#2010-36
7608 and 7614 Virginia Road (Coleman's)
Project Review for Planning and Zoning Commission

Meeting Date:	June 3, 2010
Zoning Requests:	1) Minor Subdivision to shift a lot-line; 2) Variations from the minimum lot area requirement (for both lots); the minimum lot width requirement (for Lot 2); and the maximum permitted impervious surface coverage (for Lot 1) for the "B-2" General Commercial district; and 3) Deferral from the requirement to install sidewalks, parkway trees, street lighting and burial of aerial utilities.
Location:	7608 and 7614 Virginia Road
Acreage:	0.55 acres (total)
Existing Zoning:	"B-2" General Commercial
Surrounding Properties:	North: "B-2" General Commercial South: "B-1 PUD" Neighborhood Commercial PUD East: "B-2" General Commercial West: "B-2" General Commercial
Staff Contact:	Latika Bhide 815.356.3615

Background:

The properties in question are approximately 0.55 acres in area, located at the intersection of Virginia Road and Berkshire Drive (Three Oaks Road). These properties were rezoned in 1991 from the "RE-1" Residential Estate district to the "B-2" Highway Service district for Freddie B's restaurant. The petitioner is requesting a Minor Subdivision to shift a lot line and variations as these lots currently do not meet and will continue to not meet the Ordinance requirements.

Land Use Analysis:

Coleman's restaurant is located on Lot 1 which is zoned "B-2" and is 0.2 acres in area. Lot 2 (currently 0.34 acres) which is also zoned "B-2" has a residence on it. The residence is treated as a non-conforming use in the "B-2" district. In 1991, along with the rezoning, the petitioner received variations to continue the existing use of the restaurant and a special use permit for a fast food restaurant with outside seating (provided there is no outside entertainment). The outside seating was contemplated along the south side of the building (along Virginia Road) but was not added at the time. The petitioner is now interested in adding the outdoor seating on the east side of the building.

They are requesting a minor subdivision to add approximately 3,050 square feet to Lot 1 (from Lot 2). Associated variations will also be necessary as these lots do not currently meet the density and dimensional requirements of the "B-2" district. This will allow the petitioner to add an approximately 18 foot x 20 foot deck along the east side of the building and maintain the 5 feet interior setback requirement.

Minor Subdivision:

The Minor Subdivision process was introduced through the Unified Development Ordinance. This process is specifically intended for subdivisions creating 10 lots or less that do not require any public improvements (except installation of sidewalks, underground placement of public utilities and street trees), such as construction of new roads. The petitioner is requesting a lot line shift to add 3,050 square feet to Lot 1 (Proposed Lot 1: 0.27 acres, Proposed Lot 2: 0.28 acres). Along with the subdivision, the petitioner is requesting a deferral from the requirement to install a sidewalk along Virginia Street, the requirement to bury aerial utilities, install street lighting and parkway trees. A sidewalk exists along Berkshire Drive (Three Oaks Road) in front of these properties. There is no sidewalk installed on Virginia Road except in front of the property immediately to the south of this property. There are currently no parkway trees along Virginia Road.





Variations:

Both Lots 1 and 2 as they exist now, are non-conforming. The Minor Subdivision request will necessitate a variation from the density and dimensional standards for the "B-2" district. A variation from the minimum lot size of 20,000 square feet to allow Lot 1 to be 11,568.6 square feet and Lot 2 to be 12,199.9 square feet is required. A variation is also necessary for Lot 2 from the required minimum lot width of 100 feet to allow 64 feet. The current Lot 1 does not meet the maximum impervious surface coverage requirement of 65 percent. The resubdivision will add green space and reduce the total impervious surface coverage for the new Lot 1; however, a variation will be necessary to accommodate the addition of the 18 foot x 20 foot deck.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Commerce. The Commerce designation is described as "representing existing retail and service commercial areas and indicating areas for future commercial uses."

Within the Commercial Land Use section of the Comprehensive Plan, the following applicable goals and objectives are observed by allowing this use:

Objective #1: Promote Crystal Lake as a center of business activity and economic growth both locally and regionally.

- Promote the city as the regional 'hub' of McHenry County and encourage businesses to remain, expand and relocate to the city.
- Maintain a diversity of commercial, office and industrial uses throughout the city to create a more sustainable local economy that has the ability to meet the different personal and business needs of people in the city.

Objective #2: Encourage business development that maximizes links to related businesses, infrastructure and customers.

- Encourage business development along major roads to encourage the movement of goods and people as smoothly and as timely as possible.
- Encourage the reuse and redevelopment of existing buildings and facilities instead of growth into undeveloped land.

Findings of Fact:

UNIFIED DEVELOPMENT ORDINANCE VARIATION

The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Unified Development Ordinance requirements as they relate to the property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing. Before recommending any Variation, the Planning and Zoning Commission and City Council shall first determine and record its findings that the evidence justifies the conclusions that:

1. 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.
   ☐ True ☐ False

2. Also, that the variation, if granted, will not alter the essential character of the locality.
   ☐ True ☐ False

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:

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

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

3. 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
   ☐ True ☐ False

4. 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.
   ☐ True ☐ False

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:

If a motion to recommend approval of the petitioner's request for a Minor Subdivision and variations is made, the following conditions of approval are recommended:

1) Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   a. Application, received 5-10-10
   b. Plat of Survey, Luco, received 5-10-10
   c. Final Plat of Minor Subdivision, Luco, received 5-10-10
2) Per the County's access and right-of-way management ordinance, the plat of subdivision must be submitted to the County for approval per state statue as the property is located along a County roadway. All applicable County requirements must be included on the final Plat.
3) If alcohol is proposed to be served on the proposed deck, the petitioner shall contact the City to ensure that the appropriate liquor license is obtained.
4) Final Plat of Minor Subdivision:
   a. The Plat shall meet all the requirements of Article 5-200 G 3 b, including but not limited to, names of owners and certification by licensed surveyor; exact location, width and name of all streets and dedication status; building setback lines and school districts in which each lot is located.
   b. Include a signature block for the County Engineer's signature.
5) A deferral until an area wide program is hereby granted for the following UDO requirements:
   A. From the requirement to install sidewalks.
   B. From the requirement for street lighting
   C. From the requirement to bury aerial utilities.
   D. From the requirement to install parkway trees.
6) The petitioner shall address all the comments of the Engineering and Building Division, Fire Rescue, Police, Public Works and the Planning and Economic Development Departments.

= 3 6 2010

RECEIVED
MAY 10 2010
BY:

Application for Minor Subdivision Approval

Application Number:	FOR OFFICE USE ONLY
Development Name:	
Date of Submission:	
Date of Resubmission:	

I. Applicant

Lawrence Payne		Coleman's Crystal Lake
Name		Corporation
7608 S. Virginia RD.		
Street		
Crystal Lake	Illinois	60014
City	State	Zip Code
Alan J Hanke	Agent	(815) 814-3879
Contact Person	Relationship to Owner	Telephone Number
	alanjhanke@sbcglobal.net	
Fax Number	E-mail address	

II. Owner of Property

Lawrence Payne		
Name		
381 Oriole TR., Crystal Lake, IL 60014		(815) 444-9390
Address		Telephone Number

III. Development Team (if applicable)

N/A		
Attorney	Telephone Number	Fax Number
N/A		
Address		E-mail address
N/A		
Architect	Telephone Number	Fax Number
N/A		
Developer	Telephone Number	Fax Number
N/A		
Engineer	Telephone Number	Fax Number
Luco Construction	(847) 658-8537	
Surveyor	Telephone Number	Fax Number

IV. Project Data

1. a. Location/Address: 7608 S. Virginia RD., Crystal Lake, IL. 60014

   a. PIN #: 19-08-427-008

2. General description of site conditions (including existing site improvement, i.e., buildings, parking, landscaping, etc.): Site includes an existing restaurant and parking lot.

3. Existing Zoning: B2

4. Existing Land Use: Restaurant

   a. Is there an existing home on the property? ☐ YES, Go to 4b. ☑ NO

   b. Do you plan to demolish the home prior to plat approval? ☐ YES ☑ NO

5. Site acreage: .72

6. Are you requesting a waiver from the requirement to:

   a. Install sidewalk ☐ YES ☑ NO

   b. Burial of Aerial Utilities ☐ YES ☑ NO

7. List any controlling Ordinances and agreements for this property (annexation ordinances, variations, special use, administrative/preliminary/final plats, PUD, etc.): None.

8. Reason for request/Description of proposal (including proposed land use, building addition, type of use, hours of operation, number of parking spaces, as applicable): Move existing property line 26' to the east in order to build an attached 18 X 20 deck on the east side of the existing restaurant to provide a space for outside seating and dining.

V. Signatures

Alan J Hanke-Agent 5/10/10

PETITIONER: Print and Sign name (if different from owner) Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.

Lawrence Payne 5/10/10

OWNER: Print and Sign name Date

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust (see page 9).

DISCLOSURE OF BENEFICIARIES

1. Applicant: Colemans Crystal Lake
   Address: 7608 S. Virginia RD
   Crystal Lake, IL. 60014

2. Nature of Benefit sought: Minor Subdivision

3. Nature of Applicant (Please check one):

a. Natural Person	☐	d. Trust/Trustee	☐
b. Corporation	☑	e. Partnership	☐
c. Land Trust/ Trustee	☐	f. Joint Venture	☐

4. If applicant is an entity other than described in Section3, briefly state the nature and characteristics of applicant:

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

   a. Lawrence Payne- 381 Oriole TR. Crystal Lake, IL. 60014
   b. Barry Coleman- 561 Freemont ST., Woodstock, IL. 60098
   c. William Sylvester- 877 Coventry LN., Crystal Lake, IL. 60014
   d.
   e.

6. Name, address and capacity of person making this disclosure on behalf of the applicant:
   Lawrence Payne- Owner- 381 Oriole TR. Crystal Lake, IL. 60014

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION

I, Lawrence Payne, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Signature: _____

Subscribed and Sworn to before me this 6th day of May, 2010

_____
Notary Public

"OFFICIAL SEAL"
CHRISTINE L. KATZENBERGER
Notary Public, State of Illinois
My Commission Expires 8-28-2013

PLAT CERTIFICATES

Owner's Certificate

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

This is to certify that the undersigned,
LAWRENCE PAYNE
_____ are the legal owners of a portion of land described on the plat hereon drawn and shown hereon as subdivided; that they have caused said land to be surveyed, subdivided, staked and platted as shown hereon, for the purpose of having this plat recorded provided by law, and as the Owners, do hereby state that to the best of our knowledge, all of the lots in this Subdivision lie within:

Crystal Lake Community Consolidated School District _____
Crystal Lake High School District _____

Seal(s) this 10th day of May, A.D. 2010

_____ (Seal)
_____ (Seal)

Notary Certificate

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

I, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby certify that, Lawrence Payne of Crystal Lake personally known to me to be the same person or persons whose name or names are subscribed to the foregoing instrument as, _____ respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act for the uses and purposes set forth. Given under my hand and notarial seal, this 10th day of May, 2010.

Christine L. Katzenberger
Notary Public

"OFFICIAL SEAL"
CHRISTINE L. KATZENBERGER
Notary Public, State of Illinois
My Commission Expires 8-25-2013

Surface Water Drainage Certificate

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

I, _____, Owner(s) and I, _____, Professional Engineer of the State of Illinois, do hereby certify that to the best of our knowledge and belief that the drainage of surface waters will not be changed by the construction of this subdivision of any part thereof,

Coleman's Crystal Lake, 7608 S. Virginia Rd,
Crystal Lake, IL.60014 (815) 444-9390

3 6 2010

City of Crystal Lake
100 W. Municipal Complex
Crystal lake, IL. 60014

RECEIVED
MAY 1 6 2010
CITY

Letter of Authorization

April 26, 2010

To whom it may concern:

I the undersigned, hereby authorize Alan J. Hanke to act on our behalf in all manners relating to the application process or authorizations, including signing of all documents relating to these matters. Any and all acts carried out by Alan J. Hanke on our behalf shall have the same effect as acts of our own.

This authorization is valid until further written notice from Coleman's Crystal Lake.

Sincerely,

Lawrence Payne
Owner

10-36

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF Lawrence Payne on behalf of Coleman's Crystal Lake

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 of the City of Crystal Lake upon the application of Lawrence Payne on behalf of Coleman's Crystal Lake relating to the following described real estate commonly known as 7608 S. Virginia Road and 7614 S. Virginia Road, Crystal Lake, Illinois 60014, PIN: 19-08-427-008 and 19-08-427-002.

This application is filed for the purposes of seeking variations from Article 3 of the UDO for the "B-2" district to allow the creation of 2 lots through the Minor Subdivision process that are 11,568.6 SFT (Lot 1) and 12,199.9 SFT (Lot 2) therefore not meeting the minimum 20,000 SFT lot area requirement; variation from the minimum required lot width of 100 feet to allow Lot 2 to be 64.05 feet in width; as well as any other variations that may be necessary to allow the plans as presented. Plans for this project can be viewed at the City of Crystal Lake Planning and Economic Development Department at City Hall.

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday, June 2, 2010, 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
(Published in the Northwest Herald May 18, 2010)

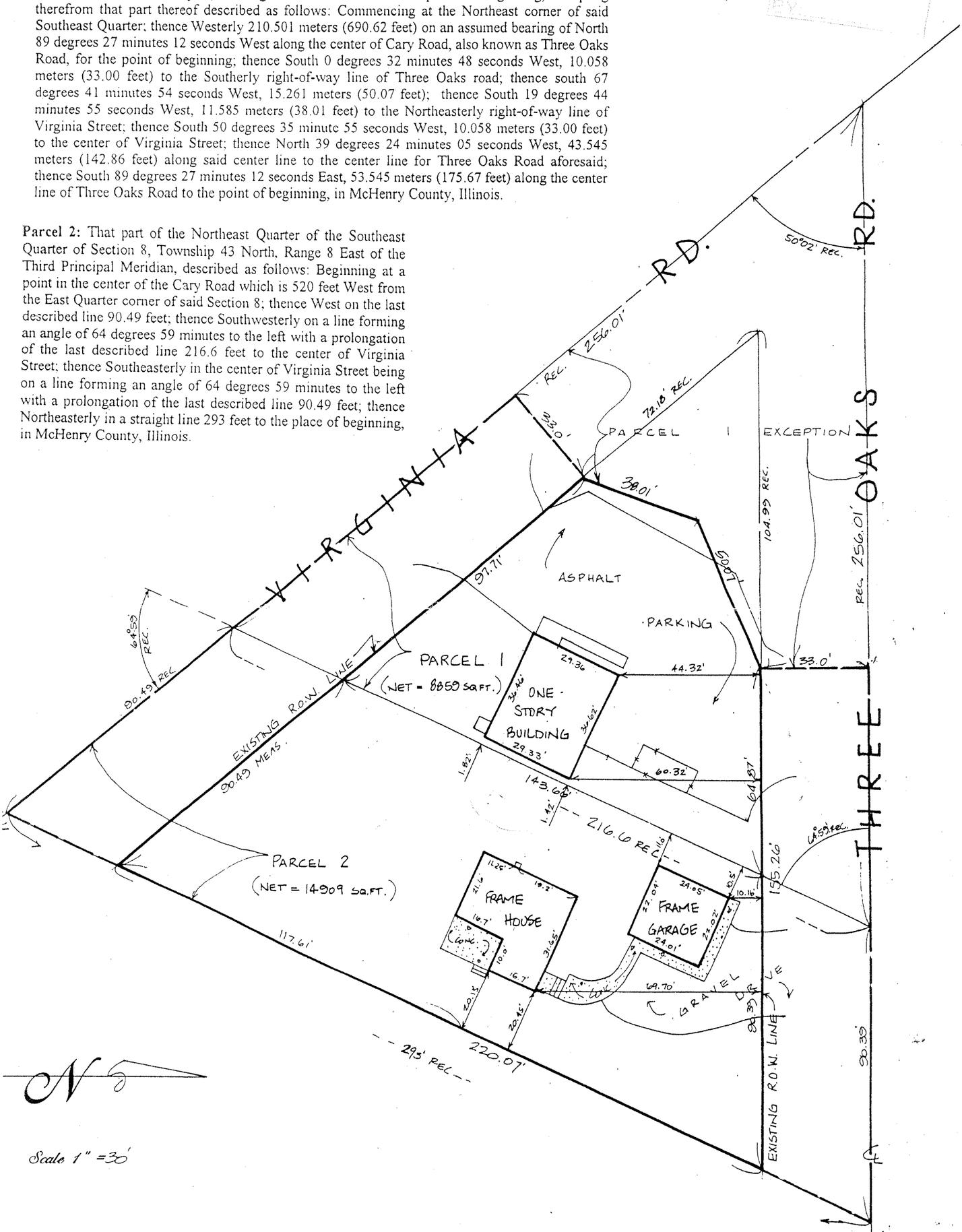
Plat of Survey

LEGAL DESCRIPTION: **Parcel 1:** That part of the Northeast Quarter of the Southeast Quarter of Section 8, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at a point in the center of the Cary Road which is 610.49 feet West from the East Quarter corner of said Section 8; thence West in the center of said Cary Road 256.01 feet to an intersection with the center of Virginia Street; thence Southeasterly in the center of Virginia Street being on a line forming an interior angle of 50 degrees 02 minutes, for a distance of 256.01 feet; thence Northeasterly in a straight line 216.6 feet to the place of beginning, excepting therefrom that part thereof described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence Westerly 210.501 meters (690.62 feet) on an assumed bearing of North 89 degrees 27 minutes 12 seconds West along the center of Cary Road, also known as Three Oaks Road, for the point of beginning; thence South 0 degrees 32 minutes 48 seconds West, 10.058 meters (33.00 feet) to the Southerly right-of-way line of Three Oaks road; thence south 67 degrees 41 minutes 54 seconds West, 15.261 meters (50.07 feet); thence South 19 degrees 44 minutes 55 seconds West, 11.585 meters (38.01 feet) to the Northeasterly right-of-way line of Virginia Street; thence South 50 degrees 35 minute 55 seconds West, 10.058 meters (33.00 feet) to the center of Virginia Street; thence North 39 degrees 24 minutes 05 seconds West, 43.545 meters (142.86 feet) along said center line to the center line for Three Oaks Road aforesaid; thence South 89 degrees 27 minutes 12 seconds East, 53.545 meters (175.67 feet) along the center line of Three Oaks Road to the point of beginning, in McHenry County, Illinois.

Parcel 2: That part of the Northeast Quarter of the Southeast Quarter of Section 8, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at a point in the center of the Cary Road which is 520 feet West from the East Quarter corner of said Section 8; thence West on the last described line 90.49 feet; thence Southwesterly on a line forming an angle of 64 degrees 59 minutes to the left with a prolongation of the last described line 216.6 feet to the center of Virginia Street; thence Southeasterly in the center of Virginia Street being on a line forming an angle of 64 degrees 59 minutes to the left with a prolongation of the last described line 90.49 feet; thence Northeasterly in a straight line 293 feet to the place of beginning, in McHenry County, Illinois.

3 6 2010

MAY 1 0 2010



Scale 1" = 30'

Ordered By: D&G (BRENDEL)
Job No. 99-2715

State of Illinois
County of McHenry
6-1-99

I hereby Certify that the improvements on the above described property shown hereon are within property lines, and that adjoining improvements do not encroach on said premises.

C. T. Amelse

State of Illinois
County of McHenry
6-1-99

I hereby certify that I have surveyed the property described hereon and that the plat hereon drawn is a true and correct representation of the survey.

C. T. Amelse

C. T. AMELSE
LICENSED PROFESSIONAL LAND SURVEYOR
No. 35-2143
ILLINOIS

Prepared By: Luco Construction, Inc.
C.T. Amelse, P.L.S. 35-3123
P.O. Box 222
Algonquin, IL 60102
(815) 455-5994