



*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

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AGENDATEM

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**MEMORANDUM**

Date: August 17, 2020

To: Ray Keller, Village Manager *PK*

From: Sarosh Saher, Community Development Director  
Mike Brown, Public Works Director  
Roy Witherow, Assistant Village Manager

Re: **Courtesy Review – Churchill Property Development in Kildeer  
Kildeer Crossings by Pulte Home Corporation  
(Northeast Corner of Rand Road and Cuba Road)**

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**Issue**

Pulte Home Corporation, represented by Mr. Russell G. Whitaker, III, Attorney for Pulte and Mr. Matt Brolley, Land Entitlement Manager for Pulte are proposing the redevelopment of the Churchill Property at the northwest corner of Rand and Cuba Road.

The property is located within the municipal boundaries of the Village of Kildeer and will be developed under their jurisdiction. It is addressed as 21801 North US Highway 12 and 21609 North US Highway 12, and commonly referred to as the Churchill Property.

**Existing Conditions**

The property is located within the municipal boundaries of the Village of Kildeer and subject to the requirements of the Kildeer Municipal Code for zoning and land development. It is currently vacant and zoned within the LC Limited Commercial Zoning District. Fire protection and is served by the Lake Zurich Rural Fire Protection District.

The subject property comprises a land area of approximately 42 acres and is an irregularly shaped parcel. Three Lake County jurisdictional wetlands occupy the southerly, north-central and northwesterly portion of the parcel, with the southerly wetland containing a body of water. The land is heavily wooded excepting the areas where wetlands are located.

The property is surrounded by Lake Zurich's municipal boundaries on three sides – to the north, west and south. Rand Road (IL RT 12) and Cuba Road extend along the westerly and southerly boundaries of the property. These roads are regional arterials and connection the property to other

communities and areas in the region. Old Mill Grove Road, a local road, ends as a stub road at the northerly boundary of the property.

The Village of Lake Zurich owns and maintains a water main and sanitary sewer gravity main that run across the northerly portion of the property. These utilities serve Lake Zurich properties on either side of the subject property.

### **Background**

The property was annexed to the Village of Kildeer in 1993 under the terms of an intergovernmental agreement between Lake Zurich and Kildeer that provided for the creation and adoption of the planning, management, development and code enforcement of certain properties located along the boundaries of the two municipalities (the “1993 agreement”).

In 2010, the property was the subject of a proposal for the development of a grocery store operated by Woodman’s. The development was proposed to be implemented by Woodman's and their property development partners, the Churchill Group, under an amendment to the 1993 agreement between the Villages of Kildeer and Lake Zurich. The amendment, adopted in 2011 (“2011 amendment”) essentially provided for the sharing of the store's sales tax revenues equally between the two municipalities. However, the property was unable to be developed due to a number of concerns including those related to traffic, and the negative impact of the proposed grocery store on the sales of similar stores within Lake Zurich, including Aldi, Walmart and Trader Joe’s.

The current proposal by Pulte was presented to the Kildeer village board on July 21, 2020.

### **Proposal**

Pulte is proposing to develop the northerly portion of the 42-acre property with 94 single-family residences. The home product proposed by Pulte is attached for reference.

The remaining portion of the property will be set aside for two 1.5-acre commercial sites along Rand Road, a 1.7-acre lot to be held back by the current owner and 13 acres of naturalized open space extending to Cuba Road.

Pulte intends to request the village for water and sewer service connections. Pulte also proposes to relocate the existing Lake Zurich sewer and water mains that extend across the portion of the property that they intend to develop.

### **Analysis**

Staff offers the following information for the Village Board to consider as it relates to the proposed development:

#### **1. Zoning Classification and Land Uses.**

The entire property is currently zoned within the LC Limited Commercial zoning district classification. The subject property is the only property classified within this zoning district.

The purpose and intent of this zoning district as outlined in the Kildeer zoning code is to offer “...limited opportunities for larger scale commercial development to serve Kildeer and neighboring communities....”

The LC zoning district provides for the land use categories of retail trade and finance as permitted uses, and certain land uses within the categories of retail trade, telecommunications, arts entertainment and recreational facilities, accommodation and food services, professional, scientific and technical services office uses, finance and other miscellaneous uses as Special Uses, requiring additional scrutiny through the public hearing process.

In addition to providing bulk regulations, architectural and landscape review, the district also outlines requirements for access to property – in particular requiring access from Rand Road and prohibiting access to the property from Cuba Road.

The residential component proposed by Pulte will likely require rezoning of that portion of the property to a residential zoning district that would accommodate the location, design, density and configuration of the proposed layout. Pulte proposes to build a single series of homes with four base floor plans ranging from 2,400 to 3,300 square feet. No price points have been provided at this time.

At this time, the amended zoning classifications for the two commercial lots, the residential component and the open space are not determined.

## **2. Access to the property.**

Access to the property is proposed at three locations – Rand Road, Cuba Road and Old Mill Grove Road. The narrative states that “...The primary entrance to the community is located on Rand Road, with a secondary entrance to the south at Cuba Road...”

Rand Road is under the jurisdiction of the Illinois Department of Transportation (IDOT), whereas Cuba Road is a local road under the jurisdiction of the village of Kildeer along its frontage with the property. Old Mill Grove Road is a local road under the jurisdiction of the Village of Lake Zurich. Each jurisdiction will be responsible for granting access to the property.

There is no indication as to the configuration of the Old Mill Grove Road access – whether it is proposed as a full access or emergency access only. An earlier drawing depicted this access for emergency only. This access would provide traffic flow into the Countryside of Lake Zurich subdivision along Old Mill Grove Road and Windemere Lane. Staff has previously advised the Pulte representatives that access to Old Mill Grove Road was unacceptable.

## **3. Wetland and Stormwater Management**

There are three wetlands on the property classified within the Lake County jurisdictional wetland inventory. The total area occupied by these wetland areas is approximately 21 acres (50%) of the property. The two smaller wetlands to the north are proposed to be removed to accommodate the residential component of the development. The larger wetland to the south will be modified to accommodate roadway access, a stormwater detention area and 13 acres of wetland/prairie with a walking path to activate use of the area by residents.

Mitigation of the wetlands on the property will require the approval of the Lake County Stormwater Management Commission (SMC) in compliance with the Watershed Development ordinance (WDO).

#### 4. Utility Connections and Usage

The Village of Lake Zurich owns and maintains a water main (10-inch main) and sanitary sewer gravity main (15-inch main) that run across the northerly portion of the property. These utilities serve Lake Zurich properties on either side of the subject property. The sanitary main was more recently relined by the village in 2018. Pulte proposes to relocate these mains to accommodate the residential component of the development.

The subject property is included within the Lake Zurich Sub-Facilities Planning Area (Sub-FPA) for the provision of sanitary sewer service. The Sub-FPA provides the maximum allowable population equivalents (PE) for development of the property (20 PE/acre).

##### Pulte’s request to Lake Zurich

As stated in their narrative, “...Pulte seeks to enter into a service agreement whereby the Village of Lake Zurich would supply potable water and sanitary sewer services to the Property. As part of this service agreement, Pulte would reconstruct the Village of Lake Zurich water main and sanitary sewer main that currently run through the Property, thereby eliminating a pending maintenance obligation of the Village. The cost to replace this utility infrastructure is estimated at approximately \$250,000.00. In addition, Pulte would pay non-resident water and sewer connection fees (125% the resident rate), with a total value of which is nearly \$1,000,000.00 in new revenue to the Village....”

The village assesses connection and service (usage) fees for new development. They are as follows for properties outside of the village’s corporate limits.

##### *Connection Fees:*

The Village’s base fees for connections outside of the village’s corporate limit are outlined below (Chapter 7-5-9B):

Water and sewer connection fees:					
Base fees outside corporate limits:					
			Water Connection Fee	Sewer Connection Fee	Total base Fee
7-5-9B		1"	3,125.00	4,375.00	7,500.00
		1.5"	4,375.00	6,250.00	10,625.00
		Less than 4"	12,500.00	17,500.00	30,000.00
		Less than 6"	22,500.00	35,000.00	57,500.00
		Less than 8"	30,000.00	50,000.00	80,000.00
		8" or more	45,000.00	62,500.00	107,500.00

Irrigation fees for connections (out of corporate limits):	Irrigation Supply Fee
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	1"	\$ 3,125.00
	1.5"	4,375.00
	Less than 4"	12,500.00
	Less than 6"	22,500.00
	Less than 8"	30,000.00
	8" or more	45,000.00

Multiple unit connection fee schedule (out of corporate limits):		
	Multiple residential unit development	\$6,250 x # of units greater than 1
	Multiple non-residential tenant development	\$6,250 x # of units greater than 1
	Multiple residential tenant developments	\$3,750 x # of units greater than 1
	Multiple bed developments with 10 or fewer rooming units	\$3,750 x # of units greater than 1
	Multiple bed developments with 11 or more rooming units	\$2,500 x # of units greater than 1

*Service (Usage) Fees:*

The village's service charges (usage fees) for water usage for non-residents is outlined below:

Service charges for non-residents:		
	Water - operations and maintenance per 1,000 gallons	19.00
	Water - debt service per 1,000 gallons	4.00
	Water - capital improvements per 1,000 gallons	1.70
	Water - Lake County treatment	4.25
	Irrigation only - operations and maintenance per 1,000 gallons	10.65
	Irrigation only - debt service per 1,000 gallons	1.00
	Irrigation only - capital improvements per 1,000 gallons	3.00
	Sewer - operations and maintenance per 1,000 gallons	8.25
	Sewer - debt service per 1,000 gallons	3.00
	Sewer - capital improvements per 1,000 gallons	2.95
	Sewer - Lake County treatment	4.25
	Minimum basic charge based upon 2,000 gallons per month	63.90
	Sanitary sewer only flat charge per month	108.00
	Irrigation services only base fee	16.65
	Combined water/sewer rate per 1,000 gallons	31.95

Additional charges to the village will include meter charges and any accompanying installation fees.

**5. Existing Inter Governmental Agreements (IGAs) between Lake Zurich and Kildeer.**

The property was first referenced in the IGA between Kildeer and Lake Zurich in 1993. That agreement outlined the annexation, land use, bulk requirements, utility construction and revenue sharing requirements related to the development of the property. That agreement was later supplemented in July 1993 and thereafter amended in 2011.

In June of 2011, the Villages of Kildeer and Lake Zurich entered into an amendment to the 1993 intergovernmental agreement and its 1993 supplement, to outline the development, land use treatment and revenue sharing provisions of the parcel on the northwest corner of Quentin Road and Rt 22 (currently developed with the Mariano's store). The terms of that amendment dated June 21, 2011, also covered the development of the Churchill Property and included provisions for the "equal" sharing of revenues generated by these two properties. At that time, the subject property was proposed to be developed by Woodman's grocery store and as such, its generated sales tax revenues were agreed to be shared equally between Lake Zurich and Kildeer.

While the subsequent development of the property on the northwest corner of Quentin and Rt 22 was later governed by a revenue sharing agreement executed between the villages of Hawthorn Woods, Kildeer and Lake Zurich dated December 21, 2011, to settle and avoid any pending litigations between the three municipalities regarding that property (that agreement was commonly referred to as the "Settlement Agreement"), such agreement did not address any revenue sharing provisions previously undertaken at the Churchill Property.

It is the understanding of staff that the 2011 amendment dated June 21, 2011 between Kildeer and Lake Zurich relating to the development and sharing of sales tax revenues of the Churchill property continue to remain in effect.

**Recommended Considerations**

The developer and staff seek to understand the Village Board's preferences towards the request from Pulte on the proposed development and highlight any further areas of concern to staff and the developer on the above listed issues.

Lake Zurich may want to consider the following issues addressed by the developer and Village of Kildeer in the form of an intergovernmental development agreement:

- *Land Use Concerns:* Residential acreage proposed – 25.6 acres on 94 single-family lots; Retail acreage proposed – 3.4 acres on 2 commercial lots; 13 acres of open space. Lake Zurich may want to consider the following:
  - Land Use restrictions (for permitted and special uses) on the retail lots to prevent any impact on existing Lake Zurich retail businesses (the list of allowable land uses in the LC zoning district are attached); OR
  - Land Use category restrictions/prohibitions on the retail lots.

- Restricting development of the property with residential uses only thereby protecting our commercial uses from being “cannibalized.”
- *Stormwater management and flooding concerns.* The property is currently undeveloped. Development will add impermeable surface to the development thereby requiring stormwater management facilities on the property. Due to the increased recorded rainfall in the past years, the Lake County Stormwater Management Commission (SMC) has since May 2019, begun considering revisions to rainfall data contained within the report known as “Frequency Distributions of Heavy Precipitation in Illinois: Updated Bulletin 70” in the Watershed Development Ordinance (EDO) for the preparation of stormwater management models when development is considered on private property. The County anticipates that rainfall numbers in Bulletin 70 are 20-45% higher than the current values used in the WDO and will likely recommend the adoption of these revisions in October of this year. Adoption of these revisions will reduce flood risk and adapt to future conditions.
  - *Protected wetlands.* The development proposes the mitigation of 8 acres of wetland leaving 13 acres on the property. The resultant 13 acres would need to be maintained in such state through a perpetual open space covenant that runs with the property. Additionally, a long-term maintenance plan and the funding of such plan would need to be prepared and agreed upon.
- *Utility infrastructure Access Easement and Maintenance fee.* If Pulte elects to relocate the existing village-owned water and sanitary main on the property, the village will need to be granted an exclusive public utility access easement to be able to access such utilities for the purpose of maintenance and repair. Additionally, if the development is granted connections to these utilities, the proportional share of the cost of maintenance of such utilities could be recovered through a Special Service Area (SSA) tax levied on each residential and commercial property within the development to allow for the maintenance of these utilities by the Village of Lake Zurich.
- *Other Impact fees for the residential development on the property.* In addition to the fees outlined above, the village may want to consider assessing park impact fees, since the residents that move into the subdivision will have the benefit of using Lake Zurich’s parks and recreational facilities. The park impact fees per single-family residence collected by Lake Zurich are outlined below:
  - 2 bedroom home - \$3,636.00
  - 3 bedroom home - \$6,921.00
  - 4 bedroom home - \$8,118.00
  - 5 bedroom home - \$10,044.00
- *Revenue sharing.* The terms and conditions of the June 21, 2011 intergovernmental agreement between Lake Zurich and Kildeer as they relate to sales tax revenue sharing may be reinstated to pertain to the revenues generated by the two commercial lots (1.5 acres and 1.9 acres) proposed along Rand Road as well as for the 1.7-acre “owner hold-back” parcel at the southerly end of the property, in the event it is developed with sales tax generating land uses. As such, sales tax revenues generated on the subject property would be shared equally between the two municipalities.

**Next Steps**

The developer has indicated that if positive feedback on the requests are is provided by the Village Board, they would move forward with the entitlement process through the Village of Kildeer.

The developer and the Villages of Lake Zurich and Kildeer will also need to agree to terms through an intergovernmental agreement, to be developed within any guidelines provided by the Village Board.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sarosh Saher". The signature is fluid and cursive, with a horizontal line underneath the name.

Sarosh Saher, AICP  
Community Development Director

Attachments:

1. Letter from Mr. Russell G. Whitaker, III, dated August 3, 2020
2. Exhibit A to Letter – Rendered Sketch Plan, prepared by V3 Consultants dated July 17, 2020
3. Home product elevations (undated)
4. Allowable land uses within the LC Limited Commercial District of the Kildeer Zoning Code



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August 3, 2020

Mayor Poynton & Village Board Members  
Village of Lake Zurich  
70 E. Main Street  
Lake Zurich, Illinois 60047  
Sarosh.Saher@lakezurich.org

Re:    Courtesy Review  
      Kildeer Crossings, Rand Road & Cuba Road, Kildeer, Illinois.

Dear Mayor Poynton & Village Board Members:

Pulte Home Company (“Pulte”) is the contract purchaser of the approximately 42-acre property located at the northeast corner of Rand Road and Cuba Road in the Village of Kildeer (“Property”). We appreciate the Village of Lake Zurich’s time and consideration as we evaluate the prospect of residential redevelopment of the Property.

The Property is currently vacant and unimproved. It is zoned “LC” or Limited Commercial in the Village of Kildeer. We understand that the Property has historically been the subject of some controversial large-box retail development proposals. We hope that our proposed residential redevelopment, being significantly less intensive than a commercial use of the Property, will be viewed favorably by both the Villages of Lake Zurich and Kildeer.

A copy of our proposed concept plan is attached hereto as Exhibit A. We propose to develop the Property as a 94-unit single-family detached home residential community. The primary entrance to the community is located on Rand Road, with a secondary entrance to the south at Cuba Road. In addition to the 94 homes, there are two 1.5-acre commercial outlots at the new intersection with Rand Road. Notably, the community will include a modern stormwater management system centrally located within the Property and a large naturalized open space extending south to Cuba Road. In total, the open space area comprises more than 13 acres and is conceptualized as a created wetland/prairie with a walking path to activate use of the area by residents.

We propose to build a single series of homes with four base floor plans ranging from 2,400 to 3,300 square feet. The homes are all three or four bedrooms with a loft. Pulte also provides a wide array of buyer options which allow each purchaser to make selections such as a gourmet kitchen, 3<sup>rd</sup> car garage, or sunroom that make the house their home. Representative elevations for the four floor plans are attached hereto as Exhibit B.

Pulte seeks to enter into a service agreement whereby the Village of Lake Zurich would supply potable water and sanitary sewer services to the Property. As part of this service agreement, Pulte would reconstruct the Village of Lake Zurich watermain and sanitary sewer main that currently run through the Property, thereby eliminating a pending maintenance obligation of the Village. The cost to replace this utility infrastructure is estimated at approximately \$250,000.00. In addition, Pulte would pay non-resident water and sewer connection fees (125% the resident rate), with a total value of which is nearly \$1,000,000.00 in new revenue to the Village.

We appreciate your time and consideration of this matter and look forward to discussing the proposal in additional detail at your August 17<sup>th</sup>, 2020, Village Board meeting. Should you have any questions or concerns in advance of the meeting, please do not hesitate to contact us.

Sincerely,

*Russell G. Whitaker, III*

Russell G. Whitaker, III  
Attorney for Pulte Home Corporation

Enclosures



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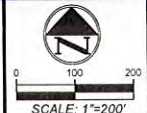
**KILDEER CROSSINGS**

KILDEER

ILLINOIS

**RENDERED SKETCH PLAN**

DATE: 07-17-20













































## **Kildeer Zoning Code (Extract)**

### **Chapter 10A - LIMITED COMMERCIAL DISTRICT**

#### **5-10A-1: PURPOSES:**

Certain property within the village offers limited opportunities for larger scale commercial development to serve Kildeer and neighboring communities. Such property is uniquely located, however, at the gateway to the village and neighboring villages and abutting and adjacent to established single-family detached residential areas. Accordingly, such development must be carefully planned and regulated to avoid the many potential adverse consequences to the village, to neighboring villages, and to the abutting and adjacent residential uses, which adverse consequences could result from too dense, poorly buffered, badly designed, or otherwise ill planned use of such property. The purposes of the LC limited commercial district are to create regulations that allow the property zoned within the district to achieve a reasonable amount of commercial development, to protect the stature and aesthetics of the principal gateway to the village, to protect and preserve the quality of existing single-family residential areas, and to protect the village from undesirable impacts of unnecessary and unwanted intense commercial development. (Ord. 93-O-648, 9-7-1993)

#### **5-10A-2: PERMITTED USES:**

The following uses, and no others, shall be permitted as of right in the LC limited commercial district. In interpreting the use designations in this chapter, references to the North American industry classification system, United States, 2002, where applicable, are given in parentheses following each use:

##### **A. Retail Trade (Sector 44-45):**

Automotive parts and accessories stores and tire stores (4413).

Clothing and clothing accessories stores:

Children's and infant (44813).

Family (44814).

Men's (44811).

Women's (44812).

Electronic and appliance store (443).

Floor covering stores (444120).

Furniture and home furnishings store (442).

Hardware stores (444130).

Health and personal care (446).

Jewelry, luggage, leather stores (4483).

Miscellaneous retailers:

Art dealers (453920).

Automotive repair (8111), except stand alone car washes (811192).

Barbershops (812111).

Beauty shops (812112).

Book, periodical and music stores (4512).

Business service centers (56143).

Department stores (452111).

Dry cleaning and laundry (812320) except coin operated.

Electronic and precision equipment repair (8112).

Florist (453).

Office supply and stationery and gift stores (4532).

Other miscellaneous store retailers (45399).

Other schools and instruction (6116).

Personal and household goods repair (8114).

Pet and pet supplies (45399).

Photofinishing (81292).

Photography studios (541921).

Sporting goods, hobby and musical stores (except gun stores) (4511).

Videotape and disc rental (53223).

Shoe stores (4482).

B. Finance (for ATMs, drive-up/drive-through tellers and/or freestanding financial facilities see section [5-10A-3](#), "Special Uses", of this chapter):

Commercial banking with in-line building (52211).

Savings institution with in-line building (52212). (Ord. 06-O-964, 5-1-2006)

**5-10A-3: SPECIAL USES:**  



The following uses, and no others, may be permitted by special use permit in accordance with the provisions of [chapter 17](#) of this title. In interpreting the use designations in this chapter, references to the North American industry classification system, United States, 2002, where applicable, are given in parentheses following each use:

A. Retail Trade:

Food and beverage stores.

Specialty foods (4452).

Gasoline stations (447).

Gasoline filling stations, subject to the following conditions:

1. Minimum lot size shall be one acre (43,560 square feet).
2. Minimum yard area shall be provided in accordance with section [5-10-10](#) of this title.
3. If the site adjoins an R-1, R-2 or residential portion of a PD-1, PD-2 or PD-3 district, transitional yards as required by section [5-10-9](#) of this title shall be provided.
4. Landscaping within required yards shall be provided in accordance with a plan reviewed by the plan commission/board of appeals and approved by the village board.
5. Car wash shall be allowed only to the extent that it is incidental to the principal use, and subject to the provisions of this chapter.
6. Hours of operation shall be subject to review and approval.
7. All sales and displays and storage of goods shall be confined within a permanent structure.
8. The operations of the business shall conform with the performance standards for noise, odors, toxic and noxious material, storage and handling of flammable materials and all other standards established in [chapter 12](#) of this title, the applicable Kildeer building codes, and all other applicable village, county, state, or federal regulations. In the event of a conflict between any of the foregoing standards, the more restrictive standard shall apply to these operations.

Home centers (44110).

Home centers, subject to the following conditions:

1. Minimum lot size shall be one acre (43,560 square feet).
2. Minimum yard area shall be provided in accordance with section [5-10-10](#) of this title.
3. If the site adjoins an R-1, R-2 or residential portion of a PD-1, PD-2 or PD-3 district, transitional yards as required by section [5-10-9](#) of this title shall be provided.

4. Landscaping within required yards shall be provided in accordance with a plan reviewed by the plan commission/board of appeals and approved by the village board.

5. Hours of operation shall be subject to review and approval.

6. All sales and displays and storage of goods shall be confined within a permanent structure.

7. The operations of the business shall conform with the performance standards for noise, odors, toxic and noxious material, storage and handling of flammable materials and all other standards established in [chapter 12](#) of this title, the applicable Kildeer building codes, and all other applicable village, county, state, or federal regulations. In the event of a conflict between any of the foregoing standards, the more restrictive standard shall apply to these operations.

Lawn and garden equipment stores (4442).

Lawn and garden equipment stores, subject to the following conditions:

1. Minimum lot size shall be one acre (43,560 square feet).

2. Minimum yard area shall be provided in accordance with section [5-10-10](#) of this title.

3. If the site adjoins an R-1, R-2 or residential portion of a PD-1, PD-2 or PD-3 district, transitional yards as required by section [5-10-9](#) of this title shall be provided.

4. Landscaping within required yards shall be provided in accordance with a plan reviewed by the plan commission/board of appeals and approved by the village board.

5. Hours of operation shall be subject to review and approval.

6. All sales and displays and storage of goods shall be confined within a permanent structure.

7. The operations of the business shall conform with the performance standards for noise, odors, toxic and noxious material, storage and handling of flammable materials and all other standards established in [chapter 12](#) of this title, the applicable Kildeer building codes, and all other applicable village, county, state, or federal regulations. In the event of a conflict between any of the foregoing standards, the more restrictive standard shall apply to these operations.

Lessors of miniwarehouses and self-storage units (531130).

Lessors of miniwarehouses and self-storage units, subject to the following conditions:

1. Minimum lot size shall be one acre (43,560 square feet).

2. Minimum yard area shall be provided in accordance with section [5-10-10](#) of this title.

3. If the site adjoins an R-1, R-2 or residential portion of a PD-1, PD-2 or PD-3 district, transitional yards as required by section [5-10-9](#) of this title shall be provided.

4. Landscaping within required yards shall be provided in accordance with a plan reviewed by the plan commission/board of appeals and approved by the village board.

5. Hours of operation shall be subject to review and approval.

6. All sales and displays and storage of goods shall be confined within a permanent structure.

7. The operations of the business shall conform with the performance standards for noise, odors, toxic and noxious material, storage and handling of flammable materials and all other standards established in [chapter 12](#) of this title, the applicable Kildeer building codes, and all other applicable village, county, state, or federal regulations. In the event of a conflict between any of the foregoing standards, the more restrictive standard shall apply to these operations.

New car dealers (41110).

B. Telecommunications Facilities: Telecommunications facilities subject to the following conditions:

1. Minimum front yard: One hundred feet (100').

2. Minimum side yard: Ten feet (10'); if side yard adjoins street, minimum one hundred feet (100').

3. Minimum rear yard: Twenty five feet (25').

4. If site adjoins an R-1, R-2, or residential portion of a PD-1, PD-2, or PD-3 district, transitional yards shall be provided. Minimum side yard: Thirty five feet (35'); minimum rear yard: Fifty feet (50').

5. Maximum height: One hundred fifty feet (150'), or as recommended by the plan commission/board of appeals, upon presentation of supporting documentation.

6. Multiple use of structure is strongly encouraged.

C. Arts, Entertainment And Recreational Facilities:

Bowling center (713950).

Fitness and recreation (713940).

Golf (713910).

D. Accommodation And Food Services:

Food service (no drive-through).

Full service (72211).

Snack and nonalcoholic bars (722213).

E. Professional, Scientific And Technical Services Office Uses:

Accounting services (5412).

Advertising and related services (5418).

Architectural and engineering services (5413).

Computer systems design (5415).

Finance and insurance (522113-5259).

Legal services (5411).

Management, scientific and consulting services (5416).

Real estate agents and brokers (5312).

Specialized design services (5415).

Travel arrangements and reservation services (5615).

#### F. Finance:

Automatic teller machines, subject to the following:

1. Safety requirements for pedestrian and vehicular circulation, including: adequate stacking, no conflicts with other vehicles entering or leaving the site, opportunity for a person in line to safely exit the line, minimum conflict with pedestrians, and adequate lighting.

Commercial banking with freestanding building (52211).

Drive-up or drive-through tellers, subject to the following:

1. Safety requirements for pedestrian and vehicular circulation, including: adequate stacking, no conflicts with other vehicles entering or leaving the site, opportunity for a person in line to safely exit the line, minimum conflict with pedestrians, and adequate lighting.

Savings institution with freestanding building (52212).

#### G. Other/Miscellaneous:

Adult uses: The intent of the adult use regulation is to protect the public health, safety and welfare by limiting the deleterious effects of such businesses on the adjacent properties. These regulations apply to bookstores, movie theaters, entertainment cabarets, novelty stores and other similar uses. Adult uses shall be subject to the following conditions:

1. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from the public way or from any property not used for adult uses. This provision shall apply to any display, decoration, sign, show window or other exterior element.

2. Landscaping within required yards shall be provided in accordance with a plan reviewed by the plan commission/board of appeals, and approved by the village board.

3. All adult uses shall be within fully enclosed buildings.

4. If the site adjoins an R-1, R-2, or residential portion of a PD-1, PD-2 or PD-3 district, transitional yards as required by section [5-10-9](#) of this title shall be provided.

5. Hours of operation shall be subject to review by the plan commission/board of appeals and approval by the village board.

6. No alcoholic beverages shall be served.

7. No adult use shall be located within eight hundred feet (800') of any property used for residences, churches, schools, parks, or other adult use.

8. All dancing and other performances shall occur on a stage intended for that purpose which is raised at least two feet (2') from the level of the floor. No dancing or other performances shall occur closer than ten feet (10') to any patron. In addition, no performer shall fondle, caress or otherwise touch any patron, and no patron shall fondle, caress or otherwise touch any performer. No patron shall directly pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to performers by placing the gratuity on the stage.

9. No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions, or a room or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

10. No adult use shall be open prior to ten o'clock (10:00) A.M. or after twelve o'clock (12:00) midnight.

Outdoor storage: Outdoor storage for principal use listed elsewhere, subject to the following conditions:

1. All outdoor storage areas shall be fenced with materials of wood, stone or masonry. The fencing shall be no less than six feet (6'), nor greater than eight feet (8') high and must completely screen the stored materials.

2. Nothing may be stored above the height of the fence.

3. The required fencing shall not protrude or extend into or beyond the front building line.

4. The materials that are so stored shall be stored in compliance with all local, state and federal standards. (Ord. 06-O-964, 5-1-2006)

#### **5-10A-4: CONDITIONS OF USE:**

All development in the LC limited commercial district shall comply with all regulations of this chapter, and with all performance standards for noise, odors, toxic and noxious material, storage and handling of flammable materials and all other standards established in [chapter 12](#) of this title, the applicable Kildeer building codes, and all other applicable Kildeer, county, state of Illinois, and federal codes, ordinances, statutes, and regulations. In the event of a conflict among any of the foregoing standards, the most restrictive standard shall apply in every instance. (Ord. 93-O-648, 9-7-1993)

#### **5-10A-5: PLAN REVIEW AND APPROVAL:**

A. Required Plan Submittals: Every applicant for any development in the LC limited commercial district shall file with the village the following documents. For purposes of this chapter, all of the following documents, taken together, shall be referred to as the "site plan", and the term site plan shall mean each and every one of the following documents:

1. Location map; and
2. Boundary survey; and
3. Topographic survey; and
4. Site analysis; and
5. Site plan; and
6. Grading plan; and
7. Landscape plan; and
8. Photometric plan; and
9. Development schedule; and
10. Architectural drawings; and
11. Protective covenants; and
12. Utility plan; and
13. Traffic impact study; and
14. Written statement; and
15. Legal description; and
16. Fiscal impact analysis, including general assessment, tax impacts, and effects on neighboring property values; and (Ord. 93-O-648, 9-7-1993)
17. Such others as required by the plan commission/board of appeals or the board of trustees. (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)

Documents 1 through 15 shall include the information described for such documents in section [5-14-4](#) of this title.

B. Site Plan Approval Required: Every development in the LC limited commercial district shall require, in advance, site plan review and approval. The site plan, and each element of it, shall be prepared in compliance with all applicable village codes and ordinances and with the standards of subsection D of this section. (Ord. 93-O-648, 9-7-1993)

C. Review Procedure:

1. Preapplication Plan Review: Every applicant for development in the LC limited commercial district shall submit all elements of the site plan for review by the village's plan review committee prior to filing any other application for approval of such development. The plan review committee shall review the site plan and shall determine whether all elements of it are in a form suitable for review by the plan commission/board of appeals. If any element of the site plan is incomplete, then the plan review committee may require the applicant to complete such element before referring the site plan to the plan commission/board of appeals. The plan review committee shall refer the site plan to the plan commission/board of appeals promptly after it is properly completed.
2. Public Hearing: The plan commission/board of appeals shall conduct a public hearing on the site plan. Notice of such hearing shall be published by the village at the applicant's expense in a newspaper of general circulation in the village not more than thirty (30) days nor fewer than fifteen (15) days prior to the date of such hearing. Notice of such hearing also shall be mailed, by certified mail, return receipt requested, by the applicant to all owners of all property within two hundred fifty feet (250') of any part of the property that is the subject of such hearing. Notice of such hearing also shall be posted on said property by the applicant, in form and location approved by the village, continuously for at least ten (10) days prior to such hearing.
3. Plan Commission/Board Of Appeals Findings And Recommendations: The plan commission/board of appeals shall submit written findings and recommendations regarding the site plan to the board of trustees. (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)
4. Board Of Trustees Review: The board of trustees shall review the site plan at a public meeting and in accordance with the provisions of subsection D of this section. (Ord. 93-O-648, 9-7-1993)

D. Standards For Site Plan Disapproval:

1. Standards: The board of trustees shall not disapprove, and the plan commission/board of appeals shall not recommend disapproval of, a site plan submitted pursuant to this section except on the basis of specific written findings directed to one or more of the following standards: (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)
  - a. The application is incomplete in specified particulars or contains or reveals violations of this title or any other applicable regulations that the applicant has failed or refused to supply or correct.
  - b. The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.

- c. The site plan fails to adequately meet specified standards required by this title with respect to the proposed use or development, including special use standards where applicable.
- d. The proposed site plan interferes with easements or rights of way.
- e. The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural, topographical, or physical features of the site.
- f. The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site.
- g. The screening of the site does not provide adequate shielding from or for nearby uses.
- h. The proposed structures or landscaping are unreasonably lacking amenities in relation to, or are incompatible with, nearby structures and uses.
- i. The proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.
- j. The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the village.
- k. The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility systems serving the village.
- l. The proposed site plan has inappropriate adverse impacts on the value of adjacent property or on village economics generally.
- m. The proposed site plan otherwise adversely affects the public health, safety, or general welfare. (Ord. 93-O-648, 9-7-1993)

2. Alternative Approaches: In citing any of the foregoing standards, other than those of subsections D1a and D1b of this section, as the basis for disapproving a site plan, the plan commission/board of appeals or the board of trustees shall suggest alternate approaches that could be developed to avoid the specified deficiency or shall state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives. (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)

E. Effect Of Site Plan Approval: Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the village including, but not limited to, a building permit.

Every approved site plan shall be filed with the village administrator and the development of the site shall be in substantial conformity with such approved and filed site plan.



F. Limitation On Site Plan Approval: Subject to an extension of time granted by the board of trustees, after public hearing, no site plan approval by the board of trustees shall be valid for a period longer than two (2) years or the time period specifically established in the site plan, whichever is longer, unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

G. Adjustments To Site Plan During Development:

1. Minor Adjustments: During the development of the site, the village administrator, with the concurrence of the building and zoning committee of the board of trustees, may authorize minor adjustments to a site plan approved by the board of trustees when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:
  - a. Altering the location of any one structure or group of structures by not more than twenty feet (20') or one-fourth ( $\frac{1}{4}$ ) of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element of any boundary of the siteplan, whichever is less, but not affecting any required yard.
  - b. Altering the location of any circulation element by not more than twenty feet (20') or one-fourth ( $\frac{1}{4}$ ) of the distance shown on the approved site plan between such circulation element and any structure, whichever is less, but not affecting any required yard.
  - c. Altering the location of any open space by not more than fifty feet (50'), but not affecting any required yard.

Such minor adjustments shall be consistent with the intent and purpose of this title and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this title. (Ord. 93-O-648, 9-7-1993)

2. Major Adjustments: Any adjustment to a site plan approved by the board of trustees that is not authorized by subsection G1 of this section shall be considered to be a major adjustment and shall be granted only after application to and approval by the board of trustees, after public hearing by and recommendation of the plan commission/board of trustees. Major adjustments to a site plan shall be granted only by an ordinance duly adopted by the board of trustees. (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)

H. Amendments To Site Plan Following Completion Of Development: After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for original approval of site plans. (Ord. 93-O-648, 9-7-1993)

**5-10A-6: MINIMUM LOT AREA AND WIDTH:**  

No lot or parcel of land in the LC limited commercial district shall be less than five hundred thousand (500,000) square feet in area. Every such lot or parcel of land shall have a minimum width at the building line of four hundred feet (400'). (Ord. 93-O-648, 9-7-1993)

### **5-10A-7: MAXIMUM BUILDING HEIGHT:**

The height of any structure shall not exceed two and one-half (2<sup>1/2</sup>) stories, nor shall it exceed thirty five feet (35'). (Ord. 93-O-648, 9-7-1993)

### **5-10A-8: MINIMUM REQUIRED YARDS:**

- A. Front Yard: One hundred feet (100'), except only as provided in subsection D of this section.
  
- B. Side Yard: One hundred feet (100'), except only as provided in subsections D and E of this section.
  
- C. Rear Yard: One hundred feet (100'), except only as provided in subsections D and E of this section.
  
- D. Yard Abutting State Owned Right Of Way: Fifty feet (50').
  
- E. Interior Side Or Rear Yards Abutting Property Zoned In B Business District Or LC Limited Commercial District: Twenty five feet (25').
  
- F. No Obstructions; Exception: Notwithstanding any other provision of this zoning ordinance or any other Kildeer code or ordinance, no structure, building, or use of any kind shall be located in a required yard, except only that driveway crossings may traverse a required yard that abuts a public street so long as such driveway is built as nearly perpendicular as possible to the required yard. (Ord. 93-O-648, 9-7-1993)

### **5-10A-9: MINIMUM BUILDING SETBACK:**

All buildings and structures shall be set back a minimum of one hundred feet (100') from every lot line, and such additional distance as may be required to comply with applicable health and safety regulations such as installation of fire lanes and the like. (Ord. 93-O-648, 9-7-1993)

### **5-10A-10: MAXIMUM LOT COVERAGE:**

The maximum lot coverage in the LC limited commercial district shall be sixty percent (60%).

For purposes of this chapter, the following terms shall have the meanings herein ascribed to them:

**LOT AREA:** The total land area included within lot lines, excluding, however, water areas, land areas with natural resources restrictions on development (such as floodplains, wetlands, and lowland (hydric) conservancy soils), and required yards abutting lot lines in residential districts.

**LOT COVERAGE:** The percentage of lot area covered by any building or structure or any impermeable surface other than public sidewalks or water bodies. (Ord. 93-O-648, 9-7-1993)

### **5-10A-11: MAXIMUM FLOOR AREA RATIO:**

The maximum floor area ratio in the LC limited commercial district shall be 0.18. For purposes of this chapter, the following terms shall have the meanings herein ascribed to them:

**FLOOR AREA:** The sum of the gross horizontal areas of all floors of all stories of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls.

**FLOOR AREA RATIO:** The floor area of all buildings on a lot divided by the lot area of the lot on which they are located.

**LOT AREA:** See section [5-10A-10](#) of this chapter. (Ord. 93-O-648, 9-7-1993)

**5-10A-12: MINIMUM BUILDING SPACING:**  

The minimum space between buildings in the LC limited commercial district shall be one hundred feet (100'). (Ord. 93-O-648, 9-7-1993)

**5-10A-13: MULTIPLE BUILDINGS PERMITTED:**  

Notwithstanding any other provision of this zoning ordinance or any other Kildeer code or ordinance, more than one building and structure may be permitted on one lot or parcel of land in the LC limited commercial district provided that the development, taken as a whole, complies with all regulations of this chapter and every other applicable provision of this title. (Ord. 93-O-648, 9-7-1993)

**5-10A-14: LANDSCAPING REQUIREMENTS:**  

A. Required One Hundred Foot Yards: Each required one hundred foot (100') wide yard shall include all of the following landscaping materials and berming for each one hundred feet (100') of length or increment thereof:

1. Eight (8) three inch (3") caliper canopy trees, and
2. Eight (8) two inch (2") caliper understory trees, and
3. Sixteen (16) six foot (6') tall evergreen trees, and
4. Fifty (50) three foot (3') tall deciduous or evergreen shrubs, and
5. Minimum five foot (5') berm varying in height from five feet (5') to ten feet (10').

B. Required Fifty Foot Yards: Each required fifty foot (50') wide yard shall include all of the following landscaping materials and berming for each fifty feet (50') of length or increment thereof:

1. Two (2) three inch (3") caliper canopy trees, and
2. Two (2) two inch (2") caliper understory trees, and
3. Two (2) six foot (6') tall evergreen trees, and
4. Twenty (20) three foot (3') tall deciduous or evergreen shrubs, and
5. Minimum one foot (1') to three foot (3') high undulating berm.

C. Foundation Plantings: Trees and shrubs shall be installed along the front and side elevations of commercial and office buildings to provide articulation, provide shade, and to enhance the pedestrian environment.

D. Definition Of "Caliper": For purposes of this chapter, the term "caliper" shall mean the diameter of a tree trunk measured six inches (6") above ground level for trees less than four inches (4") in diameter at ground level and measured twelve inches (12") above ground level for all other trees.

E. Maintenance Of Required Landscaping: All landscaping required by this section shall be maintained in good condition at all times. All dead, diseased, or damaged plant material shall be removed promptly and shall be replaced promptly with live plant material in good condition and in quantities and sizes so that the maximum quantities and sizes established in this section are maintained at all times. (Ord. 93-O-648, 9-7-1993)

### **5-10A-15: ARCHITECTURAL DESIGN REVIEW:**

Every proposed development in the LC limited commercial district shall require architectural design review and approval. Notwithstanding any other Kildeer code or ordinance, such architectural design review and approval shall be conducted by the board of trustees after review at public hearing by, and a recommendation of, the plan commission/board of appeals. No site plan shall be approved and no building permit shall be granted for development in the LC limited commercial district except after approval by the board of trustees of the architectural design of the proposed development. The purpose of the design review provided in this section is to ensure that all development in the LC limited commercial district shall be compatible with existing development in Kildeer and with all abutting and adjacent residential development. The plan commission/board of appeals and the board of trustees, during their review, shall apply these principles and shall, in addition, be guided by the following standards and considerations: (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)

A. Quality Of Design And Site Development: New and existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved shall be evaluated under the following quality of design and site development guidelines:

1. Open Spaces: The quality of open spaces between buildings and in setback spaces between street and facade.
2. Materials: The quality of materials and their relationship to those in existing adjacent structures. Every building shall be built with equal quality materials on all sides of the building.
3. General Design: The quality of the design in general and its relationship to the overall character of the neighborhood.
4. General Site Development: The quality of the site development in terms of landscaping, recreation, pedestrian access, automobile access, parking, servicing of the property, and impact on vehicular traffic patterns and conditions on site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible.

B. Visual Compatibility: New buildings and structures, existing buildings and structures and appurtenances thereof which are constructed, reconstructed, materially altered, repaired, or moved, shall be visually compatible in terms of the following guidelines:

1. Height: The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.
2. Proportion Of Front Facade: The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.
3. Proportion Of Openings: The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.
4. Rhythm Of Solids To Voids In Front Facades: The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.
5. Rhythm Of Spacing And Buildings On Streets: The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings, public ways, and places to which it is visually related.
6. Rhythm Of Entrance Porch And Other Projections: The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.
7. Relationship Of Materials And Texture: The relationship of the materials and texture of the facade shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
8. Roof Shapes: The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
9. Walls Of Continuity: Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
10. Scale Of Building: The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings, public ways, and places to which they are visually related.
11. Directional Expression Of Front Elevation: A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character. (Ord. 93-O-648, 9-7-1993)

C. Special Considerations For Existing Buildings: For existing buildings, the plan commission/board of appeals and the board of trustees shall consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing. (Ord. 93-O-648, 9-7-1993; amd. Ord. 05-O-942, 11-7-2005)

## 5-10A-16: DEVELOPMENT PROHIBITED IN DRAINAGEWAYS:

A. Determination Of Drainageway: The existence of any drainageway from time to time shall be determined as follows:

1. Land Near Streams: All land, except land designated as a floodway, on either side of and within fifty feet (50') of the centerline of any intermittent or perennial stream shown on the U.S. geological survey's 7<sup>1</sup>/<sub>2</sub> minute quadrangle maps of the village.
2. Land Near Swales: All land, except land designated as a floodway, on either side of and within twenty five feet (25') of the centerline of any swale identified by topographic and hydrologic analyses as serving as a principal storm water outfall, rather than merely as a tributary for the subbasin of a subwatershed area.
3. Soil Classes: All land included within the following soils classes in the soils maps provided by the U.S. department of agriculture as published in "Soil Survey Of Lake County, Illinois", issued September 1970, and as recorded on the village soils maps:

<u>Soil Symbol</u>	<u>Soil Name</u>
67	Harpster silty clay loam
103	Houghton muck
W103	Houghton muck, west
107	Sawmill silty clay loam
153	Pella silty clay loam
232	Ashkum silty clay loam
330	Peotone silty clay loam
W330	Peotone silty clay loam, wet
465	Montgomery silty clay
513	Granby load fine sand

4. Updated Classification: An update to the 1970 soil survey of Lake County on a site specific basis may be provided by an applicant to the village for review and action for possible mapping corrections and soils reclassification. Any such soil mapping and classification survey must be prepared by an Illinois certified professional soil scientist/soil classifier. The village engineer may approve minor changes from the 1970 soil survey of Lake County of up to twenty feet (20') in soil boundary lines and up to five percent (5%) of the area originally shown as drainageway soils. Changes greater than those indicated above shall be considered major changes and the Village Engineer shall so report to the Village Board, which may accept, modify, or reject the proposed reclassification.

B. Development in Drainageway Prohibited: No development shall be permitted in any drainageway; provided, however, that the crossing of a drainageway for access or utility purposes may be authorized by issuance of a special use permit if, but only if, such crossing is designed to minimize to the fullest possible extent the disruption and operation of such drainageway. (Ord. 93-O-648, 9-7-93)

## **5-10A-17: ACCESS RESTRICTIONS:**

- A. Access from Residential Districts: No access shall be permitted to any property zoned in the LC Limited Commercial District across any property zoned in a residential district.
- B. Access from Streets in Other Jurisdictions: No access shall be permitted to any property zoned in the LC Limited Commercial District from any street or right of way under the jurisdiction of a governmental body or agency without the written approval thereof of such governmental body or agency.
- C. Access from Route 12: Every access to any property zoned in the LC Limited Commercial District directly from Route 12 shall be limited to right-in, right-out turning movements only and, in addition, shall require approval of the Illinois Department of Transportation and any other agency with jurisdiction in advance of any Kildeer approval.
- D. Access from Old Rand Road: Any access to any property zoned in the LC Limited Commercial District from Old Rand Road from Route 12 via Old Rand Road shall require a special use permit and, in addition, shall require approval of the Illinois Department of Transportation, the Village of Lake Zurich, and any other agency or local government with jurisdiction in advance of any Kildeer approval.
- E. Access from Cuba Road: No access shall be permitted to any property zoned in the LC Limited Commercial District from Cuba Road. (Ord. 93-O-648, 9-7-93)

## **5-10A-18: OFF-STREET PARKING AND LOADING:**

Parking and loading facilities shall be provided as required or permitted in [Chapter 13](#) of this Title and shall conform to the following standards:

- A. No Parking or Loading in Required Yards: No off-street parking or loading shall be located in any required yard.
- B. Curbing: Concrete curbs shall be constructed around the perimeter of all off-street parking and off-street loading facilities.
- C. Islands: Curbed, landscaped islands shall be provided in all parking lots containing twenty (20) or more spaces in accordance with the following standards:
  - 1. Width: Landscaped islands shall be a minimum of six feet (6') wide, as measured between backs of curbs.
  - 2. Number: One island shall be installed for each fifteen (15) off-street parking spaces.

3. Landscaping: Landscaped islands shall be planted with not fewer than one shade tree and with groundcover or shrubs. Shrubs shall be low growing. Trees shall be high-branched so as to maintain a clear line of sight for motorists that is between three feet (3') and five feet (5') above ground level. (Ord. 93-O-648, 9-7-93)

**5-10A-19: SIGNS:**   

See Chapter 20 of this Title. (Ord. 93-O-648, 9-7-93)

**5-10A-20: ROOF-MOUNTED MECHANICAL EQUIPMENT:**   

- A. Screening Required: All roof-mounted mechanical equipment, including but not limited to heating, ventilating, and air-conditioning units, shall be fully screened from view on all sides of the building, using the same construction materials as used for the principal facades of the building on which such equipment is located.
- B. Screening Methods: Screening shall be accomplished by the principal building roof structure, parapet walls, or a penthouse. The height of the parapet walls or roof structure shall equal the height of the tallest rooftop element installed on the building. (Ord. 93-O-648, 9-7-93)

**5-10A-21: TRASH RECEPTACLES:**   

- A. Location; Screening: Trash receptacles shall be located behind, or along the interior side of, the principal building or buildings they serve and shall be completely enclosed by masonry walls and gates no less than the height of the receptacles. Construction materials for the walls and gates shall be compatible with the materials used to construct the nearest principal structure.
- B. Landscaping: When a structure that encloses trash receptacles is visible to the public, landscaping shall be installed around the structure to soften its appearance. (Ord. 93-O-648, 9-7-93)

**5-10A-22: UTILITY METERS; TRANSFORMERS:**   

Wall-mounted utility meters and ground-supported transformers shall be painted to match the principal buildings they serve. If they are visible to the public, then the meters and transformers shall be screened by landscaping at least equal in height to the tallest meter or transformer. (Ord. 93-O-648, 9-7-93)

**5-10A-23: LIGHTING STANDARDS:**   

Whenever buildings or off-street parking spaces are used at night, lighting shall be provided as follows:

- A. Uniformity: Lighting used along streets and rights of way and individual lots shall be uniform in design.
- B. Level of Illumination: An average of one minimum to three (3) maximum foot candles of illumination shall be maintained everywhere within the parking lot.



C. Ratio Study: An applicant shall provide maximum to minimum and average to minimum uniformity ratios demonstrating that an even distribution of light will be provided everywhere within the parking lot.

D. Standards; Luminaire Cutoffs: Light standards and luminaries shall be so designed and placed to:

1. Confine light to the property. Light spillage in excess of 0.5 foot candles beyond the property line shall be prohibited, except at entrances to and from commercial or office property.
2. Prevent glare visible from residential properties and street rights of way.

E. Security Lighting: Security lighting installed on commercial or office buildings shall be shielded to fully cover lamps and to cast light directly downward. (Ord. 93-O-648, 9-7-93)

**5-10A-24: OUTDOOR STORAGE RESTRICTED:**  

All outdoor storage of materials shall be prohibited in the LC Limited Commercial District, except only that live plant materials may be visible from outside of the structure in which they are located. (Ord. 93-O-648, 9-7-93)