

VILLAGE OF LAKE ZURICH
Planning & Zoning Commission
70 East Main Street



Wednesday, July 17, 2024, 7:00 p.m.

AGENDA

1. 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.
2. CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION
 - A. Minutes of the Planning and Zoning Commission Meeting, on **June 19, 2024**.
Motion to approve the minutes.
3. PUBLIC MEETING
(This agenda item includes items that do not require public testimony)

No items received for consideration.
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.)

Continued Item:

- A. 670 South Old Rand Road – Special Use Permit for a Planned Unit Development (PUD) (2024-08):
The Application was continued from the June 19, 2024 meeting of the PZC.
Application for a Special Use Permit for a Planned Unit Development (PUD) for the development of the property with a mix of single-family homes and townhomes, located within the R-1/2 Single-family Residential District.
Applicant: Lawrence M. Freedman, Agent for OSK Capitol Partners, LLC
Owner: Mr. Henry Joern

New items:

- B. 1073 Avery Ridge – Variation (2024-09)
Application for a variation of the height of a new fence proposed in the corner side yard for a property within Avery Ridge Subdivision, located within the R-5 single-family residential district.
Applicants and Owners: Mr. Patrick and Ms. Kelly Kraus.

C. 865 Telser Road – Special Use Permit (2024-10)

Application for a Special Use Permit for a high-end automotive detailing business within an industrial tenant space located in the I Industrial District.

Applicant: Luminescent Detailing

Owner: Zen Properties, LLC

D. 909 South Rand Road – Special Use Permit (2024-06).

Application for a Special Use Permit to establish a cannabis dispensary operated by Dutchess at the property located in the B-1 Local and Community Business District.

Applicants: JAS Management LLC and Rubino Ventures, LLC

Owner: JAS Management LLC

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 Commission. Public Comment is limited to 30 minutes total and up to 5 minutes per speaker.

8. ADJOURNMENT

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA coordinator at (847) 438-5141 (TDB #438-2349) promptly to allow the Village to make reasonable accommodation.

VILLAGE OF LAKE ZURICH
Planning & Zoning Commission
70 East Main Street



Wednesday, June 19, 2024, 7:00 p.m.

1. **CALL TO ORDER** at 7.00pm by Chairperson Orlando Stratman
ROLL CALL: Chairperson Orlando Stratman, Vice-Chair Antonio Castillo, Commissioners Sean Glowacz, Jake Marx, Scott Morrison, Mike Muir, and Ildiko Schultz. Commissioner Joe Giannini was absent and excused. Also present: Community Development Dir. Sarosh Saher, Village Planner Colleen McCauley.

2. **CONSIDERATION OF MINUTES AND FINDINGS OF THE COMMISSION**
 - A. Minutes of the Planning and Zoning Commission Meeting, on May 15, 2024.
Motion to approve the minutes was made by Commissioner Schultz, seconded by Commissioner Marx.
AYES: 6 Commissioners Glowacz, Marx, Morrison, Muir, Schultz, Chairperson Stratman.
NAYS: 0
ABSTAIN: 1 Commissioner Castillo.
ABSENT: 1 Commissioner Giannini.
MOTION CARRIED.

3. **PUBLIC MEETING**
No items received for consideration.

4. **PUBLIC HEARING**
Motion was made by Commissioner Shultz, seconded by Commissioner Marx to open the public hearing for the following applications:
Application PZC 2024-04 to withdraw from consideration
Application PZC 2024-05 for a Special Use Permit at 290 Telser Road
Application PZC 2024-08 for a Special Use Permit for a Planned Unit Development (PUD), Zoning Map Amendment, and Subdivision
AYES: 7 Commissioners Castillo, Glowacz, Marx, Morrison, Muir, Schultz, Chairperson Stratman.
NAYS: 0
ABSENT: 1 Commissioner Giannini.
MOTION CARRIED.
Public Hearing started at 7.02pm
Chairperson Stratman gave the Oath to those who were giving testimony.

A. 80 East Main Street & 116 Lions Drive – Text Amendment and Special Use Permit Withdrawal (2024-04):

Application for a Text Amendment and Special Use Permit to allow for a Montessori school at the property located within the B-2 Central Business District, and the DR Downtown Redevelopment Overlay District was withdrawn by the Applicant.

Chairperson Stratman asked the Staff if they had further comment on this item and Dir. Saher stated that the reason the application was withdrawn was because they could not come to an agreement with the owner on the terms of the sale of the property.

Motion to close the public hearing and the application was made by Commissioner Shultz, seconded by Commissioner Marx

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

NAYS: 0

ABSENT: 1 Commissioner Giannini.

MOTION CARRIED.

B. 290 Telser Road – Special Use Permit (2024-05):

Application for a Special Use Permit to allow for the establishment of a physical fitness facility at the property located within the I Industrial District.

Applicant: Mr. Nick Nastruz, Lake County Barbell

Owner: Mr. Greg Hatz, Cool Dude Enterprises, LLC

Dir. Saher confirmed that proper notice was provided of this item and then he introduced Mr. Nick Nastruz. Mr. Nastruz gave a presentation of his proposal and described the business plan for the fitness center. Commissioners Castillo and Shultz had concerns about the business operating 24 hours a day, but were reassured that a schedule would be implemented and an employee would be on the site at all times of operation. Commissioner Shultz had a question about the lighting on the site. Dir. Saher stated that no changes to the building's lighting had been made at this time, but security lightning near the doors may need to be added.

PUBLIC TESTIMONY.

Resident and President of the Lake Zurich Industrial Counsel Mr. Mike Hilt, 598 Dunhill Drive, was sworn in by Chair Stratman. Mr. Hilt spoke in favor of Mr. Natruz's business model and expressed that this use acceptable in the Industrial Park.

Motion to close the public hearing on Application PZC 2024-05 and move to deliberation was made by Commissioner Schultz, seconded by Commissioner Marx.

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

NAYS: 0

ABSENT: 1 Commissioner, Giannini.

MOTION CARRIED.

On Application PZC 2024-05: A Motion was made by Commissioner Schultz, seconded by Commissioner Marx, 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 Applicant, 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 application for a Special Use Permit to allow for a physical fitness facility at the property located at 290 Telser Road.

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

NAYS: 0

ABSENT: 1 Commissioners Giannini.

MOTION CARRIED.

C. 670 South Old Rand Road – Special Use Permit for a Planned Unit Development (PUD), Zoning Map Amendment, and Subdivision (2024-08):

Application for a Planned Unit Development to allow for the development of a property with a new residential subdivision containing a mix of single-family attached townhomes and single-family detached homes. The project will also require a rezoning of the property to the appropriate single-family and multiple-family zoning classification.

Applicant: Mr. Lawrence M. Freedman, of Ash, Anos, Freedman & Logan, LLC

Owner: Mr. Henry C. Joern of Ingleside, II

Dir. Saher confirmed that proper notice was provided of this item and then he introduced Mr. Lawrence Freedman, the attorney for the developers. Mr. Freedman introduced the project and the architect of the development, Mr. David Haymes. Mr. Haymes gave a PowerPoint presentation of the proposed development.

Chair Stratman asked if a heritage tree study had been performed. Steve Gregory, the landscape architect for the project, explained that an arborist did the preliminary survey of the existing trees and found that most of the vegetation on the site is not what would be considered high quality. He pointed out that the area north of the wetland and the wetland itself will remain untouched.

Chair Stratman inquired about the traffic studies based on the number of new homes. Mr. Mike Renner, an Erickson engineer, explained that the development will generate 26-31 peak hour trips during the morning and evening commuter periods.

Chair Stratman requested to see data on the line of sight distance where the development meets Old Rand Road. Commissioner Castillo requested to see similar data but as it relates to the pedestrian crosswalk. Mr. Renner stated that they will look into acquiring this data. Dir. Saher reported that the Village has a pedestrian crosswalk standard that includes flashing signals.

Commissioner Castillo inquired about monotony within the development. Dir. Saher reported that the Village has a monotony code that will address these concerns.

Commissioner Castillo asked about the street maintenance within the development because the proposed streets will be private. Mr. Haymes replied that there will be a home owners association (HOA) that will maintain the streets. Dir. Saher pointed out that because of this, there will be no additional burden on the Village's Public Works Department. Dir. Saher noted that one of the conditions is that a backup Special Service Area (SSA) will be implemented if the HOA fails to meet their responsibilities, such as detention, snow removal, landscaping, or greenspace maintenance.

Commissioner Marx questioned overhead lighting along Old Rand Road as it relates to walkability from the development to the Main Street Area. Dir. Saher noted that the sidewalk on the other side of the proposed crosswalk connects up to that area. Similarly, the east side of the development will connect by crosswalk to the sidewalk that runs along Buesching Road. Dir. Saher admitted that this route is quite dark at night so lighting will be discussed with the developer and the Village's Public Works Department to address these safety concerns.

Chair Stratman asked about pricing for both the townhomes and the single-family homes. Mr. Haymes stated that the townhomes will be around \$500,000 and the single-family homes will be in the \$700,000 - \$800,000 range.

Commissioner Shultz asked if the townhomes have basements and Mr. Haymes noted that they do not.

Commissioner Shultz is interested in seeing more information on the exterior building materials.

Mr. Freedman clarified that the HOA will be a single association for both the single-family homes and the townhomes.

Commissioner Shultz asked about the distance from the rowhomes along Buesching and their detached garages. Mr. Haymes believes it is 20 feet or greater.

Commissioner Shultz raised the question of if there is street parking along Buesching Road. Mr. Freedman explained that the development has included the required number of parking spaces for guests and that the amount of street parking, if there is any, is not taken into account.

Commissioner Muir voiced concerns about the pedestrian crosswalk and the speed that cars travel on both roads.

Commissioner Glowacz asked what building materials have been changed since the project came before the Commission in 2022. Mr. Freedman noted that it is hard to compare the two projects but that more brick has been added. Mr. Haymes noted that more detail and variety have been added to the buildings.

Chair Stratman asked what material the siding will be made of and Mr. Haymes answered that it will be fiber cement.

Commissioner Morrison asked about the sidewalk to the south of the development. Dir. Saher explained that the sidewalk connection to the north, which connects the development to the Main Street Area, was prioritized to improve connectivity. Dir. Saher also noted that there are sidewalks within the development and the southernly loop of the site.

Commissioner Schultz asked what commitment the developer has with moving the project forward if the Board were to approve to their project. Mr. Freedman stated that if they were to get approval, they would purchase the property and move forward as quickly as possible.

PUBLIC TESTIMONY.

Residents Mary Ann Phillips, Bill Hartig, Elise Hood, Chirag Patel, Terry and Jerry Volkman, and Gary Levine expressed the following concerns:

Several residents were displeased with the number of units for the proposed development and believed it to be too dense. Traffic on South Old Rand Road was a common complaint that the residents think will only be made worse by the new development. Noise from the traffic generated was also brought up. The three townhome buildings that front South Old Rand Road are thought to be too tall in relation to the surrounding developments. The residents would like to see better landscape screening along South Old Rand Road. Also, there were concerns about a wildlife study being completed.

In response to an Old Rand Road traffic study question, Mr. Renner confirmed that the study was performed on April 16, 2024 beginning at 7:00am - 9:00am and then picking up at 4:00pm - 6:00pm. Dir. Saher noted that the traffic study is on page 201 of the report packet.

Chair Stratman responded to a question regarding the rowhomes' setbacks along Buesching Road being 25 feet. Dir. Saher stated that 25 feet is the Village's standard setback.

Chair Stratman asked Dir. Saher to address the cautionary points that are mentioned in the staff report comments. Dir. Saher went through each point and explained the corresponding conditions.

Chair Stratman noted that the development location is privately owned and that owner has the right to sell his parcel. He also noted that the Commission's deliberation needs to be on the basis of the Village at large.

In repose to the voiced wildlife concerns, Dir. Saher commented that one of the requirements during the final plan process is for an Ecological Compliance Assessment Tool (EcoCAT) study to be done. This part of the process will happen at a later time.

Motion to close the public hearing on Application PZC 2024-08 and move to deliberation was made by Commissioner Castillo, seconded by Commissioner Muir.

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

NAYS: 0

ABSENT: 1 Commissioner, Giannini.

MOTION CARRIED.

On Application PZC 2024-08: A Motion was made by Commissioner Castillo, seconded by Commissioner Muir, to continue deliberation to the next scheduled PZC meeting, of July 17, 2024.

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

NAYS: 0

ABSENT: 1 Commissioners Giannini.

MOTION CARRIED.

5. OTHER BUSINESS

Dir. Saher reported that the Nirvana Dispensary at 676 South Rand Road has not received an extension on their Special Use Permit which expires July 1, 2024.

Chair Stratman reminded everyone that the PZC will meet next Wednesday, June 26, at 7:00pm, for the Comprehensive Plan Update from Teska.

6. STAFF REPORTS

Dir. Saher reported that there were four applications for the July meeting including a cannabis dispensary Special Use Permit at 909 South Rand Road, a drive-through Special Use Permit at 2 East Main Street, a car detailing specialist Special Use Permit for 865 Telser, and a residential fence variation at 1073 Avery Ridge Circle.

Dir. Saher suggested having two meetings in July for the four applications and the continued deliberation for 670 South Old Rand Road.

7. PUBLIC COMMENT

There were none.

8. ADJOURNMENT

Motion to adjourn the meeting made by Chair Stratman, seconded by Commissioner Marx
AYES: 7 Commissioners Castillo, Glowacz, Marx, Morrison, Muir, Schultz, Chairperson
Stratman.

NAYS: 0

ABSENT:1 Giannini.

MOTION CARRIED.

Meeting adjourned at 9:55pm

Respectfully submitted:

Colleen McCauley, Village Planner

Approved by:

Chairperson Orlando Stratman.

Date

VILLAGE OF LAKE ZURICH
Planning & Zoning Commission
70 East Main Street



Wednesday, June 26, 2024, 7:00 p.m.

1. CALL TO ORDER at 7.00pm by Chairperson Orlando Stratman

ROLL CALL: Chairperson Orlando Stratman, Vice-Chair Antonio Castillo, Commissioners Sean Glowacz, Jake Marx, Scott Morrison, and Ildiko Schultz. Commissioners Joe Giannini and Mike Muir were absent. Also present: Community Development Dir. Sarosh Saher, Village Planner Colleen McCauley.

2. PUBLIC MEETING

The Comprehensive Plan Consultant - Teska Associates and Team presented an update on the Comprehensive Plan. The presentation highlighted the work that has been done since the last update, which was in February of this year. The Planning and Zoning Commission serves as the Steering Committee of the Comprehensive Plan so they asked questions and provided feedback to the Consultant Team.

PUBLIC TESTIMONY

Resident Mike Hilt, 598 Dunhill Drive, spoke in favor of the Comprehensive Plan framework.

3. OTHER BUSINESS

The Planning and Zoning Commission will meet on two consecutive days in July, on both Wednesday, July 17 and Thursday, July 18.

4. STAFF REPORTS

The Planning and Zoning Commission will meet on two consecutive days in July, on both Wednesday, July 17 and Thursday, July 18.

5. PUBLIC COMMENT

There were none.

6. ADJOURNMENT

Motion to adjourn the meeting made by Commissioner Castillo, seconded by Commissioner Glowacz

AYES: 6 Commissioners Castillo, Glowacz, Marx, Morrison, Schultz, Chairperson Stratman.

NAYS: 0

ABSENT: 2 Commissioners Giannini and Muir.

MOTION CARRIED.

Meeting adjourned at 9:25pm

Respectfully submitted:

Colleen McCauley, Village Planner

Approved by:

Chairperson Orlando Stratman.

Date



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 2024-08

AGENDA ITEM 4.A

PZC Hearing Opening Date: June 19, 2024
PZC Continued Consideration: July 17, 2024

STAFF REPORT

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

From: Sarosh Saher, Community Development Director

CC: Mary Meyer, Building Services Supervisor
Colleen McCauley, Village Planner

Date: July 17, 2024

Re: PZC 2024-08: 670 South Old Rand Road
Residential Development by OSK Capital LLC
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 19, 2024, which contains the findings and recommendations of Village Staff. The report and all attachments can be viewed at the following link:

[Link to June 19, 2024 Staff Report, Application Packet and Correspondence \(OSK Residential Development\)](#)

SUBJECT

Mr. Lawrence M. Freedman, of Ash, Anos, Freedman & Logan, LLC, the agent and attorney for OSK Capital Partners, LLC, a Real Estate Developer of Highland Park, (the “Applicant”), is proposing the development of the property at 670 South Old Rand Road with a new residential subdivision. The property is an assemblage of two parcels containing 9-acres located between North Old Rand Road and Buesching Road, and legally described in Exhibit A attached hereto (the “Subject Property”). OSK Capital Partners, LLC is the contract purchaser of the property. The owner of the property is Mr. Henry C. Joern of Ingleside, IL.

The public hearing was opened by the PZC on June 19, 2024. The application was introduced by their Attorney and Agent, Mr. Lawrence Freedman. The project was then presented by the project architect, Mr. David Haymes of Papageorge Haymes Architects, Inc. Also present were the Civil Engineer, Traffic Engineer and Landscape Architect, who provided information on the project when requested. Testimony was received from residents who live in the vicinity of the property. While the residents generally acknowledged that the revised project had been well thought out and designed, they expressed their objections to the proposal at this location citing issues of density, housing type and proximity to their properties. Members of the PZC posed several questions of the applicant and staff which were answered.

Following the close of the hearing and deliberation and at the request of the Applicant, the PZC moved to continue deliberation to July 17, 2024. For your reference, the video stream of the June 19, 2024 meeting can be viewed online at:
<https://play.champds.com/lakezurichil/event/125>

LIST OF ADDITIONAL EXHIBITS

These exhibits should be considered in addition to those that were included as part of the June 19, 2024 staff report and packet.

- A. Revised Overall Site Plan
- B. Single-family and multiple-family building plans and elevations
- C. Views from neighboring properties
- D. Development Views
- E. Site distance studies along Buesching and Old Rand Roads
- F. Aerial Map showing residents distance from Subject Property

This report contains information that was submitted following the June 19 meeting date that is recommended to be added to the testimony and findings of the PZC.

Revised Overall Site Plan – In response to comments, provided at the June 19 meeting the applicant has revised the site plan to redesign and reconfigure the townhouses facing Old Rand Road. The revisions now propose five 2-story townhomes within 2 buildings instead of the previously proposed seven 3-story townhouses within 2 buildings. By means of the revisions, the Applicant proposes to accomplish the following:

- Reduce the bulk of the townhouse buildings that face Old Rand Road.
- Mitigate the bulk of the townhouses against the adjacent residence to the south. The residence is currently 45 feet to the south of the Subject Property line.

Based on comments and testimony provided at the hearing, staff has also prepared a map showing the proximity of the properties of residents who provided testimony at the meeting, as there were representations made that the proposed development was either directly across the street from such properties or would have a direct impact on their properties. To that end, the Applicant has provided views of what the proposed development would potentially look like from the streets adjacent to such neighboring properties.

The Applicant has also provided site distance studies with profiles of both Old Rand Road and Buesching Road to demonstrate whether traffic along these roads would be negatively impacted by residential traffic entering and leaving the subdivision.

RECOMMENDATION

Staff recommends that the PZC reopen the continued hearing and obtain any additional testimony that is presented by the Applicant, 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 19, 2024 report and additional information submitted at the July 17, 2024 meeting.

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 19 and July 17 reports, the standards for approval will be met with the identified modifications to the zoning and land development codes 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 continues to recommend the approval of Application PZC 2024-08, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application, Cover Letter and attachments dated May 17, 2024, prepared by Mr. Lawrence M. Freedman, of Ash, Anos, Freedman & Logan, LLC, the agent and attorney for OSK Capital Partners, LLC.
 - b. Legal Description of the Subject Property.
 - c. ALTA/NSPS Land Title Survey prepared by Regional Land Services, dated June 21, 2022.
 - d. ALTA Commitment for Title Insurance Issued by Chicago Title Insurance Company dated April 20, 2022.
 - e. Planning and Zoning Commission Submittal prepared by Pappageorge Haymes Partners dated May 15, 2024 and last updated on July 12, 2024 consisting of the Cover and Index, Current Site Plan, Single-family Home Plans and Elevations, Row Home (multiple-family) Plans and Elevations, views from neighboring

- properties, Aerial Rendering, various views including – from central green space, from Buesching Road.
- f. Site distance Studies Sheets CX1.0-2.0 prepared by Eriksson Engineering Associates, Ltd., dated July 1, 2024.
 - g. Civil Exhibits including the following and as updated per the current overall site plan:
 - i. Site Demolition Plan – Sheet C100
 - ii. Site Geometry Plan – Sheet C200
 - iii. Site Utility Plan – Sheet C300
 - iv. Grading and Paving Plan – Sheet C400
 - v. Site work details – Sheets C500-C503
 - h. Landscape Exhibits including the following and as updated per the current overall site plan
 - vi. Rendered Landscape Plan – Sheet L100 (color)
 - vii. Landscape Plan – Sheet L100
 - viii. Landscape Details (Sheet L200)
 - i. Site Development Budget prepared by McShane Construction Company, dated May 9, 2024.
 - j. Site Lighting exhibits including the following:
 - i. Photometric Plan prepared by LSI, dated May 17, 2024, models 1 and 2.
 - ii. Light Fixture Specification prepared by LSI for Standard Lexington (LXM4).
 - k. Tree Inventory and Report prepared by Urban Forest Management, Inc. dated June 24, 2022.
 - l. Stormwater Management Report Prepared By: Melanie Carollo & Laura Rosenbauer, dated May 17, 2024.
 - m. Preliminary Jurisdictional Field Report prepared by Lake County dated August 25, 2022.
 - n. Preliminary Hydraulic Analysis Existing Conditions Report dated April 26, 2024 prepared by Eriksson Engineering Associates, Ltd.
 - o. Traffic and Parking Study prepared by Eriksson Engineering Associates, Ltd., dated May 14, 2024.
2. All signage shall conform to the requirements of the sign regulations at Title 12 of the Municipal Code. Free standing ground mounted signs shall be designed as monument style signs with the appropriate amount of landscape material maintained in good condition.
3. All trees, hedges, signs or other obstructions which could prevent persons driving vehicles on Buesching Road and Old Rand Road from obtaining a clear view of traffic when approaching the intersection or a pedestrian crosswalk shall be maintained at a low height and signs shall be adequately set back from the corner.
4. The Developer shall submit a Final Plan to the Village to particularize the details of the on-site and off-site improvements related to the development of the site including private and public roadway construction, stormwater management and flood mitigation, and pedestrian

sidewalk and crosswalk construction. Such Final Plan shall also include a Final Plat of Subdivision delineating the final configuration of lots within the subdivision.

5. Prior to Final Plan approval, detailed landscape plans shall be submitted indicating compliance with the perimeter landscape requirements for the subdivisions, in this case as a PUD for development of the Property prescribed by Section 9-8A-5 of the Lake Zurich Municipal Code, with particular reference to the boundaries of the property along the east, south and west lot lines. The trees classified as “heritage trees” in the tree survey will be incorporated into the plans to the greatest extent possible. A tree survey map shall be provided to denote existing trees and trees to be removed. The developer shall utilize the “Village of Lake Zurich Tree Replacement Worksheet” to determine the replacement value in the form of either replacement trees within the development or fee in lieu of replacement trees at the “average market value” for a >2.5-inch Replacement Tree as denoted in the worksheet as updated from time to time.
6. The property line along the south of the project will be landscaped and screened from adjacent properties to the south with a combination of a 6-foot high solid privacy fence and landscape plant material consisting of canopy trees, evergreen trees, deciduous trees and shrubs. In order to accommodate the additional landscape material, the width of the landscape area along the south lot line of the project should be designed with adequate width.
7. The drainageway (creek) that runs along the northerly portion of the property that is associated with the wetland and pond shall have its banks stabilized and restored in accordance with a plan prepared by the Applicant that is approved by the Village. Such stabilization and restoration plan shall be submitted for review and approval prior to Final Plan Approval and shall be conducted in conjunction with the earthwork related to the project and completed prior to the construction of the first residential building on the property.
8. The Developer shall establish a Home Owners Association (HOA), prior to the issuance of any certificate of occupancy or sale of a unit or interest in the Subject Property, which will be responsible for upkeep of the private common areas including the private streets and driveways, the on-site detention facilities and landscape material within common open space. The provisions for such HOA shall be established prior to approval of the Final Plan as defined in Section 9-22-4.C of the Lake Zurich Zoning Code (the “Final Plan”), and shall be subject to the review and approval of the Village.
9. All streets within the subdivision shall be maintained as private streets. Such streets shall be constructed according to Village construction standards applicable to public streets, and shall be owned and maintained by the HOA.
10. Off street parking spaces shall be designed with a minimum nine feet (9') wide by twenty feet (20') long and not less than one hundred eighty (180) square feet; provided, however, that the minimum length of a perimeter space or space perpendicular to a landscape area shall be no less than eighteen feet (18').

11. A 5-foot wide sidewalk shall be constructed along the frontage of the property along Old Rand Road. In lieu of the absence of such sidewalk, a fee shall be paid by the developer to be used by the village for sidewalk construction, replacement or repair within the village corporate boundaries. Such fee will be calculated at the rate of \$20.00 per square-foot for a 5-foot wide sidewalk meeting village standards for the length of frontage of the property where no sidewalk is proposed.
12. The existing carriage walk along Buesching Road may be pulled off the back of curb and incorporated into the walk for the houses. The sidewalk proposed along Old Rand Road shall similarly be located closer to the building. Utility pole conflicts to accommodate the sidewalk shall require the removal of such poles and burying existing utility lines within those areas.
13. A pedestrian crosswalk shall additionally be provided across Old Rand Road to connect the subject PUD to the existing sidewalk on the west side of Old Rand Road at a location immediately north of the main entrance and shall be constructed per village standards and accompanied by flashing beacons to warn of pedestrians within the crosswalk.
14. As part of Final Plan approval, the Developer shall enter into a binding development agreement with the Village agreeing to install all the required improvements and providing surety for such improvements by means of a Letter of Credit and in a format as approved by the Village. In addition to the requirements outlined in Chapter 5 of the Land Development Code entitled "Procedure for Subdivision Approval," which are applicable to a PUD, specifically Section 10-5-7 entitled "Agreements and Guarantee of Improvements," such agreement shall additionally contain the following additional provisions:
 - a. Establishment of a "backup" open space, stormwater management, snow removal, and private roadway repair and replacement Special Service Area (SSA) to ensure that these areas and features are cared for and maintained in the event of a future HOA dissolution or its lack of required maintenance of these areas.
15. The Developer shall be responsible for payment of all Development Impact Fees as a condition of the approval of the PUD and Final Plat. The school impact fees, park impact fees, and library impact fees are paid pro-rata and due at the time a building permit is issued for the applicable building and shall include the fees for all units contained within each residential building.
16. The development as a PUD 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 including those set forth in Chapter 6 of said Land Development Code, unless otherwise approved or provided for in the final engineering plans for the Subject Property.

Respectfully Submitted,

Sarosh Saher, Community Development Director
Colleen McCauley, Planner

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

**670 South Old Rand Road
July 17, 2024**

The Planning & Zoning Commission recommends approval of Application PZC 2024-08, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 17, 2024** for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application, Cover Letter and attachments dated July 12, 2024, prepared by Mr. Lawrence M. Freedman, of Ash, Anos, Freedman & Logan, LLC, the agent and attorney for OSK Capital Partners, LLC.
 - b. Legal Description of the Subject Property.
 - c. ALTA/NSPS Land Title Survey prepared by Regional Land Services, dated June 21, 2022.
 - d. ALTA Commitment for Title Insurance Issued by Chicago Title Insurance Company dated April 20, 2022.
 - a. Planning and Zoning Commission Submittal prepared by Pappageorge Haymes Partners dated May 15, 2024 and last updated on July 12, 2024 consisting of the Cover and Index, Current Site Plan, Single-family Home Plans and Elevations, Row Home (multiple-family) Plans and Elevations, views from neighboring properties, Aerial Rendering, various views including – from central green space, from Buesching Road.
 - b. Site distance Studies Sheets CX1.0-2.0 prepared by Eriksson Engineering Associates, Ltd., dated July 1, 2024.
 - c. Civil Exhibits including the following and as updated per the current overall site plan:
 - ix. Site Demolition Plan – Sheet C100
 - x. Site Geometry Plan – Sheet C200
 - xi. Site Utility Plan – Sheet C300
 - xii. Grading and Paving Plan – Sheet C400
 - xiii. Site work details – Sheets C500-C503
 - d. Landscape Exhibits including the following and as updated per the current overall site plan
 - xiv. Rendered Landscape Plan – Sheet L100 (color)
 - xv. Landscape Plan – Sheet L100
 - xvi. Landscape Details (Sheet L200)
 - e. Site Development Budget prepared by McShane Construction Company, dated May 9, 2024.
 - f. Site Lighting exhibits including the following:
 - iii. Photometric Plan prepared by LSI, dated May 17, 2024, models 1 and 2.

- iv. Light Fixture Specification prepared by LSI for Standard Lexington (LXM4).
 - g. Tree Inventory and Report prepared by Urban Forest Management, Inc. dated June 24, 2022.
 - h. Stormwater Management Report Prepared By: Melanie Carollo & Laura Rosenbauer, dated May 17, 2024.
 - i. Preliminary Jurisdictional Field Report prepared by Lake County dated August 25, 2022.
 - j. Preliminary Hydraulic Analysis Existing Conditions Report dated April 26, 2024 prepared by Eriksson Engineering Associates, Ltd.
 - k. Traffic and Parking Study prepared by Eriksson Engineering Associates, Ltd., dated May 14, 2024.
2. All signage shall conform to the requirements of the sign regulations at Title 12 of the Municipal Code. Free standing ground mounted signs shall be designed as monument style signs with the appropriate amount of landscape material maintained in good condition.
3. All trees, hedges, signs or other obstructions which could prevent persons driving vehicles on Buesching Road and Old Rand Road from obtaining a clear view of traffic when approaching the intersection or a pedestrian crosswalk shall be maintained at a low height and signs shall be adequately set back from the corner.
4. The Developer shall submit a Final Plan to the Village to particularize the details of the on-site and off-site improvements related to the development of the site including private and public roadway construction, stormwater management and flood mitigation, and pedestrian sidewalk and crosswalk construction. Such Final Plan shall also include a Final Plat of Subdivision delineating the final configuration of lots within the subdivision.
5. Prior to Final Plan approval, detailed landscape plans shall be submitted indicating compliance with the perimeter landscape requirements for the subdivisions, in this case as a PUD for development of the Property prescribed by Section 9-8A-5 of the Lake Zurich Municipal Code, with particular reference to the boundaries of the property along the east, south and west lot lines. The trees classified as “heritage trees” in the tree survey will be incorporated into the plans to the greatest extent possible. A tree survey map shall be provided to denote existing trees and trees to be removed. The developer shall utilize the “Village of Lake Zurich Tree Replacement Worksheet” to determine the replacement value in the form of either replacement trees within the development or fee in lieu of replacement trees at the “average market value” for a >2.5-inch Replacement Tree as denoted in the worksheet as updated from time to time.
6. The property line along the south of the project will be landscaped and screened from adjacent properties to the south with a combination of a 6-foot high solid privacy fence and landscape plant material consisting of canopy trees, evergreen trees, deciduous trees and shrubs. In order to accommodate the additional landscape material, the width of the landscape area along the south lot line of the project should be designed with adequate width.

7. The drainageway (creek) that runs along the northerly portion of the property that is associated with the wetland and pond shall have its banks stabilized and restored in accordance with a plan prepared by the Applicant that is approved by the Village. Such stabilization and restoration plan shall be submitted for review and approval prior to Final Plan Approval and shall be conducted in conjunction with the earthwork related to the project and completed prior to the construction of the first residential building on the property.
8. The Developer shall establish a Home Owners Association (HOA), prior to the issuance of any certificate of occupancy or sale of a unit or interest in the Subject Property, which will be responsible for upkeep of the private common areas including the private streets and driveways, the on-site detention facilities and landscape material within common open space. The provisions for such HOA shall be established prior to approval of the Final Plan as defined in Section 9-22-4.C of the Lake Zurich Zoning Code (the "Final Plan"), and shall be subject to the review and approval of the Village.
9. All streets within the subdivision shall be maintained as private streets. Such streets shall be constructed according to Village construction standards applicable to public streets, and shall be owned and maintained by the HOA.
10. Off street parking spaces shall be designed with a minimum nine feet (9') wide by twenty feet (20') long and not less than one hundred eighty (180) square feet; provided, however, that the minimum length of a perimeter space or space perpendicular to a landscape area shall be no less than eighteen feet (18').
11. A 5-foot wide sidewalk shall be constructed along the frontage of the property along Old Rand Road. In lieu of the absence of such sidewalk, a fee shall be paid by the developer to be used by the village for sidewalk construction, replacement or repair within the village corporate boundaries. Such fee will be calculated at the rate of \$20.00 per square-foot for a 5-foot wide sidewalk meeting village standards for the length of frontage of the property where no sidewalk is proposed.
12. The existing carriage walk along Buesching Road may be pulled off the back of curb and incorporated into the walk for the houses. The sidewalk proposed along Old Rand Road shall similarly be located closer to the building. Utility pole conflicts to accommodate the sidewalk shall require the removal of such poles and burying existing utility lines within those areas.
13. A pedestrian crosswalk shall additionally be provided across Old Rand Road to connect the subject PUD to the existing sidewalk on the west side of Old Rand Road at a location immediately north of the main entrance and shall be constructed per village standards and accompanied by flashing beacons to warn of pedestrians within the crosswalk.
14. As part of Final Plan approval, the Developer shall enter into a binding development agreement with the Village agreeing to install all the required improvements and providing

surety for such improvements by means of a Letter of Credit and in a format as approved by the Village. In addition to the requirements outlined in Chapter 5 of the Land Development Code entitled “Procedure for Subdivision Approval,” which are applicable to a PUD, specifically Section 10-5-7 entitled “Agreements and Guarantee of Improvements,” such agreement shall additionally contain the following additional provisions:

- a. Establishment of a “backup” open space, stormwater management, snow removal, and private roadway repair and replacement Special Service Area (SSA) to ensure that these areas and features are cared for and maintained in the event of a future HOA dissolution or its lack of required maintenance of these areas.

15. The Developer shall be responsible for payment of all Development Impact Fees as a condition of the approval of the PUD and Final Plat. The school impact fees, park impact fees, and library impact fees are paid pro-rata and due at the time a building permit is issued for the applicable building and shall include the fees for all units contained within each residential building.

16. The development as a PUD 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 including those set forth in Chapter 6 of said Land Development Code, unless otherwise approved or provided for in the final engineering plans for the Subject Property.

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

Planning & Zoning Commission Chairman

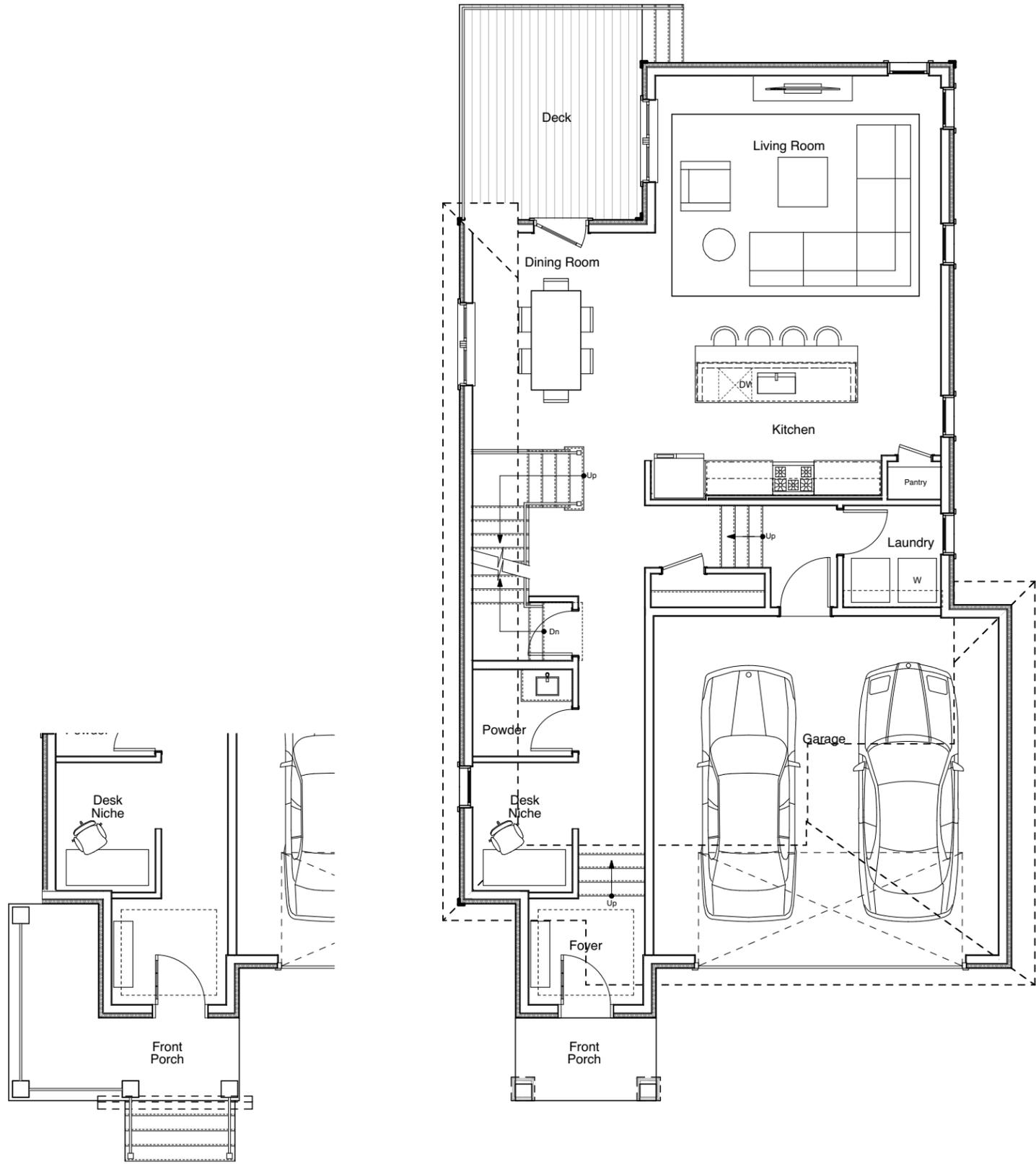


**670 South Old Rand Road
Lake Zurich**

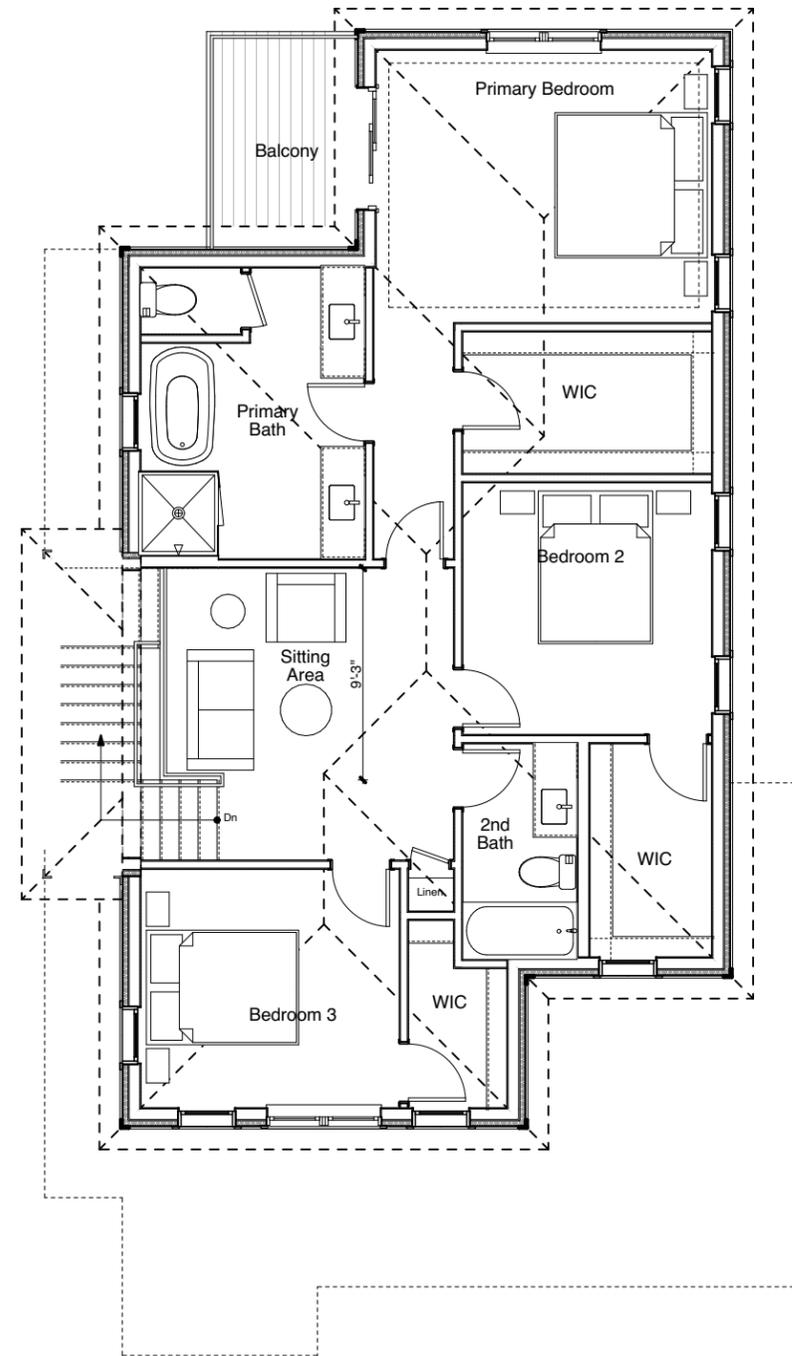
**Planning and Zoning Commission Submittal
July 17, 2024**



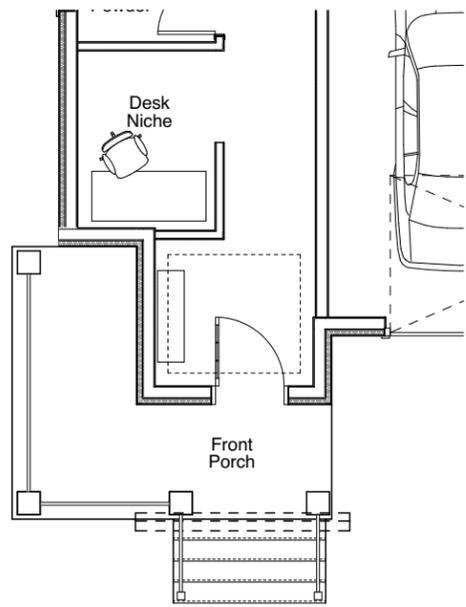




1st Floor Plan



2nd Floor Plan



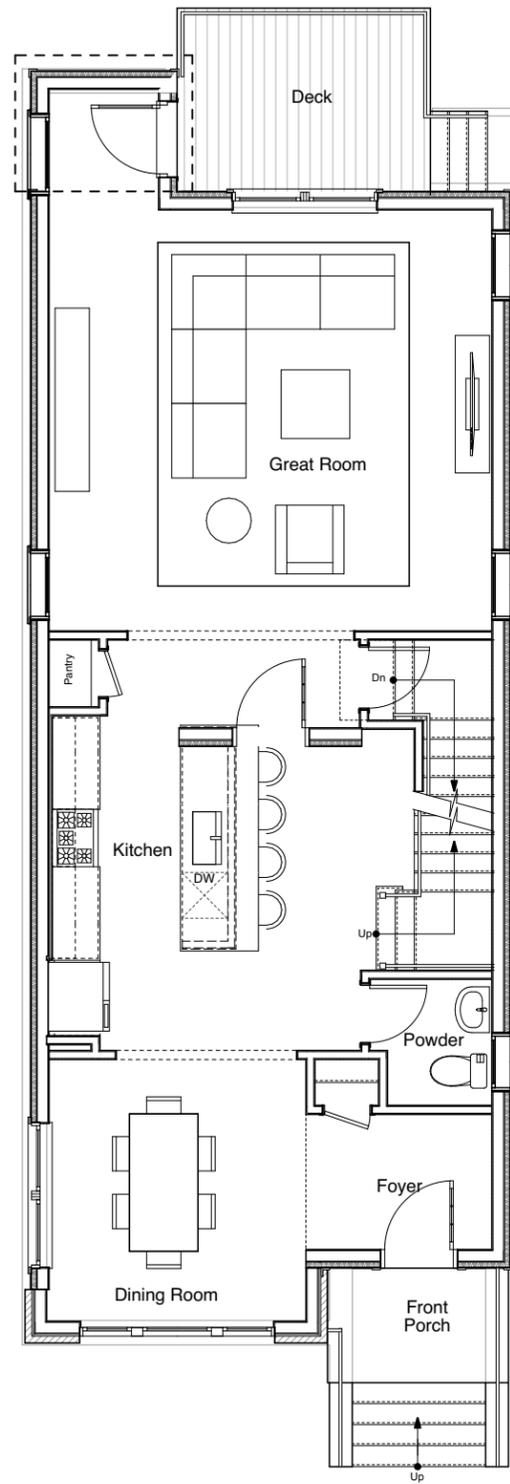
Alternate Entry



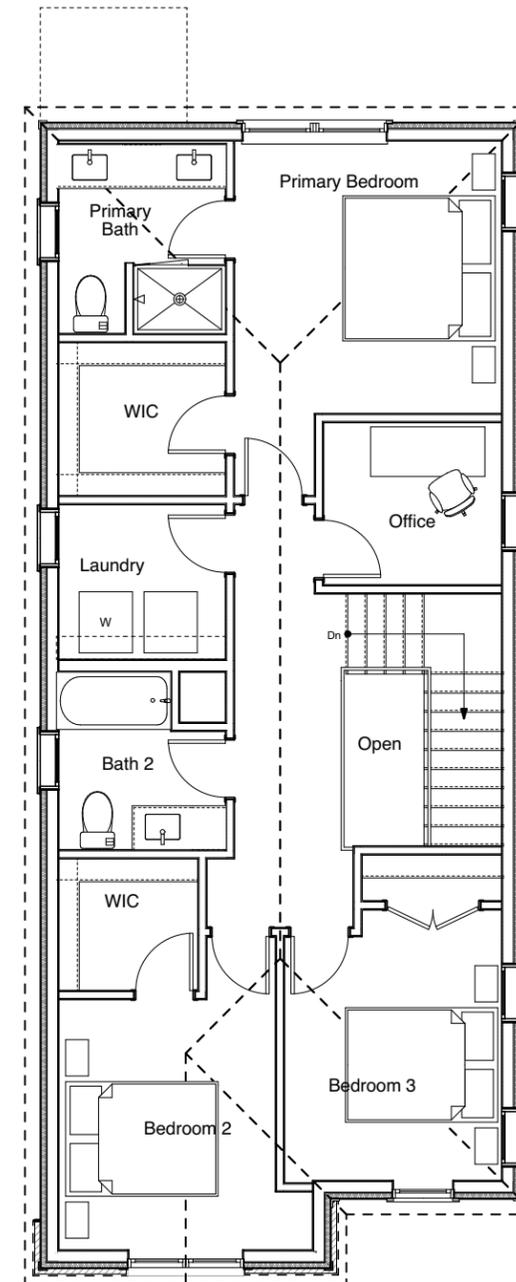


Front Elevations of Single Family Homes at Interior Road





1st Floor Plan



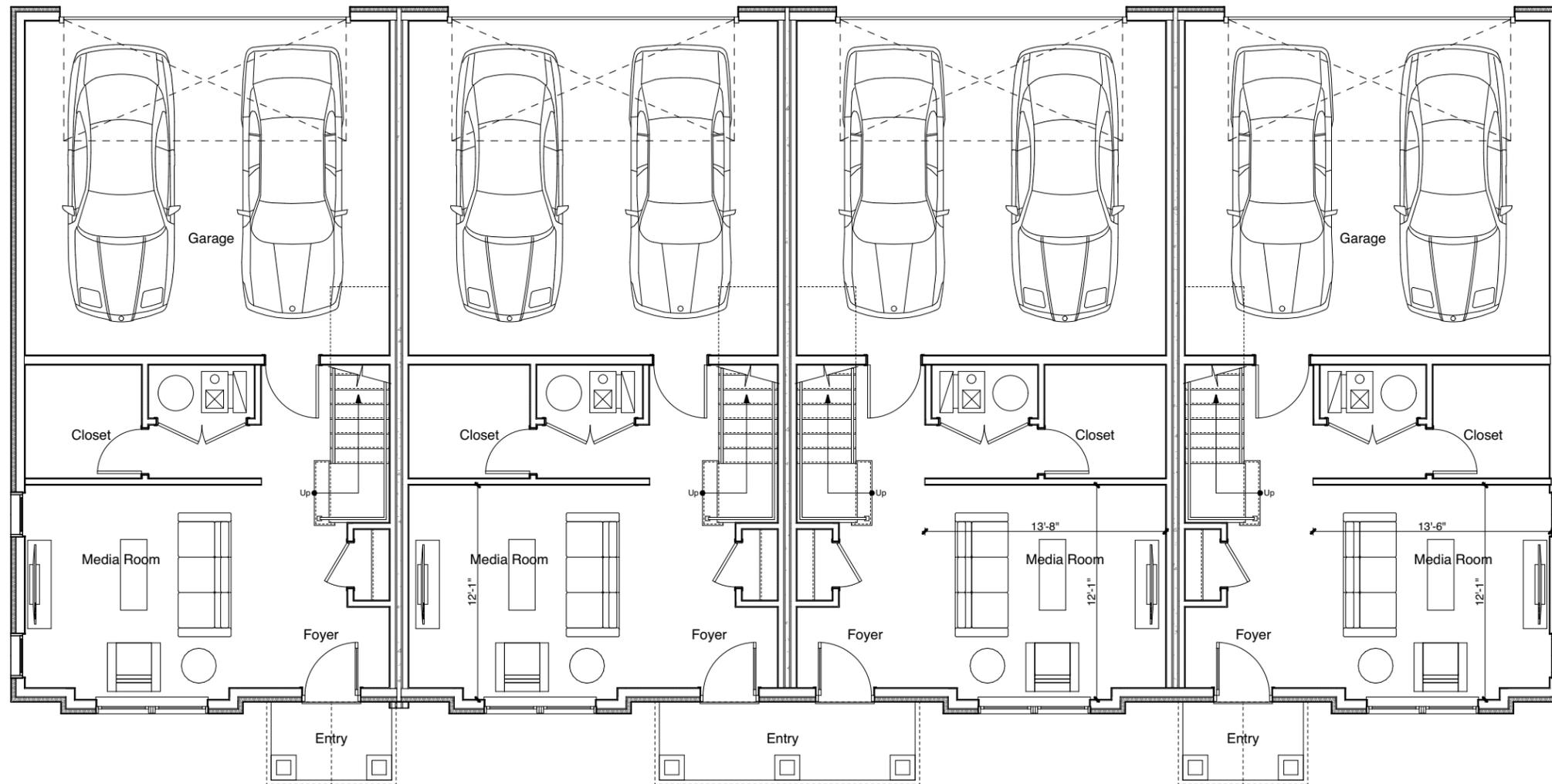
2nd Floor Plan





Single Family Home Elevations along Buesching Road





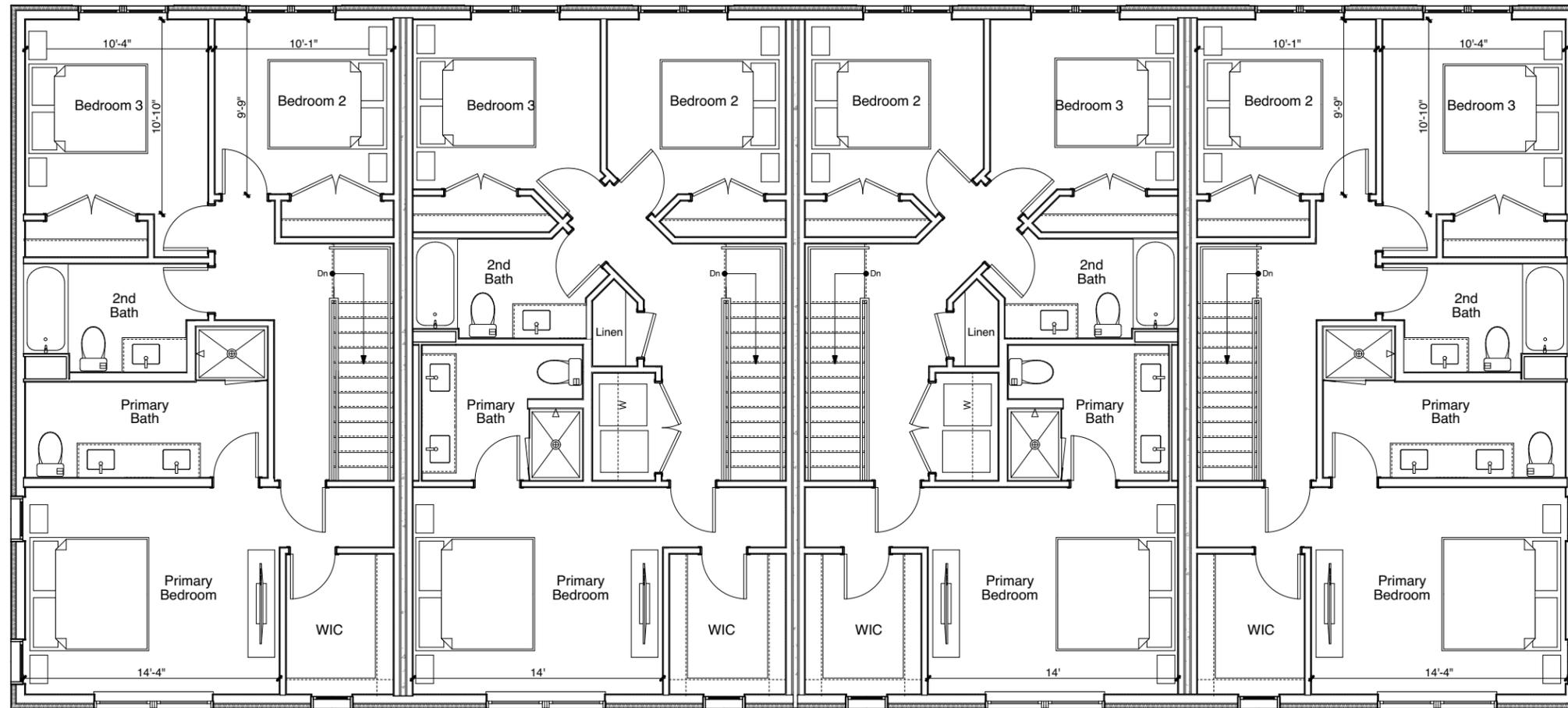
1st Floor Plan





2nd Floor Plan



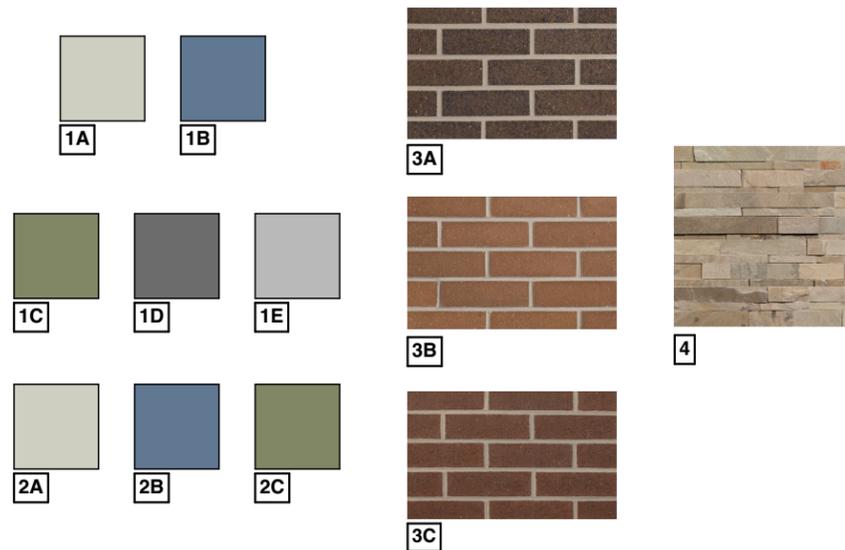


3rd Floor Plan



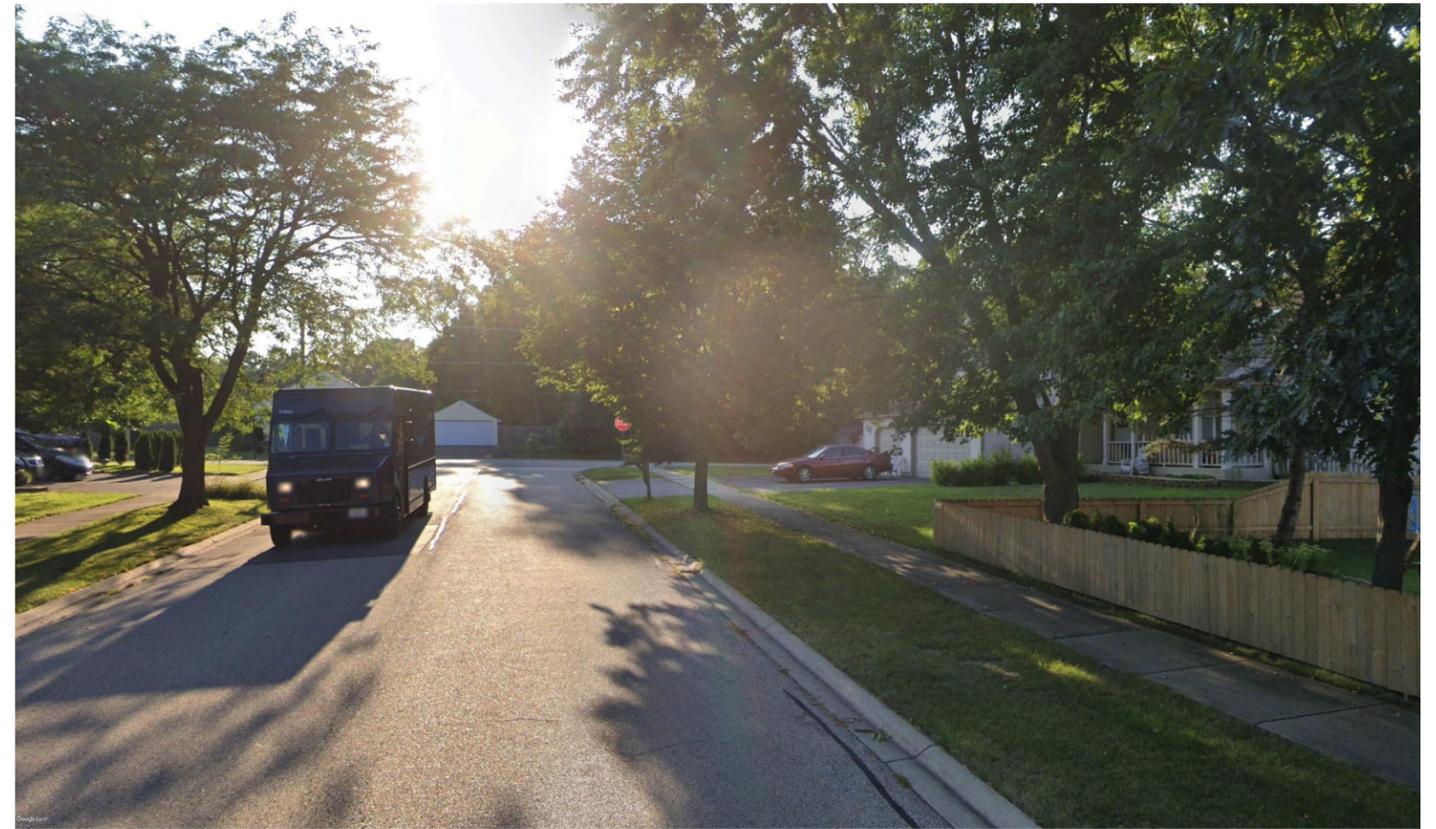


Material Legend	
1	Prefinished Fiber Cement Siding
1A	Color A
1B	Color B
1C	Color C
1D	Color D
1E	Color E
2	Prefinished Fiber Cement Shakes
2A	Color A
2B	Color B
2C	Color C
3	Modular Masonry Brick
3A	Color A
3B	Color B
4	Cast Stone Base
5	Overhead Hollow Metal Door
6	Premium Vinyl Windows
7	Asphalt Shingles
8	Painted Wood Railing
9	Painted PVC Manufactured Column
10	Cast Stone Sill





Current View from 749 S Old Rand Rd



Current View from Farm Bridge Rd



Proposed View from 749 S Old Rand Rd



Proposed View from Farm Bridge Rd





Current View from Handley Court



Proposed View from Handley Court





OSK Capital Partners

670 Old Rand Rd LLC
Lake Zurich, IL

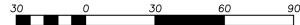
Rendering Aerial
7/12/24



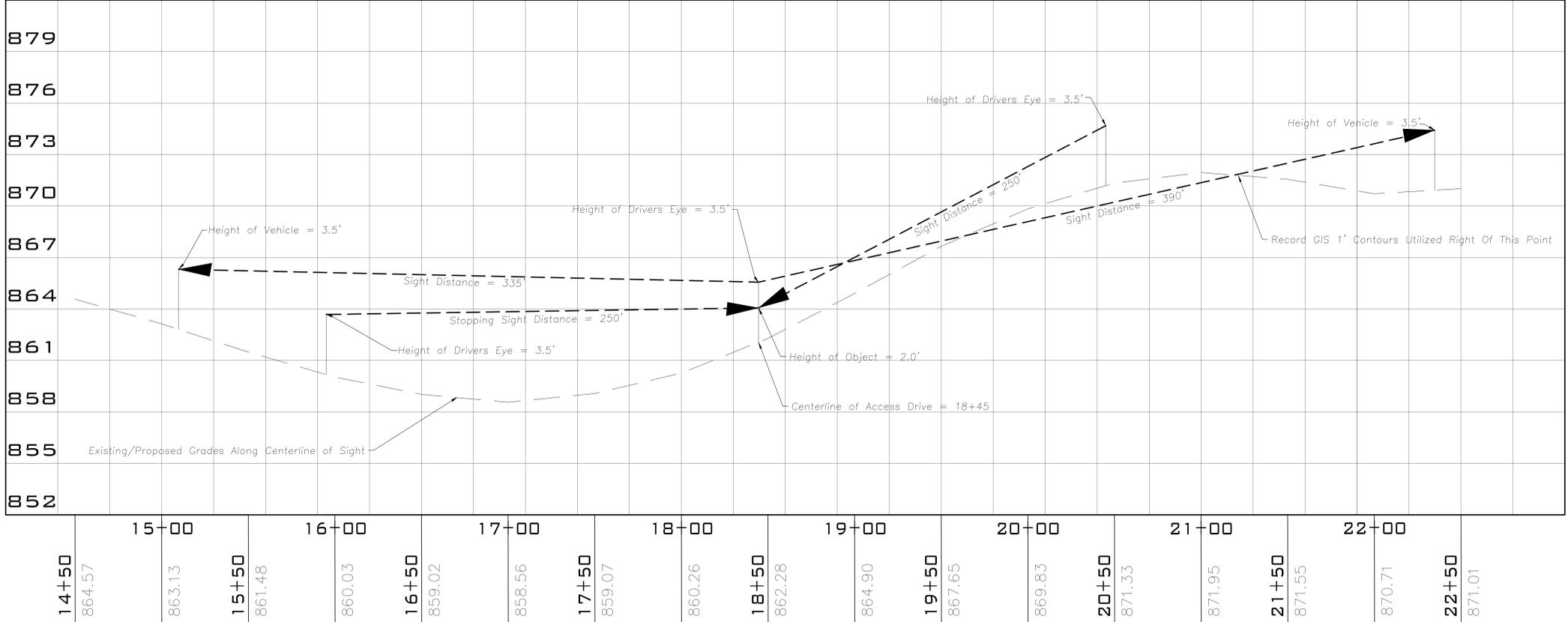
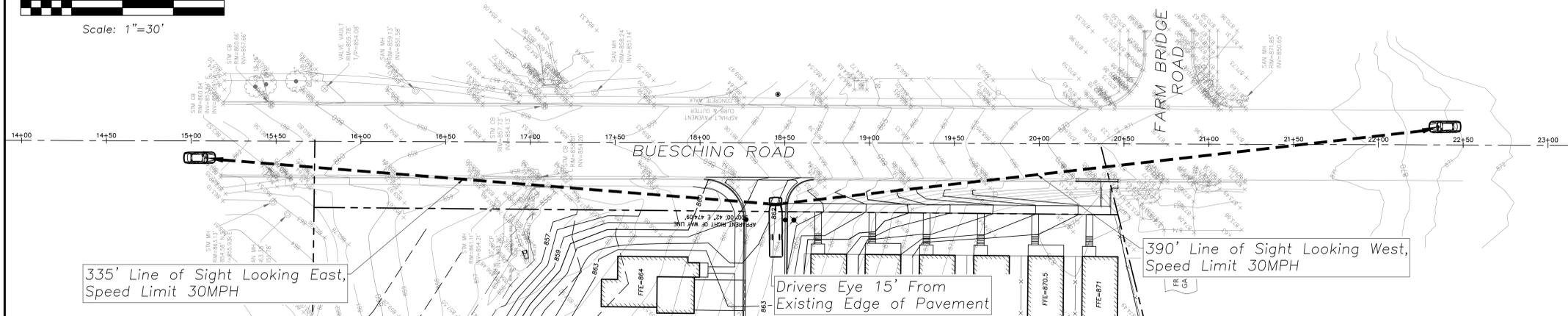
Pappageorge Haymes Partners







Scale: 1"=30'



SCALE
VERTICAL: 1" = 3'
HORIZONTAL: 1" = 30'

Buesching Road:
Jurisdiction: Village of Lake Zurich
Speed Limit: 30 MPH
Design Speed: 35 MPH

Stopping Sight Distance:
Northbound - 35 MPH - 250'
Southbound - 35 MPH - 250'

Intersection Sight Distance:
Looking North - 35 MPH - 335'
Looking South - 35 MPH - 390'



**ERIKSSON
ENGINEERING
ASSOCIATES, LTD.**

145 COMMERCE DRIVE, SUITE A
GRAYSLAKE, ILLINOIS 60030
PHONE: (847) 223-4804
FAX: (847) 223-4864
EMAIL: INFO@EEA-LTD.COM
PROFESSIONAL DESIGN FIRM
LICENSE NO. 184-003220
EXPIRES: 04/30/2025

**RESIDENTIAL
DEVELOPMENT**
670 S. OLD RAND ROAD
LAKE ZURICH, ILLINOIS

Reserved for Seal:

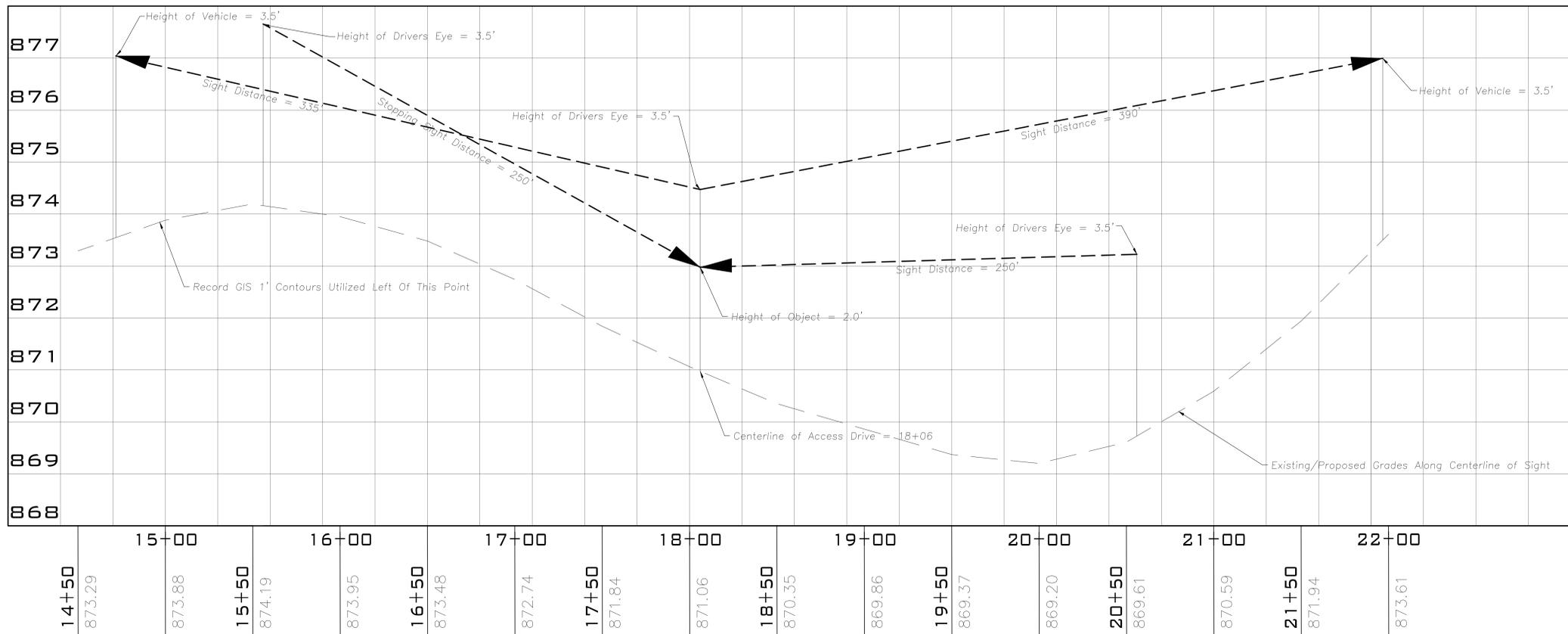
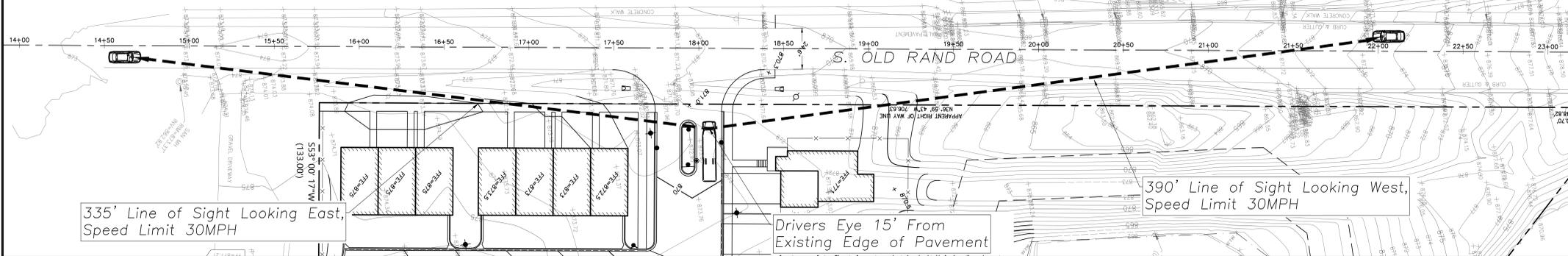
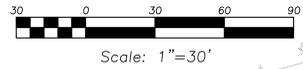


No.	Date	Description
	07/01/24	ISSUE FOR P2C

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Design By: EG Approved By: MC Date: 07/01/24

Sheet Title:
**SIGHT DISTANCE
STUDY- BUESCHING**

Sheet No:
CX1.0



SCALE
 VERTICAL: 1" = 1'
 HORIZONTAL: 1" = 30'

S. Old Rand Road:
 Jurisdiction: Village of Lake Zurich
 Speed Limit: 30 MPH
 Design Speed: 35 MPH

Stopping Sight Distance:
 Eastbound - 35 MPH - 250'
 Westbound - 35 MPH - 250'

Intersection Sight Distance:
 Looking East - 35 MPH - 335'
 Looking West - 35 MPH - 390'



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 ASSOCIATES, LTD.**

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**RESIDENTIAL
 DEVELOPMENT**
 670 S. OLD RAND ROAD
 LAKE ZURICH, ILLINOIS

Reserved for Seal:



No.	Date	Description
	07/01/24	ISSUE FOR P2C

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Design By: EG Approved By: MC Date: 07/01/24

Sheet Title:
**SIGHT DISTANCE
 STUDY- OLD RAND**

Sheet No:
CX2.0



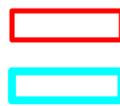
OSK Development

670 South Old Rand Road

Residents' Distances from Subject Property in Feet



0 125 250 500 feet



Residents' Properties
OSK Subject Property



At the Heart of Community

COMMUNITY DEVELOPMENT
DEPARTMENT

505 Telsler Road
Lake Zurich, Illinois 60047

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

Planning & Zoning Commission

June 19, 2024
Public Comment

Name:	Address:	Distance from Subject Property
Mary Ann Phillips Gary Levine	749 South Old Rand Road	122 feet
Bill Hartig	449 Farm Bridge Road	189 feet
Elise Hood	739 Handley Court	240 feet
Chirag Patel	747 Handley Court	295 feet
Terry & Jerry Volkman	771 Handley Court	530 feet



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 2024-09
PZC Meeting Date: July 17, 2024

AGENDA ITEM 4.B

STAFF REPORT

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

From: Sarosh Saher, Community Development Director

CC: Colleen McCauley, Village Planner
Mary Meyer, Building Services Supervisor

Date: July 17, 2024

Re: PZC 2024-09 – Zoning Application for a Corner Side Yard Fence Variation
1073 Avery Ridge Circle

SUBJECT

Mr. Patrick and Ms. Kelly Kraus (the “Applicant” and “Owner”) 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 for the construction of a five-foot (5’) high fence within the required corner side yard setback at the property commonly known as 1073 Avery Ridge Circle, legally described in Exhibit A attached hereto (the “Subject Property”). The property is located within the Avery Ridge 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: 1073 Avery Ridge Circle

Applicant and Owner: Mr. Patrick and Ms. Kelly Kraus

Staff Coordinator: Colleen McCauley, Village Planner

LIST OF EXHIBITS

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

BACKGROUND

Mr. Patrick and Ms. Kelly Kraus (the “Applicant” and “Owner”) are the owners of the property located at 1073 Avery Ridge Circle, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on May 18, 2024 (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’)

The Subject Property is located within the Village’s R-5 Single-family 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 30 feet back from the corner side lot line according the bulk requirements of the code. The Applicant is proposing a five-foot (5’) high fence that will begin at the northwest corner of the home, extend 34 feet to the sidewalk’s edge, then extend along the western edge of the property to the rear of the property and will then connect to an existing neighboring 5-foot-high fence. The fence would continue 25 feet to the northeast corner of the home to close in the rear yard.

The Applicant is proposing to install a 5-foot-tall aluminum ornamental fence to improve the safety of his children and pets.

The Applicant will obtain the clearance from all utility companies to install the fence in his corner side yard prior to construction. There are no Village utility easement requirements or grade concerns that would prevent a fence from being constructed in the western portion of this lot. The Applicant has obtained the consent of the owners of the two adjacent neighbors for the construction of the higher fence.

Pursuant to public notice published on July 1, 2024, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 17, 2024, to consider the Application. On June 28, 2024, 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 Avery Ridge Subdivision on Lot 21, which was recorded on August 12, 2020 in Lake County and is zoned within the R-5 Single Family Residential District. The home was built in October of 2021.
- C. **Surrounding Land Use and Zoning.** The subject property is zoned within the R-5 Single Family Residential District. All surrounding properties are zoned within the R-5 Single Family Residential District and are improved with residences within Avery Ridge's Subdivision which developed in the early 2020s.
- D. **Trend of Development.** The residence at 1073 Avery Ridge was constructed in 2021. It is a two-story home and is similar to the other homes in the subdivision that were also constructed in the early 2020s.
- 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's development review team has evaluated the development against the various standards and provisions of the Lake Zurich Municipal Code and offers findings on the following specific sections of the 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. Applicant has shown proof that there is a practical difficulty in constructing the fence in compliance with the provisions of the current zoning code. The proposed fence is restricted in location due to the corner side 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 21 of the Avery Ridge Subdivision is on a corner side lot and is relatively the same size as the neighboring properties. The lot being situated on the corner limits the amount of property that can be enclosed by a 5-foot high fence. The corner side yard setback is 30 feet, which would reduce the yard by 30%. The Applicant is therefore requesting a variation to construct a higher fence within the corner side yard setback and give the yard the necessary width 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.

- 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 Applicant is requesting a five-foot high fence to surround the rear yard of his property. Denying the fence to be built would deny the property owner the opportunity to safely enjoy the entire 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 owner to enjoy the fenced in outdoor space that is traditional and customary to the enjoyment and use of a residential property.

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

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 of 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. The Avery Ridge Subdivision has one entrance and exit point for the 34-home community and the Subject Property is located towards the rear of the subdivision.

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

Staff Response: Standard met. The proposed fence is not a solid fence and will therefore not increase any risk of flood or fire. 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.

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.

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.

- 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.

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 within the corner side yard and still allow the rear yard to be functional.
- A 5-foot fence can be constructed at the 30-foot setback line where it is allowed.

However, the design of the proposed fence is in conformance with the Avery Ridge Subdivision standards. The homeowner's association has strict guidelines regarding fence type, style, and height to maintain proper aesthetics and uniformity in the 34-home community. The proposed fence would connect to an adjacent neighbor's existing fence of the same height and style. There are no 3-foot-high fences in the neighborhood at this time. Additionally, the proposed five-foot-high fence is due to the Applicant's desire to maximize safety for his pets and children.

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

1. The fence is proposed as an open aluminum ornamental fence with a high level of transparency. The design will mitigate the barrier effect of the

- fence along the street.**
- 2. 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.

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 2024-09, 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 dated May 13, 2024, prepared by the Applicant Patrick Kraus, homeowner of 1073 Avery Ridge Circle; and Cover Letter.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey provided by Patrick Kraus.
 - d. Letters of Consent from neighbors dated June 14, 2024.
 - e. Fence proposal prepared by Patrick Kraus, dated May 13, 2024.
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,

Colleen McCauley, Village Planner

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

**1073 AVERY RIDGE CIRCLE
JULY 17, 2023**

The Planning & Zoning Commission recommends approval of Application **PZC 2024-09**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 17, 2024** 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 dated May 13, 2024, prepared by the Applicant Patrick Kraus, homeowner of 1073 Avery Ridge Circle; and Cover Letter.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey provided by Patrick Kraus.
 - d. Letters of Consent from neighbors dated June 14, 2024.
 - e. Fence proposal prepared by Patrick Kraus, dated May 13, 2024.
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

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 21 IN AVERY RIDGE, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 2020 AS DOCUMENT 7683272, IN LAKE COUNTY, ILLINOIS.

Common Street Address: 1073 Avery Ridge Circle
Property Index Number (PIN): 14-09-309-004

EXHIBIT B

PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY





1073 Avery Ridge Circle

Fence Variation



0 50 100 200 feet

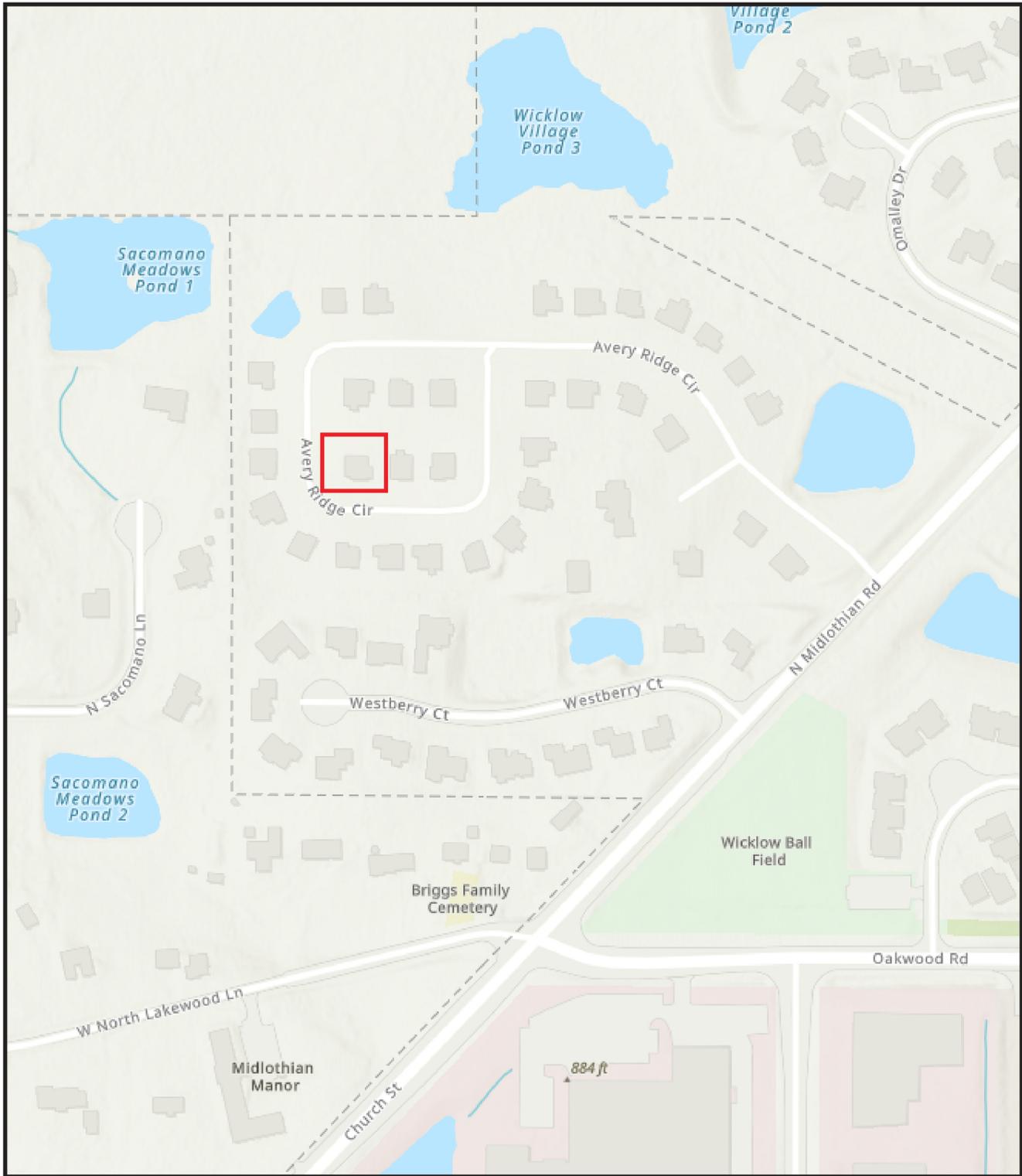
A horizontal scale bar with tick marks at 0, 50, 100, and 200 feet.

- Subject Property
- Tax Parcels



1073 Avery Ridge Circle

Fence Variation

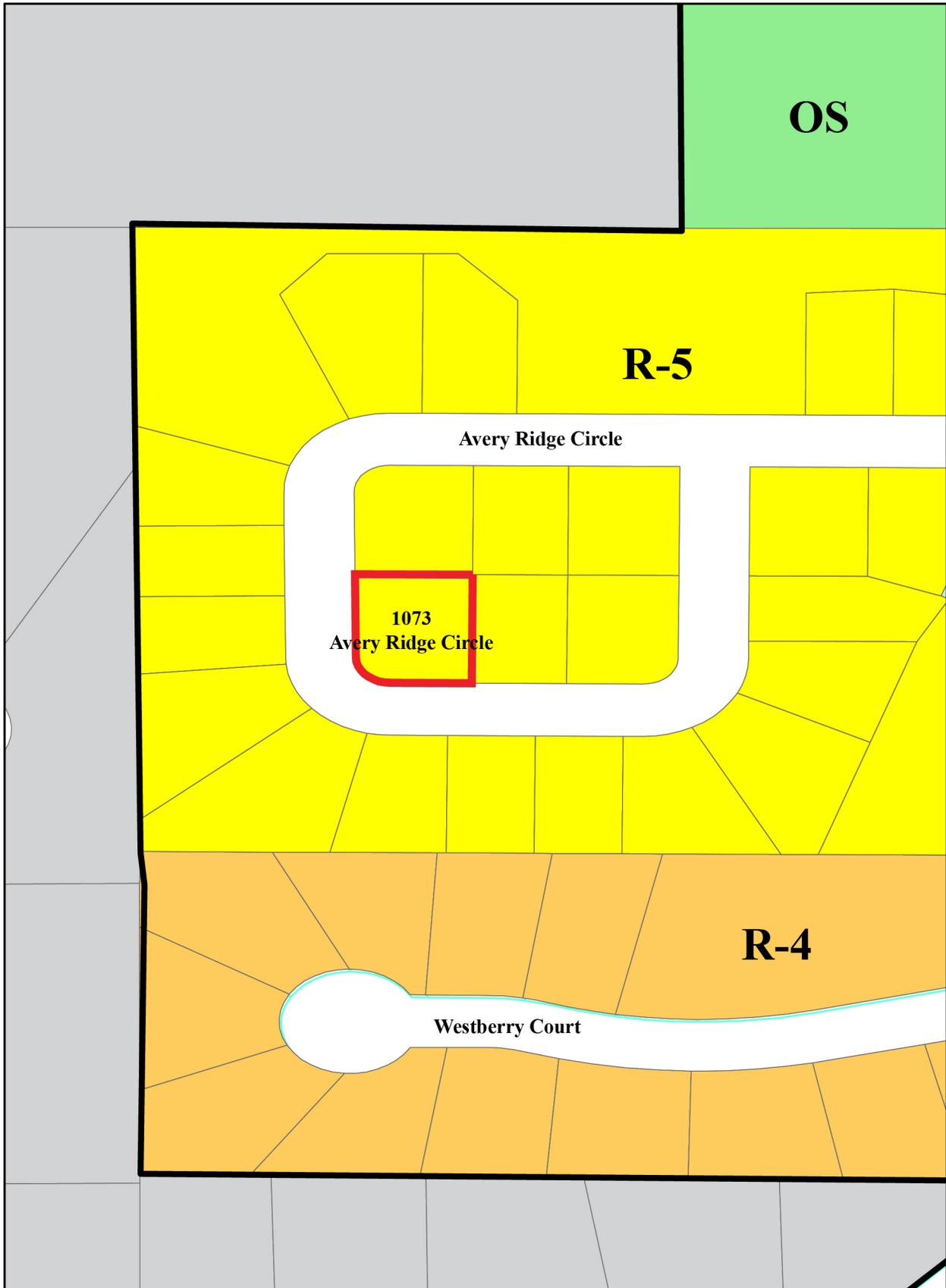


 Subject Property



1073 Avery Ridge Circle

Fence Variation



0 50 100 200 feet

- | | |
|--|--|
|  Subject Property |  Open Space |
|  R-5 |  R-4 |
| |  Outside Village Boundary |

**VILLAGE OF LAKE ZURICH
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN to all persons that the Village of Lake Zurich Planning & Zoning Commission shall conduct a public hearing on **July 17, 2024**, at 7:00 P.M. in the Board Room of the Lake Zurich Village Hall, 70 East Main Street, Lake Zurich, Illinois for the purpose of considering a zoning application filed with the Village requesting approval for a Variation to allow for the installation of a five foot residential fence at the property whose common street address and property index number (PIN) are stated below. A copy of the application and the Zoning Code are on file with, and available for public inspection during regular Village business hours in the Lake Zurich Community Services Department.

Common Street Address: **1073 Avery Ridge Road**
Property Index Number (PIN): **14-09-309-004**

At said public hearing, the Planning & Zoning Commission shall accept all testimony and evidence pertaining to said application and shall consider any and all possible zoning actions, including the granting of any necessary special use permits, variations, other special approvals, or amendments to the text of the Zoning Code that may be necessary or convenient to permit development of the proposed type of the described property. All interested persons are invited to attend and be heard.

Orlando Stratman
Chairperson, Planning & Zoning Commission
Published in Daily Herald June 29, 2024 (4617170)

CERTIFICATE OF PUBLICATION
Paddock Publications, Inc.

Lake County
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Lake County DAILY HERALD**. That said **Lake County DAILY HERALD** is a secular newspaper, published in Libertyville, Lake County, State of Illinois, and has been in general circulation daily throughout Lake County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the **Lake County DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 06/29/2024 in said **Lake County DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY *Doula Baltz*
Designee of the Publisher of the Daily Herald

Control # 4617170



Variation of Maximum Fence Height in Corner Side Yard

Summary:

Mr. Patrick and Ms. Kelly Kraus (the “Applicants” and “Owners”), are the owners of the property located at 1073 Avery Ridge Circle, and legal owners of the property request a variation of the maximum fence height in corner side yard.

The Applicants are proposing to install a 5-foot-tall aluminum ornamental fence which would attach to their neighbors existing 5-foot-tall aluminum ornamental fence.

The variation request would provide:

- Increased safety for their four children ages nine, six, and one-year-old twins.
- Proper containment and safety for pets (large dog breed).
- Uniformity and proper aesthetics throughout the neighborhood.
 - Avery Ridge HOA mandates black wrought iron or aluminum fence
 - No three-foot (3’) fences currently exist within the neighborhood.
- Full utilization of backyard
 - Side yard is 35 feet of 100-foot total rear lot line
 - 35-foot setback would reduce backyard space by 35%

Owners have obtained the consent of two adjoining neighbors for the construction of the higher fence.

Precedence exists at corner lot 1051 Avery Ridge Circle.

There is no impact on traffic or congestion. The 34-home community is one way in, one way out and property is located in rear corner of subdivision.

Included documents:

- Adjoining neighbor consent
- Pictures of property
- Aerial photo of property and neighborhood
- 2 Plat of survey
- Original Permit Application
- Title
- Fence Proposal and Contract

To: Planning & Zoning Commission of Lake Zurich

Regarding:
Fence Setback Variance
1073 Avery Ridge Circle
Lake Zurich, IL 60047

I am writing to request a fence variation for my single-family home located at 1073 Avery Ridge Circle, Lake Zurich, IL. The current zoning rules would require a setback of 35 feet which would reduce my backyard by 35%. I respectfully request to install an aluminum ornamental fence measuring a height of five feet which would attach to my neighbors existing fence of the same height and style. I have already received permission from my neighbor to attach to their existing fence.

Furthermore, I have secured signed documentation from both my interior and rear-adjointing neighbors, indicating their lack of objection to my proposal of a five-foot fence, and the relevant documentation is included with this request.

My family and I have resided in this home since it's construction in October of 2021. I live at the residence with my wife, and four children, ages nine, six, and one-year-old twins.

The primary motivation behind my request is the safety of our children. Given that we have one-year-old twins, we wish to enclose our full backyard to allow them to explore safely. We also wish to install a five-foot fence to safely enclose pets.

In addition, our HOA has strict guidelines regarding the fence type and style to maintain proper aesthetic appeal and uniformity of our 34-home community. Presently, there are no existing three-foot fences within the community, and attaching one of that height would not only be aesthetically unpleasing but also reduce its effectiveness.

There is currently precedence at the corner lot of 1051 Avery Ridge Circle which supports our request. Importantly, the proposed fence type allows for full visibility of the yard, sidewalk, and street, ensuring there is no impact on traffic or congestion in our 34-home community which only has one entrance and exit point. Our property is located in the rear corner of the subdivision.

Thank you for your time and consideration in reviewing this request.

Respectfully,

Patrick Kraus
815-341-0208
Pkraus40@gmail.com

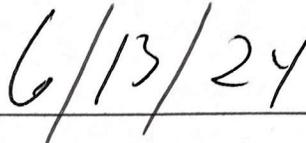
Letter of Consent From Adjoining Neighbors

I, Ryan Pellano, am the legal owner of property located at 1059 Avery Ridge Circle, Lake Zurich, IL, which is an adjoining property to the petitioner's address (1073 Avery Ridge Circle, Lake Zurich, IL). I am aware that a variation to install a five-foot aluminum ornamental fence is being applied for at the subject property. I have reviewed the plans as presented to me by the property owners for the proposed fence installation project.

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



Neighbor Signature

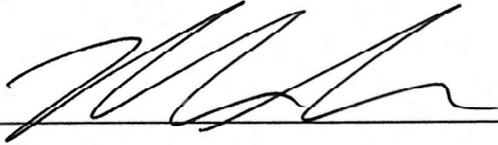


Date

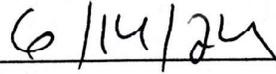
Letter of Consent From Adjoining Neighbors

I, Mike Rantos, am the legal owner of property located at 1077 Avery Ridge Circle, Lake Zurich, IL, which is an adjoining property to the petitioner's address (1073 Avery Ridge Circle, Lake Zurich, IL). I am aware that a variation to install a five-foot aluminum ornamental fence is being applied for at the subject property. I have reviewed the plans as presented to me by the property owners for the proposed fence installation project.

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



Neighbor Signature



Date



Front Corner of home with side yard facing Avery Ridge Circle



Sideyard



Backyard 1



Backyard 2



Backyard 3



Aerial photo of subdivision – red indicates property

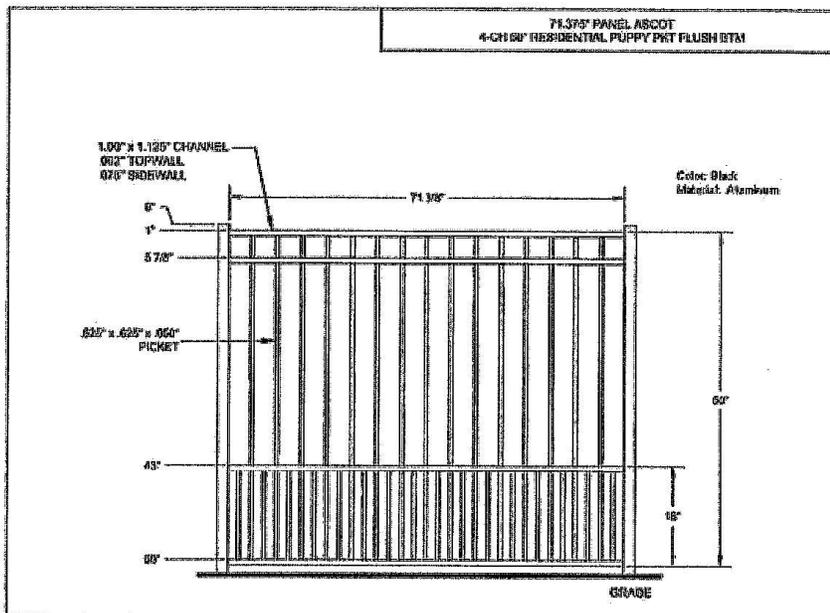


Aerial photo of property

**EXHIBIT D TO
DECLARATION FOR AVERY RIDGE**

Fence Specifications

1. Black wrought iron or aluminum.
2. Height to comply with municipal codes, but not exceeding five (5) feet in height from the finished grade of the lot as approved by the Municipality.
3. Style as set forth in the depiction below. Note that the depiction includes the "puppy picket" feature which is optional.





Community Development Department

505 Telsler Road
Lake Zurich, IL 60047
P: (847) 540-1696 F: (847) 726-2182
www.LakeZurich.org
Permits@LakeZurich.org

Permit Application

Date of Application 5/13/24

Project Information

Property Address: 1073 Avery Ridge Circle
Type of Project: Fence Installation Business Name: The North Fence
(For commercial/industrial applications only)
Owner's Name/Address: Patrick Kraus Owner's Phone: 815-341-0208
(If different from above) Owner's Email: pkraus40@gmail.com
Value of proposed construction/improvements: \$ 8,260

Description of Work

Install 210 of 5h Black Aluminum Fence with 2 single gates

Contractor Information

Contractors are required to be registered with the Village of Lake Zurich. Please refer to the Contractor Registration Application.

General Contractor: Maglio Gonzalez Phone: 847-563-0093
Address: 1701 IL RT 120 Mchenry E-mail: Thenorthfence@gmail.com
Other Contractor: _____ Type: _____ Phone: _____
Address: _____ E-mail: _____
Other Contractor: _____ Type: _____ Phone: _____
Address: _____ E-mail: _____

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Printed Applicant Name: Maglio Gonzalez Phone: 847-563-0093
Applicant Signature: maglio gonzalez Owner or Contractor Contractor
Property Owner Signature: [Signature] (Please Select One)

Application must be signed by the property owner. A signed letter of authorization/contract from the property owner must be submitted with the application in lieu of signature on application.

Director of Building and Zoning Signature: _____ Date: _____

Lake Zurich Fence Permit

Attachment to Adjoining Fence Permission:

This is to advise that I, Mike Rantis of 1077 Avery Ridge Circle permits my neighbor, Patrick Kraus of 1073 Avery Ridge Circle, to attach their fence to our existing fence.

 5/17/24

Signature

Mike Rantis

Print Name

1077 Avery Ridge Cir, Lake Zurich, IL 60047

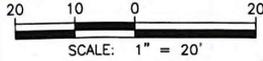
Print Your Address



PLAT OF SURVEY

"CLOSING SURVEY"

LOT 21 IN AVERY RIDGE, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 2020 AS DOCUMENT 7683272, IN LAKE COUNTY, ILLINOIS.

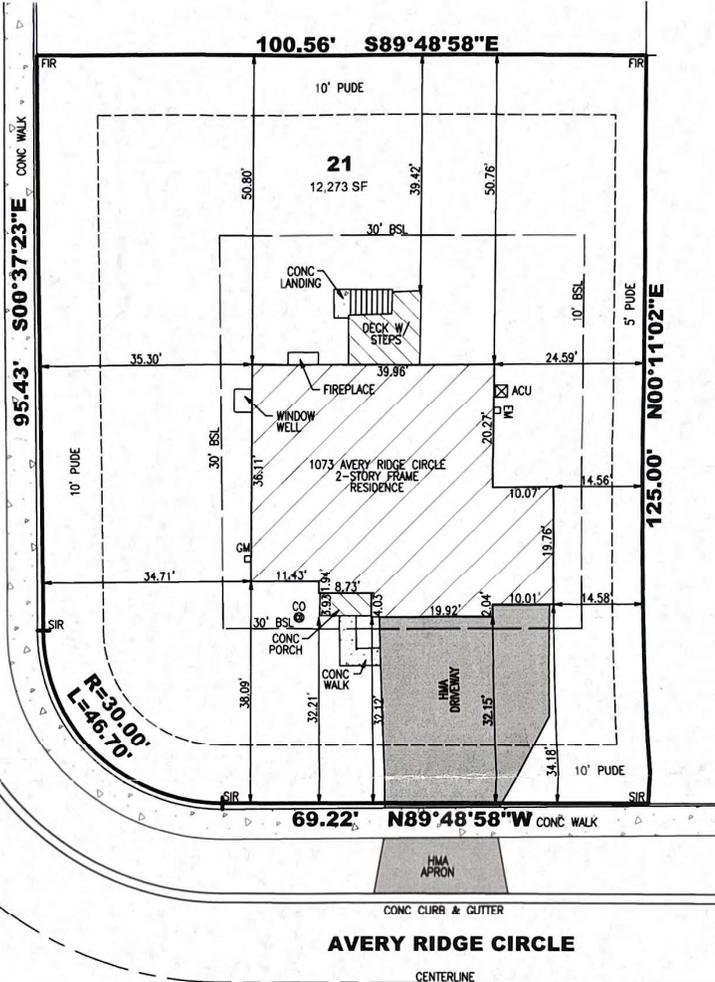


LOT 26

AVERY RIDGE CIRCLE

CENTERLINE

CONC CURB & GUTTER



LOT 22

AVERY RIDGE CIRCLE

CENTERLINE

LEGEND:
CONC CONCRETE
EX EXISTING
TF TOP OF FOUNDATION
XXX.XX EXISTING ELEVATION
XXX.XX PROPOSED ELEVATION
BSL BUILDING SETBACK LINE
PUDE PUBLIC UTILITY & DRAINAGE EASEMENT

SURVEYOR'S NOTES:
1. THIS SURVEY IS SUBJECT TO MATTERS OF TITLE WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT.
2. BUILDING DIMENSIONS AND TIES SHOWN HEREON ARE MEASURED FROM THE OUTSIDE FACE OF CONCRETE FOUNDATION.
3. SURVEY IS BASED ON FIELD WORK COMPLETED ON
4. NO OTHER IMPROVEMENTS LOCATED AT CLIENT'S REQUEST.
5. BEARINGS BASED ON THE RECORDED PLAT OF SUBDIVISION.

DEVELOPER:
M/I HOMES
400 E. DIEHL ROAD, SUITE 230
NAPERVILLE, ILLINOIS 60563
P. 630-577-5213 F. 630-577-5220

STATE OF ILLINOIS)
COUNTY OF DUPAGE)

WE, GASPEREC ELBERTS CONSULTING, LLC, AN ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-006877, HEREBY CERTIFY THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT REPRESENTS THE CONDITIONS FOUND AT THE TIME OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL THIS 15TH DAY OF OCTOBER, 2021 IN DOWNERS GROVE, ILLINOIS.

GASPEREC ELBERTS CONSULTING, LLC

Christina M Davidson
CHRISTINA M. DAVIDSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003780
LICENSE EXPIRES: NOVEMBER 30, 2022



GENERAL NOTES:
1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
2. ONLY THOSE BUILDING LINE SETBACKS AND EASEMENTS WHICH ARE SHOWN ON THE RECORDED PLAT OF SUBDIVISIONS ARE SHOWN HERE ON. REFER TO THE DEED, TITLE INSURANCE POLICY AND LOCAL ORDINANCES FOR OTHER RESTRICTIONS.
3. COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND REPORT AND DISCREPANCIES TO THE SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENTS.
5. CERTIFIED COPIES OF THIS SURVEY BEAR AN IMPRESSED SEAL.

GASPEREC ELBERTS
CONSULTING
1401 BRANDING AVENUE, SUITE 230
DOWNERS GROVE, IL 60018
(847) 868-1830

AVERY RIDGE
1073 AVERY RIDGE CIRCLE
LAKE ZURICH, ILLINOIS

DATE: 10-15-21 DR BY: JV LOT NO: 21

PROJECT NUMBER: 200193

© GASPEREC ELBERTS CONSULTING 2021

ILLINOIS FIRM LICENSE 184-006877



At the Heart of Community

Locations

*The proper location of the fence is the responsibility of the homeowner and contractor. All fences shall be wholly within lot lines. End posts are required within your lot line.

*Attachment to an adjoining fence requires written permission from the owner of the fence.

*Fence heights shall not exceed 5 feet in any zoning lot, except that fence height shall not exceed 3 ft in any front or corner side yard.

*Privacy screening may not be erected in any required yard setback, nor exceed 6 ft in height, and 50 linear ft in total length. See Zoning Code for special requirements for certain properties adjacent to main roads.

*Rear yard fences that abut certain rights-of-way can be 6 ft high and shall be of natural color wood; stockade fences are not permitted. Certain subdivisions are restricted to specific fence types and heights.

Costs

Residential

\$22.00 Plan Review Fee
\$45.00 Permit Fee

Commercial

\$55.00 Plan Review Fee
\$115.00 Permit Fee

Fences

Residential & Commercial Fences
Dog Runs



Materials

NO barbed wire, razor wire, or similar material is allowed. Electrically charged fences are prohibited.

Rules & Restrictions

*The finished side of all fences shall face away from the owner's property.

*All support posts must be set in concrete or compacted gravel to a minimum depth of 30 inches.

*Chain link and wire fabric fences shall be a minimum of 11 gauge in residential districts and not permitted in corner or side yard and 9 gauge in all other zoning districts. No wire fence may be erected in any required front yard.

*Every fence shall be constructed to resist a horizontal wind pressure of not less than 35 pounds per square foot, in addition to other normal forces.

*No advertising signs are allowed on fences.

*Dog runs shall be located behind the rear building line and maintain a minimum 10 ft side yard and 10 ft rear yard setback.

*Contact utility company prior to boxing out fence around utility. Owner is responsible for maintaining their property even if utility area is boxed out.

*Call J.U.L.I.E. (800-892-0123) before digging.

Note:

*If an inspector needs to return more than once for the same phase of any required inspection, a \$85.00 residential re-inspection fee, or a \$170.00 commercial re-inspection fee, will be required to be paid before the re-inspection takes place.

What to Submit

*Completed application.

*2 copies of a Certified Plat of Survey with lines drawn or highlighted to show the precise location of where you are proposing to erect the fence.

*A signed contract or scope of work that includes the description of the proposed fence, including material, style, and height.

Inspections

*Inspections are scheduled for A.M. or P.M. Monday through Friday with 48 hours advance notice at 847-540-1696. Call before 1:00 P.M. two business days before you want your inspection. Same day re-inspections are not available.

*Pre-pour inspection-after postholes are dug and prior to setting posts. A string line must be installed along the property line to show the proposed fence line and must be maintained until inspections are completed.

*Final inspection. In some cases an engineering final may be required.

I have read and reviewed these requirements.

Signature of Applicant

Date

Address

[Handwritten Signature]

6/18/24

1073 Avery Ridge Cir
Lake Zurich, IL 60047

STATE OF ILLINOIS, COUNTY OF DUPAGE

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that Brian Potvin, personally known to me to be the Vice President of Operations of the M/I Homes of Chicago, LLC, and personally known to me to be the same person(s) whose name(s) are subscribed to the forgoing instrument, appeared before me this day in person and severally acknowledged that as such Brian Potvin signed and delivered the said instrument, pursuant to authority given by the Managers of said limited liability company, as their free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and official seal this 21st day of October, 2021.



Jill M Sopala

Notary Public

Prepared by: Rachel Bedore
M/I Homes of Chicago, LLC
400 E. Diehl Road Suite 230
Naperville, IL 60563

Mail to:
Patrick and Kelly Kraus
1073 Avery Ridge Circle
Lake Zurich, IL 60047

Name and Address of Taxpayer:
Patrick and Kelly Kraus
1073 Avery Ridge Circle
Lake Zurich, IL 60047



Exhibit "A" – Legal Description

LOT 21 IN AVERY RIDGE, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 2020 AS DOCUMENT 7683272, IN LAKE COUNTY, ILLINOIS.



Avery Ridge HOA Board Review

Proposal:

Patrick Kraus (applicant and owner) of the property located at 1073 Avery Ridge Circle, requests board approval to install a five-foot (5') fence which would attach to their neighbors existing five-foot fence at 1077 Avery Ridge Circle.

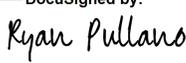
Patrick has already received written approval from Michael Rantis, owner of 1077 Avery Ridge Circle, which was included in the permit application to Lake Zurich.

Patrick requests a **five-foot fence**, opposed to the three-foot fence Lake Zurich Zoning recommends for the following reasons:

A five-foot fence would:

- Maintain uniformity and aesthetics in the neighborhood as there are no three-foot fences currently in the neighborhood. Patrick's fence would match his neighbors existing five-foot fence.
- Allow for full and safe utilization of their entire backyard for his children.
- Ensure that pets are safely contained within yard.

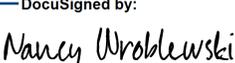
The HOA Board of Avery Ridge approves Patrick's request to install a five-foot fence at 1073 Avery Ridge Circle that would adhere to the Avery Ridge HOA fence requirements.

DocuSigned by:

1FE59A95117E4D0

Signature (Avery Ridge HOA Board – Ryan Pullano)

6/13/2024

Date

DocuSigned by:

C85A48C72A8E4D9

Signature (Avery Ridge HOA Board – Nancy Wroblewski)

6/26/2024

Date

DocuSigned by:

5AE6C4B26571421

Signature (Avery Ridge HOA Board – Joe Ray)

6/26/2024

Date

**AFFIDAVIT OF TITLE
COVENANT AND WARRANTY**

STATE OF ILLINOIS)
) SS
COUNTY OF Lake)

Preparer File: 3112764-Kraus

FATIC No.: GF-1012814

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the grantee(s) hereinafter named:

Patrick Kraus and Kelly Kraus

That affiant has an interest in the premises described below or in the proceeds thereof or is the grantor in the deed dated 10/21/2021 to Patrick Kraus and Kelly Kraus grantee(s), conveying the following described premises:

See Exhibit "A" attached hereto and made a part hereof

That no labor or material has been furnished for premises within the last four months, that is not fully paid for.

That since the title date of 09/07/2021, in the report of title issued by First American Title Insurance Company, affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment, note or other instrument that can result in a judgment or decree against affiant within five days from the date hereof.

That all water taxes, except the current bill, have been paid, and that all the insurance policies assigned have been paid for.

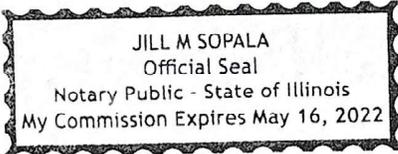
That this instrument is made to induce, and in consideration of, the said grantee's consummation of the purchase of premises.

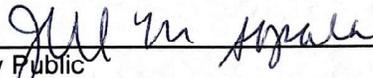
M/I Homes of Chicago, LLC

By: 

Brian Potvin, Vice President of Operations

Subscribed and sworn to me this 21st day of October, 2021.





Notary Public



**AFFIDAVIT OF TITLE
COVENANT AND WARRANTY**

Exhibit "A" – Legal Description

LOT 21 IN AVERY RIDGE, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 12, 2020 AS DOCUMENT 7683272, IN LAKE COUNTY, ILLINOIS.



Bill of Sale

Preparer File:3112764-Kraus

FATIC No.: GF-1012814

Seller, M/I Homes of Chicago, LLC, a corporation of DE having its' principal place of business at 400 E. Diehl Road, Suite 230, Naperville, IL 60563, in consideration of Ten and 00/100 Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over to Buyer, Patrick Kraus and Kelly Kraus, of the Village of Palatine, Cook County, IL, the following described personal property located on the premises commonly known as 1073 Avery Ridge Circle, Lake Zurich, Illinois 60047, to-wit:

All heating, electrical and plumbing systems, together with the following items of personal property:

All items of personal property listed on real estate sales contract dated 02/08/2021; Indoor carpeting; Electric, plumbing and other attached fixtures as installed; Appliances

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said personal property and to make this bill of sale. All warranties of quality, fitness, and merchantability are hereby excluded.

If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed and sealed this bill of sale at Lake Zurich, Illinois

this 21st day of October 20 21

M/I Homes of Chicago, LLC

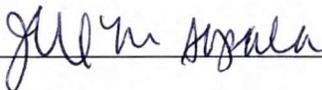


Brian Potvin, Vice President of Operations

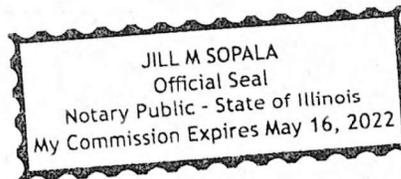
I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that Brian Potvin, personally known to me to be the Vice President of Operations of the M/I Homes of Chicago, LLC to be the same person(s) whose name(s) are subscribed to the forgoing instrument, appeared before me this day in person and severally acknowledged that as such they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth

Given under my hand and notarial seal

this 21st day of October 20 21



Notary Public



The North Fence Inc
 1701 IL. 120 McHenry, IL 60051
 (847) 563-0093
 info@thenorthfenceil.com
 www.thenorthfenceil.com



Proposal # 2400

Date: 5-9-2024

Fence Estimate & Proposal

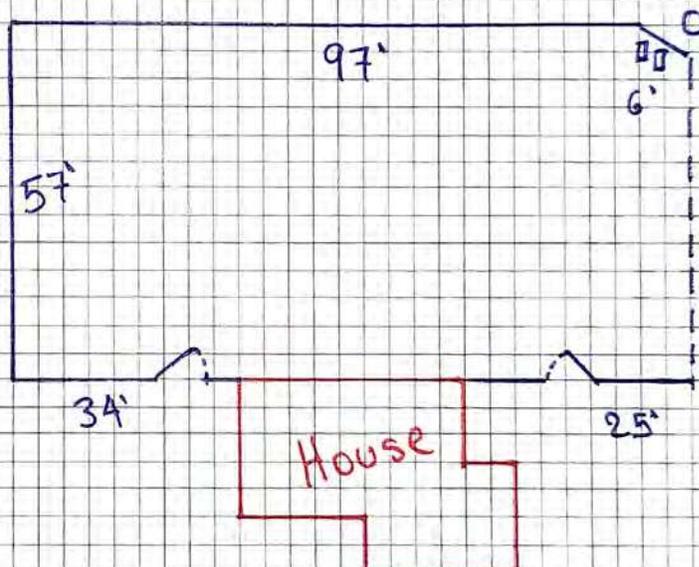
Phone: 815-341-0208

Customer: Patrick Kraus

Email: Pkraus40@gmail.com

Address: 1073 Avery Ridge Circle City: Lake Zurich State: IL Zip: 60047

# OF FEET	HEIGHT	NOTES:
219'	5'	Install 219' of 5' h Black Aluminum Fence UAF-200 with 2 single Gates by Ultra. Set Posts 36" in concrete. Lifetime Warranty from Manufacturer.
PERMIT	GATES	
<input checked="" type="checkbox"/> YES - <input type="checkbox"/> NO	2	
FENCE REMOVAL	DIRT REMOVAL	
<input type="checkbox"/> YES - <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES - <input type="checkbox"/> NO	
CONCRETE	TRIM BUSHES	
<input checked="" type="checkbox"/> 36" - <input type="checkbox"/> 42"	<input type="checkbox"/> YES - <input checked="" type="checkbox"/> NO	
WOOD		
POSTMASTER	<input type="checkbox"/> YES - <input type="checkbox"/> NO	
STYLE		
WOOD GRADE	<input type="checkbox"/> #1 - <input type="checkbox"/> #2	
POSTS	<input type="checkbox"/> 4" x 4" <input type="checkbox"/> 6" x 6"	
SPACING		
CHAIN LINK		
MATERIAL	Aluminum	
COLOR	Black	
POST SPACING	<input type="checkbox"/> 6' - <input type="checkbox"/> 8' - <input type="checkbox"/> 10'	
TOP RAIL	<input type="checkbox"/> 1-3/8" <input type="checkbox"/> 1-5/8"	
LINE POST	<input type="checkbox"/> 1-5/8" - <input type="checkbox"/> 2"	
END POST	<input type="checkbox"/> 2-3/8" - <input type="checkbox"/> 3"	
CORNER POST	<input type="checkbox"/> 2-3/8" - <input type="checkbox"/> 3"	
WALK GATE POST	<input type="checkbox"/> 2-3/8" - <input type="checkbox"/> 3"	
DRIVE GATE POST	<input type="checkbox"/> 2-3/8" - <input type="checkbox"/> 3"	
GATE FRAMES	<input type="checkbox"/> 1-3/8" <input type="checkbox"/> 1-5/8"	
		TOTAL: \$ 8,584.00 DOWN: \$ 4,292.00 BALANCE: \$ 4,292.00



1. All prices quotes are valid for 30 days from the date of this Proposal 2. If any additional work is requested after execution of the Proposal, any such additional charges will be added as a change order to this Proposal. Any request for changes to the scope of work shall be made in writing with signed acceptance by authorized personnel from The North Fence Inc. 3. The price quoted above does not include the cost of any permits if required by local ordinances. Customer agrees to secure and pay for any such permits. 4. Installation of the fence will follow the nature contours of the grade of the property unless otherwise noted in this Proposal. 5. It is customer's responsibility to locate any underground cable, electric, gas or other utilities as well as provide a final plot plan/survey of the property. Customer is responsible for all costs of repairs if an unmarked, underground line is damaged during installation of the fence. The North Fence Inc shall not be held responsible in any manner whatsoever for any unmarked, underground utility lines. Customer shall indemnify and hold The North Fence Inc harmless from any and all claims arising from an inaccurate survey of said property or the location of the property line and all claims for personal injury, property damage or trespass arising therefrom. 6. Customer is responsible to obtain any approvals from the Homeowner's Association, if applicable. 7. All material and labor are guaranteed for one year from final completion. Any gates will have a labor warranty of 60 days from date of completion. 8. This Proposal constitutes the final agreement concerning the installation of the fence referred to herein, and supersedes all prior agreements and understandings, verbal or otherwise. 9. Customer agrees to pay all collection costs, including reasonable attorneys' fees. Any amount not paid when due shall accrue interest at the rate of 1 1/2% per month until paid. Customer is hereby advised that The North Fence Inc has mechanic's lien rights under the Illinois Mechanic's Lien Act if payment is not made in a timely manner. 10. The North Fence Inc shall not be liable for any direct, incidental or consequential damages including penalties of any kind for any delays in completion of the work or for any other claim arising out of strikes, floods, fire, accidents or any other causes beyond its control. The North Fence Inc liability to the Customer is limited to any liability created by the gross negligence or intentional conduct of The North Fence Inc, its employees or subcontractors. 11. The North Fence Inc shall maintain insurance coverage and limits in amounts as determined by The North Fence Inc. Upon request, The North Fence Inc will provide customer with a certificate of insurance naming the customer as additional insured. 12. In the event Customer elects to use a credit card for payment, Customer authorizes The North Fence to debit the credit card upon completion of the work.

Customer Signature

Date

Cash - Credit Card (3% Fee) - E-Check
 Payment Method



At the Heart of Community

505 Telser Road
Lake Zurich, Illinois 60047

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

APPLICATION PZC 2024-10
PZC Hearing Date: July 17, 2024

AGENDA ITEM 4.C

STAFF REPORT

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

From: Sarosh Saher, Community Development Director

CC: Colleen McCauley, Village Planner
Mary Meyer, Building Services Supervisor

Date: July 17, 2024

Re: PZC 2024-10:– High-End Automotive Detailing Business Special Use Permit
865 Telser Road, Unit 160 – Luminescent Detailing

SUBJECT

Mr. Frank Travaglio of Luminescent Detailing, (the “Applicant”), with the consent of Zen Properties, LLC, represented by Mr. Zenny Kukich (the “Owner”), requests a Special Use Permit to operate a high-end automotive detailing (ceramic coating, paint protection film) business at the property commonly known as 865 Telser Road and legally described in Exhibit A attached hereto (the “Subject Property”).

The Applicant currently operates his business within an industrial condominium at 904 Donata Court and obtained a Special Use Permit to establish at that location in 2019.

GENERAL INFORMATION

Requested Action: Special Use Permit

Current Zoning: I Industrial District

Proposed Uses: High-End Automotive Detailing

Property Location: 865 Telser Road, Unit 160

Applicant: Frank Travaglio, Luminescent Detailing

Owner: Zenny Kukich (Zen Properties, LLC)

Staff Coordinator: Colleen McCauley, Village Planner

LIST OF EXHIBITS

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

BACKGROUND

Mr. Frank Travaglio of Luminescent Detailing (the “Applicant”), is applying with the permission of the owner of the property, Zenny Kukich, for approval of a Special Use Permit to operate a high-end automotive detailing (ceramic coating, paint protection film) business, to be located at 865 Telser 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, 2024 (the “Application”) seeking:

- Special Use Permit to operate a High-End Automotive Paint Protection (Ceramic Coating, Paint Protection Film) classified as “Top, Body, and Upholstery Repair Shops and Paint Shops” – SIC #7532 which falls under the major group “Automotive Repair, Services, and Parking” – SIC #75.

The Subject Property is located within the Village’s I Industrial Zoning District. The four-tenant building is approximately 42,558 square feet, with Unit 160 being 16,688 square feet. The front portion of the unit is about 1,000 square feet and consists of restrooms and office spaces. The remaining rear portion of the unit is where the cars will be detailed.

Mr. Frank Travaglio applied and received a Special Use Permit in June of 2019 to operate his business at 904 Donata Court. He operated his business at that location for five years. The property owner, Mr. Anthony Palella, is expanding his business and now needs the additional room where Luminescent is located. Mr. Frank Travaglio has the opportunity to sign a new lease at the Subject Property, 865 Telser Road. The unit he plans on moving into will have finished construction before January 1, 2025. The proposed location is one mile away from the current location.

Luminescent specializes in automotive detailing, paint correction, ceramic coating, window tinting and paint protection film installation. The paint correction, ceramic coating and paint protection

film installation process will not require additional venting or air exchange systems due to the application method and low noxious odor impact. Vehicles are washed and rinsed in preparation for paint protection film or coating. These services use chemicals such as rinses, waxes and other detergents, so the newly constructed rental space will be equipped with a triple basin. This will capture the wastewater and ensure that these contaminants do not enter the stormwater system.

The hours of operation for Luminescent Detailing are Monday through Friday 9:00 a.m. - 5:30 p.m. by appointment only.

Pursuant to public notice published on June 29, 2024, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 17, 2024, to consider the Application. On June 28, 2024 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, and that the Applicant is already operating the business in the industrial park, courtesy review was not recommended.
- B. **Zoning History.** The property is located on Lot 2 in the Astor Subdivision and is zoned within the I Industrial District. The subdivision was recorded on September 17, 2007. The lot has sat vacant until earlier this year. Construction has begun for the 42,558 square-foot industrial building.
- C. **Surrounding Land Use and Zoning.** The subject property is located on Telser Road at the north end of the Industrial Park. The areas surrounding the Subject Property to the south and to the east are zoned within the I Industrial District. The surrounding properties to the north and west are across the Elgin, Joliet and Eastern Railway and are zoned within the OS Open Space and R-5 Single Family Residential Zoning Districts.
- 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 access 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 many 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 “Automotive repair, services, and parking (75).” As described in the Standard Industrial Classification Manual, “This major group includes establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public. Similar facilities owned and operated by concerns for their own use and not for the general public are treated as auxiliary establishments.”

This is a broad classification of land uses and includes, among others, “Top, Body, and Upholstery Repair Shops and Paint Shops” – SIC 7532” and “Carwashes SIC 7542.” Further, the broad-based classification as represented in the village zoning codes does not specifically prohibit any sub-classifications and as a result, carwashes may be applied for and considered for a Special Use Permit. Detailing, washing, waxing and polishing, among others, are processes that are included under the industry group “Carwashes SIC 7542.”

GENERAL FINDINGS

Staff has evaluated the requested Special Use Permit individually for the current and proposed operations of the business and has provided its recommendations as such. Staff offers findings and recommendation on specific sections of the Code, in particular, provided recommendations and conditions on how the proposed operations can be conducted in compliance with the Standards for Special Use Permits.

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 land use is consistent with other uses within the Industrial Park. The use has been in operation at another

location within the Industrial Park for the past five years and has not demonstrated any adverse impact on adjacent properties or the character of the area.

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

Staff Response: Standard met. The land use will be operated entirely within the enclosed building on the property. All parking will be accommodated on the property. Based on the frequency of customers to the proposed business, there is sufficient parking to accommodate the clients and employees on the property without interfering with the use, development and operations of adjacent properties.

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. upon completion of the development, the Subject Property will be served adequately by essential public facilities and services such as streets, utilities, drainage and other municipal services.

To accommodate the operation of the proposed land use requiring the washing of cars, the Applicant proposes to install a triple basin waste water treatment system to allow for the waste water to be discharged into the sanitary system rather than into the storm sewer system. The Applicant/Owner will be required to apply for a sewer connection permit with the Lake County Public Works Department.

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 met. Luminescent Detailing will have minimal associated traffic attributed to this business.

Parking is in conformance with the requirements of the zoning code. The property is designed with adequate parking to accommodate the parking demand for the various types of uses in the Industrial Park.

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

Staff Response: Standard met. The proposed use will not result in the destruction or removal of any natural features. The proposed use would be conducted entirely within the building, once fully constructed, on the lot within the Astor Subdivision.

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. This request for a Special Use Permit is to establish high-end automotive detailing (ceramic coating, paint protection film) with the incidental washing of cars to prepare them for the primary process being requested for approval. The installation of the triple basin will prevent any adverse impacts from contaminated water runoff. The proposed component will be established in accordance with the standards and codes, thereby meeting this standard of the Special Use Permit.

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 land use will continue to uphold the established character of the Industrial Park, and will allow an existing business to remain within the Village of Lake Zurich.

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

Staff Response: Not applicable. There are no special zoning standards applicable to the proposed land uses related to High-End Automotive Detailing (Ceramic Coating, Paint Protection Film) classified as “Top, Body, and Upholstery Repair Shops and Paint Shops SIC 7532” or “Carwashes SIC 7542” which falls under the major group “Automotive Repair, Services, and Parking SIC 75.”

- 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 business will provide a convenient location for a unique service 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 use currently operated within the industrial tenant space at 904 Donata Court and could continue to remain there based on its current approval of a Special Use Permit. However, it has been asked to vacate that space to the proposed location on the Subject Property.

There is no evidence that the proposed location at the Subject Property is inappropriate for the proposed land use, so an alternative location would not be any more appropriate than the proposed location. Automotive Service is allowed as a Special Use within the I Industrial District.

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.

4.

Staff Response: Standard met. The warehouse building has been designed to prevent any undue adverse effect on itself or on surrounding property in relation to its location, design and operation.

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

Staff of the Community Development Department therefore recommends the approval of Application PZC 2024-10, 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, Cover Letter, and background information dated June 17, 2024, and prepared by Mr. Frank Travaglio.

- b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey dated December 19, 2011, and last revised on December 22, 2011, prepared by Chamberlin Masse Land Surveyors, and submitted by Mr. Frank Travaglio, of Luminescent Detailing.
 - d. Overall Site Plan Sheet 5 of 12 prepared by Schmitt Engineering dated December 29, 2023 and last updated on May 13, 2024.
2. The Special Use Permit is granted to allow Luminescent Detailing to operate a high-end automotive detailing (ceramic coating, paint protection film) business. The business is only permitted the incidental washing of vehicles as it applies to the processes of high-end automotive detailing (ceramic coating, paint protection film). These vehicles shall only be washed within the enclosed tenant space and in conjunction with the triple basin water treatment system.
 3. All processes and operations related to the proposed land use related to high-end automotive detailing (ceramic coating, paint protection film) will be conducted wholly within the enclosed building.
 4. The special use constituting this high-end automotive detailing (ceramic coating, paint protection film) facility is Luminescent Detailing operated by Mr. Frank Travaglio; and shall be located within the industrial tenant space, unit 160, within 865 Telser Road as depicted on the Overall Site Plan Sheet 5 of 12 prepared by Schmitt Engineering dated December 29, 2023 and last updated on May 13, 2024, and shall expire if the land use and company requesting this special use cease operating at the property.
 5. The Applicant shall install the Triple Basin Wastewater Treatment System prior to beginning any operations at the property and prior to the receipt of a Final Certificate of Occupancy.
 6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Colleen McCauley, Village Planner

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

**865 Telser Road
July 17, 2024**

The Planning & Zoning Commission recommends approval of Application **PZC 2024-10**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 17, 2024** 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, Cover Letter, and background information dated June 17, 2024, and prepared by Mr. Frank Travaglio.
 - b. Exhibit A: Legal Description of the Subject Property.
 - c. Plat of Survey dated December 19, 2011, and last revised on December 22, 2011, prepared by Chamberlin Masse Land Surveyors, and submitted by Mr. Frank Travaglio, of Luminescent Detailing.
 - d. Overall Site Plan Sheet 5 of 12 prepared by Schmitt Engineering dated December 29, 2023 and last updated on May 13, 2024.
2. The Special Use Permit is granted to allow Luminescent Detailing to operate a high-end automotive detailing (ceramic coating, paint protection film) business. The business is only permitted the incidental washing of vehicles as it applies to the processes of high-end automotive detailing (ceramic coating, paint protection film). These vehicles shall only be washed within the enclosed tenant space and in conjunction with the triple basin water treatment system.
3. All processes and operations related to the proposed land use related to high-end automotive detailing (ceramic coating, paint protection film) will be conducted wholly within the enclosed building.
4. The special use constituting this high-end automotive detailing (ceramic coating, paint protection film) facility is Luminescent Detailing operated by Mr. Frank Travaglio; and shall be located within the industrial tenant space, unit 160, within 865 Telser Road as depicted on the Overall Site Plan Sheet 5 of 12 prepared by Schmitt Engineering dated December 29, 2023 and last updated on May 13, 2024, and shall expire if the land use and company requesting this special use cease operating at the property.
5. The Applicant shall install the Triple Basin Wastewater Treatment System prior to beginning any operations at the property and prior to the receipt of a Final Certificate of Occupancy.

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

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 2 IN THE ASTOR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 17, 2007 AS DOCUMENT 6247624 IN LAKE COUNTY, ILLINOIS.

Common Street Address: 865 Telser Road
Property Index Number (PIN): 14-09-405-015

EXHIBIT B

PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY





865 Telser Road

Special Use Permit



0 50 100 200 feet

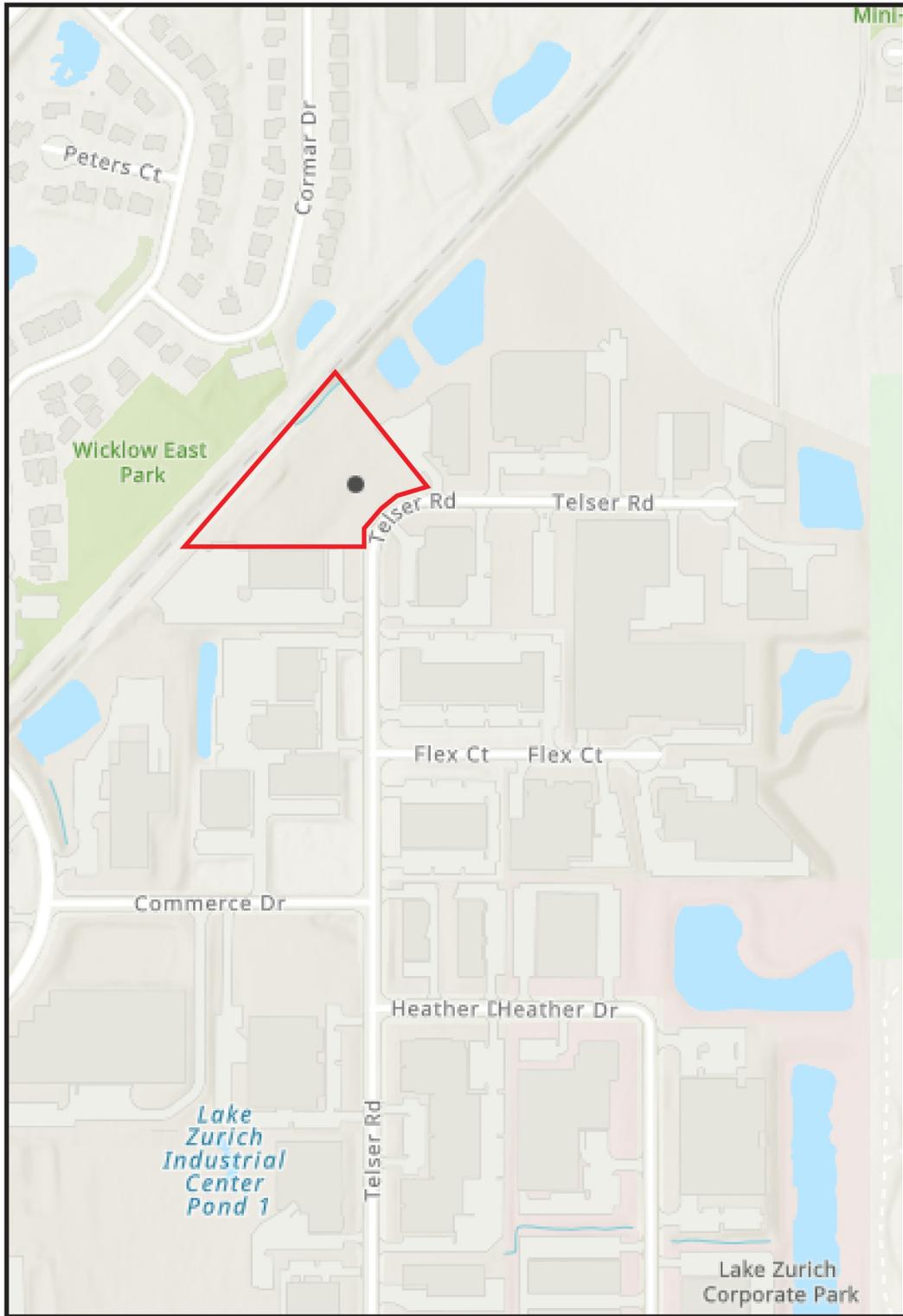
A horizontal scale bar with tick marks at 0, 50, 100, and 200 feet.

- Subject Property
- Tax Parcels



865 Telser Road

Special Use Permit

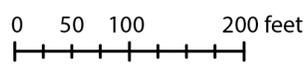
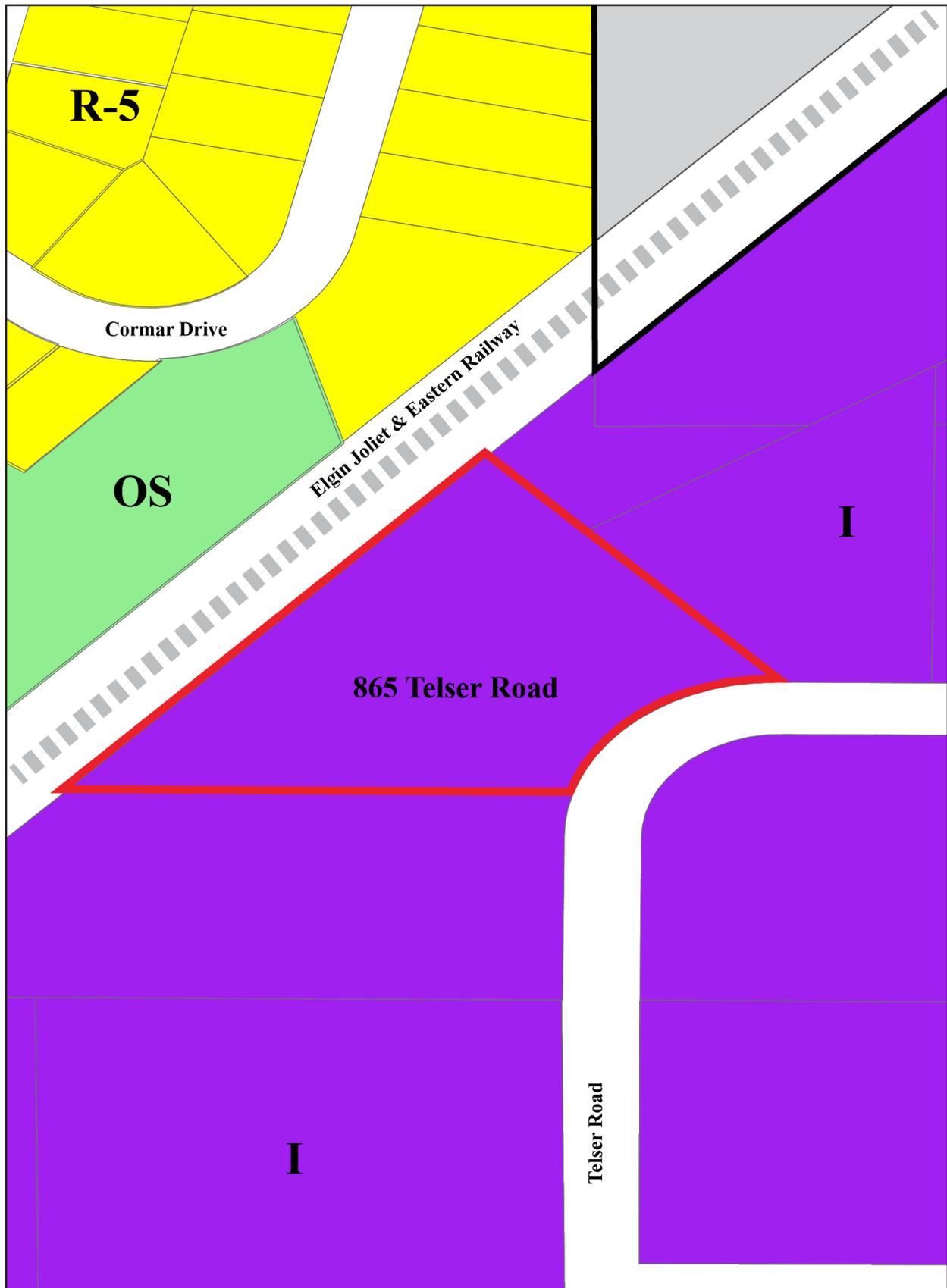


 Subject Property



865 Telser Road

Special Use Permit



	Subject Property		Open Space
	R-5		I Industrial
			Outside Village Boundary

**VILLAGE OF LAKE ZURICH
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN to all persons that the Village of Lake Zurich Planning & Zoning Commission shall conduct a public hearing on **July 17, 2024**, at 7:00 P.M. in the Board Room of the Lake Zurich Village Hall, 70 East Main Street, Lake Zurich, Illinois for the purpose of considering a zoning application filed with the Village requesting approval for a Special Use Permit to allow for an automotive detailing business, at the property whose common street address and property index number (PIN) are stated below. A copy of the application and the Zoning Code are on file with, and available for public inspection during regular Village business hours in the Lake Zurich Community Services Department.

Common Street Address: **865 Telser Road**
Property Index Number (PIN): **14-09-405-015**
At said public hearing, the Planning & Zoning Commission shall accept all testimony and evidence pertaining to said application and shall consider any and all possible zoning actions, including the granting of any necessary special use permits, variations, other special approvals, or amendments to the text of the Zoning Code that may be necessary or convenient to permit development of the proposed type of the described property. All interested persons are invited to attend and be heard.

Orlando Stratman
Chairperson, Planning & Zoning Commission
Published in Daily Herald June 29, 2024 (4617172)

CERTIFICATE OF PUBLICATION
Paddock Publications, Inc.

Lake County
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **Lake County DAILY HERALD**. That said **Lake County DAILY HERALD** is a secular newspaper, published in Libertyville, Lake County, State of Illinois, and has been in general circulation daily throughout Lake County, continuously for more than 50 weeks prior to the first Publication of the attached notice, and a newspaper as defined by 715 ILCS 5/5.

I further certify that the **Lake County DAILY HERALD** is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 06/29/2024 in said **Lake County DAILY HERALD**. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

BY *Doula Baltz*
Designee of the Publisher of the Daily Herald

Control # 4617172





LUMINESCENT DETAILING

www.lumidetaling.com
(847)-250-9090
info@lumidetaling.com

June 17, 2024

The Mayor and Board of Trustees
Of the Village of Lake Zurich
Lake County, Illinois

Dear Mayor Poynton & Board of Trustees,

I have had the pleasure of now operating my business in Lake Zurich for approximately 5 years, since Spring 2019. My business consists of providing products to high end vehicles such as ceramic coatings, paint protection film, and protection window tint. These services have attracted the most passionate car collectors from all the surrounding areas and have exposed them to Lake Zurich.

I have been operating my business for the past five years, it has been located at 904 Donata Court, Lake Zurich, IL. The owner of the unit that I have been leasing from, Mr. Anthony Palella, A&L Ventures LLC, is looking to expand his business which is located next door. Anthony Palella has written a letter of recommendation that is included in this submission.

I have the opportunity to lease a similar unit that is currently being built at 865 Telser Road, Unit 160, Lake Zurich, IL 60047. The unit is anticipated to be completed come January 1, 2025 and will include a triple basin that was required in my current business. This new unit is approximately a mile away from my current location and will make for a smooth transition.

Mayor Poynton & Board of Trustees, I thank you in advance for your consideration and look forward to remaining within Lake Zurich for many years to come.

Sincerely,

Frank Travaglio
CEO/President

904 Donata Court, Lake Zurich, Illinois 60047, United States



IND Distribution

ind-distribution.com

(847)963-4520

June 17, 2024

The Mayor and Board of Trustees
Of the Village of Lake Zurich
Lake County, Illinois

To Whom It May Concern,

I am writing to provide a strong recommendation for Frank Travaglio, who has been an exemplary tenant in my property. Due to the rapid growth of my business, I now need to occupy the space Frank has been leasing from me. This decision is in no way a reflection of Frank's tenancy but purely a necessity for my expanding operations.

Frank has consistently demonstrated himself to be a reliable and responsible tenant. He has always paid his rent and maintained the property in excellent condition. Throughout his lease, Frank has caused no issues or disturbances.

Moreover, Frank has shown great respect for the property and the terms of the lease agreement. His cooperative and understanding nature has made the leasing process smooth and straightforward. He has proven to be a person of integrity and reliability.

I have no doubt that Frank will be an asset to any property he chooses to rent in the future. Should you require any further information, please feel free to contact me.

Sincerely,

Anthony Palella
A&L Ventures LLC

A handwritten signature in black ink, appearing to read 'A. Palella', with a long, sweeping horizontal line extending to the right.



ZONING APPLICATION

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

(Please Type or Print)

- 1. Address of Subject Property: 865 TELSER 405015ROAD, UNIT 160, LAKE ZURICH, IL 60047
- 2. Please attach complete legal description
- 3. Property Identification number(s): 1409405015
- 4. Owner of record is: ZEN PROPERTIES, LLC Phone: 8479700364
E-Mail ZKUKICH@GMAIL.COM Address: 505 OAKWOOD ROAD, SUITE 120, LAKE ZURICH, IL
- 5. Applicant is (if different from owner): LUMINESCENT DETAILING Phone: 8472509090
E-Mail LUMIDETAILING@GMAIL.COM Address: 904 DONATA COURT, LAKE ZURICH, IL 60047
- 6. Applicant's interest in the property (owner, agent, realtor, etc.): TENANT
- 7. All existing uses and improvements on the property are: OFFICE/WAREHOUSE

8. The proposed uses on the property are: HIGH END AUTOMOTIVE DETAIL (CERAMIC COATING, PAINT PROTECTION FILM)

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:
N/A

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

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.

Frank Travaglio
(Name of applicant)

[Signature]
(Signature of applicant)

Subscribed and sworn to before me this 19th day of June, 2024.

[Signature]
(Notary Public)

My Commission Expires _____

ZENNY KUKICH
(Name of Owner, if different)

[Signature]
(Signature of Owner, if different)

Subscribed and sworn to before me this 19th day of June, 2024.

[Signature]
(Notary Public)

My Commission Expires 11/13/2024



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 CERAMIC COATING, PAINT PROTECTION FILM

(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 _____

LEGAL DESCRIPTION

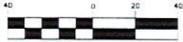
COMMON ADDRESS: 865 TELSER ROAD
LAKE ZURICH, IL 60047

LOT 2 IN THE ASTOR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 17, 2007 AS DOCUMENT 6247624 IN LAKE COUNTY, ILLINOIS.

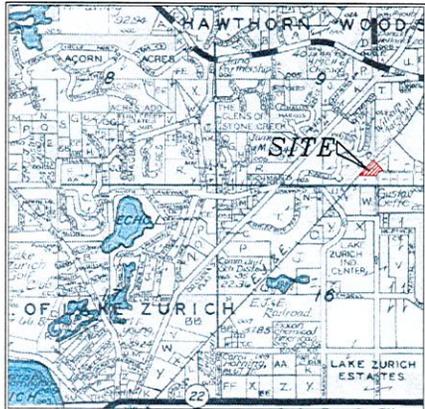
ALTA / ACSM LAND TITLE SURVEY

OF
 LOT 2 IN ASTOR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST
 QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD
 PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 27,
 2007 AS DOCUMENT NUMBER 6247624 IN LAKE COUNTY, ILLINOIS.

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.



LOCATION MAP

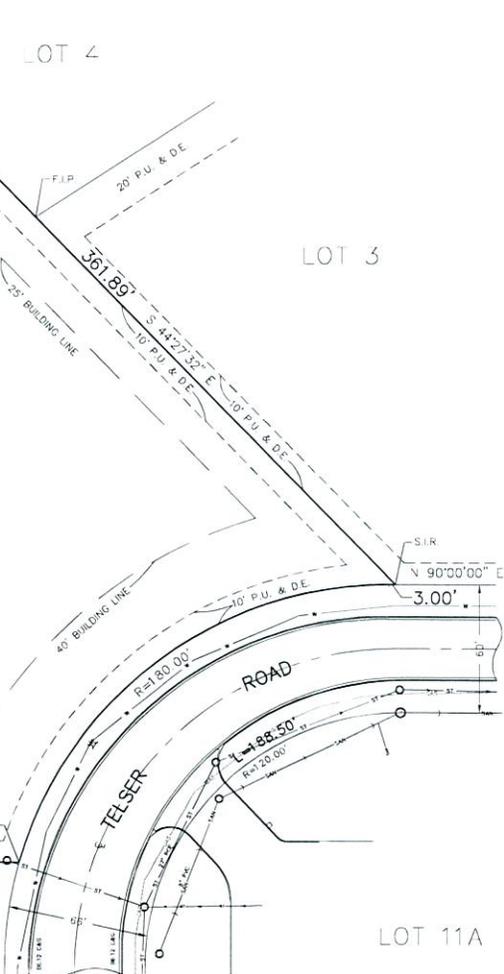
ELGIN, JOLIET & SOUTHWESTERN RAILROAD (FORMERLY THE WAUVEGAN AND SOUTHWESTERN RAILWAY COMPANY)
 WOOD & WIRE FENCE ALONG LINE (POOR REPAIR)
 529.13' 20' P.U. & D.E.
 45' BUILDING LINE
 25' BUILDING LINE
 10' P.U. & D.E.
 435.84' N 90°00'00" E
 10' P.U. & D.E.

LOT 2
 2.72 ACRES
 "VACANT"

LOT 4

LOT 3

LOT 11A



SURVEYORS NOTES:

- INFORMATION SHOWN HEREON IS AS CONTAINED IN CHICAGO TITLE INSURANCE COMPANY POLICY #1409 0007630RR NSC, DATED NOVEMBER 30, 2011.
- ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 17097C0229 F DATED SEPTEMBER 3, 1997, NOA PORTION OF THE PROPERTY IS WITHIN A FLOOD HAZARD AREA, ALL OF THE PROPERTY IS IN ZONE "X", UNSHADED.
- TOTAL AREA OF THE ABOVE CAPTIONED PROPERTY IS 2.72 ACRES OR 18,556 SQUARE FEET.
- BEARINGS ARE BASED ON AN SUBDIVISION BEARING OF NORTH 90°00'00" EAST ALONG THE NORTH LINE OF THE ABOVE CAPTIONED PARCEL.
- DISTANCES SHOWN HEREON ARE GIVEN IN FEET AND DECIMAL PART THEREOF, CORRECTED TO 62 F. AND ARE NOT TO BE ASSUMED BY SCALING.

LEGEND

	EXISTING
WATERWAY	—W—
WATER SERVICE	—WS—
SANITARY SEWER	—SS—
SANITARY SERVICE	—S—
STORM SEWER	—ST—
STORM MANHOLE	⊙
SANITARY MANHOLE	⊙
GATE BASH	⊙
INLET	⊙
WALK / WALL	—W—
FIRE HYDRANT	⊙
STREET LIGHT	⊙
ELECTRIC LINE	—E—
PHONE LINE	—P—
Gas LINE	—G—

STATE OF ILLINOIS
 COUNTY OF LAKE) SS

0;
 LP36, LLC,
 CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7, 8, 9, 11 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 19, 2011.

DATED AT LIBERTYVILLE, ILLINOIS THIS 22nd DAY OF DECEMBER, 2011.



LICENSE EXPIRES 11/30/12 VINCENT J. MASSE P.L.S. #035-2854

CHAMBERLIN / MASSE ENGINEERING
 LAND SURVEYORS ~ PLANNERS ~ ENGINEERS
 P.O.F. # 154-004041
 14044 W. PETRONELLA DRIVE, SUITE 2
 LIBERTYVILLE, ILLINOIS 60048
 (847) 362-8444 FAX 362-9350

DRAWN BY: VJM	JDR # 211080	DRAWING #
CHECKED BY: VJM	F.B. PG.	1 OF 1

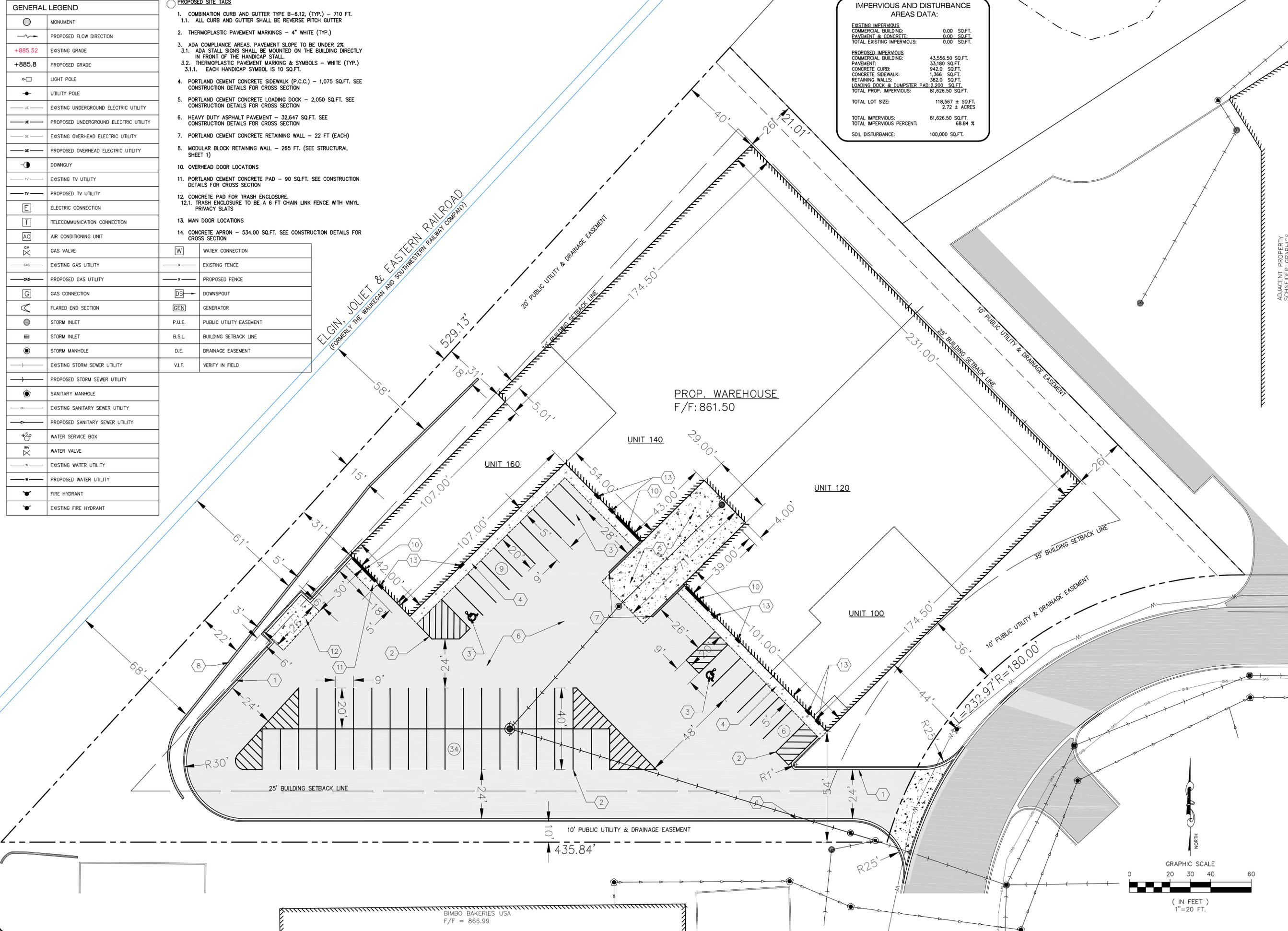
GENERAL LEGEND	
	MONUMENT
	PROPOSED FLOW DIRECTION
	+885.52 EXISTING GRADE
	+885.8 PROPOSED GRADE
	LIGHT POLE
	UTILITY POLE
	EXISTING UNDERGROUND ELECTRIC UTILITY
	PROPOSED UNDERGROUND ELECTRIC UTILITY
	EXISTING OVERHEAD ELECTRIC UTILITY
	PROPOSED OVERHEAD ELECTRIC UTILITY
	DOWNGUY
	EXISTING TV UTILITY
	PROPOSED TV UTILITY
	ELECTRIC CONNECTION
	TELECOMMUNICATION CONNECTION
	AIR CONDITIONING UNIT
	GAS VALVE
	EXISTING GAS UTILITY
	PROPOSED GAS UTILITY
	GAS CONNECTION
	FLARED END SECTION
	STORM INLET
	STORM MANHOLE
	EXISTING STORM SEWER UTILITY
	PROPOSED STORM SEWER UTILITY
	SANITARY MANHOLE
	EXISTING SANITARY SEWER UTILITY
	PROPOSED SANITARY SEWER UTILITY
	WATER SERVICE BOX
	WATER VALVE
	EXISTING WATER UTILITY
	PROPOSED WATER UTILITY
	FIRE HYDRANT
	EXISTING FIRE HYDRANT

- PROPOSED SITE TAGS**
- COMBINATION CURB AND GUTTER TYPE B-6.12, (TYP.) - 710 FT.
 - ALL CURB AND GUTTER SHALL BE REVERSE PITCH GUTTER
 - THERMOPLASTIC PAVEMENT MARKINGS - 4" WHITE (TYP.)
 - ADA COMPLIANCE AREAS. PAVEMENT SLOPE TO BE UNDER 2%.
 - ADA STALL SIGNS SHALL BE MOUNTED ON THE BUILDING DIRECTLY IN FRONT OF THE HANDICAP STALL.
 - THERMOPLASTIC PAVEMENT MARKING & SYMBOLS - WHITE (TYP.)
 - EACH HANDICAP SYMBOL IS 10 SQ.FT.
 - PORTLAND CEMENT CONCRETE SIDEWALK (P.C.C.) - 1,075 SQ.FT. SEE CONSTRUCTION DETAILS FOR CROSS SECTION
 - PORTLAND CEMENT CONCRETE LOADING DOCK - 2,050 SQ.FT. SEE CONSTRUCTION DETAILS FOR CROSS SECTION
 - HEAVY DUTY ASPHALT PAVEMENT - 32,647 SQ.FT. SEE CONSTRUCTION DETAILS FOR CROSS SECTION
 - PORTLAND CEMENT CONCRETE RETAINING WALL - 22 FT (EACH)
 - MODULAR BLOCK RETAINING WALL - 265 FT. (SEE STRUCTURAL SHEET 1)
 - OVERHEAD DOOR LOCATIONS
 - PORTLAND CEMENT CONCRETE PAD - 90 SQ.FT. SEE CONSTRUCTION DETAILS FOR CROSS SECTION
 - CONCRETE PAD FOR TRASH ENCLOSURE.
 - TRASH ENCLOSURE TO BE A 6 FT CHAIN LINK FENCE WITH VINYL PRIVACY SLATS
 - MAN DOOR LOCATIONS
 - CONCRETE APRON - 534.00 SQ.FT. SEE CONSTRUCTION DETAILS FOR CROSS SECTION

	WATER CONNECTION
	EXISTING FENCE
	PROPOSED FENCE
	DOWNSPOUT
	GENERATOR
	P.U.E. PUBLIC UTILITY EASEMENT
	B.S.L. BUILDING SETBACK LINE
	D.E. DRAINAGE EASEMENT
	V.I.F. VERIFY IN FIELD

IMPERVIOUS AND DISTURBANCE AREAS DATA:

EXISTING IMPERVIOUS	
COMMERCIAL BUILDING:	0.00 SQ.FT.
PAVEMENT & CONCRETE:	0.00 SQ.FT.
TOTAL EXISTING IMPERVIOUS:	0.00 SQ.FT.
PROPOSED IMPERVIOUS	
COMMERCIAL BUILDING:	43,556.50 SQ.FT.
PAVEMENT:	33,180 SQ.FT.
CONCRETE CURB:	942.0 SQ.FT.
CONCRETE SIDEWALK:	1,366 SQ.FT.
RETAINING WALLS:	382.0 SQ.FT.
LOADING DOCK & DUMPSTER PAD:	2,200 SQ.FT.
TOTAL PROP. IMPERVIOUS:	81,626.50 SQ.FT.
TOTAL LOT SIZE:	
TOTAL LOT SIZE:	118,567 ± SQ.FT.
TOTAL LOT SIZE:	2.72 ± ACRES
TOTAL IMPERVIOUS:	
TOTAL IMPERVIOUS:	81,626.50 SQ.FT.
TOTAL IMPERVIOUS PERCENT:	68.84 %
SOIL DISTURBANCE:	
SOIL DISTURBANCE:	100,000 SQ.FT.



PLANS PREPARED FOR:
 FLEX CONSTRUCTION
 244 TELSNER ROAD
 LAKE ZURICH IL 60047
 CONTACT: ROBERT WARDANIAN
 (847) 540-0200
 RWARDANIAN@FLEXCONSTRUCTION.COM

REVISIONS

02/20/2024	VILLAGE COMMENTS - 02/07/2024
03/19/2024	VILLAGE COMMENTS - 03/05/2024
03/25/2024	BASEIN AS-BUILT (SHEET 12) ADDED BASED ON VILLAGE COMMENTS - 03/05/2024
05/01/2024	VILLAGE COMMENTS - 04/09/2024
05/13/2024	VILLAGE COMMENTS - 05/10/2024

Permit Number
HEALTH

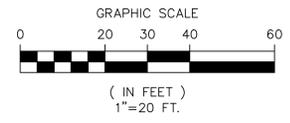
Permit Number
PLANNING



OVERALL SITE PLAN
 ZEN PROPERTIES
 LOT 2 IN ASTOR SUBDIVISION
 865 TELSNER ROAD LAKE ZURICH IL, 60047
 P.I.N. NO.: 14-09-405-015



Drawn By
ACT
 Checked By
AMS
 Date
12/29/2023
 Scale
1" = 20 Ft.
 Sheet No.
5 of 12
 Job Number
211204



Y:\P\15\2023\211204-865 Telsner Rd Lake Zurich IL - Updated Footprint - 2024\12\29 - 2024.dwg-Site - 5-2/1/2024 3:04 PM

SUBJECT PROPERTY: 865 Telser Road, Unit 160, Lake Zurich, IL

PROPERTY OWNERS WITHIN 250 OF SUBJECT PROPERTY:

1409405007

MAKAL, LLC
885 TELSER ROAD
LAKE ZURICH, IL

1409405006

ASTOR OWNERS ASSOCIATION
P.O. BOX 518
LAKE ZURICH, IL 60047

1409405008

905 TELSER, LLC
905 TELSER ROAD
LAKE ZURICH, IL 60047

1409405016

EXETER 845 TELSER, LP
845 TELSER ROAD
LAKE ZURICH, IL 60047
TAX BILL ADDRESS: 100 W. MATSONFORD, SUITE 250
WAYNE, PA 19087-4558

1409405019

TELSER HOLDINGS, LLC
850 TELSER ROAD
LAKE ZURICH, IL 60047
TAX BILL ADDRESS: 11205 LAKESHORE DRIVE
UNIT 13
LAKE GENEVA, WI 53147

1409405020

LP36, LLC
1200 FLEX COURT
LAKE ZURICH, IL 60047

1409402630

VILLAGE OF LAKE ZURICH
910 MARCH STREET
LAKE ZURICH, IL 60047

1409402029

WICKLOW VILLAGE HOA
50 COMMERCE DRIVE, SUITE 110
SCHAUMBURG, IL 60173

1416200076

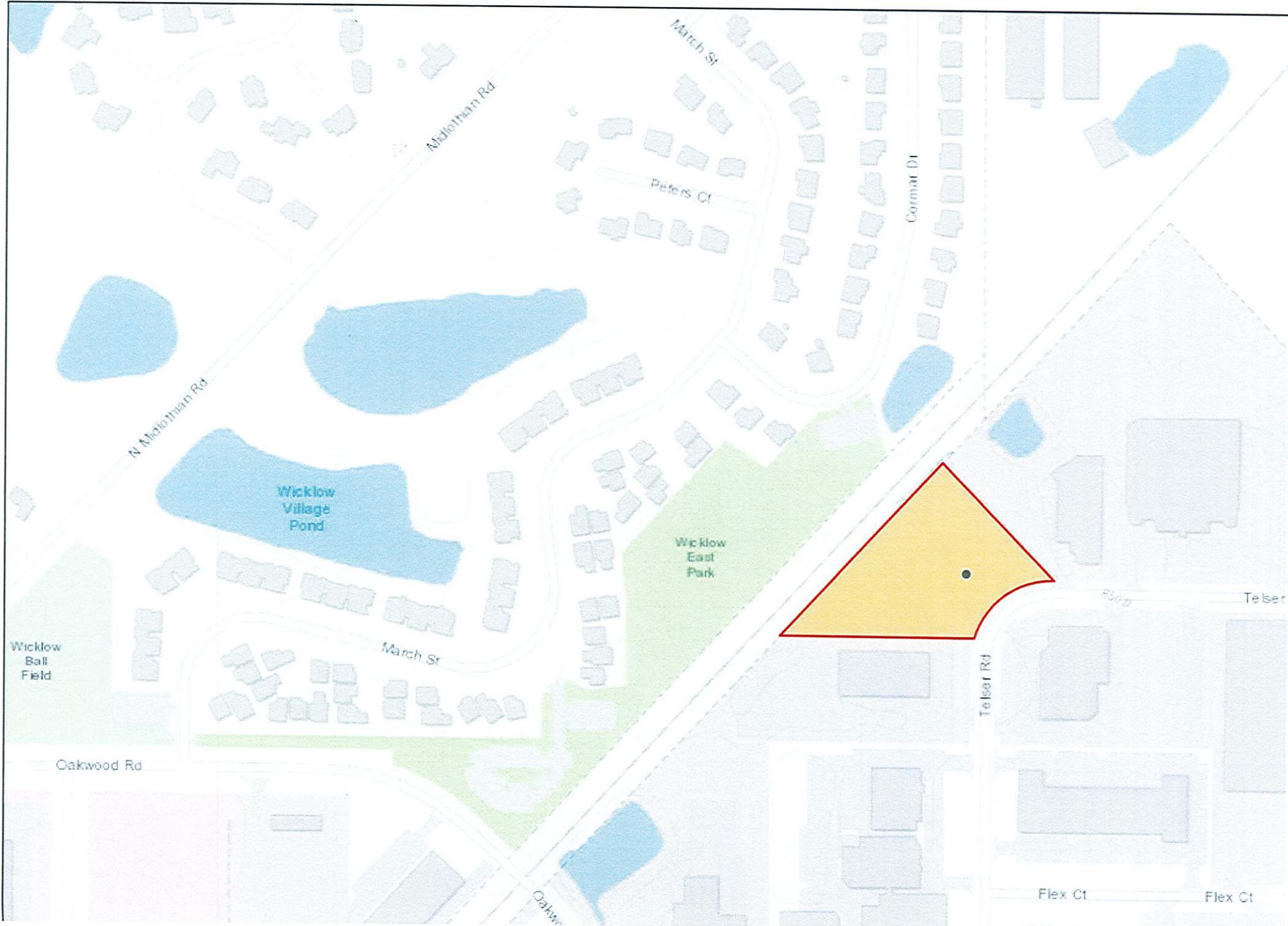
1416200074

1416200075

1415200079

SUMKA ASSOCIATION
P.O. BOX 518
LAKE ZURICH, IL 60047

A3 Landscape





At the Heart of Community

505 Telser Road
Lake Zurich, Illinois 60047

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

APPLICATION PZC 2024-06
PZC Hearing Date: July 17, 2024

AGENDA ITEM 4.D

STAFF REPORT

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

From: Sarosh Saher, Community Development Director

CC: Colleen McCauley, Village Planner
Mary Meyer, Building Services Supervisor

Date: July 17, 2024

Re: PZC 2024-06: Special Use Permit for a Cannabis Dispensary
909 South Rand Road – Dutchess Cannabis

SUBJECT

Rubino Ventures, LLC, (the “Applicant”), with the consent of JAS Management, LLC, represented by Mr. Jason Sfire (the “Owner”), requests a Special Use Permit to allow a Cannabis Dispensing Organization (otherwise known as a cannabis dispensary) at the property commonly known as 909 South Rand Road and legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

Requested Action: Special Use Permit

Current Zoning: B-1 Local & Community Business District

Existing Use: Vacant

Proposed Use: Cannabis Dispensary

Property Location: 909 South Rand Road

Applicant: Rubino Ventures, LLC

Owner: Jason Sfire (Jas Management, LLC)

Staff Coordinator: Colleen McCauley, Village Planner

LIST OF EXHIBITS

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

BACKGROUND

Rubino Ventures, LLC, and JAS Management, LLC, represented by Mr. Jason Sfire (jointly the “Applicants”), are proposing a cannabis dispensary at the Subject Property, legally described in Exhibit A attached hereto (the “Subject Property”).

The proposed land use is classified as a special use under “Cannabis Dispensing Organization (5912)” in the B-1 Local & Community Business district and as such requires consideration through the public hearing process with Village Board approval. The establishment of cannabis dispensaries was approved by the Village Board through Ordinance 2020-12-394 entitled “An Ordinance Amending Title 9 of the Lake Zurich Municipal Code (Regulations for Recreational Cannabis Organizations)” on December 21, 2020.

The regulations allowing for cannabis dispensing organizations are contained within Section 9-4-3 entitled “Special Uses,” of Chapter 4 entitled “Business Districts” of Title 9 of the Lake Zurich Municipal Code, added under Subsection C entitled “Retail Trade” Item No. 15 entitled “Cannabis Dispensing Organization,” as it pertains to the requested land use. The definitions of such land uses are contained within Chapter 9-24-2 entitled “Definitions.”

By definition, the zoning code defines the proposed land use (cannabis dispensing organization) as follows:

CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and TaxAct, (P.A. 101-0027), Pursuant to 410 ILCS 705/1, et seq, as it may be amended from time-to-time, and regulations promulgated thereunder.

Specifically, the activities allowed by the code at the Subject Property only allow Cannabis Dispensing Organizations and Cannabis Infusing Organizations. (Cannabis growing, cultivation and processing are only allowed in the I Industrial District).

The Applicant has therefore filed an application with the Village of Lake Zurich received on May 14, 2024 (the “Application”) seeking:

- Special Use Permit approval for a Cannabis Dispensing Organization, SIC 5912

The dispensary is proposed on a 0.7-acre (30,641 square-foot) parcel of land containing a vacant commercial building and parking areas. The building was being used as an Auto Repair Shop with a 120 square-foot shed in the rear, before closing. The structure is now vacant. The Applicant plans to demolish the existing structure and redevelop the site with a new code-compliant building. No requests for zoning relief on bulk regulations such as lot area, setbacks, building height, etc., are being requested by the applicant.

To the north of the Property, there are multiple commercial centers with uses such as restaurants, motor vehicle repair shops, and general retail shops. To the east of the Subject Property lies a shopping center with commercial uses including retail services and restaurants.

The proposed development will be accompanied by 25 parking spaces to the west of the new commercial building. The minimum number of parking spaces required for the 3,500 square-foot building is 18 parking spaces. To the east is Deerpath Commons Shopping Center, which was designed with parking in excess of what was required – by 40 parking spaces. If additional parking is needed for the dispensary, those spaces are available as they are under the control of the same owner.

Hours of operation are currently proposed to be between 9:00 a.m. and 9:00 p.m. Monday through Saturday and 9:00 a.m. to 8:00 p.m. on Sunday.

The store is anticipated to employ 22 full and part-time employees, with 7 employees on site at all times during operating hours.

Pursuant to public notice published on June 29, 2024, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 17, 2024, to consider the Application. On June 28, 2024 the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. **Courtesy Review.** The Applicant presented their project at a courtesy review of the Village Board on June 17, 2024. The feedback was generally positive and the Village Board recommended that the Applicant proceed with a formal application to the PZC for consideration at a public hearing. Information on the Courtesy Review is enclosed along with this report and the video stream of the meeting can be viewed at the following link: <https://play.champds.com/lakezurichil/event/123>

- B. Zoning History.** The property is zoned within the B-1 Local & Community Business District, which permits a cannabis dispensing organization as a special use. The property has historically been zoned for commercial uses – “Auto Oriented Business District,” when the property was initially annexed to the village and to accommodate the automotive repair shop. With the development properties along Rand Road, the property was zoned within the “Service, Automotive and Wholesale” business district, and in 2004 zoned within the B-1 Local and Community Business District as part of a comprehensive amendment to the zoning code.

Records indicate the existing building on the property was constructed un 1954.

- C. Surrounding Land Use and Zoning.** The subject property is located within the B-1 Local & Community Business District along Rand Road which is well-populated with various commercial uses. The land to the north and east is zoned with the Business Districts and improved with a variety of office, retail, and service uses. The properties to the south and west of the subject property are zoned within the R-5 Single Family Residential District and improved with residences within the Meadow of Lake Zurich Subdivision. The property to the west is zoned within IB Institutional Building District and is improved with a utility owned and operated by the Village.

- D.** According to Village Code, section 9-4-3(C)(15), a cannabis dispensing organization must be at least 250 feet from the property line of any park or property intended for recreational purposes, 500 feet from the property line of any school, daycare facility or group home, and 1500 feet from any other cannabis business establishment. There is no limit on the maximum number of dispensaries within the community. Additionally, such dispensaries are no longer required to be distanced from a “group home” per a recent amendment to the municipal code in January of this year. The Property complies with these requirements.

The land uses surrounding the subject property are as follows:

1. LA Fitness and Express Nutrition (825 S Rand Road) to the east across Deerpath Road
2. Midas Repair Shop (888 S Rand Road) to the north across Rand Road
3. Domino’s Pizza, Lacey’s Place, Lake County Barbell, Sherman-Williams Paint Store (890 S Rand Road) to the north across Rand Road
4. Sake Sushi & Grill, Rush Physical Therapy, Eye Level of Lake Zurich, Cozy Nails (884 S Rand Road) to the north across Rand Road
5. Development site of 7 Brew Drive-thru Coffee (880 S Rand Road) to the north across Rand Road
6. Chasers Sports Bar and Grill (830 S Rand Road) to the northeast
7. Champion Lake Zurich, HassleLess Mattress Store, and Tropical Smoothie Café (923 S Rand Road) to the east
8. Deerpath Commons Shopping Mall which includes The Treehouse Play Café, ALDI, Binny’s Beverage Depot, The Tile Shop, House of Hope Resale, and Planet Fitness to the southeast. Note the tenant space containing the Treehouse Play Café, a children’s recreational establishment is located approximately 1,037 feet from the Subject Property.

The parameters used for measuring the distance limitation are as follows:

The distance limitation shall be measured in a straight line from the nearest exterior structural wall of each cannabis establishment to the nearest property line of the premises of any school, child daycare facility, parks, property intended for recreational purposes.

- E. Trend of Development.** The subject property is located adjacent to a well-established retail center along the Rand Road corridor. Rand Road is a regional arterial street that connects a number of communities in Southwest Lake County and surrounding counties to Lake Zurich. The proposed cannabis dispensary is a retail use being proposed within the well-established retail area.

The Subject Property is also adjacent to the rear yards of residential properties within the Meadows of Lake Zurich subdivision. The Subject Property shares common lot lines with three of these residences – two to the west and one to the south. There is no distancing limitation between the proposed use and residential property.

- F. Zoning District.** The B-1 Local & Community Business District is intended to provide locations for major retail centers. The regulations are designed to encourage a broad range of attractive retail and compatible service uses in those centers.

GENERAL FINDINGS

Staff has evaluated the requested Special Use Permit individually for the current and proposed operations of the business and has provided its recommendations as such. Staff offers findings and recommendation on specific sections of the Code, in particular, provided recommendations and conditions on how the proposed operations can be conducted in compliance with the Standards for Special Use Permits.

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 proposed retail use will continue to remain in substantial conformance with the purpose and intent of the B-1 local and community business 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 cannabis dispensary is a land use that is allowed as a special use within the B-1 local & community business district. All activities will take place within the enclosed commercial building and will have minimal impact to the immediately adjacent parcels. Customers will be able to access the proposed commercial building directly off of Rand Road while traveling south. The Deerpath Commons shopping center to the east, also accessed from Rand Road, will provide additional access and parking for the site. The proposed cannabis dispensary will be located on a site that is already developed, where similar retail uses are operating on adjacent properties to the east and north.

The proposed cannabis dispensary will be outfitted with enhanced safety features in compliance with the Illinois Cannabis and Tax Regulation so as to ensure public health, safety, and general welfare. Such safety features include alarms on all entry points, shatterproof windows, panic alarms, and high-resolution cameras installed to provide unobstructed video surveillance of all enclosed dispensary areas and outdoor areas on the premises. A comprehensive security plan will be in effect as required and approved by the State of Illinois.

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

Staff Response: Standard met. The land use will be operated entirely within the enclosed building on the property. All parking will be accommodated on the site. Based on the frequency of customers to the proposed business, there is sufficient parking to accommodate the clients and employees on the property without interfering with the use, development and operations of adjacent properties.

The existing cross vehicular access will continue to be used between the Subject Property and the shopping center to the east to accommodate traffic flow. Additional parking will also be available on the property to the east in the event it is needed.

No vehicular or pedestrian connection exists or is proposed between the Subject Property and properties to the west and south.

The Subject Property and adjacent residential properties are currently separated by means of a 5-foot high board-on-board fence and existing landscape material in the form of trees. The proposed landscape plan provides

for the maintenance of the existing fence and trees, but proposes additional landscape material in the form of evergreen and deciduous trees and shrubs to further screen the property and its activity from the adjacent land uses.

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

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

The establishment of a stormwater management plan will be required as part of the development of the site.

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 met. The subject property is served by Rand Road, which is a regional arterial street that connects a number of communities in Southwest Lake County and surrounding counties to Lake Zurich. Because this road will provide the only access to the site, (Deerpath Commons is also only accessed by Rand Road) surrounding streets will not experience any uptick in traffic congestion. Rand Road is designed with a level of service to accommodate the proposed retail use on this site.

The proposed development will have 25 parking spaces which satisfies the minimum parking requirement (18 spaces) for the cannabis dispensary as proposed.

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

Staff Response: Standard met. The proposed use will not result in the destruction or removal of any natural features. The proposed use would redevelop the existing commercial site and add additional landscaping.

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. No modifications to the site are being proposed that would require additional compliance with the requirements of the zoning code.

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 land use will continue to have a positive effect on the zoning district by utilizing an otherwise vacant automotive repair facility in the B-1 local & community business district.

- 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. Cannabis dispensaries are subject to the following additional standards for the special use. The proposed dispensary meets these requirements. These conditions will additionally be added to the conditions for approval within the enabling ordinance.

- a. *The establishment and operation of such uses shall conform to the provisions of Title 3 “Business Licensing, Regulation, Taxation, and Fees.”*
The business will be required to obtain a Certificate of Occupancy and Business License from the village before commencing operations.
- b. *Such uses shall not be located within five hundred feet (500 feet) of the property line of any school, daycare facility or group home*
The use will not be located within 500 feet of any of these uses.
- c. *Such uses shall not be located within two hundred fifty feet (250 feet) of the property line of any parks or property intended for recreational purposes.*
There are no parks or properties intended for recreational purposes located within 250 feet of the Subject Property.
- d. *Such uses shall not be located within 1,500 feet (state law) of any other Cannabis Business Establishment as defined in Chapter 9-24-2.*
There are no other cannabis business establishments located within 1,500 feet of the Subject Property. The only other cannabis dispensary in the village is approximately 3,000 feet, over half a mile, away.
- e. *Such uses may open for operation no earlier than 6:00 a.m. and close no later than 10:00 p.m.*
The proposed hours of operation are 9:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 8:00 p.m. on Sunday.

- f. *Such Uses shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.*

The Applicant is required to comply with this requirement by State statute and will be required to post signs stating such requirement.

- g. *The on-premise use of cannabis and cannabis-related products shall be prohibited.*

The Applicant is required to comply with this requirement by State statute. Additionally, no lounge space is being proposed as part of this establishment.

- h. *No cannabis related uses shall be maintained or operated in a manner that causes, creates, or allows the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system.*

The applicant proposed to install signage that will contain the dispensary name "Dutchess Cannabis" along with their logo. No flashing lights, search lights, right-of-way spot lights or any similar lighting system are being proposed on the exterior of the building.

- i. *All cannabis related uses shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses.*

The Applicant has applied for and been awarded a license by the state to operate under the requirements of state statute 410 ILCS 705/15-100. The security and surveillance plan are as follows:

- **The facility will be outfitted with perimeter alarms on all entry points, shatter proof windows, and accompanying glass break sensors, panic alarms and buttons, and high-resolution cameras installed on the building and surrounding the site to provide unobstructed video surveillance of all enclosed and outside areas.**
- **There will be third-party, armed security guards on-site at all hours of operation and when employees are on site. The security will perform sweeps of the exterior of the building to ensure there are no security threats present.**
- **Data backup of all footage is maintained according to the State of Illinois requirements with access to the Illinois State Police on demand.**

- 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 land use will fill an otherwise vacant lot in the B-1 local & community business district. Residents of the village will be provided with a convenient location to purchase recreational cannabis within a retail establishment.

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. There is no evidence that the proposed location is inappropriate for the proposed land use, so an alternative location would not be any more appropriate than the proposed location. Additionally, the zoning classification, separation and disbursement requirements of the regulations restricts the location of the establishment to a few locations within the office, business and industrial districts.

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 subject property offers an ideal location for the proposed land use. The cannabis dispensary will be established and operated in a manner to prevent any undue adverse effect on itself or on adjacent surrounding property in relation to its location, design and operation. All primary activities of the proposed use are to be conducted within the enclosed 3,500 square-foot building.

The Subject Property and adjacent residential properties are currently separated by means of a 5-foot high board-on-board fence and existing landscape material in the form of trees. The proposed landscape plan provides for the maintenance of the existing fence and trees, but proposes additional landscape material in the form of evergreen and deciduous trees and shrubs to further screen the property and its activity from the adjacent land uses.

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

Staff of the Community Development Department therefore recommends the approval of Application PZC 2024-06, 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, Cover Letter, and background information dated May 14, 2024 prepared by Mr. Jason Sfire of JAS Management LLC.
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Plat of Survey prepared by R.E. Decker P.C. Professional Land Surveyors, dated October 20, 1999.
 - d. Special Use Analysis Report prepared by Schain Banks dated June 21, 2024 which includes an overview of the development and an analysis of the special use standards. Included in the document are as follows:
 - i. Site Plan, Exhibit 1
 - ii. Floor Plan (Interior), Exhibit 2
 - iii. Exterior Elevations, Exhibit 3
 - iv. Signage Plan, Exhibit 4
 - e. Conceptual Renders prepared by JTS Architects.
 - f. Tree Preservation Plan (Sheet L0.0) and Landscape Plan (L1.0) prepared by Terra Engineering Ltd., dated April 22, 2024.
 - g. Presentation to the Village of Lake Zurich, June 17, 2024 containing background and general information on the Dutchess Cannabis proposed development.
2. All activity related to the operation of the business shall be conducted within the enclosed building. The special use constituting this cannabis dispensary shall be located within approximately 3,500 square feet of space within the commercial building addressed at 909 South Rand Road as depicted on the Site and Floor Plans submitted by the Applicant dated May 14, 2024. Such Special Use shall be allowed to continue under successive ownership, so long as the general design and operation is in substantial conformance with the approvals granted by this ordinance. Such Special Use shall expire if this cannabis dispensary is not established within two (2) years of the effective date of this ordinance or ceases operating at the Subject Property for a period of six (6) consecutive months or more.
3. The establishment and operation of such uses shall conform to the provisions of Title 3 “Business Licensing, Regulation, Taxation, and Fees,” requiring approval of a Certificate of Occupancy and Business License prior to commencing operations.
4. The proposed cannabis business establishment at the Subject Property at 909 South Rand Road shall prohibit any person who is under the age of twenty-one (21) years of age from

entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.

5. The on-premise use of cannabis and cannabis-related products shall be prohibited. For the purposes of this condition the word “premises” shall mean the “...lot, plot or parcel of land, together with the buildings and structures thereon.”
6. The proposed land use constituting this cannabis dispensary shall be maintained or operated in a manner that does not cause, create, or allow the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system. All exterior signage shall require approval through a sign permit.
7. The land use shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses, and in accordance with the narrative included within the application submitted by the Applicant dated May 14, 2024.
8. An exterior lighting plan shall be prepared and submitted to propose exterior lighting in conformance with the requirements of Chapter 8 of the Lake Zurich Zoning Code entitled “Lighting and Landscaping.”
9. The development containing the proposed land use shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich and with the compliance inspection as mandated by state statute 410 ILCS 705/15-100 for such businesses.

Respectfully Submitted,

Colleen McCauley, Village Planner

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

**909 South Rand Road
July 17, 2024**

The Planning & Zoning Commission recommends approval of Application **PZC 2024-06**, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 17, 2024** 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, Cover Letter, and background information dated May 14, 2024 prepared by Mr. Jason Sfire of JAS Management LLC.
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Plat of Survey prepared by R.E. Decker P.C. Professional Land Surveyors, dated October 20, 1999.
 - d. Special Use Analysis Report prepared by Schain Banks dated June 21, 2024 which includes an overview of the development and an analysis of the special use standards. Included in the document are as follows:
 - i. Site Plan, Exhibit 1
 - ii. Floor Plan (Interior), Exhibit 2
 - iii. Exterior Elevations, Exhibit 3
 - iv. Signage Plan, Exhibit 4
 - e. Conceptual Renders prepared by JTS Architects.
 - f. Tree Preservation Plan (Sheet L0.0) and Landscape Plan (L1.0) prepared by Terra Engineering Ltd., dated April 22, 2024.
 - g. Presentation to the Village of Lake Zurich, June 17, 2024 containing background and general information on the Dutchess Cannabis proposed development.
2. All activity related to the operation of the business shall be conducted within the enclosed building. The special use constituting this cannabis dispensary shall be located within approximately 3,500 square feet of space within the commercial building addressed at 909 South Rand Road as depicted on the Site and Floor Plans submitted by the Applicant dated May 14, 2024. Such Special Use shall be allowed to continue under successive ownership, so long as the general design and operation is in substantial conformance with the approvals granted by this ordinance. Such Special Use shall expire if this cannabis dispensary is not established within two (2) years of the effective date of this ordinance or ceases operating at the Subject Property for a period of six (6) consecutive months or more.
3. The establishment and operation of such uses shall conform to the provisions of Title 3 “Business Licensing, Regulation, Taxation, and Fees,” requiring approval of a Certificate of Occupancy and Business License prior to commencing operations.

4. The proposed cannabis business establishment at the Subject Property at 909 South Rand Road shall prohibit any person who is under the age of twenty-one (21) years of age from entering such facility, except for cardholders over eighteen (18) years of age who are granted medical access under the Compassionate Use of Medical Cannabis Act.
 5. The on-premise use of cannabis and cannabis-related products shall be prohibited. For the purposes of this condition the word “premises” shall mean the “...lot, plot or parcel of land, together with the buildings and structures thereon.”
 6. The proposed land use constituting this cannabis dispensary shall be maintained or operated in a manner that does not cause, create, or allow the public viewing of cannabis, or cannabis-related products from any sidewalk, public or private right of way, or any property other than the lot on which such use is located. No portion of the exterior of the facility shall utilize or contain any flashing lights, search lights, right-of-way spot lights or any similar lighting system. All exterior signage shall require approval through a sign permit.
 7. The land use shall implement and maintain a security and surveillance plan in accordance with state statute 410 ILCS 705/15-100 for such businesses, and in accordance with the narrative included within the application submitted by the Applicant dated May 14, 2024.
 8. An exterior lighting plan shall be prepared and submitted to propose exterior lighting in conformance with the requirements of Chapter 8 of the Lake Zurich Zoning Code entitled “Lighting and Landscaping.”
 9. The development containing the proposed land use shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich and with the compliance inspection as mandated by state statute 410 ILCS 705/15-100 for such businesses.
- Without any further additions, changes, modifications and/or approval conditions.
- With the following additions, changes, modifications and/or approval conditions:

Planning & Zoning Commission Chairman

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF RAND ROAD AND THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 181.27 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE NORTH PARALLEL WITH THE SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 244.40 FEET TO THE SOUTHWESTERLY LINE OF SAID RAND ROAD; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD 156.24 FEET, TO THE POINT OF BEGINNING IN LAKE COUNTY, ILLINOIS.

Common Street Address: 909 South Rand Road
Property Index Number (PIN): 14-29-200-026

EXHIBIT B

PUBLIC HEARING SIGNS PRESENT AT SUBJECT PROPERTY





909 S Rand Road

Special Use Permit



0 50 100 200 feet

A horizontal scale bar with tick marks at 0, 50, 100, and 200 feet.

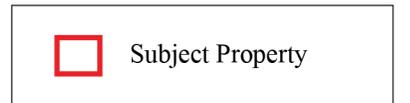
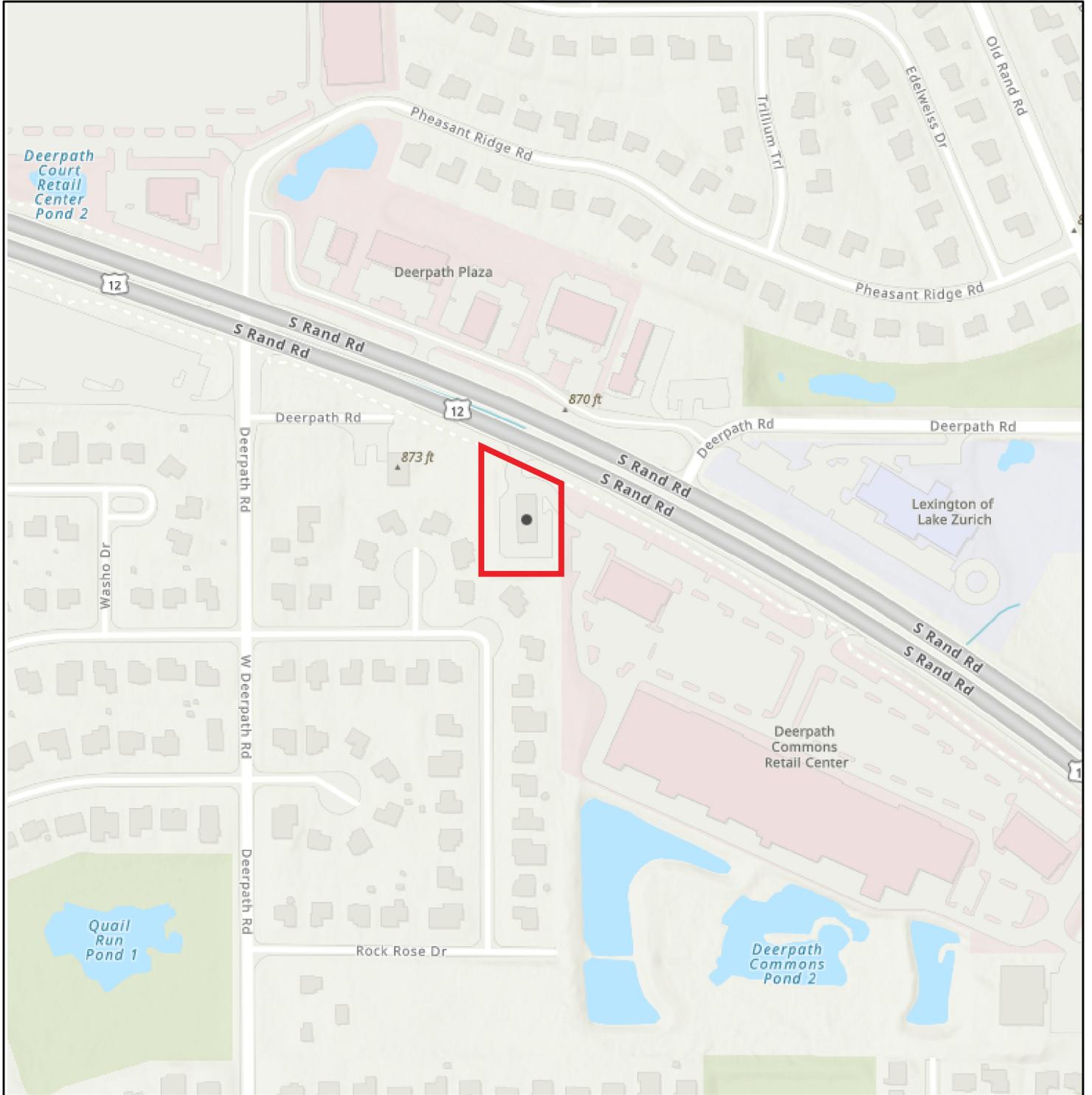
 Subject Property

 Tax Parcels



909 S Rand Road

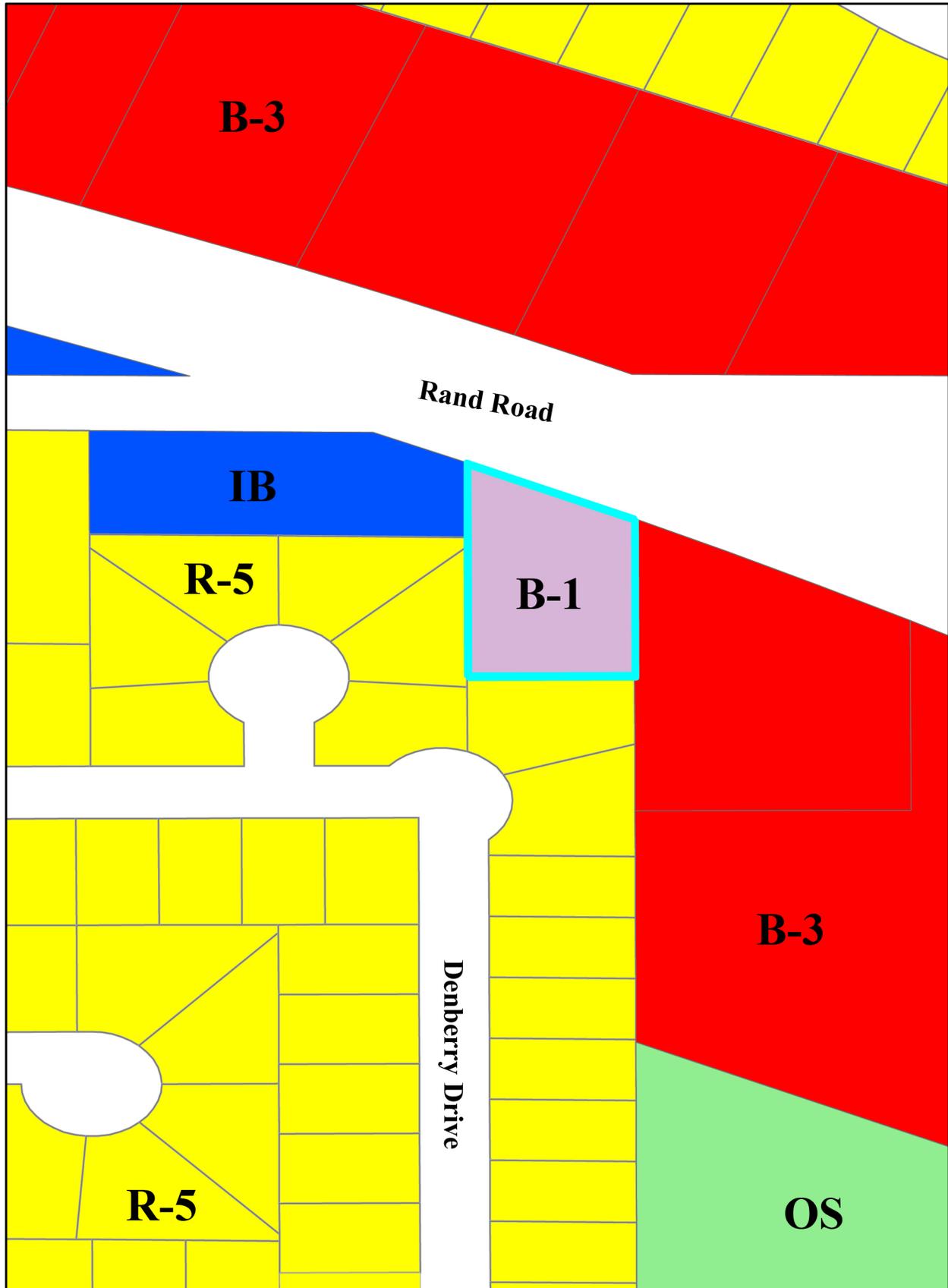
Special Use Permit





909 S Rand Road

Special Use Permit



0 50 100 200 feet

 R-5	 Open Space
 IB	 B-3
 B-1	 Subject Property



ZONING APPLICATION

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

(Please Type or Print)

1. Address of Subject Property: 909 S. Rand Road

2. Please attach complete legal description

3. Property Identification number(s): 14-29-200-026

4. Owner of record is: JAS MANAGEMENT LLC / Jason Sfire Phone: 847-438-5000

E-Mail jason@fgltd.net Address: 795 Ela Road, Suite 110, 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.): Developer

7. All existing uses and improvements on the property are: B-1 Automotive Repair - Existing

8. The proposed uses on the property are: B3 - Cannabis Dispensary

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 KNOWN

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.

Jason Alan Sfire
(Name of applicant)

[Signature]
(Signature of applicant)

Subscribed and sworn to before me this 14th day of MAY, 2024.

Sandra Morga
(Notary Public)

My Commission Expires 8-8-2027



(Name of Owner, if different)

(Signature of Owner, if different)

Subscribed and sworn to before me this _____ day of _____, 2024.

(Notary Public)

My Commission Expires _____



Special Use Analysis Report

909 S. Rand Road, Lake Zurich, Illinois

June 21, 2024

Prepared for





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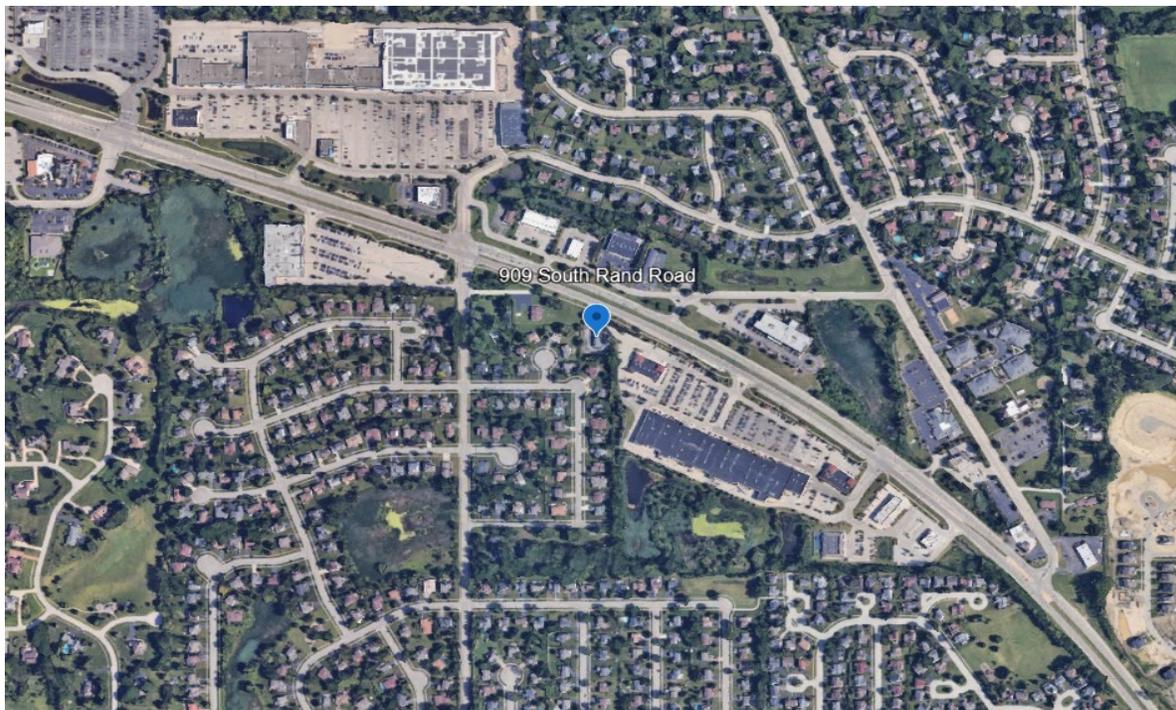
I. Request

The Applicant, Rubino Ventures, LLC, seeks a special use permit to establish a cannabis dispensing organization at 909 South Rand Road pursuant to Section 9-4-3(C)(15) of the Lake Zurich Zoning Code. The Applicant is eager to vitalize the subject property with a reliable business by eliminating a vacancy and bringing jobs to the surrounding area. The Applicant will establish a high-end cannabis dispensing organization providing the highest quality cannabis products for its clientele at affordable prices. This Applicant will provide comfort and trust to its customers by maintaining the consistency of the product. The Applicant will accomplish this by working closely with licensed adult-use cultivation centers, craft growers, processors, and infusers, that produce high-end quality products. Furthermore, the Applicant prides itself on its customer service by providing its customers with an efficient and intuitive experience.

The proposed use will require the Applicant to demolish the existing one-story building previously used as an automotive repair shop and construct a new one-story building at the subject property. The proposed cannabis dispensing organization will operate substantially similarly to the surrounding retail businesses with the added benefit of enhanced security.

II. Property Location

The subject property is located at 909 South Rand Road, Lake Zurich Illinois 60047 (the “Property”).





The Property was last improved with a one-story building that is approximately 4,018 square feet on a 30,641 square-foot lot. The building was being used as an Automotive Repair Shop with a 10 x 12 frame shed in the rear. The Applicant plans to demolish the existing structure. The Property is connected to the Village of Lake Zurich's public sewer and water services and there are no known drainage issues at the site. There will be no changes to existing grades or increases in impervious surface areas which would modify or increase stormwater runoff. The proposed use will not require existing community facilities (transportation, utilities, or drainage) or services (police, fire, etc...) to a degree disproportionate to that normally expected of any permitted use in the district nor in a way as to place an undue burden on existing development in the area. None of the building areas are on wetlands or conservancy soils.

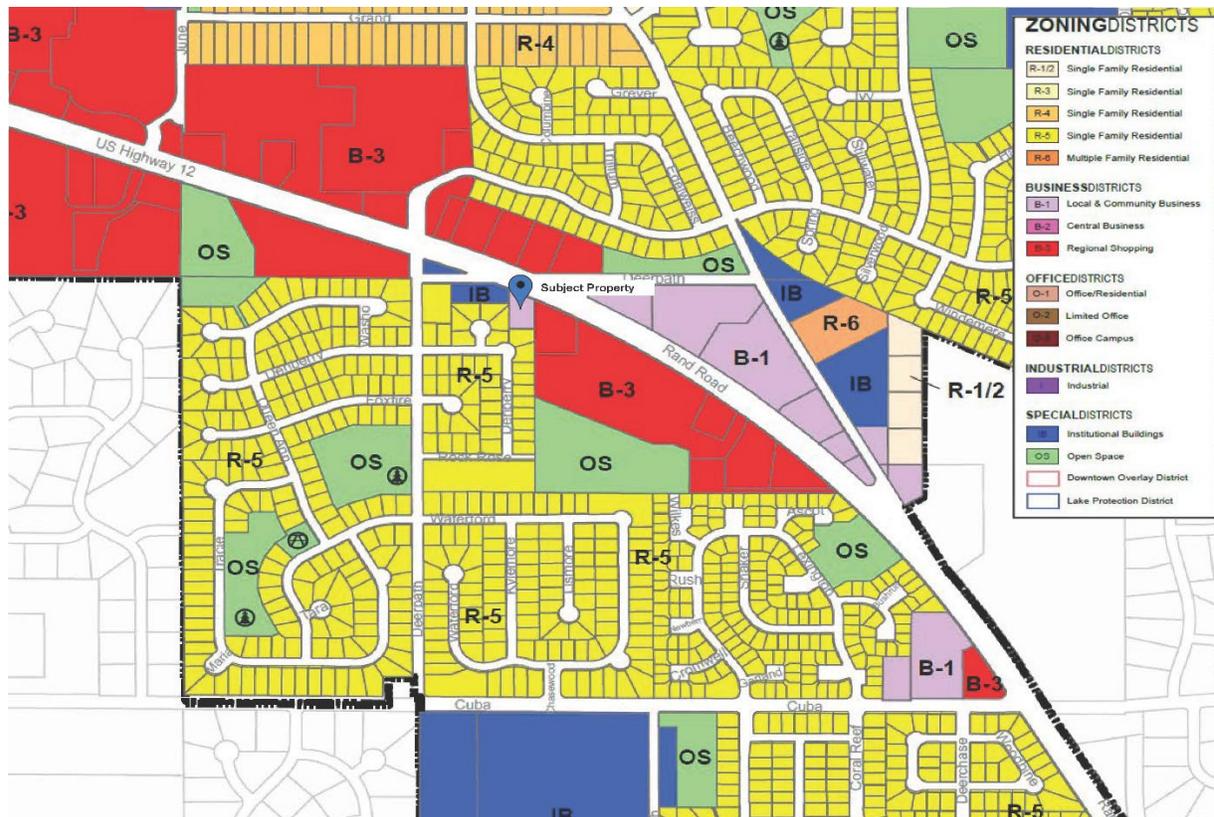
Rand Road is a public road that is commercial in nature as it is well populated with various commercial uses. The Property is within a B1-1 Local and Community Business District whose regulations are specifically designed to encourage a broad range of attractive retail service uses and permit the establishment of a cannabis dispensing organization subject to an approved special use. The proposed location is perfect for the proposed use because the Applicant seeks to replace a motor service use with a retail business that will revitalize the lot with a new code-compliant building.

The Property has natural screening provided by the various existing trees and other natural fauna at the site. The trees and shrubs span all corners of the subject property. Furthermore, the Property has an existing fence that also encompasses the entire lot. The proposed fencing, natural trees, and fauna will provide more than ample screening of the use. This will directly benefit the residential properties that abut the lot to the South and West, preventing the proposed use from interfering with the enjoyment or use of their residential properties or interfering with the health and safety of the neighborhood.

To the north of the Property, there are multiple commercial centers with uses such as restaurants, motor vehicle repair shops, and general retail shops. To the east of the Property lies a shopping center with commercial uses such as a veterinarian clinic, retail services, and restaurants. The proposed use will not negatively impact any of the surrounding uses.

III. Zoning

The Property lies within a B-1 Local and Community Business District, which permits a cannabis dispensing organization as a special use. Section 9-4-1 of Lake Zurich's Zoning Ordinance states that the purpose and intent of a B-1 is to "provide locations for major retail centers. The regulations are designed to encourage a broad range of attractive retail and compatible service uses in those centers."



The Property has a total lot area of 30,641 square feet and will be improved with a one-story commercial building with an area of 3,500 square feet.

a. Bulk, Space, & Yard Requirements

Title 9, Section 9-4-10 of the Lake Zurich Municipal Code provides the following Bulk Regulations. The proposed application complies with each of these standards.

Bulk and Density Regulations	
Maximum Height	<u>Principal Structures</u> - 35 ft - 2 Stories <u>Accessory Structures</u> - 25 ft
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Minimum Yards	- Front & Corner Side: 25 ft. - Side: 10 ft. - Rear: 25 ft.
Maximum Floor Area Ratio	<u>Retail Use:</u> - 1-story: 0.18 - More than 1-story: 0.18 <u>All Other Uses:</u>



	- 1-story: .25 - More than 1-story: .27
Minimum Landscaped Surface Area	<u>Retail Uses: 40%</u> <u>All Other Uses: 40%</u>

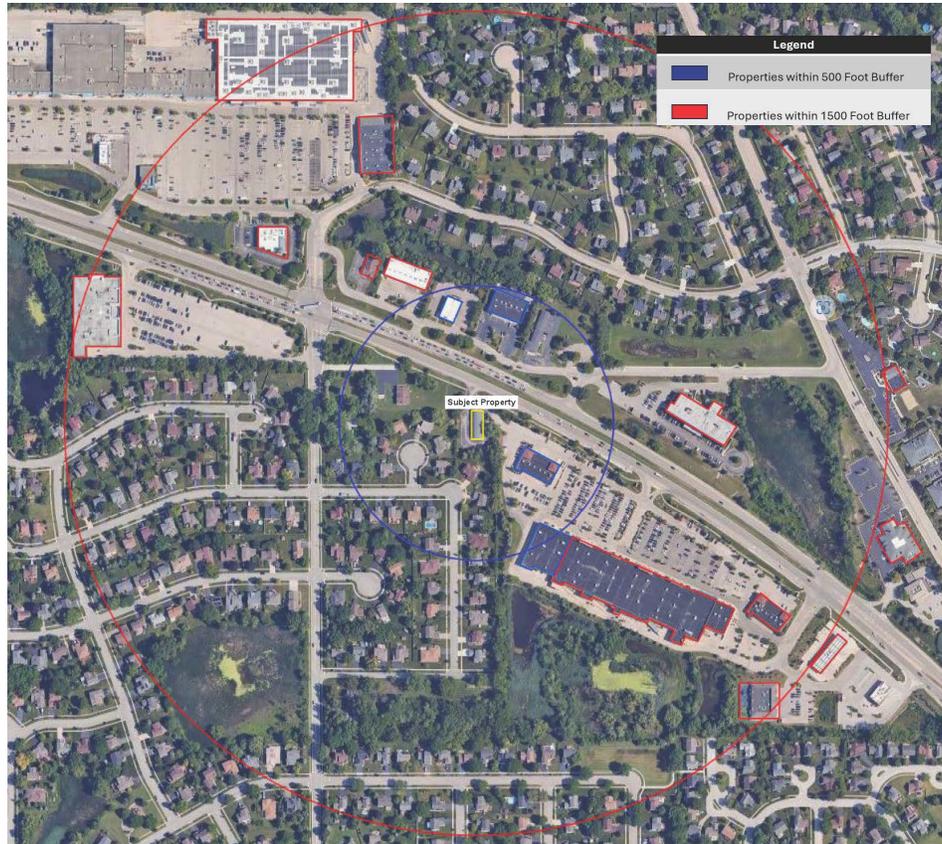
IV. Land Use

a. Existing Land Use

The Property is currently vacant. Prior to the vacancy, the former property owners ran a single-story auto repair shop that had a 10 X 12 shed in the rear. The Property is connected to the Village’s public sewer and water services and there are no known drainage issues at the site. Further, none of the building areas are on wetlands or conservancy soils.

b. Surrounding Land Uses

Rand Road is a public road that is commercial in nature, and it is well-populated with various commercial uses. The Village has requirements for the surrounding land use of a cannabis dispensing organization. According to Village Code, section 9-4-3(C)(15), a cannabis dispensing organization must be at least 250 feet from the property line of any park or property intended for recreational purposes, 500 feet from the property line of any school, daycare facility or group home, and 1500 feet from any other cannabis business establishment. The Property complies with these requirements, and the map and accompanying table below show surrounding land uses within 500 feet and 1500 feet respectively. Vacant properties, excluding the Property, are not marked on the map.



Surrounding Land Use Table

Street Name	Name	Existing Use	Distance Buffer
825 S Rand Rd	LA Fitness	Health Club	1500 Feet
825 S Rand Rd	Express Nutrition LLC	Retail Trade	1500 Feet
890 S Rand Rd Ste C	Domino's Pizza	Restaurant	500 Feet
888 S Rand Rd	Midas	Auto Repair Shop	500 Feet
890 S Rand Rd Ste B	Lacey's Place	Coin Operated Amusement Devices	500 Feet
890 S Rand Rd Ste E	Sherwin-Willaims Paint Store	Paint Store	500 Feet
890 S Rand Rd Ste A	Lake County Barbell	Gymnasium	500 Feet
884 S Rand Rd Ste F	Sake Sushi & Grill	Restaurant	1500 Feet
884 S Rand Rd Ste B	Rush Physical Therapy	Miscellaneous Personal Services	1500 Feet
884 S Rand Rd	Eye Level of Lake Zurich	Educational Service	1500 Feet
884 S Rand Rd Ste E	Cozy nails Lake Zurich	Beauty Shop	1500 Feet
880 S Rand Rd	Alpine Animal Hospital	Veterinarian Services	1500 Feet
830 S Rand Rd	Chasers Sports Bar and Grill	Restaurant	1500 Feet



917 S Rand Rd	Companion Lake Zurich	Veterinarian Services	500 Feet
923 S Rand Rd	Tropical Smoothie Cafe	Restaurant	500 Feet
923 S Rand Rd	HassleLess Mattress	Home Furniture Store	500 Feet
935 S Rand Rd	Planet Fitness	Health Club	500 Feet
951 S Rand Rd	Lake Zurich Illinois Secretary of State Facility	State Administration Building	1500 Feet
955 S Rand Rd	House of Hope Resale	Used Merchandise Store	1500 Feet
965 S Rand Rd	The Tile Shop	Retail Trade	1500 Feet
975 S Rand Rd	Binnys	Liquor Store	1500 Feet
981 S Rand Rd	ALDI	Grocery Store	1500 Feet
985 S Rand Rd	The Treehouse Play Café	Children's Indoor Recreational Facility	1500 Feet
997 S Rand Rd	Panda Express	Restaurant	1500 Feet
1007 S Rand Rd	T Mobile	Consumer Electronic Store	1500 Feet
1011 S Rand Rd	Smoke Shop Pipes & Stuff	Tobacco Store	1500 Feet
1003 S Rand Rd	May's Lounge	Coin Operated Amusement Devices	1500 Feet
1015 S Rand Rd	ONE Dentistry	Dentist Office	1500 Feet
S Rand Rd	Murphy USA	Gas Station	1500 Feet
S Rand Rd	The Learning Experience – Lake Zurich	Child Daycare Services	1500 Feet
832 S Rand Rd	District 95 Administration Center	School District Administration Building	1500 Feet
820 S Rand Rd	Walmart Supercenter	Department Store	1500 Feet
820 S Rand Rd	Subway	Restaurant	1500 Feet
900 S Rand Rd	Avantara Lake Zurich	Miscellaneous services	1500 Feet
910 S Old Rand Rd	New Life Angelical Lutheran	Institutional Building	1500 Feet
941 S Old Rand Rd	Davenport Family Funeral Homes and Crematory – Lake Zurich	Funeral Home	1500 Feet

c. Proposed Land Use

The Applicant seeks to establish a cannabis dispensing organization that complies with the requirements established by the Village Code and pursuant to a validly issued license by the State of Illinois and in strict compliance with the Illinois Cannabis Regulation and Tax Act. The proposed use will not require existing community facilities (transportation, utilities, or drainage) or services (police, fire, etc...) to a degree disproportionate to that normally expected of any permitted use in the district nor in a way as to place an undue burden on existing development in



the area. This redevelopment will wholly revitalize this currently vacant plot of land by improving the existing structure to a one-story, state-of-the-art cannabis dispensing organization. The proposed land use will bring high-end commercial activity to this commercial corridor. Therefore, the proposed land use will be perfectly compatible with the existing improvements in the area.

d. Proposed Use Standards

Development of the surrounding area is comprised of typical commercial and retail uses found within the Village's B-1 local and community businesses and B-3 regional shopping districts. The proposed cannabis dispensing organization will operate similarly to all other retailers at this existing commercial node, with the exception that the proposed use will require photo identification and/or medical documentation to enter. It will be limited to those customers 21 years old and over and 18 years old and over with proper medical documentation, according to the pertinent state statutes. Therefore, the proposed use will be aligned with the character of the surrounding improvements while providing a public benefit through employment opportunities and tax revenue. The site's configuration prevents the vehicular traffic generated from interfering with other commercial uses that use the same side street.

The proposed use's site design removes the existing structure but protects the naturally existing fauna and provides new shrubbery around the site, protecting the character of the area. Lastly, due to prior use, the site has adequate public facilities and services to establish the proposed use. Consequently, the proposed use meets all of Lake Zurich's special use standards.

V. Impact on Existing or Planned Uses

Commercial uses are abundant on South Rand Road. The proposed use will not negatively impact the surrounding uses because (1) the location of the store while directly connected to Rand Road is fully encompassed on its own campus, (2) the proposed retail trade use sits within a commercial zoning district, and (3) the propose commercial activity will take place completely inside thus not negatively impacted the surrounding use. The proposed use is a low-impact retail use that produces amount negligible amounts of additional noise and light while bringing pedestrian/vehicular traffic to the other commercial uses in the surrounding area.

While there is residential property to the west and south, the proposed special use will not have any negative impact on the nearby residences. As mentioned above, the Property has natural fauna and shrubbery scattered around the lot line which will provide natural screening to the surrounding uses including the residences to the west and south. The Applicant proposes to have over fifteen (15) trees such as the Bloodgood London Planetree and the Techny Arborvitae and over two hundred and seventy-five (275) shrubs such as Green Mound Currant and Blue Muffin Viburnum on the Property. This mixture of existing and new proposed landscaping will provide sufficient natural screening to prevent any negative impact on the surrounding uses.

Furthermore, none of the traffic generated by the new commercial use will affect the residential neighborhood because the ingress and egress from the property to South Rand Road are separate from the ingress and egress used for the residential neighborhood and the other commercial uses.



VI. Design

a. Site Circulation

Site circulation will occur from directly off S Rand Road to a small side road. Upon entering the site from the northern access point, circulation is provided into the parking lot via a two-way, parking lot drive aisle, approximately 24 feet in width. Then, upon entering the parking lot the prospective customer will enter the building at a north access point to enter the sales. The staff and product deliveries will enter from the single access point off of Rand Road but will enter the site from a south “receiving” entrance.

b. Parking Supply and Demand

The Village classifies cannabis dispensing organizations as a special use within its definition of retail trade in Section 9-4-3(C)(15) of the zoning code. Within the off-street parking requirements, listed in Section 9-10-1(F)(2)(b)(1), the “retail trade uses not otherwise listed” would encompass this proposed special use. This use requires 1 parking space for each 200 square feet of net floor area, except 1 for each 300 square feet of net floor area in the B-2 district. In this instance, the Property lies within a B-1 Local and Community Business District, so it must comply with the first off-street parking requirement listed. This results in 20 required parking spaces for this use. Currently, the proposed redevelopment will create 25 parking spaces, which will comply with the off-street parking requirements established by the Village. In addition, the Applicant has the ability, albeit not a need, to use the common parking spaces for Deerpath Commons. Presently, Deerpath Commons is overparked by approximately 40 parking spaces. Therefore, the Applicant has 65 parking spaces available to it.

VII. Building Design

a. Proposed Floor Plan Improvements

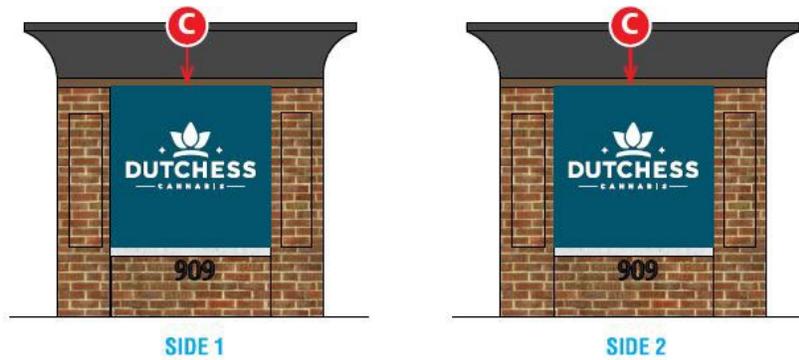
The new proposed building is a single-story retail facility with its largest room being the Sales Room. The prospective customer will enter an entry and exit point where their license will be first checked by staff. This entry/exit room will also be monitored by a security guard. The proposed building will provide the following rooms: (1) Sales, (2) Secure Storage, (3) Receiving, (4) Office, (5) IT, (6) Break, (7) Mech, and (8) two restrooms. The Sales Room will be built with a different type of display boxes with “prop” products, will have interior signage and marketing, and construct to efficiently handle pedestrian traffic.

b. Proposed Building Improvements

The site will be improved with a new single-story commercial building. The existing single-story commercial structure will be demolished. The footprint of the new building will move to the east of the lot to allow for the construction of an accessory parking lot. The proposed building will be 20 feet tall. Lastly, the proposed building will have signage in two places, above the entry/exit room or the west side of the building and facing the Rand Road or the north side of the building. The proposed construction will also have exterior lights, which fully comply with Lake Zurich's code requirements.

c. Signage

Signage will be provided in accordance with Title 12 of the Village Ordinance and in compliance with both the Illinois Cannabis Regulation and Tax Act and IDFPB regulations. This will include the monument sign and two façade mounted wall signs which will consist of internally illuminated channel letters with a uniform and compatible style and appearance. The building will also contain interior signage that fully complies with the Village and State regulations.



VIII. Business Operations

The proposed cannabis dispensing organization will be governed by the Village Code, Cannabis Regulation and Tax Act, and the Compassionate Use of Medical Cannabis Program Act. It will operate under the following:

Operation	Characteristic
Possession Limits	<p>State of IL Residents: 30 g of cannabis flower; no more than 500 mg of cannabis-infused product; 5 g of cannabis concentrate</p> <p>Non-IL Residents: 15 g of cannabis flower; no more than 250 mg of cannabis-infused product; 2.5 g of cannabis concentrate</p>



Age Restrictions	These establishments shall prohibit anyone under the age of 21 from entering, except cardholders who are over 18 and are granted medical access under the Compassionate Use of Medical Cannabis Program Act
Personal Information	The AIC, onsite leadership team, and the Regional Director/VP of Retail Operations will be responsible for enforcing the policies and procedures outlined in the Operations Manual. The company will maintain a hardcopy and/or digital copy of the Operations Manual at each dispensary location, which will be available to the Department upon request.
Security	The AIC will be in charge of managing and providing the security services. The implemented security plan or safety plan will comply with any applicable state and local regulations.
Sales Tax Benefits	The cannabis dispensing organization will be subject to a statewide, sliding-scale excise tax which increases based on THC potency, and a 3% Village occupation tax. Those purchasing cannabis under the Compassionate Use of Medical Cannabis Program Act will not be subjected to the Village occupation tax.

a. Hours of Operation

The proposed cannabis dispensing organization will have hours of operation typical of standard day-time retail uses and will be comparable to other retailers in the vicinity. Currently, the Applicant anticipates the hours of operation to be 9:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 8:00 p.m. on Sunday. These proposed hours of operation will comply with the requirements set forth in the Village’s code for cannabis dispensing organizations.

b. Technology and Security

The building will be outfitted with enhanced security features including perimeter alarms on all entry points, shatterproof windows and accompanying glass break sensors, panic alarms and buttons, and high-resolution cameras installed on the building and surrounding the site to provide unobstructed video surveillance of all enclosed dispensary and outside areas. The plan also includes third-party, armed security guards on-site during hours of operation and when employees are on-site. The armed security will occasionally perform sweeps of the exterior of the building to ensure no one is loitering and no other security threats are present. Data backup of all footage is maintained according to State of Illinois requirements with access to the Illinois State Police on demand.

c. Professional Staff

All staff members will be required to complete state and federal background checks and will always wear photo identification badges. Staff will be trained to notify local law enforcement if they observe suspicious activity and/or emergency events with the assistance of the third-party



security staff. Further, staff will also be trained in how to assist purchasers and handle emergency events such as active shooters, robberies, and medical emergencies.

The Applicant intends to hire approximately twenty-two (22) employees with a priority towards hiring local residents, and during any given shift, the expectation will be to have seven (7) employees present at the store. All employees will earn competitive wages and receive full benefits as well as training and leadership programs that promote opportunities to grow within the organization.

IX. Procedure and Processes

a. Customer Check-In Process

Upon entering the store through the building's main entrance, customers will be greeted by a Dispensary Agent, who will utilize an ID scanner to verify proper credentials in compliance with Illinois State law for qualified purchasers and users. The identification presented by the Purchaser must be unexpired (except as otherwise deemed valid due to an executive order, etc.) and contain a photograph of the individual, date of birth, and the individual address (will be used to determine residency status for possession limits.). Upon confirmation, the customer will be directed to the sales floor where they can begin their shopping experience.

b. Sales and Distribution

The proposed cannabis dispensing organization will not sell or distribute cannabis other than as authorized by the Illinois Cannabis Regulation and Tax Act and regulated by the IDFPR. Sales of cannabis and cannabis-related products will be limited to two defined groups of customers. First, those who provide photo identification and verify their age of 21 years and older, and second, those 18 years and older who provide the proper medical documentation as set forth in the Compassionate Use of Medical Cannabis Program Act. Dispensary Agents will then check the order and verify that the amount of cannabis that the Provisional Patient is requesting for the transaction will not cause the qualifying customer to exceed the allowable possession during any 14-day calendar day period.

c. Inventory Management

An employee with an AIC designation will have primary oversight of the Company's point-of-sale system. For the Company's: (a) medical dispensaries, An AIC will have primary oversight of the Company's inventory State verification system and Illinois Cannabis Tracking system, and (b) An AIC will have primary oversight of the Company's cannabis inventory verification system. The Company will have an account with the State verification system and Illinois Cannabis Tracking System (for medical dispensaries) and State's verification system (adult-use dispensaries) that documents. Each sales transaction at the time of sale and each day's beginning inventory, acquisitions, sales, disposal, and ending inventory. At the end of each business day, the AIC will generate a report from BioTrack showing the remaining cannabis and cannabis products inventory on hand as of the end of business. Two employees will physically compare the physical count in-store with the amount being shown in BioTrack inventory every day. At least one staff member counting inventory must be an AIC.



d. On-Site Consumption

On-site consumption of cannabis and cannabis-related products, which includes ingestible products such as gummies or baked goods, is prohibited and will be strictly enforced. To enforce this prohibition, on-site security will perform periodic sweeps of the building and surrounding site to ensure no loitering or on-site consumption is occurring. Moreover, any customer or persons found in violation of the prohibition of on-site consumption will be promptly reported to the appropriate authorities.

e. Product Disposal

Cannabis waste shall be stored in a container separate from other cannabis products in the vault. Cannabis products quarantined for destruction shall be labeled with the date opened and quarantined. The AIC or designee will manage the waste storage area using the inventory tracking system. The cannabis waste storage area will be managed in conformance with the Act and the applicable waste destruction process. Access to the waste destruction area will be restricted to officers, AICs or designees, or other agents whose job responsibilities/duties require them to have access to the area. The Company will render cannabis waste unusable by grinding and incorporating the cannabis waste with other ground materials, so the resulting mixture is at least 50% non-cannabis waste by volume. The Company may utilize other methods to render cannabis waste unusable when approved by the Department. Material used to grind with the cannabis the waste falls into two categories; Compostable Mixed Waste and Non-compostable Mixed Waste.

The waste destruction process will be performed by an AIC or under the supervision of an AIC in an area with video surveillance. The waste destruction process will be performed under the full view of the video surveillance system from the beginning to the end of the destruction process. Cannabis products deemed for destruction, including flower, gummies, topicals, and patches, will be opened, weighed, and placed in a commercial-grade food processor or other method as approved by the Department.

X. Special Use Standards

- 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.**

909 S. Rand Road is located in a B-1 Local and Community Business District. The B-1 Local and Community Business District is intended to serve the everyday shopping needs of Village residents as well as to provide opportunities for specialty shops attractive to the wider suburban residential community around the Village. It permits uses that are necessary to satisfy most basic, frequently occurring shopping needs. It also permits compatible uses that, although not used as frequently, would be desirably located in close proximity to potential users. The district is located principally on primary or secondary thoroughfares, is relatively small in size, and has bulk standards that



provide for compatibility with nearby residential uses. As a specialty retailer that operates synergistically with surrounding similar retail uses, the proposed project complies with the general and specific purposes for the B-1 Local and Community Business District. Further, Lake Zurich has adopted supplemental use regulations pertaining to cannabis dispensaries, such as hours of operation, design, and distance requirements. The proposed dispensary shall comply with all of the use regulations pertaining to cannabis dispensaries under the Lake Zurich Zoning Code.

In the Comprehensive Plan, 909 S. Rand Road is designated as a commercial use and Rand Road is identified as an attractive retail corridor. The proposed application meets the commercial goals and objectives of the Lake Zurich Comprehensive Plan. First, it adds a new use to Lake Zurich with only one potential competitor, and therefore provides an appropriate balance of retail opportunities to meet the needs of Village residents. Second, the project will undergo appearance review, and therefore promote a unified design concept with a strong retail orientation. Third, the site is safely accessible for pedestrians via a sidewalk. Fourth, the Applicant proposes a retail use in a retail corridor that will bring new shoppers to patronize surrounding businesses.

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.

The proposed Recreational Cannabis Dispensary will offer the surrounding area many benefits that will enhance the health, safety, and general welfare of the public. First, the Applicant seeks to add a retail use to the subject property, which was previously occupied by an incompatible auto repair shop, and has long been vacant. By activating a vacant commercial lot with a new commercial use, the Applicant will eliminate a long-time vacancy, which acts as a blight on the community, and increase the property tax revenue share to the community. Second, the Applicant intends to introduce a new retail use and service to the community. Currently, there are no other cannabis dispensing organizations in Lake Zurich with one location expected to open in Summer of 2024. Thus, the Applicant will conveniently provide the community with a new use and service presently unavailable to them and ensure competition in the marketplace to better serve the public. Third, the proposed cannabis dispensary will generate significant sales taxes that will contribute to Lake Zurich's public services and infrastructure available to the neighborhood. The increased sales taxes will contribute to the general welfare of the neighborhood by supporting Lake Zurich's ability to provide its exceptional services and infrastructure to its residents and businesses. Fourth, the proposed conditional use will add an alternative, beneficial health option for the public. The proposed cannabis dispensary will provide critical, even lifesaving, medicinal products and resources to the public and address wide range of ailments. Many customers who need cannabis to treat ailments may be deterred from the state registration requirements to qualify for medical cannabis, so the allowance for adult use cannabis, which does not have similar registration requirements as medical cannabis, will better serve those members of the public.

In addition to benefiting the surrounding area, the proposed cannabis dispensary will not endanger the health, safety, and general welfare of the area.



The proposed dispensary will be located in a site well-suited to handle traffic safely. The existing road network, as it is configured, provides safe and convenient access to the property. Access to the subject property occurs via a dedicated ingress/egress from Rand Road. Adequate parking is also provided on-site to meet the needs of the cannabis dispensary and the Lake Zurich Zoning Code. Accordingly, the well-structured site planning of this project preserves the health, safety, and general welfare of the surrounding community.

The proposed cannabis dispensary will not pose any safety issues. The building will be outfitted with enhanced security features in compliance with the Illinois Cannabis and Tax Regulation. Such security features include perimeter alarms on all entry points, glass break and shatterproof windows, panic alarms and buttons, and high-resolution cameras installed on the building and surrounding site to provide unobstructed video surveillance of all enclosed dispensary areas and outdoor areas. A comprehensive security plan will be in effect as required and approved by the State of Illinois. The security plan includes third-party, armed security on-site, during hours of operation and when employees are on-site. Security guards will occasionally perform sweeps of the exterior of the building to ensure no one is loitering and no other security threats are present. Data backup of all video footage is maintained according to the State of Illinois requirements with access provided to the Illinois State Police on demand. By incorporating state of the art security features and partnership with first responders, the proposed cannabis dispensary minimizes any potential safety threat.

The proposed special use will revitalize a dormant, vacant space with a new compatible use. Vacant buildings pose many dangers to the community. Activating this building will accordingly enhance the community's safety and general welfare.

The proposed cannabis dispensary is located on a site that is already developed, where similar-typical retail uses are operating on surrounding properties. Granting of a special use to allow sales of adult-use cannabis products will not materially differ from the current retail-oriented uses on surrounding properties. In addition to requiring conditional use approval, Lake Zurich has adopted additional regulations for operations for a cannabis dispensing organization, including distance restrictions from certain uses and other operational restrictions. The proposed conditional use will comply with all applicable requirements and use standards set forth in the Lake Zurich Zoning Code to ensure that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair the value of other property in the neighborhood.

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.

The surrounding area is fully developed, and the Applicant is proposing a retail use at a location designated for retail uses compliant with all of the distance restrictions in the Lake Zurich Zoning



Code. Therefore, the proposed use will not impair any surrounding development or potential development of surrounding areas.

- 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.**

The proposed location is accessible by Rand Road, a public street, and has sufficient utilities and infrastructure to serve the use. The building is connected to Village of Lake Zurich public sewer and water services and there are no known drainage issues at the site. There will be no changes to existing grades or increases in impervious surface areas which would modify or increase stormwater runoff. The proposed use will not require existing community facilities (transportation, utilities, or drainage) or services (police, fire, etc...) to a degree disproportionate to that normally expected of any permitted use in the district nor in a way as to place an undue burden on existing development in the area. None of the building areas are on wetlands or conservancy soils.

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

The Applicant will have 25 parking spaces, which satisfies the parking requirements for the cannabis dispensary and provides adequate parking to accommodate the typical traffic generated by the proposed use or any other comparable retail use. Rand Road will provide the only access to the site and therefore not draw any traffic through surrounding streets.

- 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.**

The proposed use and development will simply be replacing a automotive repair and tire sales shop. Consequently, the proposed development will not result in the destruction of any significant features.

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

Section 9-4-3 of the Lake Zurich Zoning Code identifies several additional standards on cannabis dispensing organizations. The proposed cannabis dispensary shall comply with each of the additional standards in Section 9-4-3(15)(a-h).

- 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.**



The proposed Recreational Cannabis Dispensary will offer the surrounding area many benefits that will enhance the health, safety, and general welfare of the public. First, the Applicant seeks to add a retail use to the subject property, which was previously occupied by an incompatible auto repair shop, and has long been vacant. By activating a vacant commercial lot with a new commercial use, the Applicant will eliminate a long-time vacancy, which acts as a blight on the community, and increase the property tax revenue share to the community. Second, the Applicant intends to introduce a new retail use and service to the community. Currently, there are no other cannabis dispensing organizations in Lake Zurich with one location expected to open in Summer of 2024. Thus, the Applicant will conveniently provide the community with a new use and service presently unavailable to them and ensure competition in the marketplace to better serve the public. Third, the proposed cannabis dispensary will generate significant sales taxes that will contribute to Lake Zurich's public services and infrastructure available to the neighborhood. The increased sales taxes will contribute to the general welfare of the neighborhood by supporting Lake Zurich's ability to provide its exceptional services and infrastructure to its residents and businesses. Fourth, the proposed conditional use will add an alternative, beneficial health option for the public. The proposed cannabis dispensary will provide critical, even lifesaving, medicinal products and resources to the public and address wide range of ailments. Many customers who need cannabis to treat ailments may be deterred from the state registration requirements to qualify for medical cannabis, so the allowance for adult use cannabis, which does not have similar registration requirements as medical cannabis, will better serve those members of the public.

XI. Summary/Conclusion

Rubino Ventures, LLC seeks to establish a cannabis dispensing organization in an 877.2 square foot single-story commercial building pursuant to a validly issued license by the State of Illinois and in strict compliance with the Illinois Cannabis and Tax Regulation Act. The proposed cannabis dispensing organization will operate substantially similar to surrounding retail businesses with the added benefit of enhanced security comparable to financial institutions. Moreover, the proposed cannabis dispensing organization will provide substantial benefits with minimal, if any, impact on the surrounding area. Benefits include substantial sales taxes estimated to be more than \$1MM annually to the Village, increased property taxes, and local hiring. Rubino will ensure that no cannabis related uses will be maintained or operated in a manner that permits public view of cannabis or cannabis-related products from any public or private right of way.



Appendix A

1. Exhibit 1: Site Plan
2. Exhibit 2: Floor Plan
3. Exhibit 3: Elevations
4. Exhibit 4: Signage

EXHIBIT 1

EXHIBIT 2



ARCHITECT
coyne.
 COYNE ARCHITECTS (DESIGN FIRM: 184.007633-0001)
 2417 W HOKER ST, CHICAGO, IL 60647
 (773) 772-1780
 SUBMITTALS@COYNEARCHITECTS.COM



REV	DATE	DESCRIPTION

SCHEMATIC DESIGN
 06/03/2024

Client:
 Client Name



Project :
Cannabis Dispensary
 909 S Rand Rd
 Lake Zurich, IL

Issue Date: 06/03/2024
 Print Date: 6/3/2024 7:43:14 PM
 Drawn by: E_W
 Checked by: PMC
 Project No: Project Number

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Drawing Title:
FIRST FLOOR - PLAN

SD-101

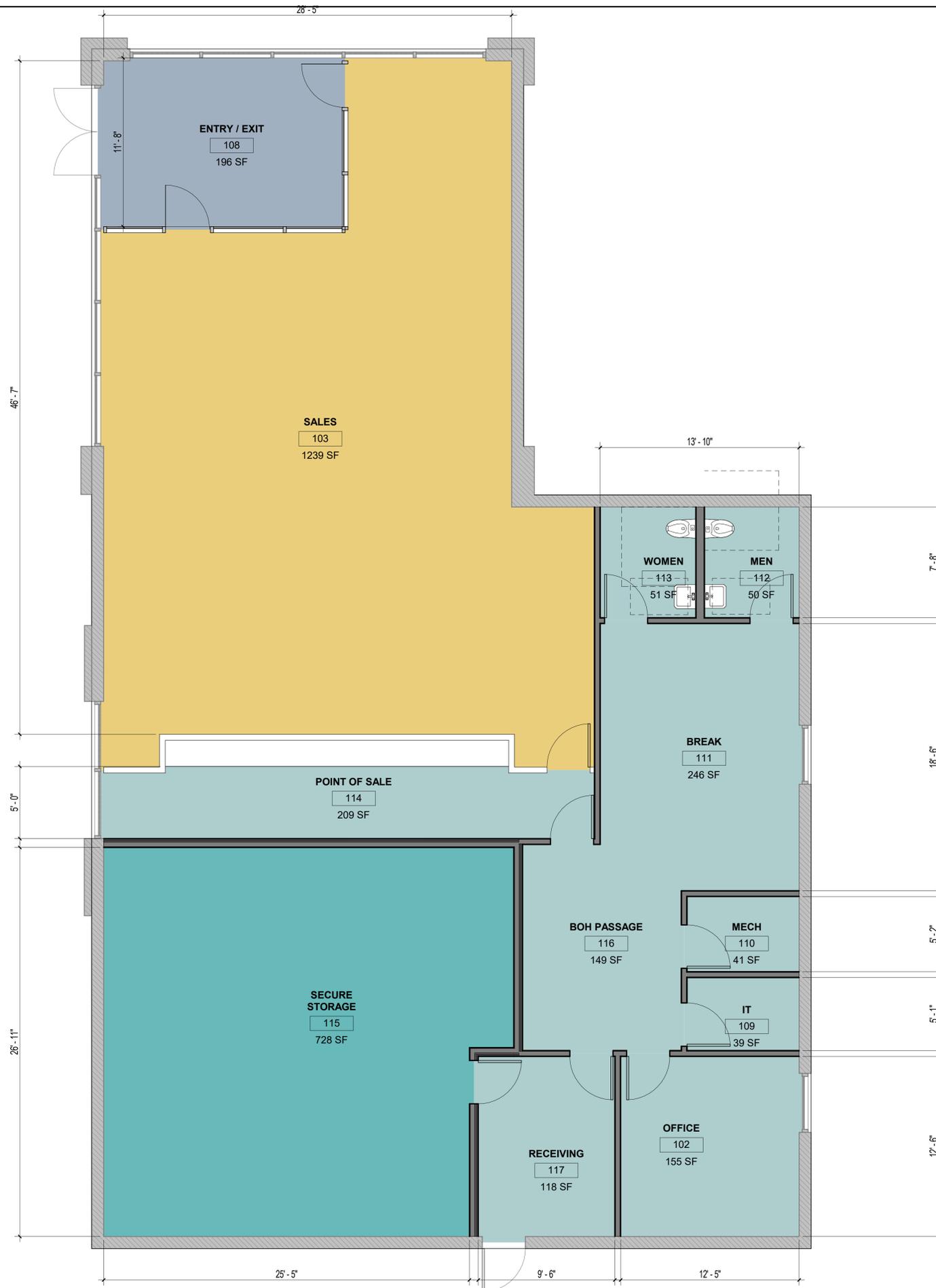
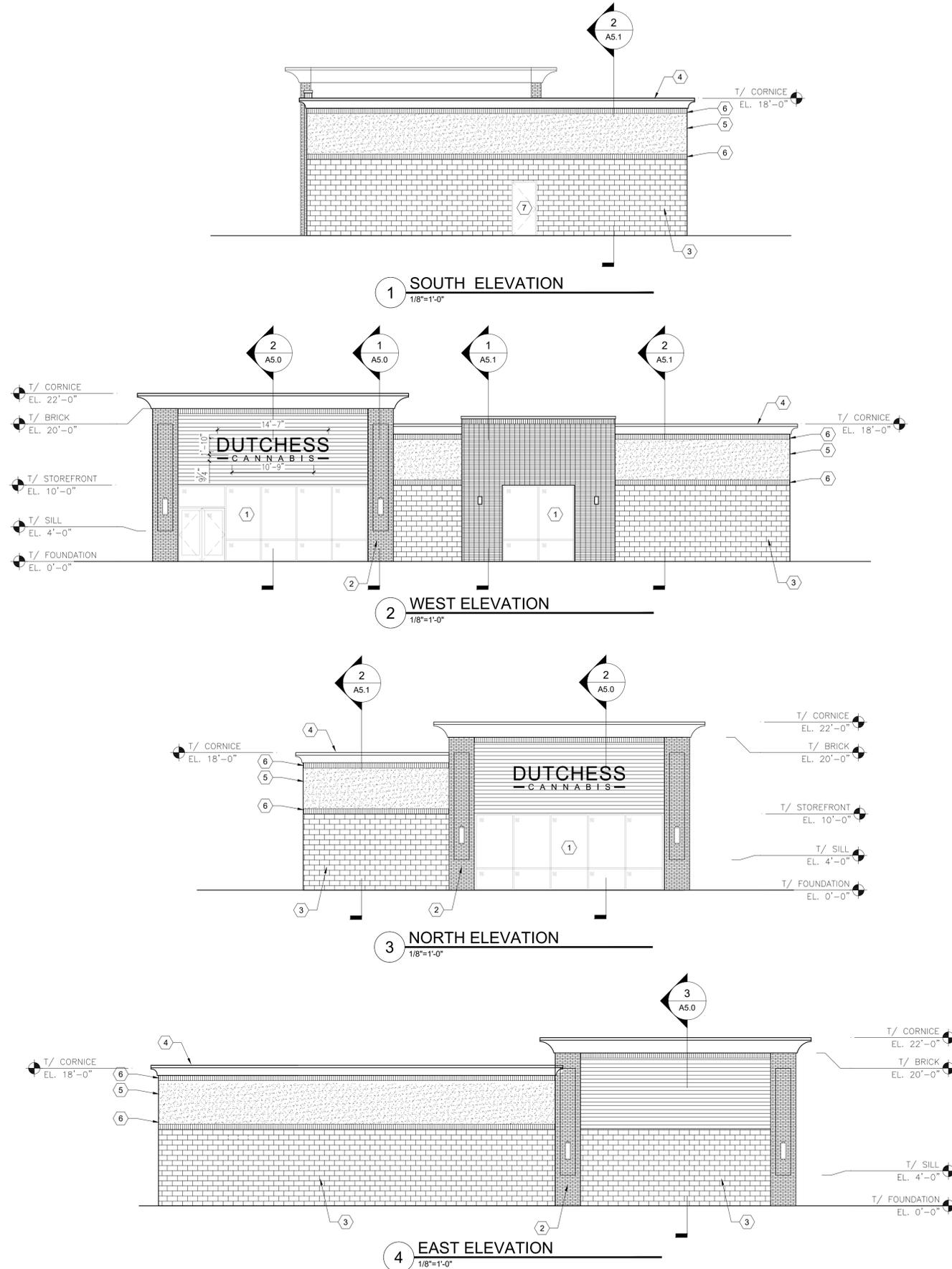


EXHIBIT 3

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EXTERIOR ELEVATION KEYNOTES	
1	ALUMINUM STOREFRONT SYSTEM W/ CLEAR 1" INSULATED GLAZING (NON-TINTED, NON-REFLECTIVE) - 4 1/2" KAWNEER IS451 - MATTE FINISH -
2	MODULAR BRICK TBD
3	THIN STONE TBD
4	PRE-FINISHED ALUMINUM COPING -- MATTE FINISH -- MTO028--FLAT BLACK -- UNA-CLAD OR EQUAL
5	EIFS
6	SOLDIER COURSE
7	HOLLOW METAL DOOR - PAINT TO MATCH STOREFRONT

NOT FOR CONSTRUCTION

THE FIDELITY GROUP
 PRELIMINARY PRICING
 909 S RAND RD, LAKE ZURICH ILLINOIS

DATE	SUBMITTED FOR
03/12/2024 <td></td>	
JOB NO.	3256
SHEET	A4.0

450 E. Higgins Road - Suite 202
 Elk Grove Village - IL 60007
 P 847.952.9970
 F 847.574.8075
 www.jtsarch.com

JTS Architects

EXHIBIT 4

A
1 **NORTH ELEVATION - Sign Location**
SCALE: 3/16" = 1'



Customer / Job Site

DUTCHESS CANNABIS

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

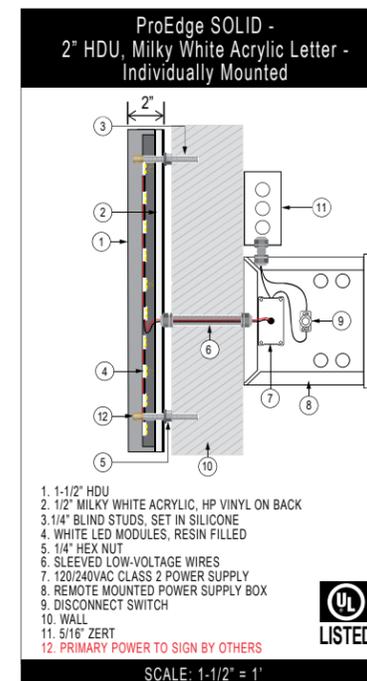
**Furnish & Install
New Signage**

A. Lighted Letters

ProEDGE SOLID LETTER SPECS				
MOUNTING SURFACE:	Individual			
MOUNTING DEVICE:	3/8" fasteners			
LETTER COLOR/ FINISH:	MP METALLIC GOLD			
LETTER FACE:	HDU			
LETTER BACK:	Milky White Acrylic			
OVERALL DEPTH:	2"			
LED:	TYPE	COLOR	SPACING	TOTAL LENGTH
	mini	white	tight	## ft.

45
SQ. FT.

A
2 **SIGN DETAIL - Dimensions**
SCALE: 1/2" = 1'



**WALL SIGN
ALLOWANCE
1.5x Frontage**

IMPORTANT:
Dedicated primary power for sign to be run by others. If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

**Scale is
Approximate
Must Verify.**



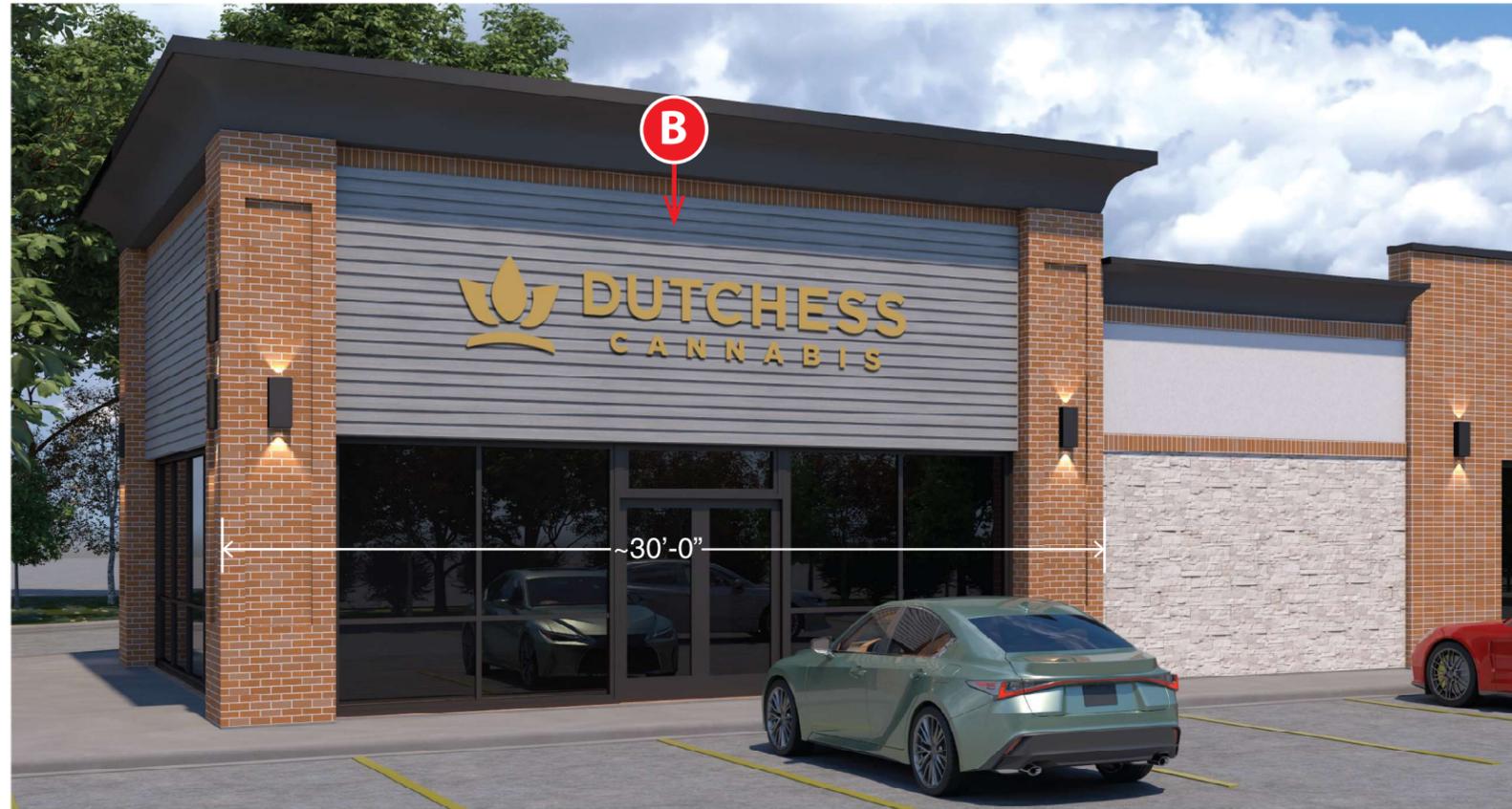
This design belongs to the ACE SIGN CO. and becomes the property of the customer only upon completion of an order, and is otherwise not to be used in whole or in part without written permission of ACE SIGN CO. • 2540 S. 1ST ST. • SPRINGFIELD, IL 62704 • 217 522-8417

JOB#: 114324 PROOF DATE: 06/11/24 SCALE: Varies, See Drawing Tile
designed by: MA APPROVED AS/IS APPROVED W/ CHANGES RE-DRAW W/ CHANGES

REF:

*Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color.

B
1 **WEST ELEVATION - Sign Location**
SCALE: 3/16" = 1'



Customer / Job Site

DUTCHESS CANNABIS
909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

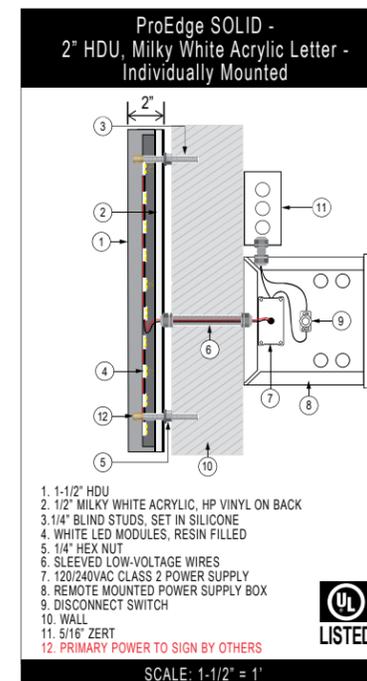
Furnish & Install New Signage

B. Lighted Letters

ProEdge SOLID LETTER SPECS				
MOUNTING SURFACE:	Individual			
MOUNTING DEVICE:	3/8" fasteners			
LETTER COLOR/ FINISH:	MP METALLIC GOLD			
LETTER FACE:	HDU			
LETTER BACK:	Milky White Acrylic			
OVERALL DEPTH:	2"			
LED:	TYPE	COLOR	SPACING	TOTAL LENGTH
	mini	white	tight	## ft.

45
SQ. FT.

B
2 **SIGN DETAIL - Dimensions**
SCALE: 1/2" = 1'



WALL SIGN ALLOWANCE
1.5x Frontage

IMPORTANT:
Dedicated primary power for sign to be run by others. If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

Scale is Approximate
Must Verify.



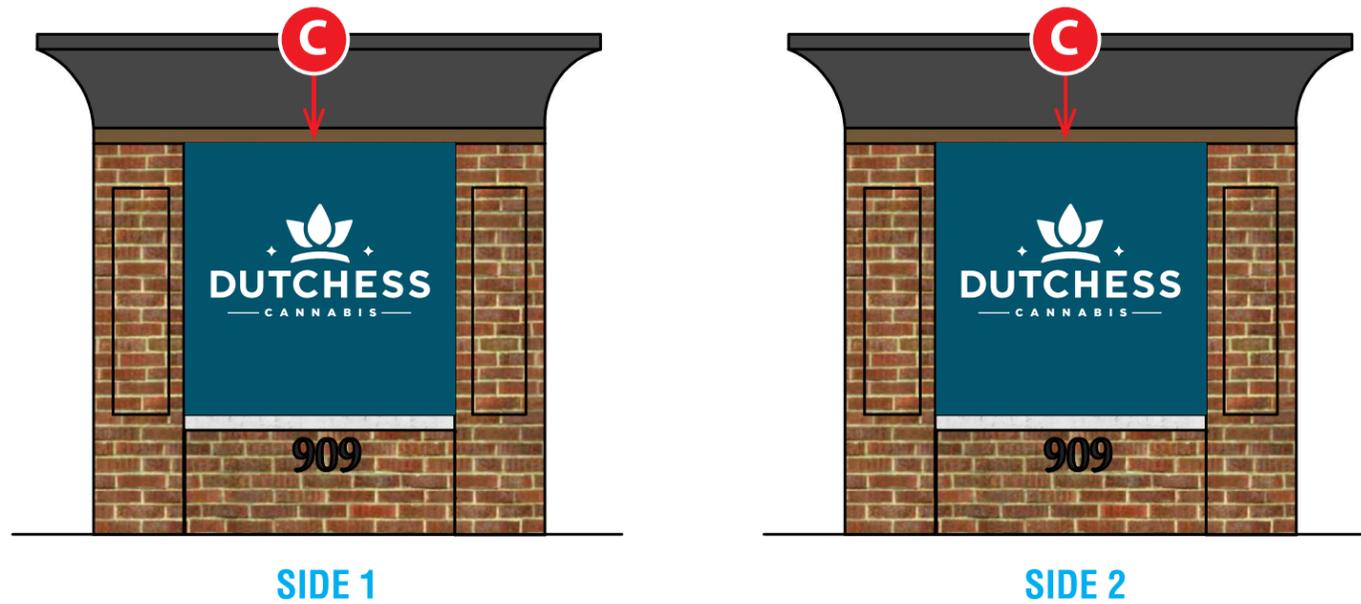
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JOB#: 114324 PROOF DATE: 06/11/24 SCALE: Varies, See Drawing Tile
designed by: MA APPROVED AS/IS APPROVED W/ CHANGES RE-DRAW W/ CHANGES

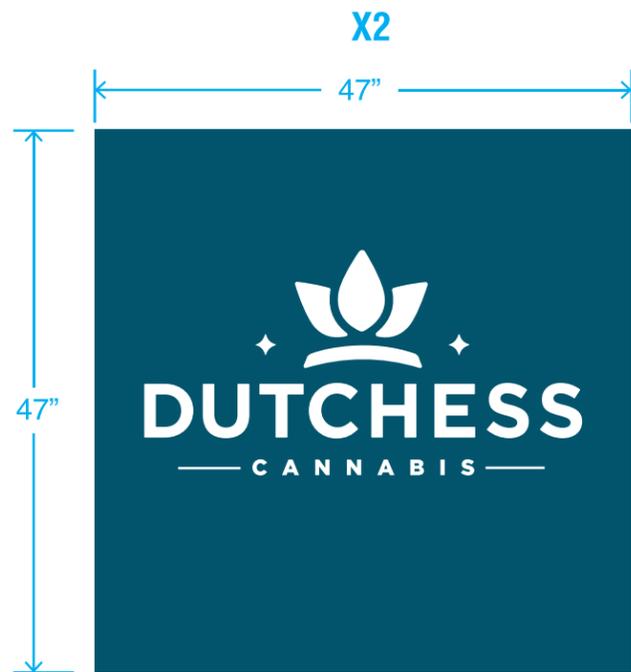
REF:

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C
1 **MONUMENT SIGN - Sign Location**
SCALE: 3/8" = 1'



C
2 **SIGN DETAIL - Dimensions**
SCALE: 3/4" = 1'



Customer / Job Site

**DUTCHESS
CANNABIS**

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

**Furnish & Install
New Signage**

**C. X2 - New Sign
Panels**

- Specs TBD
- Monument Sign by Others

IMPORTANT:
Dedicated primary power for sign to be run **by others**. If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

**Scale is
Approximate
Must Verify.**



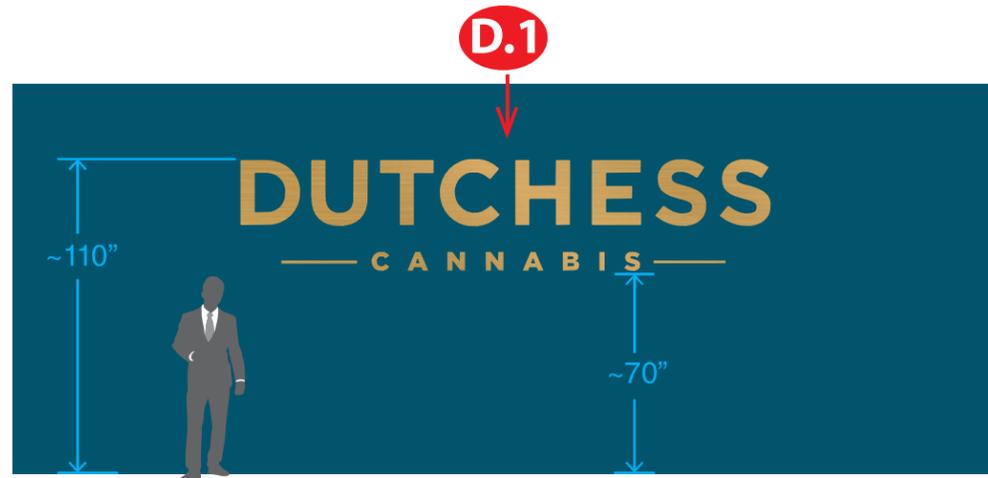
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REF:

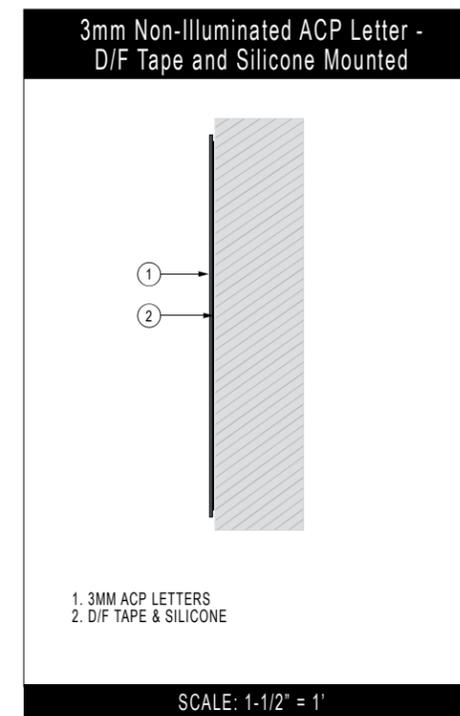
*Proofs will predict design layout, text accuracy, image proportion and placement. Colors on a digital screen or printed proof may not reflect actual color.

D 1 INTERIOR ELEVATION - Sign Location
SCALE: 3/16" = 1'



WALL MUST BE PAINTED AND CURED FOR 2 WEEKS MINIMUM FOR ADHESIVE & SILICONE TO EFFECTIVELY STICK

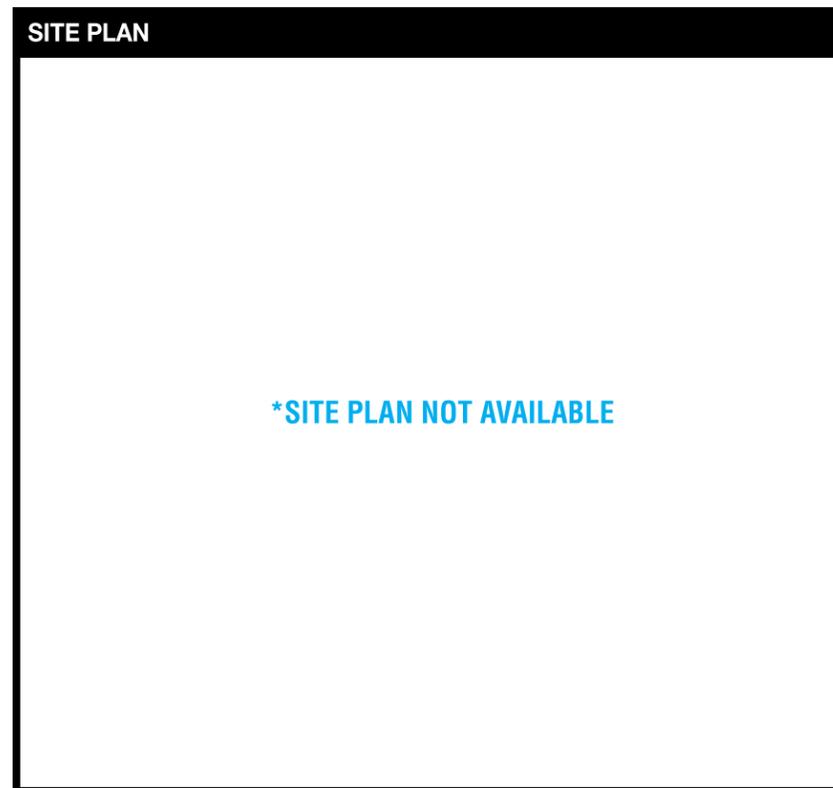
D 2 SIGN DETAIL - Section/Attachment
SCALE: 1-1/2" = 1'



- 1. 3MM ACP LETTERS
- 2. D/F TAPE & SILICONE

SCALE: 1-1/2" = 1'

D 3 SIGN DETAIL - Dimensions
SCALE: 3/8" = 1'



Customer / Job Site

DUTCHESS CANNABIS

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

Furnish & Install New Signage

D.1. NON-LIGHTED INTERIOR LETTERS

NON LIGHTED DIMENSIONAL	
ROUTED	LASER CUT
MATERIAL	
Brushed GOLD 3mm ACP	
QUANTITY	THICKNESS
1 Set	3mm
COLOR / FINISH	
Brushed GOLD	
CUT	
FLAT	
MOUNTING SURFACE	
Painted Drywall	
MOUNTING DEVICE	
D/F Tape & Silicone	

IMPORTANT:
Dedicated primary power for sign to be run **by others**.
If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

Scale is Approximate Must Verify.



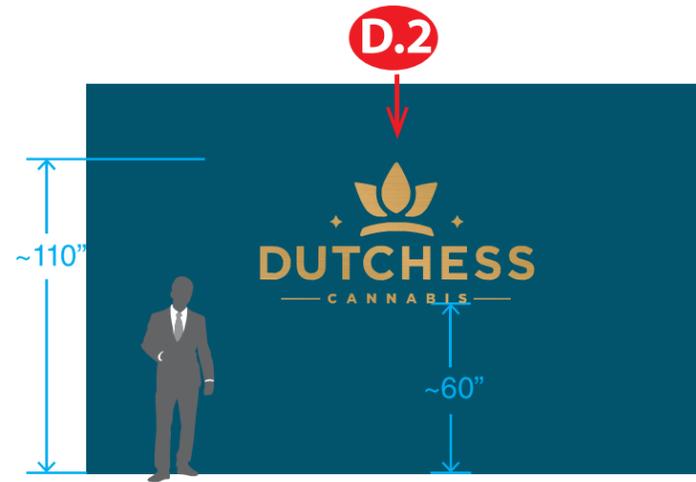
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JOB#: 114324 PROOF DATE: 06/11/24 SCALE: Varies, See Drawing Tile
designed by: MA APPROVED AS/IS APPROVED W/ CHANGES RE-DRAW W/ CHANGES

REF:

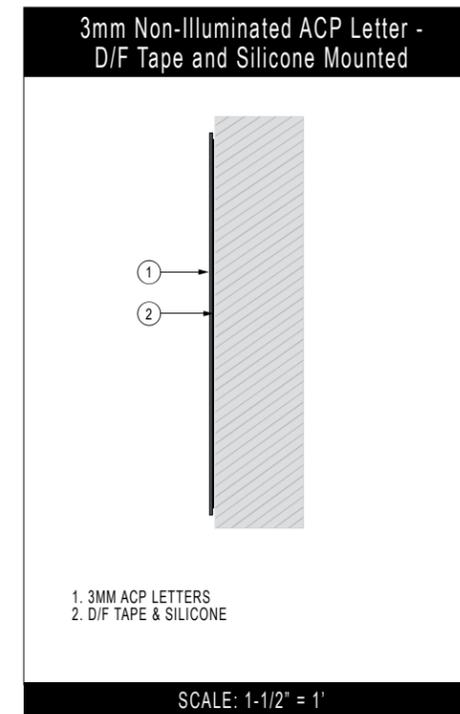
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11" x 17" paper size

D 1 INTERIOR ELEVATION - Sign Location
SCALE: 3/16" = 1'



WALL MUST BE PAINTED AND CURED FOR 2 WEEKS MINIMUM FOR ADHESIVE & SILICONE TO EFFECTIVELY STICK

D 2 SIGN DETAIL - Section/Attachment
SCALE: 1-1/2" = 1'



D 3 SIGN DETAIL - Dimensions
SCALE: 1/2" = 1'



SITE PLAN

***SITE PLAN NOT AVAILABLE**

Customer / Job Site

DUTCHESS CANNABIS

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

Furnish & Install New Signage

D.2. NON-LIGHTED INTERIOR LETTERS

NON LIGHTED DIMENSIONAL	
ROUTED	LASER CUT
MATERIAL	
Brushed GOLD 3mm ACP	
QUANTITY	THICKNESS
1 Set	3mm
COLOR / FINISH	
Brushed GOLD	
CUT	
FLAT	
MOUNTING SURFACE	
Painted Drywall	
MOUNTING DEVICE	
D/F Tape & Silicone	

IMPORTANT:
Dedicated primary power for sign to be run **by others**.
If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

Scale is Approximate Must Verify.



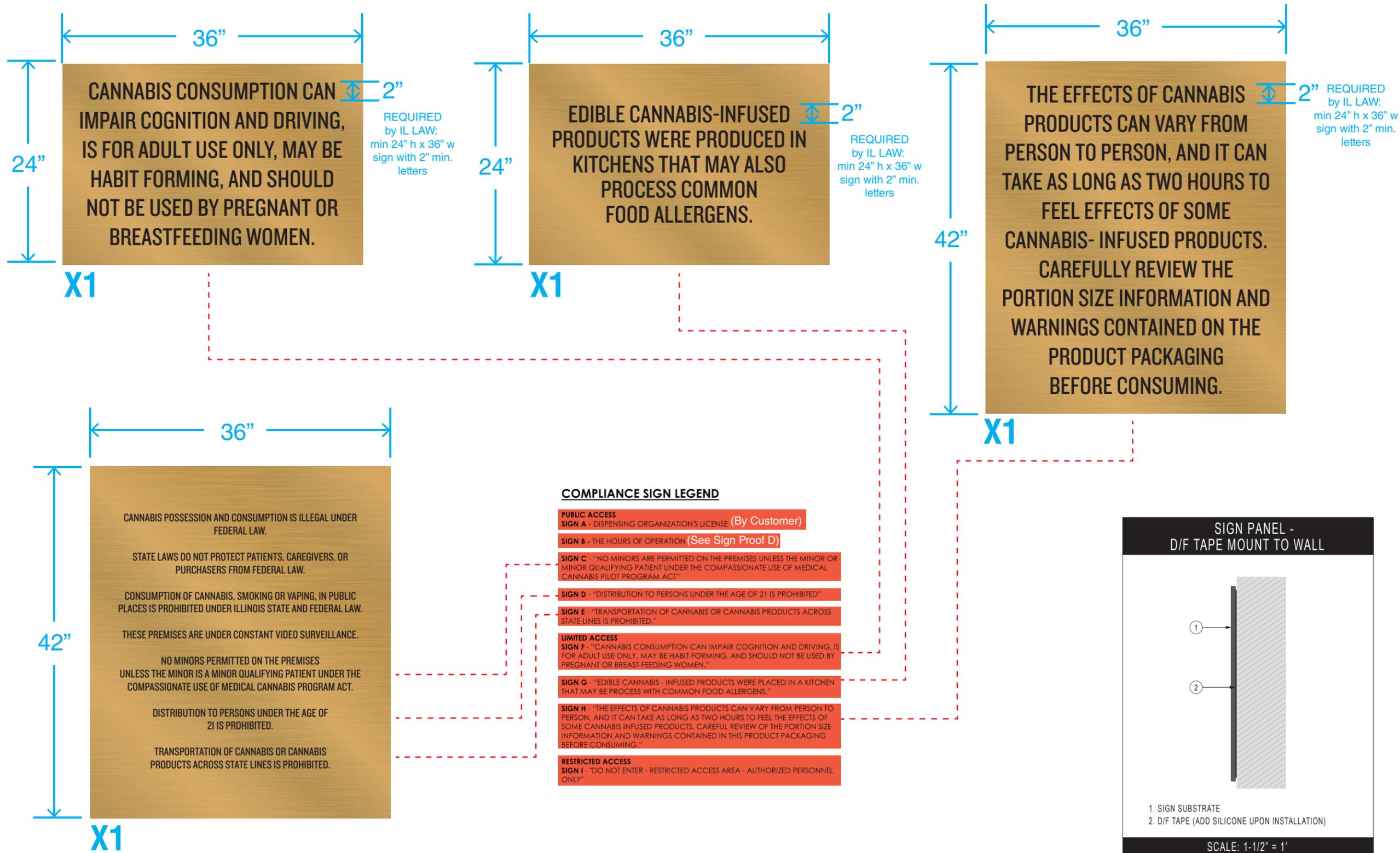
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JOB#: 114324 PROOF DATE: 06/11/24 SCALE: Varies, See Drawing Title
designed by: MA APPROVED AS/IS APPROVED W/ CHANGES RE-DRAW W/ CHANGES

REF:

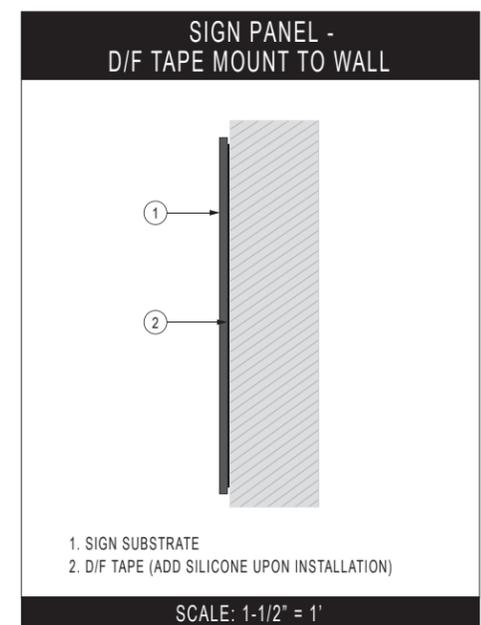
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11" x 17" paper size

E
1 **SIGN DETAIL - Sign Types & Dimensions**
SCALE: 1" = 1'



COMPLIANCE SIGN LEGEND

PUBLIC ACCESS
SIGN A - DISPENSING ORGANIZATION'S LICENSE (By Customer)
SIGN B - THE HOURS OF OPERATION (See Sign Proof D)
SIGN C - "NO MINORS ARE PERMITTED ON THE PREMISES UNLESS THE MINOR OR MINOR QUALIFYING PATIENT UNDER THE COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM ACT"
SIGN D - "DISTRIBUTION TO PERSONS UNDER THE AGE OF 21 IS PROHIBITED"
SIGN E - "TRANSPORTATION OF CANNABIS OR CANNABIS PRODUCTS ACROSS STATE LINES IS PROHIBITED."
LIMITED ACCESS
SIGN F - "CANNABIS CONSUMPTION CAN IMPAIR COGNITION AND DRIVING, IS FOR ADULT USE ONLY, MAY BE HABIT-FORMING, AND SHOULD NOT BE USED BY PREGNANT OR BREAST-FEEDING WOMEN."
SIGN G - "EDIBLE CANNABIS - INFUSED PRODUCTS WERE PLACED IN A KITCHEN THAT MAY BE PROCESS WITH COMMON FOOD ALLERGENS."
SIGN H - "THE EFFECTS OF CANNABIS PRODUCTS CAN VARY FROM PERSON TO PERSON, AND IT CAN TAKE AS LONG AS TWO HOURS TO FEEL THE EFFECTS OF SOME CANNABIS INFUSED PRODUCTS. CAREFUL REVIEW OF THE PORTION SIZE INFORMATION AND WARNINGS CONTAINED IN THIS PRODUCT PACKAGING BEFORE CONSUMING."
RESTRICTED ACCESS
SIGN I - "DO NOT ENTER - RESTRICTED ACCESS AREA - AUTHORIZED PERSONNEL ONLY"



Customer / Job Site

DUTCHESS CANNABIS

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

New Store Signage

E. Standard IL Compliance Signs (Interior)

CUT VINYL PANEL	
VINYL TYPE	HP
VINYL COLOR	Black
QUANTITY	4 Total
SIZE	Varies, See Proof
FIRST SURFACE	SECOND SURFACE
BACKGROUND MATERIAL	
BACKGROUND COLOR	Brushed GOLD 3mm ACP
METHOD	
Plot	
DOUBLE FACE	SINGLE SIDED
BACK TO BACK	
SQUARE CORNERS	ROUND CORNERS
CUSTOM	
MOUNTING SURFACE	
Painted Drywall	
MOUNTING DEVICE	
D/F Tape & Silicone	

***Exact Placement TBD**

IMPORTANT:
Dedicated primary power for sign to be run by others. If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

Scale is Approximate Must Verify.

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F
1

SIGN DETAIL - Sign Types & Dimensions

SCALE: 3" = 1'

X TBD



1"

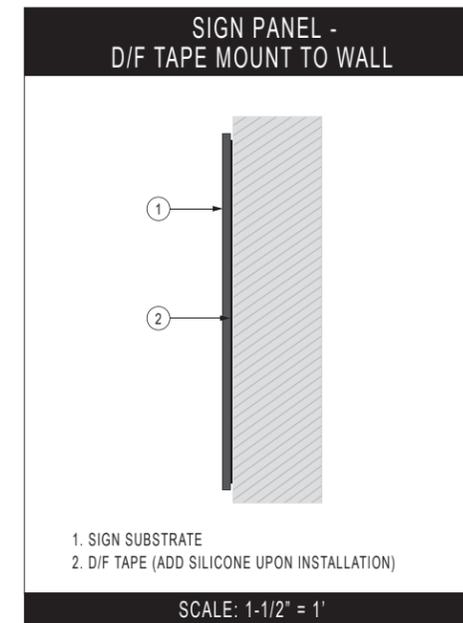
REQUIRED by IL LAW: min 12" h x 12" w sign with 1" min. letters

X TBD



1"

REQUIRED by IL LAW: min 12" h x 12" w sign with 1" min. letters



Customer / Job Site

DUTCHESS CANNABIS

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

New Store Signage

F. Standard IL Compliance Signs (Interior)

CUT VINYL PANEL		
VINYL TYPE	HP	
VINYL COLOR	White	
QUANTITY	TBD	
SIZE	12" x 12"	
FIRST SURFACE	SECOND SURFACE	
BACKGROUND MATERIAL		
3mm ACP		
BACKGROUND COLOR	METHOD	
PMS 3025C	Painted	
DOUBLE FACE	SINGLE SIDED	BACK TO BACK
SQUARE CORNERS	ROUND CORNERS	CUSTOM
MOUNTING SURFACE		
Painted Drywall		
MOUNTING DEVICE		
D/F Tape & Silicone		

*Exact Placement TBD

IMPORTANT:
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JOB#: 114324 PROOF DATE: 06/11/24 SCALE: Varies, See Drawing Tile
designed by: MA APPROVED AS/IS APPROVED W/ CHANGES RE-DRAW W/ CHANGES

REF:

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G
1

SIGN DETAIL - Dimensions

SCALE: 3" = 1'



*SIGN IS DOUBLE-SIDED

SINICADE - SAMPLE PHOTO



Customer / Job Site

DUTCHESS CANNABIS

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

New Store Signage

**G. QTY 2 -
Double-Sided
A-Frame Signs**

GRAPHICS PANEL		
BACKGROUND MATERIAL		
3mm ACP		
QUANTITY		
2 panels per sign (4 total)		
SIZE		
23.75"h x 35.75"w x 3mmd		
BACKGROUND COLOR		METHOD
TBD		TBD
1st SURFACE	2nd SURFACE	BOTH
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOUBLE FACE	SINGLE FACE	BACK TO BACK
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SQUARE CORNERS	ROUND CORNERS	CUSTOM
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOUNTING DEVICE		
White signicade		

IMPORTANT:
Dedicated primary power for sign to be run **by others**.
If existing at time of install (within 6 ft. of sign), final connection to be completed by the GC's electrician

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REF:

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11" x 17" paper size

H
1 **WEST ELEVATION - Sign Location**
SCALE: 3/16" = 1'



Customer / Job Site

**DUTCHESS
CANNABIS**

909 S Rand Road
Lake Zurich, IL 60047

Scope of Work

New Store Signage

H. Door Vinyl

CUT VINYL GRAPHICS	
VINYL TYPE	HP
VINYL COLOR	Gold Metallic

H
2 **SIGN DETAIL - Dimensions**
SCALE: 1-1/2" = 1'



IMPORTANT:
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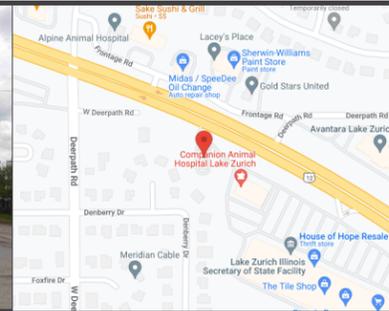
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11" x 17" paper size



www.exactalands.com | office: 773.305.4011



PROPERTY ADDRESS:
909 S RAND ROAD, LAKE ZURICH, ILLINOIS 60047

SURVEY NUMBER: 2206.6657

DATE SIGNED: 07/27/22

FIELD WORK DATE: 7/25/2022

REVISION DATE(S):
(REV.1 7/27/2022)

POINTS OF INTEREST
NONE VISIBLE

STATE OF ILLINOIS } SS
COUNTY OF LASALLE }

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971
LICENSE EXPIRES 11/30/2022
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008



Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



2206.6657
BOUNDARY SURVEY
LAKE COUNTY

LEGEND:
SM = SANITARY MARKER
SNLT = SIGN LIGHT
CO = CLEAN OUT
WM = WATER MARKER
CD = CONCRETE DRAIN
TELEPHONE PEDESTAL

TABLE A ITEMS:
3. FLOOD ZONE: PROPERTY IS LOCATED IN FLOOD ZONE X PER FEMA MAP NUMBER 17031 C0237K
9. PARKING: 15 REGULAR AND 1 ADA PARKING SPACES WERE NOTED ON THE PROPERTY

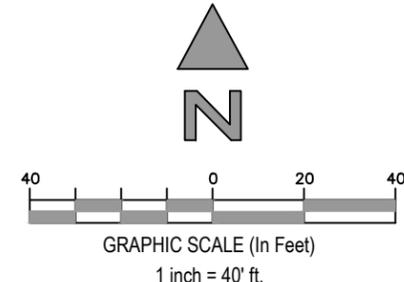
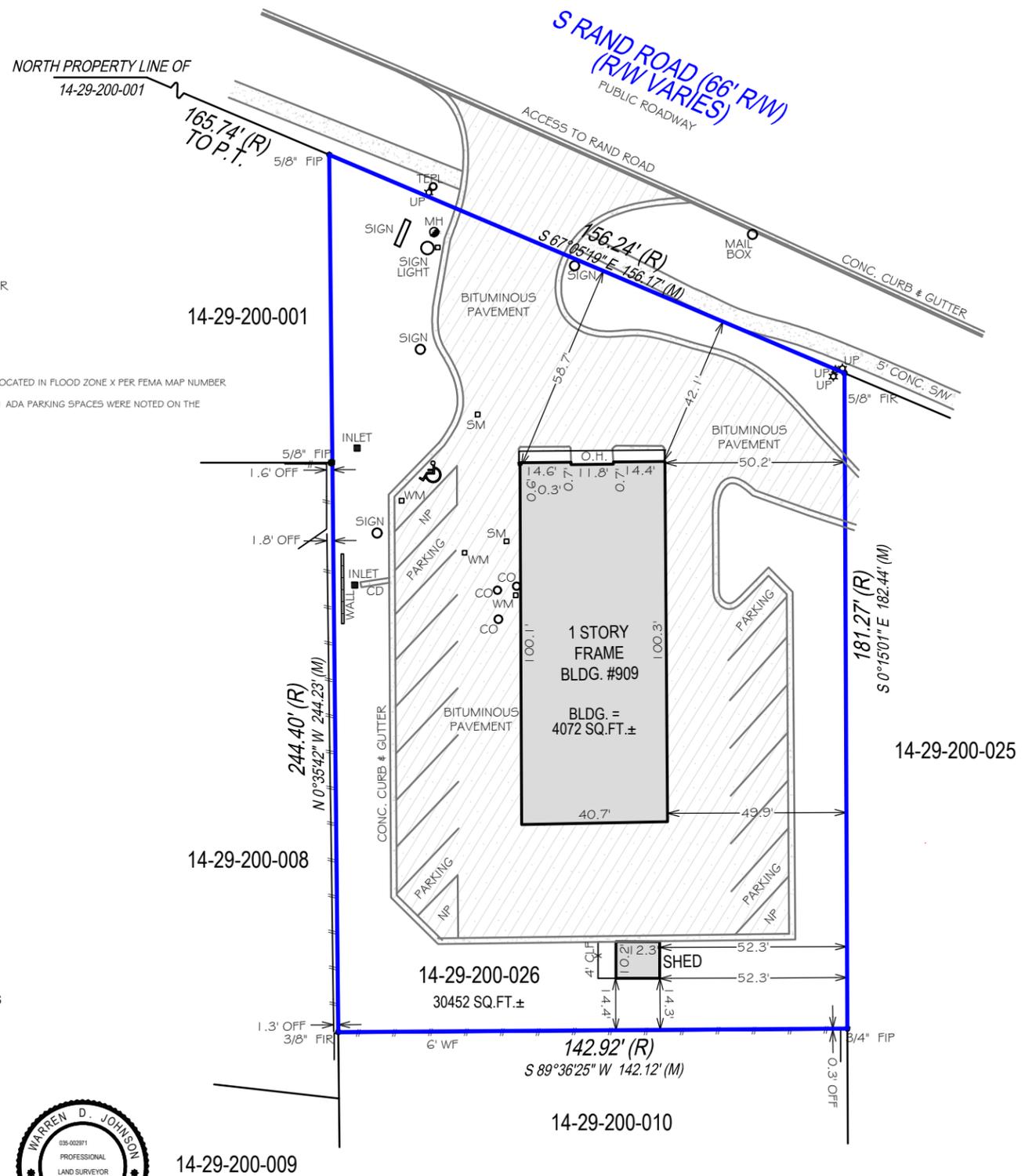
LEGEND:
NP = NO PARKING

TO: JAS MANAGEMENT, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY
PROPER TITLE, LLC
CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7a, 8, 9 AND 14 OF TABLE A. FIELDWORK WAS COMPLETED ON JULY 25, 2022. DATED THIS 27TH DAY OF JULY, 2022.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2971
LICENSE EXPIRES 11/30/2022
EXACTA LAND SURVEYORS
PROFESSIONAL DESIGN FIRM 184008059-0008

NOTE: PROPER TITLE, LLC COMMITMENT NO. CPT22-85483 DATED JUNE 16, 2022 WAS UTILIZED IN THE PREPARATION OF THIS SURVEY



SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

PROPERTY ADDRESS:
909 S RAND ROAD, LAKE ZURICH, ILLINOIS 60047

SURVEY NUMBER: 2206.6657

CERTIFIED TO:
JAS MANAGEMENT, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY;
PROPER TITLE, LLC; CHICAGO TITLE INSURANCE COMPANY

DATE OF SURVEY: 07/27/22

BUYER: JAS MANAGEMENT, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY

LENDER:

TITLE COMPANY: PROPER TITLE, LLC

COMMITMENT DATE: NOT REVIEWED **CLIENT FILE NO:** CPT22-85483

LEGAL DESCRIPTION:
THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF RAND ROAD AND THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 181.27 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE NORTH PARALLEL WITH THE SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 244.40 FEET TO THE SOUTHWESTERLY LINE OF SAID RAND ROAD; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD 156.24 FEET, TO THE POINT OF BEGINNING IN LAKE COUNTY, ILLINOIS.

FLOOD ZONE INFORMATION:

GENERAL SURVEYORS NOTES:

- The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Dimensions are in feet and decimals thereof.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
- Unless otherwise noted "SIR" indicates a set iron rebar, 5/8 inch in diameter and twenty-four inches long.
- The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.
- Surveyor bearings are used for angular reference and are used to show angular relationships of lines only and are not related or orientated to true or magnetic north. Bearings are shown as surveyor bearings, and when shown as matching those on the subdivision plats on which this survey is based, they are to be deemed no more accurate as the determination of a north orientation made on and for those original subdivision plats. North 00 degrees East is assumed and upon preparation of this plat, the resulting bearing between found points as shown on this survey is the basis of said surveyor bearings as defined and required to be noted by Illinois Administrative Code Title 68, Chapter VII, Sub-Chapter B, Part 1270, Section 1270.56, Paragraph B, Sub-Paragraph 6, Item k.
- THIS SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE PHONE NUMBER SHOWN HEREON.

SURVEYORS LEGEND:

LINETYPES		ABBREVIATIONS	
	Boundary Line	(C) - Calculated	FIP - Found Iron Pipe
	Center Line	(D) - Deed	FIPC - Found Iron Pipe & Cap
	Chain Link or Wire Fence	(F) - Field	FIR - Found Iron Rod
	Easement	(M) - Measured	FIRC - Found Iron Rod & Cap
	Edge of Water	(P) - Plat	FN - Found Nail
	Iron Fence	(R) - Record	FN&D - Found Nail & Disc
	Overhead Lines	(S) - Survey	FRRSPK - Found Rail Road Spike
	Structure	A/C - Air Conditioning	GAR - Garage
	Survey Tie Line	AE - Access Easement	GM - Gas Meter
	Vinyl Fence	ANE - Anchor Easement	ID - Identification
	Wall or Party Wall	ASBL - Accessory Setback Line	IE/EE - Ingress/Egress Easement
	Wood Fence	B/W - Bay/Box Window	ILL - Illegible
SURFACE TYPES		BC - Block Corner	INST - Instrument
	Asphalt	BFP - Backflow Preventer	INT - Intersection
	Brick or Tile	BLDG - Building	IRRE - Irrigation Easement
	Concrete	BLK - Block	L - Length
	Covered Area	BM - Benchmark	LAE - Limited Access Easement
	Water	BR - Bearing Reference	LB# - License No. (Business)
	Wood	BRL - Building Restriction Line	LBE - Limited Buffer Easement
SYMBOLS		BSMT - Basement	LE - Landscape Easement
	Benchmark	C - Curve	LME - Lake/Landscape Maintenance Easement
	Center Line	C/L - Center Line	LS# - License No. (Surveyor)
	Central Angle or Delta	C/P - Covered Porch	MB - Map Book
	Common Ownership	C/S - Concrete Slab	ME - Maintenance Easement
	Control Point	CATV - Cable TV Riser	MES - Mitered End Section
	Catch Basin	CB - Concrete Block	MF - Metal Fence
	Elevation	CH - Chord Bearing	MH - Manhole
	Fire Hydrant	CHIM - Chimney	MHWL - Mean High Water Line
	Find or Set Monument	CLF - Chain Link Fence	NR - Non-Radial
	Guywire or Anchor	CME - Canal Maintenance Easement	NTS - Not to Scale
	Manhole	CO - Clean Out	NAVD88 - North American Vertical Datum 1988
	Tree	CONC - Concrete	NGVD29 - National Geodetic Vertical Datum 1929
	Utility or Light Pole	COR - Corner	OG - On Ground
	Well	CS/W - Concrete Sidewalk	ORB - Official Records Book
		CUE - Control Utility Easement	ORV - Official Record Volume
		CVG - Concrete Valley Gutter	O/A - Overall
		D/W - Driveway	O/S - Offset
		DE - Drainage Easement	OFF - Outside Subject Property
		DF - Drain Field	OH - Overhang
		DH - Drill Hole	OHL - Overhead Utility Lines
		DUE - Drainage & Utility Easement	OHWL - Ordinary High Water Line
		ELEV - Elevation	ON - Inside Subject Property
		EM - Electric Meter	P/E - Pool Equipment
		ENCL - Enclosure	PB - Plat Book
		ENT - Entrance	PC - Point of Curvature
		EOP - Edge of Pavement	PCC - Point of Compound Curvature
		EOW - Edge of Water	PCP - Permanent Control Point
		ESMT - Easement	PI - Point of Intersection
		EUB - Electric Utility Box	PLS - Professional Land
		F/DH - Found Drill Hole	
		FCM - Found Concrete Monument	
		FF - Finished Floor	

JOB SPECIFIC SURVEYOR NOTES:



Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY
PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES



TENANT

TENANT



TENANT







TENANT

TENANT



TENANT

Proper Title LLC
1530 E. Dundee Road, Ste 250
Palatine, IL 60074
(847) 603-2525

January 19, 2023

Salvi, Salvi & Wifler, P.C.
335 Chancery Lane
Lake Zurich, IL 60047

PT File No.: CPT22-85483
RE: Purchase of 909 S Rand Road, Lake Zurich, IL 60047

To whom it may concern:

In connection with your recent Purchase of the above-referenced property, please find enclosed the following items for your records:

1. Original Trustee's Deed
2. Final Owner's Title Insurance Policy No. 7230600-229423877.

We appreciate the opportunity to be of service to you, and if you need any further assistance, please do not hesitate to contact us.

Sincerely,

Proper Title, LLC

Policy Production Department
postclosing@propertitle.com
(224)513-5137

Encl.

Policy No.: 130472-2-CPT22-85483-2023.7230600-229423877

OWNER'S POLICY OF TITLE INSURANCE

Issued by

CHICAGO TITLE INSURANCE COMPANY

Any notice of claim and any other notice or statement in writing required to be given the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, (the "Company") insures as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or

- (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

CHICAGO TITLE INSURANCE COMPANY

Proper Title, LLC
1530 East Dundee Rd Ste 250
Palatine, IL 60074
Tel:847-603-2525
Fax:



By:

A handwritten signature in black ink, appearing to read "Michael J. Nolan".

Michael J. Nolan

President

Attest:

A handwritten signature in black ink, appearing to read "Marjorie Nemzura".

Marjorie Nemzura

Secretary

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS



The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party



asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters

insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title, or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by 10%, and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.



(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefore in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at CHICAGO TITLE INSURANCE COMPANY, Attn: Claims Department, P.O. Box 45023, Jacksonville, FL 32232-5023.



FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, “FNF,” “our,” or “we”) respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary’s website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver’s license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an “FNF Website”) from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a “cookie” may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer’s hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to “Do Not Track” features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates’, and others’ products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see “Choices with Your Information” to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an “opt out” request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the “California Privacy” link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF’s headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the “Service Websites”). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender’s privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender’s privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the

mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 714-2710 or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Proper Title, LLC
as an Agent for Chicago Title Insurance Company
1530 E. Dundee Rd. Ste. 250, Palatine, IL 60074

SCHEDULE A

File No.: CPT22-85483
Policy No.: 7230600-229423877
Amount of Insurance: \$550,000.00

Premium: \$2,575.00

Date of Policy: January 11, 2023 at 12:16 PM

1. Name of Insured:

JAS Management, LLC, an Illinois limited liability company

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

JAS Management, LLC, an Illinois limited liability company

4. The land referred to in this policy is described as follows:

SEE SCHEDULE C ATTACHED HERETO

Proper Title LLC



Charity Murow

Proper Title, LLC
as an Agent for Chicago Title Insurance Company
1530 E. Dundee Rd. Ste. 250, Palatine, IL 60074

SCHEDULE B

File No.: CPT22-85483

Policy No.: 7230600-229423877

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Standard Exceptions

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.
6. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.

2. The lien of taxes for the years 2022 and thereafter.

Permanent Index Number: 14-29-200-026

Taxes for the years 2022 and thereafter are not yet due, payable or delinquent.

3. Designation and establishment of Federal Aid Route No. 60, n/k/a U. S. Route #12, as a "freeway" (pursuant to the statutes of the State of Illinois) by instrument dated March 30, 1959 and recorded April 21, 1959 as document 1027587 denying new highway, street, road, alley or other public way to land from State Route No. 60, except upon written consent of the Department of Public Works and Buildings of the State of Illinois.
4. Easement in favor of Northern Illinois Gas Company, and its successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the grant recorded July 7, 1967 as document no. 1342858, affecting that part of the land described on Exhibit "A" attached to said instrument.
5. Rights of the public and of the State of Illinois, in and to so much of the land as dedicated for road

Chicago Title Insurance Company

Policy No.: 7230600-229423877

SCHEDULE B
(Continued)

purposes by instrument dated February 18, 1961 and recorded February 24, 1961 as document 1099717.

6. Rights of the public of the State of Illinois in and to so much of the land used for highway purposes as dedicated for road purposes by instrument dated May 13, 1938 and recorded December 12, 1938 as document 456867.
7. Rights of way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.
8. Rights of the public and quasi-public utilities to maintain clean out, water meter/ valve box, inlet, sewer manhole and utility pole as disclosed by survey made by Exacta Land Surveyors, LLC, order number 2206.6657 and dated July 27, 2022.

Proper Title, LLC
as an Agent for Chicago Title Insurance Company
1530 E. Dundee Rd. Ste. 250, Palatine, IL 60074

SCHEDULE C

PROPERTY DESCRIPTION

The land referred to in this Policy is described as follows:

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF RAND ROAD AND THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 181.27 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE NORTH PARALLEL WITH THE SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 244.40 FEET TO THE SOUTHWESTERLY LINE OF SAID RAND ROAD; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD 156.24 FEET, TO THE POINT OF BEGINNING IN LAKE COUNTY, ILLINOIS.

PROPER TITLE, LLC

PT-22-85483
TRUSTEE'S DEED
(ILLINOIS)

Type: DTR
Recorded: 1/11/2023 12:16:08 PM
Fee Amt: \$885.00 Page 1 of 3
Receipt#: 20230001440
IL Rental Housing Fund: \$9.00
State Stamp Fee: \$550.00
County Stamp Fee: \$275.00
Lake County IL
Anthony Vega Lake County Clerk

File# 7953505

REAL ESTATE TRANSFER TAX

County:	\$275.00
Illinois:	\$550.00
Total:	\$825.00
Stamp No:	0-343-159-632
Declaration ID:	20221204918729
Instrument No:	7953505
Date:	11-Jan-2023

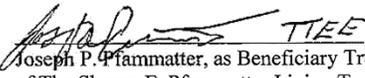
THE GRANTORS, Joseph P. Pfammatter, as Beneficiary Trustee of The Sharon E. Pfammatter Living Trust dated July 28, 2010, of the Village of Lake Zurich, County of Lake, State of Illinois for and in consideration of TEN AND 00/100 DOLLARS (\$10.00), in hand paid, convey to JAS Management, LLC, an Illinois limited liability company, of the Village of Lake Zurich, County of Lake, State of Illinois all interest in the following described real estate commonly known as 909 S Rand Road, Lake Zurich, IL 60047 and legally known as:

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF RAND ROAD AND THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 181.27 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE WEST AT 90 DEGREES TO THE LAST DESCRIBED COURSE 142.92 FEET; THENCE NORTH PARALLEL WITH THE SAID EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 244.40 FEET TO THE SOUTHWESTERLY LINE OF SAID RAND ROAD; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD 156.24 FEET, TO THE POINT OF BEGINNING IN LAKE COUNTY, ILLINOIS.

Permanent Real Estate Index Number(s): 14-29-200-026

This deed is executed by the parties of the first part, as Trustees, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in them by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling, SUBJECT, HOWEVER, to: all unpaid general taxes and special assessments; pending litigation, if any, affecting the said real estate; building lines; building, liquor and other restrictions of record, if any; Zoning and Building Laws and Ordinances; easements of record, if any; and rights and claims of parties in possession; and to those additional items, if any, listed on the reverse side hereof which are hereby incorporated by reference herein.

Dated this 25 day of November, 2022.


Joseph P. Pfammatter, as Beneficiary Trustee
of The Sharon E. Pfammatter Living Trust
dated July 28, 2021

18 N. County Street
Waukegan, IL 60085

Mary Ellen Vanderverter
Lake County Recorder of Deeds

(847)360-6673
(FAX) (847)625-7200

PLAT ACT AFFIDAVIT

STATE OF Illinois Document No.: _____
COUNTY OF Lake

Joseph Pfammatter, Successor Trustee of the commercial property at 909 Randler
Lake Zurich, IL
being duly sworn on oath, states that _____ resides at C/O Minichella & Associates, Ltd., 7538 St. Louis
Avenue, Skokie, IL 60076; and that the attached deed is not in violation of the Plat Act, Ch. 765 ILCS 205/1.1(b),
as the provision of this Act do not apply and no plat is required due to the following exception:

1. The division or subdivision of the land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
2. The divisions of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
10. The conveyance of land does not involve any land division and is described in the same manner as title was taken by grantor(s).

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.
Affiant further states that this affidavit is made for the purpose of inducing the Recorder of Lake County, Illinois to accept the attached deed for recording.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Joseph Successor
Sharon E. Pfammatter, as Trustee of the Sharon E. Pfammatter Living Trust dated July 28, 2010
BY: Lucia Crook Minichella Under Power of Attorney for Joseph Pfammatter
Joseph Sharon E. Pfammatter
Successor Trustee

SUBSCRIBED and SWORN to before me this 25 day
of November, 2022



Notary [Signature]
(seal)

Revised: September 7, 2010 11:40 AM