



#2017-39
Powers Annexation
Project Review for Planning and Zoning Commission

Meeting Date: December 6, 2017

Request:

- 1) Rezoning upon annexation to Watershed district,
- 2) Special Use Permit for an existing wireless communication tower, and
- 3) Special Use Permit for existing outdoor storage of vehicles and materials.

Location: 8733 Ridgefield Road

Acreage: Approximately 42.8 acres

Existing Zoning: A-1 Agriculture (McHenry County)

Requested Zoning: W – Watershed

Surrounding Properties:

North:	M PUD – Manufacturing Planned Unit Development & B3 (McHenry County) – General Business
South:	W – Watershed
East:	W – Watershed
West:	O PUD – Office Planned Unit Development

Staff Contact: Kathryn Cowlin (815.356.3798)

Background:

- **Existing Use:** The property is currently occupied by The Care of Trees, a professional tree care services business, a garage door retailer and farmland.
- The existing conditions of the property would be allowed to remain ‘as is’ upon annexation into the City and the land uses would be permitted through the rezoning approval.
- **History:** This property is located within the Crystal Lake Watershed. City staff approached the property owner regarding annexation.

Development Analysis:

- **Request:** To zone the property Watershed upon annexation and special use permits for the existing wireless communication tower and ancillary outdoor storage.
- **Land Use:** The land use map shows the property as Agricultural Rural Residential. No Comprehensive Land Use Plan Map Amendment is necessary at this time.

- Zoning: The property is currently zoned A-1 Agriculture in McHenry County. The property will be rezoned to Watershed with B-2 General Commercial land uses permitted, which is appropriate for the existing businesses.
- Special Use Permits:
 - Wireless Communication Tower – there is an existing wireless communications tower located on the property. A special use permit is being requested to allow the existing use to continue.
 - Outdoor Storage – there is existing ancillary outdoor storage located behind the commercial buildings. A special use permit is being requested to allow the existing use to continue.

Findings of Fact:

REZONING

- The property is currently zoned 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 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*

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*

Radio transmission towers, wireless communication facilities. All radio transmission towers and wireless communication facilities must comply with the following standards:

1. Towers shall be designed to meet the wind loading requirements specified in the American National Standards Institute TIA-222-F Report, as amended.

Meets *Does not meet*

2. The owner/applicant shall provide documentation to the City demonstrating that the structural integrity of the towers and antenna will continue to comply with state and federal standards, local building codes, and the applicable standards for towers published by the American National Standards Institute (ANSI), as amended. If, upon inspection, it is determined a tower fails to comply with such standards and constitutes a danger to persons or property, the owner shall be notified that he/she has 30 days to bring the tower into compliance. Failure to bring the tower into compliance within 30 days shall constitute grounds for the removal of the tower at the owner's expense.

Meets *Does not meet*

3. Freestanding wireless communication or radio transmission towers shall not exceed 200 feet in height as measured from the tower base to the highest point of the tower and any attached receiving or transmitting device.

Meets *Does not meet*

4. Franchises and licenses: The operator shall provide documentation to the City to demonstrate that all franchises and licenses required by law for the construction and/or operation of a tower or antenna have been obtained.

Meets *Does not meet*

5. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color (i.e., light grey) to reduce visual obtrusiveness or painted in a sky-tone above the top of surrounding trees and in an earth-tone below the treetop level.

Meets *Does not meet*

6. At a tower site, the design of buildings and related structures shall, to the maximum extent practicable, use materials, colors and architectural styles, that blend into the natural setting and surrounding buildings.

Meets *Does not meet*

7. Storage: No outside storage shall be allowed on any facility site.

Meets *Does not meet*

8. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.

Meets *Does not meet*

9. A single sign measuring no more than two square feet in size shall be located on or near the tower, and shall identify the tower owner, the street address of the tower, the owner's identification code for the tower, and a twenty-four-hour emergency contact telephone number.

Meets *Does not meet*

10. No commercial advertising shall be allowed on the tower or its related facilities.

Meets *Does not meet*

11. Single lot: Towers, guy anchors, equipment buildings, and any other appurtenances related to the tower shall be considered as being located on one zoning lot.

Meets *Does not meet*

12. Setbacks: Wireless communications facilities shall comply with the following setback standards. Self supporting and monopole towers shall be setback from all property lines by a distance of 110% of the height of the tower.

Meets *Does not meet*

13. Equipment buildings associated with a wireless communication facility shall meet the minimum setback requirements for the zoning district where located.

Meets *Does not meet*

14. Separation: If an applicant proposes a new wireless communications tower or radio transmission tower within 1,200 feet of an existing tower, the applicant shall submit a statement indicating the reasons why the existing tower(s) was inadequate or unavailable. The Zoning Administrator shall allow the owner of such existing tower an opportunity to comment prior to making a decision.

Meets *Does not meet*

15. Collocation: New wireless communication or radio transmission towers shall provide evidence that the tower is structurally designed to support at least three additional users, and provide a written statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless a monopole is determined more appropriate at the specific location. If an existing tower is increased in height or reconstructed to accommodate the collocation of additional antenna it shall meet the height restrictions outlined within this section of the Ordinance.

Meets *Does not meet*

16. Landscaping: Unless existing vegetation provides a buffer strip, all property lines along roadways or visible to existing abutting or nearby buildings (within 1/4 mile radius), for all facilities shall be landscaped as follows:

- a. With six-foot to eight-foot evergreen shrubs planted in an alternate pattern, five feet on center and within 15 feet of the site boundary; or
- b. With at least one row of deciduous trees, not less than 2 1/2 inch to three inches caliper measured three feet above grade, and spaced not more than 30 feet apart and within 25 feet of the site boundary; or
- c. With at least one row of evergreen trees at least four to five feet in height when planted, and spaced not more than 15 feet apart within 40 feet of the site boundary.
- d. In lieu of the foregoing, the Planning and Zoning Commission may determine that the existing vegetation must be supplemented to meet an equivalent means of achieving the desired goal of minimizing the visual impact.

Meets *Does not meet*

17. Security fencing: Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than eight feet in height and equipped with an appropriate anti-climbing device.

Meets *Does not meet*

18. Radiation reporting: It shall be demonstrated that the proposed tower, antenna, and supporting equipment complies with FCC nonionizing radiation requirements for individual and combined facilities.

Meets *Does not meet.*

19. Interference: No wireless communications tower, antenna, or supporting equipment shall interfere with equipment operated by the City of Crystal Lake.

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*

Meets requirement, the outdoor storage area is screened with a chain link fence and buildings.

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*

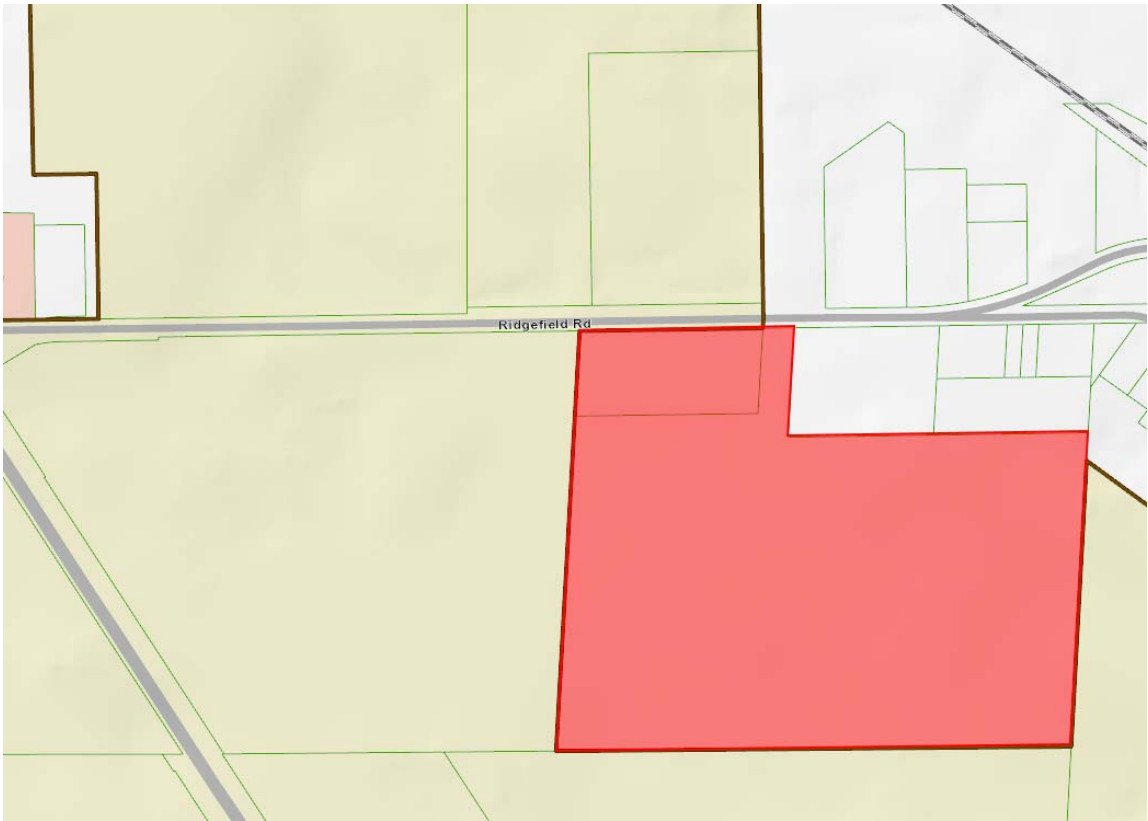
5. All outdoor sales, service, storage and display must meet the Guidelines for Outdoor Sales, Service, Storage and Display that are included in the Appendix.

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 (Powers, dated 10/27/17)
2. The petitioner shall comply with the requirements of the Community Development Department.

2017-39 Powers – 8733 Ridgfield Rd - Annexation



PETITION

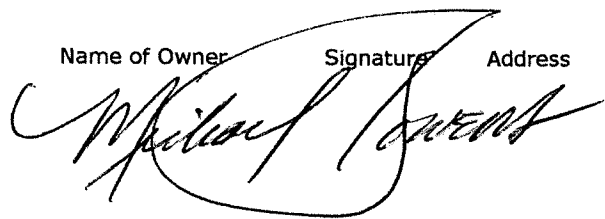
TO THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE,
MCHENRY COUNTY, ILLINOIS

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 fifty-one percent (51%) of all the electors of record of 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, 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 23rd of Oct., 2017.

Name of Owner	Signature	Address
		

STATE OF ILLINOIS)

) SS

COUNTY OF MCHENRY)

I, _____, 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.

Subscribed and sworn to before me

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DATED this _____ of _____, 20____.

Name of Owner	Signature	Address
<i>CYNTHIA POWERS</i>	<i>Cynthia Powers</i>	<i>1247 Briarwood Lane Libertyville Ill. 60048</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PETITION

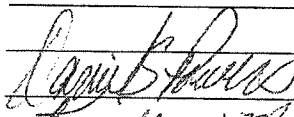
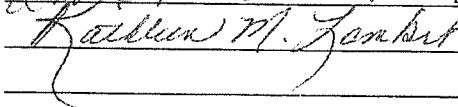
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DATED this _____ of _____, 20____.

Name of Owner	Signature	Address
<u>Lillian M. Powers Family LTP</u>		
<u>Chicago Title Land Trust 8002351915</u>		
<u>Daniel S. Powers</u>		<u>15216 Wilshire Rd Cel087</u>
<u>Kathleen Lambert</u>		<u>1716 Lake Dr</u>
<u>Michael Powers</u>		<u>58566.</u>
<u>Cynthia Powers</u>		

PUBLIC NOTICE
BEFORE THE PLANNING
AND ZONING COMMISSION
OF THE CITY OF CRYSTAL LAKE,
MCHENRY COUNTY, ILLINOIS
IN THE MATTER OF THE
APPLICATION OF LILLIAN M.
POWERS FAMILY LIMITED
PARTNERSHIP, CHICAGO TITLE
LAND TRUST COMPANY as Trustee
of TRUST 8002351915, DANIEL S.

POWERS, KATHLEEN LAMBERT,
CYNTHIA POWERS AND MICHAEL
POWERS

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 LILLIAN M. POWERS FAMILY LIMITED PARTNERSHIP, CHICAGO TITLE LAND TRUST COMPANY as Trustee of TRUST 8002351915, DANIEL S. POWERS, KATHLEEN LAMBERT, CYNTHIA POWERS AND MICHAEL POWERS for the following described real estate commonly known as 8733 Ridgellfield Rd, Crystal Lake, Illinois 60014, PIN: 13-25-127-010 & 13-25-127-011.

The petitioner seeks a classification of a W- Watershed Planned Unit Development zoning district with B-2 General Commercial uses upon annexation to allow for the existing businesses and uses to continue, a Special Use Permit for existing outdoor storage, a Special Use Permit for an existing wireless communications tower, and any variations as necessary to approve the plans as presented pursuant to Articles 2-300, 2-400 and 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 December 6, 2017 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
on November 21, 2017)1481742