substantial berm. There is also a recorded Memorandum of Development Conditions benefitting certain property owners in Valentine Manor subdivision. The conditions contain agreements regarding development along petitioner's south property line which petitioner will honor. To the west of the property along Route 12, are many commercial office buildings, a bank, and the Wynstone maintenance and sewage treatment facility. Further south is the Wynstone office park. To the north are an abandoned bar and grill, large commercial billboards, dilapidated residences, commercial day care center and a commercial stable. The variety of non residential uses in the vicinity of the property, along with newer commercial development directly abutting the property across Route 12 makes the proposed use compatible with development in the area.

The overwhelming majority of the adjacent property is developed. From the standpoint of direct neighbor impact, the placement of vegetation, open space, berms, special lighting, physical layout, compliance with all stormwater management and traffic requirements and enforcement of the community character and design aesthetics through approval conditions and the "Pattern Book" will mitigate potential neighbor impacts. The Pattern Book is an approximately 60 page document that discusses architectural, site design, signage and landscaping guidelines and was modeled after the Design Guidelines of the Route 12 Corridor Planning Council, a document which the County and nearby communities (including Hawthorn Woods and North Barrington) took years to complete to guide development of the Robert Dimucci and other properties. The Pattern Book is included with this application.

**2. The character of the neighborhood,**

The character of the community will be preserved by the layout of the PUD Preliminary Plan, which is consistent with the Hawthorn Woods Comprehensive Plan. The plan concentrates the development along Rt. 12 within an area oriented to the intersection with Timberlake Road, and limits the area of commercial development to less than half of the property. The commercial development area is surrounded by open space. Additionally, the conditional use permit will require adherence to the Pattern book. The design and aesthetics of the Pattern Book are consistent with and more robust than the Route 12 Corridor Planning Council design guidelines.

**3. Natural resources.**

All natural resources on the property will be protected or mitigated according to applicable regulations. Petitioner has included with this application a summary map demonstrating that there are few such resources to protect or mitigate. The property is now farmed and planted with a single crop. Runoff is not regulated. Under petitioner's plan, all buildings, parking areas, access drives and ancillary impervious surfaces will be confined to an area no larger than 53 of the 109 acres. The entire remainder of the land, adjacent to our neighbors (and including the intersection with Old McHenry Road), will be designated as deed restricted open space for the purposes of natural resource protection, stormwater management, passive recreation, landscaping, utilities, and natural and sustainable open space protection, producing a net benefit to the site's environmental condition.

**4. Infrastructure**

The petitioner has reached an agreement with the Village of Lake Zurich to provide sewer and water service to the property. Under the Agreement, sewer service is immediately available to the Property. Municipal water

service will be available at a future date, but not later than June, 2018. Prior to that date, alternative sources of water (such as well service) are permitted. Additionally, petitioner's engineer has determined that electrical, telephone, cable, gas and other necessary utility services are available to the site in sufficient quantities. Storm water will be properly managed by compliance with all storm water regulations. The property abuts Route 12, a 4 lane strategic regional arterial road and U.S. highway. Petitioner's engineer has determined that there is excess capacity in Rte 12 for all potential uses of the property proposed by petitioner.

**5. Public sites**

There petitioner's proposal will generate no new residents and so the property will not cause any additional use of public sites. Commercial and/or retail users of the property will likely limit any open space use to that provided on-site. The area is also well served by Lakewood Forest Preserve, the largest in the Forest Preserve system.

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

The care and quality with which development will be pursued will mitigate any additional impacts on health, safety, general welfare. The conditional use restrictions, revenue, services, adequate systems for the collection and treatment of sewage to eliminate pollution of lakes and streams, open space preservation, flood control, limitation of population density, and aesthetic and engineering improvements resulting from construction of an upscale center will increase the health, safety, morals and general welfare of the public.

## **Planned Development Preliminary Plan Approval Criteria**

The following are the standards for Preliminary Plan/Plat Approval Criteria contained in section 3.7.3.8 of the Lake County Unified Development Ordinance

Recommendations and decisions on PUD Preliminary Plans shall be based on consideration of whether:

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

Response: Please refer to Response #1 in "UDO Purposes and Intents Section 1.5 of the Unified Development Ordinance" filed with this application

**B. The proposed development in its proposed location complies with the PUD standards of Sec. 7.8.**

Response: Please refer to the "Planned Development Standards" below

**C. 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 application or as they may be developed in the future due to implementation of the Comprehensive Plan:**

**1. Adjacent property**

Nearby property consists of a mixture of many uses. To the east are residential areas against which petitioner proposes to place the majority of its open space. To the immediate south is Valentine Manor, a residential subdivision currently physically and visually separated from the property by a substantial berm. There is also a recorded Memorandum of Development Conditions benefitting certain property owners in Valentine Manor subdivision. The conditions contain agreements regarding development along petitioner's south property line which petitioner will honor. To the west of the property, along Route 12 are many commercial office buildings, a bank, and the Wynstone maintenance and sewage treatment facility. Further south is the Wynstone office park. To the north are an abandoned bar and grill, large commercial billboards, dilapidated residences, commercial day care center and a commercial stable. The variety of non residential uses in the vicinity of the property, along with newer commercial development directly abutting the property across Route 12 makes the proposed use compatible with development in the area.

The overwhelming majority of the adjacent property is developed. From the standpoint of direct neighbor impact, the placement of vegetation, open space,

berms, special lighting, physical layout, compliance with all stormwater management and traffic requirements and enforcement of the community character and design aesthetics through approval conditions and the "Pattern Book" will mitigate potential neighbor impacts. The Pattern Book is an approximately 60 page document that discusses architectural, site design, signage and landscaping guidelines and was modeled after the Design Guidelines of the Route 12 Corridor Planning Council, a document which the County and nearby communities (including Hawthorn Woods and North Barrington) took years to complete to guide development of the Robert Dimucci and other properties. The Pattern Book is included with this application.

## **2. Natural resources.**

All natural resources on the property will be protected or mitigated according to applicable regulations. Petitioner has included with this application a summary map demonstrating that there are a few such resources to protect or mitigate. The property is now farmed and planted with a single crop. Runoff is not regulated. Under petitioner's plan, the owner proposes that all buildings, parking areas, access drives and ancillary impervious surfaces be confined to an area no larger than 53 of the 109 acres. Only commercial uses will be allowed, and those will be subject to the high standards established in the PUD Agreement. The entire remainder of the land, adjacent to our neighbors (and including the intersection with Old McHenry Road), will be designated as deed restricted open space for the purposes of natural resource protection, stormwater management, passive recreation, landscaping, utilities, and natural and sustainable open space protection, producing a net benefit to the site's environmental condition.

## **3. Infrastructure**

The petitioner has reached an agreement with the Village of Lake Zurich to provide sewer and water service to the property. Under the Agreement, sewer service is immediately available to the Property. Municipal water service will be available at a future date, but not later than June, 2018. Prior to that date, alternative sources of water (such as well service) are permitted. Additionally, the petitioner's engineer has determined that electrical, telephone, cable, gas and other necessary utility services are available to the site in sufficient quantities.

Storm water will be properly managed by compliance with all storm water regulations. The property abuts Route 12, a 4 lane strategic regional arterial road and U.S. highway. Petitioner's engineer has determined that there is excess capacity in Rte 12 for all potential uses of the property proposed by petitioner.

## **4. Public sites**

There petitioner's proposal will generate no new residents and so the property will not cause any additional use of public sites. Commercial and/or retail users of the property will likely limit any open space use to that provided on-site. The area

is also well served by Lakewood Forest Preserve, the largest in the Forest Preserve system.

**5. Any other matters affecting the public health, safety, or general welfare.**

The care and quality with which development will be pursued will mitigate any additional impacts on health, safety, general welfare. The conditional use restrictions, revenue, services, adequate systems for the collection and treatment of sewage to eliminate pollution of lakes and streams, open space preservation, flood control, limitation of population density, and aesthetic and engineering improvements resulting from construction of an upscale center will increase the health, safety, morals and general welfare of the public.

### **Planned Development Standards**

The Planned Unit Development (PUD) regulations of this section are intended to encourage innovative land planning and site design that achieve a high level of environmental protection, energy efficiency, aesthetics, high-quality development and other county goals by:

**1. Description**

**A. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for development on individual lots;**

Response: This project incorporates a high degree of innovative techniques pursuant to the Pattern Book. These techniques are far more detailed than the requirements for this development under Article 9 of the Unified Development Ordinance (General Development Standards). The PUD allows for a more clustered type development which serves to aggregate development of all buildings, parking areas, access drives and ancillary impervious surfaces within an area no larger than 53 of the 109 acres. The entire remainder of the land, adjacent to our neighbors (and including the intersection with Old McHenry Road), will be designated as deed restricted open space for the purposes of natural resource protection, stormwater management, passive recreation, landscaping, utilities, and natural and sustainable open space protection. One of the purposes of the PUD for the subject development is to use this flexibility permit the GC uses while limiting the intensity of development that would otherwise be allowed under the GC district.

**B. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities.**

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

**C. Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements.**

Response: The development takes most of its advantage from two special site characteristics: Its location and size. The size of the property allows all buildings, parking areas, access drives and ancillary impervious surfaces to be clustered within an area no larger than 53 of the 109 acres. Size also allows flexibility in the orientation of open space to isolate the developed portion from residential areas. The entire remainder of the land, adjacent to our neighbors (and including the intersection with Old McHenry Road), will be designated as deed restricted open space for the purposes of natural resource protection, stormwater management, passive recreation, landscaping, utilities, and natural and sustainable open space protection, producing a net benefit to the site's environmental condition.

The location of the site allows placement of commercial uses along an appropriate U.S. highway opposite other commercial development and older residences that are far set back from the highway. The Pattern Book and placement of the open space will assure quality design and environmentally sensitive development.

It is not clear at this time what portions of the Property will be sold or leased. Petitioner reserves the right to subdivide the Property to accommodate future uses, but solely in accordance with the PUD approvals. This may include a delineation of the deed restricted open space, once the Final Development Plan is approved.

**2. Intent**

By allowing more flexibility than base zoning districts, a PUD is intended to result in:

**A. Greater choice in the type of environment and living units available to the public.**

Response: No dwelling units are proposed for the property.

**B. More open space through conservation development practices.**

Response: Open Space is the hallmark of this proposal and will take advantage of sustainable environmental design.

**C. Open space resources that are connected to one another and to residential and nonresidential areas.**

Response: All open space on this site is contiguous and not isolated. It is directly adjacent to and visible from other residential and non residential uses adjacent to the property. Connection of the open space for offsite users has not yet been determined.

**D. A creative approach to the use of land and related physical development:**

Response: Clustering of development on site to allow arrangement of open space on the entire perimeter is a creative approach to a development of this scale. It avoids the often rigid design dictated by the underlying zoning ordinance

**E. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.**

Response: There are no houses proposed for the property. The commercial area is clustered resulting in placement of all utilities in one specific area.

**F. Promotion of mixed use development.**

This development will accommodate a variety of retail and service uses. Although not a mixed use development incorporating residential uses, more desirable open space takes the place of this use. Entirely non residential development is a highly desirable alternative from a budgetary standpoint.