



## #2012-88 TMJ Land, Inc. Annexation Project Review for Planning and Zoning Commission

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<b><u>Meeting Date:</u></b>	July 6, 2016
<b><u>Request:</u></b>	1) Rezoning upon annexation to W- Watershed, and 2) Sign variation to allow a setback of zero feet for the existing freestanding sign, a 10-foot variation.
<b><u>Location:</u></b>	500 W. Terra Cotta Ave
<b><u>Acreage:</u></b>	Approximately 2.9 acres
<b><u>Existing Zoning:</u></b>	B-1 – Neighborhood Business (McHenry County)
<b><u>Surrounding Properties:</u></b>	North: W – Watershed South: O PUD – Office Planned Unit Development East: W – Watershed & B-2 – General Commercial West: R-2 – Single-Family Residential
<b><u>Staff Contact:</u></b>	Kathryn Cowlin (815.356.3798)

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### **Background:**

- **Existing Use:** The property is currently improved with Querhammer & Flagg Funeral Home.
- 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. Any alterations or improvements to the property would need to comply with the ordinances in place at that time.
- **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:**

#### **General**

- **Request:** To zone the property W-Watershed upon annexation and a Sign Variation to allow the existing freestanding sign, or a sign in similar design and size, to be relocated at the property line.
- **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-1 – Neighborhood Business in McHenry County. The property will be rezoned to W-Watershed with B-2 General Commercial standards and uses, which is appropriate for the existing funeral home business.
- The petitioner is requesting a sign variation at this time in preparation for future parking lot improvements which would cause the sign to be moved closer to Route 176.



**2030 Comprehensive Land Use Plan Summary Review:**

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future manufacturing and business uses. The following goal is applicable to this request:

Land Use - Commerce

**Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city, as well as, the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.**

This can be accomplished with the following supporting action:

**Supporting Action:** Promote, retain and attract businesses that provide a diverse tax base.

**Findings of Fact:**

**REZONING**

- The property is currently zoned B-1 – Neighborhood Business 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 W- Watershed 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*

**Recommended Conditions:**

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Zukowski, Rogers, Flood & McArdle, received 06/1/16)
  - B. Petition to Annex (Zukowski, Rogers, Flood & McArdle, received 06/1/16)
2. The freestanding sign is proposed to be relocated with the parking lot expansion and may be as close as 0 feet to the property line, as long as sight lines are maintained. All over provisions of the UDO must be met for the sign permit.

3. The petitioner shall comply with the requirements of the Community Development Department, Public Works, Police and Fire Rescue Departments.

# City of Crystal Lake Development Application

Office Use Only

File # \_\_\_\_\_

**Project Title:** Querhammer & Flagg Property Annexation

## Action Requested

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Annexation        | <input type="checkbox"/> Preliminary PUD                 |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review        | <input type="checkbox"/> Rezoning                        |
| <input type="checkbox"/> Final PUD                    | <input type="checkbox"/> Special Use Permit              |
| <input type="checkbox"/> Final PUD Amendment          | <input type="checkbox"/> Variation                       |
| <input type="checkbox"/> Final Plat of Subdivision    | <input type="checkbox"/> Other                           |

## Petitioner Information

## Corporate Address

**Name:** TMJ Land, Inc. (formerly JPH Properties, Inc.)

**Name:** Mr. Wes Carlisle, Legal Department

**Local Address:**  
c/o Querhammer & Flagg Funeral Home  
500 W. Terra Cotta Avenue  
Crystal Lake, IL 60014

**Address:** SCI Management  
1929 Allen Parkway  
Houston, TX 77019

**Phone:** \_\_\_\_\_

**Phone:** (713)525-2810

**Fax:** \_\_\_\_\_

**Fax:** (877)567-8170

**E-mail:** \_\_\_\_\_

**E-mail:** [wes.carlisle@sci-us.com](mailto:wes.carlisle@sci-us.com)

## Property Information

### Project Description:

Annexation and zoning of Querhammer & Flagg Funeral Home property subject to execution of a mutually agreed upon annexation agreement.

### Project Address/Location:

500 W. Terra Cotta Avenue, Crystal Lake, IL 60014

Lots 40, 41 and 42 in the Hales Oak Street Acres Subdivision, McHenry County, Illinois

**PIN Number(s):** 14-31-276-031; 14-31-276-032; 14-31-276-033

Please include address, phone, fax and e-mail

**Development Team**

Developer: \_\_\_\_\_

Architect: \_\_\_\_\_

Attorney: Ruth Schlossberg, Zukowski, Rogers, Flood & McArdle,  
50 Virginia Street  
Crystal Lake, IL 60014  
Phone: (815)459-2050  
FAX: (815)459-9057  
Email: [rschlossberg@zrfmlaw.com](mailto:rschlossberg@zrfmlaw.com)

Engineer: \_\_\_\_\_

LandscapeArchitect: \_\_\_\_\_

Planner: \_\_\_\_\_

Surveyor: \_\_\_\_\_

Other: \_\_\_\_\_

**Signatures**

\_\_\_\_\_  
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.



\_\_\_\_\_  
OWNER: Print and Sign name

Curtis Briggs, Owner

\_\_\_\_\_  
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.

**PETITION**

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE,  
MCHENRY COUNTY, ILLINOIS

The undersigned Petitioners hereby respectfully petition to annex to the City of Crystal Lake, McHenry County, Illinois, the territory described in Exhibit "A" which is attached hereto and made a part hereof, and states as follows:

1. That the undersigned are all of the owners of record of the territory herein described in Exhibit "A".
2. The territory herein described in Exhibit "A" is contiguous to the City of Crystal Lake; is located in McHenry County, Illinois; and is not within the corporate limits of any other municipality.
3. That the undersigned represents one hundred percent (100%) of all of the owners of record of this property.

WHEREFORE, Petitioners respectfully request the corporate authorities of the City of Crystal Lake, McHenry County, Illinois, to annex the territory herein described in Exhibit "A" to said City in accordance with the provisions of this Petition and pursuant to the terms of a proposed annexation agreement, and in accordance with the law in such case made and provided.

DATED this 23<sup>rd</sup> of May, 2016.

Name of Owner

Signature

Address

TMJ Land, Inc. (formerly  
JPH Properties, Inc.)

By CB  
Name: Curtis Briggs

c/o SCI Management  
1929 Allen Parkway  
Houston, TX 77019

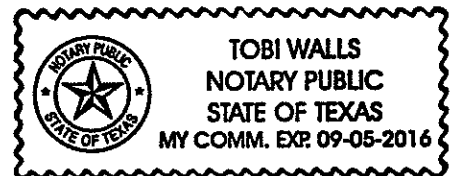
STATE OF TEXAS            )  
  ) SS  
COUNTY OF HARRIS        )

I, Curtis Briggs, being sworn on oath depose and say that I have the authority to sign this attestation, that I am familiar with the matters therein and that the matters stated therein are true in substance and in fact.

This instrument was acknowledged before me on 23<sup>rd</sup> of May 2016 (date) by Curtis Briggs (name/s of person/s) as Director (type of authority, e.g., officer, trustee, etc.) of TMJ Land Inc. (name of party on behalf of whom instrument was executed).

Subscribed and sworn to before me this 23 day of May 2016.

Tobi Walls  
Notary  
My Commission expires: 09-05-2016



## **EXHIBIT A**

### **Property Address/Location:**

500 West Terra Cotta Avenue  
Crystal Lake, IL 60014

Lots 40, 41, and 42 in the Hales Oak Street  
Acres Subdivision, McHenry County, Illinois

### **PIN Numbers:**

14-31-276-031  
14-31-276-032  
14-31-276-033



**PUBLIC NOTICE**

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

IN THE MATTER OF THE  
APPLICATION OF  
TMJ Land, Inc

**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 TMJ Land, Inc. for the following described real estate commonly known as 500 W. Terra Cotta Ave, Crystal Lake, Illinois 60014, PIN: 14-31-276-031, 14-31-276-032 & 14-31-276-033.

The petitioner seeks a classification of W- Watershed with the allowance of the uses of the B-2 General Commercial zoning district upon annexation to allow the existing funeral home use and a variation from Article 4-1000 for a freestanding sign to have a setback of 0 feet and any other variations as necessary to approve the plans as presented. This request will allow the existing facility and operations to continue upon the annexation of the property into the City of Crystal Lake. 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 July 6, 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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