



BA

At the Heart of Community

MEMORANDUM

Date: March 6, 2017

To: Ray Keller, Village Manager *PK*

From: Sarosh Saher, Community Development Director

CC: Katie Williams, Associate Planner
Mary Meyer, Building Services Supervisor

Re: Zoning Application for Garden Homes
Redevelopment of the Former Kmart Property – 225 South Rand Road

Issue: Mark Hoffman (the “*Applicant*”), of US Realty 87 Lake Zurich Associates L.P., has filed a zoning application in relation to the former K-Mart property at 225 South Rand Road (the “*Subject Property*”). The Subject Property is currently located within the Village’s B-3 Regional Shopping District. Specifically, the applicant is seeking:

- A Special Use Permit for a Planned Unit Development Concept Plan;
- A Special Use Permit to construct dwelling units within a B-3 zoning district;
- Exterior Appearance and Site Plan Approval consistent with a Development Concept Plan
- Modifications to the Zoning and Land Development Code

The developer is requesting preliminary approval of the project through Development Concept Plan approval as provided for in Chapter 9-22-4 of the Lake Zurich Municipal Code. Even though a development concept plan only requires the applicant to demonstrate the basic scope, character, and nature of the entire proposed planned unit development, Garden Homes, the developer for the project, has taken a number of steps to particularize, refine, and implement the development plan to a point that satisfies the goals and aspirations of the community so that its location, design, operation and impact could properly be assessed and understood.

The developer will subsequently be required to return to the village to request Final Plan approval. Due to the great level of detail that has already been provided at this stage, staff believes that there is little additional work to be done to prepare the project for final plan approval and anticipates a request for such approval to be submitted in the next few months.

Background

The property subject to this development application is located at 225 South Rand Road on the property formerly occupied by a Kmart department store. The property is zoned within the Village's B-3 Regional Shopping Zoning District. The existing building on the property has been vacant since 2002 and is in need of significant repair or redevelopment.

Garden Homes, a developer based out of Short Hills, New Jersey, has experience in several different branches of development, including single-family homes, apartment complexes, and commercial ventures. Currently, Garden Homes owns and manages over 25-million square feet of retail, commercial and rental residential units throughout the east coast states. The proposed development of 2 apartment buildings and 1 mixed-use building is representative of Garden Home's expertise in the industry.

Prior Courtesy Review

Mark Hoffman, the developer for the project, has appeared before the Village Board on prior occasions to present his plans for courtesy review. The video discussions of the most recent courtesy reviews can be viewed at the village website at the following links:

January 18, 2016

<http://view.earthchannel.com/PlayerController.aspx?&PGD=lakezurichil&eID=297>

Around the time of that meeting, an online survey was also made available to residents, and the results were shared with Mr. Hoffman. A copy of the online survey can be viewed at the Village transparency portal at the following link:

<http://lakezurich.org/DocumentCenter/View/7654>

May 16, 2016

<http://view.earthchannel.com/PlayerController.aspx?&PGD=lakezurichil&eID=309>

Neighborhood Open House Events

Mark Hoffman and his consulting team also made themselves available on two occasions to present the project to the community and neighborhood in which it is proposed. These events were held on November 7, 2016 to present the project to the neighborhood and answer any questions that were raised, and then again on February 16, 2017, to present revisions to the proposal that resulted after initial resident feedback during earlier public meetings. The issues that were discussed at these open house events are summarized in Attachment II to this memo.

Planning and Zoning Commission Hearing

The project was presented to the Planning and Zoning Commission on November 16, 2016 at a public hearing. A detailed evaluation and summary of the project can be found in the Staff Report that was provided to the Planning and Zoning Commission, which is made a part of the attached Ordinance. The report contains background information on the steps taken by the developer prior to the PZC hearing as well as information on the project and the manner in which it conforms to the requirements of the various standards for development. The Planning and Zoning Commission voted 4-2 in favor of recommending approval for a Planned Unit Development, with the following conditions:

1. The number and/or size of the windows be reduced along the west elevations of Buildings 1 and 2
2. Traffic calming devices be incorporated into the development to slow down the speed of traffic within the development
3. A minimum 8-foot high wall on a berm accompanied by an exception to the maximum height requirement of the wall allowing for a height of 8 feet.
4. Review and addressing the issue of pet owners within the buildings
5. Trees within the development to be planted with a minimum of 3-inch caliper
6. Specify a date for the demolition of the existing building
7. Address the issue of parking space size to conform to current codes

The video from the PZC meeting can be accessed via the link:

<http://view.earthchannel.com/PlayerController.aspx?PGD=lakezurichil&eID=328>

Following the close of the public hearing, Mr. Hoffman requested additional time to address the conditions of the PZC and incorporate those revisions into his drawings as well as return to Lake Zurich for a follow-up open house with nearby property owners. In light of that, he requested that consideration of the project be scheduled for March 6, 2017. His request for consideration is attached to this memo as Attachment I.

Analysis:

In response to the comments and conditions raised by the Planning and Zoning Commission, the developer has revised the development proposal as follows:

1. *The number and/or size of the windows be reduced along the west elevations of Buildings 1 and 2:* The west elevation of each Building 1 and 2 has been modified with the reduction in size of the window openings. The original submittal included four (4) triple windows on each floor that consisted of a central fixed single-pane window panel flanked by two double-hung window panels. The windows on this elevation have been revised to include double window panels on each end bay of each floor and a single window panel on the internal bay of each floor.
2. *Traffic calming devices be incorporated into the development to slow down the speed of traffic within the development:* The measures to control traffic within the development have been incorporated into the "Overall Site Plan." These include brick pavement denoting pedestrian cross-walks, painted traffic arrows on asphalt pavement to denote direction of vehicular traffic, and stop signs at private driveway intersections and vehicular entrances to the development. Further, the direction of flow of traffic within the development is staggered to maintain through-traffic within the development at slower speeds. Dispersion of traffic internal to the development and onto and off the adjacent properties to the north and south is accomplished by two interconnected vehicular entrances on each common lot line with the commercial properties to the north and south. No vehicular or pedestrian connection is proposed between the subject property and Pleasant Road to the west. The developer will be required to obtain all required approvals and permits from IDOT for the two existing access points to the development that are currently proposed to be maintained in their current locations.

3. *A minimum 8-foot high wall on a berm accompanied by an exception to the maximum height requirement of the wall allowing for a height of 8 feet:* An 8-foot high wall located on a 4 foot high berm is proposed to run the length of the rear (west) lot line for a total screen height of 12 feet. The developer chose to emulate the material and design of the wall that separates the Wal-Mart shopping center on Rand Road and the residences to the north located within the Rand Estates Subdivision. Additionally, to reduce the barrier effect of the wall and to provide additional screening, a hedgerow of arborvitae trees will be planted on the outside of the wall. These evergreens will be planted at 8 feet in height and are expected to fully grow to 18-25 feet. The existing street trees along Pleasant Road are proposed to remain. Deciduous trees (Maple varieties) will also be planted on the inside of the wall which will grow to 25 feet to provide further screening of the buildings from Pleasant Road. It is the intention of the developer to provide more screening than currently exists through this combination of the wall, evergreens and deciduous trees.
4. *Review and addressing the issue of pet owners within the buildings:* The developer has indicated that it intends to allow occupants with pets to reside on the premises. However, to address the comments and concerns of the PZC, a designated pet area is proposed between Buildings 1 and 2.
5. *Trees within the development to be planted with a minimum of 3-inch caliper:* All trees are proposed to be planted at a minimum 3 inch caliper. Additionally, ornamental trees will be planted at 8-10 feet tall, evergreen trees will be planted at 6-10 feet tall, large deciduous shrubs will be planted at 3-4 feet tall, small deciduous shrubs will be planted at 1.5-2 feet tall and small evergreen shrubs will be planted at 2 feet tall. New vegetation will be spaced at appropriate distances to allow each plant to grow to full width and height at maturity thereby filling out the necessary landscaped areas.
6. *Specify a date for the demolition of the existing building:* At this time, the developer has not set a date for the demolition of the existing building on the property. However, the he has indicated that he intends to schedule the demolition of the building with the beginning of grading and construction on the property in order to minimally impact the surrounding properties.
7. *Address the issue of parking space size to conform to current codes:* The parking space sizes have been designed to meet the requirements of the codes at 9x18 feet and are accompanied by the necessary overhang that allows for such minimum depth of a parking space.

In addition to the above revisions, the developer has also proposed the following additional modifications to the project:

1. *Modification to the flow of stormwater runoff from the site:* The developer has redesigned the stormwater management plan to drain stormwater runoff directly to the wetland area to the west of the subject property instead of the existing wet bottom detention basin located to the northwest of the subject property that is owned and maintained by Holiday Inn Express. This redesign not only allows stormwater to directly reach the wetland area,

but also frees up capacity within the detention basin to accommodate excess runoff from the neighboring properties during a major rain event.

2. *Modifications to Building Elevations:* In addition to the modifications to the windows on the west elevations of Buildings 1 and 2, the developer has also proposed similar modifications to certain windows on elevations that are internal to the site or not readily visible from adjacent properties or rights-of-way. These are elevations facing the sides and rear of the site or are internal to the site and face each other. The windows on the east elevation of Building 3 that is closer to Rand Road are maintained in their originally proposed configuration. Further, to add more interest to the lower levels of the elevations that were originally designed as blank walls around the interior parking garage, the developer has added openings to break the monotony and add interest to the elevations.

Recommendation: At their meeting on November 16, 2016, the Planning and Zoning Commission recommended approval of the development proposal incorporating the conditions for approval provided by staff in its report and the seven added conditions.

Staff concurs with this recommendation and conditions of approval by the Planning and Zoning Commission, noting that a number of these conditions have been addressed by the developer in their revised submittal that is enclosed along with this memo and are proposed to be attached to the enabling PUD ordinance. Staff therefore recommends approval of the attached ordinance, with its specific attachments based on the following conditions for approval that are contained within said ordinance:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application prepared by U.S. Realty 87 Lake Zurich Associates, L.P.; and Cover Letter prepared by Mr. Edwin Reitan of Reitan Architects LLC, both dated October 17, 2016.
 - b. Exhibit A: Legal Description of the Property
 - c. Development Plans and Elevations entitled Lake Zurich Redevelopment prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. dated October 17, 2016 and last revised on February 27, 2017 to include the following exhibits:
 - i. Architectural Site Plan, Sheet A1
 - ii. Buildings 1 and 2 Floor Plans and Elevations, Sheets A2-A8
 - iii. Building 3 Floor Plans and Elevations, Sheets A9-A17
 - iv. Typical Unit Layout Floor Plans A18-A22
 - d. Photometric Plans prepared by KSA Lighting & Controls Sheet A23 dated October 24, 2016 and last revised on February 27, 2017
 - e. Lighting Specifications prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. Sheets A24-A25, and dated October 17, 2016, and last updated on February 27, 2017
 - f. Site Color Renderings prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. Sheets A26-A27, dated February 27, 2017

- g. Preliminary Engineering Plans for Garden Homes, prepared by Northwestern Engineering Consultants, P.C. dated September 21, 2016 and last revised on February 22, 2017, including the following exhibits:
 - i. Preliminary Engineering Improvement Plans Sheets C-1 – C-10
 - ii. Topographic Survey Sheet C-11
 - iii. Village of Lake Zurich Standard and Erosion Details Sheets LZ-1 – LZ-4
 - iv. Plat of Utility Easement prepared by Northwestern Engineering Consultants, P.C. dated February 22, 2017
 - h. Tree Preservation and Removal Plan, Sheets 1 and 2 prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017
 - i. Preliminary Landscape Plan, Sheets L0.1 and L1.1 prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017
2. All staging and phasing of construction required under Section 9-22-14, Subsection A.1.g entitled “Staging of Development,” and outlined in section “1” of this paragraph shall be subject to the construction and phasing schedule requirements of Chapter 6 of the Land Development Code entitled “Engineering and Land Improvements.” The phasing schedule and project deadlines approved as part of the PUD Concept Plan that are established by the developer shall be reviewed and approved by the village engineer prior to approval of a Final Plan.
 3. The Applicant shall construct a barrier wall along the west lot line of the Property, such wall to be no less than eight (8) feet in structure height and to be entirely located on an earth berm no less than four (4) feet in height. Such wall and landscape shall be screened from view of the properties to the west through the use of adequate landscape material as proposed in the Landscape Plans prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017. The Village agrees to grant such approvals or licenses as may be needed to complete such work on Village property or Village-controlled right-of-way.
 4. The Applicant shall obtain approval of all necessary road access permits from the Illinois Department of Transportation (IDOT), which will be required to be provided with the final engineering submittal.
 5. Prior to Approval of the Final Plan by the Village Board, the Applicant shall enter into a development agreement with the Village of Lake Zurich that shall provide for all terms and conditions of the development of the project.
 6. The Applicant shall provide the Village with all necessary contributions of funds in lieu of land contributions for school sites, park purposes, and open spaces in compliance with Section 10-4-5 of the Land Development Code and subject to the terms and conditions of a development agreement.
 7. All development on the Property shall be undertaken in compliance with this Ordinance.

Attachments:

1. Request for Village Board consideration of PUD ordinance on March 6, 2017

- II. Notes from the Neighborhood Open Houses -- November 7, 2016 and February 16, 2017 at the Holiday Inn Express

- III. Approval Ordinance entitled “An Ordinance Granting Approval for a Planned Unit Development Concept Plan, Special Use Permits, and Modifications to the Zoning and Land Development Code” including the following exhibits:
 - o Exhibit A – Legal description of the property
 - o Exhibit B – November 16, 2016 staff report and planning and zoning commission final recommendation/conditions and its referenced exhibits
 - o Exhibit C – Development Plans and Documentation Submitted as part of the Application, and revised per Village reviews and requirements



U.S. Realty 87 Lake Zurich Asso., LLC.
820 Morris Turnpike
Short Hills, New Jersey 07078
Phone 973-467-5000
Fax 973-467-3480

January 11, 2017

VIA E-MAIL AND REGULAR MAIL

Village of Lake Zurich
70 East Main Street
Lake Zurich, Illinois 60047

Re: 225 South Rand Road, Lake Zurich, IL

Dear Members of the Council:

As you know this matter was scheduled for a hearing before the Village Board on January 16th, 2017. We are now requesting that this matter be moved to March 6, 2017. The reason for the short delay is associated with working through some minor final design related issues and other issues pertinent to the application.

Thank you for your time and consideration to this matter. Please let me know if you need anything further from me at this time. I can be reached by phone 973-467-5000 ext. 186 or email at MarkH@GardenHomes.com.

Very truly yours,

U.S. REALTY 87 LAKE ZURICH ASSOCIATES, LP

MARK A. HOFFMAN

MAH/af



Attachment II

**Redevelopment of the former K-Mart property
Open House on November 7, 2016 at the Holiday Inn Express**

Notes/Questions/Discussion recorded during the presentation and ensuing discussion.
Please be aware that the following is not a verbatim transcript of the discussion, rather a summary of issues and response that were provided.

1. ***What is proposed between the two parallel buildings (Buildings 1 and 2)***
Parking and Landscaping
2. ***It would be good to have a view of the area between the buildings to show the parking and landscaping***
3. ***What are your rental rates?***
1 bedroom – beginning at \$1,200
2 bedrooms - \$1,500 +
3 bedrooms - higher than the 2 bedroom....
We will incorporate the water use charges in the rent.
4. ***Is garage parking proposed?***
Yes. Access to garages will be provided at the rear of building 3 (the front facing building) and the east side of the two rear buildings, in the drive that runs between the buildings.
30 extra parking spaces are also provided (within the surface lots) to compensate for the restaurants that could potentially go within the retail space in building 3.
Cross access between the development and properties to the north and south is also proposed.
Surface parking is not restricted to the residents only
A total of 565 parking spaces is proposed through garage and surface parking spaces.
5. ***What amenities are you providing?***
Roof top garden, pedestrian pathways to the park and the lake. The lake is a great amenity that we want to provide access to our residents.
6. ***With respect to the property owners that live immediately to the rear of the development on Pleasant Road, design the rear elevations of the buildings to have utilities, stair wells, and other common areas located at that end, so there are no windows on that elevation.***
That could be one of the ways to accomplish that, we will look into that. We're sensitive to the impact of the building on neighbors.
7. ***What is the building height?***
50 feet

8. ***What is directly behind the 2 buildings (Buildings 1 and 2). Will there be lights (lighting) behind these buildings?***
There is parking and a driveway behind these buildings. There is a separation of 70 feet from the edge of the buildings to the property line.
9. ***Are dumpsters being provided for the buildings.***
Yes.
10. ***We want an 8' high wall separating the development from the residents at the back. The lighting in that area of the development should be low. The parking spaces in the back should be eliminated.***
The wall is doable. The lighting can be made low. The windows on those elevations can be looked into.
11. ***We would like a mix of trees both deciduous and pines (evergreen) along the back.***
We're working with our landscape consultant, Sharon Dixon (Dixon Design Studio, Algonquin) to address that.
12. ***What are the exterior materials of the buildings?***
The buildings are designed in brick, but things will change as we move on through the process.
13. ***What is your construction schedule?***
To take down the existing building – 3 to 4 weeks
New construction – once begun will take 2 years to end.
Initial excavation and construction – 1 to 1.5 years
You will only see the excavated areas during the beginning of the construction period.
Once the buildings are up, there will be a lot of activity inside the buildings as the interior work (finishes) will be completed.
14. ***The shopping center on the right (north?) has so much difficulty staying rented. How are we going to get higher end rental when we can't rent the homes in the neighborhood?***
The building will have 162 renters. We are bringing a captive audience to the area. The development is being designed to be "appealing to people to show up and hang out." we hear that Jewel is excited to see more people.
15. ***Is there or will there be a waiting list for the apartments?***
Once the development is ready and being marketed, we will announce the availability of the apartments to rent. It would be nice to be fully occupied and have a waiting list.
16. ***Will all buildings be pet buildings (pet friendly)?***
Yes.
17. ***Where will they walk their dog? Consider making only 1 pet building.***
There are open areas around the building to walk the dog. We will take into consideration the recommendation on the number of pet buildings.

18. ***With regards to the kids – there is a concern of the cut-through traffic that is being proposed. Where will the school busses go?***
Currently 8 (was stated initially as 18) units are proposed to be 3 bedroom units. Those will primarily will be the ones with children. School bus pick up and drop off will be in the driveway between building 3 and Buildings 1 and 2.
19. ***Where will traffic from Bacchus Nibbles going north flow?***
We have met with the Lake Zurich Police Department and have discussed traffic patterns through the development and have got their blessing.
20. ***The cost of educating kids in our schools is approximately \$15,000 per kid. Can you speak to this on November 16 (at the PZC hearing)?***
That question should be directed to the Mayor or the Village representatives.
21. ***Have you examined the retail vacancies in the area? We have no downtown. All retail is now on 12 and 22.***
We have felt the pain of the retail vacancy @Kmart and that is why we are proposing a different use. We will have convenience retail in the development for the use of the residents.
22. ***We have low income housing on Buesching. There have been a number of police calls to the housing development on Buesching. Will this be low income housing?***
This development is not intended to be Section 8 or Low Income Housing.
23. ***Has there been a consideration for including condos?***
In this market, we have found that condos become rental anyway. But the current market conditions don't support condo development.
24. ***How will adjacent businesses be affected by the construction?***
We have spoken with them. We will coordinate the construction times with them. The tear-down time of the Kmart building is short one – max 8 weeks. We will make sure that construction vehicle access does not conflict with regular user vehicle access.
25. ***Will you follow start and end time requirements?***
We'll follow the village requirements.
26. ***What is the bus route through the development?***
At this time, there is no exact bus route. We intend to discuss this with the village/school district.
27. ***Suggestion of locations in the development for a dog walk and school bus pick up and drop off.***
28. ***What is the demographic of who will live there? Is it the 20s-30s crowd? Kids in their 20s and 30s go to the city or areas with transit.***

This product that we are proposing is just not available in Lake Zurich. This development will be for empty nesters, younger ones who wish to live closer to their parents, apartment dwellers – those who don't want to buy homes for various reasons.

29. ***Regarding demographics. I work with millennials – they want to live in the city. By the time they are 28-30s (in age), they want to buy homes in the suburbs.***
30. ***What is the break-even point for occupancy which makes your development profitable? What occupancy percentage do you need to be successful?***
We hope it is 100%. It is hard to say.
31. ***If the development doesn't get built, will the Kmart building remain?***
We have had 2 bonafide offers that have never reached lease signature stage. We believe that this development fits this market.
32. ***Regarding procedures – what is the purpose of this meeting vs. the meeting tonight, vs. the meeting on November 16?***
This meeting is for you to ask questions and understand the development. I am happy to discuss individual questions after this meeting, or even later by phone and email. Tonight's meeting at the Village Board will be to provide an update on this meeting (was stated after clarification). The November 16 meeting is before the Plan Commission when you will be given more opportunity to ask questions and make comments.
33. ***Will there be on-site staff for the apartments?***
Yes.
34. ***What amenities are going to be provided inside the units?***
At this time there is no decision as to whether there will be stainless (steel) appliances or granite counter tops. But we have pictures on display that show what a typical unit will look like.
35. ***Will you sell the property once you are done with the development?***
Generally, we are not sellers of the property that we develop. Having said that, we have sold some of our property.
36. ***Are you receiving any subsidies from the local government – TIF, school subsidies?***
The village administration is moving forward with the TIF district, in which our property is located.
37. ***How much of an incentive are you asking for?***
Not asking at this time.
38. ***Would you consider a 1- and 2-bedroom apartment format with a 50+ age limitation?***
At this time, we are not considering age limitations in the development. Most of the units are 1 and 2 bedrooms. There are also 8 3-bedroom apartments proposed.
39. ***Will the units have or be provided with storage rooms/lockers?***

It is not intended to provide additional storage in the development.

40. *I work with Learning Express Toys. I want to endorse the development. We have waited for years for something to happen with the site. We are very excited to see the development go in. people should understand that this is not about retail. The retail that is being proposed within the development is not going to complete with our existing retail. For that we need to be worried about "Amazon" taking our business away. In fact, this development will provide more people that will make our retail more successful. It may help fill in more of the vacant retail in our shopping center (North Lake Commons managed by "Federal Realty").*
41. *I am a resident and have seen nothing happened at this site. This could be good for the town.*
42. *Can you use the retail space for amenities – pool, fitness center, etc.? I live at "The Landings" and they have a pool, fitness room, fire pit, etc.*
Currently there is no pool proposed within the development.
43. *Has a traffic study been completed to show how much traffic will be generated by the development?*

A traffic study has not been required by the village planner at this time. The purpose of a study would be to assess the traffic to determine if turn lanes or a signalized intersection would be required. Both these exist at the intersection that provides the entrance to the subdivision. We could possibly work with the timing of the signals to assist with traffic flow.

(Clarification: staff was made aware that the village indicated that IDOT would likely require a traffic study to determine if any further changes to the intersection would be required. This information was immediately conveyed to the developer)

End of formal comments/questions/discussion

Further one-on-one discussion with immediate neighbors took place to discuss the development in greater detail.

Village Board Meeting at 7:00 p.m.

The video of the meeting can be viewed at the following link:

<http://view.earthchannel.com/PlayerController.aspx?&PGD=lakezurichil&eID=327>

An update on the meeting was provided by Mark Hoffman, owner/developer of the property.

Additionally, during the period of public comment, residents provided the Village Board with comments and concerns related to the development. Those are summarized below:

1. John J Roach at 37 Mionske Drive. – expressed concerns that nothing was addressed relating to the left turn lanes into the development. Based on the traffic that could be generated, there should be plans to extend or double the left turn lanes into the development. There is a lot of traffic that is presently generated on weekends.
2. Leonid Libman at 217 South Pleasant Road – wanted to bring to light his concerns about the development. These included issues related to the wall separating the development from their homes, the trees, the windows facing the residential homes, lighting from the building, noise and garbage.
3. Angelina Kula at 201 South Pleasant Road – major concerns relating to privacy – no opening in the gate at the rear, the size of windows facing their homes and height of the wall, berm, trees etc. she indicated that Mark Hoffman was working with them on these issues.
4. Gerard Gillotti at 1026 Aspen Court in the Knollwood Subdivision – wanted to express concerns for the deeper impact of this larger development on the school district. How will this affect our school taxes, the pressure it puts on our police department, Buesching (low income housing) gives more calls to the PD. With Sfire at Fidelity, you can county 14-20 vacant tenants in their commercial developments. Where would you get more tenants from. It doesn't make any sense.

Trustee Halen also provided highlights on the issues, in addition to the comments made at the open house and during the public comment period.

- impact on schools
- concern on the traffic – the Rand Road left turn lane, the cut through traffic - safety of cars and kids
- Pet friendly buildings – where would the residents be able to take their pets
- Meeting with the residents directly impacted by the developments. Mark Hoffman will be sending out some drawings representative of the views of the development from the residents. He will also be meeting with the residents to have a group meeting in the future.
- For that meeting, make sure notification has been sent out with enough time and notice to allow people to adjust their schedules and be able to attend.

Redevelopment of the former K-Mart property
Open House on February 16, 2017 at the Holiday Inn

Please be aware that the following is not a verbatim transcript of the discussion, rather a summary of issues and response that were provided.

At an open house on February 16, Mark Hoffman of Garden Homes, the developer of the former K-Mart property at 225 S. Rand Road presented revisions to the proposal that resulted after initial resident feedback during other public meetings. A sample of the exhibits displayed at the open house are attached. Mr. Hoffman was accompanied by the project landscape designer Sharon Dixon of Dixon Design Group and project architect Mike Carney of Reitan Architects. The open house was attended by around 15 to 20 persons. The issues that were discussed are summarized as follows:

1. *Screen/barrier between the project and homes on South Pleasant Road.*
 - a. An 8 foot high barrier wall is proposed along the west lot line of the property. The wall is proposed to sit on top of a 4 foot high berm that will result in a visual screen that is 12 feet above the curb line of Pleasant Road. The wall is designed in materials similar to the one behind Wal-Mart.
 - b. A hedgerow of arbor vitae trees planted on the outside of the wall will soften the barrier effect of the wall. These evergreens will be planted at 8 feet in height and will fully grow to 18-25 feet. The existing street trees along Pleasant Road will remain.
 - c. Deciduous trees (Maple varieties) will be planted on the inside of the wall which will grow to 25 feet.

The combination of the wall, evergreens and deciduous trees is intended to provide more screening than exists today.
2. *Building Elevations:*
 - a. The number of windows on the elevations facing west was adjusted with the removal of 12 windows in consideration of the privacy of neighbors to the west.
 - b. The exterior lighting on the west side of the building will be focused to light the sidewalks, and street lighting standards will be located on the inside of the driveway to ensure that no light trespass is permitted off the property.
3. Additional discussion related to the following issues which were answered by Mr. Hoffman and his team:
 - a. Maintenance of the landscape material on the west side of the barrier wall will be the responsibility of the apartment management company.
 - b. Net steps in the process – the developer is requesting approval of the PUD and zoning entitlements at the March 6 Village Board meeting.
 - c. Traffic on the property and on Rand Road – the developer indicated that traffic on the property will be controlled by a series of traffic control signs. The access from Rand Road will be coordinated with IDOT.
 - d. Construction Noise – The project does not require any blasting so no vibrations are anticipated to be generated from the site. Aside from initial earthwork, most of which will be conducted around the frontage of Rte. 12, there is no further need to regrade the property.
 - e. Construction schedule – the developer indicated that the construction of the berm and barrier wall are proposed to begin at inception of the project and completed as soon as practical. The project is not going to be phased at this time. However, the staging of the various components will be carefully coordinated to keep the impact

on surrounding properties to a minimum. The timing of the overall project is approximately 2 years with the heavy construction taking place in the first 6-8 months.

ORDINANCE NO. 2017-_____-_____

**AN ORDINANCE GRANTING APPROVAL FOR A PLANNED UNIT DEVELOPMENT
CONCEPT PLAN SPECIAL USE PERMITS, AND MODIFICATIONS TO
THE ZONING AND LAND DEVELOPMENT CODE**

*Redevelopment of the Former K-Mart property by U.S. Realty 87 Lake Zurich Associates, LP
225 South Rand Road*

WHEREAS, U.S. Realty 87 Lake Zurich Associates, L.P., is the applicant (“Applicant”) for a planned unit development for the property commonly referred to as 225 South Rand Road (“Property”), said Property legally described in **Exhibit A** hereto, and is the applicant for the two multi-family residential buildings and 1 mixed-use building containing retail space on the ground floor and multi-family residences on the upper floors:

WHEREAS, the Applicant has filed zoning application PZC 2016-11 #2, dated October 17, 2016 (the “*Application*”) seeking the grant and approval of the following for the Property:

1. A Special Use Permit for a Planned Unit Development Concept Plan;
2. A Special Use Permit to construct dwelling units within a B-3 zoning district;
3. Exterior Appearance and Site Plan Approval consistent with a Development Concept Plan
4. Modifications to the Zoning and Land Development Code

and

WHEREAS, the Applicant seeks approval of the Application under the Zoning Code of the Village of Lake Zurich for the Property, said Property currently within the Village’s B-3 Regional Shopping District; and

WHEREAS, in compliance with the law, and the requirements of the Village of Lake Zurich Zoning Code, notice was published on October 29, 2016, in *The Daily Herald*, and the Village posted a public hearing sign on the Property on October 25, 2016, both the newspaper and sign notices informing the public of a public hearing to be held before the Lake Zurich Planning and Zoning Commission on November 16, 2016, to consider the Application for this requested zoning relief; and

WHEREAS, the Lake Zurich Planning and Zoning Commission received and considered the STAFF REPORT dated November 16, 2016, consisting of 17 pages, addressing the request for a planned unit development to allow two multi-family residential buildings and 1 mixed-use building containing retail space on the ground floor and multi-family residences on the upper floors at the Property; and considered all information presented by the Applicant, and the applicable factors required under of the Zoning Code; and, after the conclusion of the public hearing, the Planning and Zoning Commission recommended that the Board of Trustees approve the requested zoning approval requested in this Application, with an additional condition of approval, in addition to those conditions for approval recommended by village staff; and

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich met on March 6, 2017, and considered the findings and recommendations of the Planning and Zoning Commission, including the STAFF REPORT dated November 16, 2016, consisting of 17 pages, along with the additional pages 18 and 19 consisting of final findings and recommendations of the Planning and Zoning Commission, said required zoning standards, findings and recommendations attached hereto as **Exhibit B** including:

1. The approval of a Special Use Permit to authorize a Planned Unit Development Concept Plan on the Property in accordance with the procedure and standards set forth in Chapter 22, Section 9-22-4 entitled "Procedure" and 9-22-5 entitled "Standards for Planned Unit Developments"; and
2. The approval of a Special Use Permit in accordance with Chapter 4, Section 9-4-3, to authorize the construction of residential dwelling units within a B-3 Regional Shopping district, subject to the lot area per unit requirement applicable to the R-6 district (subject to the modifications described in Section 4) in accordance with the bulk, space, yard and other use and development standards set forth in Chapter 4, ", except as specifically provided otherwise herein ; and
3. The approval of the preliminary Site Plan and Exterior Appearance of the Buildings, consistent with the Planned Unit Development Concept Plan, as contained within the Development Plans and Elevations entitled Lake Zurich Redevelopment prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. dated October 17, 2016 and last revised on February 27, 2017; and
4. The approval of modifications to the Land Development Code related to Land Use, Bulk Requirements, Landscape Material and the size of parking spaces in the B-3 Regional Shopping District as described in Section 4.

and having considered all of the facts and circumstances affecting the Application and these approvals, the President and Board of Trustees have determined that the applicable standards related to these zoning and land development modifications have been met by the Applicant.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Lake County, Illinois, as follows:

SECTION 1: ADOPTION AND INCORPORATION OF RECITALS. The foregoing recitals, findings, recommendations, exhibits and plans are incorporated herein as findings and requirements of the President and Board of Trustees, and all **Exhibits** referenced herein are made a part of and incorporated into this Ordinance and related approvals, except as otherwise provided below.

SECTION 2: GRANT OF SPECIAL USE PERMITS, PLANNED UNIT DEVELOPMENT CONCEPT PLAN (PUD) MODIFICATIONS AND CONDITIONS. The President and Board of Trustees, pursuant to the authority vested in them under the laws of the

State of Illinois and Chapters 19, 20, 21 and 22 of the Lake Zurich Zoning Code, hereby grant the following zoning approval(s), as shown and provided in the STAFF REPORT dated November 16, 2016, and final findings and recommendations of the Planning and Zoning Commission, all consisting of 19 pages:

- A. The Special Use Permit to construct dwelling units within a B-3 zoning district, the Exterior Appearance and Site Plan Approval consistent with Development Concept Plan and Modifications to the Zoning and Land Development Code, as petitioned for in the *Application*.

- B. The Planned Unit Development Concept Plan for the Property, attached hereto and made a part hereof as **Exhibit C**, to authorize a mixed-use development to include three (3) buildings containing no more than nineteen thousand (19,000) square feet of retail and restaurant lease space, an outdoor public courtyard, and no more than one hundred and sixty-two (162) apartments in accordance with the standards for the grant of a special use set forth at Chapter 19, Section 9-19-3 entitled "Standards for Special Use Permits," in accordance with the procedure for a planned unit development concept plan set forth at Chapter 22, Section 9-22-4 and in accordance with the standards for the grant of a planned unit development set forth at Chapter 22, Section 9-22-5 entitled "Standards for Planned Unit Developments."

- C. The foregoing approvals, including the PUD Concept Plan, the special use approvals, the and the plat of easement, shall be further subject to the following conditions:
 - 1. Conform with the following documentation submitted as part of the development application and subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application prepared by U.S. Realty 87 Lake Zurich Associates, L.P.; and Cover Letter prepared by Mr. Edwin Reitan of Reitan Architects LLC, both dated October 17, 2016.
 - b. Exhibit A: Legal Description of the Property
 - c. Development Plans and Elevations entitled Lake Zurich Redevelopment prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. dated October 17, 2016 and last revised on February 27, 2017 to include the following exhibits:
 - i. Architectural Site Plan, Sheet A1
 - ii. Buildings 1 and 2 Floor Plans and Elevations, Sheets A2-A8
 - iii. Building 3 Floor Plans and Elevations, Sheets A9-A17
 - iv. Typical Unit Layout Floor Plans A18-A22
 - d. Photometric Plans pared by KSA Lighting & Controls Sheet A23 dated October 24, 2016 and last revised on February 27, 2017
 - e. Lighting Specifications prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. Sheets A24-A25, and dated October 17, 2016, and last updated on February 27, 2017

- f. Site Color Renderings prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. Sheets A26-A27, dated February 27, 2017
 - g. Preliminary Engineering Plans for Garden Homes, prepared by Northwestern Engineering Consultants, P.C. dated September 21, 2016 and last revised on February 22, 2017, including the following exhibits:
 - i. Preliminary Engineering Improvement Plans Sheets C-1 – C-10
 - ii. Topographic Survey Sheet C-11
 - iii. Village of Lake Zurich Standard and Erosion Details Sheets LZ-1 – LZ-4
 - iv. Plat of Utility Easement prepared by Northwestern Engineering Consultants, P.C. dated February 22, 2017
 - h. Tree Preservation and Removal Plan, Sheets 1 and 2 prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017
 - i. Preliminary Landscape Plan, Sheets L0.1 and L1.1 prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017
2. All staging and phasing of construction required under Section 9-22-14, Subsection A.1.g entitled “Staging of Development,” and outlined in section “1” of this paragraph shall be subject to the construction and phasing schedule requirements of Chapter 6 of the Land Development Code entitled “Engineering and Land Improvements.” The phasing schedule and project deadlines approved as part of the PUD Concept Plan that are established by the developer shall be reviewed and approved by the village engineer prior to approval of a Final Plan.
 3. The Applicant shall construct a barrier wall along the west lot line of the Property, such wall to be no less than eight (8) feet in structure height and to be entirely located on an earth berm no less than four (4) feet in height. Such wall and landscape shall be screened from view of the properties to the west through the use of adequate landscape material as proposed in the Landscape Plans prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017. The Village agrees to grant such approvals or licenses as may be needed to complete such work on Village property or Village-controlled right-of-way.
 4. The Applicant shall obtain approval of all necessary road access permits from the Illinois Department of Transportation (IDOT), which will be required to be provided with the final engineering submittal.
 5. Prior to Approval of the Final Plan by the Village Board, the Applicant shall enter into a development agreement with the Village of Lake Zurich that shall provide for all terms and conditions of the development of the project.
 6. The Applicant shall provide the Village with all necessary contributions of funds in lieu of land contributions for school sites, park purposes, and open space and

wetland maintenance in compliance with Section 10-4-5 of the Land Development Code and subject to the terms and conditions of a development agreement.

7. All development on the Property shall be undertaken in compliance with this Ordinance.

SECTION 3: STANDARDS FOR APPROVAL OF GRANT OF SPECIAL USE PERMITS. The findings, conditions and recommendations of the Planning and Zoning Commission as set forth in the STAFF REPORT dated November 16, 2016, and Planning and Zoning Commission findings and recommendation, consisting of 19 pages, and the filings provided to the Planning and Zoning Commission, as revised, are hereby accepted by the President and Board of Trustees as the Board's own and shall be made a part of the official record for the Application and the approvals granted in Section 2, Paragraphs A and B of this Ordinance. The President and Board of Trustees hereby find and determine that the standards for the grant of the Special Use Permits sought by Applicant have been met, along with the standards for the approval of the Planned Unit Development Concept Plan.

SECTION 4: MODIFICATIONS FROM THE PROVISIONS OF THE ZONING AND LAND DEVELOPMENT CODE. The President and Board of Trustees, pursuant to the authority vested in them under the laws of the State of Illinois and the Lake Zurich Zoning Code and Land Development Code, hereby grant the following modifications to such codes:

- A. The Applicant shall be granted a modification to allow for the establishment of no greater than 162 dwelling units on the Property with access lobbies of such units to be located on first floor of each of the buildings 1, 2 and 3, whereas Section 9-4-3G.2 provides for dwelling units as a special use within a B-3 district, subject to the lot area per unit requirement applicable to the R-6 district (Section 9-3-11); provided, however, that no dwelling unit shall be located on the first floor of any structure.
- B. The Applicant shall be granted a modification for the construction of one dwelling unit for every 1,972 square feet of lot area or a gross density of 22 dwelling units per acre, whereas Section 9-3-11 provides for the Bulk, Space and Yard Requirements of the R-6 residential District requiring a minimum of one dwelling unit for every 5,000 square feet of lot area or a gross density of 8.712 dwelling units per acre.
- C. The Applicant shall be granted a modification to construct the buildings on the site with a maximum structure height of 65 feet at the highest point above grade and comprise of 4 stories within each building, whereas Section 9-4-10 A requires that principal structures be constructed with a maximum height of 35 feet and comprise of no more than 3 stories.

- D. The Applicant shall be granted a modification to develop the Property with a Floor Area Ratio (FAR) of 1.1, whereas Section 9-4-10 D requires that the maximum floor area ratio (FAR) for uses other than retail or office uses be no greater than 0.38 when developed on more than 1 story.
- E. The Applicant shall be granted a modification to construct parking spaces with minimum dimensions of 9 feet wide and 18 feet deep uniformly throughout the development, whereas Section 10-6-20 E requires a minimum parking space width of 9 feet and a minimum parking space depth of 20 feet, or 18 feet where the parking spaces are perpendicular to a landscaped area.
- F. The Applicant shall be granted a modification to construct a barrier wall along the west lot line of the property to a maximum height of no less than eight (8) feet in structure height and to be entirely located on an earth berm no less than four (4) feet in height, whereas the Section 8-11-1.F.2 requires the maximum height of a fence no greater than six (6) feet.
- G. The Applicant shall be granted a modification to providing the required landscape material on the east, south and west lot line of the development in conformance with the Landscape Plans prepared by Dickson Design Studios dated October 17, 2016 and last revised on February 27, 2017, which is less than what is required by Sections 9-8-104; 9-8-105 and 9-8-106 that provide for the requirements of landscape material within developments based on the lot line

SECTION 5: COMPLIANCE WITH ORDINANCE AND ALL CODES. Except as otherwise specifically provided in writing in advance by the Village, no work may be commenced on the Property pursuant to the approvals granted in this Ordinance until submittal of a Final Plan for review and approval by the Village.

SECTION 5: SEVERABILITY. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

SECTION 8: BINDING EFFECT; SUCCESSION IN INTEREST. This Ordinance shall constitute a covenant running with the land and be binding upon and inure to the benefit of the parties hereto, their successors in interest, assignees, lessees, and upon any successor municipal authorities of the Village and successor municipalities. Except as otherwise expressly provided herein, or in the development agreement referenced at Section 2, C, 6 hereof, upon the conveyance or assignment by Applicant of its interest in the Property to any successor, assign or nominee, Applicant shall be released from any and all further liability or responsibility under this

Ordinance except to the extent previously undertaken by Applicant, or for which Applicant has posted security to perform an obligation in which case Applicant shall be bound to continue to complete its performance unless a replacement bond or letter of credit is posted by the new owner or Applicant, and accepted by the Village, which shall not be unreasonably withheld. In such event, the Applicant shall be released from the underlying obligation to perform. The Village shall thereafter look only to the successor, assign, or nominee of duties and obligations of Applicant hereby undertaken.

PASSED THIS _____ day of _____, 2017.

Ayes:

Nays:

Absent:

Abstain:

APPROVED this ____ day of _____, 2017.

Mayor Tom Poynton

ATTEST:

Village Clerk
Kathleen Johnson

EXHIBIT A

Legal description of Property

THAT PART OF THE NORTH 1/2 OF SECTION 19, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF THE NORTHWEST 1/4 OF SAID SECTION 19; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 939.31 FEET; THENCE SOUTH 17 DEGREES 05 MINUTES 09 SECONDS EAST, A DISTANCE OF 418.47 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 374.24 FEET TO THE WEST RIGHT OF WAY LINE OF U.S. ROUTE 12; THENCE SOUTHEASTERLY ALONG THE WEST RIGHT OF WAY LINE OF SAID U.S. ROUTE 12 (SAID RIGHT OF WAY LINE BEING ON A CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 6441.26 FEET), A DISTANCE OF 681.96 FEET TO A POINT OF TANGENT; THENCE SOUTH 21 DEGREES 47 MINUTES 33 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 71.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 21 DEGREES 47 MINUTES 33 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 437.50 FEET; THENCE SOUTH 68 DEGREES 12 MINUTES 27 SECONDS WEST, A DISTANCE OF 710.00 FEET; THENCE NORTH 21 DEGREES 47 MINUTES 33 SECONDS WEST, A DISTANCE OF 449.42 FEET; THENCE NORTH 69 DEGREES 59 MINUTES 37 SECONDS EAST, A DISTANCE OF 321.96 FEET; THENCE NORTH 21 DEGREES 47 MINUTES 33 SECONDS WEST, A DISTANCE OF 38.27 FEET; THENCE NORTH 68 DEGREES 12 MINUTES 27 SECONDS EAST, A DISTANCE OF 203.20 FEET; THENCE SOUTH 21 DEGREES 47 MINUTES 33 SECONDS EAST, A DISTANCE OF 47.66 FEET; THENCE NORTH 68 DEGREES 12 MINUTES 27 SECONDS EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 56 DEGREES 06 MINUTES 46 SECONDS EAST, A DISTANCE OF 35.79 FEET; THENCE NORTH 68 DEGREES 12 MINUTES 27 SECONDS EAST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

November 16, 2016 staff report and all its referenced exhibits, and planning and zoning commission final recommendation/conditions



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

Phone (847) 540-1696
Fax (847) 726-2182
LakeZurich.org

APPLICATION PZC 2016-11 #2
PZC Hearing Date: November 16, 2016

AGENDA ITEM 3.D

STAFF REPORT

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Katie Williams, Associate Planner
Mary Meyer, Building Services Supervisor

Date: November 16, 2016

Re: PZC 2016-11 #2 Zoning Application for 225 South Rand Road
(Redevelopment of the former K-Mart Property)

SUBJECT

Mark Hoffman of US Realty 87 Lake Zurich Associates, L.P., (the "Applicant") requests a Planned Unit Development of the property of the former Kmart site, commonly known as 225 South Rand Road, legally described in Exhibit A attached hereto (the "Subject Property").

GENERAL INFORMATION

Requested Action: Planned Unit Development

Current Zoning: B-3 Regional Shopping

Proposed Use: Multi-Family Dwellings; Commercial/Retail

Property Location: 225 South Rand Road

Applicant and Owner: Mr. Mark Hoffman, US Realty 87 Lake Zurich Associates, L.P.
d/b/a Garden Homes

Staff Coordinator: Katie Williams, Associate Planner

LIST OF EXHIBITS

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

BACKGROUND

Mark Hoffman (the “Applicant”), of US Realty 87 Lake Zurich Associates, L.P. d/b/a Garden Homes, is the Applicant for the proposed Planned Unit Development located at 225 South Rand Road, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on October 17, 2016 (the “Application”) seeking:

- A Planned Unit Development to construct 2 multi-family residential buildings and 1 mixed-use building containing retail space on the ground floor and multi-family residences on the upper floors.

The Subject Property is located within the Village’s B-3 Regional Shopping Zoning District. The existing building on the property has been vacant since 2002 and is in need of significant repair or redevelopment.

Pursuant to public notice published on October 29, 2016, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for November 16, 2016, to consider the Application. On October 26, 2016, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Garden Homes, a developer based out of Short Hills, New Jersey, has experience in several different branches of development, including single-family homes, apartment complexes, and commercial ventures. Currently, Garden Homes owns and manages over 25-million square feet of retail, commercial and rental residential units throughout the east coast states. The proposed development of 2 apartment buildings and 1 mixed-use building is representative of Garden Home’s expertise in the industry.

Staff offers the following additional information:

- A. **Courtesy Review.** At the January 18, 2016 Village Board meeting, the owner and developer of the property, Mr. Mark Hoffman, Director of Development for Garden Homes, introduced himself and his design team and presented a concept for the redevelopment of the former Kmart site. The initial proposal included the demolition of the existing building and the construction of 3 new rental multi-family residential buildings with approximately 21,650 square feet of retail space on the ground floor of the buildings. Around the time of the meeting, an online survey was also made available to residents, and the results were shared with Mr. Hoffman. The developer was encouraged to proceed to the Planning and Zoning Commission. The video of the discussion during this meeting can be viewed at the village website at the following link:
<http://view.earthchannel.com/PlayerController.aspx?&PGD=lakezurichil&eID=297>

A copy of the online survey can be viewed at the Village transparency portal at the following link:
<http://lakezurich.org/DocumentCenter/View/7654>

The developer returned to the Village Board on May 16, 2016, to provide an update on the progress made on the project. The general configuration from what had been presented in January had not changed. The developer had completed a number of engineering studies to evaluate the condition of the property and revised the orientation of Building C to better market the retail component and facilitate more efficient use and design of the property. The video of the discussion during this meeting can be viewed at the village website at the following link:
<http://view.earthchannel.com/PlayerController.aspx?&PGD=lakezurichil&eID=309>

On November 7, 2016, an open house was held by Garden Homes at the Holiday Inn located adjacent to the Subject Property to present the project to the neighborhood and answer any questions that were raised. Village Staff were also present and available to assist with any questions. Following the open house, the developer, Mr. Hoffman, returned to the Village Board to provide a brief update on the discussions that took place at the open house. A detailed list of the questions and comments that were recorded at both the open house and the ensuing Village Board meeting are attached.

- B. **Zoning History.** The vacant K-Mart store which sits on the Subject Property was developed as a PUD under Ordinance 980 in 1979. Originally zoned 'R-4 Planned Unit Development,' Ordinance 980 also granted the rezoning of the Property to B-1 Retail Business District.

In July of 1981, a Certificate of Occupancy was issued to K-Mart. The business continued to operate until 2002, when the store was one of 238 across the country to be closed by the parent company. The developer has owned the property since 1987, and has held the property since that time, with the idea of attracting commercial uses to the property, or redeveloping the property to put it back to productive use. While several iterations of a plan for the area

have been explored, two of which progressed all the way but stopped short of lease signature, Garden Homes has determined that the present configuration of the project is most suitable to redevelop the property and is now ready to move forward with a final and complete redevelopment plan.

- C. **Surrounding Land Use and Zoning.** The subject property is located in Lake Zurich's primary commercial corridor. The property is zoned within the B-3 Regional Shopping District. The properties to the north and south are also zoned within the B-3 Regional Shopping District and developed with the well-maintained multi-tenant commercial strip center known as North Lake Commons to the south, and a similar multi-tenant commercial center known as Lake Zurich Square to the north, which additionally includes several restaurants and the Holiday Inn and Suites. The property to the east is zoned OS Open Space and contains Paulus Park owned by the Village. The properties to the west are part of the improved Willow Ponds Subdivision, comprising of newer single-family homes zoned within the R-5 Single Family Residential district.

- D. **Trend of Development.** The subject property is located on the highly visible and frequently traveled Rand Road (Route 12) corridor of Lake Zurich and Lake County. This area of the Village is comprised of multi-tenant strip centers which contain a variety of local businesses and national retailers. Due to the high visibility of the subject property from Rand Road, the redevelopment of this parcel is a high priority for the Village. The development of this vacant land with higher density development will serve to further revitalize the commercial establishments of the area.

- E. **Zoning District.** The purpose of the B-3 Regional Shopping district is intended to provide locations for major retail centers. The regulations are designed to encourage a broad range of attractive retail and compatible service uses in those centers.

GENERAL FINDINGS

Staff of the Community Development Department and its development review team have evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offer findings on specific sections of the Code as they relate to the development of the property.

9-22-5: STANDARDS FOR PLANNED UNIT DEVELOPMENTS (PUD).

Planned unit developments are included in the zoning code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses and in recognition of the fact that traditional bulk, space, and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose rigidities on the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach.

- A. Special Use Permit Standards: No special use permit for a planned unit development shall be recommended or granted pursuant to this chapter unless the applicant shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to chapter 19 of this title.

Staff Response: Standard met. Please refer to the “Standards for Special Use Permits” contained within this report.

- B. Additional Standards for All Planned Unit Developments: No special use permit for a planned unit development shall be recommended or granted unless the applicant shall establish that the proposed development will meet each of the following additional standards:

1. Unified Ownership Required: The entire property proposed for planned unit development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

Staff Response: Standard met. The entire property that is subject to the PUD is under common ownership of US Realty 87 Lake Zurich Associates, L.P. d/b/a Garden Homes.

2. Minimum Area: The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned unit developments may be established pursuant to this section.

Staff Response: Standard met. The property is of a sufficient size to accommodate the proposed development. The 7.36-acre tract of land will accommodate two residential buildings, one mixed-use building, as well as adequate parking and on-site vehicular circulation and a public gathering space.

3. Covenants and Restrictions to Be Enforceable by Village: All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the planned unit development shall provide that they may not be modified, removed, or released without the express consent of the board of trustees and that they may be enforced by the village as well as by future landowners within the proposed development.

Staff Response: Standard met. The property will continue to remain in its present platted configuration and under single ownership. As a result, no additional operational declarations, covenants, deed restrictions, easements, other rights are necessary to be recorded against the property. Easements for off-site and onsite public improvements will be provided at the time of Final Plan consideration. The cross access rights, agreements and easements that currently exist will continue to remain in place. Management of the residential rental and retail lease spaces will be undertaken through a private policy of the property owner and its management company.

The Village and the developer propose to enter into a Development Agreement for the collection of impact fees related to development of the property.

4. Public Open Space and Contributions: Whenever the official comprehensive plan, zoning map, or official map indicates that development of a planned unit development will create a need for land for public purposes of the village within the proposed planned unit development, the board of trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the village for such use. In addition, the board of trustees may require evidence that all requirements of village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned unit development.

Staff Response: Standard met. The developer has proposed the provision of a public open space amenity in the form of the approximately 5,000 square foot courtyard proposed at the easterly side of Building 3, adjacent to Rand Road. Additionally, the developer will be required to pay the required cash contribution (impact fees) in accordance with Section 10-4-5.

5. Common Open Space:
 - a. Amount, Location, And Use: The failure of a planned unit development to provide common open space shall be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this zoning code. When common open space is provided in a planned unit development, the amount and location of such open space shall be consistent with its intended function as set forth in the application and planned unit development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

- b. Preservation: Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The restrictions must be permanent and not for a given period of years and must run with the land. Such covenants and dedications may provide that they may be released, but only with the express written consent of the board of trustees.
- c. Ownership And Maintenance: The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned unit development or the village.
- d. Property Owners' Association: When the requirements of subsection B5c of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:
 - i. The bylaws and rules of the association and all declarations, covenants, and restrictions to be recorded must be approved as part of the final plan prior to becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this subsection B5d (1); and
 - ii. The association must be established and all covenants and restrictions must be recorded prior to the sale of any property within the area of the planned unit development designated to have the exclusive use of the proposed open space or improvements; and
 - iii. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it; and
 - iv. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements; and
 - v. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes; and

- vi. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds (2/3) of the members voting on the issue; and
- vii. The village must be given the right to enforce the covenants; and
- viii. The village must be given the right, after ten (10) days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the village shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

Staff Response: Standard Met. The common open space is proposed to be owned by the property owner, Garden Homes, and will be maintained by a property management company that will be responsible for all common area improvements and maintenance within the development. The specific responsibilities of the property management company will be provided for through a private policy of the owner.

6. Landscaping and Perimeter Treatment: Any area of a planned unit development not used for structures or circulation elements shall be landscaped or otherwise improved. The perimeter of the planned unit development shall be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures, setbacks, screening, or natural or manmade buffers.

Staff Response: Standard Met. All portions of the development are proposed to be either improved with paved areas or landscaped.

7. Private Streets: Private streets are prohibited unless expressly approved by the board of trustees. If so approved, they shall meet all construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in subsection B5d of this section.

Staff Response: Standard Met. The vehicle-use areas to and from the public right-of-way are proposed to be designed as private drives and will provide connections to properties to the north and south of the subject property to allow for vehicular access and connection to the existing public rights-of-way at the signalized controlled intersection at South Rand and Whitney Roads.

8. Sidewalks: A sidewalk meeting the standards of the Lake Zurich subdivision ordinance shall be provided along at least one side of every street in or abutting a planned unit development; provided, however, that such sidewalk may be constructed in a street right of way or as a specific element of the design of the planned unit development.

Staff Response: Standard Met. There is currently no sidewalk along the portion of South Rand Road with which this property currently has frontage. However, there is a sidewalk between the existing parking lot that provides a pedestrian connection between the subject property and Paulus Park to the east. The sidewalk traverses South Rand Road by means of a signalized pedestrian crosswalk. The developer proposes to maintain this connection while extending the sidewalk to connect to paved areas of the public courtyard and the residential buildings of the development. Additional sidewalks internal to the development will provide pedestrian connection between the various retail spaces proposed on the ground floor of Building 3 and the residential buildings to the east.

At the request of the property owners of the single-family homes to the east, no pedestrian connection to Pleasant Road that runs along the west side of the property is being proposed at the rear of the development.

9. Utilities: All utility lines shall be installed underground.

Staff Response: Standard Met. All utilities directly associated with the development including water and sanitary mains, electric, gas and communications (cable) will be installed underground.

The existing overhead electrical wires that traverse the frontage of the property are a regional electrical utility and are proposed to be addressed by the village as part of future regional infrastructure improvements proposed along Rand Road.

- C. Additional Standards for Specific Planned Unit Developments: When the district regulations authorizing any planned unit development use in a particular district impose standards to be met by such planned unit development in such district, a special use permit for such development shall not be recommended or granted unless the applicant shall establish compliance with such standards. (Ord., 10-2004)

Staff Response: Standard Met. There are no additional standards imposed through the establishment of the residential and commercial uses that are proposed within such district.

9-19-3: STANDARDS FOR SPECIAL USE PERMITS.

Staff has reviewed the plan and found that the amendment will continue to remain in substantial conformance with the standards for Special Use Permits as outlined below.

A. General Standards: No special use permit for a planned unit development shall be recommended or granted unless the applicant shall establish substantial conformance with the following:

1. Zoning Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this zoning code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. The development will continue to remain in substantial conformance with the purpose and intent of the B-3 Regional Shopping District and the land use designation of the adopted Comprehensive Plan.

One of the purposes and intents of the Zoning Code is to implement and foster the goals and policies of the Village's Official Comprehensive Plan. In its purpose statements, the comprehensive plan strives to "to provide effective goals and objectives to enhance the Village's economic viability in the current and forecasted market place."

To addresses the future housing needs of the Village that could also positively affect the ability of the Village to promote economic viability, the plan provides for two goals that are pertinent to the subject property, and those that the proposed development addresses:

- i. **Redevelopment of appropriate land areas for slightly more intense residential uses could enhance the Village's resident worker population base from which prospective employers may draw employees for many levels of jobs. A greater range of housing and population could also provide a variety of commercial uses with a more sustainable customer base.**

- ii. **Seek residential in-fill developments and redevelopments that can contribute and enhance existing areas by providing residential densities that can sustain commercial and industrial/employment development needs.**

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Staff Response: Standard met. The proposed residential buildings will not have any substantial or undue adverse effect upon any adjacent properties. The developer proposes to screen the proposed development with a solid barrier either in the form of a solid wall or fence along with additional screening landscape material. The landscape material will serve to reduce the barrier effect of the solid wall or fence and also improve the aesthetic value of the rear of the property as perceived from the residential homes to the west.

The proposal will enhance the urban character desired for the commercial corridor and will have no negative impact on the public health, safety, or general welfare of the residents within the development or to the land uses to the north and south of the subject property.

The developer has also agreed to evaluate the impact of vehicular traffic that will potentially be generated by the development onto adjacent commercial properties to the north and south and onto the signalized intersection on Rand Road that also serves to provide vehicular access to the property.

During the course of construction, the developer proposes to preserve access to the property and adjacent properties through a traffic control plan during the various stages of the development.

3. No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Staff Response: Standard met. The proposed structures within the development will be constructed and arranged with adequate setbacks from lot lines so as not to dominate the immediate vicinity, but instead strive for compatibility with surrounding uses.

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities,

drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Staff Response: Standard met. The proposed development will be served adequately by essential public facilities and services such as streets, utilities and drainage. The land plan also proposes to provide a public amenity in the form of the courtyard on the eastern side of Building 3 adjacent to Rand Road and a private amenity to the residents of the development in the form of the proposed roof-top garden. The applicant has also agreed to adequately compensate the Village in the form of impact fee contributions towards the school district, library district and village parks.

5. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through the surrounding streets.

Staff Response: The proposed development will increase the density of development thereby resulting in a greater number of residents, and therefore vehicles, within the commercial corridor. The Route 12 or Rand Road Corridor is designed to accommodate in excess of 50,000 vehicles per day. Further the access to the property is currently served by a full signalized intersection that is provided with an approximately 225-foot north-bound left turn lane and an approximately 100-foot south-bound right-turn deceleration lane onto the project site. The intersection is additionally designed with a single pedestrian cross-walk that connects the subject property to the village's public park (Paulus Park) and lakefront.

Because this corridor is already highly traveled, by both Village residents and Lake County commuters, any increase of vehicular traffic will likely have a positive effect on the commercial corridor, as it has the potential to support an increase in the business of surrounding retail centers.

6. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Staff Response: Standard met. The proposed development will not result in the destruction, loss, or damage of any natural, scenic, or historic features. Conversely, due to the sub-standard state of the existing building, the proposed development will result in an improvement of the property.

7. Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Staff Response: Standard met. The proposed development will comply with all other additional standards imposed through the building codes on multi-family residential units and retail space.

8. Positive Effect. The proposed special use creating a positive effect for the zoning district, its purpose, and adjacent properties shall be placed before the benefits of the petitioner.

Staff Response: Standard met. The proposed development will assist in redeveloping and revitalizing a long-vacant block within the commercial corridor. This development will enhance Lake Zurich as a place for employment, shopping, and housing.

- B. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Staff Response: Not Applicable. There are no special standards for the residential or commercial uses that are currently proposed to be established within the development.

- C. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Board of Trustees shall consider:

1. Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Staff Response: Standard met. The proposed development will bring needed housing options to the village thereby raising the critical mass of people to an otherwise vacant commercial property. This higher density of housing can also be attractive to prospective retailers within the development and to developments to the north and south that currently contain vacant commercial tenant spaces.

2. Alternative Locations. Whether the purposes of the zoning code can be met by the location of the proposed use and development in some other area or zoning district that may be more appropriate than the proposed site.

Staff Response: Standard met. The development is very specific to the subject property on which it is being proposed. The developer has determined and the Village has conceptually agreed that it is the best possible configuration and land use that this property can sustain and be productively used. Based on its size, design, land use and operation, there are no alternative locations that this development would be more appropriate to be established.

3. Mitigation of Adverse Impacts. Whether all steps possible have been taken to minimize any substantial or undue adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Staff Response: Standard met. The developer has designed this development in a manner that will minimize any substantial adverse impact on the immediate vicinity.

*** *** ***

IDENTIFICATION AND ANALYSIS OF ZONING RELIEF FOR THE PLANNED UNIT DEVELOPMENT (PUD)

On analysis of the proposed development against the various standards contained within the municipal code, staff has identified the following areas that will require zoning relief.

1. Dwelling Units on the First Floor of any structure: Section 9-4-3G.2 provides for dwelling units as a special use within a B-3 district, subject to the lot area per unit requirement applicable to the R-6 district (Section 9-3-11); provided, however, that no dwelling unit shall be located on the first floor of any structure. The developer is requesting approval of a special use permit to allow for the establishment of 162 dwelling units on the property and zoning relief to allow for the access lobbies of such units to be located on first floor of each building.

Section 9-3-11 provides for the Bulk, Space and Yard Requirements of the R-6 residential District requiring a minimum of one dwelling unit for every 5,000 square feet of lot area or a gross density of 8.712 d.u. per acre. The developer is proposing one dwelling unit for every 1,972 square feet of lot area or a gross density of 22 d.u. per acre. The increased density brings to the property a critical mass of people that will make this development more viable.

2. Maximum Height: Section 9-4-10 A requires that principal structures be constructed with a maximum height of 35 feet and comprise of no more than 3 stories. The development contemplates a maximum structure height of 65 feet at its highest point above grade and is proposed with 4 stories within each building. The buildings are set back from all lot lines to minimize their impact.
3. Maximum Floor Area Ratio: Section 9-4-10 D requires that the maximum floor area ratio (FAR) for uses other than retail or office uses be no greater than 0.38 when developed on more than 1 story. The developer is requesting four story buildings with a FAR of 1.1.
4. Parking: Section 10-6-20 E requires a minimum parking space width of 9 feet and a minimum parking space depth of 20 feet, or 18 feet where the parking spaces are perpendicular to a landscaped area. The developer is requesting approval of parking spaces with minimum dimensions of 9 feet wide and 18 feet deep uniformly throughout the development. These dimensions are consistent with what is approved for other commercial development in the community.
5. Landscape Material: Sections 9-8-104; 9-8-105 and 9-8-106 provide for the requirements of landscape material within developments based on the lot line. The development as currently proposed is deficient in landscape material on the east, south and west lot line, as reviewed by the Village landscape consultant. However, the developer has indicated that landscape material will be provided to screen the development from the single-family homes to the east and is providing adequate landscape material on the remaining portions of the property in keeping with the urban character of the development.

RECOMMENDATION

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-22-5: Standards for Planned Unit Developments
- Section 9-19-3: Standards for Special Use Permits
- Sections 10-5-2 and 10-5-9 of the Land Development Code

Based on the review of staff, all of the standards for approval have been met and therefore staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Staff of the Community Development Department recommends the approval of PZC 2016-11 #2, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application prepared by Mark Hoffman of US Realty 87 Lake Zurich Associates, L.P. d/b/a Garden Homes; and Cover Letter prepared by Mr. Edwin Reitan of Reitan Architects LLC, both dated October 17, 2016.
 - b. Exhibit A: Legal Description of the Subject property
 - c. Development Plans and Elevations entitled Lake Zurich Redevelopment prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. dated October 17, 2016.
 - d. Lighting Specifications prepared by Reitan Architects LLC and Studio Carney Architecture, Inc. dated October 17, 2016
 - e. Photometric Plans prepared by KSA Lighting & Controls dated October 24, 2016.
 - f. Preliminary Engineering for Garden Homes, including a Plat of Survey and Topographic Survey prepared by Northwestern Engineering Consultants, P.C. dated September 21, 2016.
 - g. Preliminary Landscape Plans prepared by Dickson Design Studios dated October 17, 2016.
2. The developer shall obtain approval of an access permit from the Illinois Department of Transportation (IDOT), to be provided with the final engineering submittal.
3. The developer shall provide the Village with all required contributions of funds in lieu of land contributions for school sites, park purposes, and open spaces in compliance with Section 10-4-5 of the Land Development Code and subject to the terms and conditions of a development agreement.

Staff Report
APPLICATION PZC 2016-11 #2

Community Development Department
PZC Hearing Date: November 16, 2016

4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Katie Williams
Associate Planner

LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

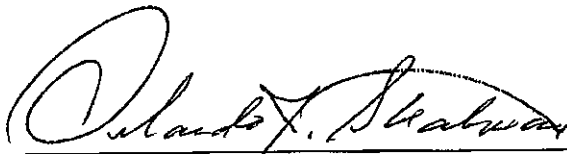
225 SOUTH RAND ROAD
NOVEMBER 16, 2016

The Planning & Zoning Commission recommends approval of Application PZC 2016-11 #2, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated November 16, 2016 for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - h. Zoning Application prepared by Mark Hoffman of US Realty 87 Lake Zurich Associates, L.P. d/b/a Garden Homes; and Cover Letter prepared by Mr. Edwin Reitan of Reitan Architects LLC, both dated October 17, 2016.
 - i. Exhibit A: Legal Description of the Subject property
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2. The developer shall obtain approval of an access permit from the Illinois Department of Transportation (IDOT), to be provided with the final engineering submittal.
3. The developer shall provide the Village with all required contributions of funds in lieu of land contributions for school sites, park purposes, and open spaces in compliance with Section 10-4-5 of the Land Development Code and subject to the terms and conditions of a development agreement.
4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

- Without any further additions, changes, modifications and/or approval conditions.
- With the following additions, changes, modifications and/or approval conditions:

1. The number and/or size of the windows be reduced along the west elevations of Buildings 1 and 2
2. Traffic calming devices be incorporated into the development to slow down the speed of traffic within the development
3. A minimum 8-foot high wall on a berm accompanied by an exception to the maximum height requirement of the wall allowing for a height of 8 feet.
4. Review and addressing the issue of owner pets within the buildings
5. Trees within the development to be planted with a minimum of 3-inch caliper
6. Specify a date for the demolition of the existing building
7. Address the issue of parking space size to conform to current codes



Orlando J. Stabura
Planning & Zoning Commission Chairman

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

THAT PART OF THE NORTH 1/2 OF SECTION 19, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF THE NORTHWEST 1/4 OF SAID SECTION 19; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 939.31 FEET; THENCE SOUTH 17 DEGREES 05 MINUTES 09 SECONDS EAST, A DISTANCE OF 418.47 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 374.24 FEET TO THE WEST RIGHT OF WAY LINE OF U.S. ROUTE 12; THENCE SOUTHEASTERLY ALONG THE WEST RIGHT OF WAY LINE OF SAID U.S. ROUTE 12 (SAID RIGHT OF WAY LINE BEING ON A CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 6441.26 FEET), A DISTANCE OF 681.96 FEET TO A POINT OF TANGENT; THENCE SOUTH 21 DEGREES 47 MINUTES 33 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 71.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 21 DEGREES 47 MINUTES 33 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 437.50 FEET; THENCE SOUTH 68 DEGREES 12 MINUTES 27 SECONDS WEST, A DISTANCE OF 710.00 FEET; THENCE NORTH 21 DEGREES 47 MINUTES 33 SECONDS WEST, A DISTANCE OF 449.42 FEET; THENCE NORTH 69 DEGREES 59 MINUTES 37 SECONDS EAST, A DISTANCE OF 321.96 FEET; THENCE NORTH 21 DEGREES 47 MINUTES 33 SECONDS WEST, A DISTANCE OF 38.27 FEET; THENCE NORTH 68 DEGREES 12 MINUTES 27 SECONDS EAST, A DISTANCE OF 203.20 FEET; THENCE SOUTH 21 DEGREES 47 MINUTES 33 SECONDS EAST, A DISTANCE OF 47.66 FEET; THENCE NORTH 68 DEGREES 12 MINUTES 27 SECONDS EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 56 DEGREES 06 MINUTES 46 SECONDS EAST, A DISTANCE OF 35.79 FEET; THENCE NORTH 68 DEGREES 12 MINUTES 27 SECONDS EAST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

EXHIBIT B
HEARING SIGN ON SUBJECT PROPERTY



EXHIBIT C

Concept Development Plans and Documentation Submitted as part of the Application, and
revised per Village reviews and requirements