#2012-76
D'Andrea Rezone upon Annexation & Variation
Project Review for Planning and Zoning Commission

Meeting Date: November 2, 2016

Request:
1) Rezoning upon annexation to B-2 PUD General Commercial Planned Unit Development, and
2) Variation from the Article 3-200 B-2 zoning district bulk standards for the maximum impervious surface coverage to allow 95%.

Location: 4419 Northwest Highway

Acreage: Approximately 2.25 acres

Existing Zoning: B-2 Alcoholic Beverage Business & A-1 Agriculture (McHenry County)

Requested Zoning: B-2 PUD General Commercial Planned Unit Development

Surrounding Properties:

North:	M PUD – Manufacturing Planned Unit Development & B-2 PUD – General Commercial Planned Unit Development
South:	B-2 PUD – General Commercial Planned Unit Development
East:	B-2 PUD – General Commercial Planned Unit Development
West:	B-2 PUD – General Commercial Planned Unit Development

Staff Contact: Kathryn Cowlin (815.356.3798)

Background:

- Existing Use: The property is currently the D'Andrea Banquet Conference Center.
- The existing conditions of the property would be allowed to remain 'as is' upon annexation into the City and allowed to continue for the term of the annexation agreement.
- History: This property is a county island, meaning it is surrounded by the City. City staff contacted the property owner and encouraged them to file an application for annexation.

Development Analysis:

- Request: To zone the property B-2 General Commercial PUD upon annexation and a variation from the maximum impervious surface coverage from 65% to allow the existing 95% coverage.
- Land Use: The land use map shows the property as Commerce. No Comprehensive Land Use Plan Map Amendment is necessary.
- Zoning: The property is currently zoned B-2 – Alcoholic Beverage Business and A-1 Agriculture in McHenry County. The property will be rezoned to B-2 PUD – General Commercial Planned Unit Development, which is appropriate for the existing businesses.
- Freestanding sign: There is an existing freestanding pole sign that is visible from Route 14. It has been the City's standard to accept freestanding pole signs on properties that are annexing as legal non-conforming structures.

Findings of Fact:

REZONING

- The property is currently zoned B-2 – Alcoholic Beverage Business and A-1 Agriculture in McHenry County. Property annexed into the City of Crystal Lake comes in as E-Estate zoning.
- The property would be rezoned to the City's B-2 General Commercial PUD – General Commercial Planned Unit Development zoning district upon annexation.

Criteria for Rezoning

(a) The existing uses and zoning of nearby property.

☐ *Meets* ☐ *Does not meet*

(b) The extent to which property values are diminished by a particular zoning classification or restriction.

☐ *Meets* ☐ *Does not meet*

(c) The extent to which the destruction of property value of a petitioner property owner promotes the health, safety, morals or general welfare of the public.

☐ *Meets* ☐ *Does not meet*

(d) The relative gain to the public as opposed to the hardship imposed on a petitioning property owner.

☐ *Meets* ☐ *Does not meet*

(e) The suitability of the subject property for its zoned purposes.

☐ *Meets* ☐ *Does not meet*

(f) The length of time the property has been vacant as zoned, considered in the context of land development in the area.

☐ *Meets* ☐ *Does not meet*

(g) The Comprehensive Plan designation and the current applicability of that designation.

☐ *Meets* ☐ *Does not meet*

(h) The evidence or lack of evidence, of community need for the use proposed.

☐ *Meets* ☐ *Does not meet*

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 3-200, the maximum impervious surface coverage from 65% to allow the existing 95% coverage. The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.

   ☐ *Meets* ☐ *Does not meet*

b. Also, that the variation, if granted, will not alter the essential character of the locality.

   ☐ *Meets* ☐ *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;

   ☐ *Meets* ☐ *Does not meet*

b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

   ☐ *Meets* ☐ *Does not meet*

c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

   ☐ *Meets* ☐ *Does not meet*

d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.

☐ *Meets* ☐ *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

Recommended Conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Petition to Annex (Bishop, received 10/11/16)

2. The petitioner shall comply with the requirements of the Community Development Department.

D’Andrea – 4419 Northwest Highway PIQ





PETITION TO VOLUNTARILY ANNEX TO THE CITY OF CRYSTAL LAKE, ILLINOIS

RECEIVED
OCT 11 2016
BY: MJR

Before the City Council of the City of Crystal Lake, McHenry County, Illinois, the undersigned Petitioner, Harris Bank Barrington, N.A. as Trustee under its Trust Agreement dated April 10, 1992 and known as Trust No. 11-4690, hereby respectfully petitions of the City of Crystal Lake, McHenry County, Illinois to voluntarily annex the territory described in Exhibit A which is attached hereto and made a part hereof, and in support of this Petition states as follows:

1. The undersigned is the owner of record of the territory herein described in Exhibit A.

2. The beneficiaries of the title holding trust are:

Chris Spentzos
Louis Spentzos
Peter Spentzos
James Spentzos
Gus Spentzos

3. The territory herein described in Exhibit A is contiguous to and surrounded by the City of Crystal Lake, is located in McHenry County, Illinois and no part of the territory described herein in Exhibit A is within the corporate limits of any other municipality.

4. The undersigned trust represents all of the electors of record of the territory herein described in Exhibit A.

5. The undersigned trust represents 100% of all of the owners of record of this property.

WHEREFORE, Petitioners respectfully request that the City Council and its corporate authorities of the City of Crystal Lake, McHenry County, Illinois annex the herein described territory described in Exhibit A to the City of Crystal Lake in accordance with the provisions of

this agreement and pursuant to the terms of a proposed annexation agreement to be agreed to by the parties being the City of Crystal Lake and Petitioner herein.

Harris Bank Barrington, N.A. as Trustee under its Trust Agreement dated April 10, 1992 and known as Trust No. 11-4690

Dated this ___ of October 2016.

By:_____

Being a majority of beneficiaries with power of direction.

ATTESTATION

State of Illinois)
) ss
County of McHenry)

I, Peter Spentzos, being first duly sworn on oath deposes and states that I have authority to execute this attestation, that I am personally knowledgeable of all matters contained herein and that the matters stated are true in substance and in fact.

_____
Peter Spentzos

Subscribed and Sworn to before me
This 10th day of October, 2016.

_____
Notary Public

RIDER OF LEGAL DESCRIPTION ATTACHED TO AND MADE A PART OF PETITION TO VOLUNTARILY ANNEX TO THE CITY OF CRYSTAL LAKE, ILLINOIS OF PETITIONER, HARRIS BANK BARRINGTON, N.A. AS TRUSTEE UNDER ITS TRUST AGREEMENT DATED APRIL 10, 1992 AND KNOWN AS TRUST NO. 11-4690

That part of the Northeast Quarter of Section 10, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the North Quarter corner of said Section 10; thence Southerly along the West line of the Northeast Quarter of said Section 10, a distance of 215.41 feet to the center line of U. S. Route 14; thence South 80 degrees, 07 minutes, 14 seconds East along said center line, a distance of 435.60 feet to the place of beginning; thence continuing South 80 degrees, 07 minutes, 14 seconds East along said center line of U. S. Route 14, a distance of 89.17 feet to a point of curvature; thence Southeasterly along said center line, along a curve having a radius of 2864.80 feet as said curve is convexed Southerly for an arc distance of 31.28 feet; thence South 20 degrees, 23 minutes, 15 seconds East, 62.83 feet to the Southerly right of way line of said U. S. Route 14; thence Southeasterly along said Southerly right of way line, along a curve having a radius of 2919.80 feet, as said curve is convex Southerly for an arc distance of 155.15 feet; thence South 22 degrees, 42 minutes, 21 seconds West along a non-tangential line, for a distance of 212.47 feet; thence South 86 degrees, 31 minutes, 17 seconds West, 62.13 feet; thence South 80 degrees, 52 minutes, 22 seconds West, 154.04 feet; thence South 88 degrees, 10 minutes, 27 seconds West, 12.33 feet; thence South 1 degree, 49 minutes, 33 seconds East, 102.00 feet; thence South 88 degrees, 10 minutes, 27 seconds West, 163.05 feet; thence North 1 degree, 49 minutes, 33 seconds West, 102.00 feet; thence North 71 degrees, 21 minutes, 11 seconds West, 70.39 feet; thence North 21 degrees, 48 minutes, 00 seconds West, 229.34 feet to the Southerly right of way line of a ramp connecting State Route 31 with U. S. Route 14; thence Northeasterly along said Southerly right of way line, along a curve having a radius of 569.80 feet, as said curve is convexed Northwesterly for an arc distance of 76.96 feet; thence North 20 degrees, 23 minutes, 14 seconds West, along a non-tangential line, 33.01 feet to the center line of construction of aforementioned ramp connecting State Route 31 with U. S. Route 14; thence Easterly along said center line of construction, along a curve having a radius of 502.8 feet, as said curve is convexed Northerly for an arc distance of 276.30 feet to the place of beginning, in McHenry County, Illinois.

Commonly Known As: 4419 Northwest Highway
Crystal Lake, Illinois 60014

(10)

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE APPLICATION OF
Harris Bank Barrington Trust 11-4690

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application of Harris Bank Barrington Trust 11-4690 for the following described real estate commonly known as 4419 Northwest Highway, Crystal Lake, Illinois 60014. PIN: 19-10-200-003. The petitioner seeks a classification of B-2 General Commercial Planned Unit Development upon annexation to allow the existing banquet hall business use to continue at the subject property, a variation from Article 3-200, 65% maximum impervious surface coverage to allow 95% coverage, and any variations as necessary to approve the plans as presented pursuant to Article 9-200. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday, November 2, 2016 at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake

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