



AGENDA PACKET
VILLAGE OF LAKE ZURICH
Planning and Zoning Commission Meeting

March 16, 2022
07:00 pm

VILLAGE OF LAKE ZURICH

PLANNING AND ZONING COMMISSION MEETING

MARCH 16, 2022
07:00 PM
AGENDA

1. CALL TO ORDER AND ROLL CALL

Chairperson Orlando Stratman, Vice-Chair William Riley, Antonio Castillo, Ildiko Schultz, Craig Danneegger, Joe Giannini and Mike Muir.

2. CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

Minutes of the Planning and Zoning Commission Meeting, on January 19, 2022.

Attachment: [2A.pdf](#)

3. PUBLIC MEETING

(This agenda item includes items that do not require public testimony)

A. 444 South Rand Road -- Final Plat Approval (PZC 2022-01)

Final Plat approval for the re-subdivision of Lots 1 and 2 of First Lake Zurich Partners Subdivision in the B-3 Regional Shopping Business District

Applicant: Mr. Thomas E. Jordan, Graft & Jordan, Attorneys at Law

Owner: Crosstown Real Estate Advisors, LLC, an Illinois limited liability company, and its land holding company, J2M-IV LLC, a Delaware limited liability company

Attachment: [3A.pdf](#)

4. PUBLIC HEARING

(This agenda item includes proposals presented to the Planning & Zoning Commission requiring public testimony, discussion and recommendation to the Village Board for final action.)

A. 545 Buesching Road -- PUD, Rezoning and Final Plat of Subdivision (PZC 2022-02):

Special Use Permit for a Planned Unit Development (PUD), rezoning of the property and Final Plat of Subdivision to allow for the construction of two new single-family homes.

Applicant: Mr. Jerry Solowiej

Owner: Ms. Urszula Solowiej

Attachment: [4B.pdf](#)

5. OTHER BUSINESS

6. STAFF REPORTS

This is an opportunity for staff of the Community Development Department to report on matters of interest to the Planning & Zoning Commission

7. PUBLIC COMMENT

This is an opportunity for residents to comment briefly on matters included on the agenda and otherwise of interest to the PZC.

8. ADJOURNMENT

unapproved
VILLAGE OF LAKE ZURICH
PLANNING & ZONING COMMISSION MINUTES
January 19, 2022

Via Microsoft Teams
Village Hall
70 E Main Street, Lake Zurich, IL 60047

The meeting was called to order by Chairman Stratman at 7:00 p.m.

ROLL CALL: *Present* – Chairman Stratman, Commissioners Castillo, Giannini, Riley, and Schultz. Chairman Stratman noted a quorum was present.

Commissioner Muir was absent

Commissioner Dannegger was absent and excused.

Also present: Community Development Director Sarosh Saher, Planner Tim Verbeke and Management Services Director Michael Duebner.

CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

Approval of the November 17, 2021 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Schultz, seconded by Commissioner Riley to approve the November 17, 2021 minutes of the Planning and Zoning Commission with no changes.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Giannini, Riley, and Schultz.

NAYS: 0

ABSENT: 2 Commissioner Dannegger, Muir

MOTION CARRIED

PUBLIC MEETING – No items were received.

PUBLIC HEARING:

MOTION was made by Commissioner Schultz, seconded by Commissioner Riley to open the following public hearings at 7:05p.m. for New Applications PZC 2021-13, at 255 N Quentin Rd – Special Use Permit.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Dannegger, Riley, Castillo, and Schultz.

NAYS: 0

ABSENT: 2 Commissioner Dannegger, Muir

MOTION CARRIED

Those wishing to speak were sworn in by Chairman Stratman.

The following continued application was considered:

A. 255 N Quentin Rd – Special Use Permit (PZC 2021-13):

Public Hearing to consider a Special Use Permit to allow for the establishment of the building and associated site improvements in the IB Institution Building District.

Applicant: Heritage Church

Owner: Heritage Church

The item was presented by Mr. Erik Pieters, Engineer from PBS for Heritage Church. Mr. Skyer Goodman, Paster was available to answer questions. There were questions about the dead end of the waterline. Mr. Henry Tonigan made a statement against the application. Mrs. Jane Fidler had a question regarding the utilities. Mr. Doug Hanson made a statement against the application.

MOTION was made by Commissioner Riley, seconded by Commissioner Castillo to close the public hearing.

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Giannini, Riley, and Schultz.

NAYS: 0

ABSENT: 2 Commissioner Dannegger, Muir

MOTION CARRIED

Upon closing the hearing, there was further deliberation by the PZC.

MOTION was made by Commissioner Riley, seconded by Commissioner Giannini, to receive into the public record the staff review of compliance of this Application with the zoning standards as presented by staff; and to receive the testimony presented by the Applicants, by members of the public, by the PZC Members, and by Village Staff at the Public Hearing; and make these standards and testimony a part of the official record for the Application and Findings of the PZC; AND to recommend that the Village Board approve the Application PZC 2021-10 for a special use permit to allow for the establishment of the building and associated site improvements in the IB Institution Building District, with the following conditions:

1. The Applicant should provide a fence along the common property line between the adjacent property to the North at 23346 N. Quentin Road to act as a buffer, along with additional landscape material. The fence may be constructed in a design worked out by the Applicant and the adjacent property owner and may be designed as a privacy fence not to exceed 6 feet in height.

The Applicant should additionally consider increasing the area of the buffer from the existing 10 feet contained within the required setback to an amount between 10 and 20 feet. In the area along the frontage of the building and access drive, the increase in the buffer is contingent upon the allowance for the removal of the access drive upon consultation with the Fire Prevention Division.

2. The lighting impact on the adjacent property, shall be minimized through compliance with the requirements for illumination as contained within Section 8 Article B entitled "exterior Lighting" of the Lake Zurich Zoning Code (Title 9).
3. The technical issues related to site drainage, water and sanitary services as recommended by village staff shall be verified and resolved.

Upon roll call:

Planning & Zoning Commission Meeting Minutes, September 15, 2021

3

AYES: 3 Chairman Stratman, Commissioners Riley, and Giannini.
NAYS: 2 Commissioner Schultz and Castillo
ABSENT: 1 Commissioner Muir and Dannegger
MOTION CARRIED

OTHER BUSINESS – None.

STAFF REPORT:

Director Saher reported that there are no potential projects on the schedule for the February meeting.

PUBLIC COMMENT:

No additional public comment was provided.

ADJOURNMENT:

Upon roll call:

AYES: 5 Chairman Stratman, Commissioners Castillo, Giannini, Riley, and Schultz.

NAYS: 0

ABSENT: 2 Commissioner Dannegger, Muir

MOTION CARRIED

The meeting was adjourned at 9:07 p.m.

Submitted by: Sarosh Saher, Community Development Director

Approved by:

*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047(847) 540-1696
Fax (847) 726-2182
LakeZurich.org**APPLICATION PZC 2022-01**
PZC Meeting Date: March 16, 2022**AGENDA ITEM 3.A****STAFF REPORT**

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

From: Sarosh Saher, Community Development Director

CC: Tim Verbeke, Planner
Mary Meyer, Building Services Supervisor

Date: March 16, 2022

Re: PZC 2022-01 – Plat of Resubdivision – Route 12 and Main Resubdivision

SUBJECT

Mr. Thomas E. Jordan of Graft & Jordan (the “Applicant”), Attorney on behalf of Crosstown Real Estate Advisors, LLC, an Illinois limited liability company, and its land holding company, J2M-IV LLC, a Delaware limited liability company, the agent and owner (the “Owner”), requests Final Plat approval for the resubdivision of Lots 1 and 2 of First Lake Zurich Partners Subdivision at the property commonly known as 444 South Rand Road and legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

| | |
|--------------------|---|
| Requested Action: | <u>Final Plat Approval of Route 12 and Main Resubdivision</u> |
| Current Zoning: | <u>B-3 Regional Shopping Business District</u> |
| Current Use | <u>3-story Commercial Building, Bank Drive-through Facility and Parking Lot</u> |
| Proposed Use: | <u>Creation of new outlot for future development</u> <u>Maintain the 3-story Commercial Building, Drive-through Facility</u> |
| Property Location: | <u>444 South Rand Road</u> |
| Applicant | <u>Mr. Thomas E. Jordan of Graft & Jordan</u> |

Staff Report
APPLICATION PZC 2022-01

Community Development Department
PZC Meeting Date: March 16, 2022

Owner: Crosstown Real Estate Advisors, LLC, and its
land holding company, J2M-IV LLC

Staff Coordinator: Sarosh Saher, Community Development Director

LIST OF EXHIBITS

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

BACKGROUND

Mr. Jordan, (the “Applicant”), the Applicant, is proposing the resubdivision of the two westerly lots of the current subdivision for the following purpose:

- Accommodate the sale of the existing office building site; and
- Create a separate outlot with the potential to be developed in the future. No development plan is submitted at this time.

The property is located at the Southeast corner of Rand Road (IL Route 12) and IL Route 22, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on February 16, 2022, (the “Application”) seeking:

- Final Plat Approval of Route 12 and Main Resubdivision being a resubdivision of Lots 1 and 2 of First Lake Zurich Partners Subdivision

Pursuant to public notice published on March 2, 2022, in the Daily Herald, a Public Meeting has been scheduled with the Lake Zurich Planning & Zoning Commission for March 16, 2022, to consider the Application. On March 2, 2022, the Village posted a public meeting sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. Courtesy Review.** Due to the low impact of this project, courtesy review was not recommended.

It should be noted that a similar request was presented to the Village Board on September 17, 2018, at a Courtesy Review for the creation of an outlot to allow for the construction

Staff Report
APPLICATION PZC 2022-01

Community Development Department
PZC Meeting Date: March 16, 2022

of a new approx. 4,000 sq.ft. building with drive-through facilities. The project did not proceed any further since that time.

- B. Zoning History.** The property is zoned within the B-3 Regional Shopping Business District. It was developed under the requirements of a Planned Unit Development (PUD) in 1980 and 1981 under Ordinances No. 1002-80 and No. 1048-81, and further amended in 1984 through Ordinance No. 84-05-117.

The PUD provided for the development of the property consisting of 4 lots – Lots 1 and 2 at 444 S Rand Road, Lot 3 at 561 W Rt 22 and Lot 4 at 466 S Rand Road. The PUD provided entitlements for setbacks, parking, landscaped areas and building location, design and operation among others. Such development was contemplated to be able to maximize the use and operation of the property.

- C. Surrounding Land Use and Zoning.** The Subject property is surrounded on three sides by properties zoned within the B-3 Regional Shopping Business district. These properties are improved with large lot commercial shopping centers supporting retail, office and service uses. The property to the north across Rt 22 is zoned within the B-1 Local and Community Business District and was the earliest of Lake Zurich's commercial development to be established along the Rand Road corridor and outside of the downtown Main Street area. The lots here are smaller in land area and improved with commercial establishments, many of them locally owned.
- D. Trend of Development.** The property is located at the intersection of the community's two major arterial corridors – Rand Road and IL Rt 22. The commercial land uses within these corridors have been serving the Lake Zurich and surrounding area since the 1980s.
- E. Zoning District.** 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 Village's Development Review Team (DRT) has evaluated the proposed resubdivision against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on specific sections of the Code. Staff has additionally made the Applicant aware of potential ramifications due to the creation of the new outlot.

10-4-1: PLAN COMMISSION GUIDELINES.

Staff has reviewed the plan and found that the proposed resubdivision will continue to remain in substantial conformance with the standards for Subdivision Approval as outlined below.

- A.** The Plan Commission, in the examination of the subdivision plans for approval, and in the application of this Title, shall take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to width

Staff Report
APPLICATION PZC 2022-01

Community Development Department
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and location of streets, suitable sanitary utilities, storm water drainage, lot sizes and arrangements, as well as local requirements such as parks and playgrounds, schools and recreation sites and other public uses.

Staff Response: Standard met. The proposal is a resubdivision of two of the four lots within the Lake Zurich Partners Subdivision. The purpose of the resubdivision is to create an outlot at the corner that is suitable for development. The property is currently served adequately with essential public facilities and services such as streets, utilities, drainage and other municipal services. No changes to streets or public amenities are proposed.

The proposed resultant lots will continue to meet the bulk requirements of the provision of the PUD approved through Ordinances No. 1002-80 and 1048-81, and further amended in 1984 through Ordinance 84-05-117.

The Applicant has additionally proposed a “Declaration of Access, Easements and Restrictions” that allow for the properties within the resubdivision to be used collectively for cross access and parking.

At this time, the Applicant has not proposed any development within the outlot. Any future development of the outlot will require amendment of the PUD.

- B. Conformity with Comprehensive Plan: The Plan Commission shall especially require that all subdivisions conform to the provisions and conditions of the Comprehensive Plan. Plat approval may be withheld if a subdivision does not conform to the provisions of the Comprehensive Plan.

Staff Response: Standard met. The proposed resubdivision and resultant development will continue to remain in substantial conformance with the purpose and intent of the B-3 Regional Shopping District Zoning District, and the “Commercial” designation of the adopted Comprehensive Plan.

- C. Conformity with Conservancy Districts: No building shall be constructed on any site in the Village which lies in the Conservancy Districts. The conservancy area is based on soil types and flood-prone areas.

Staff Response: Not Applicable. No portion of the property is currently designated within a conservancy district. The Resubdivision is being proposed on a property that has been fully developed since the 1980s.

- D. Area Plan Required: Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the Village as a whole, the Plan Commission may, before recommending approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Plan Commission as an aid in judging the proposed plat.

Staff Report
APPLICATION PZC 2022-01

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Staff Response: Standard partially met. The proposed resubdivision plat is presently wholly within land owned and controlled by one property owner. However, the owner's purpose of the resubdivision is to achieve the following two objectives:

- 1. Accommodate the sale of the existing office building site; and**
- 2. Create a separate outlot with the potential to be developed in the future. No development plan is submitted at this time.**

While the matter subject to this consideration is for a Plat of Resubdivision only, the proposed creation of the new outlot has generated comments from staff on the future utilization of the lot.

Particularly, since the future use of the new lot is currently unknown, new development contemplated on proposed new Lot 1 will need to be approved through an amendment of the PUD ordinances referenced within this report. Such amendment will require submittal of a complete development plan, with any departures or modifications to the codes, mitigation measures or compensating amenities as required and approved by the Village Board following the consideration and recommendations of the Planning and Zoning Commission. The applicant will need to acknowledge that future land uses proposed on the new Lot 1 have the potential to be greatly restricted based on the geometry (triangular shape) of the proposed lot and lower availability of parking.

As such, grant of approval of this requested plat of resubdivision will not grant approval of zoning entitlements for future development on the new outlot.

- E. Storm Water Detention Required:** The Plan Commission shall not recommend for approval by the Village Board any plat of subdivision which does not make adequate provision for storm or floodwater runoff channels, basins and detentions.

Staff Response: Not Applicable at this time. Any new development will be required to conform with the Lake County Watershed Development Ordinance (Stormwater Ordinance).

- F. Preservation of Natural Features:** In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical sites or structures, and similar features. (Ord. 89-08-335, 8-21-89)

Staff Response: Not Applicable. There no natural features such as watercourses, historical sites or structures, vegetation and similar features on the lots.

Staff Report
APPLICATION PZC 2022-01

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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 10-4-1: Plan Commission Guidelines for Subdivision Approval

Based on the review of staff, the standards for approval for a resubdivision of the lots will be 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 therefore recommends the approval of Application PZC 2022-01, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Application and cover letter prepared by Thomas E. Jordan, Esq. of Graft and Jordan, dated February 16, 2022.
 - b. Final Plat for the Route 12 and Main Resubdivision Sheets 1 and 2, Resub-Rev 3, prepared by Gentile & Associates, Inc., dated March 28, 2016 and last revised on January 27, 2022.
 - c. Declaration of Access, Easements and Restrictions, currently in Draft Form dated December 15, 2021, prepared by William C. Graft, Esq. of Graft and Jordan.
2. Future new development contemplated on Lot 1 of Route 12 and Main Resubdivision shall only be approved through an amendment of PUD Ordinances No. 1002-80 and No. 1048-81, and further amended through Ordinance No. 84-05-117. Such amendment will require submittal of a complete development plan in accordance with the provisions of the Lake Zurich Municipal Code, with requested departures or modifications to the codes, mitigation measures or compensating amenities to be approved by the Village Board following the consideration and recommendations of the Planning and Zoning Commission (PZC).
3. The recording of the plat of resubdivision shall not relieve the Applicant of any of the Land Development Code requirements or applicable development requirements for the Subject Property. All resubdivision of lots and development of the Subject Property shall be and shall remain in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Sarosh Saher
 Community Development Director

Staff Report
APPLICATION PZC 2022-01

Community Development Department
PZC Meeting Date: March 16, 2022

LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

FOR 444 South Rand Road
March 16, 2022

The Planning & Zoning Commission recommends approval of Application **PZC 2022-01**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **March 16, 2022** 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 subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Application and cover letter prepared by Thomas E. Jordan, Esq. of Graft and Jordan, dated February 16, 2022.
 - b. Final Plat for the Route 12 and Main Resubdivision Sheets 1 and 2, Resub-Rev 3, prepared by Gentile & Associates, Inc., dated March 28, 2016 and last revised on January 27, 2022.
 - c. Declaration of Access, Easements and Restrictions, currently in Draft Form dated December 15, 2021, prepared by William C. Graft, Esq. of Graft and Jordan.
 2. Future new development contemplated on Lot 1 of Route 12 and Main Resubdivision shall only be approved through an amendment of PUD Ordinances No. 1002-80 and No. 1048-81, and further amended through Ordinance No. 84-05-117. Such amendment will require submittal of a complete development plan in accordance with the provisions of the Lake Zurich Municipal Code, with requested departures or modifications to the codes, mitigation measures or compensating amenities to be approved by the Village Board following the consideration and recommendations of the Planning and Zoning Commission (PZC).
 4. The recording of the plat of resubdivision shall not relieve the Applicant of any of the Land Development Code requirements or applicable development requirements for the Subject Property. All resubdivision of lots and development of the Subject Property shall be and shall remain 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:

Planning & Zoning Commission Chairman

Staff Report
APPLICATION PZC 2022-01

Community Development Department
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EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOTS 1 AND 2 IN FIRST LAKE ZURICH PARTNERS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 14, 1980 AS DOCUMENT 2088762, EXCEPTING THEREFROM THAT PART OF LOTS 1 AND 2 AFORESAID ACQUIRED FOR ROAD PURPOSES IN CONDEMNATION CASE 04ED36, IN LAKE COUNTY, ILLINOIS.

Staff Report
APPLICATION PZC 2022-01

Community Development Department
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EXHIBIT B
PUBLIC MEETING SIGN PRESENT AT SUBJECT PROPERTY



Staff Report
APPLICATION PZC 2022-01

Community Development Department
PZC Meeting Date: March 16, 2022

EXHIBIT C
PHOTOS OF THE SUBJECT PROPERTY
(Photographs Courtesy “Google Maps/Google Earth” 2020)

View looking SE from the intersection of Rt 22 and Rand Road



Photograph courtesy of Google Streetview

View of outlet from Rt 22



Photograph courtesy of Google Streetview

Staff Report
APPLICATION PZC 2022-01

Community Development Department
PZC Meeting Date: March 16, 2022

View of outlot from Rand Road



Photograph courtesy of Google Streetview

444 S Rand



Map Printed on 3/11/2022



- Tax Parcel Lines
- Subject Property

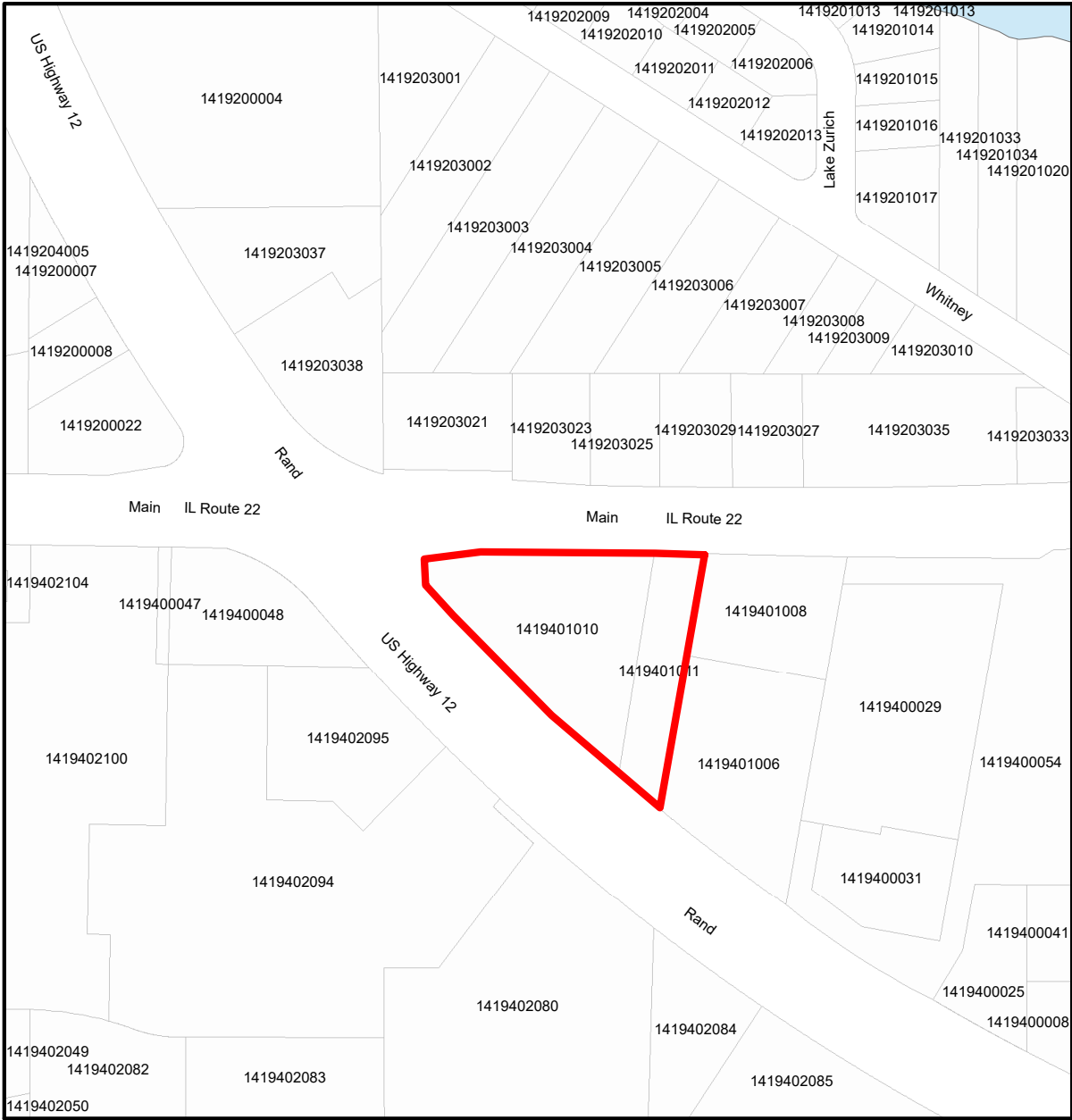
Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.



New Subdivision

444 S Rand Road



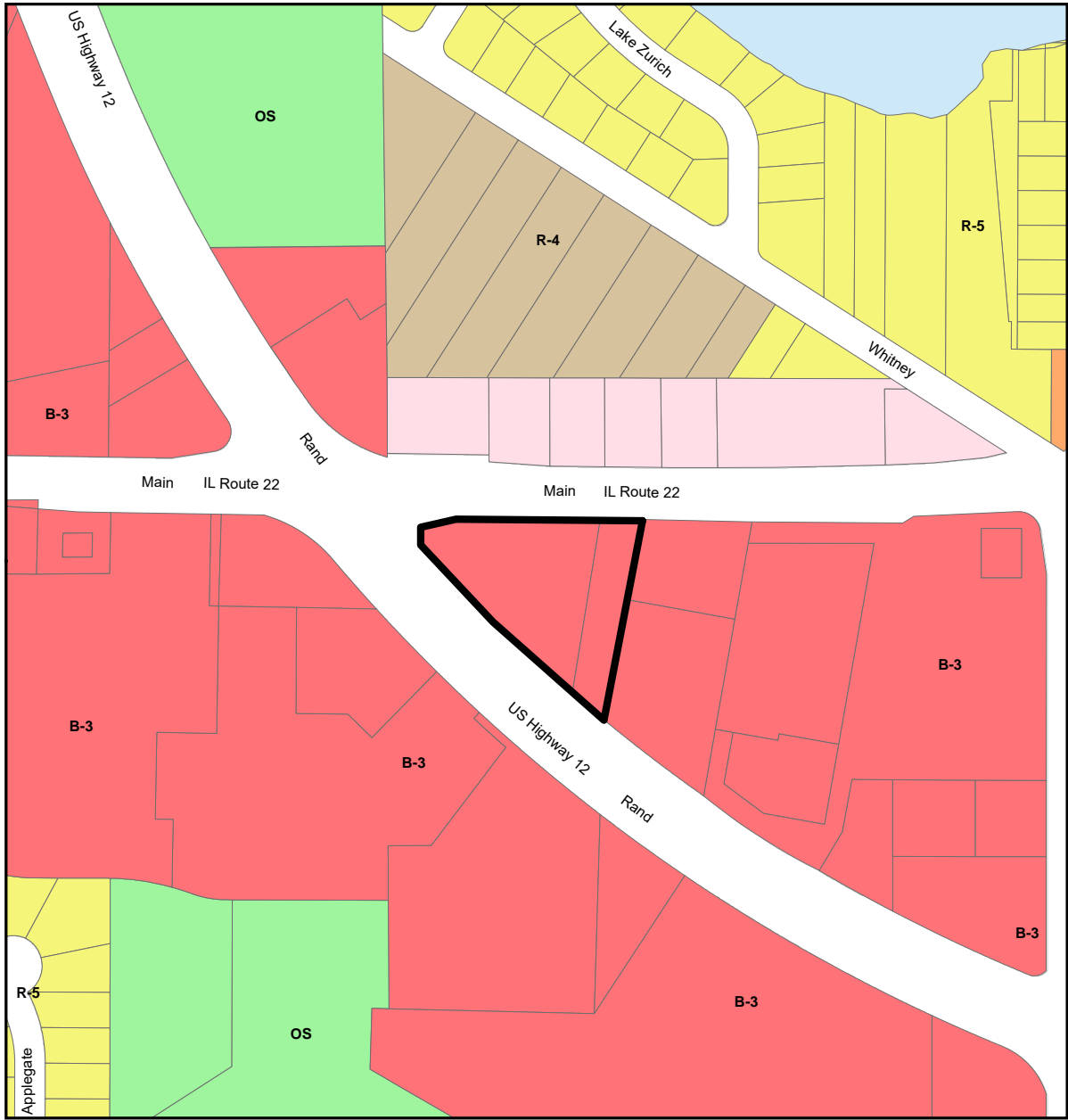
COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

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



New Subdivision

444 S Rand Road



COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

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LakeZurich.org

GRAFT & JORDAN

ATTORNEYS AT LAW

WILLIAM C. GRAFT
THOMAS E. JORDAN

2500 WEST HIGGINS ROAD, SUITE 1080
HOFFMAN ESTATES, ILLINOIS 60169
TELEPHONE (847) 519-7300
FACSIMILE (847) 519-7301

OF COUNSEL
J. WILLIAM BRAITHWAITE
ROBERT J. TOOTELIAN, JR.
JEFFREY K. GUTMAN

January 28, 2022

VIA HAND DELIVERY

Mr. Sarosh B. Saher, AICP
Community Development Director
Village of Lake Zurich Community Development Department
505 Telser Road
Lake Zurich, IL 60047

RE: 44 South Rand Road – Route 12 and Main Resubdivision and Declaration of Access, Easements and Restrictions

Dear Mr. Saher:

We represent Crosstown Real Estate Advisors, LLC, an Illinois limited liability company, and its land holding company, J2M-IV LLC, a Delaware limited liability company (together, "Crosstown"), the owner and/or operator of the commercial property at the southeast corner of IL Route 22 and IL Route 12 in Lake Zurich, IL (the "Subject Property"). The Subject Property is within the Village's B-3 Regional Shopping District and is subject to a PUD. As we have discussed over the last several years, Crosstown is requesting now a resubdivision of the Subject Property to accommodate the sale of the existing office building site as separate from the future outlot. We understand in the future the new outlot created will require amendment to the PUD for land use control. The office building can be conveyed separately upon Village approval of this first step, the Plat of Resubdivision.


On behalf of Crosstown, we are honored to submit to you the following documents:

- (a) seven (7) large format copies of the draft Route 12 and Main Resubdivision, as prepared by Gentile & Associates, Inc., and last revised January 27, 2022; and
- (b) seven (7) copies of the draft Declaration of Access, Easements and Restrictions.

We respectfully request an expedited review and subsequent comment from you and your staff so we can formally submit and have our matter placed on the earliest Planning and Zoning Commission agenda.

If you have any comments or questions, please do not hesitate to contact me.

Very truly yours,
GRAFT & JORDAN


William C. Graft

WCG/ans
Enclosures
cc: Matthew D. Baumann, CCIM, via email at matt@crosstownrea.com

21400

GRAFT & JORDAN

ATTORNEYS AT LAW

WILLIAM C. GRAFT
THOMAS E. JORDAN

2500 WEST HIGGINS ROAD, SUITE 1080
HOFFMAN ESTATES, ILLINOIS 60169
TELEPHONE (847) 519-7300
FACSIMILE (847) 519-7301

OF COUNSEL
J. WILLIAM BRAITHWAITE
ROBERT J. TOOTELIAN, JR.
JEFFREY K. GUTMAN

February 16, 2022

**VIA HAND DELIVERY AND
EMAIL AT sarosh.saher@lakezurich.org**

Mr. Sarosh Saher
Community Development Director
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

**RE: 444 South Rand Road – Route 12 and Main Resubdivision and
Declaration of Access, Easements and Restrictions**

Dear Mr. Saher:

On behalf of Crosstown Real Estate Advisors, LLC, an Illinois limited liability company, and its land holding company, J2M-IV LLC, a Delaware limited liability company, the agent and owner of the commercial property at the southeast corner of IL Route 22 and IL Route 12 in Lake Zurich, IL (the "Subject Property"), we are pleased to submit to you the following documents as requested in your February 2, 2022, email to William C. Graft of this firm:

1. Completed, signed, and notarized Zoning Application;
2. Legal description of the Subject Property;
3. Application Fee for Final Plat Approval in the amount of Two Hundred Fifty-Five and No/100 Dollars (\$255.00) paid by Graft & Jordan Check No. 11271; and
4. Escrow deposit in the amount of Five Thousand and No/100 Dollars (\$5,000.00) paid by Graft & Jordan Check No. 11272.

If you have any questions or comments, please let us know. We look forward to working with you and your staff as we proceed through the Final Plat Approval process.

Very truly yours,
GRAFT & JORDAN



Thomas E. Jordan

TEJ/ans
Enclosures
cc: Matthew D. Baumann, CCIM, via email at matt@crosstownrea.com

21409



(Please Type or Print)

ZONING APPLICATION

Community Development Department

505 Telser Rd.

Lake Zurich, IL 60047

Phone: (847) 540-1696

Fax: (847) 540-1769

1. Address of Subject Property: 444 S. Rand Road, Lake Zurich, IL 60047
2. Please attach complete legal description
3. Property Identification number(s): 14-19-401-010 and 14-19-401-011
4. Owner of record is: J2M-IV LLC Phone: (773) 293-6901
E-Mail matt@crosstownrea.com Address: 3543 N. Pulaski Road, Chicago, IL 60641
5. Applicant is (if different from owner): Crosstown Real Estate Advisors, LLC Phone: (773) 293-6901
E-Mail matt@crosstownrea.com Address: 3543 N. Pulaski Road, Chicago, IL 60641
6. Applicant's interest in the property (owner, agent, realtor, etc.): Owner/Agent
7. All existing uses and improvements on the property are: Approximately 10,000 square foot, three-story office building and a drive-through for banking operations.
8. The proposed uses on the property are: Resubdivision of two existing platted lots into two resubdivided lots to accommodate the sale of the existing office building site separate from a future outlot.
9. List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:
Part of an existing planned unit development.
10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:
Proposed sale of existing office building site as separate from future outlot.
11. For applications requiring a public hearing, please attach a list which contains the PIN, owner, and owner's mailing address of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property.

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.
THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

Crosstown Real Estate Advisors, LLC

an Illinois limited liability company

(Name of applicant)

William C. Graft
(Signature of applicant) William C. Graft
Attorney and Agent-in-Fact for Applicant

Subscribed and sworn to before me this 16 day of February, 2022.

Alexandria N. Schultz
(Notary Public)

J2M-IV LLC

a Delaware limited liability company

(Name of Owner, if different)

My Commission Expires 2/25/2025

William C. Graft
(Signature of Owner, if different)

William C. Graft
Attorney and Agent-in-Fact for OwnerSubscribed and sworn to before me this 16 day of February, 2022.

Alexandria N. Schultz
(Notary Public)

OFFICIAL SEAL
ALEXANDRIA N SCHULTZ
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 2/25/2025

My Commission Expires 2/25/2025

Please indicate what form of zoning relief your application requires. For assistance, please contact Staff:

☐ Zoning Code **Map** Amendment to change zoning of Subject Property from _____ to _____

☐ Zoning Code **Text** Amendment to amend the following section(s) of the Zoning Code _____

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

☐ Special Use Permit/Amendment for _____

(See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter.)

☐ Variation for _____

(See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter.)

☐ Modification to the Land Development Code (includes retaining walls more than 2 feet in height)

(See Section 10-6-18 of the Land Development Code for specific standards.)

☐ Preliminary Plat of Subdivision

☒ Final Plat of Subdivision or Amendment to Plat of Subdivision

(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

☐ Site Plan Approval/Major Adjustment/Amendment

(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

☐ Exterior Appearance Approval or Amendment

(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

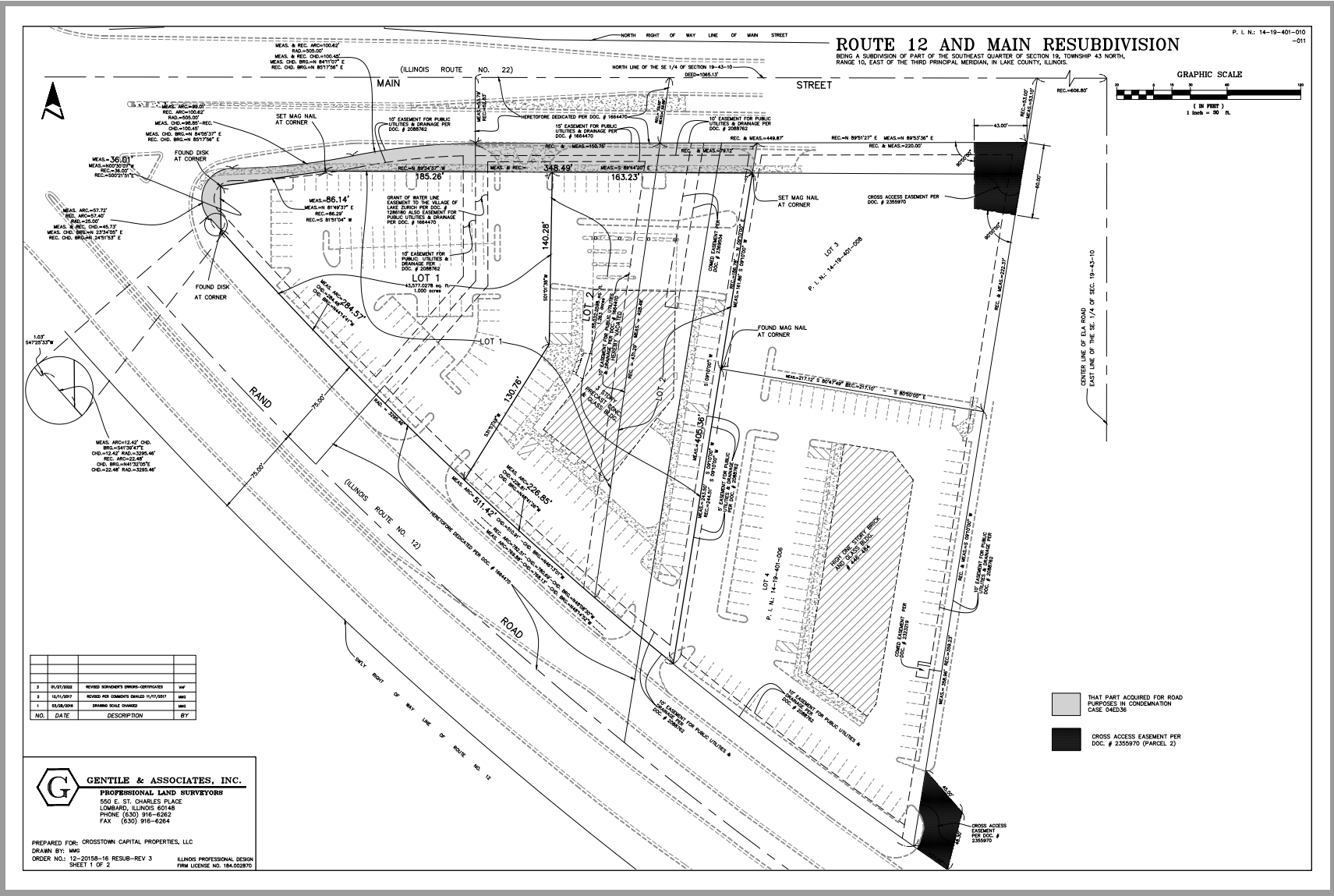
☐ Petition to Annex Certain Territory (Please complete attached petition)

☐ Application to Annex Certain Territory

COMPREHENSIVE PLAN APPLICATION

☐ Comprehensive Plan **Map** Amendment for _____

☐ Comprehensive Plan **Text** Amendment for _____



General Attachment: 3A.pdf (Page 20 of 38)

RECORDING REQUESTED BY AND,
WHEN RECORDED, RETURN TO:

William C. Graft, Esq.
Graft & Jordan
2500 W. Higgins Road, Suite 1080
Hoffman Estates, Illinois 60169

(Space above this line for recorder's use only)

DECLARATION OF ACCESS, EASEMENTS AND RESTRICTIONS

THIS DECLARATION OF ACCESS, EASEMENTS AND RESTRICTIONS (this "Declaration") is made and entered into this _____ day of _____, 2022, by J2M-IV LLC, a Delaware limited liability company ("Declarant").

RECITALS:

A. Declarant is the owner of that certain real property situated in the Village of Lake Zurich, County of Lake, State of Illinois, which real property is made up of two parcels more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference and referred to herein individually as "Lot 1" and "Lot 2" and collectively as the "Parcels".

B. Subsequent to the recordation of this Declaration, Declarant intends to redevelop, or allow or cause the redevelopment of, Lot 1 as a separate retail/commercial site.

C. Declarant has determined that it is in the best interests of the Owners and Permittees of the Parcels to establish certain covenants, conditions and restrictions with respect to said Parcels, for the mutual and reciprocal benefit and complement of Lot 1 and Lot 2 and the present and future Owners and Permittees thereof, on the terms and conditions herein set forth.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, Declarant does hereby declare that the Parcels and all present and future Owners and Permittees of the Parcels shall be and hereby are subject to the terms, covenants, easements, restrictions, and conditions hereinafter set forth in this Declaration, so that said Parcels shall be maintained, kept, sold and used in full compliance with and subject to this Declaration and, in connection therewith, Declarant covenants and agrees as follows:

1. Definitions. For purposes hereof:

(a) The term “Access Openings” shall mean the opening(s) and access point(s) contemplated between the Parcels for use of the Driveways as shown on the Plat of Resubdivision and which Access Openings may be modified as approved by the Village of Lake Zurich for the initial redevelopment of Lot 1, and thereafter, from time to time upon the approval of the Owners of the Parcels.

(b) The term “Allocable Share” shall mean the Owner(s) of Lot 1’s and Lot 2’s respective shares of the Common Area Maintenance Costs expressed as a percentage determined by dividing the respective acreage of Lot 1 or Lot 2, as the case may be, by the then combined total acreage of Lot 1 and Lot 2.

(c) The term “Common Area” shall mean those portions of the Parcels that are outside of the interior perimeter curbing surrounding the building areas from time to time located on the Parcels, and which are either unimproved or improved with (without limitation) landscaped areas, parking areas, driveways, roadways, walkways, light standards, curbing, paving, entrances, exits and other similar exterior site improvements. Drive-through areas and related facilities in connection with any building on a Parcel shall not, however, be deemed part of the Common Area of any of the Parcels.

(d) The term “Common Area Maintenance Costs” shall mean the reasonable and actual out-of-pocket costs incurred by the Owner of Lot 2 (or its Permittee) in connection with maintaining, repairing, repaving and replacing the portions of the Common Maintenance Area, including without limitation snow and ice removal from and periodically sweeping the Common Maintenance Area, and the repair, maintenance and replacement of exterior lighting standards, light fixtures and equipment illuminating the Common Maintenance Area, including electricity costs whether or not that common electricity cost shall be sub-metered for the lighting facilities serving the Common Maintenance Area, and the Monument Signs.

(e) The term “Common Maintenance Area” shall mean the Driveways and Monument Signs.

(f) The term “Driveways” shall mean the driveways and related driveway improvements, paving, curbing, entrances and exits, in the locations within the Parcels as shown on the Plat of Resubdivision or as same may be constructed on the Parcels.

(g) The term “Monument Signs” shall mean the two (2) monument signs that serve the Parcels.

(h) The term “Owner” or “Owners” shall mean the Declarant and any and all successors or assigns of such persons as the owner or owners of fee simple title to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation of law, trustee’s sale, foreclosure, or otherwise, but not including the holder of any lien or encumbrance on such real property.

(i) The term “Parcel” or “Parcels” shall mean each separately identified parcel of real property now constituting a part of the real property subjected to this Declaration, as described on Exhibit “A” attached hereto, that is, Lot 1 and Lot 2 and any future subdivisions thereof.

(j) The term “Permittees” shall mean the tenants or occupants of a Parcel, and the respective employees, agents, contractors, customers, invitees and licensees of the Owner of such Parcel and/or such tenants or occupants of such Parcel.

(k) The term “Plat of Resubdivision” shall mean that certain Plat of Route 12 and Main Resubdivision prepared by Gentile and Associates, Inc. on _____, 2022, and recorded in the office of the Lake County, Illinois Recorder of Deeds on _____, 2022, as Document Number _____, and attached hereto as Exhibit “B” and by reference made a part hereof.

2. Easements.

(a) Grant of Reciprocal Access and Parking Easements. Subject to any express conditions, limitations or reservations contained herein, the Owners hereby grant, establish, covenant and agree that the Parcels, and all Owners and Permittees of the Parcels, shall be benefited and burdened by (i) a non-exclusive and perpetual easement for reasonable access, ingress and egress over the Driveways, so as to provide for the passage of motor vehicles and pedestrians between all portions of the Common Area of the Parcels intended for such purposes, and to and from all abutting roadways, driveways, or rights-of-way furnishing access to such Parcels, which easement is hereby imposed upon the Parcels and all present and future Owners and Permittees of the Parcels; and (ii) a non-exclusive and perpetual easement for parking in the designated parking spaces within the Common Area of the Parcels, as such area may be modified from time to time.

(b) Indemnification. Each Owner having rights with respect to an easement granted hereunder shall indemnify and hold the Owner whose Parcel is subject to the easement and the Permittees of such Owner, harmless from and against all claims, liabilities, and expenses (including reasonable attorneys’ fees) relating to accidents, injuries, loss or damage of or to any person or property arising from negligent, intentional or willful acts or omissions of such Owner, its contractors, employees, agents or others acting on behalf of such Owner.

(c) Access Openings. The Access Openings shall in no event be blocked, closed, altered, changed or removed and shall at all times remain in place as shown on the Plat of Resubdivision or as modified in accordance with this Declaration. There shall be maintained between the Access Openings a smooth and level grade transition to allow the use of the Driveways for pedestrian and vehicular ingress and egress as set forth in Subsection 2(a) above. No Owner shall be permitted to maintain a fence, curbing, landscaping or other improvements along the boundary line of its Parcel and that of another Parcel or portions of a Parcel adjacent to the roadways and rights-of-way.

(d) Reasonable Use of Easements.

(i) The easements hereinabove granted shall be used and enjoyed by each Owner and its Permittees in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other Owner or its Permittees at any time, conducted on its Parcel, including, without limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.

(ii) Once commenced, any construction undertaken in reliance upon an easement granted herein shall be diligently prosecuted to completion, so as to minimize any interference with the business of any other Owner and its Permittees. Except in cases of emergency, the right of any Owner to enter upon a Parcel of another Owner for the exercise of any right pursuant to the easements set forth herein, or to prosecute work on such Owner's own Parcel if the same interferes with easements of ingress, egress or access to or in favor of another Parcel shall be undertaken only in such a manner so as to minimize any interference with the business of the other Owner and its Permittees. In such case, no affirmative monetary obligation shall be imposed upon the other Owner, and the Owner undertaking such work shall with due diligence repair at its sole cost and expense any and all damage caused by such work and restore the affected portion of the Parcel upon which such work is performed to a condition which is equal to or better than the condition which existed prior to the commencement of such work. In addition, the Owner undertaking such work shall pay all costs and expenses associated therewith and shall indemnify and hold harmless the other Owner(s) and its Permittees from all damages, losses, liens or claims attributable to the performance of such work.

(e) Operation and Maintenance of Common Areas. The Owner of Lot 2 (or its Permittee on such Owner's behalf) as to the Common Maintenance Area, and each Owner of each Parcel as to the Common Areas on a Parcel outside of the Common Maintenance Area, covenant at all times during the term hereof to operate and maintain or cause to be operated or maintained at its expense the applicable Common Areas and/or Common Maintenance Area, as the case may be, in good order, condition and repair. Following the construction of improvements thereon, maintenance of Common Areas shall include, without limitation, maintaining and repairing all of the sidewalks and parking areas on a Parcel, removing all papers, debris and other refuse, including snow and ice from and periodically sweeping all parking areas and sidewalks to the extent necessary to maintain the same in a clean, safe and orderly condition, maintaining and keeping lit appropriate lighting fixtures for the adequate lighting of the Driveways and parking areas during such normal business hours as any business on a Parcel may be open and also from dusk to dawn, maintaining marking, directional signs, lines and striping as needed, maintaining landscaping within the Common Areas, maintaining signage in good condition and repair, maintaining the water detention and drainage facilities located within a Parcel, if any, and performing any and all such other duties as are necessary to maintain such Common Areas in a clean, safe and orderly condition. In the event that occupants of one Parcel should remain open for business hours or days that all or some of the other occupants of the other Parcels are not open for business, each Owner shall cause the illumination of those portions of the Driveways and parking areas within a Parcel to be lighted during all

times an Owner or its Permittee of any of the Parcels are open for business. Except as otherwise expressly provided in this Declaration, once constructed, in the event of any damage to or destruction of all or a portion of the Common Areas on any Parcel, the Owner of Lot 2 as to the Common Maintenance Area, and each Owner of each Parcel (or its Permittee) as to the Common Area on a Parcel outside of the Common Maintenance Area, shall with due diligence repair, restore and rebuild such applicable Common Areas to its condition prior to such damage or destruction (or with such changes as shall not conflict with this Declaration), the cost of which shall be a Common Area Maintenance Cost as to the Common Maintenance Area. Each Owner reserves the right to alter, modify, reconfigure, relocate and/or remove the Common Areas or building areas on its Parcels, subject to the following conditions: (i) the reciprocal easements between the Parcels pursuant to Subsection 2(a) shall not be closed or materially impaired; (ii) the Driveways and ingress and egress thereto, and to and from the Parcels and adjacent streets and roads, shall not be so altered, modified, relocated, blocked and/or removed without the express written consent of all Owners; (iii) the same shall not violate any of the provisions and easements granted in Section 2; and (iv) the same shall not interfere with, or change, the Driveways without the express written consent of all Owners. Notwithstanding the above, as it is understood that Declarant intends to redevelop, or allow or cause redevelopment of, Lot 1 as a separate retail/commercial site, the Common Areas and Common Maintenance Areas on Lot 1 may be modified as approved by the Village of Lake Zurich of the initial redevelopment of Lot 1 hereafter without the express written consent of all Owners. Common Area Maintenance Costs shall specifically exclude the installation and maintenance of landscaping on any Parcel and each Parcel Owner shall maintain all landscaped areas on its own Parcel. Notwithstanding the foregoing, the Owner of Lot 2 (or its Permittee) shall have the right to engage a third-party property manager to perform the obligations of the Lot 2 Owner under the terms of this Declaration relating to the Common Maintenance Areas, and any fees paid to such third-party property manager shall be included as a Common Area Maintenance Cost.

(f) Payment of Allocable Share of Common Area Maintenance Costs. Each Owner of Lot 1 and Lot 2 (or its Permittee under the terms of a Lease) shall at all times during the term hereof pay its Allocable Share of the Common Area Maintenance Costs reasonably and fairly assessed by the Owner of Lot 2, or its grantees, successors, agents or assigns, within thirty (30) days following receipt of an invoice from the Owner of Lot 2 describing such Common Area Maintenance Costs.

3. Construction of Improvements. There shall be no changes in the grade elevations within the Parcels which exceed five percent (5%), and the Parcels shall each be suitably paved and drained.

4. Drive-Throughs. No facility on a Parcel for vehicular drive-up or drive-through in which the stopping or standing of motor vehicles in line at a location for drop-off and/or pickup is intended (as, for example, at a restaurant, car wash or bank) shall be assigned, constructed, used or operated in any manner such that motor vehicles in line at such facility stop or stand onto another Parcel or otherwise interfere with the normal pattern and flow of pedestrian or vehicular traffic on and across an adjacent Parcel. Nothing contained herein shall be deemed to affect the

drive-through serving the building for Lot 2, which is hereby expressly approved. In addition, valet parking on a Parcel, in which the stopping or standing of motor vehicles at a location for drop-off and/or pickup of passengers is intended, shall not be operated in any manner such that motor vehicles shall stop or stand on an adjacent Parcel and/or the Driveways so as to interfere with the normal pattern and flow of pedestrian or vehicular traffic on and across another Parcel and/or the Driveways.

5. Notices. Each notice, approval, consent or demand which any Owner desires or is required to serve upon any other Owner pursuant to this Declaration must be in writing and shall be delivered or mailed as provided herein to the following addresses:

If to Declarant, at: J2M-IV LLC
Attn.: Matthew D. Baumann and Jonathan L. Janas, its Managers
3543 North Pulaski
Chicago, IL 60641

With copy to: William C. Graft, Esq.
Graft & Jordan
2500 W. Higgins Road, Suite 1080
Hoffman Estates, IL 60169

All notices hereunder shall be in writing and given by (a) established express delivery service which maintains delivery records, (b) hand delivery, or (c) certified or registered mail, postage prepaid, return receipt requested. Notices are effective upon receipt, or upon attempted delivery if delivery is refused or impossible because of failure to provide a reasonable means for accomplishing delivery. Notices may be given by a party by their attorney on such party's behalf.

6. General Provisions.

(a) Covenants Run with the Land. The easements, rights, privileges, benefits, covenants, conditions, obligations and restrictions contained herein shall be deemed to be covenants running with the land. If any Parcel is hereinafter divided into two or more Parcels, all of the Owners of said Parcels shall be entitled to the benefits of the easements, rights and privileges granted hereunder and all of said Owners shall be burdened by the easements, covenants, conditions and restrictions established hereunder, provided, however, that upon the transfer of ownership of a Parcel, the liability of the transferor for the subsequent breach of any covenant or obligation occurring thereafter shall automatically terminate.

(b) Duration. Except as otherwise provided herein, each easement, covenant, restriction and undertaking of this Declaration shall be perpetual.

(c) Injunctive Relief. In the event of any violation or threatened violation by any Parcel Owner or occupant of the terms, covenants, and conditions herein contained, in addition to the other remedies herein provided, or available at law or in equity, any other Parcel Owner or

occupant shall have the right to enjoin such violation or threatened violation in a court of competent jurisdiction.

(d) Modification Provisions. This Declaration may not be modified in any respect whatsoever, or rescinded in whole or in part, except with the consent of all Owners of all the Parcels, as evidenced by a written instrument that is duly recorded in the office of the Lake County, Illinois Recorder of Deeds.

(e) Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Parcels to the general public or for the general public or for any public purposes whatsoever, it being the intention of Declarant that this Declaration shall be strictly limited to and for the purposes herein expressed.

(f) Breach Shall Not Permit Termination. No breach of this Declaration shall entitle any Parcel Owner to cancel, rescind or otherwise terminate this Declaration, but such limitation shall not affect in any manner any other rights or remedies that such Parcel Owner may have hereunder by reason of any breach of this Declaration. Any breach of any of said covenants or restrictions, however, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value but such covenants or restrictions shall be binding upon and effective against such Parcel Owner of any said property or any portion thereof whose title thereto is acquired by foreclosure, trustee's sale, or otherwise.

(g) Validity and Severance. If any clause, sentence or other portion of this Declaration shall become illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions hereof shall remain in full force and effect.

(h) Self-Help: Lien Rights. In addition to all other remedies available in law or in equity, upon the failure of any Owner (a "Defaulting Owner") to perform any of its obligations under this Declaration within ten (10) days following written notice thereof by any other Owner (a "Non-Defaulting Owner") (unless with respect to any such breach the nature of which cannot reasonably be cured within such 10-day period, the Defaulting Owner shall commence to cure to completion), any Non-Defaulting Owner shall have the right to perform such obligation on behalf of the Defaulting Owner and to be reimbursed by such Defaulting Owner upon demand for the reasonable costs thereof together with interest at eighteen percent (18%) per annum, compounded monthly, or the maximum rate of interest allowed by law (whichever is less). This Declaration does hereby grant to each Owner an irrevocable non-exclusive easement upon, through and across the Parcel of a Defaulting Owner so that a Non-Defaulting Owner can exercise the self-help rights and remedies stated in this Subsection 6(h). If any Defaulting Owner fails to pay any amount owed to any Non-Defaulting Owner pursuant to this Subsection 6(h) within thirty (30) days of its receipt of notice of a demand thereof, such amount shall be secured by a lien upon the Defaulting Owner's Parcel, effective upon the recording thereof in the office of the Lake County, Illinois Recorder of Deeds, which lien may be foreclosed upon in the same manner as provided for enforcement of mechanics liens or liens securing mortgage indebtedness;

provided, however, that the liens arising under this Subsection 6(h) shall be subject and subordinate in all respects to the lien and effect of any first priority mortgage or deed of trust encumbering the affected Parcel which is recorded prior to the recordation of the statement of lien arising hereunder.

(i) Remedies Cumulative. The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.

(j) Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Illinois applicable to contracts made between residents of and to be performed wholly within such state.

(k) Counterparts. It is specifically agreed that this Declaration may be executed in one or more counterparts, all of which shall be taken together to constitute one and the same instrument and shall be binding upon each party who may sign a counterpart of this instrument.

(l) Entire Agreement. This Declaration constitutes the entire agreement between the parties hereto. The parties do not rely upon any statement, promise or representation not herein expressed.

(m) Litigation. If any party brings an action or proceeding (including any cross-complaint, counterclaim, or third-party claim) against the other party by reason of a default by the other party or otherwise arising out of this Declaration, the non-prevailing party shall pay to the prevailing party in such action or proceeding all of the prevailing party's costs and expenses of suit, including reasonable attorneys' fees, which shall be payable whether or not such action is prosecuted to judgement. "Prevailing party" within the meaning of this Declaration includes a party who dismisses an action for recovery hereunder in exchange for payment of the sums allegedly due, performance of covenants allegedly breached, or consideration substantially equal to the relief sought in the action.

(n) Estoppel Certificate. Each Owner shall, within twenty (20) days after written request from any other Owner, which request shall quote this Subsection 6(n), execute and deliver to the requesting Owner a written statement certifying, to its actual knowledge, whether or not this Declaration is modified and whether or not this Declaration is in full force and effect (or, if there have been modifications, stating those modifications), and whether or not any Owner has failed to perform an obligation under this Declaration, and if so, the nature of the failure. No Owner shall be obligated to respond to a request to execute a statement which attempts to modify any of the terms or conditions of this Declaration. A statement executed by any Owner may be relied upon by an Owner or any transferee, mortgagee, or encumbrancer, without knowledge to the contrary, to which such statements address so as to stop the party executing the statement from asserting the contrary, but the Owner executing the statement shall not be liable for any erroneous information contained therein. Such certificate may provide that in the event of a conflict, the provisions of this Declaration shall control. A statement hereunder may be requested by any Owner from any other Owner at any time and from time to time.

(o) Force Majeure. In the event any Owner is delayed, hindered in or prevented from the performance of any act required under this Declaration by reason of a cause beyond the reasonable control of the obligated Owner, then performance of such act shall be excused for the period of the delay and the period for the performance of such act shall be extended for a period equivalent to the period of such delay. Such a cause shall include “acts of God”; strikes; lockouts; weather in which work cannot proceed (even if normal); protests; riots; insurrection; war; unavailability of materials from normal sources; acts of governmental authority, including courts; or acts of conduct of another Owner, its contractors, employees or agents, in violation of this Declaration, but it shall not include delays due to inability or failure to obtain financing or inadequate financial resources.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date first written above.

J2M-IV LLC,
a Delaware limited liability company

By: _____
Matthew D. Baumann, its Manager

By: _____
Jonathan L. Janas, its Manager

STATE OF ILLINOIS)
) ss.
COUNTY OF _____)

Before me, _____, a Notary Public, on this day personally appeared Matthew D. Baumann, as Manager, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and acknowledged that he executed and delivered the foregoing instrument for the purposes and consideration therein expressed.

Given under my hand and notarial seal this ____ day of _____, 2022.

My commission expires: _____

Notary Public

STATE OF ILLINOIS)
) ss.
COUNTY OF _____)

Before me, _____, a Notary Public, on this day personally appeared Jonathan L. Janas, as Manager, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and acknowledged that he executed and delivered the foregoing instrument for the purposes and consideration therein expressed.

Given under my hand and notarial seal this ____ day of _____, 2022.

My commission expires: _____

Notary Public

EXHIBIT “A”
LEGAL DESCRIPTION

Lot 1:

[INSERT LEGAL DESCRIPTION HERE]

PIN:

Street address:

Lot 2:

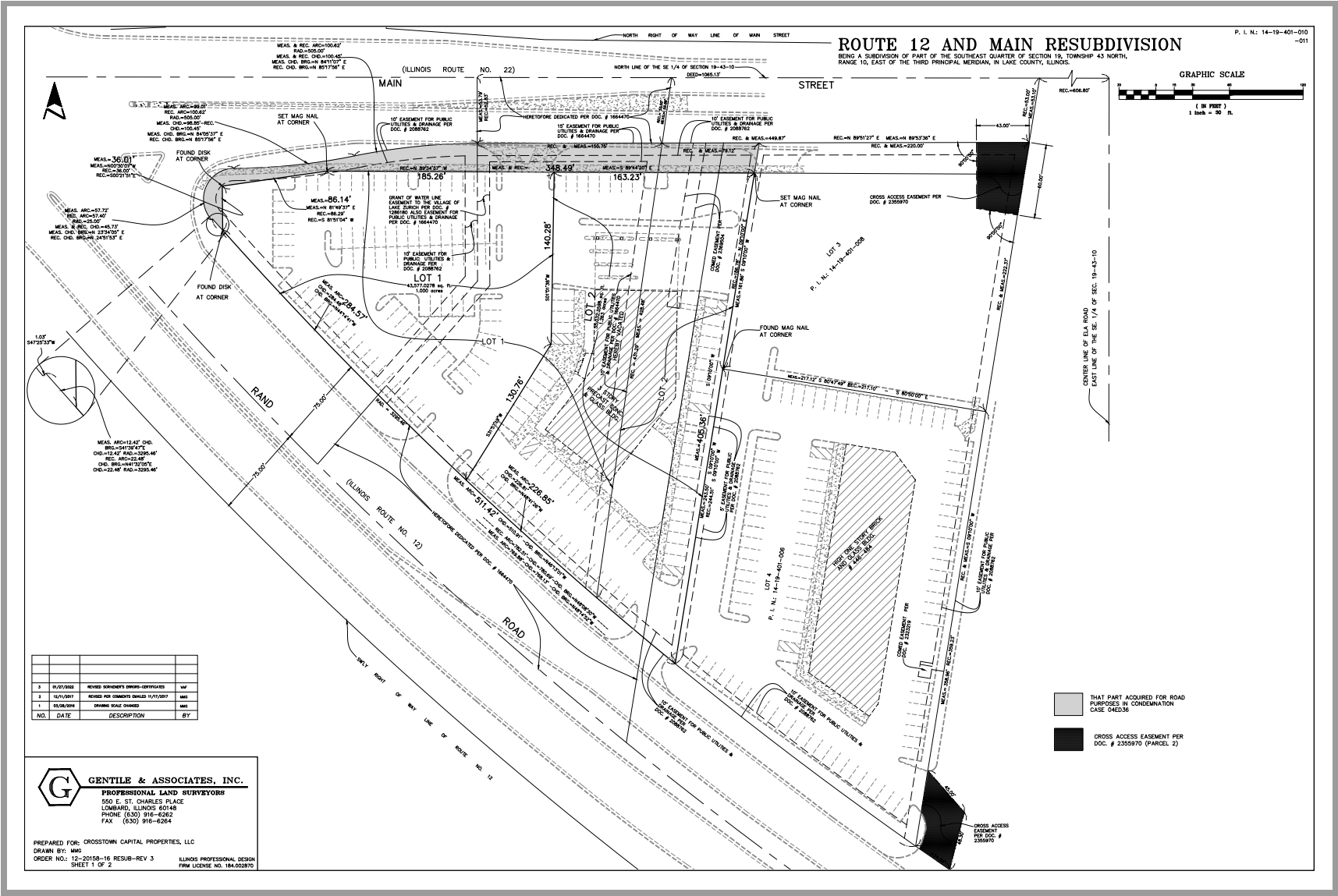
[INSERT LEGAL DESCRIPTION HERE]

PIN:

Street Address:

EXHIBIT "B"
PLAT OF RESUBDIVISION

See Attached.



General Attachment: 3A.pdf (Page 34 of 38)



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

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

PLAT REVIEW

PROJECT: Route 12 and Main Resubdivision and
Declaration of Access, Easements and Restrictions

LOCATION: 444 South Rand Road

REVIEWED BY: Village of Lake Zurich Development Review Team (DRT)

DATE: March 3, 2022

The Lake Zurich Development Review Team (DRT) has received the following documents for review:

- 1) Final Plat of ROUTE 12 AND MAIN RESUBDIVISION prepared by Gentile & Associates; dated, latest revision January 27, 2022
- 2) Declaration of Access, Easements and Restrictions (undated or signed).

We offer the following comments:

The proposal contemplates the resubdivision of the existing approx. 2.3-acres comprising of two lots into two new lots (herein referred to as New Lot 1 and New Lot 2):

New Lot 1 – approx. 1 acre. The lot is the easterly lot and is currently improved with a parking lot that serves the commercial building on the property.

New Lot 2 – approx. 1.263 acres. The lot is improved with the existing 3-story commercial building, a bank drive-through facility and parking lot.

Plat of Subdivision Page 2 (Certificates)

- School District Boundary Statement
 - Change address of the district offices to: 832 South Rand Road, Lake Zurich, IL 60047
- Vacation of Easement
 - Change AMERITECH to AT&T
 - Change CABLE TV to COMCAST
- Plan Commission Certificate
 - Remove Secretary signature line
- Village Collector
 - Change Village Collector to Finance Director's Certificate

March 3, 2022
Page 2

- Mayors Certificate
 - Needs to be added

Please refer to Section 10-5-9: Procedure For Approval Of Final Plat: Paragraph E.2 “Certification Required” of the LZ Municipal Code to obtain the language required for the certificates.

Public Works Utilities Review

1. There is an existing public water main/utility easement (indicated) within the boundary of the proposed outlot (New Lot 1). This easement needs to be preserved and has the potential to affect and/or restrict future development of such outlot. Alternately, the easement and utility may be modified or relocated to accommodate new development and to the satisfaction of the Village. Any costs related to modification and/or relocation would be the obligation of future development.

Engineering Review

1. We recommend that the drainage certificate shown on the plat be revised to include additional language from 765 ILSC 205.
2. Provide a copy of Doc #1664470 to confirm that all grantees are listed on approval for easement vacation. We recommend confirmation from Lake Zurich Public Works that vacation of the easement is acceptable to the Village, assuming the Village is a grantee.

Police Department

1. No comments at this time as it doesn't look like any entry/exit points are changing in the current plan.

General Zoning Comments

Even though the application under consideration is for a Plat of Subdivision, the proposed subdivision of the lot has generated comments on the underlying zoning of the property, which the Village wishes to make the applicant aware of at this time.

The property is zoned within the B-3 Regional Shopping Business District. It was developed under the requirements of a Planned Unit Development (PUD) in 1980 and 1981 under Ordinances No. 1002-80 and 1048-81, and further amended in 1984 through Ordinance 84-05-117.

The PUD provided for the development of the property consisting of 4 lots – Lots 1 and 2 at 444 S Rand Road, Lot 3 at 561 W Rt 22 and Lot 4 at 466 S Rand Road. The PUD provided entitlements for setbacks, parking, landscaped areas and building location, design and operation among others. Such development was contemplated to be able to maximize the use and operation of the property.

March 3, 2022
Page 3

The resubdivision of former Lots 1 and 2 into their proposed New Lots 1 and 2 is proposed so as to:

- Accommodate the sale of the existing office building site; and
- Create a separate outlot with the potential to be developed in the future. No development plan is submitted at this time.

In light of the nature of this request, staff will require that any new development contemplated on proposed new Lot 1 be approved through an amendment of the above referenced PUD ordinances, requiring submittal of a complete development plan, with any departures or modifications to the codes, mitigation measures or compensating amenities as required and approved by the Village Board following the consideration and recommendations of the Planning and Zoning Commission. The applicant will need to understand and acknowledge that future land uses proposed on the new Lot 1 have the potential to be greatly restricted based on the geometry of the proposed lot and lower availability of parking. As such, grant of approval of the plat does not grant approval of zoning entitlements for future development on the new outlot.

Proposed Use of New Lot 1: Currently unknown. Future land uses proposed on the new Lot 1 have the potential to be greatly restricted based on the geometry (triangular shaped lot) and lower availability of parking.

Current Parking:

Required Parking Spaces: 207

Retail Building Area: 11,944 feet - 1 space for 200 square feet resulting in 60 parking spaces

Business Office Building Area: 40,244 feet - 1 space for 275 square feet resulting in 147 parking spaces

Proposed Parking

New Lot 1: 92 parking spaces, and no building.

While a proposed building is not designed yet it will dramatically reduce the parking on the lot, and generate its own parking demand. It is estimated that a new building will likely eliminate 50 parking spaces.

New Lot 2: 73 parking spaces

Business Office Building Area: 40,244 feet - 1 space for 275 square feet would result in 147 required parking spaces resulting in a deficiency of 74 parking spaces on the proposed plan.

Lot 3: No parking information provided or noted.

Lot 4: 98 parking spaces

Retail Building Area: 11,944 feet - 1 space for 200 square feet resulting in 60 parking spaces resulting in an excess of 38 parking spaces.

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Lots 1 through 4 currently benefit from shared parking within the development to meet the demand of the established land uses within the existing buildings. Considering that the parking demand for new Lot 1 will increase with the establishment of a new future use, we suggest that the available parking spaces on Lot 4 be utilized to cover any deficiency in parking spaces.

Vehicular Access

New Lot 1 is the only lot that will have direct access to both Route 22 and Rand Road.

New Lot 2 is only accessible from Rand Road. It will require a cross-access agreement to access Route 22.

Lot 3 – no information is provided.

Lot 4 is not directly accessible from either Rand Road or Route 22 and will require a cross-access agreement to be provided with access.

Cross access is currently enjoyed between Lots 1-4. Please verify if there is a document that already addresses this.

Cross access provisions are currently proposed through the submitted declaration of access, easement and restrictions. However, the document only addresses cross access and parking between New Lots 1 and 2.

Consideration of an updated cross access, parking, and easement agreement covering New Lots 1 and 2; and Lots 3 and 4 is strongly recommended.

Any future development on New Lot 1 will be required to address the following through amendment of the PUD including but not limited to:

- Outdoor Seating
- Drive-through facilities
- Exterior Lighting
- Exterior Landscaping
- Signage
- Building design and materials
- Stormwater management
- Traffic generation and vehicular access

*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047(847) 540-1696
Fax (847) 726-2182
LakeZurich.org**APPLICATION PZC 2022-02**
PZC Hearing Date: March 16, 2022**AGENDA ITEM 4.A****STAFF REPORT**

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

From: Sarosh Saher, Community Development Director

CC: Mary Meyer, Building Services Supervisor
Tim Verbeke, Planner

Date: March 16, 2022

Re: Planned Unit Development (PUD), Zoning Map Amendment and
Plat of Subdivision at 545 Buesching Road

SUBJECT

Jerry and Urszula Solowiej, (the “Applicants”) requests Approval of a Planned Unit Development to construct a new two-lot single-family residential subdivision to be known as Solowiej Subdivision at the property commonly known as 545 Buesching Road, legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

| | |
|--------------------|---|
| Requested Action: | <u>Approval for a Planned Unit Development Zoning Map Amendment and Final Plat of Subdivision</u> |
| Current Zoning: | <u>R-1/2 Single Family Residential</u> |
| Proposed Zoning: | <u>R-5 Single Family Residential</u> |
| Existing Use | <u>Unimproved Vacant Land with an Accessory Structure</u> |
| Proposed Uses: | <u>Two-Lot Single-family Family Subdivision</u> |
| Property Location: | <u>545 Buesching Road</u> |
| Applicant: | <u>Jerry and Urszula Solowiej</u> |
| Owners: | <u>Urszula Solowiej</u> |
| Staff Coordinator: | <u>Tim Verbeke, Planner</u> |

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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

Jerry and Urszula Solowiej, (the “Applicants”), are requesting approval of the proposed Planned Unit Development located at 545 Buesching Road, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich seeking:

- Approval for a Planned Unit Development to construct a new two-lot single-family residential subdivision.
- Zoning Map Amendment to rezone the property from R-1/2 single-family residential district to R-5 single-family residential district.
- Modifications to the zoning and land development code requirements;
 - Reduction in minimum lot width from 75 feet to 70.25 feet
 - Reduction of minimum lot size from 10,000 square feet to 7,000 square feet.

Existing Conditions

The Subject Property is zoned within the R-1/2 Single Family Residential District, located along Buesching Road, a collector street of the village. The property contains an approximately 700 square-foot single-story accessory garage building on approximately 20,909 square-feet of land, part of which is occupied by Buesching Road as prescriptive right-of-way. There are currently no Lake Zurich utilities on the site, water and sanitary sewer would have to be brought to property to service the proposed homes.

Proposal

The Applicants have acquired the property and are proposing to demolish the existing accessory structure and reconfigure the lot with two new residential lots with two single-family residential homes. The applicant intends on selling the residential homes to the partners of the Andy’s Deli under construction at 265 North Rand Road. The residential homes are not proposed to be marketed for sale, rather for the personal use of the property owner’s company personnel at Kolasa Real Estate Investment Inc.

The primary changes to the existing configuration of the property include:

- Splitting the existing lot directly in half to accommodate the construction of two single-family homes. Each resultant lot will be provided with 10-foot side yard setbacks, a 30-foot rear yard setback, and a 25-foot front yard setback.
- Constructing single-family homes on each resultant lot.

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- Installing landscaping along Buesching Road to provide a buffer from the street.
- Connecting to Village of Lake Zurich utilities (water and sanitary sewer).

It is the applicant's goal to potentially begin construction by fall 2022 with both homes being designed after the approval of PUD, the zoning map amendment and plat of subdivision is received.

Proposed Lots

The lots resultant from the subdivision are both proposed at 70.25 feet in width which will require a modification to the R-5 residential district Bulk, Space, and Yard Requirements (Section 9-3-11). The minimum lot width within the R-5 district is 75 feet. The precedence for smaller lot widths has been set within the subdivision across the street, Red Bridge Farms, with a majority of the lot widths being under the 75-foot lot width minimum, and at or around 70 feet. Red Bridge Farms subdivision was construction in the late 1980s under the requirements of the zoning code of the time, and without PUD approval.

Building Architecture

The new residential homes are proposed to be designed using updated elevations in accordance with the Lake Zurich Building Code. The elevations are designed primarily with brick façades with glass wall window panels along with concrete block and wood panel accents. Both the residences are being proposed at two-stories.

Pursuant to public notice published on March 1, 2022 in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for March 16, 2022, to consider the Application. On March 1, 2022, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. **Courtesy Review.** Due to the limited impact of this project, a courtesy review was not recommended.
- B. **Zoning History.** The existing single-story accessory garage building was constructed in the late 1950s, consistent in height and style with the neighboring accessory structures at the corner of Buesching Road and Old Rand Rd. Up until 2006, the property was used in conjunction with the property to the south at 595 Buesching Road. The accessory building was used as a working garage and timber storage. Since 2006, the property has sat vacant and listed for sale. The property was zoned within the R-1/2 upon annexation to the village. The property has been operated as a residential property through all of its developed history.
- C. **Surrounding Land Use and Zoning.** The subject property is zoned within the R-1/2 Single Family Residential District. To the east is Buesching Road and Red Bridge Farm Subdivision improved with single-family residences. Red Bridge Farm Subdivision was developed in the late 1980s. The remaining surrounding properties to the north, south and west are zoned within the R 1/2 Single Family Residential District and improved with the same vintage as the subject property.

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- D. Trend of Development.** The property at 545 Buesching Road is located in the middle of Lake Zurich's residential neighborhoods. The accessory garage at 545 Buesching Road was constructed in 1950s in the first stage of development along Buesching Road. It is a one-story garage and is similar to accessory structures of other homes in the area that were constructed in the late 1950s. None of the adjacent homes on this block are served with public utilities. The subject property would be the first property on this block to be served with village public water and sanitary sewer services.
- E. Zoning District.** Four (4) zoning districts are provided for single-family residential development. The single-family districts provide for a limited range of single-family detached housing densities consistent with the village's established single-family residential neighborhoods. The R-1/2 and R-3 districts allow for lower density residential use and larger lot sizes. The R-4 and R-5 districts allow for somewhat higher density residential use and smaller lot sizes.

Taken as a whole, the residential district regulations are intended to preserve established neighborhoods and encourage new residential development, but only in a manner consistent with the overall character of the village.

The subdivision is requesting zoning within the R-5 single-family residential district.

GENERAL FINDINGS

Staff of the Village's Development Review Team (DRT) has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on specific sections of the Code.

9-22-5: STANDARDS FOR PLANNED UNIT DEVELOPMENTS.

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.

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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 entirety of the PUD will be developed and operated under the single ownership of Jerry and Urszula Solowiej.

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 partially met. While the property in its entirety with a land area of 20,909 square feet is of a sufficient size to accommodate the development as proposed, the front portion (easterly) will be required to dedicate a portion of the property for right-of-way purposes, as the right-of-way is presently configured as a prescriptive right-of-way. As such, each lot will dedicate 2,810 square feet of land to the public right-of-way.

The remaining lots will be left with land areas of 8,347 square feet and 7,482 square feet for Lots 1 and 2 respectively. The reduced lot area will require a modification to the zoning code to allow the lots to be created.

Regardless of the reduced width and lot area, each lot will abide by the R-5 zoning district bulk, space, and yard requirements for setbacks, structure height and minimum landscaped surface area.

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 Village will ensure that any required easements along the periphery and along the common lot line are properly recorded and will be enforced by the Village.

4. Public Open Space and Contributions: Whenever the official comprehensive plan, zoning map, or official map indicates that development of a planned unit

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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: Not Applicable. The nature and scope of the development – namely two residential units – is not suitable to set aside land for public purposes of the village within the proposed planned unit development.

The purpose and intent of such contributions are to compensate for new residential units added to the village, in this case is 2 new units, with new residents that will move into the community to occupy such units.

The village will therefore collect impact fees in lieu of land contributions for public open space.

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

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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: Not Applicable. Based on the smaller size, nature and scope of the development, and size of the subject property, the village has determined

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that the development is not required to provide any public open space, rather pay impact fees in lieu of such land contribution.

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.

To the greatest extent possible, the development will incorporate the two existing trees at the rear of the property into the landscape buffer area, along with adding landscaping as a buffer to Buesching Rd.

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: Not Applicable. The development is being proposed on two lots with direct access to public right-of-way.

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. A sidewalk currently exists along the Buesching Road frontage of the Subject Property. Since the sidewalk is in adequate condition, no mitigation or improvement measures will be required.

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

Staff Response: Standard Partially Met. The property is currently on well and septic utilities as no village utilities are currently available.

The Applicant is currently working with staff to explore the cost and viability of running water and sanitary sewer utilities to the property. It is intended that the utilities will be constructed in conjunction with a proposed townhome project located to the north at 670 South Old Rand Road. However, if that project does not move forward (it is still in conceptual stage), the Applicant intends on bringing utilities to the subject properties at their cost.

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Water mains would likely be brought from the south at the intersection of S Old Rand Road and Buesching Road and looped up to Red Bridge Farm Subdivision. Sanitary sewer lines would likely be brought directly from the east by means of a directional bore under Buesching 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 two residential buildings proposed within such district.

STANDARDS FOR MAP AMENDMENTS

Amending the zoning map of the zoning code is a matter committed to the sound legislative discretion of the board of trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the board of trustees shall act in what it reasonably believes to be in the best interest of the general public, and may consider, among other factors, the following factors as they may be relevant to a particular application:

- A. The consistency of the proposed amendment with the purposes of this zoning code.

Staff Response: The subject property has been zoned within a residential district since the original platting of the property and will continue to remain within a residential subdivision. Due to the size of the proposed lots, the lots will be rezoned within the R-5 single-family residential district to be consistent with the Bulk, Space, and Yard Requirements of the R-5 district. The rezoning will also bring the two lots closer to conformance with surrounding property.

- B. The community need for the proposed amendment and for the uses and development it would allow.

Staff Response: Standard met. The property is currently vacant. Its development with two new single-family homes will enhance the properties.

- C. If a specific parcel of property is the subject of the proposed amendment, then the following factors:

1. Existing Uses And Classifications: The existing uses and zoning classifications for properties in the immediate vicinity of the subject property.

Staff Response: Standard met. The property is proposed to be rezoned within the R-5 zoning district, which is consistent with the neighboring zoning classifications.

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2. Trend Of Development: The trend of development in the immediate vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.

Staff Response: Standard met. The property at 545 Buesching Road is located in the middle of Lake Zurich's residential neighborhoods. The accessory garage at 545 Buesching Road was constructed in 1950s in the first stage of development along Buesching Road. It is a one-story garage and is similar to accessory structures of other homes in the area that were constructed in the late 1950s. None of the adjacent homes on this block are served with public utilities. The subject property would be the first property on this block to be served with village public water and sanitary sewer services.

3. Diminution Of Values: The extent to which the value of the subject property is diminished by the existing zoning classification applicable to it.

Staff Response: Standard Met. The subject property will be zoned within the R-5 Single-Family Residential Zoning District. The existing zoning classification will only allow for one single-family residence on an already on-conforming lot. Development of the resultant properties with single-family residential uses will therefore prevent further diminution of property values.

4. Increase in Health, Safety, And Welfare: The extent, to which any such diminution in value is offset by an increase in the public health, safety, and welfare.

Staff Response: Standard Met. The Applicant proposes to demolish the existing accessory structure and construct two new buildings that will fit within the character of the area.

5. Effects On Adjacent Properties: The extent to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

Staff Response: Standard Met. The single-family residences will be consistent with the single-family land uses of the adjacent properties, and not negatively impact their use and enjoyment.

6. Value Of Adjacent Properties: The extent to which the value of adjacent properties would be affected by the proposed amendment.

Staff Response: Standard met. the single-family residences will not have a negative impact on the surrounding residential properties.

7. Future Development: The extent to which the future orderly development of adjacent properties would be affected by the proposed amendment.

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Staff Response: Standard Met. The adjacent properties are improved with older structures built to older, outdated codes. It is anticipated that there is potential for the adjacent properties to be redeveloped in a manner similar to the subject property, thereby being affected in a positive manner.

8. Suitability Of Text Amendment: The suitability of the proposed text amendment for the zoning district in which the amendment is being proposed.

Staff Response: Not applicable. The Applicant is requesting an amendment to the zoning map (Map Amendment), not the language and provisions of the zoning code (Text Amendment).

9. Ingress and Egress: The availability, where relevant, of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

Staff Response: Standard Met. both resultant properties will be provide with access to the Buesching Road public right-of-way. The Applicant intends create new vehicular access point onto Buesching Road.

10. Utilities and Services: The availability, where relevant, of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present zoning classification.

Staff Response: Standard Partially Met. no public utilities currently exist on the property. the Applicant will need to bring water and sanitary sewer utilities to serve both properties.

11. Length of Vacancy: The length of time that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.

Staff Response: Standard Met. The property has remained vacant since 2016, barring the existing of the accessory garage structure. The proposal intends to use the property with a higher and better use.

12. Positive Effect: The proposed amendment creating a positive effect for the zoning district, its purposes, and adjacent properties shall be placed before the benefits of the petitioner. (Ord. 2013-12-944, 1-6-2014)

Staff Response: Standard Met. The Applicant intends to construct two new single-family residential homes which will have a positive impact on the neighborhood.

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

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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. **Section 9-3-11.B Minimum Lot Area and Dimensions.**
 - a. *Minimum Lot Area.* The zoning regulations require lots within the R-5 district to be a minimum of 10,000 square feet. The new resultant lots are proposed at 8,347 square feet and 7,482 square feet.
 - b. *Minimum Lot Width.* The zoning regulations require lots within the R-5 district to have a minimum width of 75 feet. Both resultant lots are proposed with a lot width of 70.25 feet.
The smaller lot width is consistent with lots located within Red Bridge Farms Subdivision.

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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 9-18-3 Standards for Amendments

Based on the review of staff, the proposed changes are in substantial conformance with the development concept plan, and the standards for approval will be met through the modifications of the zoning code grated through the PUD. Staff therefore 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 therefore recommends the approval of Application PZC 2022-02, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff and applicable governmental agencies:
 - a. Plat of Subdivision for Solowiej Subdivision Sheets 1 prepared Polena Engineering, dated February 1, 2022.
 - b. Landscape Plan prepared Polena Engineering, dated February 1, 2022.
 - c. Site Plan and building foundation concept plan, prepared Polena Engineering, dated February 1, 2022
 - d. Response letter submitted Polena Engineering, dated February 1, 2022
 - e. Home product elevations prepared Polena Engineering, dated February 1, 2022
2. The subject property intends to construct public utilities in conjunction with a development to the north located at 670 South Old Rand Road. However, if that project does not move forward (it is still in conceptual stage), the Applicant shall bring utilities to the subject properties at its own cost.
3. The Applicant shall enter into a binding development agreement with the Village agreeing to install all the required utility improvements and providing surety for such improvements, in a format as approved by the Village, to ensure water and sanitary sewer service is delivered to both properties.
4. The Developer shall be responsible for payment of the all Impact Fees and as a condition of the approval of the PUD and Final Plat. The school impact fees, park impact fees, and library impact fees are paid pro-rata and due at the time a building permit is issued for the applicable building.
5. The Development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich, including general and continuing compliance with Title 10 of the Village Code, the Land Development Code, and all of the engineering and land improvement requirements, standards and specifications set forth in Chapter 6 of said Land Development Code, unless otherwise approved or provided for in the final engineering plans for the Subject Property.

Respectfully Submitted,

Tim Verbeke (Planner)

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**LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS**

545 BUESCHING ROAD
March 16, 2022

The Planning & Zoning Commission recommends approval of Application PZC 2022-02, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **March 16, 2022** for this Application and subject to any changes or approval conditions as listed below:

6. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff and applicable governmental agencies:
 - f. Plat of Subdivision for Solowiej Subdivision Sheets 1 prepared Polena Engineering, dated February 1, 2022.
 - g. Landscape Plan prepared Polena Engineering, dated February 1, 2022.
 - h. Site Plan and building foundation concept plan, prepared Polena Engineering, dated February 1, 2022
 - i. Response letter submitted Polena Engineering, dated February 1, 2022
 - j. Home product elevations prepared Polena Engineering, dated February 1, 2022
 7. The subject property intends to construct public utilities in conjunction with a development to the north located at 670 South Old Rand Road. However, if that project does not move forward (it is still in conceptual stage), the Applicant shall bring utilities to the subject properties at its own cost.
 8. The Applicant shall enter into a binding development agreement with the Village agreeing to install all the required utility improvements and providing surety for such improvements, in a format as approved by the Village, to ensure water and sanitary sewer service is delivered to both properties.
 9. The Developer shall be responsible for payment of the all Impact Fees and as a condition of the approval of the PUD and Final Plat. The school impact fees, park impact fees, and library impact fees are paid pro-rata and due at the time a building permit is issued for the applicable building.
 10. The Development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich, including general and continuing compliance with Title 10 of the Village Code, the Land Development Code, and all of the engineering and land improvement requirements, standards and specifications set forth in Chapter 6 of said Land Development Code, unless otherwise approved or provided for in the final engineering plans for the Subject Property.
- ☐ Without any further additions, changes, modifications and/or approval conditions.
- ☐ With the following additions, changes, modifications and/or approval conditions:

Planning & Zoning Commission Chairman

Staff Report
APPLICATION PZC 2022-02

Community Development Department
PZC Hearing Date: March 16, 2022

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

14-20-200-033

BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SOUTHEAST 1/4 OF
SECTION 20, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL
MERIDIAN, IN LAKE COUNTY, ILLINOIS

Staff Report
APPLICATION PZC 2022-02

Community Development Department
PZC Hearing Date: March 16, 2022

EXHIBIT B
PUBLIC HEARING SIGN PRESENT AT SUBJECT PROPERTY



545 Buesching




Lake County, Illinois



Map Printed on 3/10/2022



 Tax Parcel Lines

Tax Parcel
Information

 Subject Property

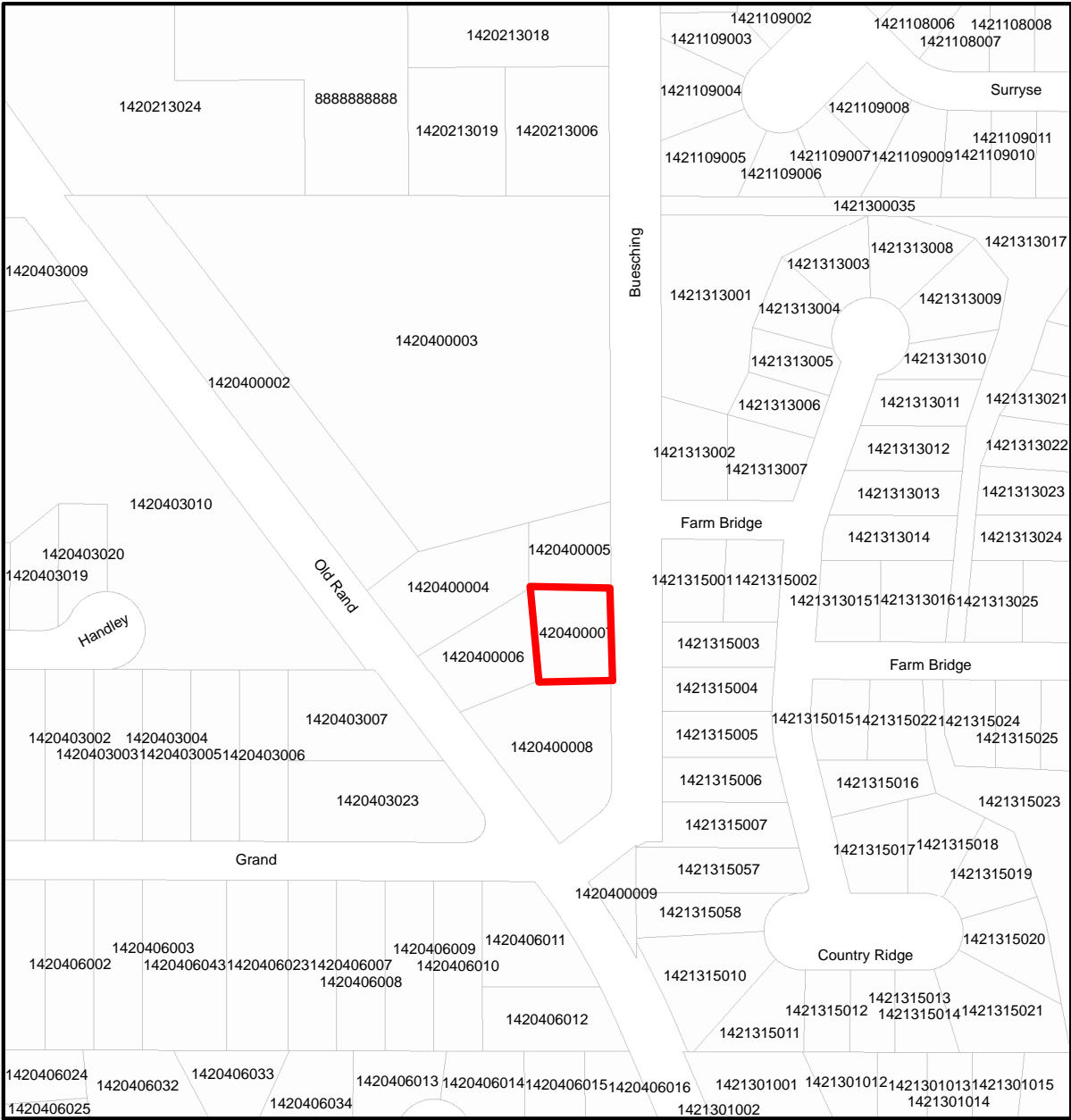
Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.



New Subdivision

545 Buesching Road



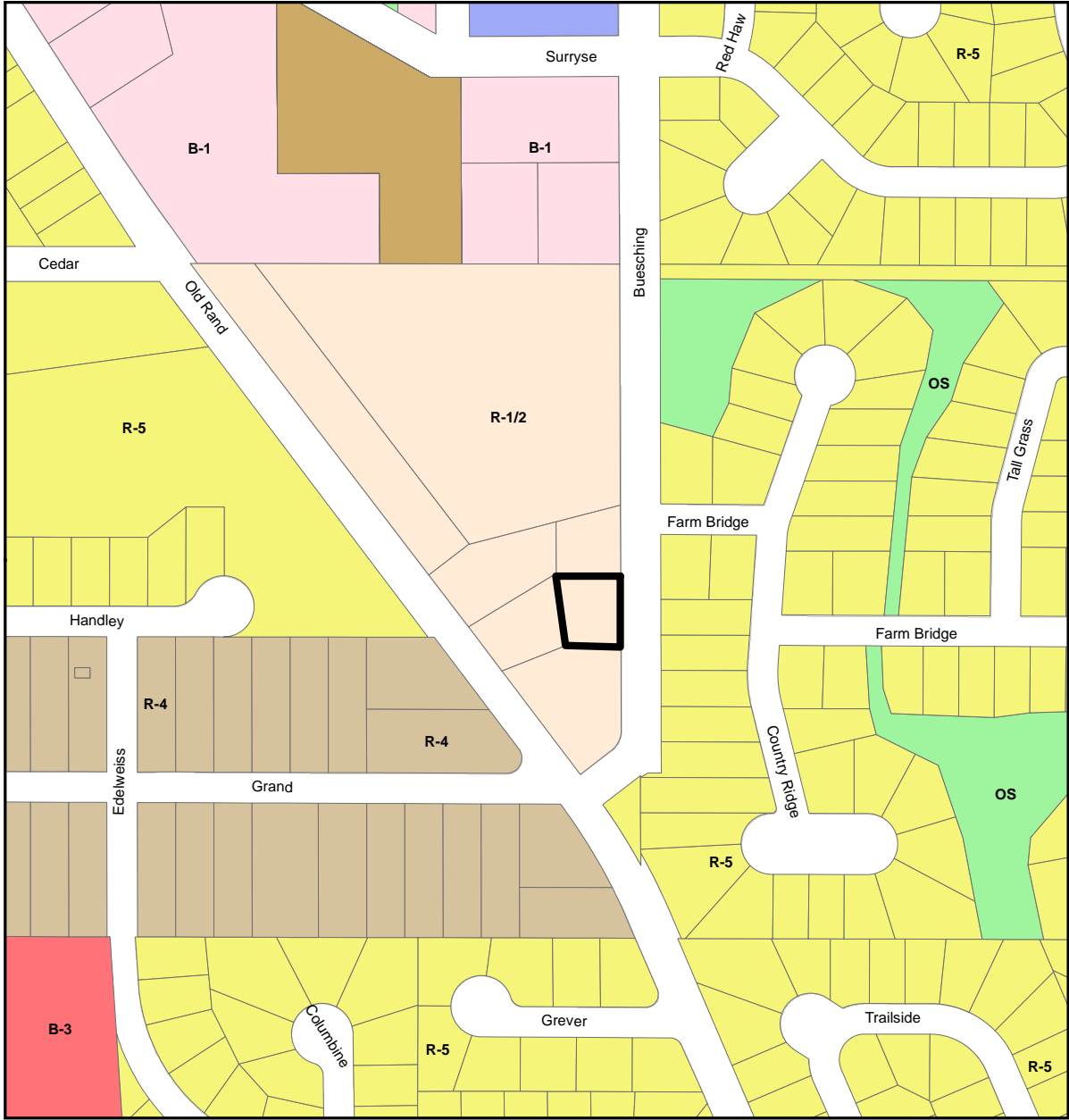
COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

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



New Subdivision

545 Buesching Road



COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

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



At the Heart of Community

PUBLIC WORKS DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047

(847) 540-1696
LakeZurich.org

March 3, 2022

Sarosh Saher, AICP, Director of Community Development
Village of Lake Zurich
505 Telser Road
Lake Zurich, Illinois 60047

PRELIMINARY PLAT OF SUBDIVISION REVIEW #1 – NOT APPROVED

SUBDIVISION: SOLOWIEJ SUBDIVISION, Lake Zurich, Illinois 0047

ITEMS RECEIVED: 1) Preliminary Plat of Solowiej Subdivision prepared by Polena Engineering LLC; dated, January 01, 2022

The Village of Lake Zurich has completed a review of the above referenced material for conformance with the Village ordinances and general accepted engineering practices. We have the following comments.

- 1) We recommend providing a site plan if the two lots are being subdivided for development.
- 2) Note that utilities are in the vicinity of the subdivision. Sanitary sewer is located on the east side of Buesching Road. Water main is located on Farm Bridge Road. The development of this subdivision will likely require extension and connection to these utilities.
- 3) Provide a location map.
- 4) The 40' dedication should be labeled as "Hereby dedicated for public right-of-way."
- 5) Provide public utility and drainage easements along rear property line (10' min.) and side yard property lines (5' min., 10' combined).
- 6) The School District certificate should be added to a Final Plat per municipal code 10-5-9, E.2.n.
- 7) Provide mortgagee certificate, if applicable.
- 8) The Engineers certificate is not on accordance with the municipal code 10-5-9, E 2. d.
- 9) Revise the drainage certificate to include additional language from 765 ILSC 205.
- 10) Per 10-5-8, the plat shall include two (2) concrete monuments. The documentation of that monumentation should be added to the Surveyor's Certificate in compliance with the Plat Act.

If you should have any questions, please do not hesitate to contact me.

Yours truly,
MANHARD CONSULTING, LTD.

Peter Stoehr, P.E.
Village Engineer



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telser Road
Lake Zurich, Illinois 60047

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

To: Tim Verbeke, Planner
From: Steve Schmitt, Utilities Superintendent
Date: March 16, 2022
Re: 545 Buesching – New Subdivision

1. 545 Buesching – New Subdivision

- There isn't water for these two proposed residential lots to connect to. Water and sewer will both have to be run to the property.



(Please Type or Print)

ZONING APPLICATION

Community Development Department
 505 Telser Rd.
 Lake Zurich, IL 60047
 Phone: (847) 540-1696
 Fax: (847) 540-1769

1. Address of Subject Property: _____
2. **Please attach complete legal description**
3. Property Identification number(s): _____
4. Owner of record is: _____ Phone: _____
 E-Mail _____ Address: _____
5. Applicant is (if different from owner): _____ Phone: _____
 E-Mail _____ Address: _____
6. Applicant's interest in the property (owner, agent, realtor, etc.): _____
7. All existing uses and improvements on the property are: _____

8. The proposed uses on the property are: _____

9. List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:

10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:

11. For applications requiring a public hearing, please attach a list which contains the PIN, owner, and owner's mailing address of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property.

**THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.
 THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT,
 THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.**

 (Name of applicant)_____
 (Signature of applicant)

Subscribed and sworn to before me this _____ day of _____, 2022.

 (Notary Public)

My Commission Expires _____

 (Name of Owner, if different)_____
 (Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2022.

 (Notary Public)

My Commission Expires _____

Please indicate what form of zoning relief your application requires. For assistance, please contact Staff:

- ☐ Zoning Code Map Amendment to change zoning of Subject Property from ____ to ____
- ☐ Zoning Code Text Amendment to amend the following section(s) of the Zoning Code _____

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

- ☐ Special Use Permit/Amendment for _____
- (See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

- ☐ Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter.)

- ☐ Variation for _____

(See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter.)

- ☐ Modification to the Land Development Code (includes retaining walls more than 2 feet in height)
- (See Section 10-6-18 of the Land Development Code for specific standards.)

- ☐ Preliminary Plat of Subdivision

- ☐ Final Plat of Subdivision or Amendment to Plat of Subdivision
- (See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

- ☐ Site Plan Approval/Major Adjustment/Amendment
- (See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

- ☐ Exterior Appearance Approval or Amendment
- (See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

- ☐ Petition to Annex Certain Territory (Please complete attached petition)
- ☐ Application to Annex Certain Territory

COMPREHENSIVE PLAN APPLICATION

- ☐ Comprehensive Plan Map Amendment for _____
- ☐ Comprehensive Plan Text Amendment for _____

COVER LETTER

Chair Stratman,

We are requesting for approval of a Plat of Subdivision to subdivide the property to create two residential lots at 545 Buesching Road. The request is being made by the owners of the property, Jerry and Urszula Solowiej or Kolasa Real Estate, the same owners building the deli at Joe's Barbershop. See attached supporting documents.

We would like to subdivide the property and build the two homes in conjunction with the proposed subdivision at 670 S Old Rand in order to utilize the water/sewer. The utility work will hopefully be done in coordination with the subdivision project at 670 N Old Rand. The plans for the two single family homes are upcoming, and will be submitted to staff for final approval once/if the subdivision is approved. If the subdivision project at 670 N Old Rand does not move forward, we will still be pursuing the subdivision project at 545 Buesching Road. We will pay to bring both of the utility (water and sewer) to the property.

In order to construct the two homes, we will request a Planning Unit Development. The following modifications from the code will be requested:

- Lot width of 70.25 feet
- Lot area of between 7,000 and 8,000 square feet
- Rezoning from R-1/2 to R-5

Thank you for your consideration,

Urszula and Jerry Solowiej

LEGAL DESCRIPTION

BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS

LANDSCAPE PLAN

SOLOWIEJ SUBDIVISION

BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

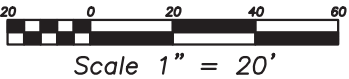
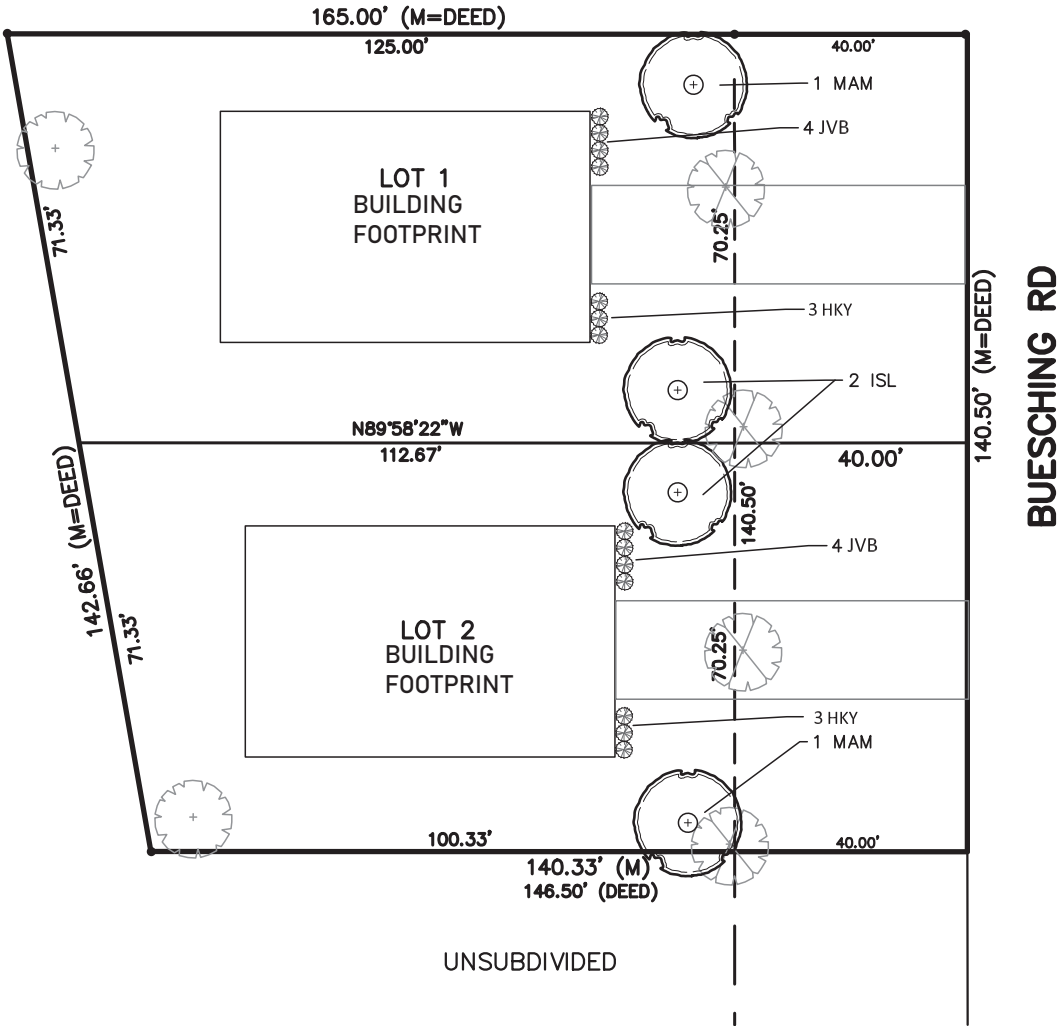
P.I.N.: 14-20-400-007

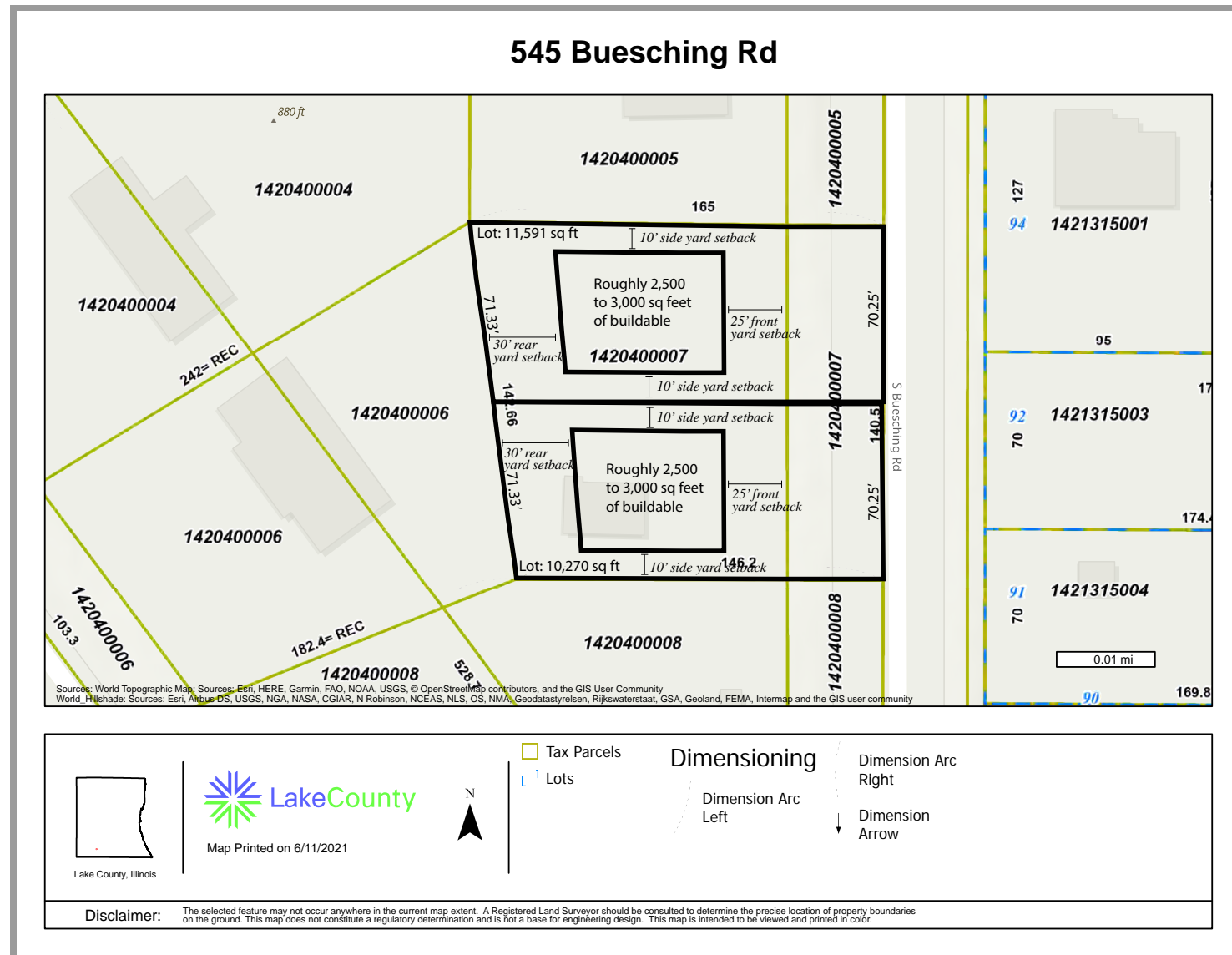
ADDRESS: 545 SOUTH BUESCHING ROAD, LAKE ZURICH



| QTY. | ABRV. | BOTANICAL NAME | COMMON NAME | SIZE |
|------|-------|---------------------------------|-----------------------|---------|
| 2 | MAM | Acer x fremanii 'Marmo' | Marmo Maple | 3" Cal. |
| 2 | ISL | Syringa reticulata 'Ivory Silk' | Ivory Silk Tree Lilac | 6' |
| 8 | JVB | Viburnum x juddii | Judd Viburnum | 36" |
| 6 | HKY | Taxus x media 'Hicksii' | Hicks Yew | 36" |

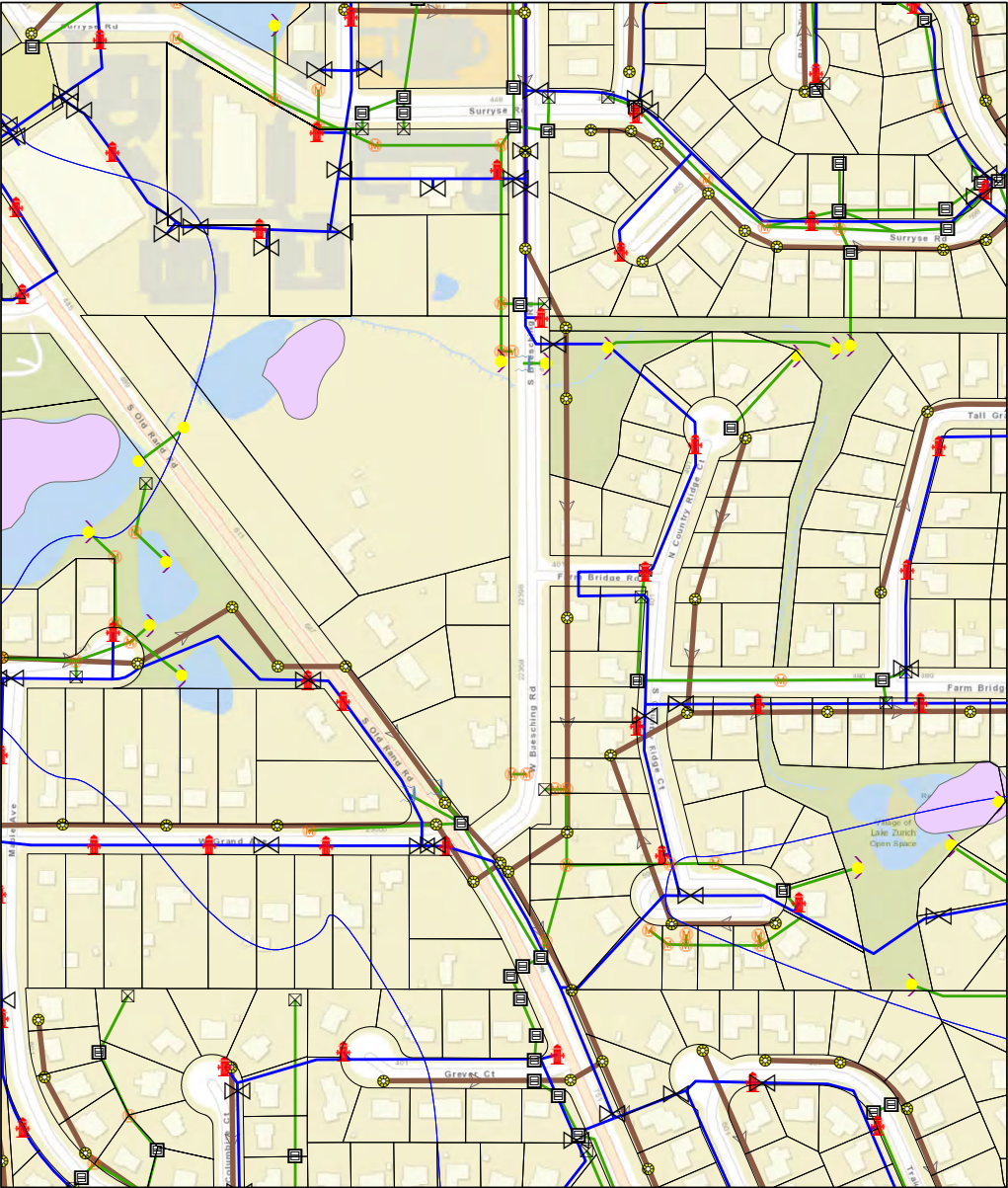
BASIS FOR BEARINGS:
THE BASIS FOR BEARINGS
SHOWN HEREON IS ILLINOIS
STATE PLANE COORDINATES
EAST ZONE MAPDS AS
ACQUIRED BY GPS
P.A.D. POINT OF BEGINNING
P.O.D. POINT OF COMMENCEMENT







Lake Zurich Water, Storm and Sanitary Sewer 545 South Buesching Road



Legend

- Lake Zurich Parcels
- ☐ Lake Zurich Water Storage Tanks
- ✕ Lake Zurich Valves
- 🔥 Lake Zurich Hydrants
- Lake Zurich Storm Headwalls
- ⌋ headwall_w_sizes
- ☒ Lake Zurich Storm Inlets
- LS Lake Zurich Storm Lift Stations
- ☐ Lake Zurich Storm Culvert Ends
- ☐ Lake Zurich Storm Catch Basins
- Ⓜ Lake Zurich Storm Manholes
- Ⓛ Lake Zurich Sanitary Lift Stations
- Lake Zurich Sanitary Manholes
- Lake Zurich Water Mains
- Peak Hour Pressure Contours
- Lake Zurich Storm Mains
- Sanitary Sewer Force Main
- Lake Zurich Sanitary Mains





