



#2016-29 & 2016-30
Chicago Title Land Trusts 1004004149 & 1004004152
Annexation
Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	August 17, 2016
<u>Request:</u>	1) Rezoning upon annexation to B-2 General Commercial, 2) Special Use Permit for a drinking place, 3) Special Use Permit for major auto repair, and 4) Special Use Permit for outdoor storage of materials, equipment and vehicles.
<u>Location:</u>	4616 Route 176, 4709 Route 176 and lot 13 on Reiland Drive
<u>Acreage:</u>	Approximately 3.04 acres
<u>Existing Zoning:</u>	B-1 Neighborhood Business & B-2 Alcoholic Beverage Business (McHenry County)
<u>Requested Zoning:</u>	B-2 General Commercial
<u>Surrounding Properties:</u>	North: B-2 – General Commercial South: B-2 – General Commercial East: B-2 PUD – General Commercial Planned Unit Development West: O – Office
<u>Staff Contact:</u>	Kathryn Cowlin (815.356.3798)

Background:

- **Existing Use:** The subject properties are under common ownership. 4616 Route 176 is occupied by Whiskey Business, a drinking establishment. 4709 Route 176 is occupied by a shopping center with retail tenants and an auto repair business and there is a vacant lot along Reiland Drive.
- 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:** The three properties are 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 three parcels to B-2 General Commercial upon annexation and Special Use Permits for A: a drinking place; B: major auto repair; and C: outdoor storage of materials, vehicles and equipment.
- 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 and B-2 Alcoholic Beverage business in McHenry County. The property will be rezoned to B-2 – General Commercial, which is appropriate for the existing businesses.
- The existing EMC and pole sign will be considered legal non-conforming, unless a variation is granted..
- The billboard on the site will be addressed via the annexation agreement.

Findings of Fact:

REZONING

- The property is currently zoned B-1 – Neighborhood Business and B-2 Alcoholic Beverage 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 B-2 – General Commercial 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*

SPECIAL USE PERMIT

Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.

Meets *Does not meet*

2. That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.

Meets *Does not meet*

3. That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and flood plain regulations, Building and Fire Codes and all other applicable City Ordinances.

Meets *Does not meet*

4. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.

Meets *Does not meet*

5. That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.

Meets *Does not meet*

6. That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.

Meets *Does not meet*

7. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.

Meets *Does not meet*

8. That the proposed use will meet standards and requirements established by jurisdictions other than the City such as Federal, State or County statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.

Meets *Does not meet*

9. That the proposed use shall conform to any stipulations or conditions approved as part of a Special Use Permit issued for such use.

Meets *Does not meet*

10. That the proposed use shall conform to the standards established for specific special uses as provided in this section.

Meets *Does not meet*

Drinking places (alcoholic beverages). Drinking places (alcoholic beverages) must comply with the following standards:

1. Screening: Any bars, taverns, nightclubs and lounges located adjacent to a residential property shall provide an six foot tall solid screen consisting of a solid wooden fence along the perimeters of the property, in accordance with the provisions of Section 4-700, Fences, walls and screening.

Meets *Does not meet*

2. Entrance: one clearly-marked, main entrance for all patrons to enter and exit from, exclusive of fire exits or other required points of ingress and egress must be provided.

Meets *Does not meet*

3. Live music: If live music is to be played, in-wall sound-barriers or other means to prevent sound from traveling beyond the property lines of the subject property must be provided. Any amplified sound as measured at the closest property line of the closest adjoining property, must not exceed 55 decibels where adjoining residential property and 65 decibels where adjoining nonresidential property.

Meets *Does not meet*

Automotive repair, major. Major automotive repair facilities must comply with the following standards:

1. Location of repair: All repairs shall be performed within a completely enclosed building.
 Meets *Does not meet*
2. Licensed vehicles: All vehicles parked or stored on-site shall display a current license plate with a current registration.
 Meets *Does not meet*
3. Odors and fumes: The use shall safely and appropriately vent all odors, gas and fumes and shall comply with all applicable federal, state and local regulations. Such vents shall be located a minimum of 10 feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors from the fill pipes.
 Meets *Does not meet*
4. Outdoor vehicle storage: Vehicles to be stored outdoors must be contained on-site on a paved area. The outside storage area shall be screened with a minimum six feet tall solid wooden fence. In selected cases, an eight feet tall solid wooden fence may be required.
 Meets *Does not meet*
5. Parts or junk vehicle storage: Outdoor storage of automotive parts or junk vehicles is prohibited.
 Meets *Does not meet*
6. Fuel dispensing: Unattended, automated dispensing of gasoline or other engine fuel is prohibited.
 Meets *Does not meet*
7. Fluid/Oil collection mats: Fluid/Oil collection mats are required by facilities in wellhead protection areas and within the Crystal Lake Watershed.
 Meets *Does not meet*

Outdoor sales, service, storage or display. All outdoor sales, service, storage or display must comply with the following standards:

1. General: An on-site circulation pedestrian and vehicle plan, illustrating the location of the sales, service, storage or display area shall be provided.
 Meets *Does not meet*

2. Site design: Outdoor service or storage areas shall be located at the rear of the property. Special attention must be given to locate outdoor service or storage areas away from adjacent residential properties and at the least obtrusive location for adjacent commercial uses.

Meets *Does not meet*

3. Screening: All outside service or storage areas shall be screened from view with solid wooden fencing or opaque landscaping, in accordance with the standards in Section 4-700, Fences, walls and screening. The height of the fencing shall be adequate to conceal the stock, equipment or materials from view of adjacent properties. In cases where the height of materials exceeds 15 feet in height making it difficult to screen with fencing and landscaping, consideration will be given to the type of materials being stored and the impact of the visibility on the adjacent and surrounding property owners.

Meets *Does not meet*

4. Other applicable regulations: Written evidence, that applicable standards and requirements for health and safety protection and licensing by jurisdictions other than the City, as well as those required by the City ordinances, have been met shall be provided.

Meets *Does not meet*

5. All outdoor sales, service, storage and display must meet the Guidelines for Outdoor Sales, Service, Storage and Display that are included in the Appendix.

Meets *Does not meet*

Recommended Conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Petition to Annex (Zukowski, Rogers, Flood & McArdle, dated 07/25/16)
2. The outdoor storage should only be on an approved surface, the parking of vehicles on the grass is prohibited.
3. The petitioner shall comply with the requirements of the Community Development Department.

LAW OFFICES
ZUKOWSKI, ROGERS, FLOOD & McARDLE
50 VIRGINIA STREET
CRYSTAL LAKE, ILLINOIS 60014

MICHAEL J. SMORON
msmoron@zrfmlaw.com

(815) 459-2050
Facsimile (815) 459-9057
www.zrfmlaw.com

July 25, 2016

Via E-Mail: mrentzsch@crystallake.org

Michelle Rentzsch, AICP
Community Development Director
Community Development
City of Crystal Lake
100 West Woodstock Street
Crystal Lake, IL 60014

**Re: City of Crystal Lake Proceeding to Annex
PINs 14-34-177-035, 14-34-177-006 and 14-34-177-037**

Dear Michelle:

I have stepped in for Kelly Cahill on the above-referenced matter insofar as she is out of town for a week's time. Attached please find a copy of the petition for annexation which encompasses all of the property per the City's request. Can you advise us if the filing of this petition for annexation will stop the City with proceeding on the involuntary annexation and for how long of time? Also, can you let us know if the property that is circled on the attached GIS map has been annexed by the City (PIN 14-34-177-005)? Thank you.

Sincerely,



Michael J. Smoron

MJS:cw
Attachment

cc: David W. McArdle (via email; w/enc.)
Kelly A. Cahill (via email; w/enc.)

PETITION

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

The undersigned Petitioner hereby respectfully petitions 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, on the condition set forth below and states as follows:

1. That the undersigned is the owner 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 there are no electors of record within the territory herein described in Exhibit "A".
4. That the undersigned represents one hundred percent (100%) of all of the owners of record of this property.

WHEREFORE, Petitioner respectfully requests 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 subject to and contingent upon the terms of a mutually acceptable proposed annexation agreement, and in accordance with the law in such case made and provided.

DATED this 26th of July, 2016.

Chicago Title Land Trust Co., as successor
Trustee of Trust Nos. 1004004149 and
1004004152 under trust agreement dated
January 11, 2002
10 S. LaSalle Street, Suite 2750
Chicago, IL 60603-1108

By: David D. Brinsko
David D. Brinsko, its authorized
agent and beneficial owner

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

I, David D. Brinsko, 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 to the best of my knowledge.

Signed David D. Brinsko

Subscribed and sworn to before me
this 25th day of July, 2016.

Michael Smoron
Notary

My Commission Expires
OFFICIAL SEAL
MICHAEL J. SMORON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 03/24/2020

Exhibit A

The east 100 feet of the west 1004 feet of the south 250 feet (except the west 50 feet of the south 250 feet thereof) of the East Half of the Northwest Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian in McHenry County, Illinois.

A 0.25-acre parcel commonly known as 4616 Route 176, Crystal Lake, Illinois 60014 (PIN 14-34-177-035)

The south 375 feet of the south 825 feet of the west 164 feet of the east 264 feet of the west 1004 feet of the East Half of the Northwest Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois.

Also

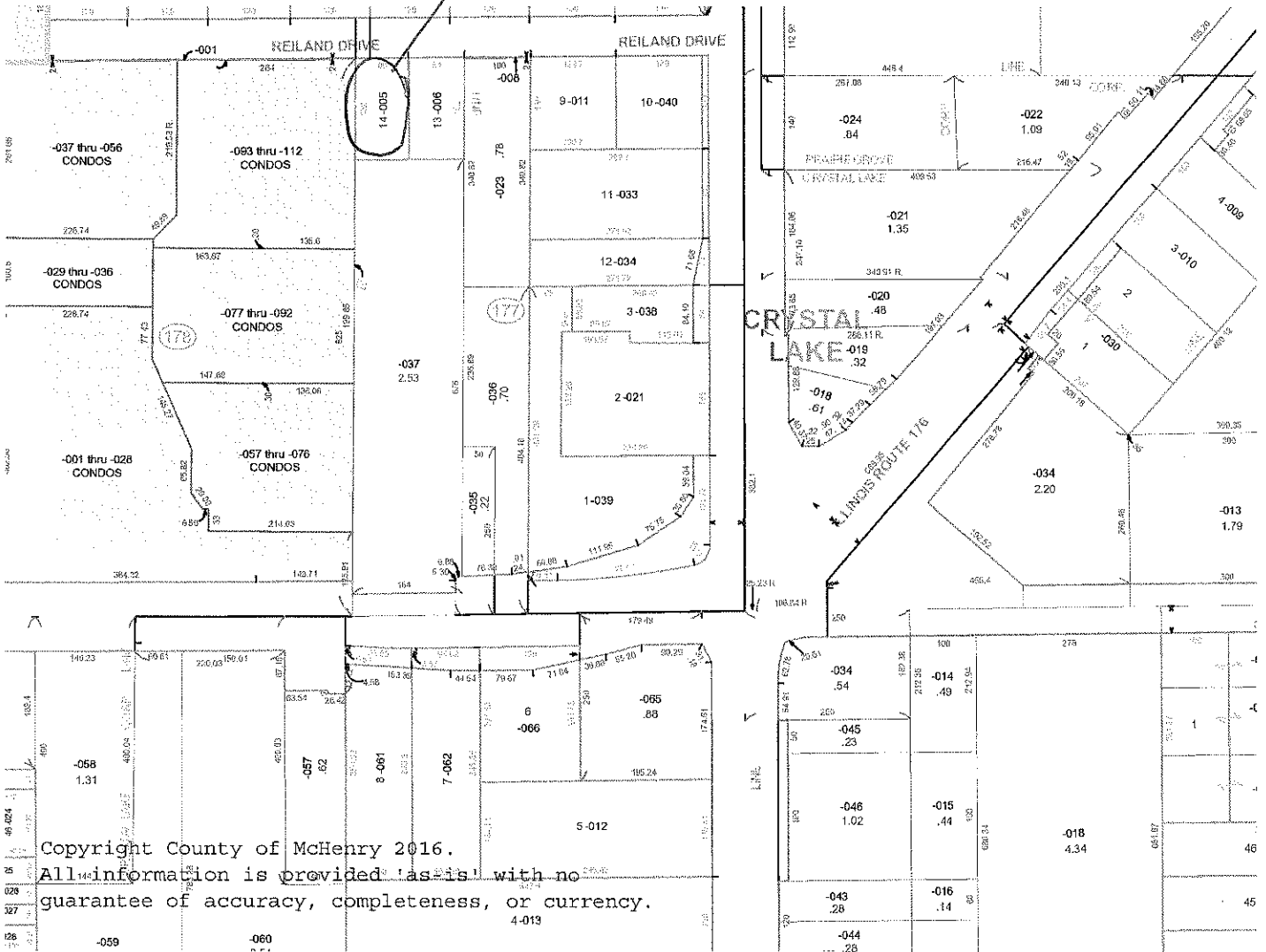
The north 300 feet of the south 675 feet of the west 164 feet of the east 264 feet of the west 1004 feet of the East Half of the Northwest Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois.

Also

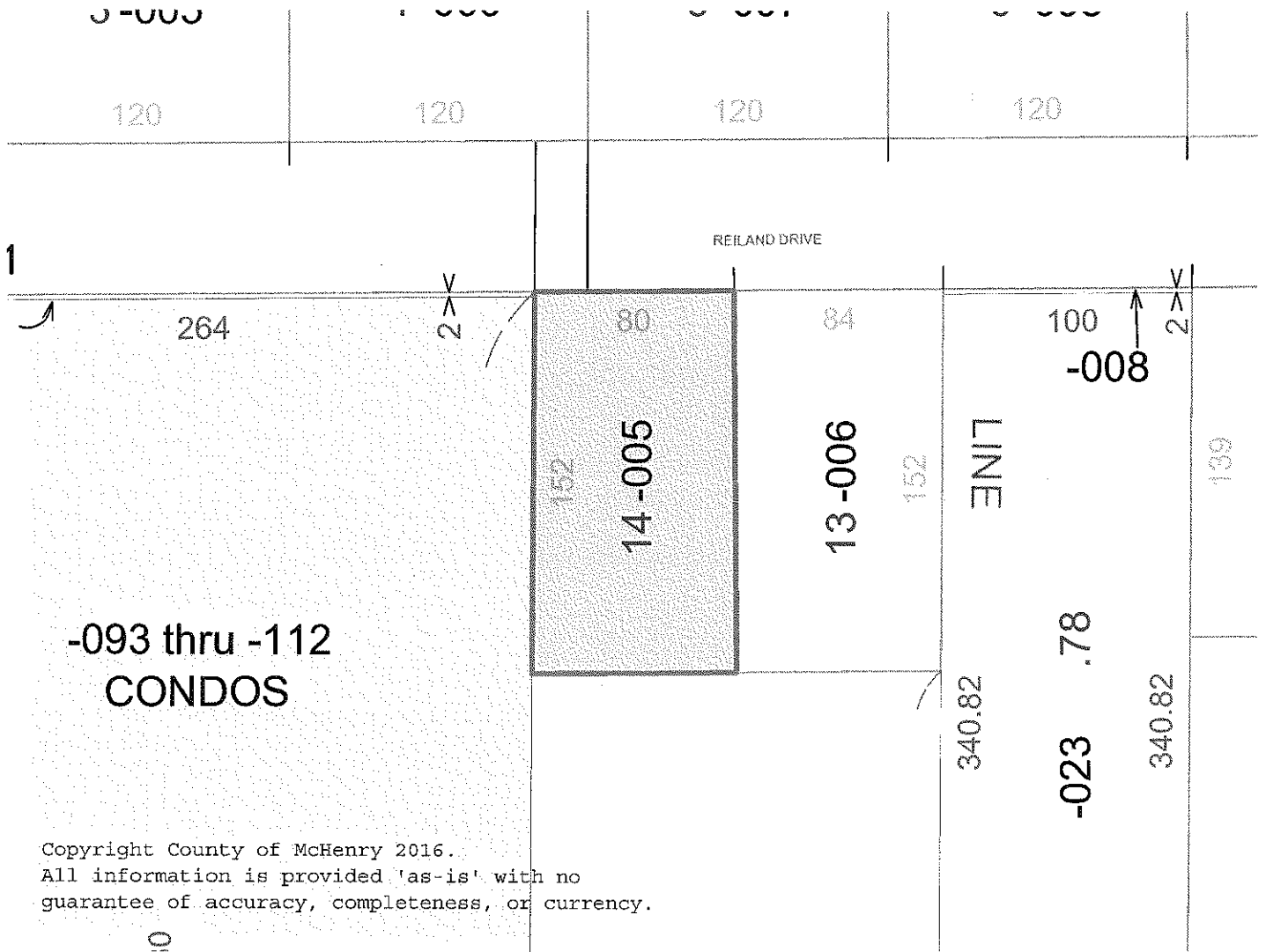
Lot 13 in Elmwood Heights, a subdivision of part of the East Half of the Northwest Quarter of Section 34, Township 44 North, Range 8 East of the Third Principal Meridian, according to the Plat as recorded in the Recorder's Office December 12, 1957 as Document No. 332585 in Book 13 of Plats, Page 38, in McHenry County, Illinois.

Two parcels containing 2.72 acres, more or less, commonly known as 4702 IL Route 176, Crystal Lake, Illinois 60014 (PINs 14-34-177-006 and 14-34-177-037)

see attached



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 All information is provided 'as is' with no
 guarantee of accuracy, completeness, or currency.



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 guarantee of accuracy, completeness, or currency.

Parcel Number	Township	Tax Code	Tax Status	Property Class	Assessed Value	Tax Rate	Total Tax	Owner	Mail to Address	Mail to City	Site Address Street	Site Address City	Parcel Area
14-34-177-005	NUNDA TWP	14020	T	0040 - Improved Lots	\$35,605.00	0	\$0.00	ELAINE KIRK	5417 S IL RT 31	CRYSTAL LAKE, IL 60914	5417 S IL RT 31	CRYSTAL LAKE, IL	12294.89

FROM THE OFFICE OF: REAL ESTATE TAX BILL
 GLENDA L. MILLER 1ST INSTALLMENT COUPON PAYMENT
 McHENRY COUNTY TREASURER

ASSESSED TO: KIRK, ELAINE E
 PIN: 14-34-177-005



MAKE CHECKS PAYABLE TO: McHENRY COUNTY COLLECTOR

****DUPLICATE****

REINHARDT ELAINE E
 5417 S IL RT 31
 CRYSTAL LAKE IL 60014

1ST INSTALLMENT FOR 2015
 DUE BY 06/13/2016

1-2015

INTEREST
 COSTS
 TOTAL PAID

\$1,574.58
Total Due Due by 06/13/2016

PAID BY: CHECK ___ CASH ___ MAIL ___ CREDIT CARD ___

1434177005000015745810

FROM THE OFFICE OF: REAL ESTATE TAX BILL
 GLENDA L. MILLER 2ND INSTALLMENT COUPON PAYMENT
 McHENRY COUNTY TREASURER

ASSESSED TO: KIRK, ELAINE E
 PIN: 14-34-177-005



MAKE CHECKS PAYABLE TO: McHENRY COUNTY COLLECTOR

****DUPLICATE****

REINHARDT ELAINE E
 5417 S IL RT 31
 CRYSTAL LAKE IL 60014

2ND INSTALLMENT FOR 2015
 DUE BY 09/13/2016

2-2015

INTEREST
 COSTS
 TOTAL PAID

\$1,574.58
Total Due Due by 09/13/2016

PAID BY: CHECK ___ CASH ___ MAIL ___ CREDIT CARD ___

1434177005000015745822

Taxing Body	Rate	Percent	Tax This Year	Tax Last Year
MCHENRY COUNTY	0.911855	8.57	\$269.96	\$281.65
MCHENRY COUNTY PENSION	0.166293	1.56	\$49.24	\$49.51
NUNDA TWP CEMETERY	0.002005	0.02	\$0.59	\$0.59
MCHENRY CO CONSV	0.276611	2.60	\$81.89	\$82.41
COLLEGE DISTRICT 528 MCC	0.428928	4.03	\$126.98	\$128.94
COLLEGE DISTRICT 528 MCC PENSION	0.005830	0.05	\$1.73	\$0.26
SCHOOL DIST 46	4.724650	44.42	\$1,398.73	\$1,394.90
SCHOOL DIST 46 PENSION	0.154190	1.45	\$45.65	\$29.21
SCHOOL DIST 155	2.933048	27.57	\$868.33	\$870.57
SCHOOL DIST 155 PENSION	0.092485	0.87	\$27.38	\$27.45
CRYSTAL LAKE RURAL FIRE	0.492390	4.63	\$145.77	\$143.27
NUNDA TOWNSHIP	0.116047	1.09	\$34.36	\$34.19
NUNDA TWP RD & BR	0.316886	2.98	\$93.81	\$95.47
NUNDA TWP RD & BR PENSION	0.016008	0.15	\$4.74	\$2.62

MCHENRY COUNTY 2015 REAL ESTATE TAX BILL

LEGAL DESCRIPTION:
 DOC 718300
 LT 14
 ELMWOOD HEIGHTS

ASSESSED TO:
 KIRK, ELAINE E

SITE ADDRESS:
 5417 S IL RT 31
 CRYSTAL LAKE, IL 60012-3726

If paid after due date, pay amount below which includes 1.5% per month penalty: FIRST INSTALLMENT SECOND INSTALLMENT		
06/14 - 07/13	1,598.20	
07/14 - 08/13	1,621.82	
08/14 - 09/13	1,645.44	
09/14 - 10/13	1,669.05	1,598.20
10/14 - 11/13	1,692.67	1,631.82
11/14 - 11/15	1,716.29	1,655.44

PIN 14-34-177-005		
Township	Tax Code	Property Class
NU	14020	0040
Sub Lot	Acres	
1st Install	2nd Install	
\$1,574.58	\$1,574.58	
Interest	Interest	
Costs	Costs	
Total Paid	Total Paid	
Total Due Due by 06/13/2016	Total Due Due by 09/13/2016	

Fair Cash Value	106,830	
S/A Value	35,017	
S/A Multiplier	1.0168	X
S/A Equalized Value	35,605	=
Brd. of Review Value	35,605	
Brd. of Review Multiplier	1.0000	X
Brd. of Review EQ Value	35,605	=
Home Improv./Vet Exemptions	0	-
State Multiplier	1.0000	X
State Equalized Value	35,605	=
Farmland and Bldgs. Value	0	+
Total Amt. Prior to Exemptions	35,605	=
Annual Homestead Exemptions	6,000	-
Sr. Freeze Abated Amount	0	-
Elderly Homestead Exemption	0	-
Disabled Vet Homestead Ex	0	-
Disabled Person Exemption	0	-
Returning Veteran Exemption	0	-
Net Taxable Amount	29,605	=
Local Tax Rate	10.637226	X
Total Current Year Tax Due	\$3,149.16	=

PUBLIC NOTICE

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

IN THE MATTER OF THE
APPLICATION OF
Chicago Title Land Trust Co.,
As Successor Trustee of Trust Nos.
1004004149 and 1004004152

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 the Chicago Title Land Trust Co., as successor Trustee of Trust Nos. 1004004149 and 1004004152 for the following described real estate commonly known as 4616 Route 176, Crystal Lake, Illinois 60014, PIN: 14-34-177-035 and 4702 Route 176, Crystal Lake, Illinois 60014, PIN: 14-34-177-006 & 14-34-177-037.

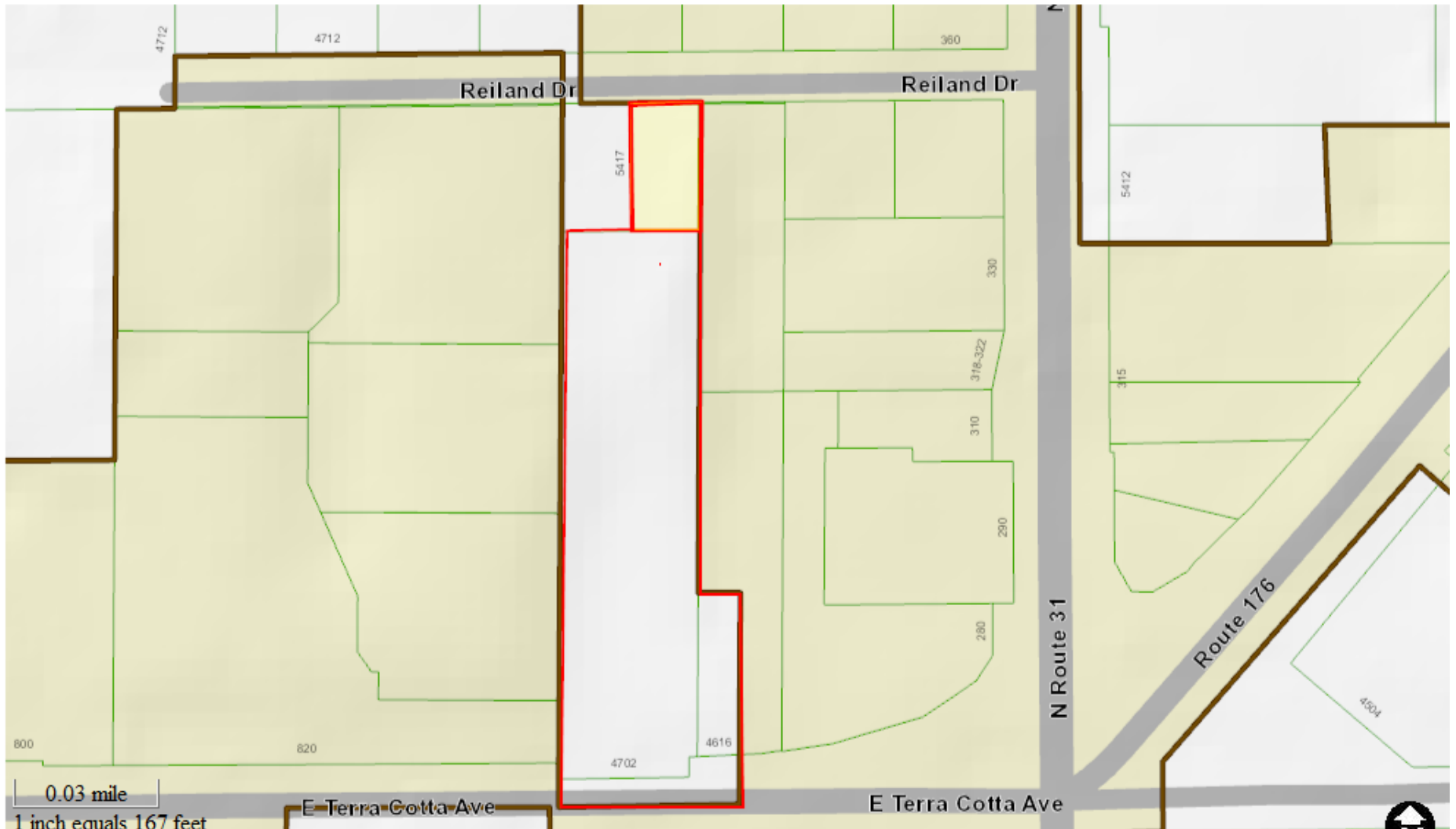
The petitioner seeks a classification of B-2 General Commercial zoning district upon annexation to allow the retail center and full-service bar restaurant use to continue, a Special Use Permit for a drinking place,

a Special Use Permit for major automotive repair, a Special Use Permit for outdoor storage, a Special Use Permit for an electronic message center, pursuant to Article 2-400, a variation from Article 2-400 (C)(61) to allow the existing non-conforming EMC sign to remain as is, a variation from Article 4-200 to allow vehicles to be parked on an unapproved surface and any variation 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 August 17, 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

(Published in the Northwest Herald
August 2, 2016) 1212409



Map created on August 5, 2016.

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