

VILLAGE OF LAKE ZURICH



ORDINANCE NO. 2018-05-257

AN ORDINANCE GRANTING APPROVAL FOR A PLANNED UNIT DEVELOPMENT, DEVELOPMENT CONCEPT PLAN, SPECIAL USE PERMITS, AND MODIFICATIONS TO THE ZONING AND LAND DEVELOPMENT CODE FOR PROPERTY LOCATED AT 880 NORTH OLD RAND ROAD
*Redevelopment of the Former Hackney's Restaurant property by Life Time Athletic
880 North Old Rand Road*

WHEREAS, Life Time Athletic, is the applicant (“Applicant”) for a planned unit development for the property commonly referred to as 880 North Old Rand Road (“Property”), said Property comprised of approximately 10.3 acres and legally described in **Exhibit A** hereto, and is the applicant for the physical fitness and recreation facility:

WHEREAS, the Applicant has filed zoning application PZC 2018-4, dated February 20, 2018, (the “*Application*”) seeking the grant and approval of the following for the Property:

1. A Special Use Permit for a Planned Unit Development and Approval of a Development Concept Plan;
2. Special Use Permit approval for accessory Child Daycare Services (SIC #835)
3. An amendment to the Zoning Map to rezone the easterly portion of the property from R-4 Single Family Residential District to B-1 Local & Community Business district;
4. Modifications to the Zoning and Land Development Code;

and

WHEREAS, the Applicant seeks approval of a Planned Unit Development and Development Concept Plan for the Property, attached hereto and made a part hereof as **Exhibit B**; and

WHEREAS, the Property is currently split zoned, with the easterly portion of the Property, approximately 5.7 acres in size, falling within the R-4 Single Family

Residential District and the westerly portion of the Property bordering Route 12 a major thoroughfare, approximately 4.6 acres in size, falling within the B-1 Local and Community Business District; and

WHEREAS, in compliance with the law, and the requirements of the Village of Lake Zurich Zoning Code, notice was published on March 6, 2018, in The Daily Herald, and the Village posted a public hearing sign on the Property on March 6, 2018, 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 March 21, 2018, to consider the Application for this requested zoning relief; and

WHEREAS, this current Application PZC 2018-4, dated February 20, 2018, is a new application and is a substantially revised proposal for development of the Property after Applicant withdrew its prior application which was considered and recommended for denial by the Planning and Zoning Commission on January 17, 2018; and

WHEREAS, Applicant's prior application for the development of the Property to construct a physical fitness and recreation facility did not adequately meet the Village zoning and land development standards, or appropriately address community concerns; and

WHEREAS, the Applicant had previously been provided feedback and comments from the Lake Zurich Planning and Zoning Commission relative to its previous development proposal which was not recommended by the Commission, and had received feedback and comments regarding a potential new development proposal at a courtesy review update held before the Lake Zurich Board of Trustees on March 5, 2018; and

WHEREAS, the Applicant also held an informal community meeting prior to the March 21, 2018 public hearing of the Lake Zurich Planning and Zoning Commission, open to the public and area residents, to describe and allow questions regarding this proposed development; and

WHEREAS, following those comments and feedback provided at the January Planning and Zoning Commission meeting, at the informal community meeting and those provided by the Board and the community at the courtesy review before the Village Board of Trustees on March 5, 2018, the Applicant made substantial revisions to its development proposal and submitted this new application for a planned unit development for a new physical fitness and recreational facility which including changes to reduce the impact of the development, including to the building height, to the access configuration on Old Rand Road, to the building location, to the pool deck area and parking lot, to the landscape buffers and to the hours of operation of the facility; and

WHEREAS, the Lake Zurich Planning and Zoning Commission received and considered the STAFF REPORT dated March 21, 2018, consisting of 21 pages, addressing this request for a planned unit development to allow the construction of a new physical fitness and recreational facility; 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 zoning and development approvals and modifications requested in this Application; and

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich met on May 7, 2018, and considered the findings and recommendations of the Planning and Zoning Commission and all information presented to the Commission regarding this development proposal on the Property, including the STAFF REPORT dated March 21, 2018, consisting of 21 pages, along with the additional pages 22 and 23 consisting of final findings and recommendations of the Planning and Zoning Commission, said required zoning standards, findings and recommendations attached hereto as **Exhibit C** including:

1. The approval of Special Use Permits to authorize a Planned Unit Development and Approval of a Development Concept Plan on the Property and for the provision of accessory Child Daycare Services (SIC #835), in accordance with the procedures and standards set forth in Chapters 19 and 22 of the Zoning Code of the Village of Lake Zurich; and
2. The approval of the preliminary Site Plan as part of the special use for this Planned Unit Development and Exterior Appearance of the Building and Structures, consistent with the Planned Unit Development Concept Plan, as contained within the Development Plans and Elevations prepared by Life Time Athletic, in accordance with the procedures and standards set forth in Chapters 20 and 21 of the Zoning Code of the Village of Lake Zurich; and
3. The approval of an amendment to the Zoning Map of the Village of Lake Zurich to rezone the easterly portion of the Property from R-4 Single Family Residential District to B-1 Local & Community Business District in accordance with the procedure and standards set forth in Chapter 18, Section 9-18-2 entitled "Procedure" and 9-18-3 entitled "Standards for Amendments" of the Zoning Code of the Village of Lake Zurich, and
4. The approval of those modifications to the Land Development and Zoning Codes related to Bulk, Space, and Yard Requirements in the B-

1 Local & Community Business District as described in Section 4 of this Ordinance.

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 under the Village Codes and the law have been satisfied 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 DEVELOPMENT CONCEPT PLAN FOR A PLANNED UNIT DEVELOPMENT (PUD), MAP AMENDMENT AND PLAN 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 March 21, 2018, and final findings and recommendations of the Planning and Zoning Commission, all consisting of 23 pages:

- A. The Planned Unit Development and Development Concept Plan for the Property, attached hereto and made a part hereof as **Exhibit B**, to authorize a physical fitness and recreational facility in accordance with the standards for the grant of a special use set forth at Chapter 19, Section 9-19-3 of the Zoning Code of the Village of Lake Zurich entitled “Standards for Special Use Permits,” in accordance with the procedures for a planned unit development concept plan set forth at Chapter 22, Section 9-22-4 of the Zoning Code of the Village of Lake Zurich and in accordance with the standards for the grant of a planned unit development set forth at Chapter 22, Section 9-22-5 of the Zoning Code of the Village of Lake Zurich entitled “Standards for Planned Unit Developments.”
- B. An amendment to the Zoning Map of the Village of Lake Zurich to rezone the easterly portion of the Property from R-4 Single Family Residential District to B-1 Local & Community Business District in accordance with the procedure and standards set forth in Chapter 18, Section 9-18-2 entitled “Procedure” and 9-18-3 of the Zoning Code of the Village of Lake Zurich

entitled “Standards for Amendments, including general conformance with the Comprehensive Plan for this Property and the Village of Lake Zurich.

- C. The foregoing approvals, including the Planned Unit Development and Development Concept Plan, and the special use approvals, shall be further subject to the following conditions:
1. Substantially conform 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 dated February 20, 2018 and prepared by LTF Real Estate Company, INC. and Cover Letter dated February 19, 2018, and prepared by Ms. Katherine Jahnke Dale of DLA Piper LLP.
 - b. Exhibit A: Legal Description
 - c. ALTA/NSPS Land Title Survey prepared by Manhard Consulting LTD. Sheets 1-4 dated July 13, 2017.
 - d. Topographic Survey Sheets 1-8 prepared by Manhard Consulting LTD. Sheets 1-8 dated August 2, 2017.
 - e. Preliminary Stormwater Management Report prepared by Manhard Consulting LTD. dated September 29, 2017 and Revised April 9, 2018.
 - f. Preliminary Site and Paving Plan Sheet 1 of 4 prepared by Manhard Consulting LTD. dated March 14, 2018.
 - g. Preliminary Off-Site Roadway Improvements Plan Sheet 2 of 4 prepared by Manhard Consulting LTD. dated March 14, 2018.
 - h. Preliminary Grading Plan Sheet 3 of 4 prepared by Manhard Consulting LTD. dated March 14, 2018.
 - i. Preliminary Utility Plan Sheet 4 of 4 prepared by Manhard Consulting LTD. dated March 14, 2018.
 - j. Exterior Lighting Layout prepared by Luma Sales Associates dated April 5, 2018.
 - k. Tree Preservation Exhibit Sheet 1 prepared by Manhard Consulting LTD. and dated October 4, 2017.
 - l. Preliminary Landscape Plan Sheets L1-L2 prepared by Manhard Consulting LTD. dated April 9, 2018.
 - m. Building Elevations prepared by Life Time dated April 2018.
 - n. Traffic Impact Study prepared by Gewalt Hamilton Associates Inc. dated February 19, 2018 and updated April 9, 2018.
 - o. Subsurface Drainage Inventory Sheet 1 prepared by Hey and Associates, Inc. dated September 22, 2017.
 - p. Wetland/Waters Assessment Report prepared by Christopher B. Burke Engineering, Ltd. dated May 2015.

2. The applicant shall obtain initial comment and consent of the locations of the access points to the property on Rand Road from the Illinois Department of Transportation (IDOT) prior to the approval of a Final Plan for the Property.
3. The landscape material along the north, south, and east perimeter lot lines shall be installed with type and species of plant material that will provide year-round screening of the development from the adjacent residential properties to the maximum extent possible. In addition to plant material, the developer should explore the option of installing raised landscaped berms to enhance the effect of the plant material screening. Finally, the screening landscape yards should also be designed and structured to provide screening in the interim until landscape material has fully matured. Applicant shall be required to continuously maintain, update and replace, as needed, all such landscaping set forth herein and in the plans above at paragraph C, 1, l and shall comply at all times with the ongoing maintenance requirements set forth in Chapter 8, Article A, Section 9-8A-9, D of the Zoning Code of the Village of Lake Zurich.
4. The site and building lighting shall be constructed and installed in full compliance with Chapter 8 Article B – “Exterior Lighting” of the Zoning Code of the Village of Lake Zurich. The north and east facing walls of the building should be designed without exterior lighting to further mitigate any adverse visual effect of the building on adjacent residential properties. Additionally, the site lighting on the eastern and northern portion of the building shall be dimmed after 9:00 p.m.
5. The operational hours of the facility shall be from 4:00 a.m. to 12:00 a.m., seven days a week.
6. Bike racks shall be installed in close proximity to the main entrance of the building, the exact location of which shall be depicted in the Final Plan.
7. The Applicant shall work with the Village to provide off-site solutions related to traffic calming, stormwater management and flood mitigation prior to development and submittal of the Final Plan.
8. Details related to fire protection, final engineering, stormwater management, wetland protection and mitigation shall be clarified and depicted upon submittal of the Final Plan.

9. The Applicant shall enter into a Development Agreement with the Village to particularize the details of the on-site and off-site improvements related to the development of the site and physical fitness facility building, roadway construction, traffic calming measures and stormwater management and flood mitigation.
10. The development of the Property under this Application shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

SECTION 3: GRANT OF APPROVAL OF SPECIAL USE PERMITS AND MAP AMENDMENT. The findings, conditions and recommendations of the Planning and Zoning Commission as set forth in the STAFF REPORT dated March 21, 2018, and Planning and Zoning Commission findings and recommendation, consisting of 23 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, B and C of this Ordinance. The President and Board of Trustees hereby find and determine that the standards for the grant of the Special Use Permits and Map Amendment sought by Applicant have been met, along with the standards for the approval of the Planned Unit Development and 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 modification to such codes:

- A. The Applicant shall be granted a modification to construct the buildings on the site with a maximum structure height of 39 feet 11 inches at the highest point above grade, as shown on those Building Elevations referenced at Section 2, C, 1, m hereinabove, whereas Section 9-4-10 A otherwise requires that principal structures be constructed with a maximum height of 35 feet.

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 6: 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 7: CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

SECTION 9: 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, 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 May, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of May, 2018.

By: _____
Thomas Poynton, Village President

SEAL

ATTEST:

Kathleen Johnson, Village Clerk

EXHIBIT A

Legal description of Property

THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 18; THENCE SOUTH 32 RODS, MORE OR LESS, TO THE CENTER OF THE HIGHWAY; THENCE WEST ALONG THE CENTER LINE OF SAID HIGHWAY 77 RODS TO THE CENTER OF THE NORTH AND SOUTH HIGHWAY; THENCE NORTH ALONG THE CENTER OF SAID HIGHWAY 32 RODS TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE EAST ALONG THE AFORESAID LINE TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE EAST 380.866 FEET AND EXCEPT THAT PART TAKEN FOR THE RIGHT OF WAY FOR RAND ROAD), IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

Development Concept Plan exhibits a. through p. as outlined in Section 2.C.1
consisting of
Plans and Documentation Submitted as part of the Application, and revised per
Village reviews and requirements

EXHIBIT C

March 21, 2018 staff report and Planning and Zoning Commission final
recommendation/conditions