



AGENDA PACKET
VILLAGE OF LAKE ZURICH
Planning and Zoning Commission Meeting

**July 19, 2023
07:00 pm**

VILLAGE OF LAKE ZURICH

PLANNING AND ZONING COMMISSION MEETING

JULY 19, 2023
07:00 PM
AGENDA

1. PUBLIC MEETING - No items received.

2. CALL TO ORDER AND ROLL CALL

Chairperson Orlando Stratman, Vice-Chair Antonio Castillo, Joe Giannini, Sean Glowacz, Jake Marx, Scott Morrison, Mike Muir and Ildiko Schultz.

3. CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION

A. Minutes of the Planning and Zoning Commission Meeting, on June 21, 2023.

Attachment: [2A.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. 120 Telser Road -- Special Use Permit. (2023-12) - Continued Application

Application for a Special Use Permit and Final Plat of Subdivision to establish a self-storage facility with outdoor vehicle storage on the rear 2/3 portion of a vacant property located within the I Industrial District. The facility will be operated by "Extra Space Storage."

The Applicant has requested additional time and requested continuing the application to the August 16 meeting to be able to address certain comments related to stormwater management.

Applicant: James Lapetina of Design Build Storage

Owner: Rose Road Enterprises, LLC

Attachment: [4A.pdf](#)

B. 22843 North Lakewood Lane -- Annexation, Zoning and Plan Approval (2023-09) - Continued Application

Application for Annexation, Zoning and Plan Approval to redevelop the property commonly known as Midlothian Manor with a new two-story building containing 24 affordable rental apartments. The property will be zoned within the R-6 multiple-family residential district.

The Application was continued due to time constraints to allow testimony to be obtained.

Applicant: Housing Opportunity Development Corporation (HODC)

Owners: Lake County Housing Authority

Attachment: [4B.pdf](#)

C. 615 S Grethe Court -- Fence Variation (2023-13)

Application for a variation to allow for the construction of a five-foot high fence in the required corner side yard at the Subject Property located in the R-5 single-family residential district.

Applicant and Owner: Christine Madland and Robert Gotschewski

Attachment: [4C.pdf](#)

D. 679 Beechwood Drive -- Pool Variation (2023-15)

Application for a variation to allow for the construction of a pool within the rear yard setback at the Subject Property located in the R-5 single-family residential district.

Applicant and Owner: Jennifer and Craig Lee

Attachment: [4D.pdf](#)

E. 519 Telser Road -- Special Use Permit (2023-16)

Application for a Special Use Permit to allow the establishment of a physical fitness and training facility within a tenant space in a building located in the I Industrial District.

Applicant: Form Function Fitness LLC, d/b/a CrossFit Lykos

Owner: Telser Commercial Properties LLC

Attachment: [4E.pdf](#)

F. 629 Rose Road --Planned Unit Development (PUD) and Plat of Subdivision (2023-17)

Application for a Planned Unit Development (PUD) and Plat of Subdivision to subdivide the property and allow for the development of an industrial building on one of the two resultant lots, located in the I industrial District.

Applicant: NorthStar Pickle Company, LLC

Owner: Sarosh Saher Enterprises, LLC

Attachment: [4F.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
June 21, 2023

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, Glowacz, Marx, Morrison, Muir, and Schultz. Chairman Stratman noted a quorum was present. Commissioner Giannini 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 May 17, 2023 Meeting Minutes of the Planning & Zoning Commission:

MOTION was made by Commissioner Castillo, seconded by Commissioner Schultz to approve the May 17, 2023 minutes of the Planning and Zoning Commission with no changes.

Upon roll call:

AYES: 5 Commissioners Castillo, Glowacz, Marx, Morrison, and Schultz.

NAYS: 0

OBSTAIN: 2 Commissioner Muir, and Chairman Stratman.

MOTION CARRIED

PUBLIC HEARING:

MOTION was made by Commissioner Schultz, seconded by Commissioner Glowacz to open the following public hearings at 7:02 p.m. for Application PZC 2023-12 for the property at 120 Telser Road – Special Use Permit, Application PZC 2023-11 for the property 442 S Rand Road – Amendment to Planned Unit Development (PUD), and Application PZC 2023-09 for the property at 22843 North Lakewood Lane – Annexation, Zoning and Plan Approval.

Upon roll call vote:

AYES: 7 Chairman Stratman, Commissioners Castillo, Glowacz, Marx, Morrison, Muir, and Schultz.

NAYS: 0

MOTION CARRIED

Those wishing to speak were sworn in by Chairman Stratman.

The following applications were considered:

A. 120 Telser Road – Special Use Permit. (2023-12)

Public Hearing to consider the Application for a Special Use Permit and Final Plat of Subdivision to establish a self-storage facility with outdoor vehicle storage on the rear 2/3 portion of a vacant property located within the I Industrial District. The facility will be operated by "Extra Space Storage."

Applicant: James Lepetina of Design Build Storage

Owner: Rose Road Enterprises, LLC

Director Saher informed the Commission that the Applicant has requested that the hearing be further continued to at least the July 19, 2023 meeting of the PZC to allow more time to prepare exhibits.

MOTION was made by Commissioner Schultz, seconded by Commissioner Muir to continue the item.

Upon roll call:

AYES: 7 Chairman Stratman, Commissioners Castillo, Glowacz, Marx, Morrison, Muir, and Schultz.

NAYS: 0

MOTION CARRIED

B. 442 S Rand Road – Amendment to Planned Unit Development (PUD) (2023-11)

This Public Hearing is to consider an Application for an amendment to Planned Unit Development (PUD) Ordinance 2022-04-461 to construct a single tenant commercial building at the Subject Property to be operated as a Chipotle quick-service restaurant.

Applicant: Terraco, Inc.

Owners: SA 444 Rand LLC, SG 444 Rand LLC and DP 444 Rand LLC

The item was presented by Mr. Joe Goodman, Terraco, Inc, representing Chipotle Restaurants. Along with his consultants, he made a presentation regarding the type of potential improvements to the property and what type of variations from the code would be necessary. There were questions regarding the delivery times, the submitted parking study, why a sidewalk along Rand Road was not included. Also, concerns were raised regarding the exterior appearance and the trash enclosure. The landscaping reducing was also raised as a concern. Despite all concerns, the Commissioners were satisfied with the responses by the applicant and closed the public hearing.

MOTION was made by Commissioner Muir, seconded by Commissioner Morrison to close the public hearing.

Upon roll call:

AYES: 7 Chairman Stratman, Commissioners Castillo, Glowacz, Marx, Morrison, Muir, and Schultz.

NAYS: 0

MOTION CARRIED

MOTION was made by Commissioner Schultz, seconded by Commissioner Glowacz, 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 tonight's 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 to recommend that the Village Board approve the Application PZC 2023-11 – an Application for an amendment to Planned Unit Development (PUD) Ordinance 2022-04-461 to construct a single tenant commercial building at the Subject Property to be operated as a Chipotle quick-service restaurant."

Upon roll call:

AYES: 7 Chairman Stratman, Commissioners Castillo, Glowacz, Marx, Morrison, Muir, and Schultz.

NAYS: 0

MOTION CARRIED

C. 22843 North Lakewood Lane – Annexation, Zoning and Plan Approval (2023-09)

This item was moved to the third item, due to the Applicant arriving late. This is a Public Hearing to consider an Application for a Special Use Permit to establish a liquor store at the property commonly known as 103 South Rand Road, within the Lakeview Plaza Shopping Center in the B-3 Regional Shopping Business District.

Applicant: Housing Opportunity Development Corporation (HODC)

Owners: Lake County Housing Authority

The item was presented by Mr. Richard Koenig, Executive Director of the Housing Opportunity Development Corporation, the Applicant, with support from the property owner Lake County Housing Authority. He made a presentation regarding the type of potential improvements to the property and what types of housing will be built. There was a variety of public comment after a few questions several questions from the Commissioners including, how will the leasing office operate, how will the retention basin function, how are the potential tenants selected, how are potential tenants reached, what is the history of the property, a few taxes related questions, and are Villages required to have a minimum of low-income housing units. After the commissioner questions, it was opened to public comment. Many members of the public had the chance to speak. Jeff Wood and Terrance Wallace from Hope Collective, spoke in support of the proposed project. Larry Schaede, Tom Mullers and Angela Mooney spoke against the project. Mr Schaede provided handouts for the Commissioners. Due to the amount of public comment and the time running out on the meeting, the item was continued to the July 19, 2023 meeting.

MOTION was made by Commissioner Schultz, seconded by Commissioner Glowacz to close the public hearing.

Upon roll call:

AYES: 7 Chairman Stratman, Commissioners Castillo, Glowacz, Marx, Morrison, Muir, and Schultz.

NAYS: 0

MOTION CARRIED

OTHER BUSINESS – None.**STAFF REPORT:**

Staff indicated there will be 4 items on the next Planning and Zoning Commission meeting agenda, therefore there may need to be an additional meeting.

PUBLIC COMMENT:

No additional public comment was provided.

ADJOURNMENT:

Upon roll call:

AYES: 7 Chairman Stratman, Commissioners Castillo, Glowacz, Marx, Morrison, Muir, and Schultz.

NAYS: 0

MOTION CARRIED

The meeting was adjourned at 9:32 p.m.

Submitted by: Tim Verbeke, Planner

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

PZC Hearing Date: July 19, 2023
PZC 2023-12

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

Re: PZC 2023-12 – 120 Telser Road – “Extra Space” Self Storage
Special Use Permit and Plat of Subdivision
Request to Continue Hearing to August 16, 2023

SUBJECT

Mr. James Lapetina, representing Design Build Storage, and Mr. Jeff Budgell of Architect’s Studio, the architect for the project (jointly referred to as the “Applicant”) with the consent of the property owner Rose Road Enterprises LLC (the “Owner”), request a Special Use Permit and Final Plat of Subdivision to establish a self-storage facility with outdoor vehicle storage on the rear 2/3 portion of a vacant property located within the I Industrial District. The facility will be operated by “Extra Space Storage.”

BACKGROUND

The hearing for the application was opened by the PZC on June 21, 2023. However, the applicant had requested additional time to address certain engineering concerns and explore TIF assistance options.

The Applicant has not completed their revisions to the project and therefore requested that the hearing be continued to the August 16, 2023 meeting of the PZC to allow for additional time to address these issues.

REQUESTED ACTION

Staff recommends that the public hearing be continued to the August 16, 2023 meeting of the PZC to provide the Applicant time to complete their preparation of necessary exhibits.



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047

Phone (847) 540-1696
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APPLICATION PZC 2023-09

AGENDA ITEM 4.B

PZC Hearing Opening Date: June 21, 2023

PZC Continued Consideration: July 19, 2023

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: July 19, 2023

Re: Zoning Application for 22843 North Lakewood Lane - Midlothian Manor
Annexation, Zoning and Planned Unit Development (PUD)
Continued Consideration

This report serves as an addendum to the report presented to the Planning and Zoning Commission (PZC) at the hearing conducted on June 21, 2023, which contains the findings and recommendations of Village Staff. The report and all attachments can be viewed at the following link:

[Link to June 21, 2023 Staff Report, Application Packet and Correspondence \(Midlothian Manor\)](#)

SUBJECT

Mr. Richard Koenig, FAICP, Executive Director of the Housing Opportunity Development Corporation (HODC) (the “Applicant”) requests approval of Annexation, Zoning and Development Concept Plan (Preliminary Plan) Approval to redevelop the property commonly known as Midlothian Manor with a new two-story building containing 24 affordable rental residential apartments at the property commonly known as Midlothian Manor at 22843 Lakewood Lane, and legally described in Exhibit A attached hereto (the “Subject Property”).

Staff Report
APPLICATION PZC 2023-09

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The public hearing was opened by the PZC on June 21, 2023. The proposal was presented by the Applicant who was accompanied by the project engineer and the project architect. The PZC received testimony from attendees that were present at the hearing verbally and in printed copy. However, due to the late hour and the number of persons in attendance that wished to provide their testimony, the proceedings were halted at 9:30 p.m. and the hearing was continued to the July 19 meeting of the PZC. The proceedings of the June 21 meeting can be viewed at the following link: <https://play.champds.com/lakezurichil/event/91>

LIST OF ADDITIONAL EXHIBITS

These exhibits should be considered in addition to those that were included as part of the June 21, 2023 staff report and packet. Note: this report does not contain information that was submitted at the meeting itself.

- A. Aerial Site Plan
- B. Correspondence

This report contains information that was submitted following the June 21 meeting date that is recommended to be added to the testimony and findings of the PZC.

Aerial Site Plan – The Applicant has provided an aerial site plan showing the location of the new development, its building, parking lot and open space/landscaped areas in conjunction with the surrounding streets and properties.

Correspondence – Additional correspondence was received by staff which is attached for the reference of the PZC.

RECOMMENDATION

Staff recommends that the PZC reopen the continued hearing and obtain any additional testimony that is presented by the Applicant, by interested persons, or village staff.

Upon completion of the hearing and deliberation, staff recommends that the PZC adopt its findings and recommendation on the subject zoning application. Such findings and recommendations may be based upon the findings and recommendations of staff contained within the June 21, 2023 report.

The recommendation of the Planning and Zoning Commission to classify the development within the R-6 zoning district should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-18-3: Standards for Amendments
- Section 9-19-3 Standards for Special Use Permits
- Section 9-22-5 Standards for Planned Unit Developments (PUD)

Based on the review of staff contained within its June 21, 2023 report, the standards for approval will be met with the identified modifications to the zoning and land development codes and

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Community Development Department
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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 2023-09, 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. Zoning Application dated March 14, 2023 including cover letter and zoning application prepared by Mr. Richard Koenig of Housing Opportunity Development Corporation (HODC) with application signed by Mr. Koenig as Applicant and Ms. Lorraine Hocker representing the Lake County Housing Authority.
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Petition for Annexation dated March 15, 2023 submitted by Mr. Richard Koenig of Housing Opportunity Development Corporation (HODC) and Ms. Lorraine Hocker representing the Lake County Housing Authority.
 - d. ALTA/NSPS Land Title Survey for Midlothian Manor, 22843 Lakewood Lane prepared by IG Consulting, Inc., dated prepared on August 17, 2022.
 - e. Site Plan including First Floor Plan-Alternate Option, Parking Lot and Stormwater Detention facility, Sheet B2.1, prepared by Cordogan Clark, dated August 18, 2022, and Aerial with Landscape plan prepared by the Applicant and submitted on July 12, 2023.
 - f. Landscape Plan Sheet A1.1 prepared by Cordogan Clark, dated August 18, 2022.
 - g. Engineering Improvement Plans for Midlothian Manor, Sheets 1-9, prepared by IG Consulting, Inc., dated prepared on November 22, 2021.
 - h. Site Photometric Plan for Midlothian Manor, prepared by Cree Lighting, 1 sheet, dated November 18, 2022, accompanied by Specification Sheets for OSQ Series LED Area/Flood Luminaires, last revised on July 18, 2022.
 - i. Storm Water Report and Calculations for Midlothian Manor, prepared by IG Consulting, Inc., dated prepared on December 6, 2022.
 - j. Traffic Impact Study for Midlothian Manor Affordable Housing Development, prepared by Kimley Horn, dated October 2022.
 - k. Tree Survey and Tree Inventory for Midlothian Manor, prepared by IG Consulting, Inc., dated prepared on August 1, 2022 and July 22, 2022 respectively.
 - l. Current Elevation Photograph dated March 14, 2023 including cover letter and zoning application prepared by Mr. Richard Koenig of Housing Opportunity Development Corporation (HODC).
 - m. Proposed Building Elevations, Alternate Option prepared by Cordogan Clark, dated August 18, 2022.
2. The entire 2.6-acre property shall be annexed into the Village of Lake Zurich and zoned within the R-6 Multiple-Family Residential District. The Developer shall agree to the dedication of any prescriptive right-of-way for the use of roadways at their current or future width.

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3. Compliance with and satisfaction of the terms and conditions for annexation, zoning, subdivision, land development, as required by Village Code, including all those on- and off-site improvements, application and development impact fees and contributions to be set forth and approved within a binding annexation agreement undertaken between the developer and Village of Lake Zurich.
4. The developer, owner and operator of the facility, HODC, shall be responsible for the general upkeep of the site and private common areas including the parking lot, landscape material and stormwater management facilities. All required maintenance plans shall be prepared and approved by Village Staff prior to Final Plan approval.
5. The binding annexation agreement with the village shall contain provisions to install all the required improvements and providing surety for such improvements, in the form of a Letter of Credit as approved by the village. In addition to the requirements outlined in Chapter 5 of the Land Development Code entitled "Procedure for Subdivision Approval," specifically Section 10-5-7 entitled "Agreements and Guarantee of Improvements," such agreement shall additionally contain the following additional provisions:
 - a. Establishment of a back-up stormwater management Special Service Area (SSA) to ensure that these areas are cared for in the event of a future dissolution or the lack of required maintenance of the stormwater facilities by the developer, owner and operator of the facility or its successors.
 - b. Establishment of a permanent maintenance plan for the maintenance of the stormwater facilities on the subject property, with rights in the Village to maintain if the property owner fails to do so.
 - c. Construction of a sidewalk along the frontage of the property along Midlothian Road and North Lakewood Lane, with additional extension of the sidewalk along Midlothian Road to connect to the nearest existing public sidewalk located approximately 400 feet to the south along the frontage of Cedar Lake Assisted Living & Memory Care Center at 777 Church Street. Absence the construction of such sidewalk, the Applicant shall pay a fee in lieu of installing a sidewalk along the street frontages of the property to be collected and placed into an escrow account that will fund the construction and upkeep of sidewalks within the Village. Such fee shall be based upon the per square-foot cost of a 5-foot wide sidewalk, the unit cost for which shall be determined by the Village at the time of issuance of the building permit, and collected at such time.
6. The interior yards coterminous with the adjacent residential properties shall be landscaped in a manner to provide year-round screening by use of evergreen and deciduous trees, shrubs and plant material, and shall also include a solid privacy fence of no greater than 6 feet in height within the interior yards. Such fence shall extend no higher than 3 feet if proposed to be located in a front or corner side yard with frontage along a street. All landscaping proposed along the remaining periphery of the site shall conform to the requirements of the landscape codes.
7. No patios or balconies shall be constructed or installed on the west elevation of the building so as to minimize any impact on the adjacent residential property. Additionally, no lighting fixtures shall be installed on the west elevation of the building.

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8. Removal of the existing structures on the Subject Property shall occur upon the issuance of a demolition permit and prior to issuance of any building permit.
9. The Developer shall be responsible for payment of the all Impact Fees and as a condition of the approval of the Final Plan. Such Impact Fees shall be as follows:
 - a. The required school impact fee:
 - i. 1-2 bedroom - \$795.00 per unit
 - ii. 3 Bedrooms - \$1,275.00 per unit
 - b. The required park impact fee for Low Density Apartments (up to 15/acre)
 - i. 1-bedroom unit \$2,849.40 per unit
 - ii. 2-bedroom unit \$4,365.00 per unit
 - iii. 3-bedroom unit \$5,934.60 per unit
 - c. The required library impact fee: \$125.00 per unit

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 and shall include the fees for all units contained within such 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 this Property.

Respectfully Submitted,

Sarosh Saher
 Community Development Director

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Community Development Department
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LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

22843 North Lakewood Lane
June 21, 2023, July 19, 2023

The Planning & Zoning Commission recommends approval of Application PZC 2023-09, and the Planning & Zoning Commission adopts the findings as contained within the Staff Reports dated **June 21, 2023 and July 19, 2023** 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 and applicable governmental agencies:
 - a. Zoning Application dated March 14, 2023 including cover letter and zoning application prepared by Mr. Richard Koenig of Housing Opportunity Development Corporation (HODC) with application signed by Mr. Koenig as Applicant and Ms. Lorraine Hocker representing the Lake County Housing Authority.
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Petition for Annexation dated March 15, 2023 submitted by Mr. Richard Koenig of Housing Opportunity Development Corporation (HODC) and Ms. Lorraine Hocker representing the Lake County Housing Authority.
 - d. ALTA/NSPS Land Title Survey for Midlothian Manor, 22843 Lakewood Lane prepared by IG Consulting, Inc., dated prepared on August 17, 2022.
 - e. Site Plan including First Floor Plan-Alternate Option, Parking Lot and Stormwater Detention facility, Sheet B2.1, prepared by Cordogan Clark, dated August 18, 2022, and Aerial with Landscape plan prepared by the Applicant and submitted on July 12, 2023.
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 - k. Tree Survey and Tree Inventory for Midlothian Manor, prepared by IG Consulting, Inc., dated prepared on August 1, 2022 and July 22, 2022 respectively.
 - l. Current Elevation Photograph dated March 14, 2023 including cover letter and zoning application prepared by Mr. Richard Koenig of Housing Opportunity Development Corporation (HODC).
 - m. Proposed Building Elevations, Alternate Option prepared by Cordogan Clark, dated August 18, 2022.

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2. The entire 2.6-acre property shall be annexed into the Village of Lake Zurich and zoned within the R-6 Multiple-Family Residential District. The Developer shall agree to the dedication of any prescriptive right-of-way for the use of roadways at their current or future width.
3. Compliance with and satisfaction of the terms and conditions for annexation, zoning, subdivision, land development, as required by Village Code, including all those on- and off-site improvements, application and development impact fees and contributions to be set forth and approved within a binding annexation agreement undertaken between the developer and Village of Lake Zurich.
4. The developer, owner and operator of the facility, HODC, shall be responsible for the general upkeep of the site and private common areas including the parking lot, landscape material and stormwater management facilities. All required maintenance plans shall be prepared and approved by Village Staff prior to Final Plan approval.
5. The binding annexation agreement with the village shall contain provisions to install all the required improvements and providing surety for such improvements, in the form of a Letter of Credit as approved by the village. In addition to the requirements outlined in Chapter 5 of the Land Development Code entitled "Procedure for Subdivision Approval," specifically Section 10-5-7 entitled "Agreements and Guarantee of Improvements," such agreement shall additionally contain the following additional provisions:
 - a. Establishment of a back-up stormwater management Special Service Area (SSA) to ensure that these areas are cared for in the event of a future dissolution or the lack of required maintenance of the stormwater facilities by the developer, owner and operator of the facility or its successors.
 - b. Establishment of a permanent maintenance plan for the maintenance of the stormwater facilities on the subject property, with rights in the Village to maintain if the property owner fails to do so.
 - c. Construction of a sidewalk along the frontage of the property along Midlothian Road and North Lakewood Lane, with additional extension of the sidewalk along Midlothian Road to connect to the nearest existing public sidewalk located approximately 400 feet to the south along the frontage of Cedar Lake Assisted Living & Memory Care Center at 777 Church Street. Absence the construction of such sidewalk, the Applicant shall pay a fee in lieu of installing a sidewalk along the street frontages of the property to be collected and placed into an escrow account that will fund the construction and upkeep of sidewalks within the Village. Such fee shall be based upon the per square-foot cost of a 5-foot wide sidewalk, the unit cost for which shall be determined by the Village at the time of issuance of the building permit, and collected at such time.
6. The interior yards coterminous with the adjacent residential properties shall be landscaped in a manner to provide year-round screening by use of evergreen and deciduous trees, shrubs and plant material, and shall also include a solid privacy fence of no greater than 6 feet in height within the interior yards. Such fence shall extend no higher than 3 feet if proposed to be located in a front or corner side yard with frontage along a street. All

Staff Report
APPLICATION PZC 2023-09

Community Development Department
PZC Hearing Date: July 19, 2023

landscaping proposed along the remaining periphery of the site shall conform to the requirements of the landscape codes.

7. No patios or balconies shall be constructed or installed on the west elevation of the building so as to minimize any impact on the adjacent residential property. Additionally, no lighting fixtures shall be installed on the west elevation of the building.
8. Removal of the existing structures on the Subject Property shall occur upon the issuance of a demolition permit and prior to issuance of any building permit.
9. The Developer shall be responsible for payment of the all Impact Fees and as a condition of the approval of the Final Plan. Such Impact Fees shall be as follows:
 - a. The required school impact fee:
 - i. 1-2 bedroom - \$795.00 per unit
 - ii. 3 Bedrooms - \$1,275.00 per unit
 - b. The required park impact fee for Low Density Apartments (up to 15/acre)
 - iii. 1-bedroom unit \$2,849.40 per unit
 - iv. 2-bedroom unit \$4,365.00 per unit
 - v. 3-bedroom unit \$5,934.60 per unit
 - c. The required library impact fee: \$125.00 per unit

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 and shall include the fees for all units contained within such 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 this 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



July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

Re: Notification of Witness at June 21, 2021 and for the July 19, 2023 Public Hearings
related to the rezoning, redevelopment and annexation of 22843 W N Lakewood Lane,
Lake Zurich, IL (PIN 14-16-056-000) and 22795 W N Lakewood Lane, Lake Zurich, IL
(PIN 14-16-057-000).

Dear Mr. Keller and Mr. Saher:

While being an attendee of the Village of Lake Zurich's, Planning and Zoning Committee's June 21, 2023 Public Hearing related to the rezoning, redevelopment and annexation of the above referenced properties ("Properties"), I observed that Mr. Larry W. Schaedel, who was and is a witness on my behalf, was not allowed to distribute documentary evidence, was prohibited from having evidence presented in visual format (was prohibited from putting evidence on the video presentation) at the hearing, had his presentation interrupted by Village of Lake Zurich personnel, was told by Village of Lake Zurich personnel that he could not finish his presentation, then was pressured and rushed to conclude his testimony without being provided adequate time to complete his presentation.

I also observed that while Mr. Schaedel was not allowed to present information specifically addressing the zoning, zoning ordinance, zoning district and procedural issues directly related to the rezoning and redevelopment of the Property, others clearly brought by the Developer in support of his proposal were allowed unlimited time to present and discuss issues such as God, Religion and other social economic issues, that are clearly not germane to the rezoning, redevelopment and annexation of the Property. The Village's conduct appeared to me to be, not only adverse to the Illinois Municipal Code and Lake Zurich's own Ordinances related to Public Hearings but, also in demonstration of an apparent bias toward the Developer's desire to redevelop the Properties.

Please be advised that Mr. Schaedel was at the June 21, 2023 Public Hearing and, will be at the July 19, 2023 Public Hearing, a witness on my behalf (as well as on the behalf of other Proximate Owner's). As a witness on my behalf, I request that he, as well as any other witnesses mine or any other Proximate Owner, be provided the sufficient time required to present any and all evidence germane to the proposed project (including regarding the testimony and evidence in response to information provided by the Village and developer at the June 21, 2023 Hearing) and that he be allowed to present evidence in video format at the

Page 2 Notification of Witness

July 9, 2023

hearing in accordance with Lake Zurich's own Zoning Ordinances and the Illinois Municipal Code and as was given to the developer, to his benefit. I request that the information that Mr. Schaedel provided to the Zoning Board and to other Lake Zurich Officials at the June 21, 2023 Hearing be available on Lake Zurich's video presentation system for Witness Larry Schaedel's presentation and discussion at the July 19, 2023 continued Hearing, together with any new evidence that I, or any of my witnesses provide. The Village of Lake Zurich's denial of allowing witness Larry Schaedel to present information directly related and material to the proposed zoning change, redevelopment and annexation has infringed on my rights as a Proximate Owner, and if it continues will continue to infringe on my rights as a Proximate Owner..

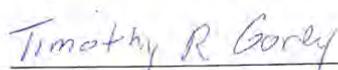
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Respectfully,

Signature



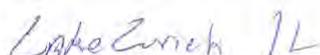
Printed Name



Street Address



City, State Zip



July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

Re: Notification of Witness at June 21, 2021 and for the July 19, 2023 Public Hearings related to the rezoning, redevelopment and annexation of 22843 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-056-000) and 22795 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-057-000).

Dear Mr. Keller and Mr. Saher:

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Respectfully,

Signature



Printed Name

MICHAEL FELSON

Street Address

34025 N GABRIEL DR

City, State Zip

LAKE ZURICH IL 60047

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

Village Trustees: Dan Bobrowski, Mary Beth Euker, Mark Spacone, Roger Sugrue, William Riley and Greg Weider
70 East Main Street
Lake Zurich, IL 60047

Re: Notice of Impairment of Rights and Financial Harm
Arising from the proposed annexation, zoning change and redevelopment of:
22843 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-056-000) and
22795 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-057-000).

Dear Mr. Keller, Members of the Planning and Zoning Commission Board Members and Lake Zurich Village Trustees:

Please consider this letter as legal notice that I believe that, in the event that the Village of Lake Zurich were to annex, re-zone (change the zoning from R-1 Rural Single Family Residential to Lake Zurich's R-6 Multi-Family Residential) and re-develop the above referenced Midlothian Manor properties, I, as a neighboring property owner would suffer significant and irreparable harm both, in terms of my rights to use and enjoy my property and R-1 District, as well as, as well as would incur significant financial harm including, but not limited to, the impairment to the value of my property.

I also believe that the proposed redevelopment would create additional and adverse health/safety issues to the surrounding properties due to its location including, but not limited to, traffic congestion and ingress/egress activity (eastbound N Lakewood traffic already backs up past the entrance to the property), safety risk due to the lack of sidewalks on neighboring properties and safety risk due to the lack of crosswalks at an already dangerous intersection (Midlothian/Church and North Lakewood/Oakwood).

I believe that the proposed redevelopment, in addition to being unnecessary based on Lake Zurich's existing housing demographics, is also adverse to the overall Purpose of the Unified Development Ordinance, Lake Zurich's own Zoning Ordinances, Land Use Patterns and to the existing public infrastructure of the immediate area. The proposed plan is not only in direct conflict with Lake Zurich's own Zoning Ordinances and Requirements for the development of this already developed property but, it is also in direct conflict with my currently existing rights to use and enjoy my property in accordance with the existing R-1 Rural Residential Zoning District in which I, and the above referenced property are both currently located within.

Based on the information presented, and not presented, in the Community Development Director's Staff Report and various testimony and information presented at the June 21, 2023 Zoning Hearing, I believe that information contained within, and used as a basis for, the Staffing Report is erroneous and in direct conflict with Lake Zurich's own Zoning Ordinances. I also believe, based on the information in the Staff Report and not contained within the Staff Report that, Lake Zurich has failed to demonstrate benefit of the proposed project to Lake Zurich residents (immediate area and otherwise) and that the Village of Lake Zurich has failed to research, assess and consider the adverse impact to my

Page 2 – Notice of Impairment of Rights and Financial Harm
 July 15, 2023

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As I believe that the Village Lake Zurich and the Individual Commission Members and Village Trustees have, or should have, actual knowledge that the proposed redevelopment is adverse to its own Zoning Ordinances, to my rights and to the rights of other immediate area residents and since I believe Lake Zurich would be acting outside of its own Zoning Ordinances, Requirements and Processes, should Lake Zurich approve this project, I intend to pursue any and all Administrative and Legal actions available to me against the Village of Lake Zurich and the assenting Individual Commission Members and Village Trustees.

I respectfully request that Lake Zurich provide at least an equal level of deference to the immediate area residents as it appears to be providing to the developer to further this project and that the Village of Lake Zurich and the Individual Board Members conform with Lake Zurich's own Zoning Ordinances, Requirements, Processes and not act in an adverse manner to Lake Zurich's Zoning Ordinances, Requirements, Processes and the rights of the surrounding property owners.

Respectfully,


 Lore Muller

Signature

Printed Name Thomas & Lore Muller

Street Address 22905 W. North Lakewood Ln.

City State Zip Lake Zurich, IL 60047

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

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Respectfully,

Signature



Printed Name

Ali Groot

Street Address

24197 N Echo Lake

City State Zip

Lake Zurich, IL 60047

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

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Respectfully,

Signature



Printed Name

Stefan Majzen

Street Address

24071 N Sacramento Ln

City State Zip

Lake Zurich 60047

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison.

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Respectfully,

Signature



Printed Name

Alex Jimp

Street Address

24197 N Echohawk rd

City State Zip

Lake Zurich, IL 60047

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

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Respectfully,

Signature

Printed Name Charlie Kempke

Street Address 24248 Gabriel Dr.

City State Zip Lake Zurich.

cc: Legal Counsel

July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

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Please be advised that Mr. Schaedel was at the June 21, 2023 Public Hearing and, will be at the July 19, 2023 Public Hearing, a witness on my behalf (as well as on the behalf of other Proximate Owner's). As a witness on my behalf, I request that he, as well as any other witnesses mine or any other Proximate Owner, be provided the sufficient time required to present any and all evidence germane to the proposed project (including regarding the testimony and evidence in response to information provided by the Village and developer at the June 21, 2023 Hearing) and that he be allowed to present evidence in video format at the

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July 9, 2023

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Respectfully,

Signature



Printed Name

Alie Groot

Street Address

24197 N Echo Lake Rd

City, State Zip

Lake Zurich, IL

July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

Re: Notification of Witness at June 21, 2021 and for the July 19, 2023 Public Hearings related to the rezoning, redevelopment and annexation of 22843 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-056-000) and 22795 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-057-000).

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Respectfully,

Signature

Printed Name

Alex Jamp

Street Address

24197 N Echo K Road

City, State Zip

Lake Zurich, IL, 60047

July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

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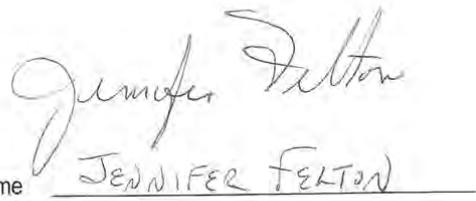
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Respectfully,

Signature



Jennifer Felton

Printed Name

JENNIFER FELTON

Street Address

24025 N. GABRIEL DR

City, State Zip

LAKE ZURICH, IL 60047

July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

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Respectfully,

Signature

Printed Name John Sacomano

Street Address 2422 N. SACOMANO LN.

City, State Zip LAKE ZURICH, IL 60047

July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

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Signature

Printed Name THOMAS MUELLER

Street Address 22905 W. ALBRT LAKWOOD LN

City, State Zip LAKE ZURICH, IL 60047

July 9, 2023

Mr. Ray Keller
Village Manager
Mr. Sarosh B. Saher
Community Development Director
70 East Main Street
Lake Zurich, IL 60047

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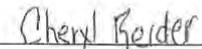
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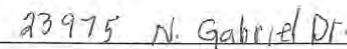
Signature



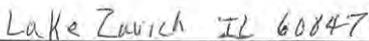
Printed Name



Street Address



City, State Zip



July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

Village Trustees: Dan Bobrowski, Mary Beth Euker, Mark Spacone, Roger Sugrue, William Riley and Greg Weider
70 East Main Street
Lake Zurich, IL 60047

Re: Notice of Impairment of Rights and Financial Harm
Arising from the proposed annexation, zoning change and redevelopment of:
22843 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-056-000) and
22795 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-057-000).

Dear Mr. Keller, Members of the Planning and Zoning Commission Board Members and Lake Zurich Village Trustees:

Please consider this letter as legal notice that I believe that, in the event that the Village of Lake Zurich were to annex, re-zone (change the zoning from R-1 Rural Single Family Residential to Lake Zurich's R-6 Multi-Family Residential) and re-develop the above referenced Midlothian Manor properties, I, as a neighboring property owner would suffer significant and irreparable harm both, in terms of my rights to use and enjoy my property and R-1 District, as well as, as well as would incur significant financial harm including, but not limited to, the impairment to the value of my property.

I also believe that the proposed redevelopment would create additional and adverse health/safety issues to the surrounding properties due to its location including, but not limited to, traffic congestion and ingress/egress activity (eastbound N Lakewood traffic already backs up past the entrance to the property), safety risk due to the lack of sidewalks on neighboring properties and safety risk due to the lack of crosswalks at an already dangerous intersection (Midlothian/Church and North Lakewood/Oakwood).

I believe that the proposed redevelopment, in addition to being unnecessary based on Lake Zurich's existing housing demographics, is also adverse to the overall Purpose of the Unified Development Ordinance, Lake Zurich's own Zoning Ordinances, Land Use Patterns and to the existing public infrastructure of the immediate area. The proposed plan is not only in direct conflict with Lake Zurich's own Zoning Ordinances and Requirements for the development of this already developed property but, it is also in direct conflict with my currently existing rights to use and enjoy my property in accordance with the existing R-1 Rural Residential Zoning District in which I, and the above referenced property are both currently located within.

Based on the information presented, and not presented, in the Community Development Director's Staff Report and various testimony and information presented at the June 21, 2023 Zoning Hearing, I believe that information contained within, and used as a basis for, the Staffing Report is erroneous and in direct conflict with Lake Zurich's own Zoning Ordinances. I also believe, based on the information in the Staff Report and not contained within the Staff Report that, Lake Zurich has failed to demonstrate benefit of the proposed project to Lake Zurich residents (immediate area and otherwise) and that the Village of Lake Zurich has failed to research, assess and consider the adverse impact to my

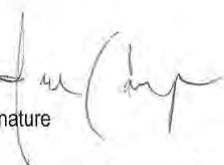
Page 2 – Notice of Impairment of Rights and Financial Harm
July 15, 2023

and other property owners in the immediate, direct vicinity of the proposed project. Contrary to what is proposed as reflected in the developer's proposal and the review comments provided by the Village of Lake Zurich, the subject property is currently developed, currently in use, is currently occupied, (occupied) and does not require development nor, does it provide a benefit as a result of the proposed redevelopment. Conversely, the proposed redevelopment would create a far more substantial conflict between the proposed R-6 Multi-Family zoning and use and the existing R-1 properties to the north, west and south, than the existing buffer of Midlothian Road currently provides between the existing R-1 Single Family Zoning and the property to the East.

As I believe that the Village Lake Zurich and the Individual Commission Members and Village Trustees have, or should have, actual knowledge that the proposed redevelopment is adverse to its own Zoning Ordinances, to my rights and to the rights of other immediate area residents and since I believe Lake Zurich would be acting outside of its own Zoning Ordinances, Requirements and Processes, should Lake Zurich approve this project, I intend to pursue any and all Administrative and Legal actions available to me against the Village of Lake Zurich and the assenting Individual Commission Members and Village Trustees.

I respectfully request that Lake Zurich provide at least an equal level of deference to the immediate area residents as it appears to be providing to the developer to further this project and that the Village of Lake Zurich and the Individual Board Members conform with Lake Zurich's own Zoning Ordinances, Requirements, Processes and not act in an adverse manner to Lake Zurich's Zoning Ordinances, Requirements, Processes and the rights of the surrounding property owners.

Respectfully,


Signature

Printed Name Jesus Antonio Campos

Street Address 22941 W. Gabriel Ct

City State Zip Lake Zurich, IL 60047

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

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July 15, 2023

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As I believe that the Village Lake Zurich and the Individual Commission Members and Village Trustees have, or should have, actual knowledge that the proposed redevelopment is adverse to its own Zoning Ordinances, to my rights and to the rights of other immediate area residents and since I believe Lake Zurich would be acting outside of its own Zoning Ordinances, Requirements and Processes, should Lake Zurich approve this project, I intend to pursue any and all Administrative and Legal actions available to me against the Village of Lake Zurich and the assenting Individual Commission Members and Village Trustees.

I respectfully request that Lake Zurich provide at least an equal level of deference to the immediate area residents as it appears to be providing to the developer to further this project and that the Village of Lake Zurich and the Individual Board Members conform with Lake Zurich's own Zoning Ordinances, Requirements, Processes and not act in an adverse manner to Lake Zurich's Zoning Ordinances, Requirements, Processes and the rights of the surrounding property owners.

Respectfully,

Signature



Printed Name

John Sacomano

Street Address

14029 N. SACOMANO DR.

City State Zip

LAKE ZURICH, IL 60047

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

Village Trustees: Dan Bobrowski, Mary Beth Euker, Mark Spacone, Roger Sugrue, William Riley and Greg Weider
 70 East Main Street
 Lake Zurich, IL 60047

Re: Notice of Impairment of Rights and Financial Harm
 Arising from the proposed annexation, zoning change and redevelopment of:
 22843 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-056-000) and
 22795 W N Lakewood Lane, Lake Zurich, IL (PIN 14-16-057-000).

Dear Mr. Keller, Members of the Planning and Zoning Commission Board Members and Lake Zurich Village Trustees:

Please consider this letter as legal notice that I believe that, in the event that the Village of Lake Zurich were to annex, re-zone (change the zoning from R-1 Rural Single Family Residential to Lake Zurich's R-6 Multi-Family Residential) and re-develop the above referenced Midlothian Manor properties, I, as a neighboring property owner would suffer significant and irreparable harm both, in terms of my rights to use and enjoy my property and R-1 District, as well as, as well as would incur significant financial harm including, but not limited to, the impairment to the value of my property.

I also believe that the proposed redevelopment would create additional and adverse health/safety issues to the surrounding properties due to its location including, but not limited to, traffic congestion and ingress/egress activity (eastbound N Lakewood traffic already backs up past the entrance to the property), safety risk due to the lack of sidewalks on neighboring properties and safety risk due to the lack of crosswalks at an already dangerous intersection (Midlothian/Church and North Lakewood/Oakwood).

I believe that the proposed redevelopment, in addition to being unnecessary based on Lake Zurich's existing housing demographics, is also adverse to the overall Purpose of the Unified Development Ordinance, Lake Zurich's own Zoning Ordinances, Land Use Patterns and to the existing public infrastructure of the immediate area. The proposed plan is not only in direct conflict with Lake Zurich's own Zoning Ordinances and Requirements for the development of this already developed property but, it is also in direct conflict with my currently existing rights to use and enjoy my property in accordance with the existing R-1 Rural Residential Zoning District in which I, and the above referenced property are both currently located within.

Based on the information presented, and not presented, in the Community Development Director's Staff Report and various testimony and information presented at the June 21, 2023 Zoning Hearing, I believe that information contained within, and used as a basis for, the Staffing Report is erroneous and in direct conflict with Lake Zurich's own Zoning Ordinances. I also believe, based on the information in the Staff Report and not contained within the Staff Report that, Lake Zurich has failed to demonstrate benefit of the proposed project to Lake Zurich residents (immediate area and otherwise) and that the Village of Lake Zurich has failed to research, assess and consider the adverse impact to my

Page 2 – Notice of Impairment of Rights and Financial Harm
July 15, 2023

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Respectfully,

Signature

Printed Name

Barbara Kuennen

Street Address

24216 N. Gabriel Dr.

City State Zip

Lake Zurich IL
60047

cc: Legal Counsel

July 14, 2023

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Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

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Respectfully,

Signature

Printed Name

BRIAN REIDER

Street Address

23975 N. GABRIEL DR.

City State Zip

LAKE ZURICH, IL

cc: Legal Counsel

July 14, 2023

Mr. Ray Keller, Village Manager

Planning and Zoning Commission Members: Orlando Stratman, William Riley, Antonio Castillo, Ildiko Schultz, Joe Gianni, Sean Glowacz, Jake Marx and Scott Morrison,

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Respectfully,

Signature



Printed Name

Mario and Anna Tadeja

Street Address

24173 N. Gabriel dr.

City State Zip

Lake Zurich, IL 60047

cc: Legal Counsel

*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 2023-13**
PZC Hearing Date: July 19, 2023**AGENDA ITEM 4.C****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: July 19, 2023

Re: PZC 2023-13 Zoning Application for a Corner Yard Fence Variation
615 South Grethe Court

SUBJECT

Robert Gotschewski and Christine Madland (the "Applicants") request a Variation from Zoning Code Section 8-11-1-F-1, Maximum Fence Heights: Front and Corner Side Yards: Three Feet (3') to allow the construction of a five-foot (5') high fence within the required corner yard setback at the property commonly known as 615 South Grethe Court, legally described in Exhibit A attached hereto (the "Subject Property"). The property is located within Hunter's Creek Subdivision.

GENERAL INFORMATION

Requested Action: Variation of Maximum Fence Height in Corner Side Yard

Current Zoning: R-5 Single Family Residential District

Current Use: Single Family Home

Property Location: 615 South Grethe Court

Applicant and Owner: Mr. Robert Gotschewski and Ms. Christine Madland

Staff Coordinator: Tim Verbeke, Planner

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

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

Mr. Robert Gotschewski and Ms. Christine Madland (the “Applicant” and “Owner”), are the owners of the property located at 615 South Grethe Court, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received and dated May 22, 2023 (the “Application”) seeking:

- A Variation from Zoning Code Section 8-11-1-F-1, Maximum Fence Heights: Front and Corner Side Yards: Three Feet (3') to allow for the construction of a 5-foot high fence within such yard.

The Subject Property is located within the Village’s R-5 Residential District that provides for single-family homes. The R-5 zoning district only permits three-foot (3') high fences in the front or corner side yards. A five-foot (5') fence or higher privacy fence needs to be located behind the Setback Line from any front, or corner lot line. In the case of the Subject Property, a five-foot (5') fence must be located 25 feet back from the front and corner side lot lines according the bulk requirements of the code. The Applicants are proposing a five-foot (5') high fence that will begin at the north side of the home, extend up to 16 inches from the sidewalk’s edge, then extend along the northerly edge of the property to the northwest corner of the property connecting to an existing neighboring fence. A similar fence continues along the westerly and southerly boundary of the property, and finally connecting to the southern corner of the home.

The property currently contains an existing 5-foot high fence located outside of the corner side yard. The fence is screened from view of the street by means of shrubs. The Applicants are proposing to replace that fence and re-install a 5-foot-tall wood privacy fence at the proposed location within the corner side yard to gain full utility of their yard while improving the safety of their children and pets.

The owners will obtain the clearance from all utility companies to install the fence in their corner yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent a fence from being constructed in the corner/rear portion of this lot.

The owners have obtained the consent of the owners of the three surrounding neighbors for the construction of the higher fence.

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

Pursuant to public notice published on July 1, 2023, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 19, 2023, to consider the Application. On July 3, 2023, 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 low impact of this project, courtesy review was not recommended.
- B. Zoning History.** The property is located within the Hunter's Creek Subdivision on Lot 177, which was recorded on April 21, 1989 in Lake County and is zoned within the R-5 Single Family Residential District. The existing home was built in 1991. A fence in the current configuration was installed at the property between 1993 and 1997. Using documents from the Lake County's collection of aerial photographs, Staff was able to conclude that the home has not had any other significant exterior alteration since initial construction.
- C. Surrounding Land Use and Zoning.** The subject property is zoned within the R-5 Single Family Residential District. The surrounding properties on all sides are zoned within the R-5 Single Family Residential District and are improved with residences within Hunter's Creek Subdivision developed in the early 1990s.
- D. Trend of Development.** The residence at 615 South Grethe Court was constructed in 1991 in the final stage of development of the Hunter's Creek Subdivision. It is a two-story home and is similar to other homes in the subdivision that were constructed in the late 1980s and early 1990s.
- E. Zoning District.** The zoning code provides for four (4) zoning districts 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-5 district allows 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.

GENERAL FINDINGS

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

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

9-17-4: STANDARDS FOR VARIATIONS.

A. **General Standard:** No variation shall be granted pursuant to this chapter unless the applicant shall establish that carrying out the strict letter of the provisions of this zoning code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this section.

Staff Response: Standard met. Applicant has shown proof that there is a practical difficulty in constructing the fence in compliance with the provisions of the current provisions of the zoning code. The proposed fence is restricted in location due to the corner yard dimensions and setbacks. The variation being sought will provide utility to the yard and satisfy each of the standards set forth in this section.

B. **Unique Physical Condition:** The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Staff Response: Standard met. Lot 177 of the Hunter's Creek Subdivision is on a corner side yard and has a relatively smaller rear yard based on its shape and configuration within the subdivision. This configuration is not conducive to accommodating a backyard fence that allows for full utility of the rear yard. The Applicant is therefore requesting a variation to construct a higher fence within the corner yard setback and give the rear yard the necessary depth to make it a usable space.

C. **Not Self-Created:** The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

Staff Response: Standard met. The unique or extraordinary physical condition was not the result of any action of the property owner, rather a result of the design and configuration of the original developer who was not known to the current property owner.

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

D. **Denied Substantial Rights:** The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Staff Response: Standard met. The owners are requesting a five-foot (5') fence to surround the rear yard of their property. Denying the fence to be built would deny the property owners the opportunity to gain full utility of their yard and safely enjoy an outdoor area (rear yard) offered to other residents.

E. **Not Merely Special Privilege:** The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

Staff Response: Standard met. The hardship does not involve the inability of the owner to enjoy any special privilege in using the property. Granting the variation will allow the current owners to enjoy fenced in outdoor space that is traditional and customary to the enjoyment and use of a residential property.

The proposed fence on the Subject Property will be connected to a similar fence at 1279 Eric Lane that is five-foot (5') in height and located within the required corner yard along William Drive.

F. **Code and Plan Purposes:** The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. Granting the variation would not change the residential use of the Subject Property. The location and design of the home, the fence and other accessory structures will continue to remain in harmony with the residential purpose of the zoning code and comprehensive plan.

G. **Essential Character of the Area:** The variation would not result in a use or development on the subject property that:

1. **Detrimental to Enjoyment:** Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

Staff Response: Standard met. Granting of the variation will not create a negative effect on public welfare, enjoyment, development, or value of property if the Applicant is granted the requested variation.

2. Light and Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

Staff Response: Standard met. Granting of the variation would have no effect on the supply of light and air to the subject property or those properties in the vicinity as the Applicants only wish to construct a fence within the corner side yard leaving a 16-inch (16") corner side yard setback. The fence is proposed to be built to modern standards of the building and zoning code, and will not impede the drainage flow on the property.

3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or

Staff Response: Not Applicable. Granting of the variation would not affect any congestion due to traffic or parking as the land use or density of the property is not being altered.

4. Flood or Fire: Would unduly increase the danger of flood or fire; or

Staff Response: Standard met. The proposed wood fence is of a design prevalent in the Village and will therefore not increase any risk of flood or fire.

5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area; or

Staff Response: Standard met. No utilities are proposed to be connected to the proposed fence. Granting of the variation would therefore not cause the property to unduly tax public utilities or facilities in the area since its function would not change. The Applicants are aware of the condition that a portion of the fence may need to be removed to service any necessary utilities at the cost of the Applicant.

6. Endangerment: Would endanger the public health or safety.

Staff Response: Standard met. The proposed variation would not affect the public's health, safety or welfare. The fence is located in a manner that will not impact any sight lines along William Drive. The fence proposes to reduce the corner yard setback to 16-inches (16") towards Williams Drive.

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

H. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

Staff Response: Standard partially met. The fence is only being constructed in the proposed location to give the rear yard the desired utility. Due to the extraordinary configuration of the lot, any other location would either not offer sufficient room to give the rear yard any utility, or place it in a corner yard where such features require a variation.

However, the height of the fence is not at the minimum adjustment that the property owner could apply to give the fenced-in portion of the yard a reasonable level of functionality – namely,

- that a lower fence (3-foot) can be constructed at the same location and still be functional.
- The 5-foot fence can be constructed at the 25-foot setback line, in the same configuration of the currently located fence, where it is allowed.

However, the proposed fence is being proposed at five-foot (5') due to the Applicant's desire for safety for their pet and children. A six-foot (6') privacy screening fence is the maximum height allowed in a residential zoning district and is therefore not creating a precedence for additional non-conformity on the property.

Further, the following measures or existing features serve as mitigation of the variation being requested:

1. The fence is proposed as a 5-foot wood privacy fence. The design will imitate the neighboring fence style and height thereby creating uniformity of design along the street.
2. The fence is only proposed with the rear portion of the corner side yard – approximately half of the street frontage along William Drive.
3. The owners of the adjacent properties have not objected to the construction of the fence as proposed and have all submitted letters of support.

Staff therefore recommends approval of the variation, despite the partial compliance with this standard.

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

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 9-17-4: Standards for Variations

Section 9-17-5 entitled “Variation less than requested” provides the PZC with the option of granting a variation less than or different from that requested when the record supports the applicant's right to some relief but not to the relief requested.

Based on the review of the standards for approval which have been met with the exception of Standard H, staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Further, based on the existing conditions and mitigation proposed by the owner as further described in the staff response to Standard H, Staff of the Community Development Department recommends the approval of PZC 2023-13, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application prepared by the Applicants Robert Gotschewski and Christine Madland, homeowners of 615 South Grethe Court; and Cover Letter and photographs both dated May 22, 2023.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey prepared by Luco Surveying dated May 26, 2021.
 - d. Proposal for new fence prepared by “Northwest” dated May 16, 2023.
 - e. Letters of Support from adjacent neighbors submitted by Robert Gotschewski and Christine Madland, dated May 22, 2023.
2. As further mitigation for construction of the fence, the applicant shall agree not to further reduce the setback of the fence in the corner yard or increase its height beyond what is being proposed.
3. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,
 Tim Verbeke, Planner

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

615 GRETHE COURT
July 19, 2023

The Planning & Zoning Commission recommends approval of Application **PZC 2023-13**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 19, 2023** for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application prepared by the Applicants Robert Gotschewski and Christine Madland, homeowners of 615 South Grethe Court; and Cover Letter and photographs both dated May 22, 2023.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey prepared by Luco Surveying dated May 26, 2021.
 - d. Proposal for new fence prepared by "Northwest" dated May 16, 2023.
 - e. Letters of Support from adjacent neighbors submitted by Robert Gotschewski and Christine Madland, dated May 22, 2023.
2. As further mitigation for construction of the fence, the applicant shall agree not to further reduce the setback of the fence in the corner yard or increase its height beyond what is being proposed.
3. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

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

 Planning & Zoning Commission Chairman

Staff Report
APPLICATION PZC 2023-13

Community Development Department
PZC Hearing Date: July 19, 2023

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 177 IN AMENDED AND RESTATED HUNTERS CREEK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND PART OF THE SOUTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 1989 AS DOCUMENT 2785577 AND PLAT AMENDED AND RESTATED RECORDED MAY 25, 1990 AS DOCUMENT 2908559, IN LAKE COUNTY, ILLINOIS.

Parcels Involved: 14-22-302-056

Staff Report
APPLICATION PZC 2023-13

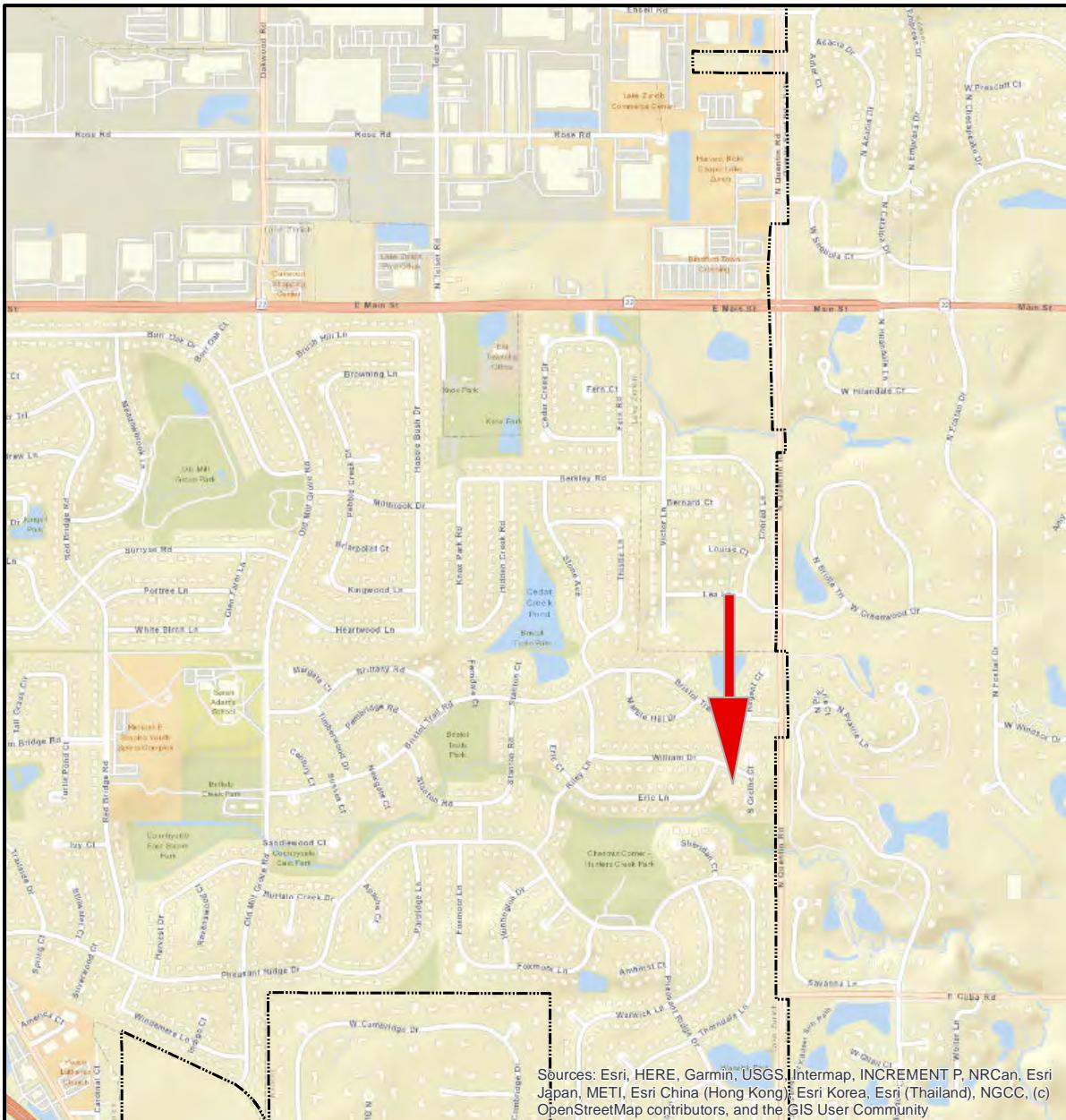
Community Development Department
PZC Hearing Date: July 19, 2023

EXHIBIT B
HEARING SIGN ON SUBJECT PROPERTY





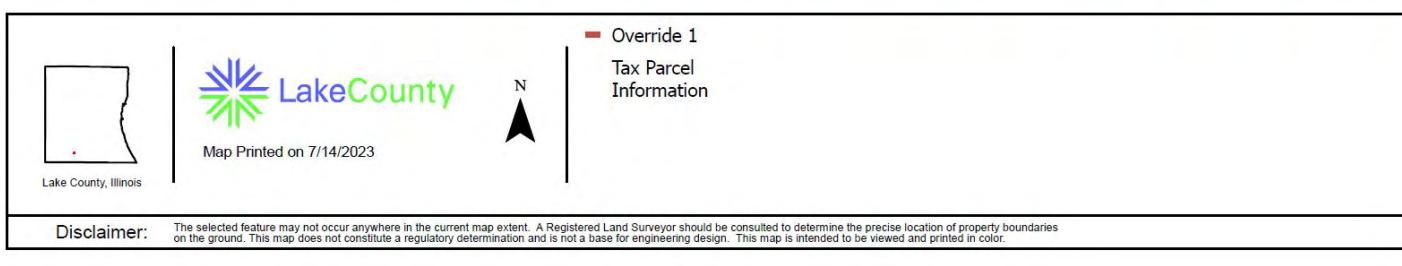
Fence Variation 615 Grethe Court



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

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

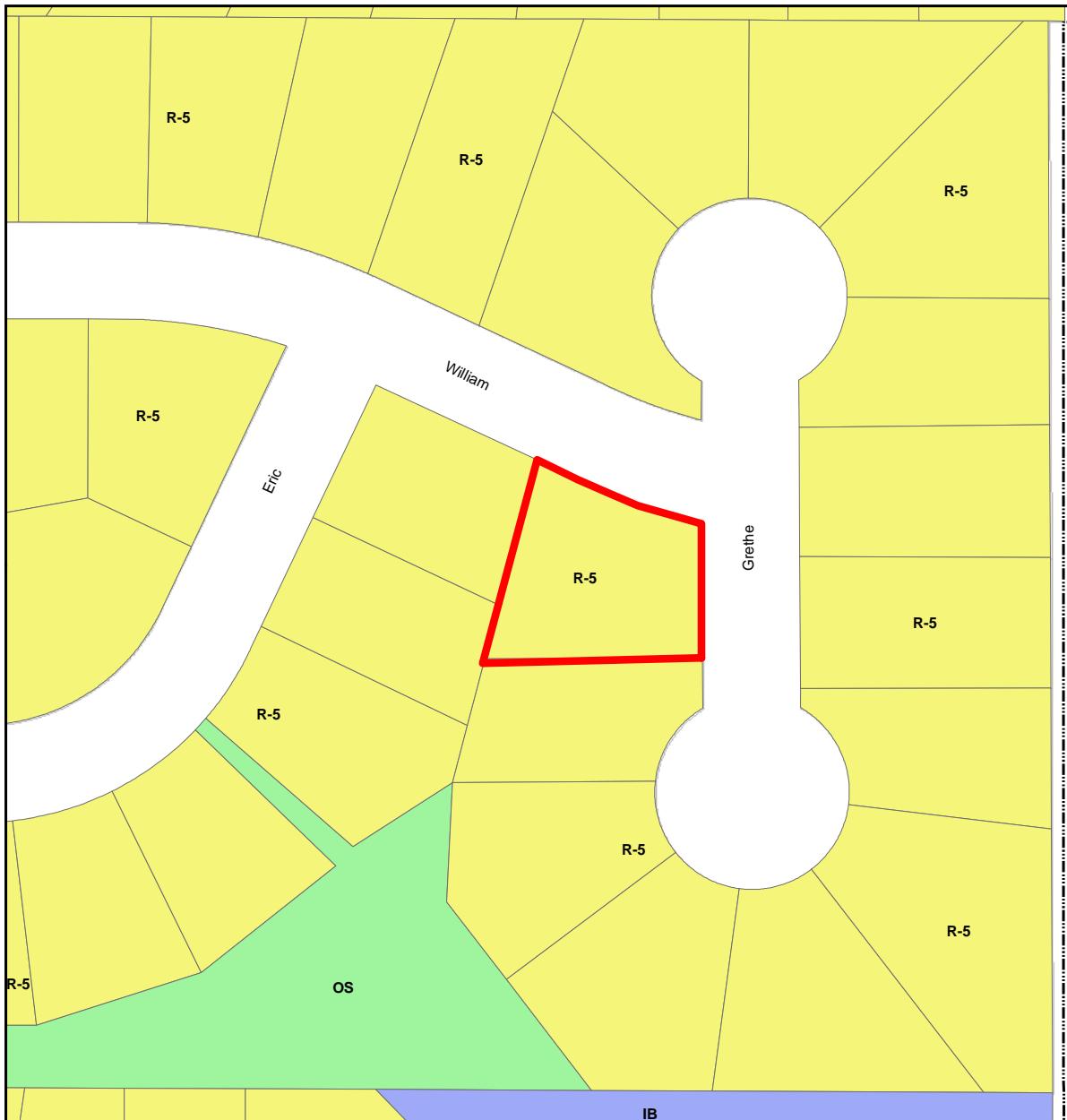
615 Grethe Ct





Fence Variation

615 Grethe Court



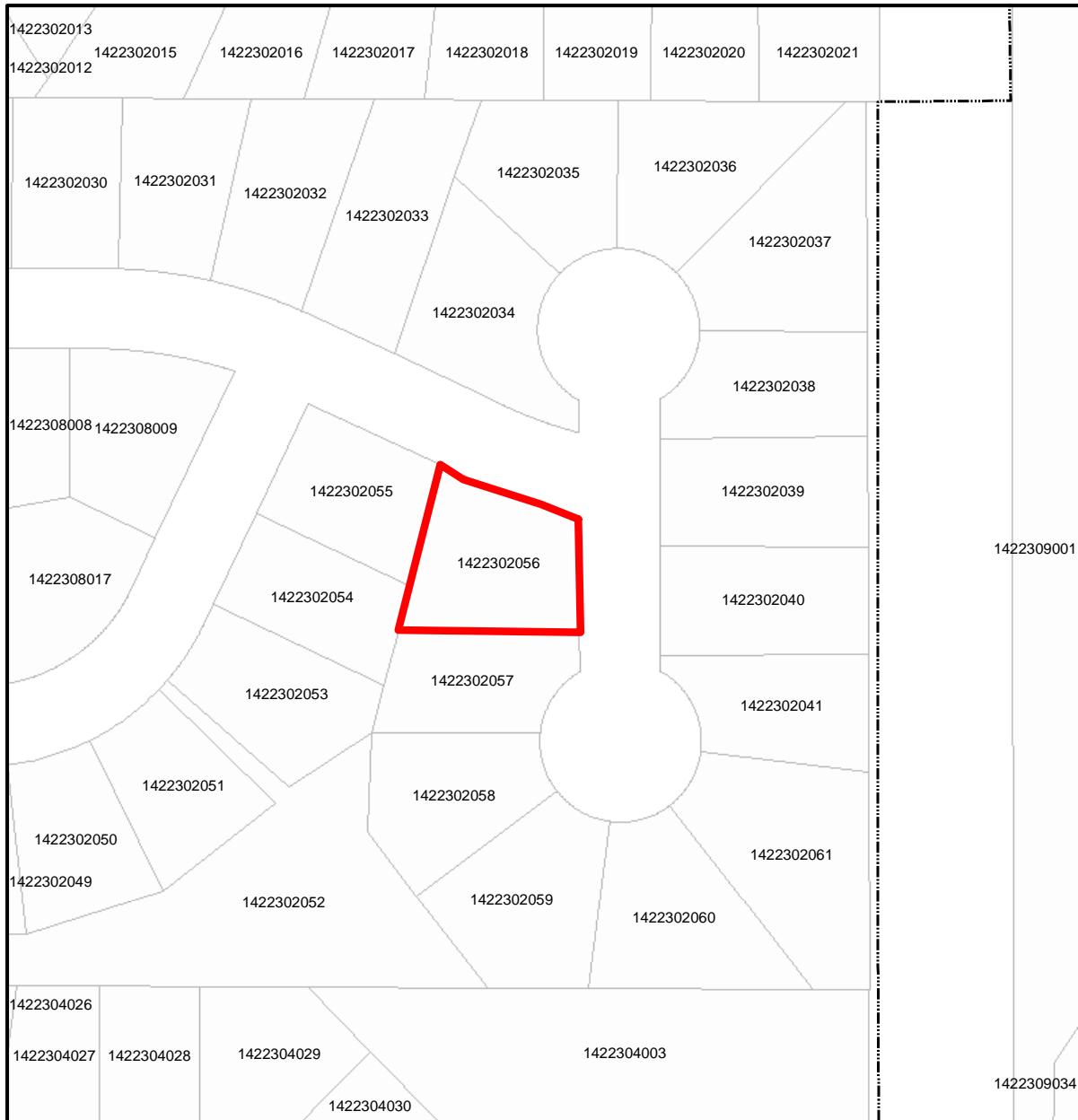
COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

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



Fence Variation

615 Grethe Court



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

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



(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: 615 S. Grethe Court, Lake Zurich, IL 60047
2. Please attach complete legal description
3. Property Identification number(s): 14-22-302-056
4. Owner of record is: Christine Madland and Robert Gotschewski Phone: 630-745-7365 (Christine)
E-Mail christine.madland@gmail.com Address: 615 S. Grethe Court, Lake Zurich, IL 60047
5. Applicant is (if different from owner): - same as above - Phone: _____
E-Mail _____ Address: _____
6. Applicant's interest in the property (owner, agent, realtor, etc.): Owners
7. All existing uses and improvements on the property are: Residential

8. The proposed uses on the property are: Install a 5 foot cedar wood privacy fence for safety of kids and pets and boundary protection.
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: Setbacks limiting the proposed fence layout.

10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property: None.

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.

Christine Madland

Robert Gotschewski

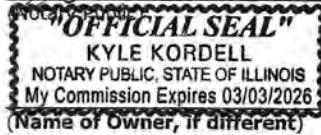
(Name of applicant)

Christine Madland

(Signature of applicant)

Subscribed and sworn to before me this 22nd day of May, 2023.

My Commission Expires 3-3-2026



(Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2023.

My Commission Expires _____

(Notary Public)

Please indicate what 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/Amenement for _____
(See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

Planned Unit Development/Major Adjustment/Amenement

(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 **Fence within side/corner yard setback**

(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/Amenement

(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 _____

Christine Madland and Robert Gotschewski
 615 S. Grethe Court
 Lake Zurich, IL 60047

Monday, May 22, 2023

Village of Lake Zurich
 Community Development Department
 Orlando Stratman, Chairperson of the Planning & Zoning Commission
 505 Telser Road
 Lake Zurich, IL 60047

RE: Fence Setback Variance at 615 S. Grethe Court, Lake Zurich, IL 60047

Dear Mr. Stratman,

We are seeking a fence variance for our single-family home located at 615 S. Grethe Court, Lake Zurich, IL. Our home resides on a corner lot and the existing fence along the side yard is set back to the 25 foot building line. We are requesting a variance that would allow the fence to be installed 16 inches from the sidewalk which would align with the existing fence of our adjacent neighbor to the rear (see exhibit A).

Our goal in requesting this variance is as follows:

- Ensure the new design is aesthetically pleasing for us and the neighbors.
 - The proposal will align our new fence with our neighbors existing fence and will be the same style and height cedar wood privacy fence. In addition, we are using the same contractor, Northwest Fence Company, as our neighbor at 1279 Eric Lane to ensure a uniform appearance between the adjacent fences.
- Safeguard our pets and son as well as other community members.
 - We have two Labrador Retrievers and an 11 year old son who would like the additional space to play and explore the backyard without the worries of those who are driving or walking by the yard.

As community members, we want to ensure our neighbors are not disrupted by this proposed request. We spoke to our adjoining property neighbors who do not have concerns regarding the new fence layout and have attached their letter of consent to move forward with the variance (see exhibits B, C and D).

If you have any questions or need any further information you can reach us at 630-745-7365 (Christine) or 847-331-5972 (Robert). Additionally, if email is easier we can be reached at christine.madland@gmail.com or rgotsch@gmail.com.

Thank you for your time and consideration regarding this variance.

Sincerely,



Christine Madland and Robert Gotschewski

EXHIBIT A

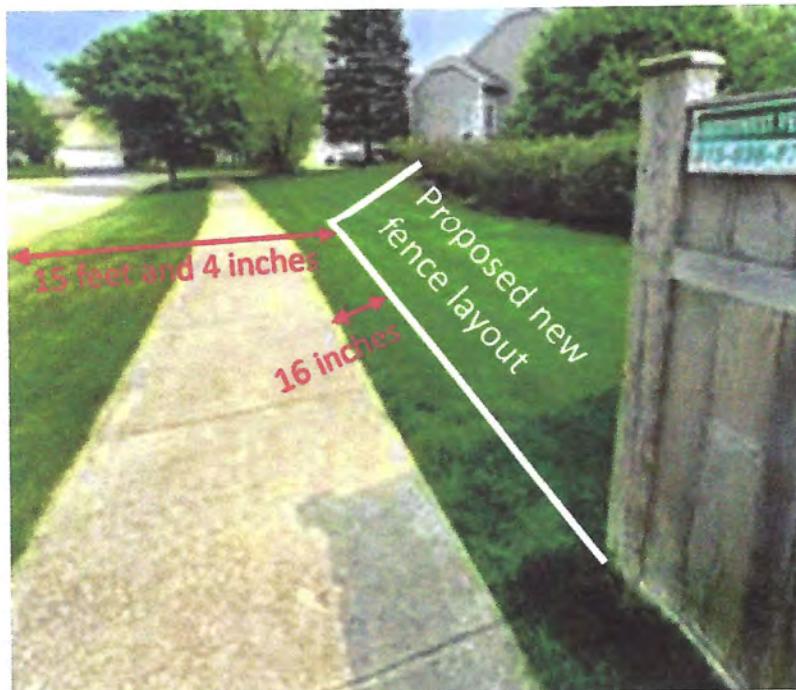
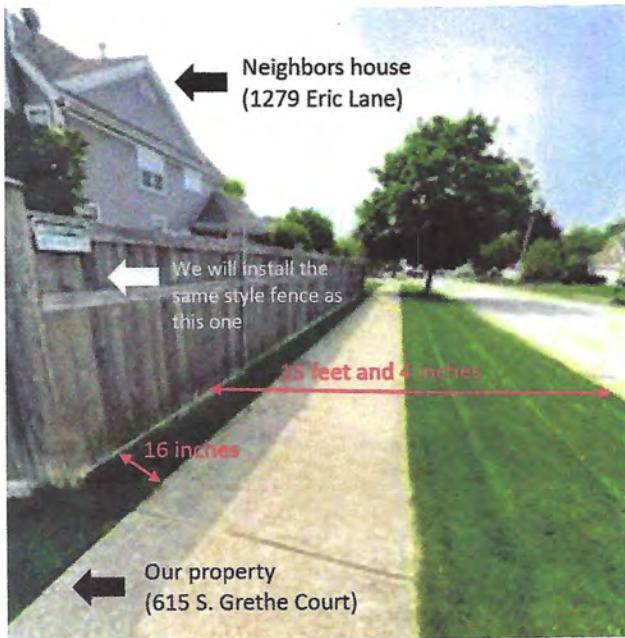


EXHIBIT A (Continued)



Plat of Survey



LEGAL DESCRIPTION: LOT 177 IN AMENDED AND RESTATED HUNTERS CREEK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND PART OF THE SOUTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 1989 AS DOCUMENT 278557 AND PLAT AMENDED AND RESTATED RECORDED MAY 25, 1990 AS DOCUMENT 2908559, IN LAKE COUNTY, ILLINOIS.

PARCEL AREA: 12,272 SQ. FEET



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL

STATE OF ILLINOIS 35

COUNTY OF MCHENRY

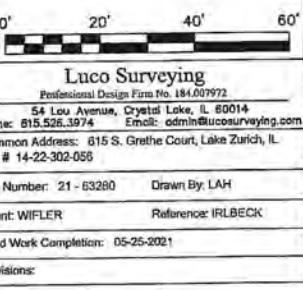
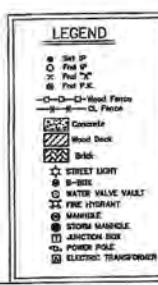
IN MY PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE PLAT HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY.

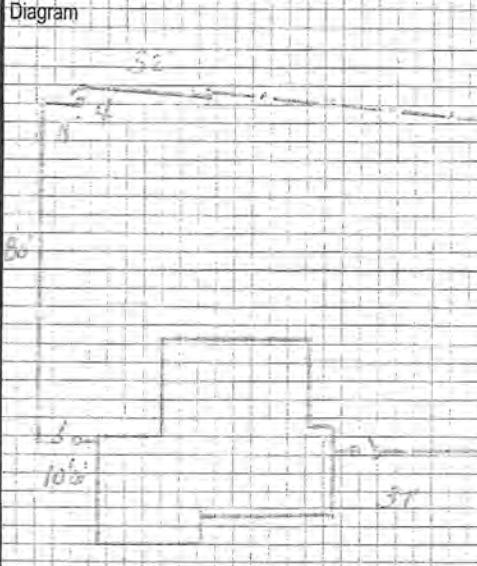
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM

STANDARDS FOR A BOUNDARY SURVEY.

JEFFREY A. SPIREK
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898
REGISTERED AGENT FOR LUCO SURVEYING

NOTES:
COMPARING THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCE,
IMMEDIATELY.
ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
ALL ANGLES ARE ASSESSED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.
BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVED DOCUMENTS.
UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREOF UNDERGROUND UTILITIES, INCLUDING,
BUT NOT LIMITED TO CONDUITS AND CABLE (IF ANY) HAVE NOT BEEN SHOWN HERON.



Page 1	15537 S. Weber Rd. Romeoville, IL 60446	Office: 815 836-8731	Fax: 815 836-8730	WOOD																									
<p>Crew</p> 		<p>Proposal Date: <u>5/16/23</u></p> <p>Expiration Date:</p> <p>Target Installation Date:</p>																											
<p>Name <u>MARYLAND</u> <u>CHRISTINE</u></p> <p>Address <u>615 W. GREENE ST.</u></p> <p>City State Zip <u>LAKE ZURICH</u></p> <p>Cell Phone <u>630-745-7365</u> Home <u></u> Work <u></u></p> <p>Email <u></u></p> <p>Subdivision <u></u> County <u>Lake</u></p>		<p>Dig # <u></u> Date Called <u></u></p> <table border="1"> <tr> <td>Survey</td> <td><input checked="" type="checkbox"/></td> <td>Total Footage <u>2241</u></td> </tr> <tr> <td>Survey at Estimate</td> <td><input checked="" type="checkbox"/></td> <td>Given to Salesman <u>Y/N</u></td> </tr> <tr> <td>Legal Survey</td> <td><input type="checkbox"/></td> <td>Job Conditions</td> </tr> <tr> <td>Found Pins</td> <td><input type="checkbox"/></td> <td>New Sod</td> </tr> <tr> <td>Northwest Staked Yard (Not Official)</td> <td><input type="checkbox"/></td> <td>Unfinished Grade</td> </tr> <tr> <td></td> <td></td> <td>Ready to Go <input type="checkbox"/></td> </tr> </table>			Survey	<input checked="" type="checkbox"/>	Total Footage <u>2241</u>	Survey at Estimate	<input checked="" type="checkbox"/>	Given to Salesman <u>Y/N</u>	Legal Survey	<input type="checkbox"/>	Job Conditions	Found Pins	<input type="checkbox"/>	New Sod	Northwest Staked Yard (Not Official)	<input type="checkbox"/>	Unfinished Grade			Ready to Go <input type="checkbox"/>							
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<p>Please email all documents to: northwestcedarproducts@gmail.com</p>																													
<p>Customer Responsibilities</p> <ul style="list-style-type: none"> <input type="checkbox"/> Obtain Permit - If Needed <input type="checkbox"/> Seek HOA Approval <input type="checkbox"/> Provide a Legal Survey <input type="checkbox"/> Clear Fence Lines <input type="checkbox"/> Fitted Rule <input checked="" type="checkbox"/> Old Removal Not Included <input type="checkbox"/> Locate Private Utilities <p>Northwest is not liable for damage to underground items not located by J.U.L.I.E. or Digger companies (including sprinkler lines, drain tiles, electric fence and private utility lines).</p> <p>Customer Acknowledges that the fence will follow the natural contours of the property unless otherwise specified.</p> <p>Every Northwest Fence is installed by a professional team. You the Homeowners are not required to be present during the installation, however, in your absence any changes you may want to height and any movement of posts will be additional costs.</p> <p>State law requires all contractors to dig no closer than 18" from all J.U.L.I.E. markers. Any digging closer shall require a signature from the homeowner assuming full liability for any damages that may occur.</p> <p>Custom Initial <u></u> <input checked="" type="checkbox"/> Haul Dirt Co. Rep. Initial <u></u> <input type="checkbox"/> Move Dirt to a spot in the Yard <u>Price</u></p>		<p>Diagram</p> 																											
<p>Customer-Approved Measurements: <u></u> (Initials)</p> <table border="1"> <tr> <td><input type="checkbox"/> Take Out and Haul Existing Fence</td> <td>Wood <u>50</u></td> <td>Footage <u>50</u></td> <td>Rem. Sect. Amt <u></u></td> <td>Material <u></u></td> </tr> <tr> <td><input type="checkbox"/> Take Out and Stack Existing Fence in the Yard</td> <td>Chain Link <u></u></td> <td>Steel / Alum <u></u></td> <td>Asp / Con Breaks <u></u></td> <td>Tax <u></u></td> </tr> <tr> <td><input type="checkbox"/> Leave Dirt</td> <td>Payment</td> <td>Payment</td> <td>Core Drill Holes <u></u></td> <td>Labor <u></u></td> </tr> <tr> <td><input type="checkbox"/> Move Dirt to a spot in the Yard <u>Price</u></td> <td>Amount \$ <u></u></td> <td>Amount \$ <u></u></td> <td>Grand Total <u></u></td> <td>Deposit <u>200-500</u></td> </tr> <tr> <td colspan="2">CK # <u></u> Date <u>V M D A</u></td> <td colspan="2">CK # <u></u> Date <u>V M D A</u></td> <td>Balance <u></u></td> </tr> </table>					<input type="checkbox"/> Take Out and Haul Existing Fence	Wood <u>50</u>	Footage <u>50</u>	Rem. Sect. Amt <u></u>	Material <u></u>	<input type="checkbox"/> Take Out and Stack Existing Fence in the Yard	Chain Link <u></u>	Steel / Alum <u></u>	Asp / Con Breaks <u></u>	Tax <u></u>	<input type="checkbox"/> Leave Dirt	Payment	Payment	Core Drill Holes <u></u>	Labor <u></u>	<input type="checkbox"/> Move Dirt to a spot in the Yard <u>Price</u>	Amount \$ <u></u>	Amount \$ <u></u>	Grand Total <u></u>	Deposit <u>200-500</u>	CK # <u></u> Date <u>V M D A</u>		CK # <u></u> Date <u>V M D A</u>		Balance <u></u>
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<p>Payment Terms</p> <table border="1"> <tr> <td><input type="checkbox"/> <u>% down. Balance Due to Crew Chief or Office upon Completion</u></td> <td><input type="checkbox"/> <u>Amount \$ <u></u></u></td> <td><input type="checkbox"/> <u>CK # <u></u> Date <u>V M D A</u></u></td> </tr> <tr> <td><input type="checkbox"/> <u>% down. Financing Terms</u></td> <td><input type="checkbox"/> <u>Exp. <u></u> Appr. <u></u></u></td> <td><input type="checkbox"/> <u>Exp. <u></u> Appr. <u></u></u></td> </tr> </table>					<input type="checkbox"/> <u>% down. Balance Due to Crew Chief or Office upon Completion</u>	<input type="checkbox"/> <u>Amount \$ <u></u></u>	<input type="checkbox"/> <u>CK # <u></u> Date <u>V M D A</u></u>	<input type="checkbox"/> <u>% down. Financing Terms</u>	<input type="checkbox"/> <u>Exp. <u></u> Appr. <u></u></u>	<input type="checkbox"/> <u>Exp. <u></u> Appr. <u></u></u>																			
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<p>Acceptance of proposal: "YOU, THE CONSUMER, MAY CANCEL THIS CONTRACT BY NOTIFYING Northwest, IN WRITING, ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION."</p> <p>The signer has read each of the provisions on this page and the specifications on page 2 and the conditions of sale on the back of the contract. The above prices, specifications, and conditions of sale are hereby accepted. This proposal becomes a binding and enforceable contract when received by Northwest either (a) bearing the customer's signature or (b) without signature but accompanied by down payment from the customer as required. All materials are specified as above and all work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra charges will be executed upon (a) written order or (b) customer consent and will become an extra cost over and above the sale.</p>																													
<p>Customer</p> <p>Company Representative</p> <p><u>TEC Schramm 5/16/23</u></p>		<p>Date</p> <p>Date</p>																											

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

LOT 177 IN AMENDED AND RESTATED HUNTERS CREEK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND PART OF THE SOUTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 1989 AS DOCUMENT 2785577 AND PLAT AMENDED AND RESTATED RECORDED MAY 25, 1990 AS DOCUMENT 2908559, IN LAKE COUNTY, ILLINOIS.

PARCEL AREA: 12,272 SQ. FEET

American Land Title Association

ALTA Settlement Statement - Combined
Adopted 05-01-2015

File No./Escrow No.: 210434500780
 Print Date & Time: 05/28/21 10:57 AM
 Officer/Escrow Officer:
 Settlement Location: Wifler Law Group,
 PC
 103 W. Gilmer Road
 Hawthorn Woods, IL 60047

Wifler Law Group, PC
 ALTA Universal ID: 1126122
 103 W. Gilmer Road & EX-
 Hawthorn Woods, IL 60047 by

 Marina Dahis

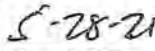
Property Address:	615 S. Grethe Court Lake Zurich, IL 60047 615 S. Grethe Court Lake Zurich, IL 60047
Buyer:	Robert H. Gotschewski and Christine E. Madland 933 Manchester Lake Zurich, IL 60047
Seller:	LeAnn Biltgen Irlbeck, Trustee of the LeAnn Biltgen Irlbeck Revocable Trust 615 S. Grethe Court Lake Zurich, IL 60047
Lender:	Starboard Financial Management, LLC dba Starboard Financial, an Arizona limited liability company
Settlement Date:	05/28/2021
Disbursement Date:	05/28/2021
Additional dates per state requirements:	

Acknowledgement

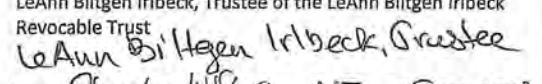
We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Wifler Law Group, PC to cause the funds to be disbursed in accordance with this statement.



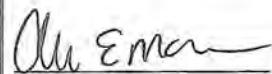
Robert H. Gotschewski



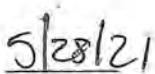
Date

LeAnn Biltgen Irbeck, Trustee of the LeAnn Biltgen Irbeck Revocable Trust

 LeAnn Biltgen Irbeck, Trustee
 via Charles Wifler (mg, AIF) - 05.28.2021
 By 

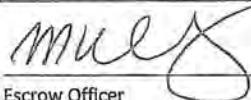
Date



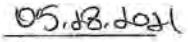
Christine E. Madland



Date



Escrow Officer



Date

EXHIBIT B

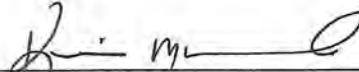
LETTER OF CONSENT FROM ADJOINING NEIGHBORS

I, Kevin McCormick (name), am the legal owner of property located at 1279 Eric Lane (address), which is an adjoining property to the project address (615 S. Grethe Court, Lake Zurich ,IL 60047). I am aware that a variation to install a 5 foot cedar wood privacy fence is being applied for at the subject property and I have reviewed the plans presented to me by the property owners for the proposed project (fence installation).

I have **NO OBJECTION** to granting my consent for their request for a 5 foot fence installation.

Kevin McCormick

Printed Neighbor Name



Neighbor Signature and Date

1279 Eric Lane

Neighbor Address

EXHIBIT C

LETTER OF CONSENT FROM ADJOINING NEIGHBORS

I, Kandarp Mehta (name), am the legal owner of property located at 625 S. Grethe Ct Lake Zurich (address), which is IL 60047 an adjoining property to the project address (615 S. Grethe Court, Lake Zurich, IL 60047). I am aware that a variation to install a 5 foot cedar wood privacy fence is being applied for at the subject property and I have reviewed the plans presented to me by the property owners for the proposed project (fence installation).

I have **NO OBJECTION** to granting my consent for their request for a 5 foot fence installation.

KANDARP MEHTA

Printed Neighbor Name

 05/18/2023

Neighbor Signature and Date

625 S. Grethe Ct. Lake Zurich, IL 60047

Neighbor Address

EXHIBIT D

LETTER OF CONSENT FROM ADJOINING NEIGHBORS

I, Sharon Pasch, trustee (name), am the legal owner of property located at 1275 Eric Lane (address), which is an adjoining property to the project address (615 S. Grethe Court, Lake Zurich ,IL 60047). I am aware that a variation to install a 5 foot cedar wood privacy fence is being applied for at the subject property and I have reviewed the plans presented to me by the property owners for the proposed project (fence installation).

I have **NO OBJECTION** to granting my consent for their request for a 5 foot fence installation.

Sharon Pasch
Printed Neighbor Name

Sharon D. Pasch 5/19/23
Neighbor Signature and Date

1275 Eric Lane
Neighbor Address



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 2023-15
PZC Hearing Date: July 19, 2023**AGENDA ITEM 4.D****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: July 19, 2023

Re: PZC 2023-15 Zoning Variation for Pool at 679 Beechwood Drive

SUBJECT

Ms. Jennifer Lee (the “Applicant” and “Owner”) requests a Variation from Zoning Code Section 9-3-11.E.6.l, Required Setback for Swimming Pools, to allow for the construction of an above-ground pool that will encroach into the required 23-foot rear yard setback at the property commonly known as 679 Beechwood Drive, legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

Requested Action: Variation

Current Zoning: R-5 Single Family Residential District

Current Use: Single Family Home

Property Location: 679 Beechwood Drive

Applicant and Owner: Ms. Jennifer Lee

Staff Coordinator: Tim Verbeke, Planner

Staff Report
APPLICATION PZC 2023-15

Community Development Department
PZC Hearing Date: July 19, 2023

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

Ms. Jennifer Lee (the “Applicant”), is the owner of the property located at 679 Beechwood Drive, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on June 5, 2023 (the “Application”) seeking:

- Variation from Code Section 9-3-11.E.6.l, Required Setback for Swimming Pools

The Subject Property is located within the Village’s R-5 Residential District that provides for single-family homes. The R-5 zoning district requires a 23-foot setback for both above and in-ground pools from any rear lot line. Pools may be located no less than 7 feet from any interior side lot line and cannot be placed within any required front yard, corner side yard, or interior side yard. In the case of the subject property, the above-ground pool is proposed to be constructed 17 feet from the rear lot line (encroaching 6 feet into the required setback) but will not encroach into the interior side yard or street yard (front yard or corner side yard) setback.

The owners will obtain the clearance from all utility companies to install the above-ground pool in the rear yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent the pool from being constructed in the rear portion of this lot, since the pool is being constructed 17 feet from the rear lot line and outside the 10-foot utility and drainage easement at the rear of the lot. An existing seating area will be removed to accommodate the new pool.

The proposed above-ground pool is 18 foot in width and 33 feet in length. The Applicant has stated that, due to existing property and house configuration limitations, the proposed location in the rear yard is the only possible location to construct the pool. The rear yard on the property is 51 feet deep. With a 23-foot setback, the property owner is left with 28 feet to install the pool. Since the above-ground pool is 18 feet in width, it would require the pool to be located 10 feet from the house, leading to potential drainage issues. The applicant is also looking to keep the pool at least 5 feet away from the northern underground ComEd utility line, which was discovered to run directly through the backyard, rather than through a dedicated easement.

As such, to accommodate the above-ground pool proposed by the applicant, it would be set back 17 feet from the rear lot line (encroach 6 feet into the required 23-foot setback), 36 feet off the north interior side lot line to avoid play equipment on the property, and 67 feet off the south side

Staff Report
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lot line, which are in compliance with the Lake Zurich Zoning Code regulations. The rear yard of the property backs up to Old Rand Road and therefore will not directly impact a rear yard neighbor. A 5-foot high privacy fence currently runs along the rear yards of properties backing up to Old Rand Road. There are large mature trees in the rear yard of the Subject Property that provide additional screening. The area of the rear yard is already completely surrounded by a compliant 5-foot fence per the requirement of the code.

Pursuant to public notice published on July 1, 2023, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 19, 2023, to consider the Application. On July 3, 2023, 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 low impact of this project, courtesy review was not recommended.
- B. Zoning History.** The property is located within the Countryside Subdivision on Lot 10, which was recorded on October 19, 1973 in Lake County and is zoned within the R-5 Single Family Residential District. The existing home was built in 1974. Using documents from the Lake County's collection of aerial photographs, Staff was able to conclude that the home has not had major exterior alteration since initial construction.
- C. Surrounding Land Use and Zoning.** The subject property is zoned within the R-5 Single Family Residential District. The surrounding properties to the north, south, east, and west are zoned within the R-5 Single Family Residential District and are improved with residences within Countryside Subdivision developed in the mid to late 1970s.
- D. Trend of Development.** The residence at 679 Beechwood Drive was constructed in 1974. It is a two-story home and is similar to other homes in the subdivision that were constructed in the mid to late 1970s.
- E. Zoning District.** The zoning code provides for four (4) zoning districts 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-5 district allows 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. (Ord., 10-2004)

- F. General provisions for the granting of variations.** The purpose of the variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of the zoning code that create practical difficulties or particular hardships for which no other remedy is available.

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Section 9-17-3 entitled “Authorized Variations” provides a list of the zoning code provisions that may be varied by authority of the Village Board. The requested variation is an authorized variation.

GENERAL FINDINGS

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

Staff finds that under Standard H “No Other Remedy,” that there are means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

However, to provide the property owner with due procedure to be heard by the PZC, staff has evaluated the request for a variation against the standards provided in Section 9-17-4 of the Zoning Code.

9-17-4: STANDARDS FOR VARIATIONS.

- A. **General Standard:** No variation shall be granted pursuant to this chapter unless the applicant shall establish that carrying out the strict letter of the provisions of this zoning code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this section.

Staff Response: Standard met. The Applicant has demonstrated that there is a practical difficulty in constructing the above-ground pool in compliance with the provisions of the zoning code.

Staff has determined that there are no other potential locations on the property where an above-ground pool could be constructed and not violate the setback requirements. These include the interior side yard, the front yard and the corner side yard of the property.

- B. **Unique Physical Condition:** The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Staff Response: Standard partially met. There is no unique physical condition, presence of an existing use or structure, irregular or substandard shape or size;

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APPLICATION PZC 2023-15

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exceptional topographical features; or other extraordinary physical conditions that would make the subject property unique from its immediately surrounding properties and thereby warrant a variation. The subject property is consistent in dimension and size with the neighboring property at 450 Trailside Dr directly to the north of the subject property.

The 18-foot by 33-foot above-ground pool is proposed to be setback 17 feet from the rear lot line, 36 feet off the north side lot line, and 67 feet of the south side lot line (behind the building line). The proposal could meet the requirements of the zoning code and not need a variation through the following options recommended by staff:

- The pool manufacturing company offers 15-foot round pools or 12x24 rectangular pools as their smallest sizes:
 - A 15-foot round pool located outside of the setback will need to be located 13 feet from the house
 - A 12x24 pool located out of the setback will need to be located 16 feet from the house;
 OR
- Locate the 18x33 pool so that it is setback 10 foot from the foundation of the house, therefore meeting the 23-foot rear yard setback.

C. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the subject property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this zoning code, for which no compensation was paid.

Staff Response: Standard met. The unique or extraordinary physical condition was not the result of any action of the property owner, rather a result of the design and configuration of the original developer who was not known to the current property owner.

D. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Staff Response: Standard met. The owner is requesting an 18 foot by 33 foot above-ground pool. Denying the above-ground pool to be built would deny the property owners the opportunity to enjoy a feature offered to other residents at its most practical utility.

The applicant has also already purchased the pool and is seeking the variation to install their recent pool purchase.

E. Not Merely Special Privilege: The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability

Staff Report
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to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

Staff Response: Standard met. The hardship does not involve the inability of the owner to enjoy any special privilege in using the property. Granting the variation will allow the current owners to enjoy an above-ground pool that is traditional and customary to the enjoyment and use of a residential property in a manner similar to other properties in this area.

F. Code and Plan Purposes: The variation would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this zoning code and the provision from which a variation is sought were enacted or the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. Granting the variation would not change the residential use of the Subject Property. The location and design of the home, proposed above-ground pool and other accessory structures will continue to remain in harmony with the residential purpose of the zoning code and comprehensive plan. The inclusion of a pool on the property would not detract from any stormwater drainage on the property as it is currently designed to accommodate overland drainage through the provision of easements along the rear of the property.

G. Essential Character of the Area: The variation would not result in a use or development on the subject property that:

1. Detrimental to Enjoyment: Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity; or

Staff Response: Standard met. Granting of the variation will not create a negative effect on public welfare, enjoyment, development, or value of property if the Applicant is granted the requested variation.

2. Light and Air: Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

Staff Response: Standard met. Granting of the variation would have no effect on the supply of light and air to the subject property or those properties in the vicinity as the Applicants only wish to construct an above-ground pool and surrounding fence that will be no greater than the height of the principal structure. The proposed above-ground pool will be built to modern standards of the building code.

3. Congestion: Would substantially increase congestion in the public streets due to traffic or parking; or

Staff Report
APPLICATION PZC 2023-15

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Staff Response: Standard met. Granting of the variation would not increase any congestion due to traffic or parking as the land use of the property is not being changed.

4. Flood or Fire: Would unduly increase the danger of flood or fire; or

Staff Response: Standard met. The proposed above-ground pool will conform to current building codes.

5. Tax Public Facilities: Would unduly tax public utilities and facilities in the area

Staff Response: Standard met. Granting of the variation would not cause the property to tax public utilities or facilities in the area other than what is currently caused by the use and function of the existing residence and the traditional customary water usage of a pool, charges and fees for which are being borne by the property owner.

6. Endangerment: Would endanger the public health or safety.

Staff Response: Standard met. The proposed variation would not affect the public's health, safety or welfare. The proposed 18 foot by 33 foot above-ground pool will be surrounded by a fence as required by the building codes.

- H. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

Staff Response: Standard partially met. The Applicant has stated that the requested variation is the only option for the Applicant to build the above-ground pool and the proposed location is the minimum adjustment that the property owner can accommodate to include the requested level of functionality, utility and enjoyment. However, staff has determined that the Applicant has the ability to construct the said pool in a manner that will meet the requirements of the zoning codes thereby not requiring a variation.

- The pool manufacturing company offers 15-foot round pools or 12x24 rectangular pools as their smallest sizes:
 - A 15-foot round pool located outside of the setback will need to be located 13 feet from the house
 - A 12x24 pool located outside of the setback will need to be located 16 feet from the house, OR
- Locate the 18x33 pool so that it is setback 10 foot from the foundation of the house, therefore meeting the 23-foot rear yard setback.

While these suggested remedies would allow for compliance with the setback requirements, they may not necessarily provide reasonable use of the property through the functionality, utility and enjoyment that the Applicant seeks with the proposed variation.

Staff Report
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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 9-17-4: Standards for Variations

Section 9-17-5 entitled “Variation less than requested” provides the PZC with the option of granting a variation less than or different from that requested when the record supports the applicant's right to some relief but not to the relief requested. Using the authority of this standard, the PZC may require that the distance of the pool from the house be reduced from 16 feet to 13 feet, thereby allowing the pool to encroach 3 feet into the rear yard setback.

Based on the review of the standards for approval which have been met with the exception of Standard H, staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Should the PZC recommend approval of the Variation as requested to afford the Applicant functionality, utility and enjoyment of the proposed pool, Staff of the Community Development Department recommends that the following conditions be incorporated in the Findings of the PZC:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application prepared by Ms. Jennifer Lee, homeowner of 679 Beechwood Drive and Cover Letter both dated June 5, 2023.
 - b. Exhibit A: Legal Description of the Subject property
 - c. Plat of Survey provided by Ms. Jennifer Lee, homeowner of 679 Beechwood Drive prepared by R.E. Decker & Company dated July 3, 1990.
 - d. Above-Ground Pool Agreement and specifications provided by Ms. Jennifer Lee, homeowner of 679 Beechwood Drive, prepared by American Sale Pools dated May 29, 2023.
2. As further mitigation for development of above-ground pool, the applicant shall agree not to further increase the amount of impervious surface on the parcel, beyond what is being proposed.
3. The Applicant shall ensure that the existing landscape material and proposed fence along the lot lines coterminous with the adjacent properties to the west, north and south that serve as visual screening shall be properly maintained to continue its function as visual screening.
4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,
 Tim Verbeke, Planner

Staff Report
APPLICATION PZC 2023-15

Community Development Department
PZC Hearing Date: July 19, 2023

LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

679 BEECHWOOD DRIVE
JULY 19, 2023

The Planning & Zoning Commission recommends approval of Application [PZC 2023-15](#), subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application prepared by Ms. Jennifer Lee, homeowner of 679 Beechwood Drive and Cover Letter both dated June 5, 2023.
 - b. Exhibit A: Legal Description of the Subject property
 - c. Plat of Survey provided by Ms. Jennifer Lee, homeowner of 679 Beechwood Drive prepared by R.E. Decker & Company dated July 3, 1990.
 - d. Above-Ground Pool Agreement and specifications provided by Ms. Jennifer Lee, homeowner of 679 Beechwood Drive, prepared by American Sale Pools dated May 29, 2023.
2. As further mitigation for development of above-ground pool, the applicant shall agree not to further increase the amount of impervious surface on the parcel, beyond what is being proposed.
3. The Applicant shall ensure that the existing landscape material and proposed fence along the lot lines coterminous with the adjacent properties to the west, north and south that serve as visual screening shall be properly maintained to continue its function as visual screening.
4. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

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

Planning & Zoning Commission Chairman

Staff Report
APPLICATION PZC 2023-15

Community Development Department
PZC Hearing Date: July 19, 2023

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 10 IN BLOCK 36 IN COUNTRYSIDE OF LAKE ZURICH, A RESUBDIVISION OF ALL LOTS IN BLOCKS 24, 25, 29, 30, 31, 33, 34, 35 AND 36, AND LOTS 1-28, INCLUSIVE OF BLOCK 26 AND LOTS 1 THROUGH 35, INCLUSIVE OF BLOCK 32 OF OLD MILL GROVE UNIT NO. 6, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 21 AND PART OF THE NORTHWEST 1/4 OF SECTION 28, ALL IN TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED OCTOBER 19, 1973 AS DOCUMENT 1639665, IN BOOK 52 OF PLATS, PAGE 9, IN LAKE COUNTY, ILLINOIS.

PARCELS INVOLVED: 14-21-301-002

Staff Report
APPLICATION PZC 2023-15

Community Development Department
PZC Hearing Date: July 19, 2023

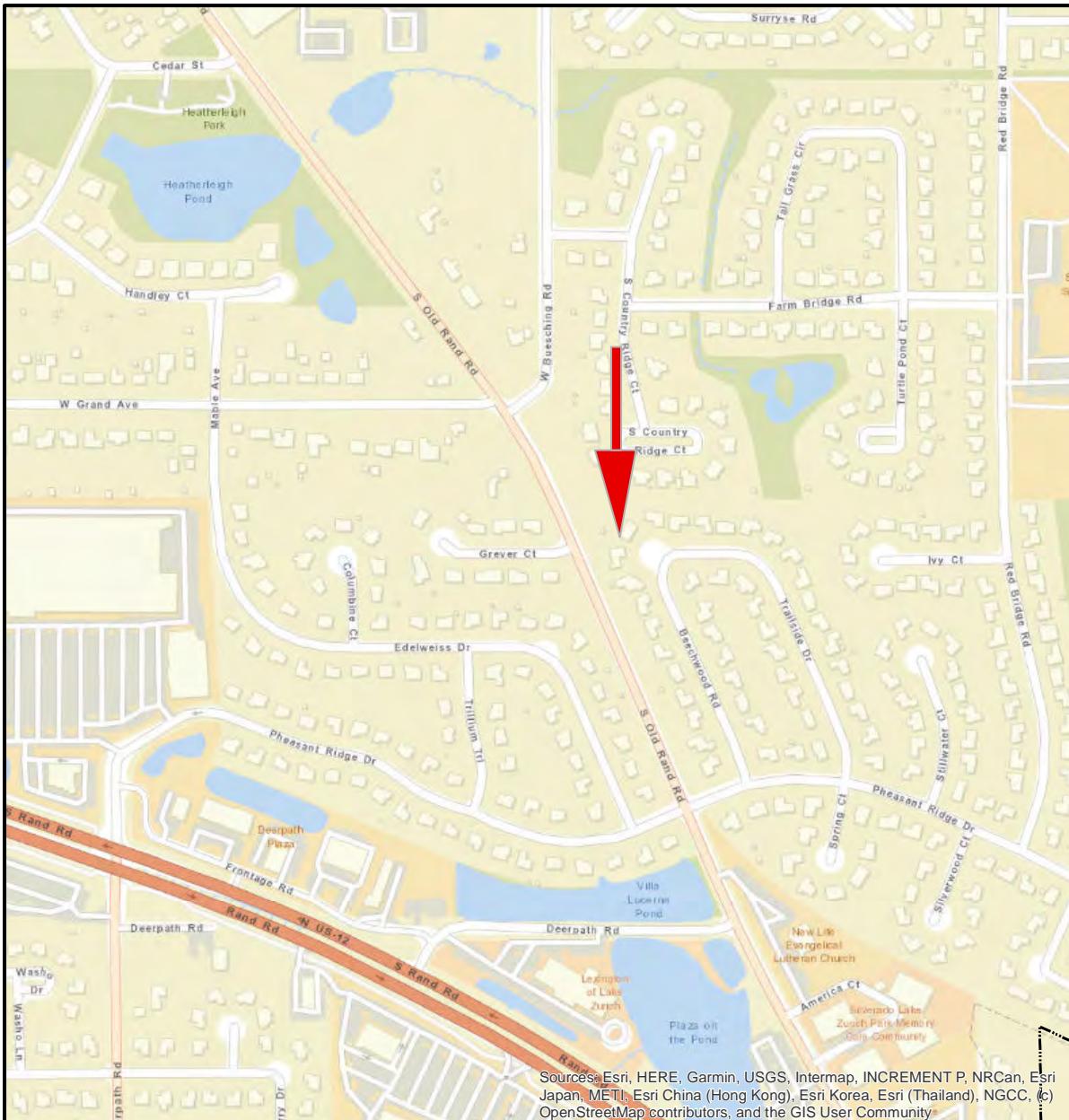
EXHIBIT B
HEARING SIGN ON SUBJECT PROPERTY





Pool Variation

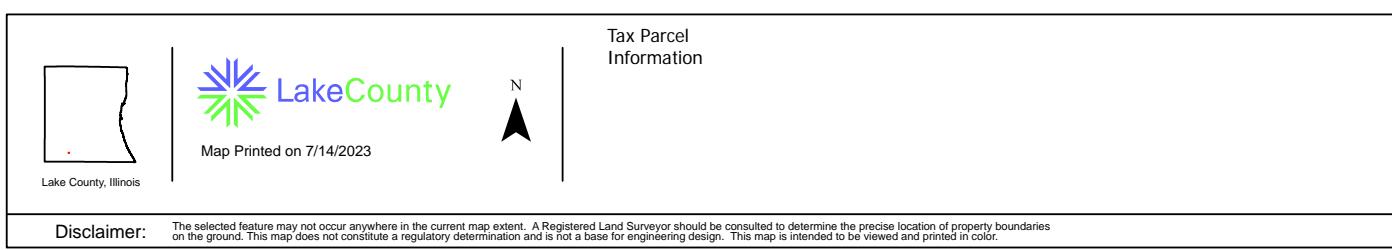
679 Beechwood Drive



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

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

679 Beechwood





Pool Variation

679 Beechwood Drive



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

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



Pool Variation

679 Beechwood Drive



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

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



(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: 679 Beechwood Drive
2. Please attach complete legal description
3. Property Identification number(s): 14-21-301-002
4. Owner of record is: Jennifer Craig Lee Phone: 847 301 1881
E-Mail JEMAR63@yahoo.com Address: 679 Beechwood Drive
5. Applicant is (if different from owner): _____ Phone: _____
E-Mail _____ Address: _____
6. Applicant's interest in the property (owner, agent, realtor, etc.): Owner
7. All existing uses and improvements on the property are: adding 18x33
above ground pool
8. The proposed uses on the property are: asking for 6 foot variance
far to be 17 feet from back easement & 23 feet
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:
The corner flags aren't following side easement, the off variance will help please
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.

Jennifer Lee
(Name of applicant)

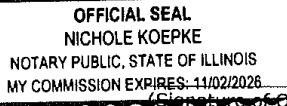
Signature
(Signature of applicant)

Subscribed and sworn to before me this 5 day of June, 2023.

Nicole Koepe
(Notary Public)

My Commission Expires 11/02/2026

(Name of Owner, if different)



(Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2023.

(Notary Public)

My Commission Expires _____

Please indicate what 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 *No part of pool and/or deck shall be located within 23' of the rear lot line or in an easement*

(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-1½ 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 _____

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

Dear Sarosh Saher,

My name is Jennifer Lee, homeowner of 679 Beechwood Drive. My husband and I over the last 2 years have been planning on adding a pool to our back yard. I am writing this letter to request approval for a location variance of 6 feet to decrease the location requirement from 23 feet of the rear lot line/easement to 17 feet at 679 Beechwood Drive Lake Zurich, IL 60047. The variance request is to support the installation of an above ground oval pool. The pool size is 18x33 and will only need 4 inches of leveling.

The current Location requirement is "No part of pool and/or deck shall be located within 23' of the rear lot line or in an easement."

I am asking for a 6-foot variance from my back easement to support the installation of my pool please. This 6-foot variance will allow us to meet the utilities requirement of 5 feet and allow for a safer distance away from our home.

The location of the proposed above ground swimming pool will be in the rear yard. There is no other location on the site to build the pool. Noise and light would be non-obstructive and non-visible to South Old Rand Road.

In addition, granting the variance would have no effect on any adjoining properties.

This request is different and why our property differs from other would be the following:

1. ComEd is not following the easement. ComEd is 27 feet away from the easement with the current location requirement of 23 feet of the rear/lot easement.
2. Due to the shape and narrowness of our lot the required location requirement deprives us from placing the pool elsewhere.

I provided a plat with a drawing to scale for your review.

We appreciate your time and consideration with our request. Please let me know if there is any additional information I can provide.

Sincerely,

Jennifer Lee

Enclosure



Pool size 18x33 oval above ground.

- A. 17 feet from fence back easement.
- B. 18 feet from A
- C. 23 feet from fence
- D. 5 feet from red comed flag to right
- E. 33 feet across w 23 feet from fence, 4 feet from comed line.
- F. Is the comed flag and the one behind as you move farther from the house the comed flag does get closer to the easement. This current flag is 27 feet away from the easement.

You can see the 17 feet from the fence allows the utilities get father away from the house.





- A. 23 feet from easement. This only allows 10 feet from my house.
- B. With approval of the variance(6 foot variance) this allows 16 feet from my house.

F FARMS

R. E. DECKER & COMPANY

117 E. COOK AV., LIBERTYVILLE, ILLINOIS 60048
TELEPHONE 362-0091 FAX 362-0119
LAND SURVEYORS

BOOK 90 PAGE 1131
ORDERED BY Mr. Frank Raux, Atty.

ORDER NO. 90-1131 LIBERTYVILLE, JULY 3, 1990

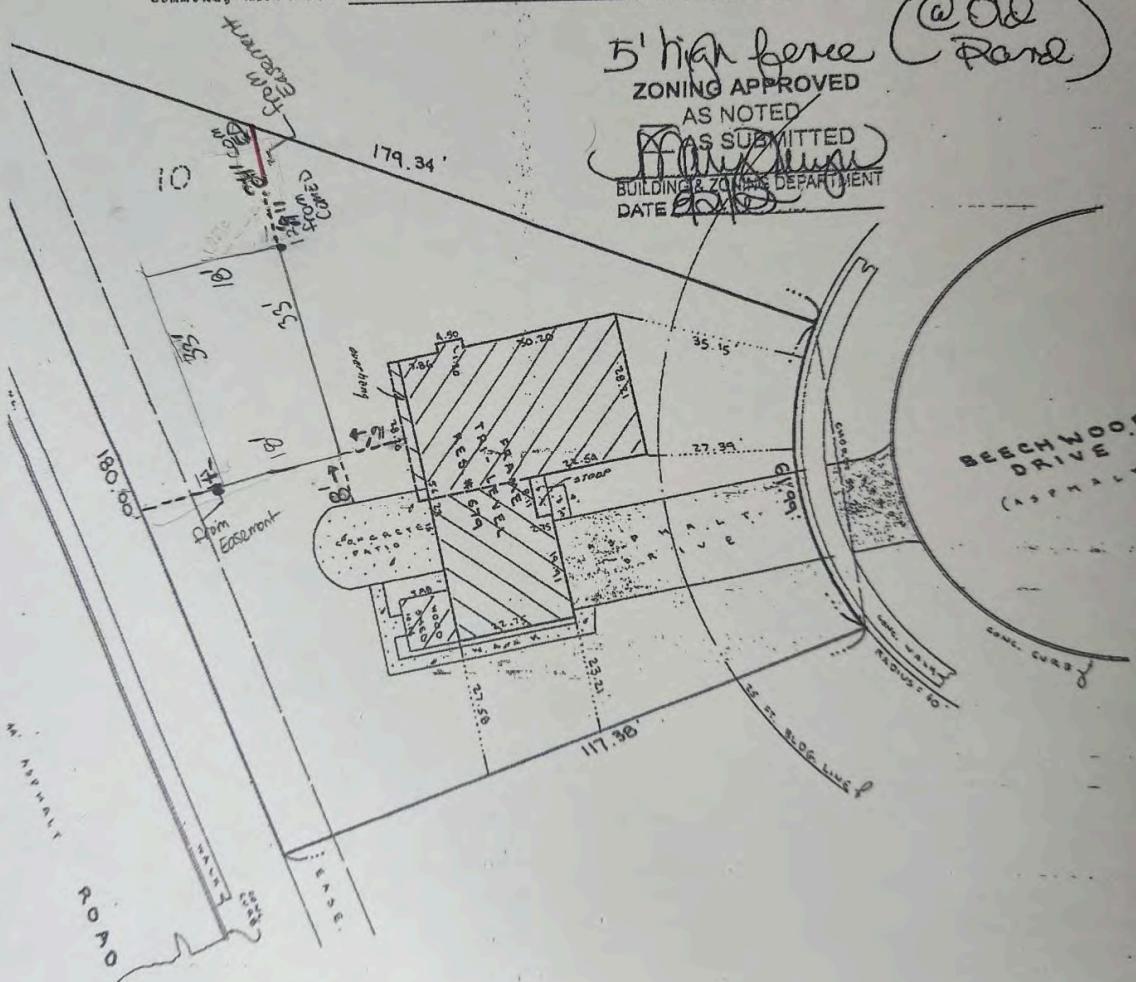
FOR Milner

Lot 10, in Block 36, in Countryside of Lake Zurich, a Resubdivision of all Lots in Blocks 24, 25, 29, 34, 35 and 36 and Lots 1 thru 28 inclusive of Block 26 and Lots 1 thru 35 inclusive of Block 32 of Old Towne Unit 6, being a Subdivision of part of the S 1/2 of the S 1/2 of Section 21 and part of the NW 1/4 Section 28, all in Township 43 North, Range 10 East of the 3rd Principal Meridian, according to the plat recorded October 19, 1973, as Document No. 1639665, in Book 52 of Plats, page 9, in Lake County, Ia.

CAMPANLU KNOWN AS: 679 BEECHWOOD DRIVE, LAKE ZURICH, ILLINOIS

5' high fence @ 00
Rose

ZONING APPROVED
AS NOTED
AS SUBMITTED
BUILDING & ZONING DEPARTMENT
DATE 10/10/00



scale, 1" = 20 ft.

LIBERTYVILLE, July 3 1990
STATE OF ILLINOIS, }
COUNTY OF LAKE } 86

We hereby certify that the buildings on lot shown are within property lines and that the adjoining improvements do not encroach on said premises.

ach on said premises.
L. E. Decker
SURVEYOR

LIBERTYVILLE, May 5 1920
STATE OF ILLINOIS. }
COUNTY OF LAKE }

COUNTY OF LAKE 33
This is to certify that we have surveyed the above described property and prepared the plat herein drawn. The legal description shown herein is provided by others. Refer to deed or title policy for boundaries, easements or otherwise restrictions which may exist. No warranties not noted herein shall not be assumed by sealing or otherwise. This office shall not be responsible for future construction unless all property corners are established by this office.

American Sale

Above Ground Pool Agreement

2023

Customer Name: Lee
Product Expert: Howie Z
Pool (Size/Model): 18x33 Mystic

Phone: 847-321-1881
Order #: 10-63041
Customer City: Lake Zurich

Estimated Installation Timeframe

(Please note-this is not a guarantee. Install dates can be affected by many factors and are only assigned if a full pool order has been delivered.)

- DELIVERY/ PICK-UP POLICY -

A. Standard Delivery Policy- \$9.99 (AMS # 999-300)

Delivery dates are estimated at the time of sale and are subject to change due to non-payment of order balance or other delays. Due to routing constraints, American Sale cannot accommodate personal requests. **Delivery date is not an installation date.** Final installation dates are coordinated by the assigned third-party installer.

➤ All deliveries are routed one day in advance of the actual delivery date. American Sale will attempt to contact you by your preferred method to provide an approximate 3-hour time window.

Phone 917-321-1881 E-mail

American Sale will deliver your merchandise through one doorway, to a garage or to a backyard unless otherwise specified*. *Some restrictions may apply. Please ask your Product Expert for details.

✓ All balances must be paid in full 1 week prior to your scheduled delivery date, no COD's. All financing contracts must be signed at time of sale.

➤ If you need to reschedule your delivery date or make a change to your order, please contact either your Product Expert, Store Manager or email deliverydept@americansale.com 5 business days prior to your scheduled delivery. Please include your name, zip code and order number. Any changes made less than 5 business days prior to delivery may not be fulfilled or may cause delays.

Someone (at least 18 years of age) must be present to sign for delivery; there will be a \$69 fee to reschedule prior to delivery if not fulfilled or may cause delays.

✓ Someone (at least 18 years of age) must be present to sign for delivery, there will be a \$35 fee to reschedule.
✓ We encourage you to inspect your merchandise at the time of delivery. Damaged/Defective merchandise and home damage must be reported within 48 hours of your delivery. A signed delivery receipt, without any notation of damage, is your acceptance of the delivery.

✓ Annotations or missing, damaged, or incorrect merchandise represents your full acceptance of the delivery. American Sale reserves the right to refuse returning delivered items and may issue a recovery fee at our discretion.

B. Pool Pick-Up Policy

- All pool orders will be scheduled by our Delivery Dept once balance is paid in full and inventory is available.
- If an undelivered item needs to be picked up at the Distribution Center in order to fulfill an in-progress or imminent installation, Store Management or Customer Service approval is required.
- Items that are considered “take with” products are not included in this policy and can be taken by customer at time of sale or picked up at the store location at a later date.

CONTACT INFORMATION (Check website for hours of operation)

- **Delivery** - (708) 623-1482 - deliverydept@americansale.com
- **Pool Install/Service Dept** - (708) 550-7253 (text only) poolsupport@americansale.com
- **Customer Service** - (708) 614-6552 – customerservice@americansale.com

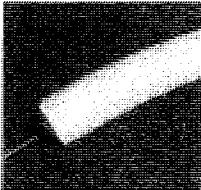


Above Ground Pool Agreement

2023

- RECOMMENDED PRODUCTS -

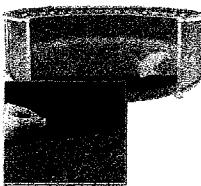
These items must be purchased prior to installation of your pool



Pool Cove

Pool Cove is a permanent coving that prevents sand washout. Pool Cove also acts as an "O" ring and will prevent ground moisture from forming between your liner and the wall. Without cove, your installer will bank sand at a 45° angle against your wall.

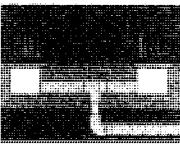
15'	508-193 /3	\$120	12' x 19'	240-895 /3	\$140
18'	508-247 /3	\$150	12' x 24'	240-901 /3	\$160
21'	508-261 /3	\$170	15' x 26'	240-925 /5	\$180
24'	508-278 /5	\$200	15' x 30'	240-932 /5	\$200
27'	508-285 /5	\$220	18' x 33'	240-970 /5	\$220
30'	508-308 /5	\$240			



Armor Shield

Liner Armor or Armor Shield protects your pool liner from pebbles, rocks, nut grass, roots & other abrasive hazards that can cause damage to your liner.

15'	032-315 /5	\$300	12' x 24'	044-882 /5	\$320
18'	032-322 /5	\$330	15' x 30'	032-407 /5	\$350
21'	032-346 /5	\$350	18' x 33'	032-414 /5	\$380
24'	032-353 /5	\$380			
27'	032-360 /5	\$420			
30'	068-123 /5	\$450			
33'	032-384 /5	\$490			



Bottom Circulation System

Bottom Circulation improves pool circulation and reduces your chemical cost. It improves heating and reduces vacuuming time. It also acts as a second skimmer at the bottom of your pool. (Not available on 12' and 15' round pools.)

012-638 /5 \$499

CUSTOMER SELECTIONS • •

Because the above items cannot be added to a pool after installation, we need confirmation that you are choosing to have or not have these items installed on your pool. Please check your selection.

POOL COVE

YES

NO

ARMOR SHIELD

YES

NO

BOTTOM CIRCULATION SYSTEM

YES

NO

ADDITIONAL RECOMMENDATION



Aquadoor Service Panel

The original, number one easy snap-on skimmer closure system that stops the water flow and protects the skimmer through winter. Great for winterizing your pool or repairing!

Aquadoor Service Panel/ Winter Plate 448-277/5 \$24.99

YES



Above Ground Pool Agreement

2023

- INSTALLATION -

Below are our installation packages and included services. Installations are assigned out on a delivered pool basis and only if all essential items have been delivered. **All electrical and bonding should be performed by a licensed electrician and is not included in installation.** Extra charges may result from optional items such as fencing, bottom circulation, cove, and armor shield. Installer "add-on" services such as deck modifications, extra digging, dirt haul away, fence install, backfilling, travel fees, heater hook-up, lights/water features, or landscaping/hardscaping are not included with packages and are paid directly to the installer if required or requested. Due to insurance restrictions, installers are not allowed to build ladders. Customer has the right to request a different installer, contract their own installer, and/or do a self-install. **Installers are sub-contractors and not employees of American Sale. Extra services or related fees outside of this agreement are negotiated and paid directly to installers, and are not eligible for compensation by American Sale.**

- Self-Install** Installation and all related coordination/costs are customer responsibility.
- Replacement Pool Install (993-161)** Includes:
 - The preparation of the ground and leveling the pool site up to **4" out of level**.
Any additional inches of leveling are not included. Additional leveling fees are issued on a per inch basis and are to be paid directly to installer at time of installation. Please ask installer for rates.
 - Placement of patio blocks under each upright post. Installation of pool & liner to within 1" of level
 - Liner Cut for Skimmer and Returns
 - Filter hook up
 - Dropping the hose into the pool to start securing the liner (*customer is responsible for fully filling*)
 - Does NOT include installation of accessories (i.e- ladder, step, fencing, lights, water features, etc.)
 - Installation warranty for **120 days** from date installer was paid (*provided by Installer directly*)

NOTE: Current pool photos of all sides of pool/deck must be submitted to PoolSupport@AmericanSale.com within 1 week post-sale in order to assign to an installer. Install will not be assigned without proper photos of current area regardless of delivery status. Please include your last name and order number when emailing (see page 1). Permits are still required in most towns for installation of a replacement pool. Some installers will remove old pools and can contract this service separately. Please contact installer directly for a quote prior to installation date.

Deluxe Pool Install Includes:

- The preparation of the ground and leveling the pool site up to **4" out of level**.
Any additional inches of leveling are not included. Additional leveling fees are issued on a per inch basis and are to be paid directly to installer at time of installation. Please ask installer for rates.
- Grading the sand that will be under the pool liner (Installer to provide sand)
- Placement of patio blocks under each upright post (Installer to provide blocks)
- Installation of pool & liner to within 1" of level
- Liner Cut for Skimmer and returns
- Filter and Water purifier hook up
- Dropping the hose into the pool to start securing the liner (*customer is responsible for fully filling*)
- Does NOT include installation of accessories (i.e- ladder, step, fencing, lights, water features, etc.)
- Installation warranty for **120 days** from date when installer was paid (*provided by Installer directly*)

PLANNING QUESTIONS: (Must be filled out if deck/pool is currently present)

- Do you have an existing deck next to where pool will be installed: Yes No
- Do you have an existing pool you are removing prior to replacement pool installation: Yes No
 - If yes, please indicate the date of planned removal: _____
 - Size of existing pool: _____ | Shape (please circle): Oval or Round



Above Ground Pool Agreement

2023

- CUSTOMER RESPONSIBILITIES (PERMITTING/PLANNING) -

- ✓ 1. It is required in most towns to obtain a building permit prior to installing an above ground pool. All permits are the responsibility of the homeowner prior to installation of pool. Since every town has different procedures and fees for contractors licensing, the homeowner may be subject to a licensing fee of up to \$200. Permit holder is responsible for compliance with all zoning, fencing and electrical requirements including any inspections the town requires.
- ✓ 2. Installer and homeowner must locate the pool exactly where it is located on the Permit Plot Plan.
- ✓ 3. Locate and mark Power, Phone, Septic tanks and fields, Sprinkler lines prior to installation. Damage to unmarked utilities is solely homeowner responsibility. Installers are not licensed to remove or relocate any utilities to install a pool. *Call JULIE: IL – 811 or 1-800-892-0123, IN – 811 or 1-800-382-5544. (It's FREE to have your property marked!)*
- ✓ 4. **Yard:** Customer must mark the pool site and filter location prior to installation. Once pool is installed, it can not be moved. The customer must provide ample access for any equipment installer may need. American Sale/Installers are not responsible for property/pool site inaccuracies, damage to yards, driveways, or sidewalks within the access path.
- ✓ 5. **Ground leveling:** is defined as bringing the highest point of the ground level with the lowest part of the pool location site. Sinking a pool lower than level is excavation and is NOT a part of the 4" included. Excavation is quoted separately by contractor.
- ✓ 6. **Water:** Customer is required to provide water until the water covers 2/3rds of the skimmer. If the pool is filled by water trucks (not recommended), American Sale or its installers will not be responsible for any damage to the pool or property. Due to varying water sources, American Sale or its installers cannot be responsible for water or water quality for any reason. Water level must be at least 3 inches deep before water trucks can fill the pool. Therefore, water trucks **should NOT** be scheduled to arrive the day of installation, which may result in additional fees to homeowner. *American Sale and our installers do not compensate for water fills, water loss or water refills.*
- ✓ 7. **Backfill:** Customer is responsible for backfilling the pool once it's installed and filled with water. Excess dirt will be left after install and can be used for backfilling. It is the customer's responsibility to remove or spread the excess dirt. The pool must be backfilled to at least the height of the bottom track. No part of the track should be visible if properly backfilled with sufficient amount of dirt. If backfilling over 8", customer must install a corrugated perforated drainage pipe to keep moisture away from the pool.
- ✓ 8. **Electrical:** All motor and pump assemblies need to have proper 115V, 20 amp G.F.C.I. service to the filter. All pumps have a 3' NEMA L5-20R Plug, commonly known as a "Twist Lock" Safety plug. A qualified licensed electrician should ground the pool and perform any electrical work after delivery of filter to ensure proper receptacle fitting. The use of extension cords does not meet Electrical Codes, will damage the equipment, and voids manufacturer warranties.
- ✓ 9. **Gas:** The customer is responsible for contracting all work for gas hook-ups for pool heaters with a licensed gas company. American Sale is not affiliated with nor liable for any outside work done by gas installation contractors. It is the customer responsibility to contract, negotiate, supervise and pay for all gas line work.
- ✓ 10. Customer is responsible for assembly of all other accessories (i.e. ladders, steps, etc). Installers do not assemble.
- ✓ 11. In some cases, small leaks/drips or shifting may occur. It may be necessary to retighten hose clamps, and other fittings after the pool is open and operating. These types of repairs are common and are homeowner responsibility.
- ✓ 12. Customer is responsible to place the "NO DIVING" sign (label) after installation.
- ✓ 13. Customer is responsible for removing sprinkler heads in the direct area of the pool and access area. Installers are not responsible for damage to unmarked sprinkler heads.

- LIMITED WARRANTIES -

- ✓ The products purchased will carry their own Manufacturers' warranties and American Sale agrees to pass the rights to those warranties on to the customer upon payment in full of the invoice(s) for the pool. Information regarding manufacturer warranties on the pool and equipment can be found by contacting American Sale. American Sale is not responsible for add-ons attached to the equipment at a later date. The warranty is to the original owner and is not transferrable. Warranty is null and void if Purchaser is in default of payment or other customer responsibilities. The term of the installation workmanship warranty is defined in the type of installation you have selected and is provided



Above Ground Pool Agreement

2023

through the installer. On-site inspections and repairs are not covered under warranty and may have costs associated for travel fees and other services provided. Any applicable fees must be paid prior to any on-site work.

The following will be excluded from any warranties:

- ✓ Pool not being kept full (it is the customer's responsibility to keep pool properly filled with water at all times)
- ✓ Damage caused by normal weathering, harsh weather/natural calamities, landscaping equipment, vandalism, salts or fertilizers, improper pool water chemistry, improper winterization, pool settlement due to unstable soils, or repairs/maintenance work done by someone other than an American Sale rep/installer or licensed pool contractor.
- ✓ Sand washouts or structural issues due to improper backfill OR failure to perform timely backfill.
- ✓ Liner or pool damage due to punctures from sharp materials, roots or Nut Grass. *(Nut Grass Killer can be applied prior to liner install)*
- ✓ Slight imperfections of the sand or cushion bottom such as lumps, waves, shifting sand or slight wrinkles in the liner.
- Materials purchased through 3rd party may void installer warranty.

➤ **Note:** There may be a charge if a service call is made and the reported damage was caused by reasons listed above

WE HAVE TWO WAYS TO PURCHASE YOUR POOL!



PRODUCT RESERVE

For this type of purchase, we will reserve the product for you and make it unavailable for anyone else to buy. For in stock merchandise, we require the order to be Paid in Full or 10% down of the total order amount with approved Financing accepted.

1. For merchandise where the primary item is on Purchase Order, we require a 20% down payment. Soon after the primary product becomes available, we require the order to be paid in full or an approved financing contract in place. *(Note: Product on Purchase Order may be delayed by forces beyond our control and may affect delivery/install timeframe estimations.)*
2. Your down payment is fully refundable for 14 days after the purchase date. After the 14 days or until 3 business days prior to delivery (whichever is sooner) there will be a 10% cancellation fee of the total order amount.
3. For Special Orders, we require a 50% down payment for products under \$2000 and 20% for products over \$2000. The down payment is not refundable once American Sale has ordered product from the manufacturer.
4. For products where installation is required, submission of installation work order will be sent to an approved 3rd party installer once the full order is delivered.



PRODUCT LAYAWAY

For this type of purchase, we do not reserve product, but we lock in your pricing for the season. If any of your chosen products are no longer available when you are ready for delivery, we will offer you a substitution when you pay off the order balance or your approved financing is accepted. Once the order delivery process begins, if necessary, we may substitute your product with a similar or better model based on our discretion. *(Note: Product on Purchase Order may be delayed by forces beyond our control and may affect delivery/install timeframe estimations.)*

1. We require only a down payment at time of layaway purchase.
2. A delivery date will be assigned when the order is paid in full or approved financing is accepted, and all items are in stock and available for delivery.
3. For products where installation is selected, submission of installation work order will be sent to an approved 3rd party installer once the full order is delivered.
4. Cancellations before a balance is paid in full will be refunded the full paid amount. Once the balance is paid in full, the customer will have 14 days to cancel the order or until 3 business days prior to delivery (whichever is sooner) to avoid a 10% cancellation fee (on the total order amount)
5. A cancellation fee after delivery is subject to American Sale. American Sale reserves the right to refuse returning any item already delivered.
6. American Sale reserves the right to cancel an order if no payment has been made in over 60 days.



Above Ground Pool Agreement

2023

- GENERAL CONDITIONS -

- ✓ Occasionally, due to vendor delays or unavailability, substitutions may be necessary to complete an order. When this occurs, American Sale will substitute with like-in-kind items of similar or better quality. If customer does not agree to substitutions, then the order may be delayed until product can be fulfilled or cancelled if it can no longer be fulfilled.
- ✓ Installation dates are subject to change. Installation timeframes given at the time of sale are an estimate (not a guarantee) and may be adjusted at any time to accommodate unforeseeable circumstances. Installation may also be delayed by forces beyond our control, such as inclement weather, manufacturer delays on products required to install, order errors or updates, travel delays, and/or other emergency situations. At any time, the installer may also reject an installation due to permitting issues, difficulty contacting customer, travel restrictions, property restrictions, and/or unsuccessful cost negotiations. This is not a comprehensive list and is subject to include other factors. Any incurred costs due to delays or non-agreement with an installer are not eligible for compensation.
- ✓ If during the installation, the installer finds interfering material such as stumps, rocks, or other objects, which consequentially add additional installation work and time, the installer has the right to charge extra fees. Likewise, if the installer determines that additional digging and/or construction services are required to properly install the pool, the installer has the right to charge extra fees. All additional fees or repairs are homeowners' responsibility and are to be paid directly to the installer or hired contractor, as they are excluded from this agreement.
- ✓ The homeowner needs to be present and readily available for the entirety of installation for proper access to property, placement of pool, and direct communication if questions or problems arise. Failure to do so waives American Sale and/or installer liability on any inaccuracies that were due to lack of communication with customer.
- ✓ **Sand bottom:** It is common for there to be slight lumps, divots, footprints, and imperfections in a sand bottom as sand often shifts and moves under the pool with use. These do not affect the pool or liner integrity and are not covered under warranted work. To avoid sand washout, make sure to properly backfill the pool in a timely manner.
- ✓ **Decks:** If there is an existing deck, the installer will determine with homeowner if modifications need to be made to accommodate the new pool. Deck modifications are common for replacement pools as different models and brands are not standardized. Modifications are at the homeowners' expense and discretion and may be necessary to match your new pool to the deck. American Sale is not responsible for any agreements or payments made by homeowner to installer (or outside contractor) for modifications to a deck. American Sale is also not responsible for any issues that arise as a result of deck modifications. The installer will do their best to install the pool as close to the deck as possible, but there may be a gap. Installers may require a new agreement to be signed for deck work as this is outside of the scope of this Agreement. If you need manufacturer measurements of your new pool, please request this information to our Customer Service Department prior to installation at CustomerService@AmericanSale.com.
- ✓ Customer allows their information to be uploaded to service management software used by American Sale and its' affiliated installation contractors to assist with installation coordination. (*No personal information is sold or shared*)
- ✓ Installer may ask homeowner to sign their own installation agreement prior to services rendered. The installer agreement is a separate agreement, and not a substitute agreement. If there are any conflicts between this agreement and the installer agreement, this agreement supersedes the other agreement.
- ✓ Purchaser and/or Homeowner warrant to American Sale and its Installers that they are the majority owner of the Real Property where the pool will be constructed.
- ✓ Purchaser and/or Homeowner assume responsibility for the accuracy of the boundaries of their property and agree to hold American Sale and their Installers harmless for any risks or actions any neighbor or governmental body may bring due to inaccuracies. If access is needed to property outside their property boundary, Purchaser and/or Homeowner will obtain written permission to use neighbor's property and assumes any and all responsibility to repair neighbor's property without cost to American Sale or its Installers.

- SERVICE AND SUPPORT -

For installation support prior to pool being installed or any questions or issues arising after a pool is installed, please email poolservice@americansale.com or text message 708-550-7253 (*standard message and data rates may apply). Please include

Version as of 3/2/2023

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INIT: 



Above Ground Pool Agreement

2023

any relevant photos or videos when messaging. If on-site services or repairs are being requested, the Pool Service team will determine if such services are required. Many common issues can be troubleshooted over the phone. However, if it is necessary, the **original** installation company will be obligated to provide any necessary repairs or services. Per the American Sale contract with its installer partners, the original installer must be given first opportunity to rectify issues. Substitution of original installer with another installer is subject to review/approval by the American Sale Pool Service Team and may require a \$200 administrative fee and costs of services rendered. These are non-reimbursable by American Sale. **The installer performing repairs/services will charge any costs for non-warranted work directly to the customer.**

- DEPOSITS, REFUNDS AND CANCELLATIONS -

- All Stock Items are subject to a 10% cancellation fee after 14 days (*10% fee is on the total order amount*)
- All Special Orders under \$2,000 require a 50% deposit
- All Special Orders over \$2,000 require a 20% deposit
- All In-Process Special Orders cancelled will be subject to a 50% cancellation fee (on the total order amount)
- Delivered merchandise will be subject to an additional 10% re-stocking fee and Management approval

✓ No built pools are eligible for any type of return, exchange, removal or refund.

If, for any reason, American Sale cannot fill an item on a non-refundable order, American Sale will refund what the customer paid for that item based on the pro-rated price. This will be the customer's sole remedy for these items.

American Sale does not return and/or remove installed pools unless it is deemed necessary by a professionally trained American Sale technician, town inspector or authorized installer. Furthermore, American Sale does not exchange, return or refund orders due to inaccurate information provided by the customer. Customer agrees to provide accurate information including measurements of yard, deck, patio, general pool area and pool size requirements at time of sale. **Any issue arising from misinformation is not subject to compensation, refund, or removal of pool.**

ARBITRATION CLAUSE:

No action of any character arising from or related to this agreement, or performance thereof, shall be commenced by either party against the other more than one year after pool installer has been paid except claims relating to the manufacturer's product warranties. This Agreement constitutes the entire agreement of the parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings and agreements, whether written or oral, with respect to such subject matter. Any controversy or claim arising out of or related to this agreement, or the breach thereof, shall be settled by binding arbitration in accordance with the construction industry arbitration rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof claims within the monetary limit of the small claims court shall be litigated in such court at the request of either party, so long as both parties limit their right to recover to the jurisdiction of the small claims court. Any claim filed in small claims court shall not be deemed to be a waiver of the right to arbitrate, and if a counter claim in excess of the jurisdiction of the small claims court is filed, then the party filing in small claims court may demand arbitration pursuant to this paragraph. Notice of the demand for arbitration shall be served on the opposing party and filed in writing with the arbiter. Demand for arbitration shall in no event be made on any claim, dispute or other matter in question which would be barred by the applicable statute of limitations. The prevailing party in any dispute regarding enforcement of this agreement shall be entitled to reimbursement for the prevailing party's attorney fees and costs from the non-prevailing party.

- RESOURCES -

For your convenience, a **FREE digital copy** of our comprehensive **American Sale Pool Guide** is available for download any time at www.americansale.com/pages/pool-guide or scan our QR code →



Additionally, our **Pool Installation Support** page can be found on our website for your reference at www.americansale.com/pages/pool-installation-support

I HAVE CAREFULLY READ AND AGREE TO ALL THE ABOVE DELIVERY AND INSTALLATION TERMS AND CONDITIONS.

Customer Signature:

Signing party must be the homeowner responsible for the pool, permitting, installation and maintenance. If an alternate person is paying, they do not have to sign.

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Date:

INIT:

LOT 10 IN BLOCK 36 IN COUNTRYSTIDE OF LAKE ZURICH, A
 RESUBDIVISION OF ALL LOTS IN BLOCKS 24, 25, 29, 30, 31, 33, 34,
 35 AND 36, AND LOTS 1-28, INCLUSIVE OF BLOCK 26 AND LOTS 1,
 THROUGH 35, INCLUSIVE OF BLOCK 32 OF OLD HILL GROVE UNIT NO. 6,
 BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTH HALF
 OF SECTION 21 AND PART OF THE NORTHEAST 1/4 OF SECTION 28, ALL
 IN TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL
 MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED
 OCTOBER 19, 1973 AS DOCUMENT #639665, IN BOOK 52 OF PLATS, PAGE
 2, IN LAKE COUNTY, ILLINOIS.
 R.P.N.: 14-21-303-002

which has the address of 679 BEECHWOOD DRIVE

LAKE ZURICH	, Illinois	[Street] 60047-2801 ("Property Address"):
[City]		[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument; but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing or canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal, Interest and Late Charge.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and late charges due under the Note.

2. **Monthly Payment of Taxes, Insurance, and Other Charges.** Borrower shall include in each monthly payment, together with the principal and interest as set forth in the Note and any late charges, a sum for (a) taxes and special assessments levied or to be levied against the Property, (b) leasehold payments or ground rents on the Property, and (c) premiums for insurance required under paragraph 4. In any year in which the Lender must pay a mortgage insurance premium to the Secretary of Housing and Urban Development ("Secretary"), or in any year in which such premium would have been required if Lender still held the Security Instrument, each monthly payment shall also include either: (i) a sum for the annual mortgage insurance premium to be paid by Lender to the Secretary, or (ii) a monthly charge instead of a mortgage insurance premium if this Security Instrument is held by the Secretary, in a reasonable amount to be determined by the Secretary. Except for the monthly charge by the Secretary, these items are called "Escrow Items" and the sums paid to Lender are called "Escrow Funds."

Lender may, at any time, collect and hold amounts for Escrow Items in an aggregate amount not to exceed the maximum amount that may be required for Borrower's escrow account under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. §2601 *et seq.* and implementing regulations, 24 CFR Part 3500, as they may be amended from time to time ("RESPA"), except that the cushion or reserve permitted by RESPA for unanticipated disbursements or disbursements before the Borrower's payments are available in the account may not be based on amounts due for the mortgage insurance premium.



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 2023-16
PZC Hearing Date: July 19, 2023

AGENDA ITEM 4.E

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: July 19, 2023
Re: PZC 2023-16: Zoning Application for a Special Use Permit
Physical Fitness Facility – CrossFit Lykos at 519 Telser Road

SUBJECT

Shawn Bostick, Sarah & Rich Ferolo, and Dino Foderaro of Form Function Fitness, LLC, d/b/a CrossFit Lykos (the “Applicant”) with the consent of the property owner, Telser Commercial Properties, LLC (the “Owner”) request a Special Use Permit to allow a physical fitness facility (SIC #7991) at the property commonly known as 519 Telser Road, a unit within Lake Zurich Industrial Center, and legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

Requested Action: Special Use Permit
Current Zoning: I Industrial District
Existing Use: Vacant Unit in Existing Industrial Condo Complex
Proposed Uses: Physical Fitness Facility (SIC #7991)
Property Location: 519 Telser Road
Applicant: Shawn Bostick, Sarah & Rich Ferolo, and Dino Foderaro
Form Function Fitness, LLC, d/b/a CrossFit Lykos
Owner: Telser Commercial Properties, LLC
Staff Coordinator: Tim Verbeke, Planner

Staff Report
APPLICATION PZC 2023-16

Community Development Department
PZC Hearing Date: July 19, 2023

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

CrossFit Lykos (the “Applicant”), is proposing a physical fitness facility with a focus on CrossFit Fitness Training, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received June 8, 2023 (the “Application”) seeking:

- Special Use Permit approval for a Physical Fitness Facility (SIC #7991)

The Applicant desires to establish a private gym within a condominium unit in the existing industrial building, with the main focus on interval training, strength, and conditioning workouts made up of functional movements performed at a high intensity. The athletes will train in hour-long classes to elevate their fitness. The establishment will feature adult classes, specialty kids’ classes for ages three to thirteen, and personal training. Any type of physical fitness facility requires a special use permit in the Lake Zurich I-Industrial zoning district.

The facility will be located within an approximately 4,323 square foot portion of the 18,668 square foot industrial tenant condominium. There is no expected construction or buildout work on the proposed facility, the existing unit already features a reception area, three conference rooms/office spaces, a large warehouse space and two bathrooms. As part of the operation, the Applicants will use the warehouse to serve as the main training area. A large amount of the space will be open to facilitate Olympic barbell movements and other bodyweight-type movements. Extra space will feature a 250 square foot pull-up rig, rowers, airdyne bikes, barbells and bumper plates, kettlebells/dumbbells, and other equipment to be used during class.

The operation will not conflict with the standard hours of operation or traffic flow of the industrial park, as tentative operating times are after work/school. The hours of operation are limited and are Monday-Friday 5:00 a.m. to 7:30 a.m. and 4:15 p.m. to 6:15 p.m., and Saturday-Sunday 7:30 a.m. to 11:00 a.m. Summer hours are anticipated to be Monday, Wednesday and Friday at 8:30 a.m. The anticipated traffic count per hour of operation is 12 vehicles with 2 employees working at one time, and the business seeing between 80 customers a week.

Pursuant to public notice published on July 1, 2023, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 19, 2023, to consider the Application. On July 3, 2023, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff Report
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Community Development Department
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Staff offers the following additional information:

- A. Courtesy Review.** Due to the low impact, courtesy review was not recommended.
- B. Zoning History.** The property is located within the Lake Zurich's Industrial Center Subdivision, which was recorded on August 14, 1986 in Lake County and is zoned within the I-Industrial District. The existing warehouse building was constructed in the following years, and used by several companies, with the current tenant space being most recently occupied by R Professional Group, Inc until 2020.
- CrossFit Lykos started in 2013 as an extension of CrossFit Barrington at 532 W State Route 22 in Lake Zurich. In 2016 the business was relocated to its current location at 143 E Main Street.
- C. Surrounding Land Use and Zoning.** The subject property is located in the interior of the Industrial Park, along Telser Road. The tenant space at 519 Telser Road is one of 4 industrial condominium units, collectively within the building addressed 511-539 Telser. All directly surrounding land is zoned I Industrial District and is improved with both multi-tenant and single user industrial buildings. The parcel directly to the south is owned by the Village of Lake Zurich and zoned IB Institutional Business, and improved with Lake Zurich's Public Works and Community Services Facility.
- D. Trend of Development.** The subject property is located within Lake Zurich's thriving Corporate Industrial Park. Currently, there are a number of other physical fitness or sports and training facilities that have established on properties zoned within the I Industrial zoning district. These facilities are Main Street Sports at 143 East Main Street, MVP Sports Academy at 130 Oakwood Road, US Gymnastics Training Center at 405 Enterprise Parkway, Max Fitness at 1148 Rose Road, Formula 1 Cheer at 65 Oakwood Road Unit 3, Lake County Stars Baseball at 363 Enterprise Parkway and Chicago Badminton Academy at 570A Telser Road. CrossFit Lykos is in keeping with the trend of development of these facilities.
- E. Zoning District.** The I industrial district is intended to provide for a range of nuisance free manufacturing, warehousing, transportation, wholesaling, and industrial uses that are compatible with the suburban residential character of the village. The industrial district is also meant to accommodate certain professional offices and similar uses that may provide services to the industrial users and are compatible with the industrial character of the district. It is the goal of these regulations to provide and preserve an area within the village for industrial uses that create employment and economic benefits for the village and the industrial district.

Physical fitness facilities (SIC #7991) are allowed as a special use requiring a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. Special uses are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect

Staff Report
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Community Development Department
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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.

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

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

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

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

Staff Response: Standard met. The development will continue to remain in substantial conformance with the purpose and intent of the I Industrial District, and the land use designation of the adopted Comprehensive Plan.

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

Staff Response: Standard met. The proposed development is consistent with other industrial condominium office spaces within the Industrial District. Based on the fact that it is being operated with smaller class sizes of 10 to 15 customers, plus only early morning, evening and weekend hours, it will not have any substantial or undue adverse effect upon any adjacent properties.

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

Staff Response: Standard somewhat met. It is not clearly indicated if any outdoor activities proposed. If outdoor activities, classes, instruction, etc. are proposed, the Applicants will clearly need to indicate specifically where, and if there is outdoor equipment proposed.

Additionally, the Applicant will need to ensure that proper sound attenuation measures are in place to prevent any negative activity of the subject use on immediately adjacent tenants within the building.

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4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Staff Response: Standard met. The proposed development is currently served by and will continue to be served adequately by essential public facilities and services such as streets, utilities and drainage and other municipal services. No changes to these are contemplated at this time.

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

Staff Response: Standard Not Met.

Parking is not in conformance with the requirements of the zoning code. The industrial condominium complex at 511-539 Telser Road is currently unable to accommodate the vehicles of the existing tenants. The Applicants have noted that the typical class size will be 12 students plus 2 staff, for a total of 14 required parking spaces, and only 6 designated parking spaces are allocated to them. There is not adequate parking for this use at this building. The Applicants have therefore proposed on-street parking to supplement their parking requirements

Additionally, the automotive use within an adjacent tenant space, Hawthorn Woods Automotive, within the industrial building at the property has demonstrated a very high demand for parking. In addition to using their own allocated spaces, parking in the street, utilizing spaces within another business across the street (520 Telser) for parking, the use is also parking its vehicles in areas not designated for parking within a 24-foot access aisle required for fire apparatus access to the property and its tenants. Due to these circumstances, various members of the Village's Development Review Team (DRT) have expressed concerns for vehicular safety on the property and along the property's frontage of Telser Road.

Were all parking spaces to be utilized in compliance with the codes and allocations, the parking demand CrossFit Lykos at 12 vehicles arriving at the facility per hour of operation would not conflict with the standard hours of operation or traffic flow of the industrial park, as tentative operating times are after work/school.

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

Staff Report
APPLICATION PZC 2023-16

Community Development Department
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Staff Response: Standard met. The proposed use will not result in the destruction or removal of any natural features. The proposed use would be conducted entirely within the Subject Property at Lake Zurich Industrial Center industrial condominium complex.

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

Staff Response: Standard met. The proposed use will comply with all other additional standards imposed through the building codes as they relate to physical fitness facilities. The applicant is not proposing any additional interior buildout to accommodate the proposed facility.

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

Staff Response: Standard met. The proposed development will continue to uphold the established character of the industrial park, and will provide a healthy and convenient lifestyle option for the Village's residents and employees of the Industrial Park.

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

Staff Response: Standard met. There are no additional standards for the proposed special use. Staff will ensure that compliance is established before any additional permits are issued.

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

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

Staff Response: Standard met. The proposed development will bring a unique healthy lifestyle option to the Village. Residents of the village will be provided with a convenient gym specializing in privately training Lake Zurich's youth in athletics.

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

Staff Response: Physical fitness facilities (SIC #7991) are a permitted use within the Village's Business districts and a special use within Industrial districts.

The Applicants currently operate within a location at 143 East Main Street. The Applicants have not indicated any reasons for moving to the subject property. However, any alternative location in the industrial district would involve costs and requirements that are no different from the current location.

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

Staff Response: Standard not met. The physical fitness facility will create an adverse impact and an undue hardship on itself and the neighboring tenants and surrounding business owners by adding additional parking demand on a property that is currently exceeding its capacity. The subject property is unable to handle the current parking load, and the addition of 12 vehicles will strain the already under parked parking lot.

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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 9-19-3: Standards for Special Use Permits

Based on the review of the application against the standards for special use permits, staff cannot recommend approval of Application PZC 2023-16, due to the inability of the application to meet the standards for “No Traffic Congestion” and “Mitigation of Adverse Impacts” as follows:

1. Parking creating traffic congestion (adverse impact): The Applicants have proposed on-street parking to supplement their parking requirements. The Village Code states that businesses shall provide adequate parking on their premises. Additionally, an adjacent occupant of the building (Hawthorn Woods Automotive) also has exceeded their capacity and is unlawfully using the street (Telser Road) to park their vehicles on a consistent basis, and in addition to the 2-hour limit required by the code. Such on-street parking has created sight-line issues for vehicles leaving neighboring properties. The current road design in addition to the high traffic volumes during peak hours in the industrial park create a potential hazard with on-street parking. The Applicant’s request to allow additional cars to be parked on the street will further exacerbate the already strained situation.
 - a. The Applicant has noted that 12 students plus 2 staff will utilize the facility at a time requiring a total of 14 parking spaces, but has only been allocated 6 parking spaces under their tenancy. There is therefore inadequate parking for this use on the premises.
 - b. Staff strongly recommends that parking demand at this building be collectively evaluated for all tenants due to the high demand of the existing automotive use.
2. Parking is not permitted at the rear of building which is designated as a fire lane and rear access aisle.
3. The Applicants have not indicated if any outdoor activities will be proposed. If outdoor activities, classes, instruction are proposed, the Applicants will have to indicate specifically where their outdoor equipment proposed.

Should the PZC recommend approval of Application PZC 2023-16 based on its findings and partial or full compliance with the Standards contained within Section 9-19-3: Standards for Special Use Permits, staff recommends that the following conditions be incorporated into such recommendation:

1. Substantial conformance with the following documentation submitted as part of the application and subject to revisions required by Village Staff, Village Engineer, and any applicable governmental agencies:
 - a. Zoning Application submitted by Shawn Bostick, Sarah & Rich Ferolo, and Dino Foderaro of Form Function Fitness, LLC, d/b/a CrossFit Lykos as Applicants, dated June 8, 2023 and including the attachments.
 - i. Cover Letter dated June 8, 2023

Staff Report
APPLICATION PZC 2023-16

Community Development Department
PZC Hearing Date: July 19, 2023

- ii. Narrative of the proposed use
- iii. Legal Description of the Subject Property
- iv. Estimated Costs of Site Development
- v. Floor Plan Exhibit of the tenant space
- vi. Plat of Survey of the property prepared by VSEI dated December 8, 2010
- vii. Site Aerial Photographs depicting location of the tenant space within the multi-tenant building
- viii. Photographs of the Building Entrances and Exits
- ix. Parking Layout and photograph of allocated spaces
- x. Photographs of current space to illustrate current operations
- xi. Proof of ownership and letter of intent to lease space

- b. Letters of support and objection received by village staff
- 2. The Applicant or Property Owner shall demonstrate through an evaluation of existing uses and their operations on the property that there is adequate parking available for all tenants on the premises and shall ensure that all tenants comply with their land use allocation for parking and with the requirement for on-premise and on-street parking requirements.
- 3. Any and all noise mitigation measures shall be implemented to prevent any negative impact of the proposed use on adjacent tenant spaces following the review and approval of Village staff. In the event such measures are not sufficient to completely mitigate the transmission of noise to adjacent tenant spaces, additional measures shall be implemented to the satisfaction of the Village.
- 4. Unless otherwise requested and approved, all activities related to the physical fitness business shall be conducted wholly within the Rental Space being leased from Owner and addressed at 519 Telser Road within Lake Zurich Industrial Center condominiums.
- 5. The special use constituting this physical fitness business with a focus on interval training, strength, and conditioning workouts made up of functional movements performed at a high intensity, shall be located within the industrial tenant space addressed at 519 Telser Road as depicted on the Site and Floor Plans submitted by Applicants Shawn Bostick, Sarah & Rich Ferolo, and Dino Foderaro of Form Function Fitness, LLC, dated June 8, 2023, and shall expire if this physical fitness business ceases operating at the subject property.
- 6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Tim Verbeke
 Planner

Staff Report
APPLICATION PZC 2023-16

Community Development Department
PZC Hearing Date: July 19, 2023

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOTS 6 AND 7 IN LAKE ZURICH INDUSTRIAL CENTER UNIT THREE, BEING A SUBDIVISION OF PART OF LOTS 7, 8 AND 9 IN SCHOOL TRUSTEES' SUBDIVISION OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1986 AS DOCUMENT NO. 2471902, IN LAKE COUNTY, ILLINOIS.

Parcels Involved: 14-16-203-001 & 14-16-203-002

Staff Report
APPLICATION PZC 2023-16

Community Development Department
PZC Hearing Date: July 19, 2023

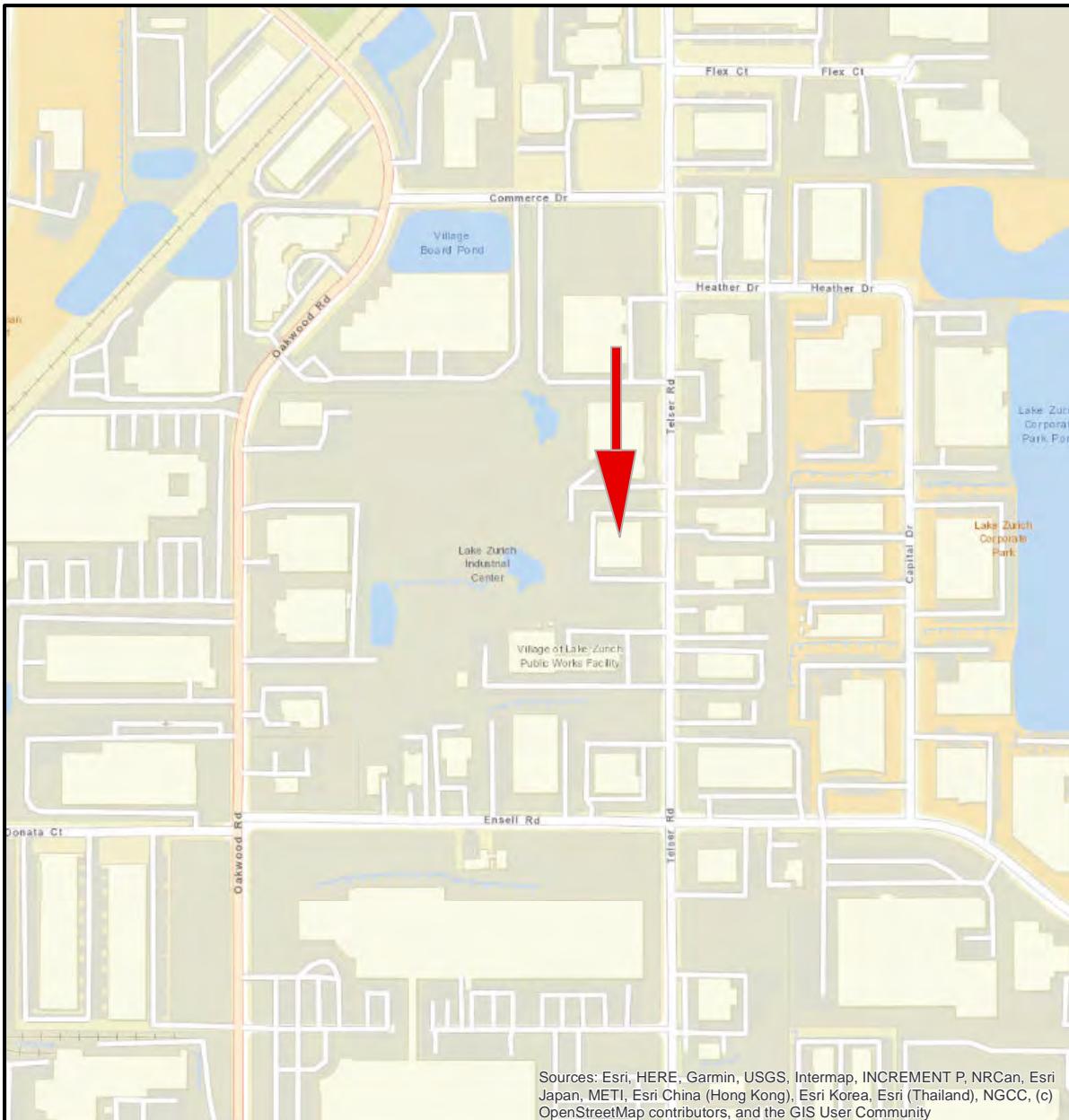
EXHIBIT B
PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY





Special Use Permit

519 Telser Road



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

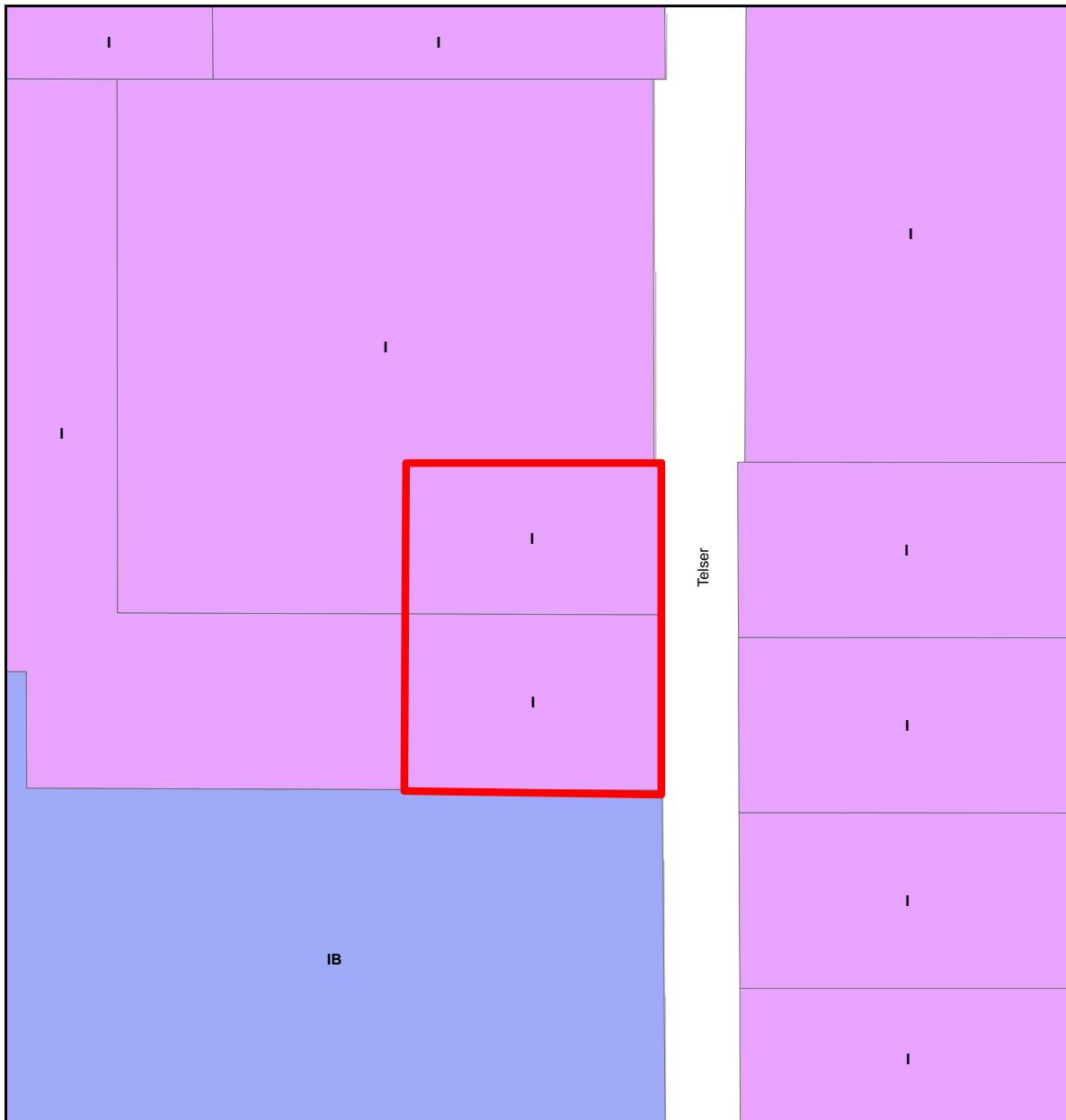
COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

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



Special Use Permit

519 Telser Road



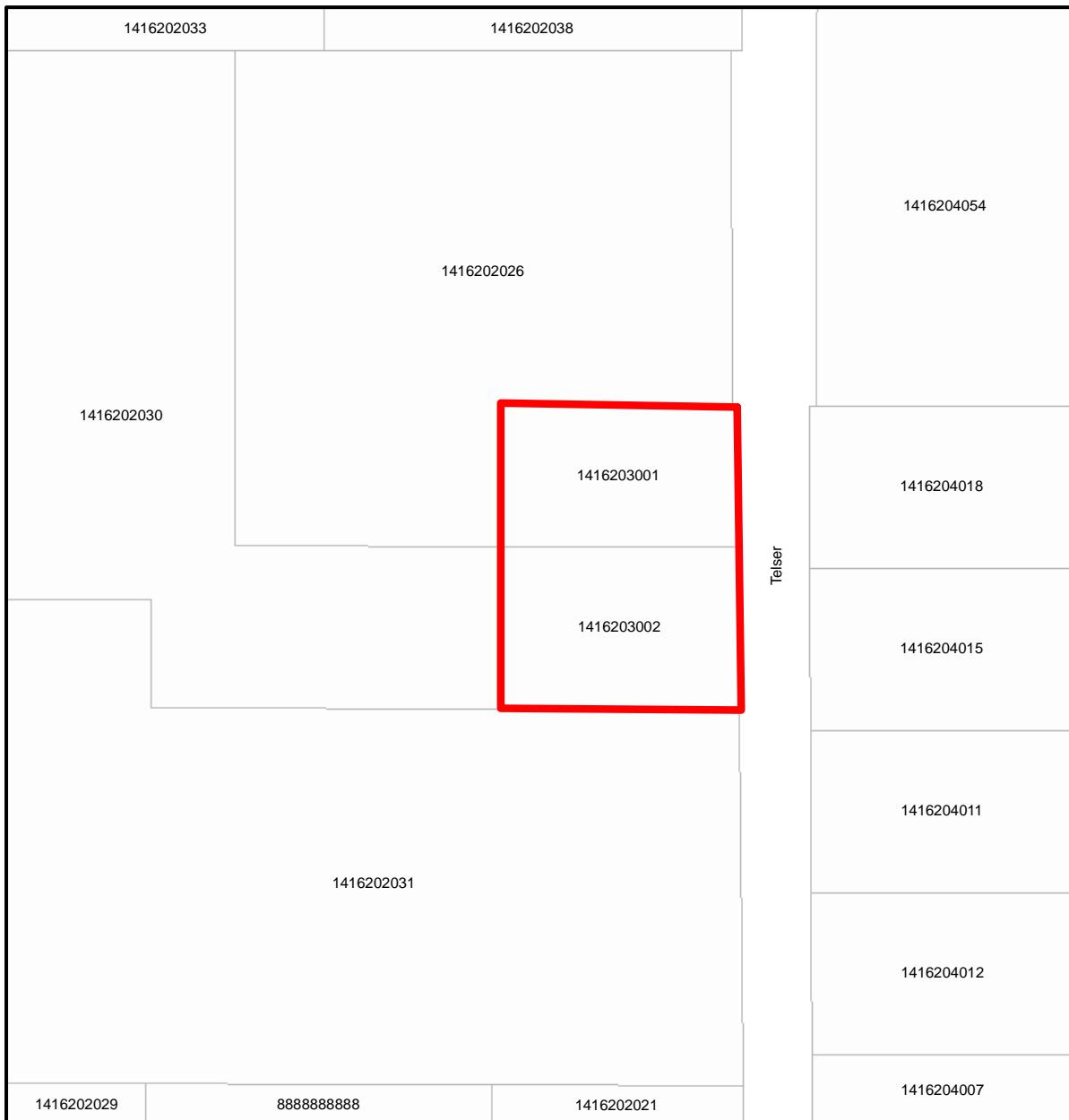
COMMUNITY SERVICES DEPARTMENT
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LakeZurich.org



Special Use Permit

519 Telser Road



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

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



(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: 519 Telser Rd Lake Zurich, IL 60047
2. Please attach complete legal description
3. Property Identification number(s): 14-16-203-001 & 14-16-203-002
4. Owner of record is: Telser Commercial Properties, LLC Phone: 847-909-6804
E-Mail nicolelucas799@gmail.com Address: 527 Telser Rd. Lake Zurich, IL 60047
5. Applicant is (if different from owner): Form Function Fitness, LLC DBA CrossFit Lykos Phone: 224-500-1953
E-Mail info@crossfitlykos.com Address: 143 E. Main St. Lake Zurich, IL 60047
6. Applicant's interest in the property (owner, agent, realtor, etc.): Lessee/Tenant
7. All existing uses and improvements on the property are: This unit is 4,323 SF of an approx 18,800 SF building featuring 6 units.
Current tenants include an Auto Repair Shop, HVAC Contractor, Alarm System Contractor, Exercise Coach Corp Offices and Wharehouse Space for the Owner.
8. The proposed uses on the property are: Affiliated CrossFit Fitness Training Facility - Physical Fitness Facility (SIC #7991)
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:
Not applicable
10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:
Not applicable. The property is not for sale.
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.

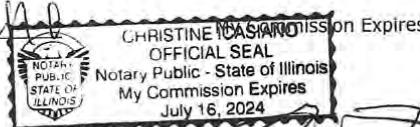
THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.
THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

Sarah Ferolo
(Name of applicant)

Sarah Ferolo
(Signature of applicant)

Subscribed and sworn to before me this 8 day of MAY, 2023.

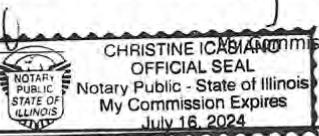
Christine Cabando
(Notary Public)



(Signature of Owner, if different)

Subscribed and sworn to before me this 8 day of MAY, 2023.

Christine Cabando
(Notary Public)



Please indicate what 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 Physical Fitness Facility (SIC #7991)
 (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 _____



June 8, 2023

Mr. Orlando Stratman
Chairperson of the Planning & Zoning Commission
Village of Lake Zurich
505 Telser Road
Lake Zurich, Illinois 60047

This Letter of Transmittal, together with the following Exhibits:

1. The completed zoning application, signed by Petitioner and the Property owner
2. A cover letter to the Chair of the Planning & Zoning Commission
3. Supporting documents to the application
 - Exhibit A: Legal Description
 - Exhibit B: Estimated Costs of Site Development
 - Exhibit C: Floor Plan
 - Exhibit D: Plat of Survey
 - Exhibit E: Aerial Views of Proposed Site
 - Exhibit F: Building Entrances/Exits
 - Exhibit G: Parking Layout
 - Exhibit H: Proof of Ownership of the Subject Property: Commercial Lease Letter of Intent



Mr. Orlando Stratman,

We hope this letter finds you well. CrossFit Lykos is requesting a special zoning permit to relocate from its current location at 143 E. Main St. in Lake Zurich to a new location at 519 Telser Rd. CrossFit Lykos is a community of athletes; husbands, wives, parents, military, police, businessmen & women, students, and grandparents. We are a community mutually dedicated to the improvement of ourselves, the improvement of others, and the improvement of the local community through health and fitness. We consider ourselves a family at CrossFit Lykos.

Our company is a CrossFit Affiliate training facility that features a form of interval training, strength, and conditioning workouts made up of functional movements performed at a high intensity. Our athletes come to train with us for an hour-long class to elevate their fitness at our facilities. We feature adult classes, specialty kids classes for kids ages three to thirteen, and personal training. Come July 2023, our community will be celebrating its ten-year anniversary serving the Lake Zurich area.

Company Information

Owners: Shawn Bostick, Sarah & Rich Ferolo, Dino Foderaro

Company Name: Form Function Fitness LLC. DBA CrossFit Lykos

Proposed Location: 519 Telser Rd, Lake Zurich, IL 60047

Websites: <https://www.crossfitlykos.com/> & <https://www.instagram.com/crossfitlykos/>

Planned Move-in Date Pending Approval: October 15, 2023

Property and Business Details

- Proposed Landlord: Telser Commercial Properties, LLC
- Lessee: Form Function Fitness LLC. DBA CrossFit Lykos
- Current Use: Industrial
- Intended Use: CrossFit Fitness Training Facility
- Approvals sought: Special Zoning Permit
- Business Schedule:
 - Monday - Friday: 5am, 6:15am, 7:30am, 4:15pm, 5:15pm, 6:15pm (Summer only 8:30am M,W,F)
 - Weekends: 7:30am - 11am
 - Vehicle Count: We estimate no more than twelve vehicles arriving per class based on our highest attended classes. Staff vehicles should be no more than two during working hours. Our 5am and 5:15pm classes are traditionally the most busy, which is typically before and after normal business hours for our potential neighbors. We are allotted six reserved parking spaces with excess parking being permitted alongside the West end of the building. If needed, street parking on Telser Rd inline with a two-hour parking enforcement will suffice as each class is only



CROSSFIT LYKOS

one hour long. Further information is provided in Exhibit G. If needed, hours can be adjusted to accommodate a transition period between classes, allowing time for parking to open up from previous class attendees.

- Client Count: Eighty as of June 2023
- Current facility: 143 E Main St. Lake Zurich, IL 60047

CrossFit Lykos Offerings:

- CrossFit Group Classes
- CrossFit Kids (Ages 3- 13) structured into 3 age groups, Littles, Kids, and Pre-Teens
- Personal Training
- Team/Organizational training

Company Background

CrossFit Lykos started in 2013 as an extension of CrossFit Barrington, having originally started at 532 W. State Rte 22 in Lake Zurich. In 2016, current owners Dino Foderaro and Shawn Bostick took over the business and relocated the facility to its current location at 143 E Main St. Mr. Foderaro and Mr. Bostick are both veterans (Air Force and Navy respectively) and have been involved in CrossFit for twelve years. Sarah & Rich Ferolo joined the ownership team in July of 2022 and have been involved with CrossFit for a similar amount of time. Our coaching staff includes the leadership team and eight additional coaches, all of whom have passed CrossFit's several certification courses.

As an affiliate of CrossFit, CrossFit Lykos operates its own fitness methodology and programming style for our members. During business hours we operate an hour-long class. This class includes a warm-up, a strength-based portion often involving an Olympic or compound lifting movement, a skill set unique to the sport of CrossFit, and a structured Metcon also known as the "Workout of the Day". Our programming tends to be structured in eight to twelve-week cycles that hone in on specific skills and lifts, aiding in the improvement and strength gains of our members. All athletes in the CrossFit classes do the same workout each day, scaling movements and lifts based on their skill set and needs with the guidance of our coaching staff. Our programming, while the same for each athlete, is tailororable for all ages and fitness levels making it a unique fitness option, all while incorporating a sense of group comradery and accountability.

In 2019, Lykos introduced a CrossFit Kids program which features structured training (and fun) for teens and kids ages three through thirteen. Through the years, several prior Kids' program members have moved to normal CrossFit classes with adults, many of which are local area school athletes. We believe in teaching our youth good fitness habits and the importance of healthy living all while having fun!



Intended Use of Proposed Space

The proposed location is an excellent location for our gym to relocate to as it is five minutes away from our current facility. We serve several Lake Zurich residents so maintaining residency in Lake Zurich is paramount to retaining our client base. There is no expected construction or work required for the proposed facility. The unit features a reception area, three conference rooms/office spaces, a large warehouse space, and two mix-gender bathrooms. Our intention is to convert the reception area into a personal belonging space where existing lockers/cubbies from our current location will be transferred to. One of the two offices will serve as the main office area for the business while the other rooms will serve as a kids' space and auxiliary equipment storage.

The warehouse will serve as the main training area for our mentioned classes. A large amount of the space will be open to facilitate Olympic barbell movements and other bodyweight-type movements during the classes. Excess space will feature a 250 sq ft pull-up rig, rowers, airdyne bikes, barbells and bumper plates, kettlebells/dumbbells, and other misc equipment used during class as programmed.

CrossFit Lykos and its members are excited about this new chapter of our community. Thank you for your time in reviewing our application and your consideration.

Best Regards,
CrossFit Lykos Leadership
Shawn Bostick, Sarah & Rich Ferolo, & Dino Foderaro



Exhibit A- Legal Description

LOTS 6 AND 7 IN LAKE ZURICH INDUSTRIAL CENTER UNIT THREE, BEING A SUBDIVISION OF PART OF LOTS 7, 8 AND 9 IN SCHOOL TRUSTEES' SUBDIVISION OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 14, 1986 AS DOCUMENT NO. 2471902, IN LAKE COUNTY, ILLINOIS

14-16-203-001-0000
14-16-203-002-0000

CKA: 511-539 TELSER Road, Lake Zurich, IL, 60047



Exhibit B: Estimated costs of site development

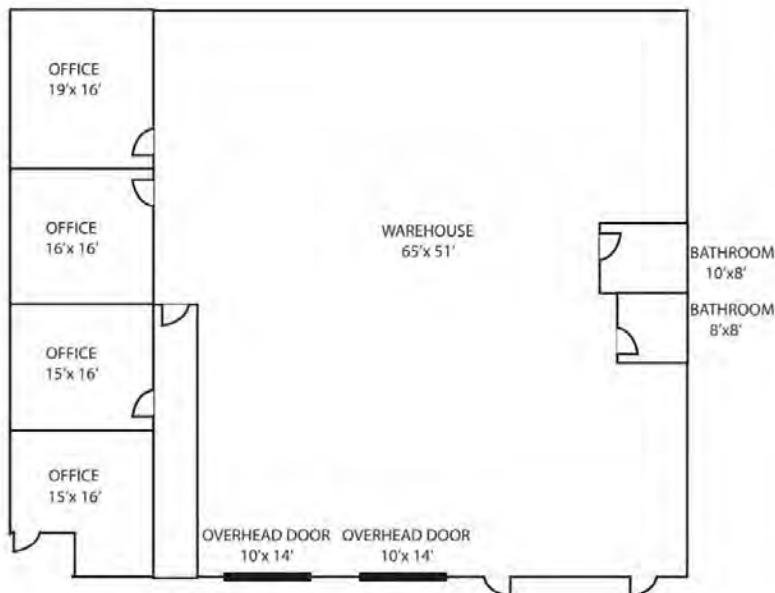
There are no expected costs of site development. The unit is move-in ready with no additional changes required. Fitness equipment used for classes and training is already in use at the current facility of 143 E. Main St. in Lake Zurich. All equipment will be moved to the 519 Telser Rd location prior to occupancy.



Exhibit C: Floor Plan

TELSER COMMERCIAL PROPERTIES

UNIT 519 TELSER ROAD



TOTAL SQ. FT.: 4,323 SQ. FT.
HEAT: Gas Heat
ELECTRICAL: (1) 200 Amp Service
120/208v 3ph
CEILING HEIGHT: 18' Clearance

Note: Drawing not to scale

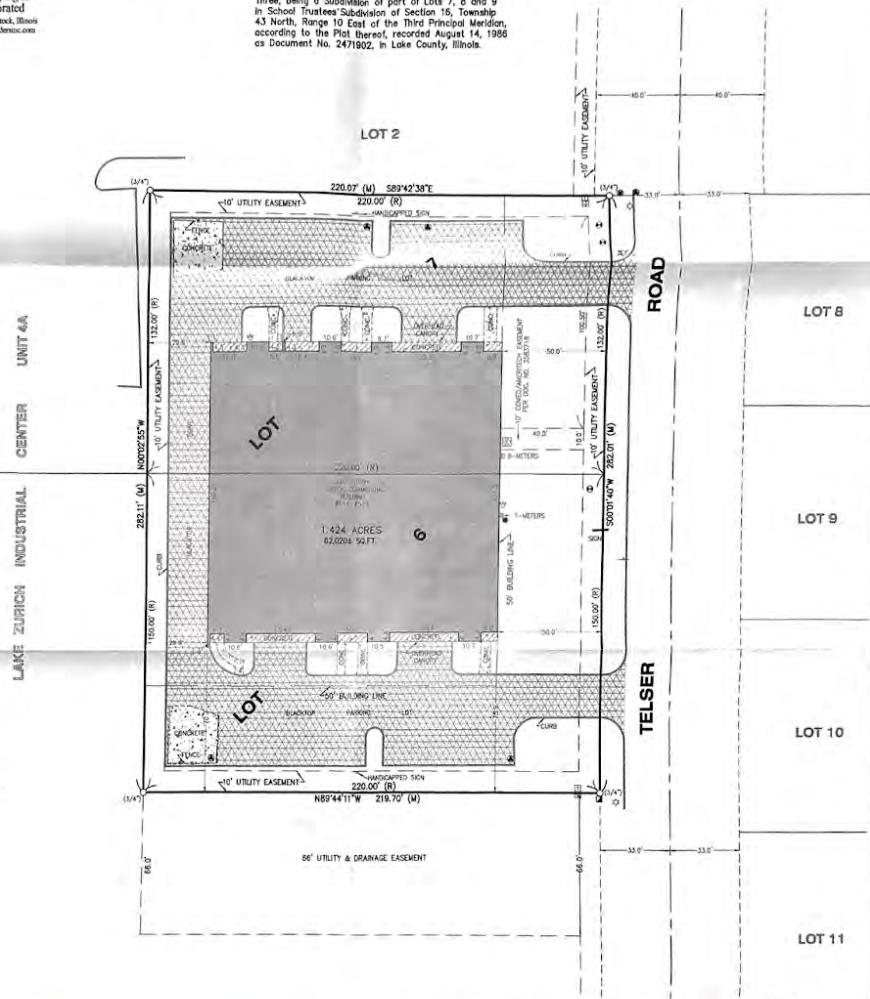


Exhibit D: Plat of Survey (Next Page)



ALTA/ACSM LAND TITLE SURVEY

Lots 6 and 7 in Lake Zurich Industrial Center Unit Three, being a Subdivision of part of Lots 7, 8 and 9 in School Trust Subdivision of Section 15, Township 43 North, Range 10 East, in Lake Zurich, Illinois, according to the Plat thereof, recorded August 14, 1986 as Document No. 2471902, in Lake County, Illinois.



LEGEND	
○ FOUND IRON PIPE	○ LIGHT POLE
○ CAVY RISER	○ FIRE HYDRANT
● STORM MANHOLE	○ WATER SHUT-OFF
○ CATCH BASIN	○ VALVE VAULT
○ SIGN	○ WATER VALVE
○ TELEPHONE RISER	● SANITARY MANHOLE
○ ELECTRIC METER	○ ELECTRIC TRANSFORMER
■ ELECTRIC RISER	
(M) MEASURED	(D) DEED
(D) DEED	(R) RECORD

CLIENT: FLANAGAN REALTY, INC.
 DRAWN BY: ST CHECKED BY: WJV
 SCALE: 1"=30' SEC. 16 T. 43 R. 10 E.
 BASIS OF BEARING: ASSUMED
 P.L.N.: 14-16-203-001,002
 JOB NO.: 100579 I.D. ALT.
 FIELDWORK COMP.: 12/8/10 RE: PG.
 ALL DISTANCES SHOWN IN FEET AND DECIMAL RT.
 PARTS TAKEN TO CENTER OF RT.

STATE OF ILLINOIS) S.S.
 COUNTY OF McHENRY)

Certified to: 1) Regent Title
 2) America United Bank and Trust Company
 3) SonnerCor 504, Inc.
 4) U.S. Small Business Administration



In my professional opinion, and based on my observations, I certify that this plot and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 3, 4, 7a, 8, 10, & 11e of Table A thereof. Pursuant to the accuracy standards as established by ALTA and NSPS, as in effect on the date of this certification, the Surveyor further certifies that in my professional opinion, a land surveyor registered in the State of Illinois, the Relative Positional Accuracy of the survey does not exceed that which is specified therein. I also certify that I have examined the wood and metal survey Map, Parcel No. 177-7002239, dated September 5, 1986, and have determined that the property lies within Zone "X-unshaded", areas determined to be outside 500-year floodplain. Dated this 15th day of December A.D. 2010.

VANDERSAPPEN SURVEYING & ENGINEERING, INC.
 Design Firm No. 104-002792

William J. Vandersappen, 055-002709
 PROFESSIONAL LAND SURVEYOR
 (seal)

CROSSFIT LYKOS

Exhibit E- Aerial Views of Proposed Site



 **CROSSFIT LYKOS**



CROSSFIT LYKOS

Exhibit F: Building Entrances/Exits



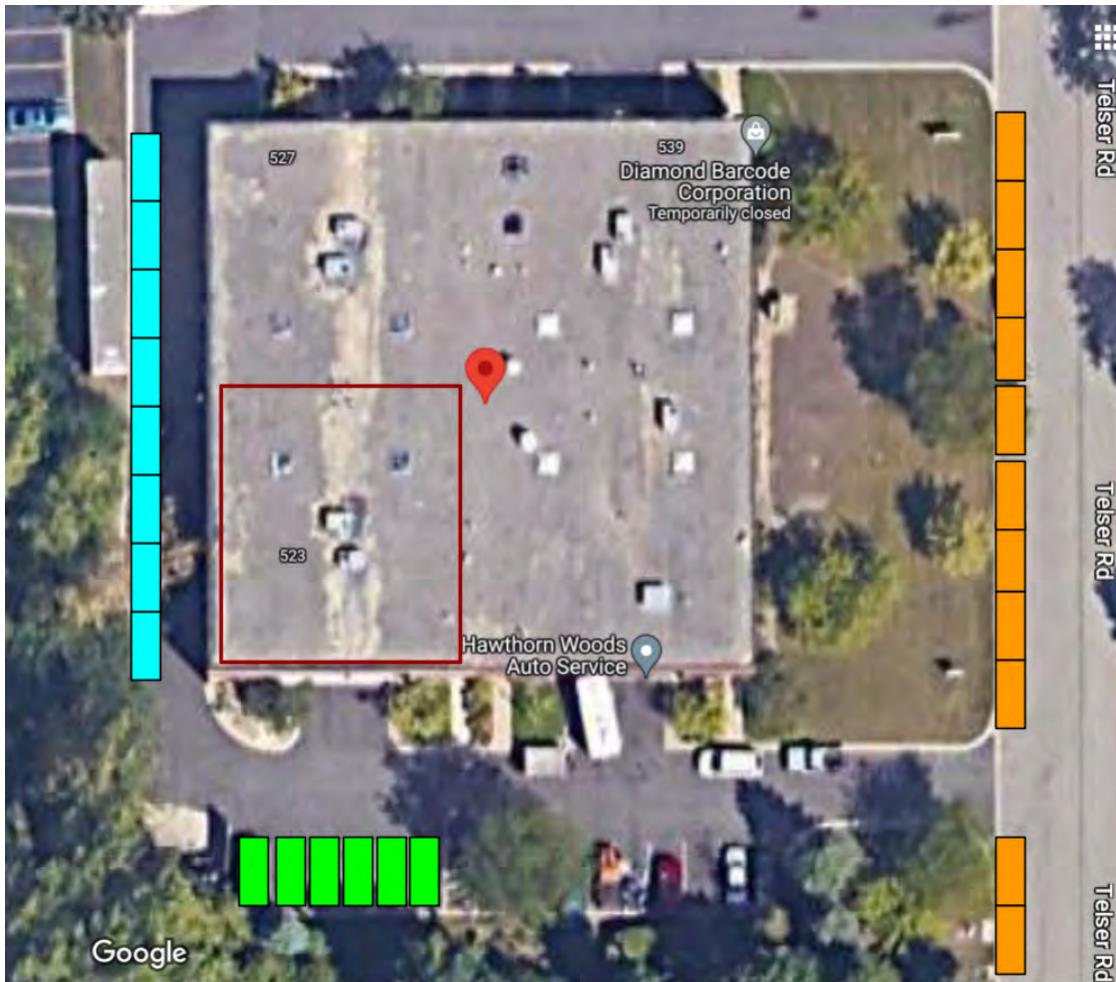
CROSSFIT LYKOS

Exhibit G: Parking Layout

Green- Six reserved parking spots

Blue- Secondary parking along west end of building

Orange- Tertiary parking on Telser Road (two hour limit)



CROSSFIT LYKOS

Six Reserved Parking Spaces



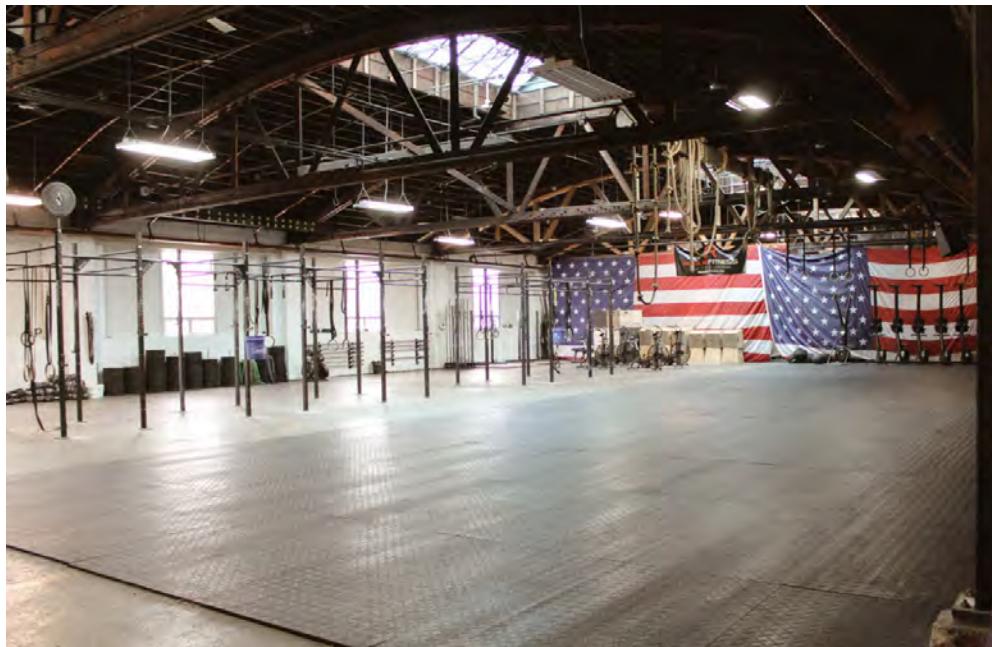
Secondary Parking along West end of the building



CROSSFIT LYKOS

Current Space for Reference:

Our current space features ~2,300 sq ft of working space for lifts and workouts on rubber horse stall mats, a 225 sq ft "Rig" used for Pull Ups and other movements, and wall space along the edges is used for storage of equipment such as Wall Balls, Dumbbells, Kettlebells, Barbells, Boxes (for Box Jumps/Step Ups), along with cardio equipment such as Rowers, Airdyne Bikes, and Skiergs. The new space will accommodate a similar format albeit a more condensed use of the space.



CROSSFIT LYKOS



CROSSFIT LYKOS

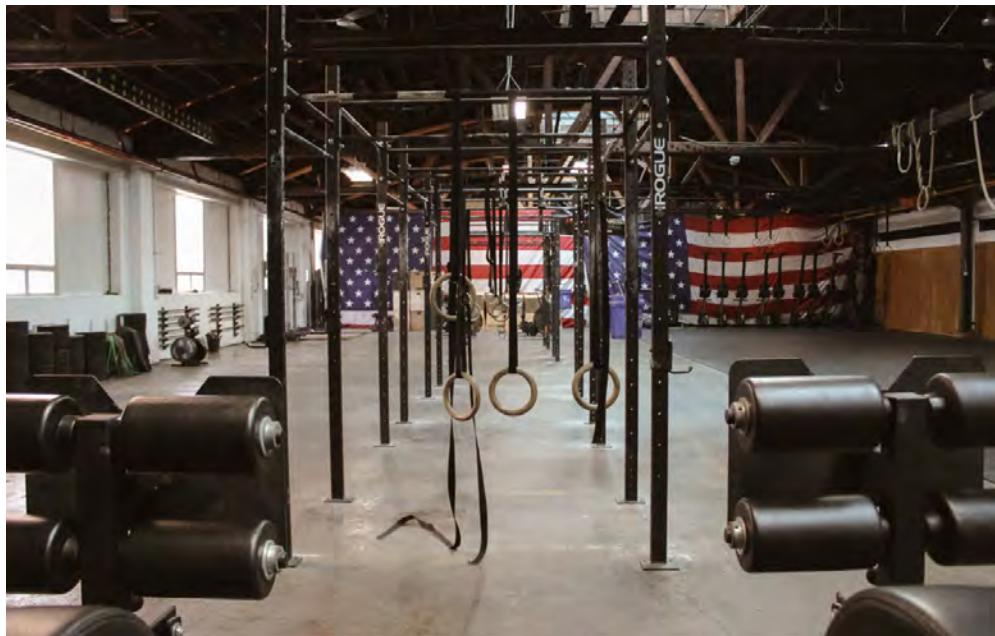




Exhibit H: Proof of Ownership of the Subject Property: Commercial Lease Letter of Intent (Next Page)

COMMERCIAL LEASE LETTER OF INTENT

Telser Commercial Properties, LLC
527 Telser Road
Lake Zurich, IL 60047

Effective Date: April 26, 2023

Form Function Fitness, LLC
D/B/A Crossfit Lykos
143 E. Main St.
Lake Zurich, IL 60047

RE: Intent to Lease Commercial Property

- I. **The Lessee:** Form Function Fitness, LLC (the "Lessee")
- II. **The Lessor:** Telser Commercial Properties, LLC (the "Lessor")
- III. **Address of Premises:** 519 Telser Road, Lake Zurich, IL 60047
4,323 sf Whse / Office Space
- IV. **Lease Term:** The term of the lease shall be for a period of 3 years, commencing on the 15th Day of October, 2023 and expiring on the 14th day of October, 2026.
- V. **Use of Leased Premises:** Crossfit Fitness Center
- VI. **Base Rent:** The base rent of \$3,224.24 shall be paid monthly on the 15th day of each month with the first payment due upon the commencement of the lease.
- VII. **Expenses:** Tenant shall be responsible to pay proportional share (25%) of the real estate taxes and operating expenses for the entire lease term of \$660.00 per month.
- VIII. **Security Deposit:** A security deposit in the amount of \$3,884.24 shall be due prior to or upon the signing of the lease.
- IX. **Lease Renewal:** Lessee has the right to renew the lease a total of 1 renewal period which may be exercised by giving written notice to the Lessor no less than 90 days prior the expiration of the lease.
- X. **Late Rent:** If rents are received later than five (5) days after the due date, Tenant shall pay on demand a late charge of equal to 5 percent (5%) of the late installment, and five percent (5%) each month thereafter until paid in full.

LESSEE:

Lessee's Signature:

Date: 4/26/23

LESSOR:

Lessor's Signature:

Date: 4-26-23

June 27, 2023
 Lake Zurich Corporate Park Owners Association

Ms. Kelly Sheehan,

We hope this letter finds you well. CrossFit Lykos is seeking a special zoning permit with the Village of Lake Zurich to relocate from its current location at 143 E. Main St. in Lake Zurich to a new location at 519 Telser Rd.

Our company is a CrossFit Affiliate training facility that features a form of interval training, strength, and conditioning workouts made up of functional movements performed at a high intensity. Our athletes come to train with us for an hour-long class to elevate their fitness at our facilities.

Company Information

Owners: Shawn Bostick, Sarah & Rich Ferolo, Dino Foderaro

Company Name: Form Function Fitness LLC. DBA CrossFit Lykos

Proposed Location: 519 Telser Rd, Lake Zurich, IL 60047

Websites: <https://www.crossfitlykos.com/> & <https://www.instagram.com/crossfitlykos/>

Planned Move-in Date Pending Approval: October 15, 2023

Property and Business Details

- Proposed Landlord: Telser Commercial Properties, LLC
- Lessee: Form Function Fitness LLC. DBA CrossFit Lykos
- Current Use: Industrial
- Intended Use: CrossFit Fitness Training Facility
- Approvals sought: Special Zoning Permit
- Business Schedule:
 Monday - Friday: 5am, 6:15am, 7:30am, 4:15pm, 5:15pm, 6:15pm (Summer only 8:30am M,W,F)
 Weekends: 7:30am - 11am
 - Client Count: Eighty as of June 2023
 - Current facility: 143 E Main St. Lake Zurich, IL 60047
 - Vehicle Count: We estimate no more than twelve vehicles arriving per class based on our highest attended classes. Staff vehicles should be no more than two during working hours. Our 5am and 5:15pm classes are traditionally the most busy, which is typically before and after normal business hours for our potential neighbors. We are allotted six reserved parking spaces with excess parking being permitted alongside the West end of the building. If needed, street parking on Telser Rd inline with a two-hour parking enforcement will suffice as each class is only one hour long. If needed, hours can be adjusted to accommodate a transition period

between classes, allowing time for parking to open up from previous class attendees. We have already received support from our future neighbor, Hawthorn Automotive.

We are seeking the support of the Lake Zurich Corporate Park Owners Association (LZCPOA) to move our facility to this new location. Added with this letter is our submitted Zoning Application and Support material, including a letter of support from our future neighbor, Hawthorn Automotive.

Best Regards,
CrossFit Lykos Leadership
Shawn Bostick, Sarah & Rich Ferolo, & Dino Foderaro

June 27, 2023
Lake Zurich Industrial Council

Mr. John Maas,

We hope this letter finds you well. CrossFit Lykos is seeking a special zoning permit with the Village of Lake Zurich to relocate from its current location at 143 E. Main St. in Lake Zurich to a new location at 519 Telser Rd.

Our company is a CrossFit Affiliate training facility that features a form of interval training, strength, and conditioning workouts made up of functional movements performed at a high intensity. Our athletes come to train with us for an hour-long class to elevate their fitness at our facilities.

Company Information

Owners: Shawn Bostick, Sarah & Rich Ferolo, Dino Foderaro

Company Name: Form Function Fitness LLC. DBA CrossFit Lykos

Proposed Location: 519 Telser Rd, Lake Zurich, IL 60047

Websites: <https://www.crossfitlykos.com/> & <https://www.instagram.com/crossfitlykos/>

Planned Move-in Date Pending Approval: October 15, 2023

Property and Business Details

- Proposed Landlord: Telser Commercial Properties, LLC
- Lessee: Form Function Fitness LLC. DBA CrossFit Lykos
- Current Use: Industrial
- Intended Use: CrossFit Fitness Training Facility
- Approvals sought: Special Zoning Permit
- Business Schedule:

Monday - Friday: 5am, 6:15am, 7:30am, 4:15pm, 5:15pm, 6:15pm (Summer only 8:30am M,W,F)

Weekends: 7:30am - 11am

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between classes, allowing time for parking to open up from previous class attendees. We have already received support from our future neighbor, Hawthorn Automotive.

We are seeking the support of the Lake Zurich Industrial Council to move our facility to this new location. Added with this letter is our submitted Zoning Application and Support material, including a letter of support from our future neighbor, Hawthorn Automotive.

Best Regards,
CrossFit Lykos Leadership
Shawn Bostick, Sarah & Rich Ferolo, & Dino Foderaro

May 25, 2023

Mr. Orlando Stratman
Chairperson of the Planning
& Zoning Commission

Dear Mr. Stratman,

I am writing you on behalf of and in support of Form Function Fitness, LLC and their bid to occupy 519 Telser Rd. as a CrossFit training facility. I am very familiar with the type of business this is and the pattern of normal activities that occur as our last location also was next to a CrossFit franchise. We welcome them and anticipate no problems with cooperating with them to our mutual benefit in our day-to-day operations.

Thank you for your consideration.

Sincerely,

Jon Vogel
Co-owner
Hawthorn Woods Auto Service
511 Telser Rd.
Lake Zurich
847 393 7135

All Rite Industries
470 Oakwood Road
Lake Zurich, IL

July 11, 2023

VIA E-Mail:

Tim.verbeke@lakezurich.org

Chairperson
Planning and Zoning Commission
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

Dear Chairperson and Planning and Zoning Commissioners,

As a member of the Lake Zurich community and a property owner in the Lake Zurich Industrial Park I do not support a CrossFit Gym at 519 Telser Road, Lake Zurich, IL.

I formally request the Planning and Zoning Commissioners DO NOT approve this application.

Thank you for your consideration. If you wish to contact me I can be reached at 847-337-4732 (Cell)

Sincerely,


Edward J Bilik
All Rite Industries
470 Oakwood Road
Lake Zurich, IL 60047

Cc: Tom Poynton, Mayor, Village of Lake Zurich
Tom.poynton@lakezurich.org

*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 2023-17**
PZC Hearing Date: July 19, 2023**AGENDA ITEM 4.F****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: July 19, 2023

Re: PZC 2023-17 Application for 629 Rose Road – NorthStar Pickle Company
Planned Unit Development (PUD) and Plat of Subdivision

SUBJECT

NorthStar Pickle Company, (the “Applicant”) requests approval of a Plat of Subdivision and a Planned Unit Development (PUD) for the creation of the 625-629 Rose Road Subdivision at the property commonly known as 629 Rose Road and legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

Requested Action: Final Plat of Subdivision and Planned Unit Development

Current Zoning: I – Industrial District

Current & Proposed Use: Vacant Open Land

Property Location: 629 Rose Road

Applicant: NorthStar Pickle Company

Owner: S.S. Enterprise, LLC

Staff Coordinator: Tim Verbeke, Planner

Staff Report
APPLICATION PZC 2023-17

Community Development Department
PZC Hearing Date: July 19, 2023

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

NorthStar Pickle Company, (the “Applicant”), is the applicant on behalf of the owner of the property, S.S. Enterprise LLC. The owner, S.S. Enterprise, and Applicant d/b/a NorthStar Pickle, are proposing the creation of a subdivision known as the 625-629 Rose Road Subdivision, and a Planned Unit Development to allow for the construction of a food manufacturing plant on the westerly of the two resultant lots of the proposed subdivision. The parcels are located along Rose Road on the southern side of the road just west of Oakwood Road and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on June 19, 2023 (the “Application”) seeking:

- Final Plat of Subdivision of the 625-629 Rose Road Subdivision
- Special Use Permit for a Planned Unit Development (PUD) to allow for the construction of a single tenant manufacturing building.
- Special Use Permit for an establishment manufacturing “Canned, frozen, and preserved fruits, vegetables, and food specialties manufacturing (SIC Code: 203)
- Modifications to the zoning and land development code requirements as follows:
 - Use of aluminum-clad (metal) exterior insulated wall panels.
 - Reduction in rear yard setback from 25 feet to 20 feet
 - Reduction in interior side yard setback from 20 feet to 5 feet to allow for parking lots and access aisles
 - Allowance for driveways to encroach into the required side yard of 20 feet
 - Allowance for two (2) adjacent driveway entrances to overlap

The Subject Property is approximately 10 acres in land area and located within the Village’s I-Industrial Zoning District. It is currently vacant. The owner of the property is S.S. Enterprises LLC represented by Mr. Michael Schroeder and Mr. Paul Stavropoulos.

In 2006, the current owners of the property had proposed the development of the easterly half of the property with two new industrial condominium buildings. The project was partially implemented with the installation of an on-site stormwater management facility and onsite water and sanitary utilities. The buildings, however, never got built.

Staff Report
APPLICATION PZC 2023-17

Community Development Department
PZC Hearing Date: July 19, 2023

The Applicant is proposing to subdivide the 10-acre property into two resultant zoning lots and construct an 83,557 square foot industrial food manufacturing facility on the westerly 4.8 acres of the proposed subdivision, leaving the remaining lot open for a future tenant.

NorthStar Pickle, LLC is expanding from their existing facility located in the Lake Zurich Industrial Park, due to recent success. NorthStar Pickle, LLC's new proposed facility will have a height of 27 feet for the Warehouse/Production section of the building and the Office section of the building will have a height of 20 feet. The building will be set back 188 feet from the Rose Road property line and it will have an attractive design that will be functional as well. Food Manufacturing facilities in the warehouse and production areas need to maintain a temperature between 38 and 41 degrees. To achieve this, the Applicant will utilize a combination of precast concrete panels and aluminum-clad (metal) insulated panels on the exterior walls to arrive at the necessary insulative value.

Current Operations

NorthStar Pickle, LLC has been located at 968 Donata Court since opening their first major manufacturing facility in 2014. Due to recent success across the United States, NorthStar Pickle has outgrown their 14,000 square foot Donata Court facility and will be looking to build a roughly 82,000 square foot state-of-the-art facility to meet production needs.

Proposed Subdivision

The easterly Lot 2 will remain undeveloped during the initial phase of development. This 5.34-acre parcel will be marketed to a future industrial user at a later date. Both lots will be serviced by separate driveways and utilities, sharing only on-site stormwater detention facilities.

The Applicant has proposed a driveway configuration for both lots that would require several forms of relief from the Village Code. The code requirements are as follows:

- Section 9-6-10-F.8.j (Industrial district bulk regulations) allows for driveways to encroach into a required interior side yard of 20 feet, it does not specify a limit of encroachment. However, paragraph "k" of the same section requires parking spaces and access aisles in the interior side and rear yards to be located no less than 10 feet from a lot line.
 - The development proposes the parking areas, aisles and the driveway from the street located at a setback of 5 feet from the side lot line. Concurrently the driveway on the east resultant lot will also be constructed with a setback of 5 feet from its west lot line. As such the location of the parking lot and access aisles do not meet the requirement of the code and will require a modification.
- Section 10-6-20 provides for the definitions of Driveways and Driveway entrances (sometimes referred to as approaches or aprons). In particular the definition of a driveway entrance is – “A paved way from the roadway to the driveway over the parkway. A driveway entrance shall include the curb cut and the driveway entrance pavement (driveway apron) itself but not the sidewalk.”

The same Section 10-6-20; Paragraph D.7 states that: “The edges of any two (2) adjacent driveway entrances at the right of way line shall be no less than ten feet (10') apart. No part of two (2) adjacent driveway entrances shall overlap.”

Staff Report
APPLICATION PZC 2023-17

Community Development Department
PZC Hearing Date: July 19, 2023

- While the two driveways conform to the first of two requirements in this paragraph (10 feet apart) the driveway entrances do not. The driveways currently overlap in the exhibits provided and therefore require a modification to the code.
- Utility and drainage easements (Section 10-6-9) – While the 5-foot setback of each driveway would allow for the minimum of 5 feet on each lot width adjoining the side lot line, the size of the lot and the fact that a large part of it is being paved may warrant a wider easement to accommodate an overland drainage swale with a width adequate to include the area covered by a 100-year storm. The final width will be determined by the Village Engineer based upon review of the submitted stormwater management calculations.

Several modifications to the land development code through the PUD process will be required utilizing this configuration. Concerns that Village Staff have related to the overlap of the driveway entrances are:

1. The overlapping driveway entrances continue to raise the issue of shared access, shared maintenance (snow removal and resurfacing) that each property owner would need to contend with and resolve. It was also a reason that staff initially recommended that the driveways be completely independent of each other.
2. The close proximity of the driveways raises issues of sight line distances for truck traffic entering and leaving the properties and may cause traffic conflicts.
3. Issues of flooding on the property in the event there is insufficient room between driveways to accommodate an overland drainage swale.

Staff has recommended possible solutions to this issue:

- Reduce the design radius of the driveway entrance aprons to no less than 15 feet as allowed by the code
- Reduce the width of the driveway on the adjacent lot to no less than 24 feet as required by the fire prevention bureau for fire apparatus access.

Proposed Building and Site improvements

The building is proposed to be constructed as an industrial building to accommodate office, manufacturing and warehouse space. The construction will include materials incorporating precast concrete and insulated panels faced in aluminum-cladding (metal) to achieve the insulating value necessary but to also maintain a constant temperature along with an aesthetically pleasing façade. The building will be oriented in a north-south orientation with the truck loading and unloading docks on the east side of the building.

The site will be provided with 2 access points from Rose Road via a 17-foot and 27-foot wide driveway leading to the employee/visitor parking and truck loading areas respectively. A stormwater management detention pond is proposed on the north end of the property to accommodate the run-off generated by the impervious surfaces created by the development. The building will be located south of the pond and will encompass the remaining developable area of the lot.

Staff Report
APPLICATION PZC 2023-17

Community Development Department
PZC Hearing Date: July 19, 2023

The site will be landscaped with a combination of shade, evergreen and ornamental trees, shrubs and perennial and ornamental grasses. The wetland buffer area to the southwest of the property will be landscaped using native prairie and wildflowers.

Pursuant to public notice published on July 1, 2023, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 19, 2023, to consider the Application. On July 3, 2023, 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 low impact of this project, courtesy review was not recommended.
- B. Zoning History.** The Subject Property is located within School Trustees Subdivision, just west of the intersection of Rose Road and Oakwood Road, along the southern side of Rose Road. It is zoned within the I-Industrial District. According to aerial maps available from Lake County, there has never been a structure on site.
- C. Surrounding Land Use and Zoning.** The subject property is located along Rose Road towards the southern end of the Industrial Park. The land to the east, north and south of the Subject Property is zoned I-Industrial and improved with a variety of Industrial uses.
- D. Trend of Development.** The subject property is located within the thriving Lake Zurich Corporate and Industrial Park in the northeast quadrant of the Village. The accessibility to major state highways, a strong industrial park community, room for potential growth and development, all position the Subject Property in a desirable location for industrial-oriented businesses.
- E. Zoning District.** The I-Industrial district is intended to provide for a range of nuisance free manufacturing, warehousing, transportation, wholesaling, and industrial uses that are compatible with the suburban residential character of the village. The industrial district is also meant to accommodate certain professional offices and similar uses that may provide services to the industrial users and are compatible with the industrial character of the district. It is the goal of these regulations to provide and preserve an area within the village for industrial uses that create employment and economic benefits for the village and the industrial district.

The Land Use Classification related to the current and proposed uses is listed in the zoning code as Manufacturing “Canned, frozen, and preserved fruits, vegetables, and food specialties (203)” and classified as a Special Use. Specifically, Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings (SIC #2035), as described in the Standard Industrial Classification Manual, provides for “Establishments primarily engaged in pickling and brining fruits and vegetables, and in manufacturing salad dressings, vegetable relishes, sauces, and seasonings.”

Staff Report
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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.

10-4-1: PLAN COMMISSION GUIDELINES (SUBDIVISION APPROVAL).

Staff has reviewed the plan and found that the development proposal 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 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 proposed subdivision is currently served by and will continue to be served adequately with essential public facilities and services such as streets, utilities, drainage and other municipal services.

In 2006, the eastern five (5) acres of the property had been proposed for subdivision by the owner, SS Enterprises. In doing so, underground utilities were installed to this half of the subdivision. The condition of these public utilities is currently unknown.

- 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 development will continue to remain in substantial conformance with the purpose and intent of the I-Industrial District, and the Limited Industrial Employment land use 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. The provisions for conservancy districts (classified by soil types and flood prone areas) was repealed by Ordinance 91-04-444 on April 15, 1991. It should be noted that the requirements for natural resource protection areas were modified in 2016 to rely on the requirements of the Lake County Watershed Development Ordinance.

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The Subject Property currently contains a Natural Resource/Drainage Easement granted to the village that covers the existing wetland on the property. The Applicant has requested and received verification from the Stormwater Management Commission (SMC) of Lake County stating that the existing wetland on the property is an Isolated Wetland (non-jurisdictional), and as such, any work within such area would require a Watershed Development Permit (WDP), including Isolated Waters of Lake County (IWLC) impact approval. The applicant has requested vacation of the Natural Resource/Drainage Easement. Such vacation will be contingent upon the approval of the permits and impact by the SMC.

The proposed subdivision already has an onsite detention facility from the 2006 subdivision creation. In addition, the Applicant has proposed a stormwater management basin in the northern section of the property, fed by a roughly 40-foot wetland buffer along the western property line.

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 Response: Standard met. The proposed subdivision plat is wholly within land owned and controlled by the property owner S.S. Enterprise LLC.

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: Standard met. The proposed subdivision already has an onsite detention facility from the 2006 subdivision creation. In addition, the Applicant has proposed a stormwater management basin in the northern section of the property, fed by a roughly 40-foot wetland buffer along the western property line.

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: Standard met. There are presently no natural features such as large trees, watercourses, historical sites or structures, and similar features on the property. The proposed subdivision is consistent with the established character and regulations of the Industrial Park.

Through the development of the westerly lot, the site will be landscaped using a combination of shade, evergreen and ornamental trees, shrubs and perennial and ornamental grasses. The wetland buffer area to the southwest of the property will be landscaped using native prairie and wildflowers.

Standards for Special Use Permits

A. General Standards. No special use permit shall be recommended or granted pursuant to this Chapter unless the applicant shall establish that:

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

Staff Response: Standard met. The development will continue to remain in conformance with the purpose and intent of the I Industrial District and the land use designation of the adopted Comprehensive Plan.

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

Staff Response: Standard met. The proposed development is consistent with other industrial developments within the Industrial District. The proposed development will not increase the vehicular traffic on the property, and will not greatly increase the truck traffic through the park. The new building is located to the rear of the property and will therefore not have any substantial or undue adverse effect upon any adjacent properties.

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

Staff Response: The entirety of the land use and its operation is proposed to be conducted within the lot lines of the property. The new building is proposed to be located towards the rear of the property and will back up to the rear yards of industrial properties to the south.

The proposed building is requesting an encroachment into the rear yard setback by 5 feet and the east side yard setback by 15 feet which is proposed to be granted through modifications to the zoning code.

4. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Staff Response: The property is currently served by and will continue to be served adequately by essential public facilities and services such as streets, utilities, drainage and other municipal services.

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

Staff Response: NorthStar Pickle does not anticipate this addition resulting in additional vehicular traffic, other than a slight increase in truck traffic. The traffic will not conflict with the traffic flow of the industrial park, as it is consistent with normal business hour level of service.

Parking is in conformance with the requirements of the zoning code due to the mix of manufacturing and warehouse use.

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

Staff Response: Standard Met. The reconfiguration of the property will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance other than what was previously impacted by the original development.

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

Staff Response: Standard partially met. The proposed development is requesting the use of metal insulated panels for exterior building wall materials. This is proposed specifically to maintain the interior of the warehouse and production areas between a temperature of 38 and 41 degrees.

As viewed from the street, there will be a design incorporating a combination of precast and the metal insulated panels to achieve the insulating value necessary, but to also maintain a constant temperature along with an aesthetically pleasing façade. The remainder of the building will comply with all other additional material standards imposed through the building codes for industrial buildings.

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

Staff Response: Standard met. The proposed development will continue to uphold the established character of the industrial park, and will allow for the expansion of a significant manufacturing company in the community.

B. **Special Standards for Specified Special Uses.** When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such

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district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Staff Response: Standard met. There are no uses that warrant special standards for their establishment. Staff will ensure that compliance is established before any additional permit are issued.

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

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

Staff Response: Standard met. The proposed development will continue to provide a convenient location for this manufacturing business within the community.

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

Staff Response: Standard met. The subject property continues to offer the ability of the Applicant to operate a use that is appropriate for the property and the area of the community in which it is presently located. There are no other sites in the Lake Zurich Industrial Park, that are currently available for sale, that could accommodate the proposed building.

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

Staff Response: Standard met. The manufacturing facility will be developed to prevent any undue adverse effect on itself or on surrounding property in relation to its location, design and operation.

- The new building will be located towards the rear of the property thereby minimizing its impact on the street and adjacent properties.
- A new stormwater management basin along with dedicated wetland easements will be added to minimize stormwater impact on neighboring properties.
- All primary activities of the proposed use are located within the enclosed building.

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

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

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

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

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

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

Staff Response: Standard met. The entirety of the PUD is under common ownership of NorthStar Pickle Company LLC d/b/a NorthStar Pickle.

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. The proposed addition will require relief from the rear yard setback and the east side yard setback sections of the code to accommodate the proposed development.

- **Per the Bulk, Space, and Yard Requirements (9-6-10) the interior side setback is 20 feet. The applicant is requesting an encroachment into the east side yard setback by 15 feet. This setback relief is requests to accommodate the access drive aisle and the parking field.**
- **Per the Bulk, Space, and Yard Requirements (9-6-10) the rear yard setback is 25 feet. The applicant is requesting an encroachment into the**

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rear yard setback by 5 feet. This setback relief is requests to accommodate the proposed building. The building is requested to be setback as far as possible from the street to accommodate the stormwater management basin.

The requested modifications are being granted through the PUD.

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 all easements are properly recorded, abided by the owners and 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 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 – does not create a need for land for public purposes of the village within the proposed planned unit development. The purpose and intent of such contributions are provided primarily for larger residential developments consisting of multiple properties with common areas to provide for or compensate for public amenities for the benefit of new residents that will move into the community to occupy such developments.

The village has therefore determined that the development is not required to provide any public open space or compensate for such at this time.

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

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application and planned unit development plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

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

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- 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 nature and scope of the development, and size of the subject property, the village has determined that the development is not required to provide any public open space or compensate for such at this time.

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

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

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

Staff Response: Standard Met. The subdivision is being proposed with 2 lots, each of which will be provided with its own independent access. The development is being proposed on a single site and therefore no shared access or private streets are proposed.

- 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

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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: Not Applicable. Sidewalks are not a requirement of the land development code for industrial streets. This trend exists throughout the Industrial Park.

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

Staff Response: Standard Met. All existing utilities including water and sanitary mains, electric, gas and communications (cable) attributable to the development are proposed to be underground. The locations and conditions of the public utilities are to be determined.

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

Staff Response: Standard Met. There are no additional standards imposed through the establishment of the industrial building that is proposed within such district other than what are currently being requested for approval.

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

On analysis of the proposed development against the various standards contained within the municipal code, staff has identified the following modifications to the zoning code.

1. **Section 9-21-3.C Building Materials.** The Village Code requires exterior building materials to be any of the following: brick, masonry, stucco, cementitious products, woodlike vinyl siding, and/or natural wood siding. The Applicant has proposed a design incorporating precast concrete panels and aluminum-clad (metal) insulated panels to achieve the necessary insulating value of the interior space.
2. **Section 9-6-10.C. Interior Side Yard.** The zoning regulations require an interior side yard setback of 20 feet for lots within the I Industrial District. The configuration of the parking areas and driveway will require an encroachment into the east interior side yard by approximately 15 feet for the entirety of the lot line, leaving a 5-foot side yard setback for the driveway and parking lot.
3. **Section 9-6-10.C. Rear Yard.** The zoning regulations require a rear yard setback of 25 feet for lots within the I Industrial District. The configuration of the building due to the stormwater management basin will require an encroachment into the rear yard by approximately 5 feet for almost the entire lot line, leaving a 20-foot rear yard setback for the building and parking lot.
4. **Section 9-6-10.F.8.j Driveways.** The zoning regulations require driveways and parking lots, areas, and garages shall comply with the yard requirements made applicable to them by the regulations of the district in which they are located with no limit on their encroachment into a required yard. The Applicant has proposed a design that would leave a 5-foot east side yard setback for the driveway.
5. **Section 9-6-10.F.8.j Parking.** The zoning regulations require parking spaces and access aisles in the interior side and rear yards only, but not closer than 10 feet from a lot line. The Applicant has proposed a design that would leave a 5-foot east side yard setback for the parking lot.
6. **Section 10-6-20.7 Driveway Entrances.** The zoning regulations require the edges of any two (2) adjacent driveway entrances at the right of way line shall be no less than ten feet (10') apart. No part of two (2) adjacent driveway entrances shall overlap. (Ord. 89-08-335, 8-21-1989). The development proposes two driveway entrances that will overlap.

Staff has recommended possible solutions to this issue of overlapping driveway entrances:

- Reduce the design radius of the driveway entrance aprons to no less than 15 feet as allowed by the code
- Reduce the width of the driveway on the adjacent lot to no less than 24 feet as required by the fire prevention bureau for fire apparatus access.

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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
- Section 9-19-3: Standards for Special Use Permits
- Section 9-22-8: Standards for Planned Unit Developments (PUD)

Based on the review of staff, the standards for approval continue to 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 2023-17, 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. Zoning Application and Cover Letter dated June 19, 2023, prepared by Ms. Kelly Sheehan, of Flex Construction Corporation
 - b. Exhibit A: Legal Description
 - c. Plat of Subdivision prepared by Dietz Surveying., dated June 19, 2023.
 - d. Landscape Plans prepared by Flex Construction Corporation., dated June 19, 2023
 - e. Engineering Plans prepared by Pearson, Brown & Associates, dated June 19, 2023
 - f. Architectural Plan prepared by Flex Construction Corporation., dated June 19, 2023
 - g. Site Renderings prepared by Flex Construction Corporation, dated June 19, 2023
2. Approval of the final parking lot and drive aisle design prior to issuance of site engineering and building permits. All improvements shall be in accordance with 2010 ADA Standards for Accessible Design and 2018 Illinois Accessibility Parking requirements.
3. Approval of the final landscaping design and plant count by village staff prior to issuance of site engineering and building permits.
4. Lighting shall be installed in conformance with Section 9-8B-3 if the zoning code. The illumination around the entrances to the building shall be no greater than 10 foot-candles.
5. Signage shall be installed in compliance with Title 12 – Signs of the municipal code.
6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Tim Verbeke
 Planner

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APPLICATION PZC 2023-17

Community Development Department
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LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

FOR 629 ROSE ROAD
July 19, 2023

The Planning & Zoning Commission recommends approval of Application PZC 2023-17, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 19, 2023** 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 and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated June 19, 2023, prepared by Ms. Kelly Sheehan, of Flex Construction Corporation
 - b. Exhibit A: Legal Description
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2. Approval of the final parking lot and drive aisle design prior to issuance of site engineering and building permits. All improvements shall be in accordance with 2010 ADA Standards for Accessible Design and 2018 Illinois Accessibility Parking requirements.
3. Approval of the final landscaping design and plant count by village staff prior to issuance of site engineering and building permits.
4. Lighting shall be installed in conformance with Section 9-8B-3 if the zoning code. The illumination around the entrances to the building shall be no greater than 10 foot-candles.
5. Signage shall be installed in compliance with Title 12 – Signs of the municipal code.
6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Without any further additions, changes, modifications and/or approval conditions.

With the following additions, changes, modifications and/or approval conditions:

Planning & Zoning Commission Chairman

Staff Report
APPLICATION PZC 2023-17

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EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

THE WEST 313.00 FEET OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 AFORESAID 624.33 FEET NORTH 00 DEGREES 02 MINUTES 40 SECONDS EAST OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 40 MINUTES 40 SECONDS EAST 661.43 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 AFORESAID 624.21 FEET NORTH OF THE SOUTHEAST CORNER OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 20 SECONDS EAST ALONG SAID EAST LINE 667.47 FEET TO THE SOUTH LINE OF THE NORTH 33.0 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AFORESAID; THENCE NORTH 89 DEGREES 40 MINUTES 03 SECONDS WEST ALONG THE LAST DESCRIBED LINE 661.17 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AFORESAID; THENCE SOUTH 00 DEGREES 02 MINUTES 40 SECONDS WEST ALONG SAID WEST LINE 667.59 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

Parcel Involved: 14-16-300-027

Staff Report
APPLICATION PZC 2023-17

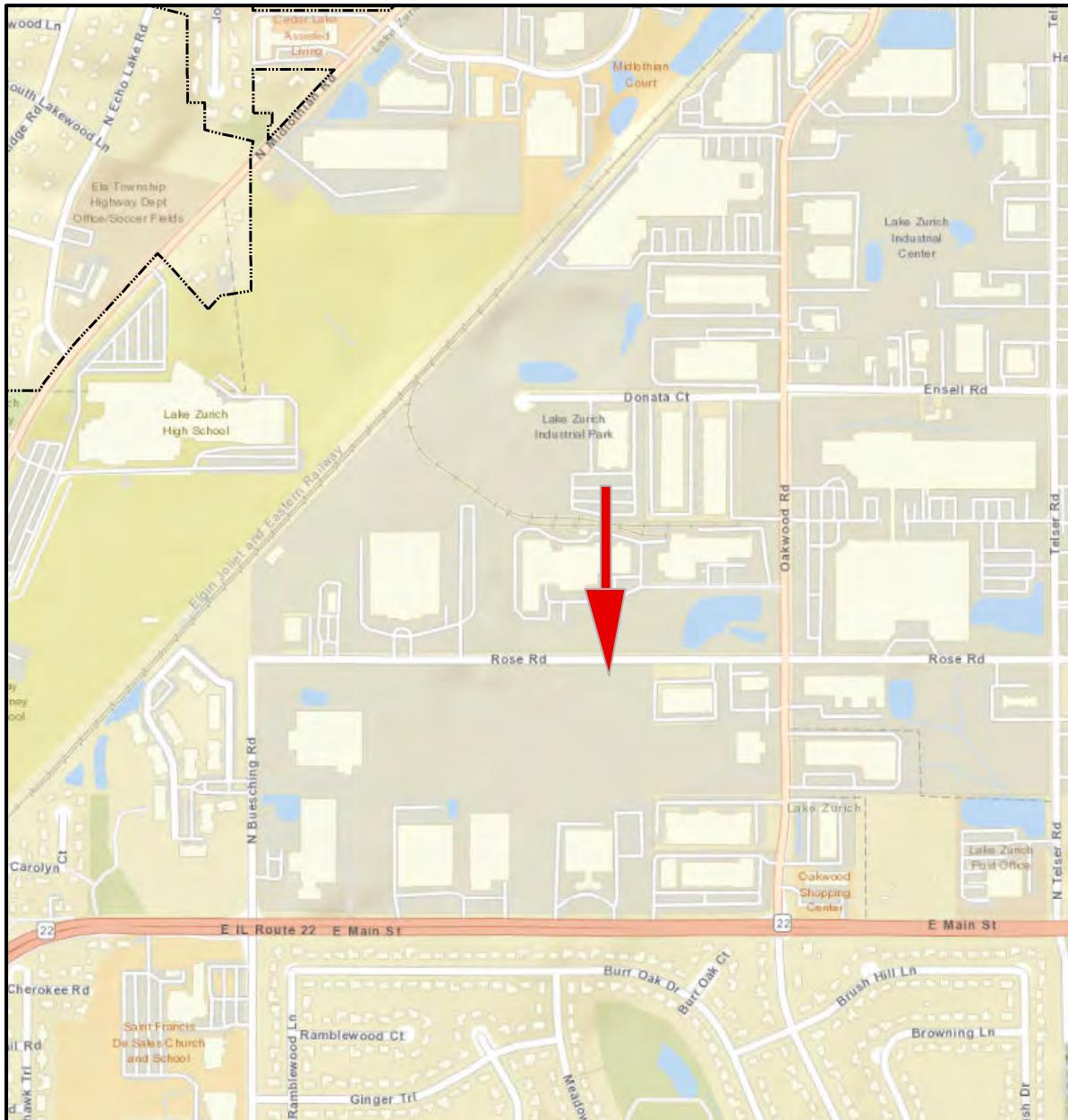
Community Development Department
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EXHIBIT B
PUBLIC HEARING SIGN PRESENT AT SUBJECT PROPERTY





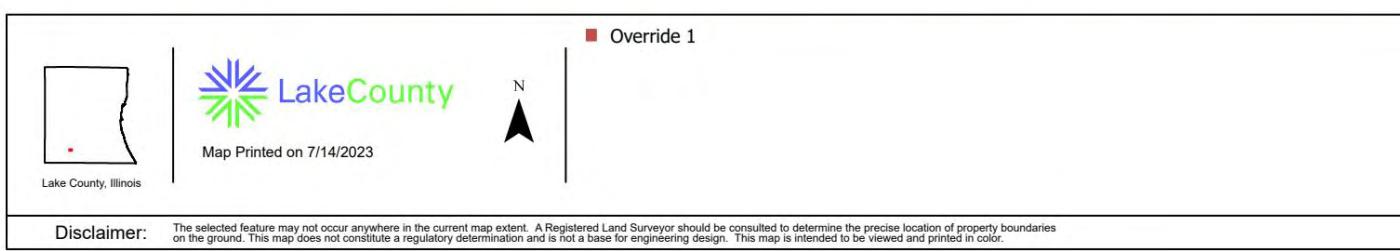
Subdivision and PUD 625-629 Rose Road



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

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

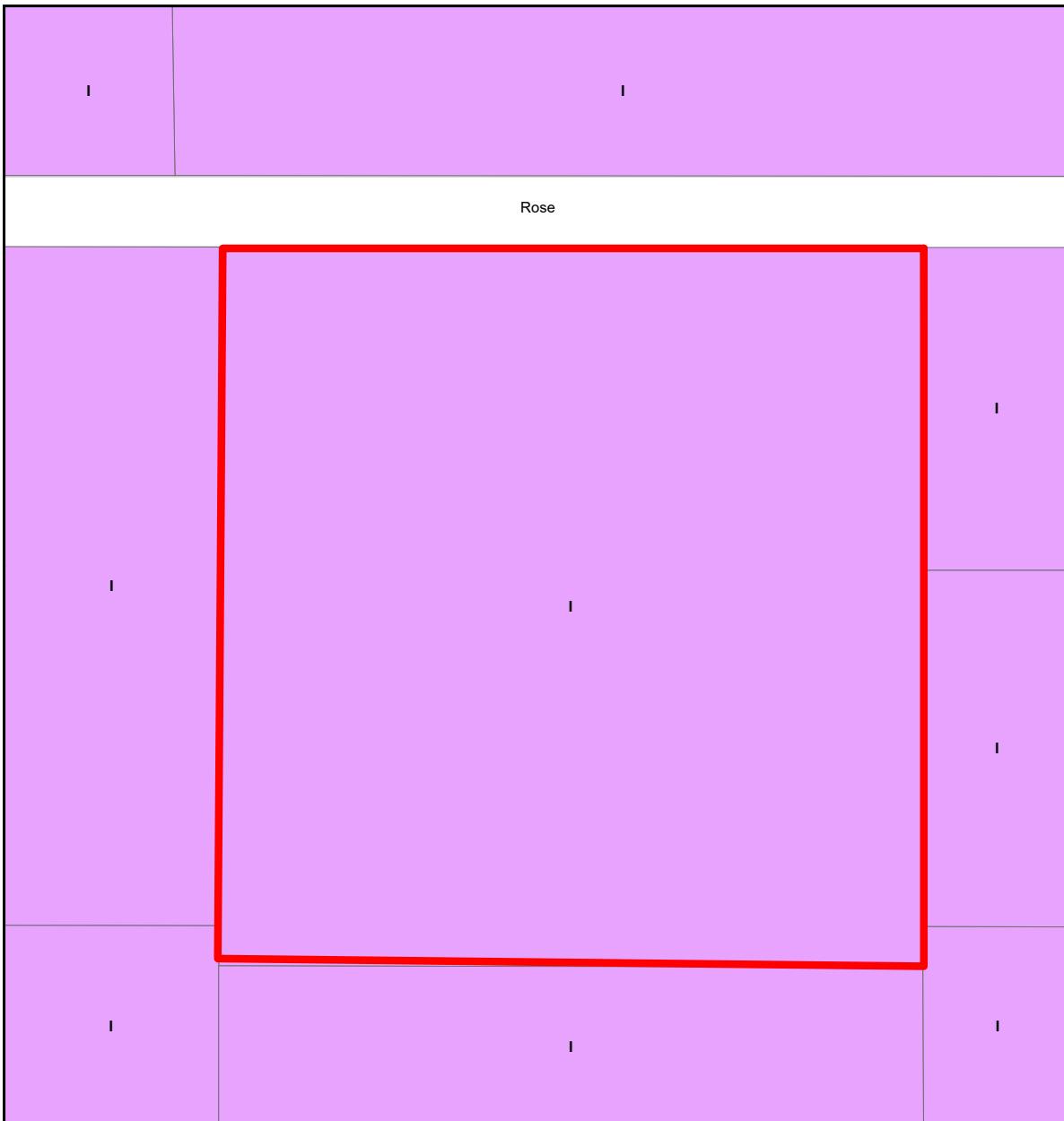
625-629 Rose Road





Subdivision and PUD

625-629 Rose Road



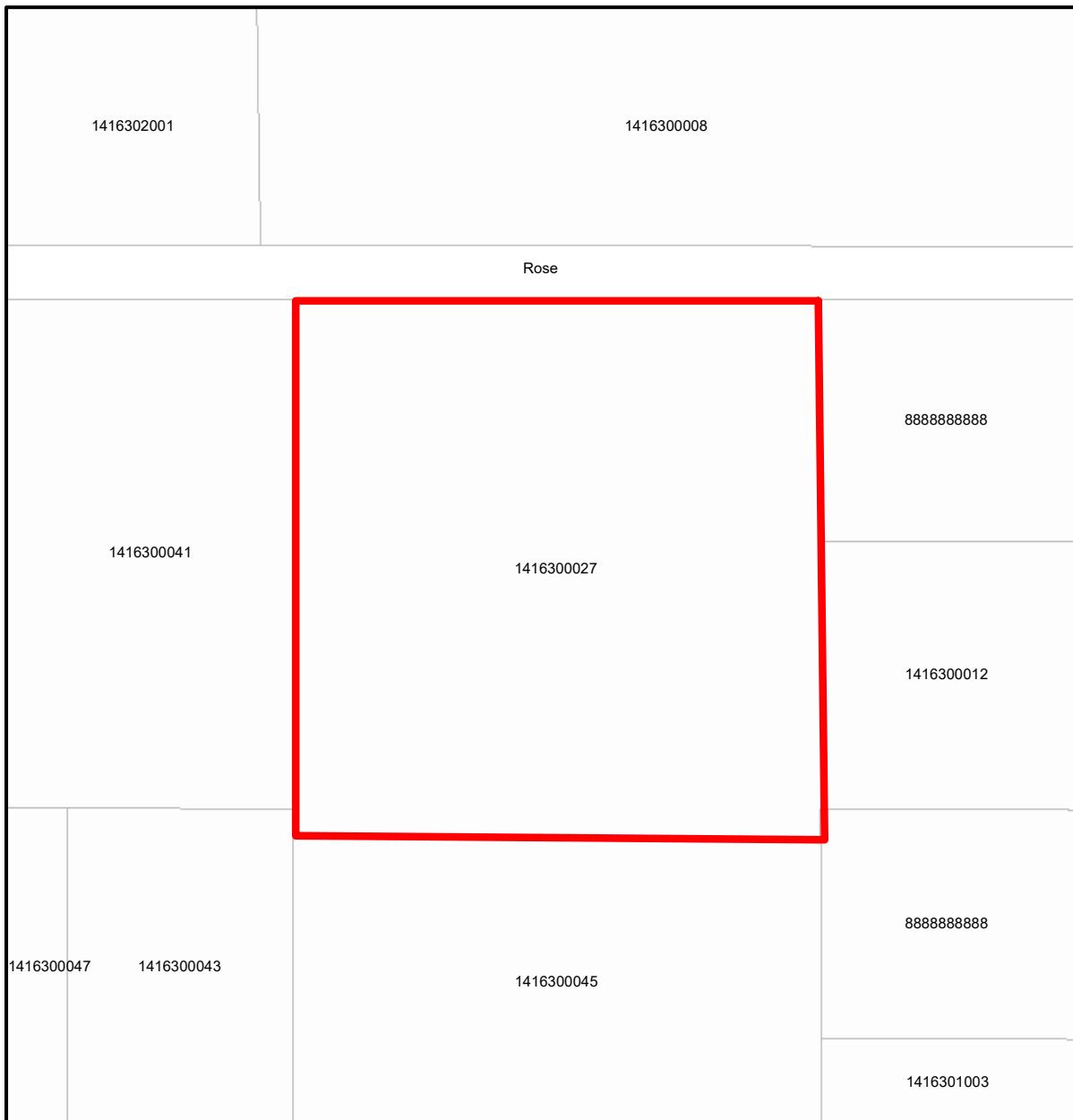
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Subdivision and PUD

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505 Telser Road, Lake Zurich, Illinois 60047

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



(Please Type or Print)

ZONING APPLICATION

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

RECEIVED

SEP 3 2022

COMMUNITY DEVELOPMENT

1. Address of Subject Property: 629 Rose Road, Lake Zurich, IL 60047
2. Please attach complete legal description
3. Property Identification number(s): 1416300027
4. Owner of record is: SS Enterprises LLC Phone: 847-334-8514
E-Mail pnstavrop@gmail.com Address: PO Box 563, Lake Zurich, IL 60047
5. Applicant is (if different from owner): _____ Phone: _____
E-Mail _____ Address: _____
6. Applicant's interest in the property (owner, agent, realtor, etc.): Owner
7. All existing uses and improvements on the property are: None
8. The proposed uses on the property are: Pickle factory

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.

PAUL N STAVROPOULOS
(Name of applicant)

(Signature of applicant)

Subscribed and sworn to before me this 30th day of September, 2022.

(Notary Public)



(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 Type or Print)

ZONING APPLICATION

Community Development Department

505 Teiser Rd.

Lake Zurich, IL 60047

Phone: (847) 540-1696

Fax: (847) 540-1769

1. Address of Subject Property: Final Determination Needed Believe to be 629 Rose Rd, Lake Zurich, IL 60047

2. Please attach complete legal description

3. Property identification number(s): 14-16300027

4. Owner of record is: S.S. Enterprise, LLC. Phone: 847-438-2500

E-Mail oakwoodroserad@gmail.com Address: PO Box 563, Lake Zurich, IL 60047

5. Applicant is (if different from owner): NorthStar Pickle Company, LLC Phone: 847-970-5555

E-Mail support@northstarpickle.com Address: 968 Donata Ct, Lake Zurich, IL 60047

6. Applicant's interest in the property (owner, agent, realtor, etc.): Purchaser

7. All existing uses and improvements on the property are: Vacant

8. The proposed uses on the property are: Industrial Building +/- 83,557

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:
None

10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:
Purchase Agreement Between S.S. Enterprise, LLC.

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.

Jeff Ozierkowski

(Name of applicant)

Jeff Ozierkowski 6/16/2023
(Signature of applicant)

Subscribed and sworn to before me this 16 day of June, 2023.

Brittany Dragon

(Notary Public)

My Commission Expires 9/1/2026

PAUL STAVROPOULOS
(Name of Owner, if different)

Paul Stavropoulos
(Signature of Owner, if different)

Subscribed and sworn to before me this 16 day of June, 2023.

Brittany Dragon

(Notary Public)

My Commission Expires 9/1/2026

OFFICIAL SEAL
BRITTANY DRAGON
NOTARY PUBLIC, STATE OF ILLINOIS

My Commission Expires 9/1/2026



Please indicate what 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 _____

PLAT OF SURVEY**LEGAL DISSCRIPTION: WEST 5 ACRES ROSE ROAD FOR NORTH STAR PICKLE**

THE WEST 313.00 FEET OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 AFORESAID 624.33 FEET NORTH 00 DEGREES 02 MINUTES 40 SECONDS EAST OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 40 MINUTES 40 SECONDS EAST 661.43 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16 AFORESAID 624.21 FEET NORTH OF THE SOUTHEAST CORNER OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 20 SECONDS EAST ALONG SAID EAST LINE 667.47 FEET TO THE SOUTH LINE OF THE NORTH 33.0 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AFORESAID; THENCE NORTH 89 DEGREES 40 MINUTES 03 SECONDS WEST ALONG THE LAST DESCRIBED LINE 661.17 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AFORESAID; THENCE SOUTH 00 DEGREES 02 MINUTES 40 SECONDS WEST ALONG SAID WEST LINE 667.59 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PLAT OF SURVEY

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TRANSMITTAL

DATE: June 16, 2023

TO: Community Development Department
VILLAGE OF LAKE ZURICH
505 Telser Road
Lake Zurich, IL 60047

SUBJECT: PROPOSED NORTHSTAR PICKLE
629 Rose Road
Lake Zurich, IL 60047
PUD Application

We are submitting (**X**) herewith () under separate cover each of the following for:

(X) your use
 approval
 corrections
 returned approval
 approved as noted
 other

Enclosed please find:

- Cover letter to Chairman Stratman
- Zoning Application
- Legal description
- Adjacent property owners
- Plat of survey (3- 24x36; 6- 11x17)
- 6 sets of renderings (11x17)
- Drawing package including architectural, civil and landscape (3- 24x36; 6- 11x17)

Should you have any questions, please feel free to contact us.

Respectfully,

Kelly Sheehan
FLEX CONSTRUCTION CORPORATION
RM/NSP-VILLAGE-PLANCOMMISSION-TM1

Flex Construction Corporation P.O. Box 518 Lake Zurich, Illinois 60047 P: (847)540-0200 F: (847) 540-9810



PO BOX 518
Lake Zurich, IL 60047
P:(847)-540-0200 F:(847) 540-9810

June 16, 2023

Chairperson Orlando Stratman
VILLAGE OF LAKE ZURICH PLAN COMMISSION
505 Telser Road
Lake Zurich, IL 60047

RE: PUD Application for NorthStar Pickle, LLC
Proposed New Building
629 Rose Road, Lake Zurich, IL 60047

Dear Chairperson Orlando Stratman,

Please accept this letter, application and related materials for consideration for PUD approval for NorthStar Pickle, LLC for a new Proposed Building at 629 Rose Road, westerly 4.8 acres. The Property is currently Zoned I and is located within the Lake Zurich Industrial Park.

The site is currently vacant and NorthStar Pickle, LLC is proposing to construct an 83,557 Sq.Ft. Industrial Food Manufacturing Facility. NorthStar Pickle, LLC is expanding from their existing facility located in the Lake Zurich Industrial Park. NorthStar Pickle, LLC's new proposed facility will have an eave height of 27' for the Warehouse/Production section of the building and the Office section of the building will have an eave height of 20'. The building will be set back 188' from the property line and it will have an attractive design that will be functional as well. Food Manufacturing facilities in the warehouse and production areas need to maintain a temperature between 38 and 41 degrees. The standard way to achieve this is to utilize insulated panels on the exterior walls. At this proposed facility, from the street, there will be a seamless design incorporating precast and insulated panels to achieve the insulating value necessary but to also maintain a constant temperature along with an aesthetically pleasing façade.

Consideration and approval of the following relief is sought thru this PUD application:

- Allow manufacturing of Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings as a permitted Special Use for NorthStar Pickle, LLC at 629 Rose Road, Lake Zurich, IL. (SIC Code 2035)
- Allow use of Insulated Panels for exterior building wall materials; as is typical in the construction of food manufacturing for NorthStar Pickle facility at 629 Rose Road, Lake Zurich, IL.



PO BOX 518
Lake Zurich, IL 60047
P:(847)-540-0200 F:(847) 540-9810

Page 2

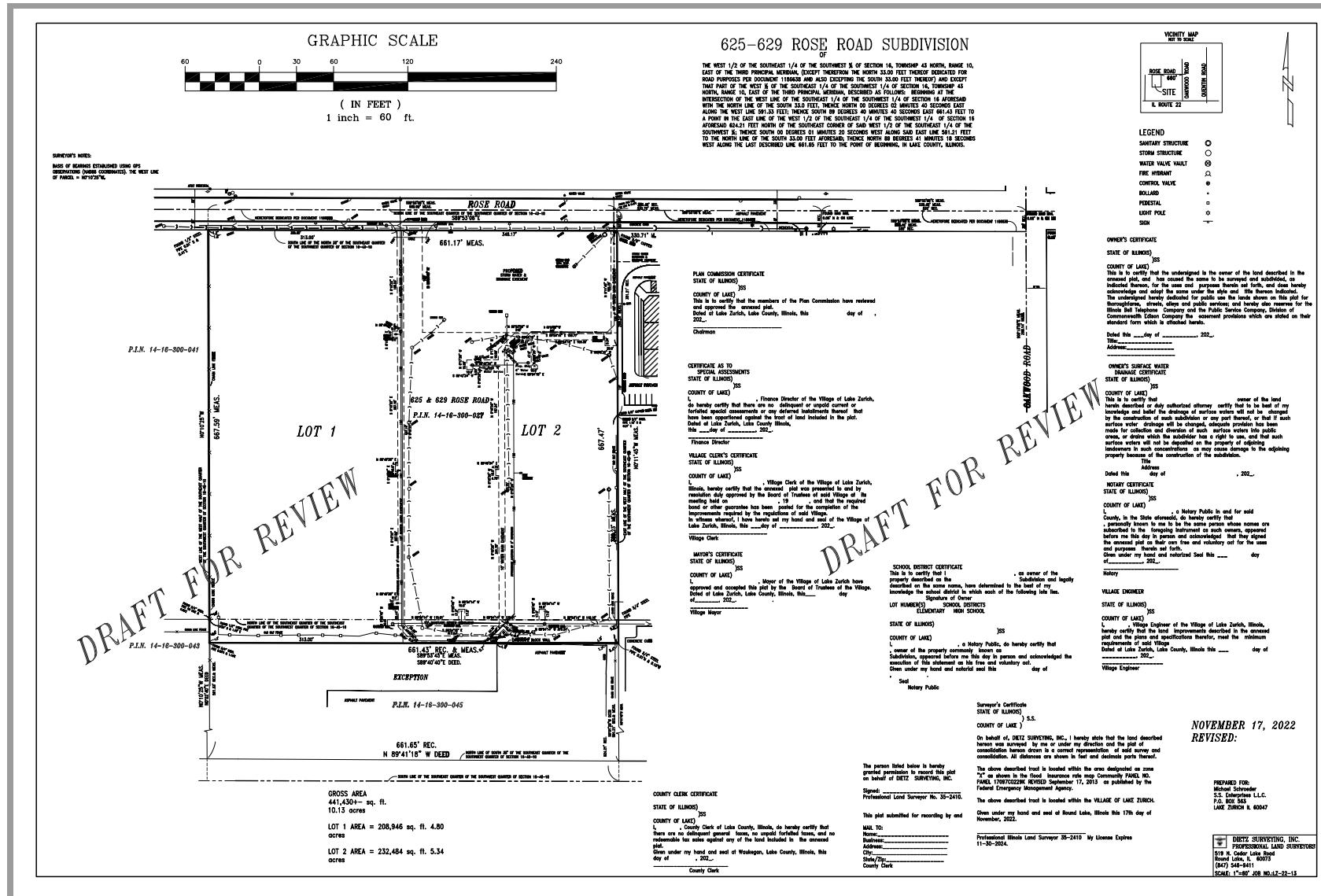
RE: PUD Application for NorthStar Pickle, LLC
Proposed New Building
629 Rose Road, Lake Zurich, IL 60047

- Allow reduction at rear setback to 20'.
- Allow reduction of side yard at east side yard to 5.'

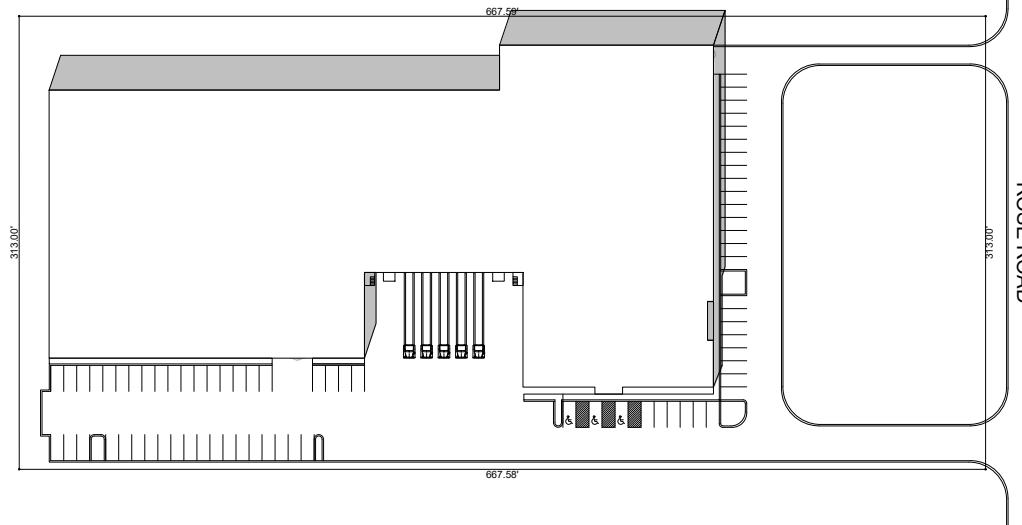
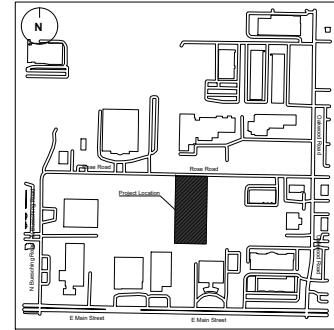
Your consideration and approval would be greatly appreciated as it would allow an existing Lake Zurich business to continue to grow and expand in the Lake Zurich community.

Thank you!

FLEX CONSTRUCTION CORPORATION



NORTHSTAR PICKLE LAKE ZURICH, ILLINOIS



BUILDING CODE INFORMATION

PROJECT INFORMATION
 LOT SIZE = 208,054 S.F.
 BUILDABLE AREA = 100,000 S.F.
 ALLOWABLE F.A.R. = 0.7
 ACTUAL F.A.R. = .39.98 Z
 GREEN AREA REQUIRED = 20 Z
 GREEN AREA = 67,336 S.F. = 32.32 Z
 PARKING REQUIREMENT:
 1000 S.F. PER 1000 S.F.
 MANUFACTURING 1 SPACE/500 S.F.
 OFFICE 1 SPACE/500 S.F.
 WAREHOUSE AREA = 54,102 S.F.
 MANUFACTURING AREA = 43,795 S.F.
 MANUFACTURING AREA = 21,895 S.F.
 REQUIRED SPACES = 43,795 UNITS
 TOTAL OFFICE AREA = 7,560 S.F.
 REQUIRED SPACES = 13.12 UNITS
 TOTAL SPACES REQUIRED = 67,336
 TOTAL SPACES PROVIDED = 69 REG.
 TOTAL SPACES PROVIDED = 14 H...

BUILDING CODE INFORMATION

THESE PLANS HAVE BEEN PREPARED TO COMPLY WITH THE BUILDING REGULATIONS
 OF THE VILLAGE OF LAKE ZURICH, ILLINOIS
 AND THE FOLLOWING CODES:
 2012 INTERNATIONAL BUILDING CODE
 2012 INTERNATIONAL MECHANICAL CODE
 2012 INTERNATIONAL FUEL & GAS CODE
 2012 INTERNATIONAL PLUMBING CODE
 2014 ILLINOIS PLUMBING CODE
 2000 LIFE SAFETY CODE
 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
 2010 UNIVERSAL DESIGN CODE
 VILLAGE OF LAKE ZURICH AMENDMENTS
 CONSTRUCTION TYPE IB

CONTACTS

VILLAGE OF LAKE ZURICH DIRECTOR COMMUNITY DEVELOPMENT SAROSH SAHAR	(847) 540-1698
PUBLIC WORKS DIRECTOR 905 TESLER ROAD LAKE ZURICH, IL 60047 FIRE CHIEF DAVID PILARD	(847) 540-1696
FLEX CONSTRUCTION CORP. 1190 HEATHER DRIVE LAKE ZURICH, ILLINOIS 60047 KELLY SHEEHAN	(847) 540-5070 (847) 540-0200

SHEET INDEX

A-0	COVER
A-1	BUILDING SITE PLAN
A-2	ELEVATIONS
C-1	COVER
C-2	EXISTING CONDITIONS
C-3	GEOMETRICS PLAN
C-4	GRADING PLAN
C-5	UTILITY PLAN
L-1	LANDSCAPE PLAN
L-2	LANDSCAPE DETAILS
T-1	TREE INVENTORY

PROJECT:

NorthStar Pickle, LLC

629 Rose Road

DRAWING:

A0
06.16.2023Scale: NA
Print Size: NA
Orientation: NDrawn By: ST
Checked By: ST
Authorised By: ST

FROM THE DESK OF:


FLEX CONSTRUCTION
CORPORATION

 1190 Heather Dr
Lake Zurich, IL
60047, USA
T: (847) 540 0200
F: (847) 540 9810
info@flexconstruction.com

NOTES:

All work depicted in these drawings must comply with the applicable authority codes and regulations.

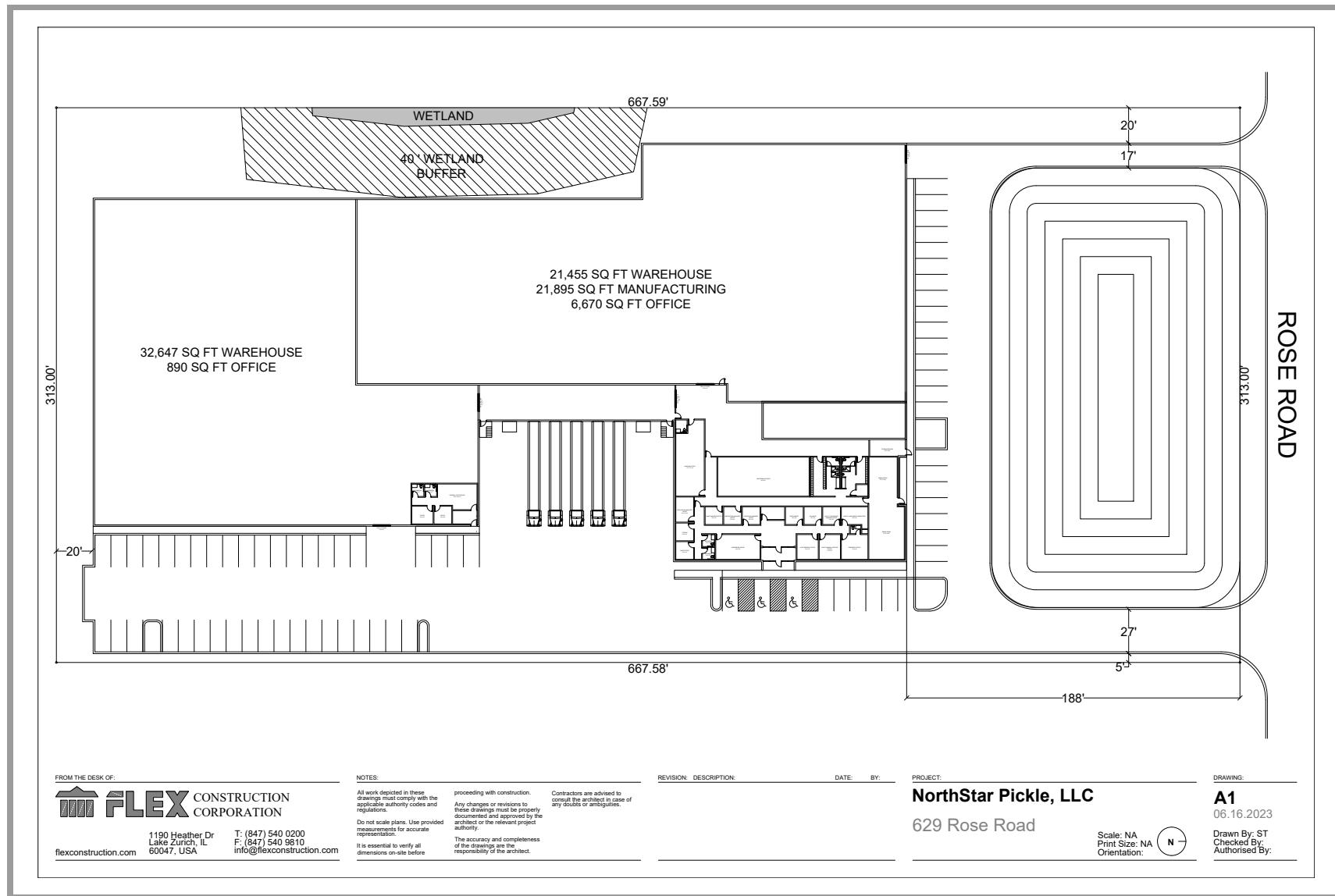
Do not scale plans. Use provided measurements for accurate representation.

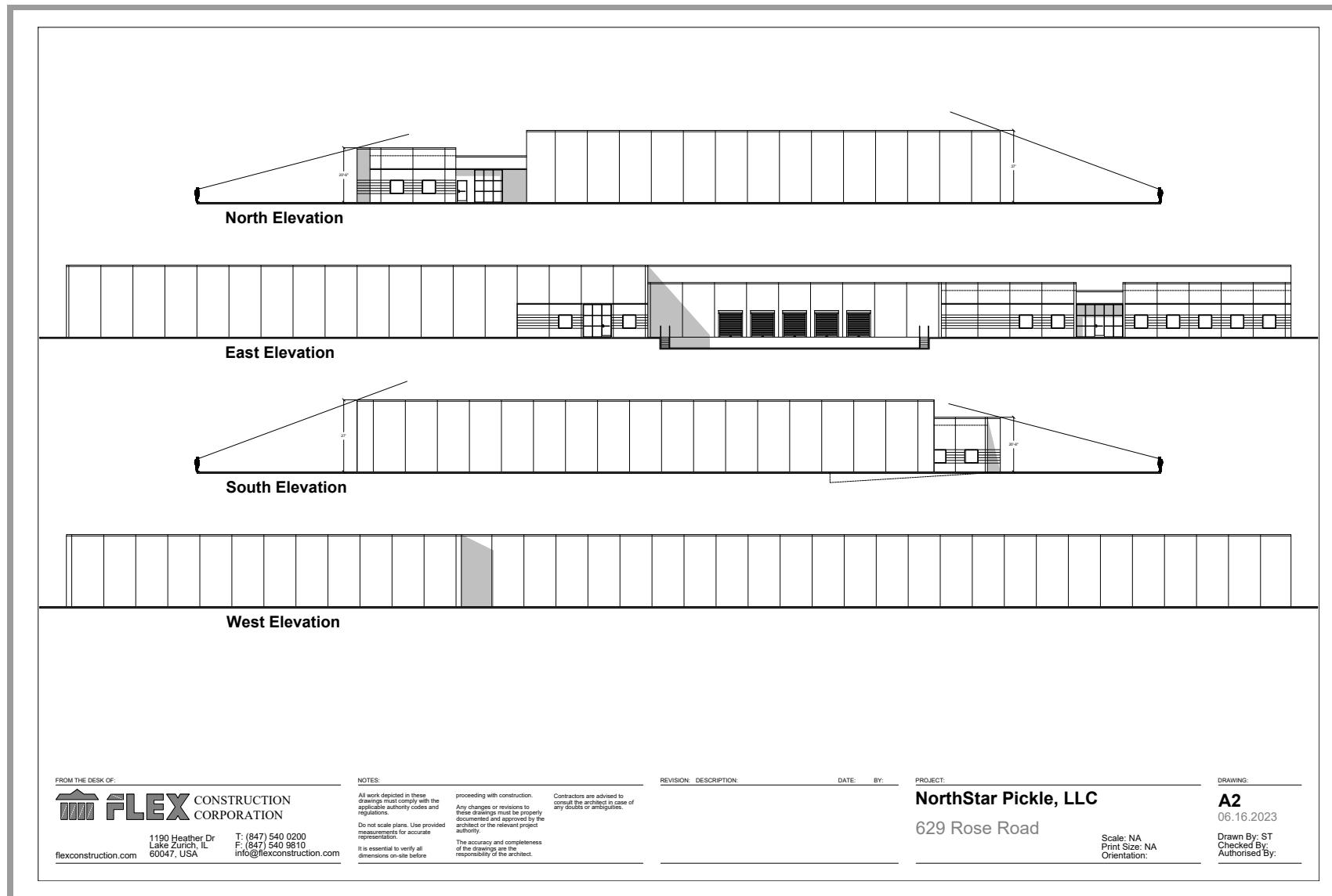
It is essential to verify all dimensions on-site before proceeding with construction.

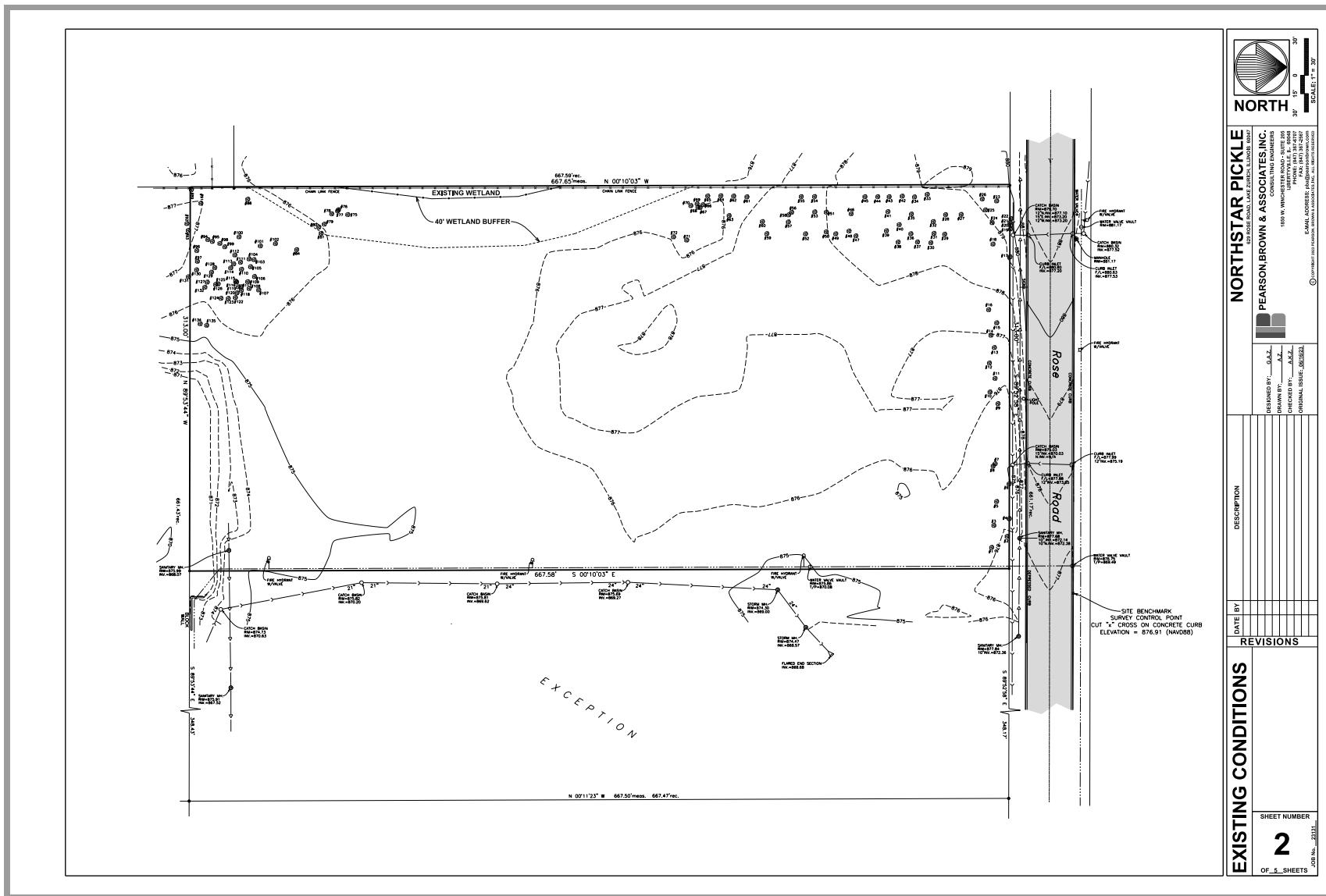
Any changes or revisions to these drawings must be properly documented and approved by the architect or the relevant project manager.

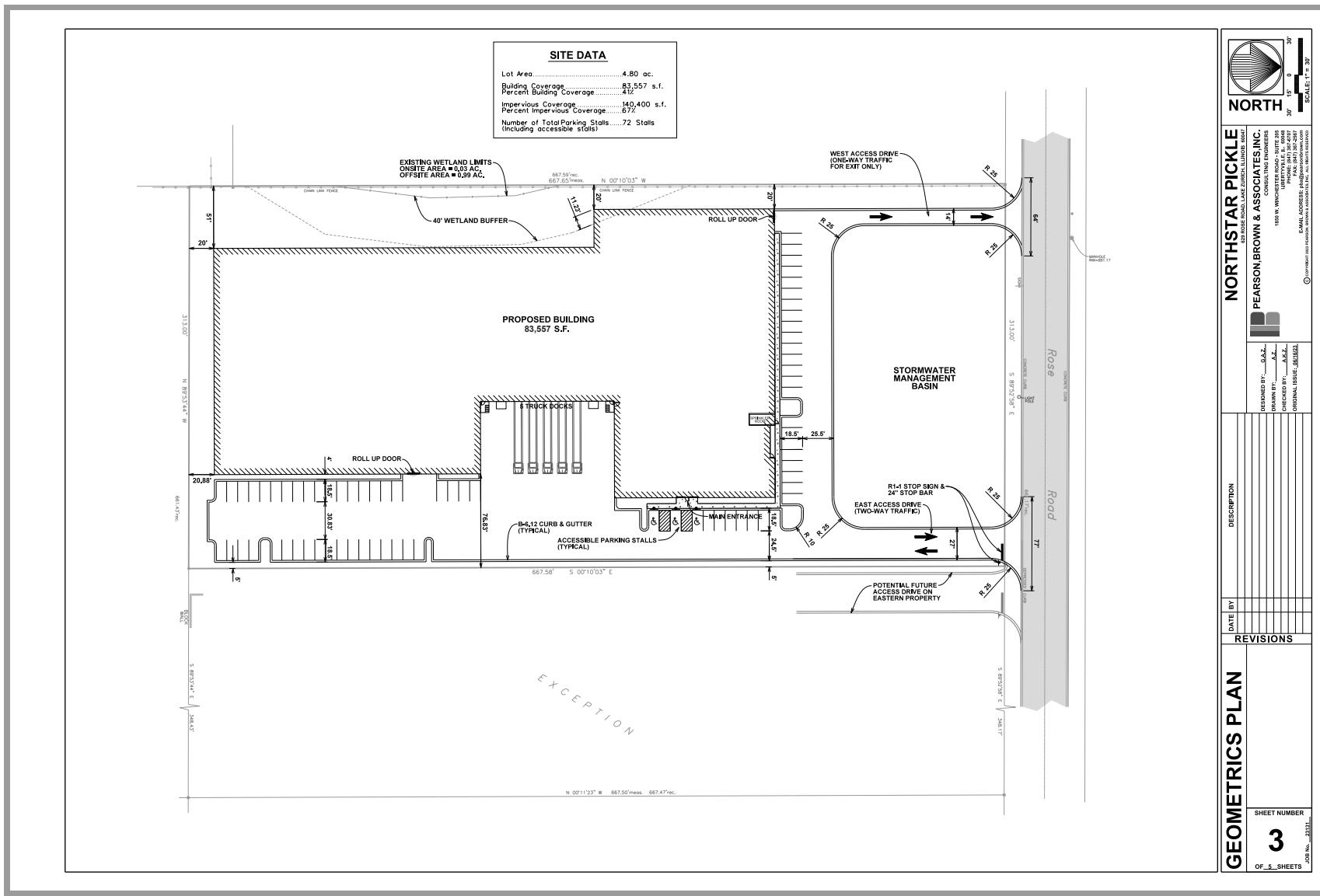
The accuracy and completeness of the drawings are the responsibility of the architect.

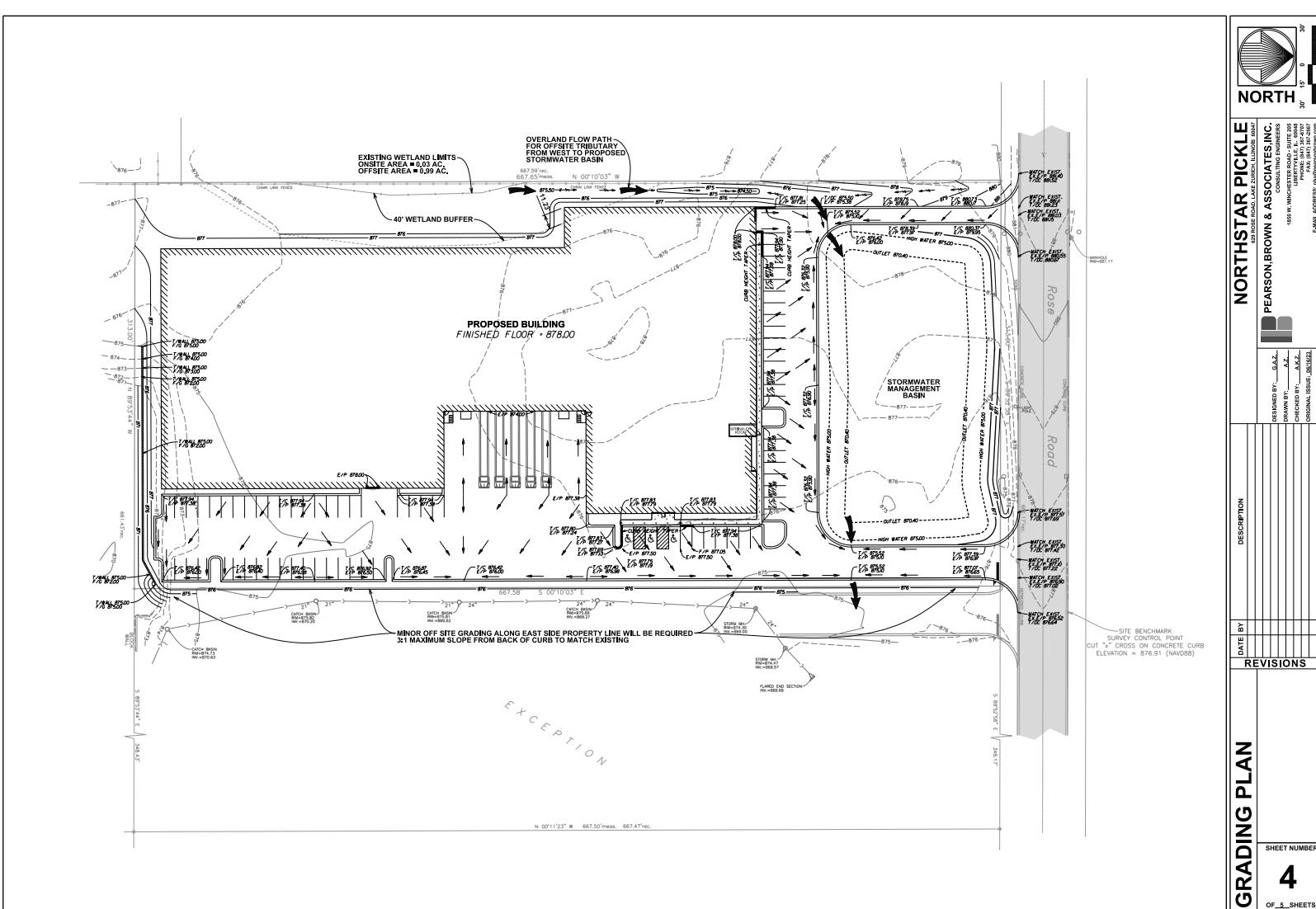
REVISION: DESCRIPTION: DATE: BY:

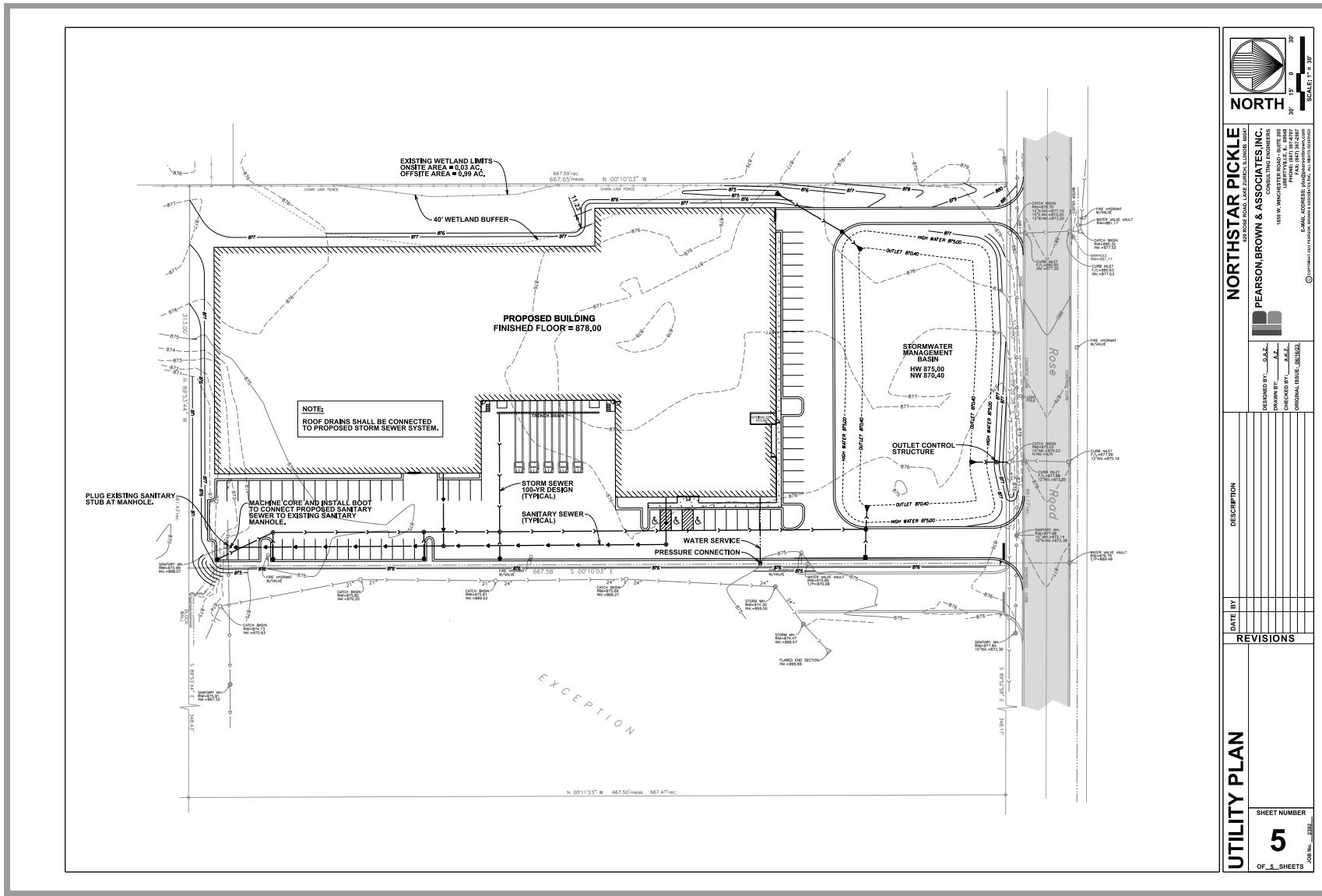


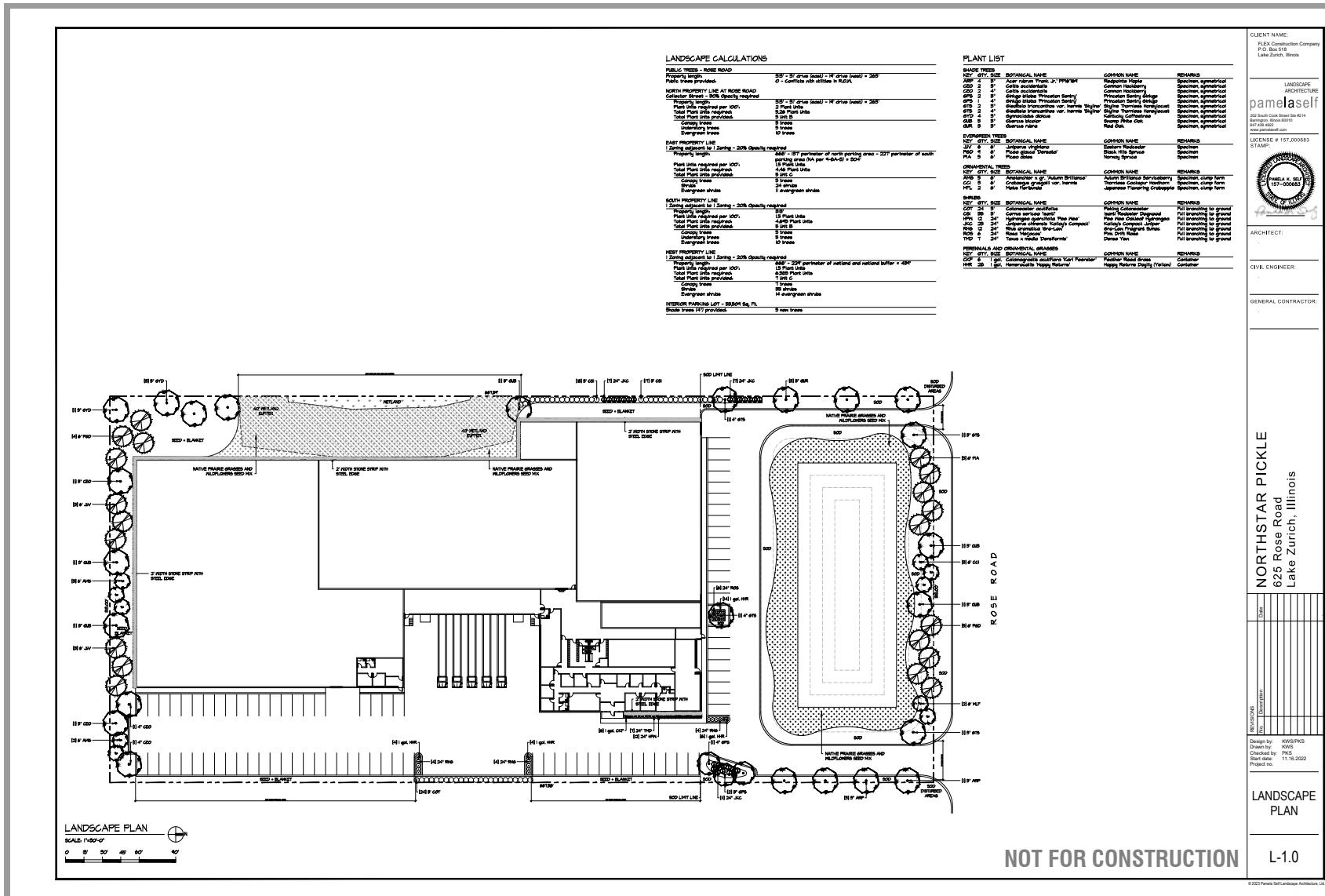


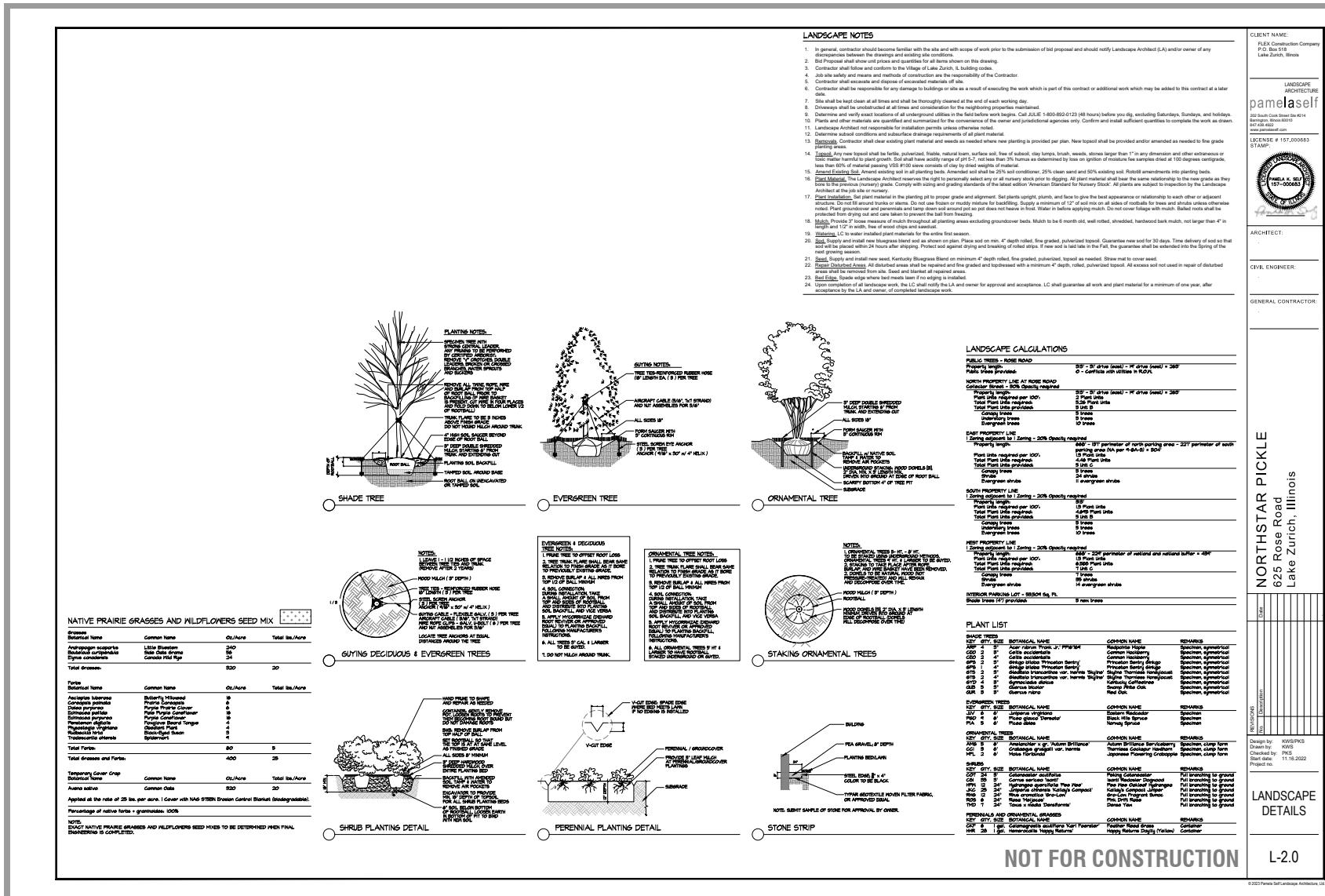


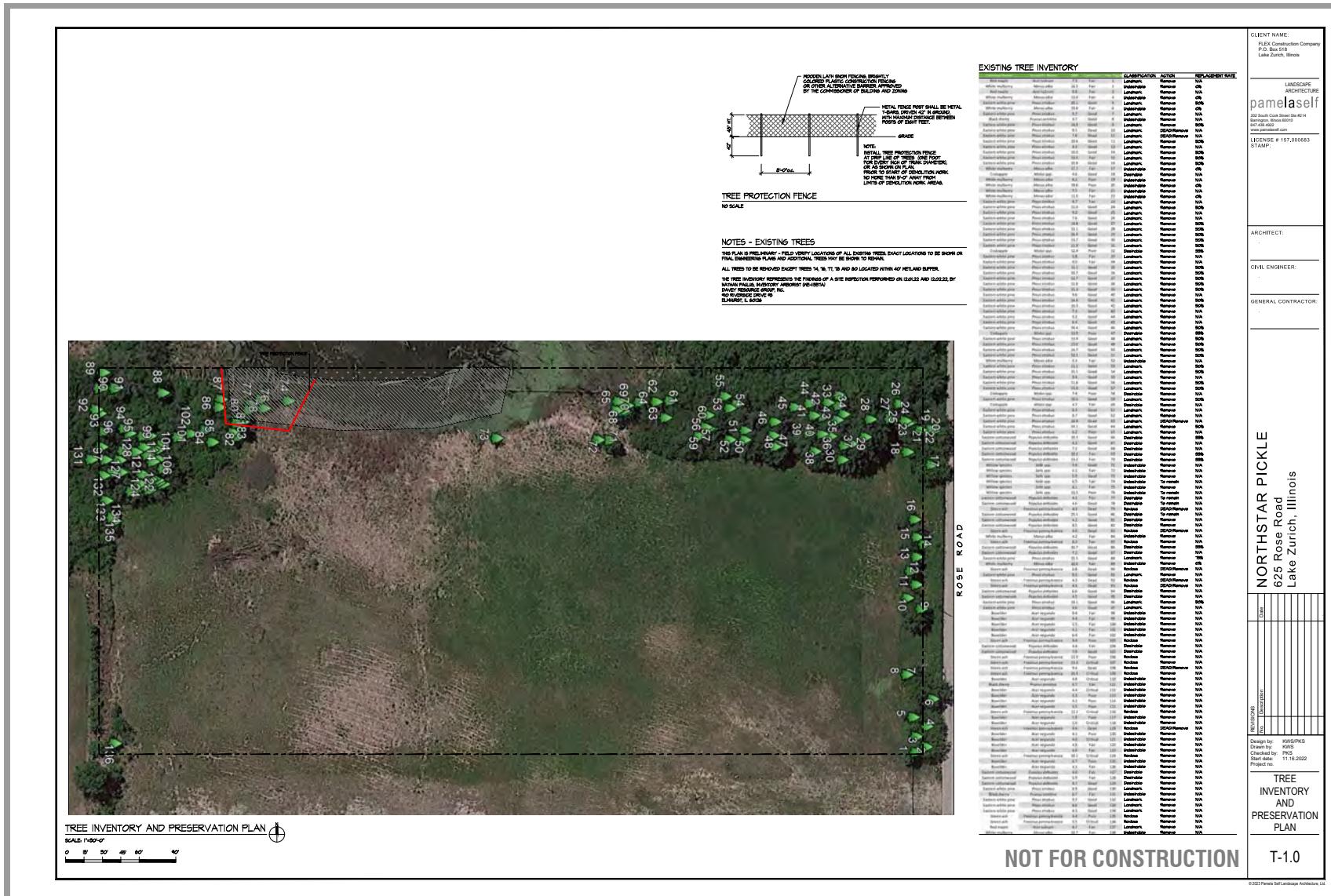


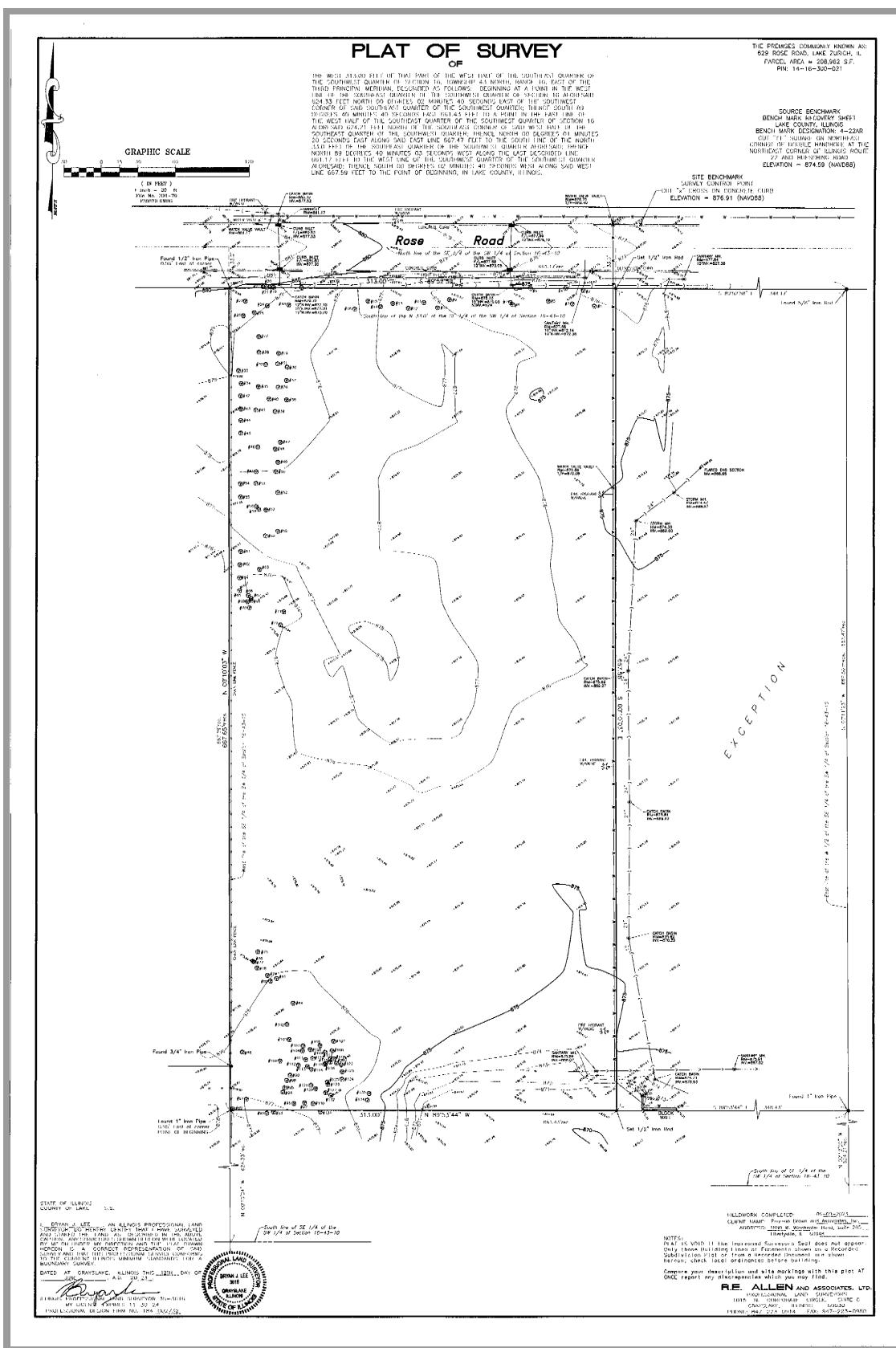












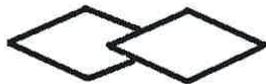






UPDATED INSULATED PANEL BUILDINGS





GPM MFG., INC.

PRECISION CNC MACHINING 1199 FLEX CT • LAKE ZURICH, IL 60047 • TEL (847) 550-8200 • FAX (847) 550-8200

July 10, 2023

VIA E-MAIL: tim.verbeke@lakezurich.org

Chairperson
Planning and Zoning Commission
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

Dear Chairperson and Planning and Zoning Commissioners,

As a member of the Lake Zurich community and a property owner in the Lake Zurich Industrial Park I support the PUD Application for NorthStar Pickle for the West side of Rose Road (629 Rose Road), Lake Zurich, IL. Allowing a long-established business in the Industrial Park to continue to expand in Lake Zurich.

I formally request the Planning and Zoning Commissioners approve this application.

Thank you for your consideration. Should you wish to contact me I can be reached at 847-550-8200.

Sincerely,

Steven Godek
GPM Mfg, Inc.
1199 Flex Ct
Lake Zurich, IL

Cc: Tom Poynton, Mayor, Village of Lake Zurich – tom.poynton@lakezurich.org
Ray Keller, Village Manager, Village of Lake Zurich – ray.keller@lakezurich.org
Sarosh Saher, Community Development, Village of Lake Zurich – sarosh.saher@lakezurich.org



M&A PARTS INCORPORATED
964 DONATA CT LAKE ZURICH, IL 60047
TEL: (847) 550-8246 • FAX: (847) 550-0654

July 10, 2023

VIA E-MAIL: tim.verbeke@lakezurich.org

Chairperson
Planning and Zoning Commission
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

Dear Chairperson and Planning and Zoning Commissioners,

As a member of the Lake Zurich community and a property owner in the Lake Zurich Industrial Park I support the PUD Application for NorthStar Pickle for the West side of Rose Road (629 Rose Road), Lake Zurich, IL. Allowing a long-established business in the Industrial Park to continue to expand in Lake Zurich.

I formally request the Planning and Zoning Commissioners approve this application.

Thank you for your consideration. Should you wish to contact me I can be reached at 1(847)550-8246

Sincerely,
Bill Caplan, President
M & A PARTS INC
964 Donata Ct
Lake Zurich, IL 60047

Cc: Tom Poynton, Mayor, Village of Lake Zurich – tom.poynton@lakezurich.org
Ray Keller, Village Manager, Village of Lake Zurich – ray.keller@lakezurich.org
Sarosh Saher, Community Development, Village of Lake Zurich – sarosh.saher@lakezurich.org



July 10, 2023

VIA E-MAIL: tim.verbeke@lakezurich.org

Chairperson
Planning and Zoning Commission
Village of Lake Zurich
505 Telsner Road
Lake Zurich, IL 60047

Dear Chairperson and Planning and Zoning Commissioners,

As a member of the Lake Zurich community, and owner of multiple properties in the Lake Zurich Industrial Park, I support the PUD Application for NorthStar Pickle for the West side of Rose Road (629 Rose Road), Lake Zurich, IL. I support allowing a long-established business in the Industrial Park to continue to expand in Lake Zurich.

I formally request the Planning and Zoning Commissioners to approve this application.

Thank you for your consideration. Should you wish to contact me I can be reached on my cell phone, at 874/420-2421, or via email: ted@tuf-tite.com

Sincerely,

Ted Meyers
President

Cc: Tom Poynton, Mayor, Village of Lake Zurich – tom.poynton@lakezurich.org
Ray Keller, Village Manager, Village of Lake Zurich – ray.keller@lakezurich.org
Sarosh Saher, Community Development, Village of Lake Zurich – sarosh.saher@lakezurich.org

Tuf-Tite® Inc., 1200 Flex Court, Lake Zurich, Illinois 60047 Phone 847-550-1011 Fax 847-550-8004
Toll-Free 800-382-7009



The World's Highest Quality Portable Room Dividers!

July 12, 2023

VIA E-MAIL: tim.verbeke@lakezurich.org

Chairperson
Planning and Zoning Commission
Village of Lake Zurich
505 Telser Road
Lake Zurich, IL 60047

Dear Chairperson and Planning and Zoning Commissioners,

As a member of the Lake Zurich community and a property owner in the Lake Zurich Industrial Park I support the PUD Application for NorthStar Pickle for the West side of Rose Road (629 Rose Road), Lake Zurich, IL. Allowing a long-established business in the Industrial Park to continue to expand in Lake Zurich.

I formally request the Planning and Zoning Commissioners approve this application.

Thank you for your consideration. Should you wish to contact me I can be reached at jmaas@screenflex.com.

Sincerely,

John Maas
President
Screenflex Portable Partitions Inc

Cc: Tom Poynton, Mayor, Village of Lake Zurich – tom.poynton@lakezurich.org
Ray Keller, Village Manager, Village of Lake Zurich – ray.keller@lakezurich.org
Sarosh Saher, Community Development, Village of Lake Zurich –
sarosh.saher@lakezurich.org

585 CAPITAL DRIVE • LAKE ZURICH, IL 60047 • 800-553-0110 • 847-726-2990 FAX • SCREENFLEX.COM

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

Image# 041357110016 Type: ORD
Recorded: 04/12/2007 at 02:03:54 PM
Receipt#: 2007-00016689
Total Amt: \$35.00 Page 1 of 16
IL_Rental Housing Fund: \$0.00
Lake County IL Recorder
Mary Ellen Vanderventer Recorder
File 6167091

File 6167091

CERTIFICATE

I, SUSAN T. RAGSDALE, certify that I am the duly appointed Deputy Village Clerk of the Village of Lake Zurich, Lake County, Illinois.

I DO HEREBY CERTIFY that as such Deputy Village Clerk, I am keeper of Ordinances, Resolutions, Minutes, Entries, Orders, Books, Papers, Records and Seal of said Village.

I DO HEREBY CERTIFY that the attached is a true, correct copy of:

ORDINANCE NO. 2006-08-436

AN ORDINANCE APPROVING SITE PLANS AND EXTERIOR
APPEARANCE PLANS AND A VARIATION RELATING TO
DEVELOPMENT AT 625 AND 705-711 ROSE ROAD.

WITNESS my Hand and Corporate Seal of said Village of Lake Zurich, Illinois, this 11th day of April, 2007.

Anson T. Ragsdale
Susan T. Ragsdale
Deputy Village Clerk

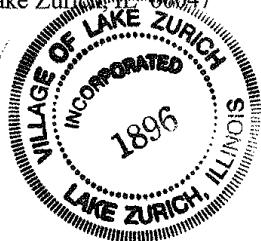
After recording return to:

Village of Lake Zurich
70 E. Main Street

Lake Zurich, IL 60047

LAKE ZURICH

(SEAL)



W + 4
pH

ORDINANCE NO. 2006-08-436

AN ORDINANCE APPROVING SITE PLANS AND EXTERIOR
APPEARANCE PLANS AND A VARIATION RELATING TO DEVELOPMENT
AT 625 AND 705-711 ROSE ROAD.

Published in pamphlet form
by the authority of the President and Board of Trustees
of the
Village of Lake Zurich
Lake County, Illinois

Date of Publication: August 11, 2006

VILLAGE OF LAKE ZURICH

ORDINANCE NO. 2006-08-436AN ORDINANCE APPROVING SITE PLANS,
EXTERIOR APPEARANCE PLANS, AND A VARIATION
RELATING TO DEVELOPMENT AT 625 AND 705-711 ROSE ROAD

WHEREAS, S & S Enterprises LLC (the "Applicant") is the legal owner of the property commonly known as 625 Rose Road ("Parcel 1") and the addition to the building at 705-711 Rose Road ("Parcel 2"), in the Village of Lake Zurich (collectively the "Property"), which Property is legally described in Exhibit A attached to this Ordinance; and

WHEREAS, the Property is classified in the Village's I-2 General Industrial District pursuant to the Lake Zurich Zoning Code; and

WHEREAS, the Applicant applied for approval of (i) site plans and exterior appearance plans to construct on Parcel 1 two 37,300-square-feet buildings with a maximum of 10 individual industrial condominiums in each building and (ii) site plans and exterior appearance plans to construct an addition onto the existing building on Parcel 2 (collectively the "Project"); and

WHEREAS, the Applicant also applied for approval of a variation from the regulations set forth in Section 8-302 of the Lake Zurich Zoning Code to allow impact on certain conservancy soils on Parcel 1 (the "Variation"); and

WHEREAS, the Lake Zurich Plan Commission conducted a public meeting on May 3, 2006, which was concluded on June 7, 2006, pursuant to notice thereof duly published in the *Lake Zurich Courier*, to consider the Applicants' applications and all of the facts and circumstances affecting the Project and, after the conclusion of the public meeting, the Plan Commission recommended that the Board of Trustees approve the requested zoning relief, subject to certain conditions recommended by the Plan Commission; and

WHEREAS, the Lake Zurich Zoning Board of Appeals conducted a public hearing on May 18, 2006, pursuant to notice thereof duly published in the *Lake Zurich Courier*, to consider the Variation application and all of the facts and circumstances affecting the Variation and, after the conclusion of the public hearing, the Zoning Board of Appeals recommended that the Board of Trustees approve the Variation, subject to certain conditions recommended by the Zoning Board of Appeals; and

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich have considered the findings and recommendations of the Plan Commission and the Zoning Board of Appeals and have considered all of the facts and circumstances affecting the Project and the Variation, and the President and Board of Trustees have determined that, if the conditions set forth in this Ordinance are satisfied at all times, the Applicant will have met the standards set forth in Chapters 17, 20, and 21 of the Zoning Code related to the approval of (i) site plans and exterior appearance plans for Parcel 1, (ii) site plans and exterior appearance plans for Parcel 2, and (iii) variation for Parcel 1, and all other standards of the Zoning Code applicable to the relief sought by the Applicants; and

WHEREAS, the President and Board of Trustees accordingly believe that it is appropriate to grant the relief sought by the Applicants, but only subject to the conditions stated in this Ordinance;

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

Section 1. Recitals. The foregoing recitals are incorporated herein as findings of the President and Board of Trustees.

Section 2. Approval of Site Plans for Parcel 1. The Board of Trustees, pursuant to the authority vested in it under the laws of the State of Illinois and Chapter 20 of the Lake Zurich Zoning Code, hereby approves the site plans for the Property attached to this Ordinance as Exhibit B, subject to the conditions set forth in Section 7 of this Ordinance.

Section 3. Approval of Exterior Appearance Plans for Parcel 1. The Board of Trustees, pursuant to the authority vested in it under the laws of the State of Illinois and Chapter 21 of the Lake Zurich Zoning Code, hereby approves the exterior appearance plans for the Property attached to this Ordinance as Exhibit C, subject to the conditions set forth in Section 7 of this Ordinance.

Section 4. Approval of Site Plans for Parcel 2. The Board of Trustees, pursuant to the authority vested in it under the laws of the State of Illinois and Chapter 20 of the Lake Zurich Zoning Code, hereby approves the site plans for the Property attached to this Ordinance as Exhibit B, subject to the conditions set forth in Section 7 of this Ordinance.

Section 5. Approval of Exterior Appearance Plans for Parcel 2. The Board of Trustees, pursuant to the authority vested in it under the laws of the State of Illinois and Chapter 21 of the Lake Zurich Zoning Code, hereby approves the exterior appearance plans for the Property attached to this

Ordinance as Exhibit C, subject to the conditions set forth in Section 7 of this Ordinance.

Section 6. Approval of Variation for Parcel 1. The Board of Trustees, pursuant to the authority vested in it under the laws of the State of Illinois and Chapter 17 of the Lake Zurich Zoning Code, hereby approves a variation for Parcel 1 from the restrictions on impact to conservancy soils set forth in Section 8-302 of the Lake Zurich Zoning Code and attached to this Ordinance as Exhibit D, but only to the limited extent shown on the Village-approved site plans and engineering plans for the Project and, subject to the conditions set forth in Section 7 of this Ordinance.

Section 7. Conditions. The approvals granted in Sections 2, 3, 4, 5 and 6 of this Ordinance have been granted expressly subject to, and are at all times subject to, the following conditions:

- A. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance except only after all conditions of this Ordinance precedent to such work have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. Declaration of Covenants. The Applicants shall execute and deliver to the Village Administrator the Declaration of Covenants in substantially the form attached to and by this reference incorporated into this Ordinance as Exhibit E and in final form acceptable to the Village Administrator and Village Attorney. This Ordinance shall be of no force or effect until the condition of this Subsection 7B has been fulfilled.
- C. Building Permits. After final site plans are approved, the Applicant shall submit all required building permit applications and other materials in a timely manner to the appropriate parties, which materials shall be prepared in compliance with all applicable Village codes and ordinances.
- D. Wetland Maintenance Plan. A wetland maintenance and management plan shall be submitted for Village Engineering review and approval prior to final engineering approval.

Section 8. Violation of Condition or Code. Any violation of any term or condition stated in this Ordinance or any applicable code, ordinance, or

regulation of the Village, if not cured within five days after notice from the Village thereof, shall be grounds for the rescission of the approvals made in this Ordinance.

Section 9. Effective Date. This Ordinance shall be in full force and effect only after its passage, approval, and publication in pamphlet form in the manner provided by law and delivery to the Village of the fully executed Declaration of Covenants as provided in Subsection 7B of this Ordinance.

PASSED this 7th day of August 2006.

AYES: 5 Trustees Bondi, Callahan, Gavarnity, McDooley,
and Taylor
NAYS: 0

ABSENT: 1 Trustee Coleman

APPROVED this 7th day of August 2006.

John D. Tolman
Village President

ATTEST:

Gloria M. Paenkead
Village Clerk

3939969_v3

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY
[description includes Parcel 1 and Parcel 2]

PARCEL #1

THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THEREFROM THE NORTH 33.00 FEET THEREOF DEDICATED FOR ROAD PURPOSES PER DOCUMENT 1186638 AND ALSO EXCEPTING THE SOUTH 33.00 FEET THEREOF) AND EXCEPT THAT PART OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16 AFORESAID WITH THE NORTH LINE OF THE SOUTH 33.0 FEET, THENCE NORTH 00 DEGREES 02 MINUTES 40 SECONDS EAST ALONG THE WEST LINE 591.33 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 40 SECONDS EAST 661.43 FEET TO A POINT IN THE EAST LINE OF THE WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 16 AFORESAID 624.21 FEET NORTH OF THE SOUTHEAST CORNER OF SAID WEST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$; THENCE SOUTH 00 DEGREES 01 MINUTES 20 SECONDS WEST ALONG SAID EAST LINE 591.21 FEET TO THE NORTH LINE OF THE SOUTH 33.00 FEET AFORESAID; THENCE NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST ALONG THE LAST DESCRIBED LINE 661.65 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

Permanent Index Number: I4-16-300-027

Address of Property: 625 Rose Road, Lake Zurich, Illinois 60047-1560

PARCEL #2

THE NORTH HALF (EXCEPT THE EAST 330 FEET THEREOF) OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

EXHIBIT E

DECLARATION OF COVENANTS

Prepared by and return to:

Maureen E. Browne
 Holland & Knight LLP
 131 S. Dearborn Street, 30th
 Floor
 Chicago, Illinois 60603

PIN # 14-16-300-027

Common addresses:
 625 Rose Road and
705-711 Rose Rd.
 Lake Zurich, Illinois 60047

THIS DECLARATION is made this 23rd day of October 2006 by _____
 (the "Declarant").

PREAMBLES:

WHEREAS, the Declarant is the fee simple title owner of a certain parcels of real estate commonly known as 625 Rose Road ("Parcel 1") and the proposed addition to the building at 705-711 Rose Road ("Parcel 2") in the Village of Lake Zurich, County of Lake and State of Illinois, (the "Village"), and legally described as:

(EX. A)
 [insert legal description]

which parcels of real estate (collectively the "Property") the Declarant desires to submit to the covenants, provisions, and restrictions of this Declaration; and

WHEREAS, by Lake Zurich Ordinance No 2006-08-436, passed and approved by the Village on August 7, 2006, the Village approved (i) site plans and exterior appearance plans that authorized the Declarant to construct two 37,300 square feet buildings with a maximum of 10 individual industrial condominiums in each building on Parcel 1 of the Property and (ii) the Village approved site plans and exterior appearance plans that authorized the Declarant to construct an addition on Parcel 2 of the Property (collectively the

"Approvals"), which Approvals were granted subject to the terms of this Declaration; and

WHEREAS, the Approvals allow the development of the industrial condominium units on Parcel 1 and the construction of an addition on Parcel 2 in accordance with Village-approved plans therefor (the "Project") and, in order for the Project to satisfy the standards set forth in the Lake Zurich Zoning Code applicable to the Project, the Approvals were made subject to certain conditions and restrictions that are part of the terms of this Declaration; and

WHEREAS, the Declarant agrees to the conditions and restrictions set forth in Lake Zurich Ordinance No. and desires to make them a part of this Declaration;

NOW, THEREFORE, the Declarant hereby declares that the Property is, and shall be held, transferred, sold, conveyed, used, and occupied subject to all of the covenants, provisions and restrictions hereinafter set forth.

1. All of the following uses and activities are prohibited within the Property at all times:

- (a) All uses that require or utilize outdoor storage;
- (b) Auto repair services, towing services, and all other automobile-repair-related services of any kind;
- (c) Adult entertainment establishments and adult uses of any kind;
- (d) Membership organizations of any kind, including without limitation all sports and recreation clubs;
- (e) Physical fitness facilities of any kind;
- (f) Sports instruction of any kind, including without limitation gymnastics;
- (g) Dance studios;
- (h) Veterinary services;
- (i) Day care centers of any kind, whether for adults, youth, or children;
- (j) Retail nurseries, lawn and garden supply stores, and all similar uses;
- (k) Self storage warehouses and warehousing of any kind; and
- (l) All uses that require or actually include routine attendance of clients, customers, patients, patrons, or other clientele.

The provisions of this Paragraph 1 shall be acknowledged in, and shall be deemed to be included in and a part of, any and all condominium and property owner association declarations and bylaws related to the Property.

2. All least 50 percent of all floor area of all buildings constructed on Parcel 1 of the Property shall be included in units with a minimum size of not less than 5,000 gross square feet of floor area. At no time shall any unit or

combination of units within a building on Parcel 1 of the Property be divided in a manner that causes this minimum percentage to be violated.

3. The overhead door location at the southeast corner of Building 1 on Parcel 1 of the Property shall be designed, constructed, and maintained at all time to accommodate the maneuvering of large trucks to the larger loading space.

4. The overhead door location at the southwest corner of Building 2 on Parcel 1 of the Property shall be designed, constructed, and maintained at all time to accommodate the maneuvering of large trucks to the larger loading space.

5. Parking in the internal drive between Building 1 and Building 2 on Parcel 1 of the Property shall be restricted in such a manner as to maintain unimpeded access at all times to overhead doors and loading areas. "No Parking" signs shall be posted and maintained at all times in this area in a manner sufficient to give clear notice of such parking restriction. The Village may enforce, and issue fines for violation of, such parking restriction. The provisions of this Paragraph 5 shall be acknowledged in, and shall be deemed to be included in and a part of, any and all condominium and property owner association declarations and bylaws related to Parcel 1. All condominium association documents, including but not limited to the condominium declaration and bylaws, shall note these parking restrictions and provide for Village enforcement of the parking restrictions.

6. This Declaration, and the covenants, provisions, and limitations set forth in this Declaration, inure to the benefit of the Village and shall be fully enforceable by the Village. The Village may enforce the covenants, provisions, and limitations set forth in this Declaration in any proceeding at law or in equity against any person or persons violating or attempting to violate any such covenant, provision, or restriction. The failure of the Village not to enforce any covenant, provision, or restriction set forth in this Declaration at any time shall not be construed or implied to be any waiver or release of any right of the Village to enforce such covenant, provision, or restriction or any other covenant, provision, or restriction at any time.

7. This Declaration may be modified, amended, annulled, or otherwise changed only with the prior, express, written approval of the Village.

Exhibit B

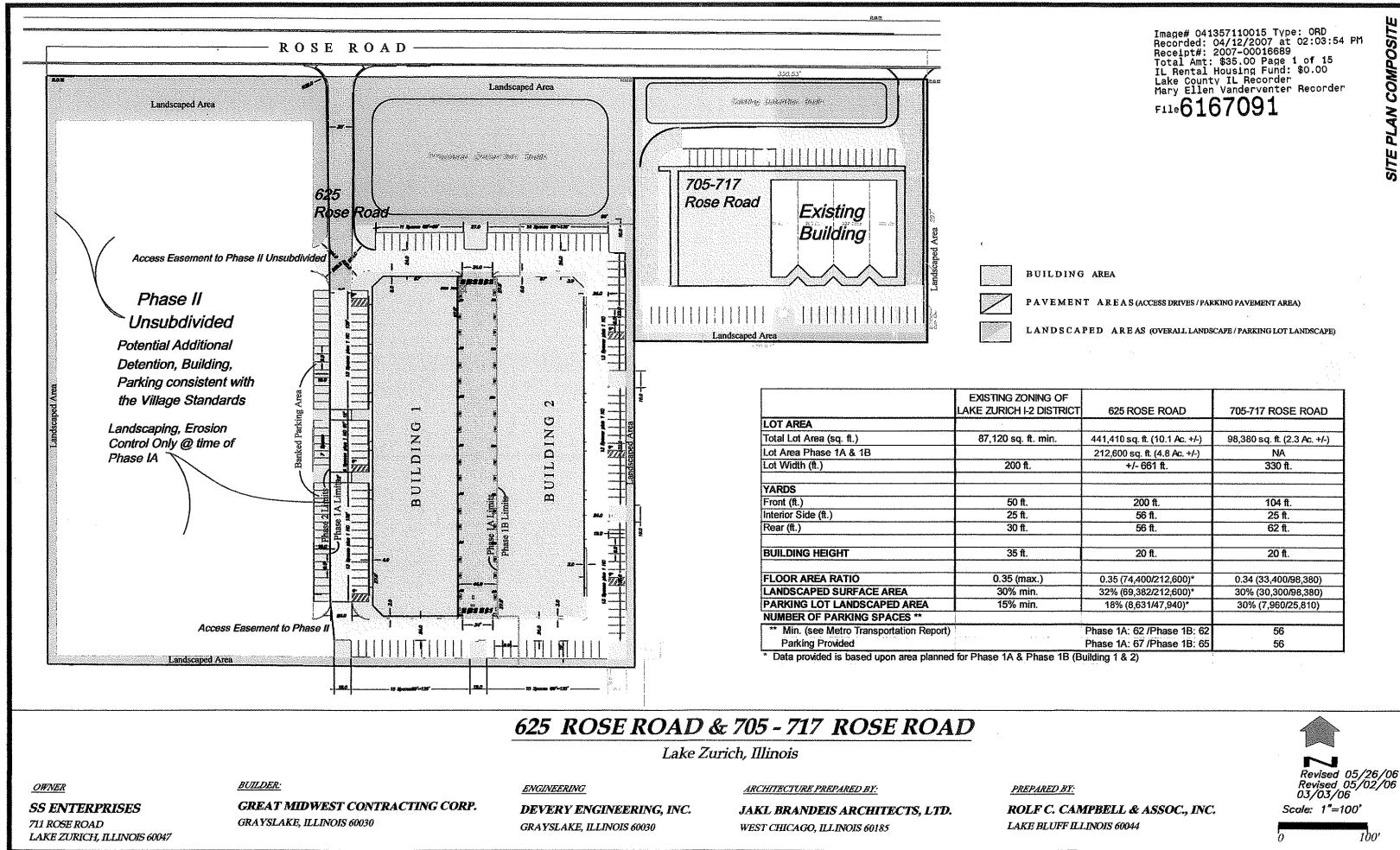
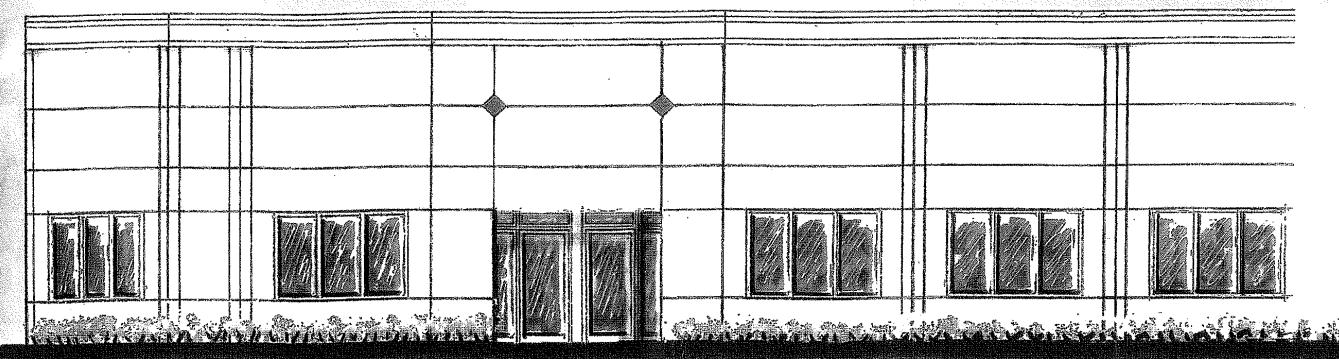


Exhibit C



FRONT ELEVATION

ORIGINAL SCALE: $\frac{3}{16}$ " = 1'-0"

625 ROSE ROAD

Lake Zurich, Illinois

OWNER

SS ENTERPRISES
711 ROSE ROAD
LAKE ZURICH, ILLINOIS 60047

BUILDER

GREAT MIDWEST CONTRACTING CORP.
GRAYSLAKE, ILLINOIS 60030

ENGINEERING

DEVERY ENGINEERING, INC.
GRAYSLAKE, ILLINOIS 60030

ARCHITECTURE PREPARED BY:

JAKI BRANDEIS ARCHITECTS, LTD.
WEST CHICAGO, ILLINOIS 60185

PREPARED BY:

ROLF C. CAMPBELL & ASSOC., INC.
LAKE BLUFF ILLINOIS 60044

Revised 05/26/06
Revised 05/02/06
03/03/06

Exhibit C

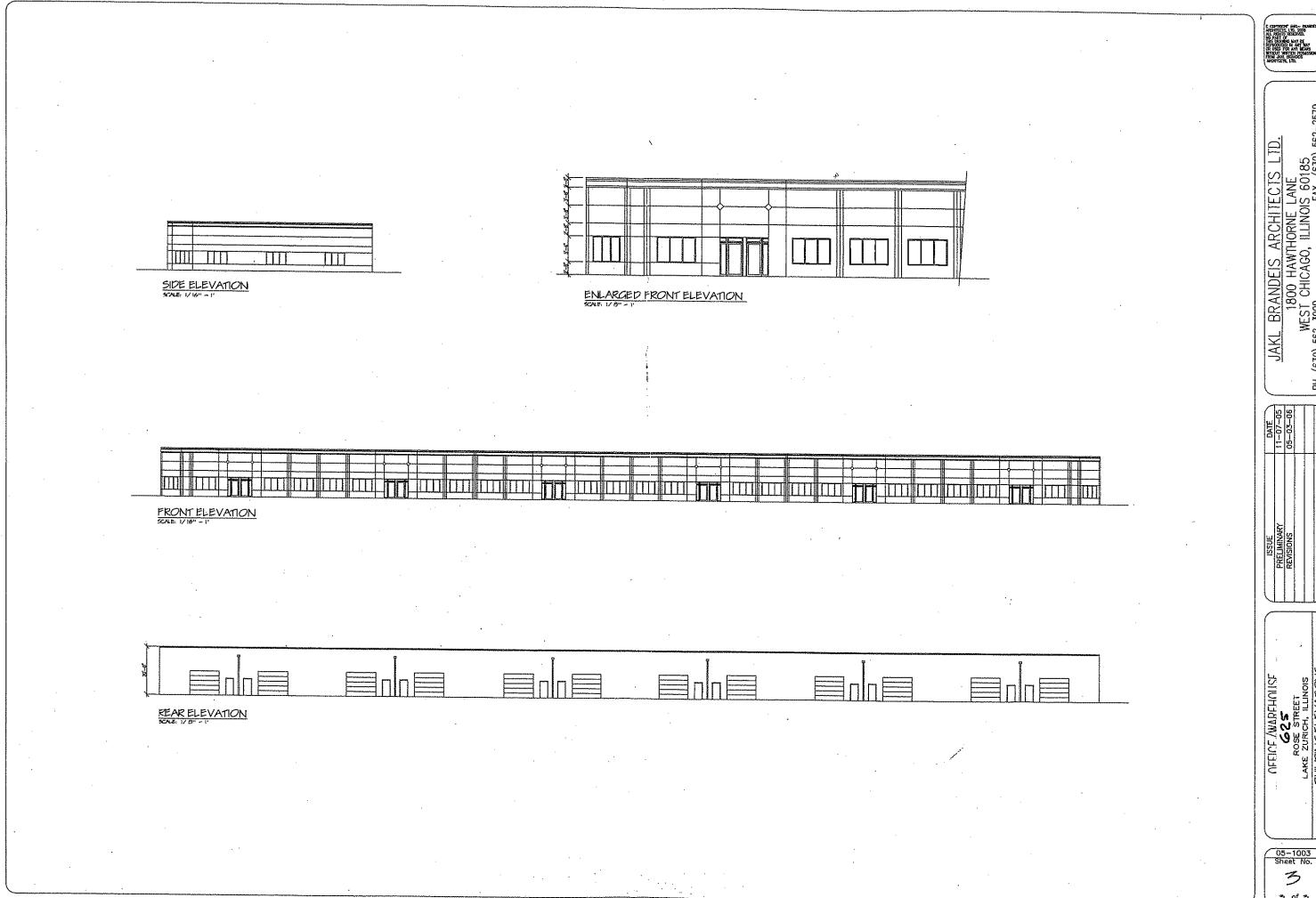


Exhibit D

