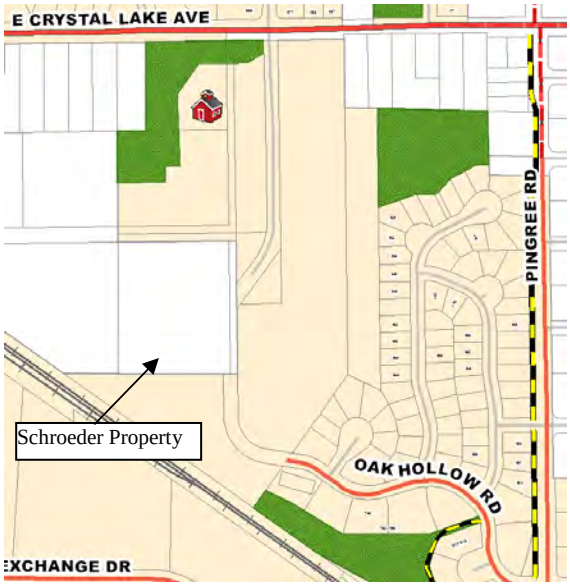
#2011-13
Evangelical Free Church
Project Review for Planning and Zoning Commission

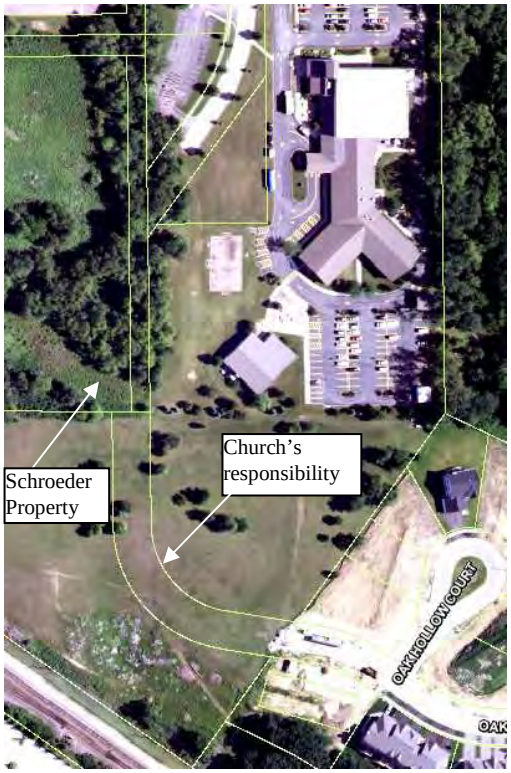
Meeting Date:	April 20, 2011
Request:	Variation from Article 5 Section 5-200 G.3.c (iv) from the requirement to post a Bond or Letter of Credit (LOC) for required improvements to remove the LOC for a portion of Oak Hollow Road.
Location:	575 E. Crystal Lake Avenue
Acreage:	Approximately 1.4 acres (both lots)
Existing Zoning:	E PUD Estate Planned Unit Development
Surrounding Properties:	North: R-1 Single Family Residential South: Beyond the railroad tracks M Manufacturing East: R-2 PUD Single Family Residential (Ashton Pointe) West: E Estate (Hanna Beardsley Middle School)
Staff Contact:	Elizabeth Maxwell 815.356.3615

Background:
The subject property was annexed and received E-5 zoning with a PUD overlay and an SUP for an institutional use in 1997. In 2004, Ashton Pointe, a residential subdivision located southeast of the Evangelical Free Church, requested a final plat of subdivision, which included property owned by the church. As part of this subdivision process, the church was required to provide a Letter of Credit for their section of the Oak Hallow Road improvements, which is a requirement for all subdivisions.



Oak Hollow Road is planned to extend from Crystal Lake Avenue alongside Hanna Beardsley Middle School and Evangelical Free Church into the Ashton Pointe subdivision to Pingree Road. This roadway has been planned to provide a convenient connection for families in Ashton Pointe to access the church and school. It also is a vital link for the overall circulation of people walking, bicycling or driving in this area. The illustration to the left shows the proposed path of Oak Hollow Road. The roadway is planned to go through and provide access for a property that is currently in the county, the Schroeder property.

Oak Hollow Road is constructed through the Ashton Pointe subdivision from Pingree Road to the property line of the church. It also extends south from Crystal Lake Avenue to the end of the school's parking lot. The roadway has not been completed since the Schroeder property has not yet developed. The church is responsible for constructing the southern leg of the roadway from Ashton Pointe to the Schroeder property. The church currently has a $94,274.70 Letter of Credit being held for this improvement.



The church has maintained this LOC since 2005. It costs them an estimated $1,000 per year to maintain the LOC. The church is requesting that the LOC be released since there is no schedule on when the roadway improvements would be required.

The City's Ordinance requires that an LOC, Bond or other security be provided which covers 120% of the cost of installation of the improvements. This security is held and if the developer/property owner does not complete the required improvements, the City can get the capital to complete the work.

Analysis:

The City has always required a LOC or Bond to be retained until the improvements were completed. On occasion it is necessary for the City to pull the LOC and utilize the funds to complete unfinished work. Removing the requirement for the LOC on this property could set a negative precedent. Also if a LOC or Bond is not retained the funds would not be readily available to complete the improvements when necessary. City staff has reviewed four options regarding the church's request.

1) Retain the LOC or transfer the LOC to a Bond. Staff recommends this solution because the funds would still be available for the improvements. A Bond may be less expensive to maintain than a LOC. An LOC is a cash guarantee from a bank for the amount listed on the LOC. A Bond is through a surety company who verifies the developer/owners ability to complete the work. If the church was not able to complete the improvements the City could demand payment on the LOC from the bank. If a bond was held, the City would go through the surety company, which would most likely complete an investigation then they would provide the funds for the work, find a new contractor to complete the work or refinance the original cost and provide support or take over responsibility for the improvements.

2) The church could pay the total amount of the LOC today. Staff recommends this solution because the funds would be paid and held in escrow until the improvements are needed. This option would provide a much larger burden on the church as they would need to have $94,274.70 available today.

3) The church could construct the roadway up to the Schroeder property line. Staff does not recommend this solution because there would be a dead end roadway. This option also puts a larger burden on the church because they would need to complete final engineering plans for the roadway and then construct the roadway. This would most likely exceed the LOC amount. The dead end roadway would lead to a wooded area, which may be difficult for emergency personnel to patrol.

4) Remove the LOC, put a condition on the property's PUD approval, and record a lien on the property for the payment of the improvements. Staff does not recommend this option since there is no guarantee that funds would be available. Recording a lien on the property would require that the property owner pay this amount if they were to sell the property. If the City needed the money before then we may have to take them to court to get the funds. Without any guarantee the funds are available it could be very costly for the City to get the money and there is no guarantee we would get the funds.

Variation

The Planning and Zoning Commission may recommend a variation from the subdivision requirements in specific cases, which in its opinion do not affect the general plan or the spirit of Article 5 in the Unified Development Ordinance. Such recommendations shall be communicated to the City Council in writing with the reasons therefore.

Recommended Conditions:

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

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   a. Application (Evangelical Free Church, received 03/09/11).

2. The LOC may be released provided the petitioner provides one of the following:
   a. A Bond for Oak Hollow Road increasing the total amount by utilizing today's unit price costs, or
   b. The LOC amount today to the City to escrow and use towards the construction of the roadway in the future.

3. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

CITY COPY

City of Crystal Lake
Development Application

Office Use Only - File # 13 2011

RECEIVED
MAR 09 2011
BY:

Project Title: EVANGELICAL FREE CHURCH

Action Requested

- ___ Annexation
- ___ Comprehensive Plan Amendment
- ___ Conceptual PUD Review
- ___ Final PUD
- ___ Final PUD Amendment
- ___ Final Plat of Subdivision
- ___ Preliminary PUD
- ___ Preliminary Plat of Subdivision
- ___ Rezoning
- ___ Special Use Permit
- ✓ Variation
- ___ Other

Petitioner Information

Name: EVANGELICAL FREE CHURCH
Address: 575 E. CRYSTAL LAKE AVE
Phone: 815-459-1095
Fax: 815-459-9971
X E-mail: rpage@efccl.org

Owner Information (if different)

Name:
Address:
Phone:
Fax:
E-mail:

Property Information

Project Description: EXISTING CHURCH FACILITY - FUTURE OAK HOLLOW RD. REQUESTING VARIATION TO ARTICLE 5, PARAGRAPH G iii OF SUBDIVISION STANDARDS REQUIRING SECURITY, TO WAIVE IT. CURRENTLY WE SPEND ABOUT $1,000/YR FOR LETTER OF CREDIT FOR FUTURE OAK HOLLOW ROAD THROUGH OUR PROPERTY

Project Address/Location: SAME AS ABOVE

PIN Number(s): 19-04-226-002, 19-04-226-007, 19-04-226-023

Development Team

Please include address, phone, fax and e-mail

Developer: NONE

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

Robert O. Page, Senior Pastor 2-23-2011

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.

X Robert O. Page 2-23-2011

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.

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BY
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The Final Plat to be filed for record shall be accompanied by the following:

(i) Plans and specifications for such improvements previously approved by the City.

(ii) Agreements executed by the owner and the subdivider wherein they agree to make and install the improvements, in accordance with the provisions of this Ordinance, per the plans and specifications accompanying the Final Plat.

(iii) A bond, letter of credit or other security approved by the City, in a form approved by the City, in the amount of 120% of the cost of the installation of such improvements, conditioned upon the installation of the required improvements within two years of the approval of the Final Plat. Bonds shall have a good and sufficient security thereon and if provided by an insurance company, the insurance company must have a current rating of A++, A+ or A as rated by A.M. Best rating company. Any bond or instrument provided must be issued by a business licensed to do business in the State of Illinois and redeemable in the State of Illinois. Any bonds required pursuant to the provisions of the Stormwater Management Ordinance, shall be in accordance with the provisions of that Ordinance.

(iv) A bond, letter of credit or other security approved by the City in the amount not less than 5% of all public improvements approved by the City Engineer, providing guarantee of workmanship and materials shall be delivered to the City Engineer and shall guarantee for a period of two years from the project's final acceptance the public improvement items and improvements of a public nature that are constructed in a private development, including but not limited to streets, water mains, sewer mains, streetlights, and street trees. Bonds shall have a good and sufficient security thereon and if provided by an insurance company, the insurance company must have a current rating of A++, A+ or A as rated by A.M. Best rating company. Any bond or instrument provided must be issued by a business licensed to do business in the State of Illinois and redeemable in the State of Illinois.

H. As-built drawings. One Mylar copy of as-built drawings of all items covered in this Section shall be furnished to the City, in electronic format compatible with the City's specifications, within 60 days after the City's acceptance of the improvements covered therein.

I. Cost participation. A developer/owner of any project that involves the City as a participant in certain defined costs by agreement shall include the City Engineer in the notification process coincidental with the advertisement for bids. A representative of the City shall become a required party at the bid opening to consider the acceptance or rejection of the concerned bid items

J. Inspection at Subdivider's Expense

All public improvements proposed to be made under the provisions of this chapter shall be inspected during the course of construction by the City Manager or a duly designated representative. All fees and costs connected with such inspection and in reviewing the plans and specifications for such improvements shall be paid by the

11 - 13

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION

OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF Evangelical Free Church

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance 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 by Robert O. Page, on behalf of Evangelical Free Church of Crystal Lake, for a Subdivision Ordinance Variation relating to the following described real estate commonly known as 575 E. Crystal Lake Avenue, Crystal Lake, Illinois 60014, PIN: 19-04-226-027, 19-04-226-026, 19-04-276-026.

This application is filed for the purposes of seeking a Variation from Article 5 Section 5-200 G. 3.c (iv) from the requirement to post a bond or letter of credit for required improvements, specifically to remove the requirement to maintain a letter of credit for Oak Hollow Road, as listed in the Unified Development Ordinance. 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 April 20, 2011, 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 April 4, 2011)