



MEMORANDUM

TO: CSCC CHAIR SMITH AND COMMITTEE MEMBERS

FROM: JAMES M. HOGUE, VILLAGE PLANNER

DATE: January 11, 2016

RE: February 3, 2016 - MEETING ISSUE REVIEW

The following is intended to summarize the status of existing as well as new applications before the CSCC and outline actions required of the Committee.

NEW APPLICATIONS:

1. **CSCC 16-01** ; Consideration of a request to construct a berm & plantings within a Scenic Corridor, located at 5314 Heather Knoll Ct. within the R-2 PUD District, Submitted by Ernie Vale.

Petitioner is requesting that a berm be placed within a scenic corridor on the property at 5314 Heather Knoll Court in the Oak Wood Hills Unit 1 PUD\Subdivision. The property was developed as a PUD in 1978. Lot 114, which is the property in question, contains a residence which was constructed in 1984. A berm may be allowed in the scenic corridor subject to the procedures outlined in the Village Code.

Review of the property characteristics indicate both wetland and floodplain are present on approximately the south 240 feet of the scenic corridor. Review by the Village Engineer will be required as well as compliance with the Lake County Stormwater Management Regulations as they relate to both floodplain and wetlands. Site inspection indicates no "significant natural vegetation" in the scenic corridor (See Attached Photos).

Scenic Corridors

Per the Village Code scenic corridors are established as follows. Berms may be constructed in Scenic Corridors per Paragraph 4 (below);

Scenic Corridor Easements: These easements are intended to provide scenic buffers between roads and developments. See subsection 6-4-4(C) of this code. A scenic corridor easement shall be depicted on each final plat of subdivision and each final plat of a planned unit development, and said easement shall constitute an easement in favor of the village of Long Grove, the terms of which are as follows:

1. All significant native vegetation shall be preserved and maintained, and shall not be mowed, cultivated, sprayed or in any way disturbed.
2. Nonnative vegetation may be excised, controlled, or destroyed, in accordance with the approved plans and specifications or with the prior written approval of the conservancy/scenic corridor easement committee (CSC).
3. Existing woodlands and hedgerows within the scenic corridor shall not be destroyed.
4. **If no significant natural vegetation exists and where suitable topsoil is available, berms may be constructed in accordance with the approved plans and specifications for the subdivision or planned unit development. Nonnative flowering plants and evergreen trees may be utilized, if approved by the plan commission or the CSC. It is the intent that the vegetation, whether it be native or otherwise, shall constitute a suitable screen between the development of the lot upon which the scenic corridor exists and the adjacent road right of way to ensure that visual evidence of human occupancy is minimal**

Furthermore, the Village Subdivision Code identifies the following specifications for berms in Scenic Corridors;

Berm And Buffer Standards: When berms are to be built within the scenic corridor, the berms and the scenic buffers shall meet the following standards:

- (a) Berms shall not exceed eight feet (8') in height, except adjoining a railroad track, Route 83 or 22, Gilmer Road, or in planned unit development when a higher berm is essential to the best site plan for the property.
- (b) The slope of the berms facing the road shall average no more than fifteen percent (15%), with the steepest slopes located furthest from the road. The maximum slope facing the road shall not exceed twenty percent (20%); **or** the scenic corridor must be increased in width to one hundred fifty feet (150'), and the berm shall start at least eighty feet (80') back from the right of way. (Ord. 2000-O-17, 8-8-2000)
- (c) Berms may have fifty percent (50%) slopes where they are located at least forty feet (40') back from the right of way and afforested. Afforestation shall require the following plants to be planted for every four thousand (4,000) square feet of scenic corridor:
 - (1) Three (3) 3-inch native hardwood canopy trees.
 - (2) Three (3) 2-inch native hardwood canopy trees.
 - (3) Two (2) 1¹/₂-inch understory/ornamental trees.
 - (4) Fifteen (15) 3-foot shrubs. (Ord. 2001-O-31, 10-9-2001)

Proposal/Analysis

The berm is being requested by the purchaser of the property to provide a barrier between the residence and traffic on Route 83. As proposed the berm would measure 22' wide by 560 feet

long and 8' high. The berm would run along the western property line of the subject property abutting Route 83. The berm as proposed would encroach into both wetlands and floodplain along the south 240 (+/-) feet of the subject property.

As proposed the berm appears to conform to the standards for berms as identified in the subdivision code, however, in this instance no subdivision of property is occurring. The berm will have a height of 8 feet, the slope of the berm facing the street is less than 20% and the steepest slope of the berm faces away from the roadway. A berm along Route 83 could be constructed to a height of greater than 8 feet as noted above.

A landscape plan/ species mix is presented with the proposal. Petitioner proposes a mix of Sugar Maple, Serviceberry, Honey Locust, Swamp White Oak, Red, bud, Burning Bush, Witch Hazel, Ninebark (Summer Wine Tree), Pasture\Prairie Rose and Viburnum as a planting mix. Plants would be distributed per the standards for berm plantings as found in the Village Subdivision Code noted above also.

The CSCC should acknowledge the conformance of the berm to the applicable standards for the Village Code and determine the appropriate planting mix for the berm. The afforestation schedule listed above (paragraph C) appears to apply as the entire square footage of the berm is greater than 4000 square feet. Nonnative flowering plants & evergreen species may be utilized subject to CSCC review and approval. Screening and buffering of the residence should be the primary consideration for plantings within the Scenic Corridor.

Helen is Primary; Kathy is Secondary

2. **CSCC 16-02;** Consideration of the preliminary plat of subdivision of property to be known as the "Karen's Corner" PUD and within the R-2 Residential District, including the location of Conservancy District Boundaries & detention areas within Scenic Corridors and pathways on property commonly known as The Iverson Property at Old Hicks & Checker Roads submitted by Fidelity Wes Designers & Builders (Demar-Iverson Property).

History: The property is located on the west side of Old Hicks Road at the intersection of Old Hicks and Checker Roads. The former Geimer Greenhouse property abuts the subject property to the west. The property consists of three parcels (PIN's 14-36-300-003, 14-36-300-038, 14-36-300-039) and contains 34.8 +/- gross acres of land area. A portion of the property (PIN 14-36-300-003) is presently within the Village zoned R-2 PUD District. The bulk of the property is under the jurisdiction of Lake County and is presently zoned "AG" Agricultural under the county zoning regulations. The property is currently vacant but does contain remnants of the former Iverson Greenhouse and Nursery which occupied the property at one time. The centerline of the proposed Route 53 Extension bisects the property (See attached Tax Map).

Conservancy District Soils

Lowland Conservancy District Soils (330 Peotone Silt) exist on the property and are proposed to be contained within Lots 1,2,3,4,7, 8, 15 & 18 and Outlots A, B & C of the preliminary site plan (See Attached). In general, the preference has been to contain conservancy soils within outlots to

provide a larger contiguous area of protected open space as well as reduce the potential for encroachment into the conservancy easement. As proposed, conservancy soils, and therefore conservancy easements, would in some instances encroach into platted lots and “building boxes”. Although past developments have been approved in the manner, this scenario is somewhat undesirable as a high potential for encroachment into the conservancy easement exists based upon previously approved subdivisions with similar characteristics.

To a certain extent this situation is unavoidable as the respect for, but the uncertainty of, the Route 53 extension limits the ability for the creation of outlots while remaining consistent with the R-2 standards as suggested by the approved Comprehensive Plan for the Village at this location.

In the past alterations to conservancy district boundaries have been considered by the CSCC. This has been done to limit the potential for encroachment while providing “logical” boundaries for the conservancy easement. Typically, enhancements to the conservancy easement (in the form of native plantings), enhanced scenic corridors or possibly pathways and/or other site improvements or amenities have been considered by the CSCC in exchange for alterations to conservancy district boundaries **prior to platting**.

Stormwater Detention – Stormwater detention will be accommodated via 5 detention basins located within the development. Detention basins will be located on Outlots B & C as well as on individual platted lots as identified on the preliminary plat. Stormwater will be conveyed to the detention areas via 12” PVC storm sewer. Detention areas in “Outlots A, B, & C” are proposed to be included within the scenic corridor. Scenic Corridors are intended to provide a buffer between residences and traffic noises associated with collector streets, retain community character and provide habitat for plant and animal life. Existing woodlands and hedgerow within corridors are not to be destroyed. Detention areas are not anticipated in corridors per the subdivision code as follows;

(E) Scenic Corridor Easements: These easements are intended to provide scenic buffers between roads and developments. See subsection 6-4-4(C) of this code. A scenic corridor easement shall be depicted on each final plat of subdivision and each final plat of a planned unit development, and said easement shall constitute an easement in favor of the village of Long Grove, the terms of which are as follows:

- 1. All significant native vegetation shall be preserved and maintained, and shall not be mowed, cultivated, sprayed or in any way disturbed.*
- 2. Nonnative vegetation may be excised, controlled, or destroyed, in accordance with the approved plans and specifications or with the prior written approval of the conservancy/scenic corridor easement committee (CSC).*
- 3. Existing woodlands and hedgerows within the scenic corridor shall not be destroyed.*
- 4. If no significant natural vegetation exists and where suitable topsoil is available, berms may be constructed in accordance with the approved plans and specifications for the subdivision or planned unit development. Nonnative flowering plants and evergreen trees may be utilized, if approved by the plan commission or the CSC. It is the intent that the vegetation, whether it be native or otherwise, shall constitute a suitable screen between the development of the lot upon which the*

scenic corridor exists and the adjacent road right of way to ensure that visual evidence of human occupancy is minimal.

A process does exist for encroachments into conservancy areas, as follows;

7-5-6: CONSERVANCY DISTRICT ENCROACHMENTS:  

(A) When it is essential to the reasonable use of a lot or parcel that an improvement such as a driveway or utility line encroach upon or traverse a conservancy district, the location of the improvements shall be subject to the prior review and approval of the plan commission at time of final plat approval and be so delineated to the extent reasonably possible on the final plat.

(B) If for some reason the encroachment was not identified and delineated by the plan commission during the final plat process, then such an encroachment may be thereafter permitted upon application of the owner, after review and upon recommendation of the CSC, and final approval by the village board. Encroachments shall be no greater than twenty feet (20') wide and shall be located whenever possible to minimize the size of the encroachment.

(C) Once the location and nature of these permitted encroachments are reviewed and approved by the plan commission or the CSC and final approval has been obtained, the configuration of the encroachment may be altered as reasonably necessary for the enjoyment of the lot subject to the prior review and recommendation of the CSC and subsequent approval of the village board subject to the following:

- 1. The reconfiguration must be reasonably necessary for the reasonable use of the lot; and**
- 2. The reconfiguration must not result in an overall reduction of the square footage of the conservancy district; or**
- 3. The reconfiguration will result in other ecological benefits such as preservation of native vegetation such as a mature oak; or**
- 4. Such other conditions which the village board determines warrants the reconfiguration and the village board further finds that the reconfiguration will result in an overall enhancement to the ecology of the area. (Ord. 2007-0-04, 4-24-2007).**

As the CSCC is aware Conservancy District easements are similar to scenic corridors but generally more restrictive than the scenic corridor easements. Also of note, berms may be permitted in Scenic Corridors as follows;

4. If no significant natural vegetation exists and where suitable topsoil is available, berms may be constructed in accordance with the approved plans and specifications for the subdivision or planned unit development. Nonnative flowering plants and evergreen trees may be utilized, if approved by the plan commission or the CSC. It is the intent that the vegetation, whether it be native or otherwise, shall constitute a suitable screen between the development of the lot upon which the scenic corridor exists and the adjacent road right of way to ensure that visual evidence of human occupancy is minimal

If the CSCC determines the detention pond encroachments are acceptable in the Scenic Corridor staff suggests the CSCC provide direction for the preparation of detailed plans for the detentions areas, including landscaping, grading and plant mixes submitted to the CSCC for further review (likely with the final PUD plans) and be consideration in a fashion similar to that identified for Conservancy District Encroachments.

Pathways

As proposed the petitioner has identified an 8" pathway easement north of the cul-de-sac on Bayberry Court and an 8" pathway segment between Lots 8 & 9 (within the proposed conservancy) running southwesterly across the potential right-of-way for the Route 53 extension and to a second proposed pathway segment running northwesterly along the line between Outlots A & B. This segment would tie into the existing "Menards" Pathway which lies north of the soccer fields and provides access into Buffalo Creek Forest Preserve.

Staff suggests consideration be given to better "looping" and integration of a 10' foot easement and pathway system within the development. It is suggested pathways be placed within the Village owned Old Hicks Road right-of-way extending from the north property line southward to connect with the existing "Menards" pathway as well as pathway segment. This pathway segment may also be potentially be considered within the Scenic Corridor if there is enough land area to accommodate the pathway and detention areas.

Pathways may be considered as permitted uses within conservancy areas as follows;

(D) Permitted Uses:

Agriculture as now practiced.

Flood overflow and movement of flood water.

Nature preserve.

Passive recreation such as nature trails.

Vegetation management for the perpetuation or restoration of native species.

Wilderness areas and wildlife refuges.

Wildlife management.

(E) Procedure For Permitted Uses: Permitted uses shall require a review and recommendation by the CSC and issuance of a permit by the village board. An application for a permitted use shall include sufficient detail to demonstrate that the permitted use will not:

- 1. Interfere with the flow or storage of floodwater;***
- 2. Increase the runoff of the area;***
- 3. Interfere with the absorption of ground water;***
- 4. Present a potential pollution hazard to ground or surface water;***
- 5. Disturb the natural ecology of the area.***

In the past this standard for pathways has been applied to Scenic Corridor Easements as well.

Action by the CSCC

The CSCC needs to address and make recommendation on the following issues;

- Consideration of alterations to conservancy district boundaries as identified on the preliminary plat to limit the potential for encroachment into the easement while providing “logical” boundaries for the conservancy easement. The CSCC has considered modification to conservancy boundaries in exchange for enhancements to the conservancy easement (in the form of native plantings), enhanced scenic corridors or possibly pathways and/or other site improvements **prior to platting.**
- Consideration of detention areas in “Outlets A, B,& C” within the scenic corridor. Scenic Corridors are intended to provide a buffer between residences and traffic noises associated with collector streets, retain community character and provides habitat for plant and animal life. Existing woodlands and hedgerow within corridors are not to be destroyed. Encroachment in the form of berms may be permitted; staff suggests the CSCC consider the detention areas in a similar manner and provide direction for the preparation of detailed plans for the detentions areas, including landscaping, grading and plant mixes to be submitted for further review (likely with the final PUD plans) and be consideration in a fashion similar to that identified for Conservancy District Encroachments and in particular the “standards” for such an encroachment.
- Staff suggests consideration be given to better “looping’ and integration of the pathway system within the development. It is suggested pathways be placed within the Village owned Old Hicks Road right-of-way extending from the north property line southward to connect with the existing “Menards” pathway as well as pathway segment. This pathway segment may also be potentially be considered within the Scenic Corridor if there is enough land area to accommodate the pathway and detention areas. Pathways in Conservancy Easements may also be considered if they provide opportunities for logical extension of pathway segments which offer better “looping’ and integration of the pathway system within the development.

Warren is Primary; Kelley is Secondary.

II . OTHER BUSINESS:

Should you have any questions or concerns feel free to contact me.