



#2019-00173

**Hawthorn Storage – Annexation
Project Review for Planning and Zoning Commission**

<u>Meeting Date:</u>	January 15, 2020
<u>Request:</u>	1. Rezoning upon annexation to B-2 General Commercial and Office PUD, 2. Special Use Permit for a mini-storage facility, 3. Variations from Articles 2-300, 3-200, 4-200, 4-400 and 5-200 to comply with the approved site plan.
<u>Location:</u>	100 W. Terra Cotta Ave
<u>Acreage:</u>	3.13 acres
<u>Zoning:</u>	B-2 General Commercial & Office PUD
<u>Requested Zoning:</u>	B-2 General Commercial & Office PUD
<u>Surrounding Properties:</u>	North: R-1 – Single-Family Residential PUD South: M – Manufacturing East: O – Office PUD West: M – Manufacturing
<u>Staff Contact:</u>	Kathryn Cowlin (815.356.3798)

Background:

- As part of the Centennial Strategic Plan, the City Council identified a key strategy in development and reinvestment in the community by exploring annexation opportunities. Also during this process, City staff worked with McHenry County to reconcile any discrepancies in the city boundary and the property tax rolls.
- It was discovered that the properties commonly known as the Northside Center and Hawthorn Storage were not included in the property tax rolls for the City. Based on City records, it appears the property would have been incorporated during the consolidation of the Village of Nunda and the Village of Crystal Lake in 1914. City staff worked with the County to correct the boundary discrepancy by providing zoning maps dating back to 1927, copies of building permits and zoning approvals on multiple occasions since at least 1945, a copy of the 1981 federal court lawsuit between the City and the property owner, first response service records dating back 15 years and an issued liquor license dating back to 1989.

- Despite the documentation listed above, McHenry County will not correct the tax roll unless an annexation ordinance is recorded with the Recorder of Deeds and filed with the McHenry County Clerk.
- The property owners have submitted annexation petitions at the City's request. The existing zoning approvals would be requested so the existing tenants and businesses would not be affected by the process.

Development Analysis:

LAND USE/ZONING

- The site is currently zoned B-2 General Commercial and Office PUD. The property was granted a Special Use Permit and variations for the mini-storage facility in 1997 and 1998, the zoning approvals are repeated through the current request and coupled with the annexation request, to meet the County's requirements and maintain the business' approvals.

Findings of Fact:

REZONING

- The property is currently zoned B-2 and Office PUD. Property annexed into the City of Crystal Lake comes in as E- Estate zoning. The existing zoning designations would be reinstated. Section 9-200 B of the Unified Development Ordinance establishes standards for rezoning. The criteria are as follows:
 1. The existing uses and zoning of nearby property;
 Meets *Does not meet*
 2. The extent to which property values are diminished by a particular zoning classification or restriction;
 Meets *Does not meet*
 3. The extent to which the destruction of property value of a petitioning property owner promotes the health, safety, morals, or general welfare of the public;
 Meets *Does not meet*
 4. The relative gain to the public as opposed to the hardship imposed on a petitioning property owner;
 Meets *Does not meet*
 5. The suitability of the subject property for its zoned purposes;
 Meets *Does not meet*
 6. 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*

7. The Comprehensive Plan designation and the current applicability of that designation; and

Meets *Does not meet*

8. The evidence or lack of evidence, of community need for the use proposed.

Meets *Does not meet*

SPECIAL USE PERMIT

The petitioner has requested a Special Use Permit to allow a mini-storage facility at the subject property. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 B of the Unified Development Ordinance establishes standards for all Special Uses in Crystal Lake. The criteria are as follows:

1. The use is necessary or desirable, at the proposed location, to provide a service or facility which will further the public convenience and general welfare.

Meets *Does not meet*

2. The use will not be detrimental to area property values.

Meets *Does not meet*

3. The use will comply with the zoning districts regulations.

Meets *Does not meet*

4. The use will not negatively impact traffic circulation.

Meets *Does not meet*

5. The use will not negatively impact public utilities or municipal service delivery systems. If required, the use will contribute financially to the upgrading of public utilities and municipal service delivery systems.

Meets *Does not meet*

6. The use will not negatively impact the environment or be unsightly.

Meets *Does not meet*

7. The use, where possible will preserve existing mature vegetation, and provide landscaping and architecture, which is aesthetically pleasing, compatible or complementary to surrounding properties and acceptable by community standards.

Meets *Does not meet*

8. The use will meet requirements of all regulating governmental agencies.
 Meets *Does not meet*
9. The use will conform to any conditions approved as part of the issued Special Use Permit.
 Meets *Does not meet*
10. The use will conform to the regulations established for specific special uses, where applicable.
 Meets *Does not meet*

In addition, self-storage and mini-warehouse uses must comply with the following standards:

- a. General: No business activity other than the rental of storage units shall be conducted on the premises. The storage of hazardous, toxic or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil is prohibited.
 Meets *Does not meet*
- b. Site layout: Buildings shall be situated such that the doorways or access points are facing away from the yards abutting street rights-of-way.
 Meets *Does not meet*
- c. Screening: An eight feet tall solid screen consisting of a solid wooden fence in accordance with the provisions of Section 4-700, Fences, walls and screening, or opaque landscaping along the perimeters of the property in accordance with the provisions of Section 4-400, Landscaping and screening standards, shall be provided.
 Meets *Does not meet*
- d. Landscaping: Landscaping shall be provided within a minimum five-foot-wide landscape beds along the foundations of the ends of the storage buildings, in accordance with the provisions of Section 4-400, Landscaping and screening standards.
 Meets *Does not meet*
- e. Security: Security lighting shall be provided to safely illuminate all areas of the facility. The use of photocell units and motion sensors is encouraged as a means of saving energy. If overnight security personnel will be staying at the facility, provide details regarding the location of the proposed residence. Appropriate utilities to serve the unit shall be provided. No more than one overnight unit shall be provided per facility.
 Meets *Does not meet*

ZONING ORDINANCE VARIATIONS

The petitioner is requesting variations from Articles 2-300, 3-200, 4-200, 4-400 and 5-200 to comply with the approved site plan. The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property.

To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

- a. 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.

Meets *Does not meet*

- b. Also, that the variation, if granted, will not alter the essential character of the locality.

Meets *Does not meet*

For the purposes of supplementing the above standards, 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:

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

Meets *Does not meet*

- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

Meets *Does not meet*

- c. 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

Meets *Does not meet*

- d. 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.

Meets *Does not meet*

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 is made, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (James B Keelan Trust and Lorraine E Keelen Trust, dated 10/14/19, received 10/14/19)
2. An Annexation Ordinance, by State Statute, classifies a property as Estate zoning and the intent of this request is to allow the previously approved zoning approvals to remain in effect and to correct McHenry County records.
3. The zoning approvals and related conditions of approval from Ordinances 3756 (File #94-64), 4070 (File #97-40), 5029 (File #97-65) and 5471 (File #5471) are all still valid.

PLN-2019-00173 HAWTHORN STORAGE – 100 W TERRA COTTA AVE – ANNEXATION, REZONE
(CORRECT COUNTY'S TAX CODE)

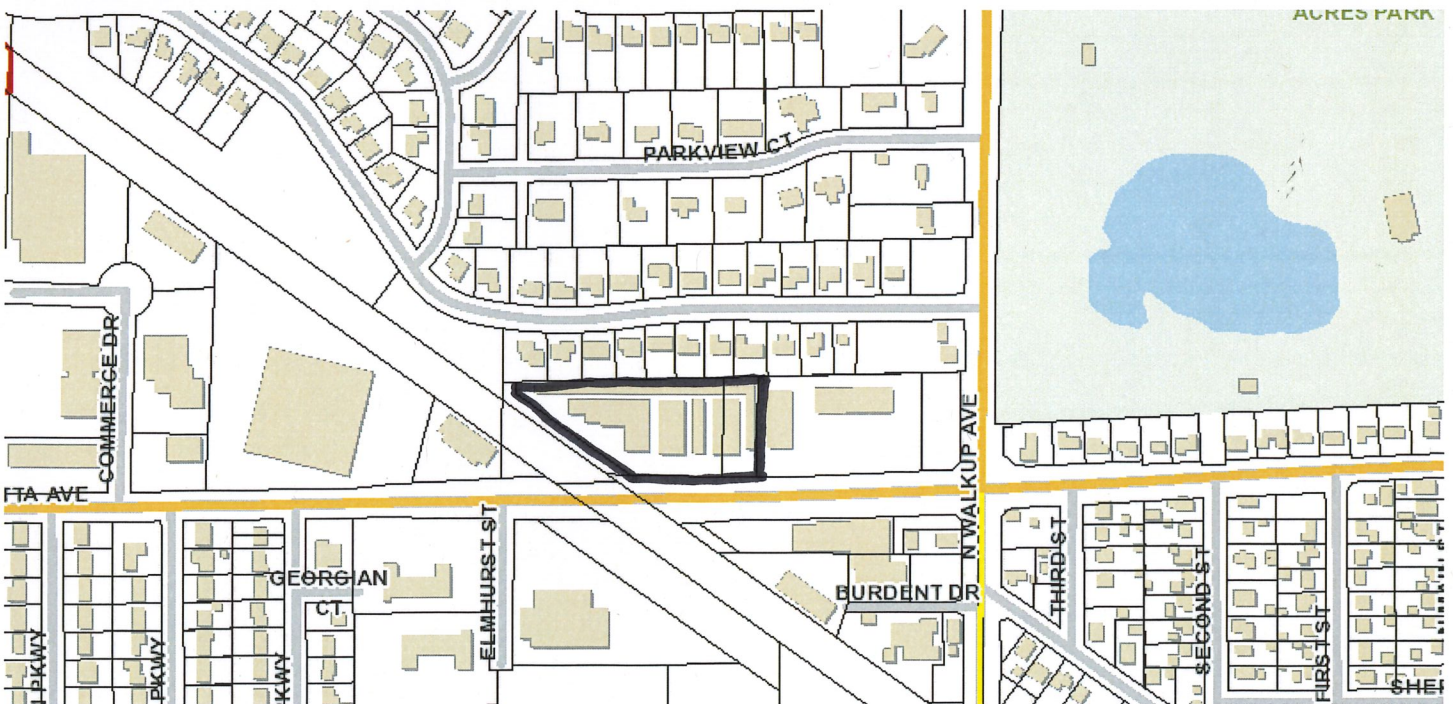


Exhibit A

(Insert legal description of PINs 14-32-251-011 and 14-32-251-012)

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

IN THE MATTER OF THE
APPLICATION OF
JAMES B KEELAN TRUST, LORRAINE E KEELAN TRUST
HELCO CORP and LASALLE NATIONAL TRUST 120591

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 applications of James B Keelan Trust and Lorraine E Keelan Trust seeking Rezoning to B-2 General Commercial with a Special Use Permit for self-storage and variations at 100 W. Terra Cotta Ave, Crystal Lake, Illinois. PINs 14-32-251-011 & 14-32-251-012 and LaSalle National Trust 120591 and Helco Corporation seeking a Preliminary/Final Planned Unit Development, Rezoning and Special Use Permit located at 40-60 W. Terra Cotta Ave, Crystal Lake, Illinois. PINs 14-32-251-022 & 14-32-251-043.

This application is filed for the purpose of seeking the existing zoning approvals at the above properties. No changes to the properties are proposed, the hearing is required in order to correct the property tax rolls.

This application is filed for 40-60 W. Terra Cotta Ave: A rezoning upon annexation to Office Planned Unit Development, Special Use Permit for a resale shop and Variations pursuant to Article 4-500 and Article 9-200, as well as, any other variations as necessary to complete the project as proposed.

This application is filed for 100 W. Terra Cotta Ave: A rezoning upon annexation to B-2 General Commercial, O Office PUD and Special Use Permit for a self-storage facility pursuant to Articles 2-300, 2-400, and Article 9-200, as well as, Variations from Article 2-300 Permitted Use Table, Article 3-200 Dimensional standards, Article 4-200 Off-Street Parking, Article 4-400 Landscape and Screening and Article 5-200 Subdivisions, as well as any other variations as necessary to complete the project as proposed. Plans for this project can be viewed at the Crystal Lake Community Development Department at City Hall.

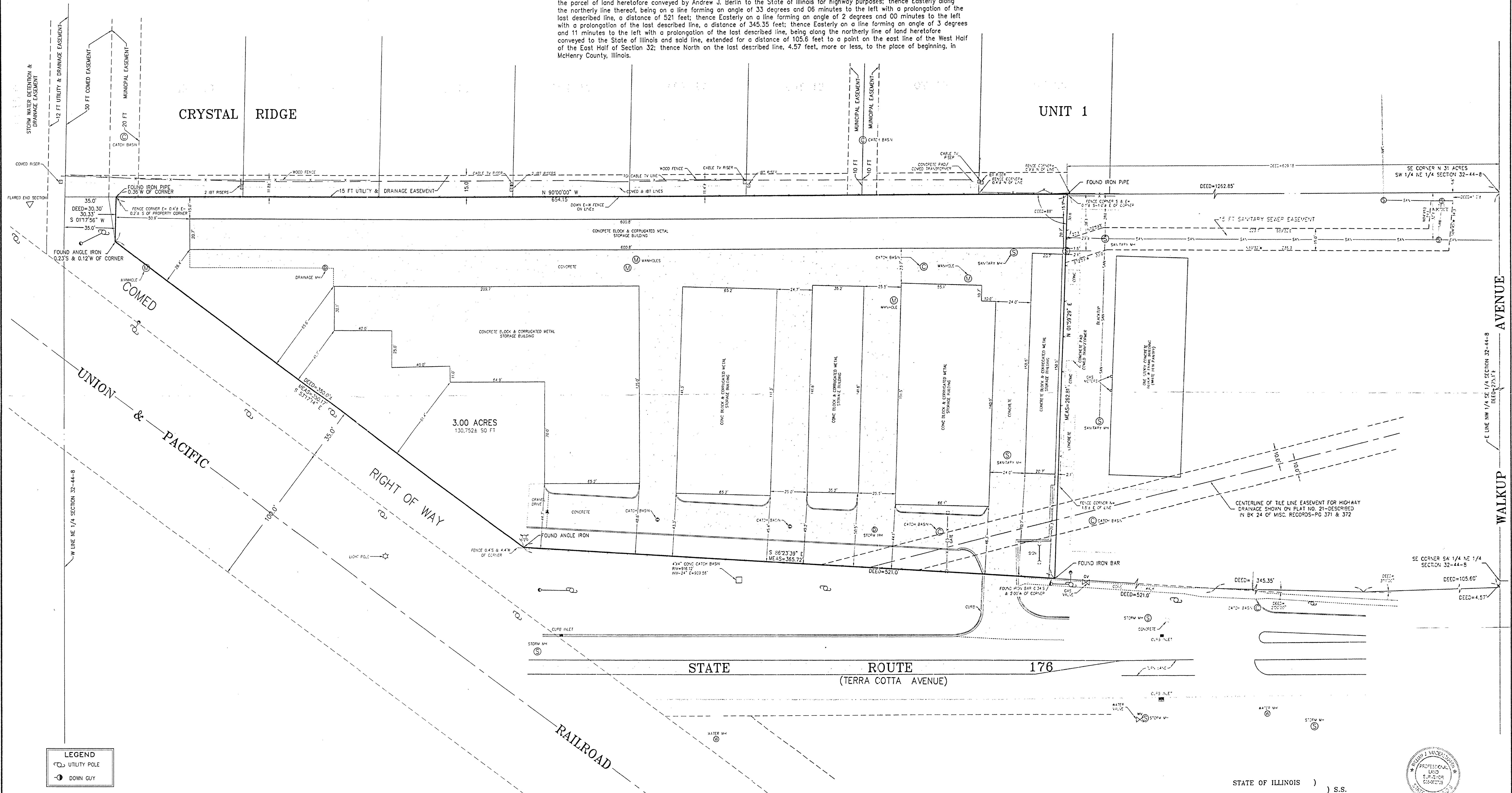
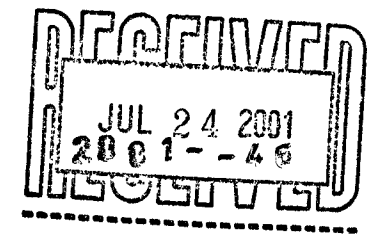
A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday, January 15, 2020, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

/s/ Tom Hayden, Chair
City of Crystal Lake
Planning and Zoning Commission

(Published in the Northwest Herald on December 21,
2019)1736620

PLAT OF SURVEY

The West 3 acres (as measured at right angles to the easterly line of said 3 acres) of the following described tract of land, being a part of the Southwest Quarter of the Northeast Quarter and a strip off the north side of the Northwest Quarter of the Southeast Quarter of Section 32, Township 44 North, Range 8, East of the Third Principal Meridian, described by beginning at the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section; thence North on the east line thereof, 275.1 feet, more or less, to the Southeast corner of the North 31 acres of the Southwest Quarter of the Northeast Quarter; thence Westerly on said south line thereof, 1,262.85 feet to an intersection with the easterly line of land heretofore conveyed to the Public Service Company of Northern Illinois; thence Southerly, parallel with and 35 feet Easterly from the North and South Quarter Section line, a distance of 30.3 feet to the northeasterly line of the right-of-way line of said Public Service Company of Northern Illinois; thence Southeasterly along said right-of-way line, 350 feet, more or less, to the northerly line of the parcel of land heretofore conveyed by Andrew J. Berlin to the State of Illinois for highway purposes; thence Easterly along the northerly line thereof, being on a line forming an angle of 33 degrees and 06 minutes to the left with a prolongation of the last described line, a distance of 521 feet; thence Easterly on a line forming an angle of 2 degrees and 00 minutes to the left with a prolongation of the last described line, a distance of 345.35 feet; thence Easterly on a line forming an angle of 3 degrees and 11 minutes to the left with a prolongation of the last described line, being along the northerly line of land heretofore conveyed to the State of Illinois and said line, extended for a distance of 105.6 feet to a point on the east line of the West Half of the East Half of Section 32; thence North on the last described line, 4.57 feet, more or less, to the place of beginning, in McHenry County, Illinois.



LEGEND
 ○ UTILITY POLE
 ● DOWN GUY

CLIENT: JIM KEELAN
 DRAWN BY: CPM CHK'ED BY: WJV
 SCALE: 1" = 30' SEC. 32 T. 44 R. 8 E.
 P.I.N.: 14-32-251-010, 011, 012
 JOB NO.: 000529 I.D. UFD BK. PG.
 ALL DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF
 CORRECTED TO 68° F. REF. 990687

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- No distance should be assumed by scaling.
- No underground improvements have been located unless shown and noted.
- No representation as to ownership, use, or possession should be hereon implied.
- This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

Compare your description and site markings with this plat and AT ONCE report any discrepancies.



STATE OF ILLINOIS)
 COUNTY OF McHENRY) S.S.
 I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey.
 Dated at Woodstock, McHenry County, Illinois 6/30 A.D., 2000.
 VANDERSTAPPEN SURVEYING, INC.
 By: *W. J. Vanderstappen*
 Illinois Professional Land Surveyor No. 2709