



#2019-00186
Northside Center – Annexation
Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	January 15, 2020
<u>Request:</u>	1. Rezoning upon annexation to Office PUD and 2. Special Use Permit for a resale shop.
<u>Location:</u>	40-60 W. Terra Cotta Ave
<u>Acreage:</u>	2.78 acres
<u>Zoning:</u>	Office PUD
<u>Requested Zoning:</u>	Office PUD
<u>Surrounding Properties:</u>	North: R-1 – Single-Family Residential PUD South: M – Manufacturing East: O – Office PUD West: O – Office PUD & B-2 – General Commercial
<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 Office PUD. The property was granted the Office PUD zoning through a 1981 federal court lawsuit Settlement Agreement. A Special Use Permit for a resale shop was approved in 2002.

Findings of Fact:

REZONING

- The property is currently zoned 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 resale shop (used merchandise) 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, used merchandise stores must comply with the following standards:

a. Location: Used merchandise stores 15,000 square feet in area or less must be located more than 500 feet from an existing similar use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.

b. *Meets* *Does not meet*

c. Outdoor display: Outdoor display, storage, and sales of items is not permitted.

Meets *Does not meet*

d. Police inspection: Records of all items purchased and sold shall be kept and shall be made available during regular business hours for inspection by the Police Department.

Meets *Does not meet*

e. Electronic reporting: Any used merchandise store that purchases electronic goods or jewelry is required to report/upload to LeadsOnline, or the City's current electronic reporting system, the information outlined by the City's Police Department for each and every transaction where electronic goods or jewelry were purchased by the end of that business day. All information shall be recorded in the English language. The electronic reporting requirement also applies to all used merchandise stores that conduct 10 or more purchase transactions (not limited to electronic goods or jewelry) in one week (calculated from each Monday through the next Sunday, inclusive).

Meets *Does not meet*

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 (Helco Corporation & LaSalle National Trust 120591, dated 11/20/19, received 11/21/19)

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 the Settlement Agreement dated 11/10/1983 and accepted by Resolution 83R-26, as well as Ordinance 5538 (File #2002-40) are all still valid.

PLN-2019-00186 NORTHSIDE CENTER – 40 & 60 W TERRA COTTA AVE ANNEX & REZONE
CORRECT COUNTY'S TAX CODE

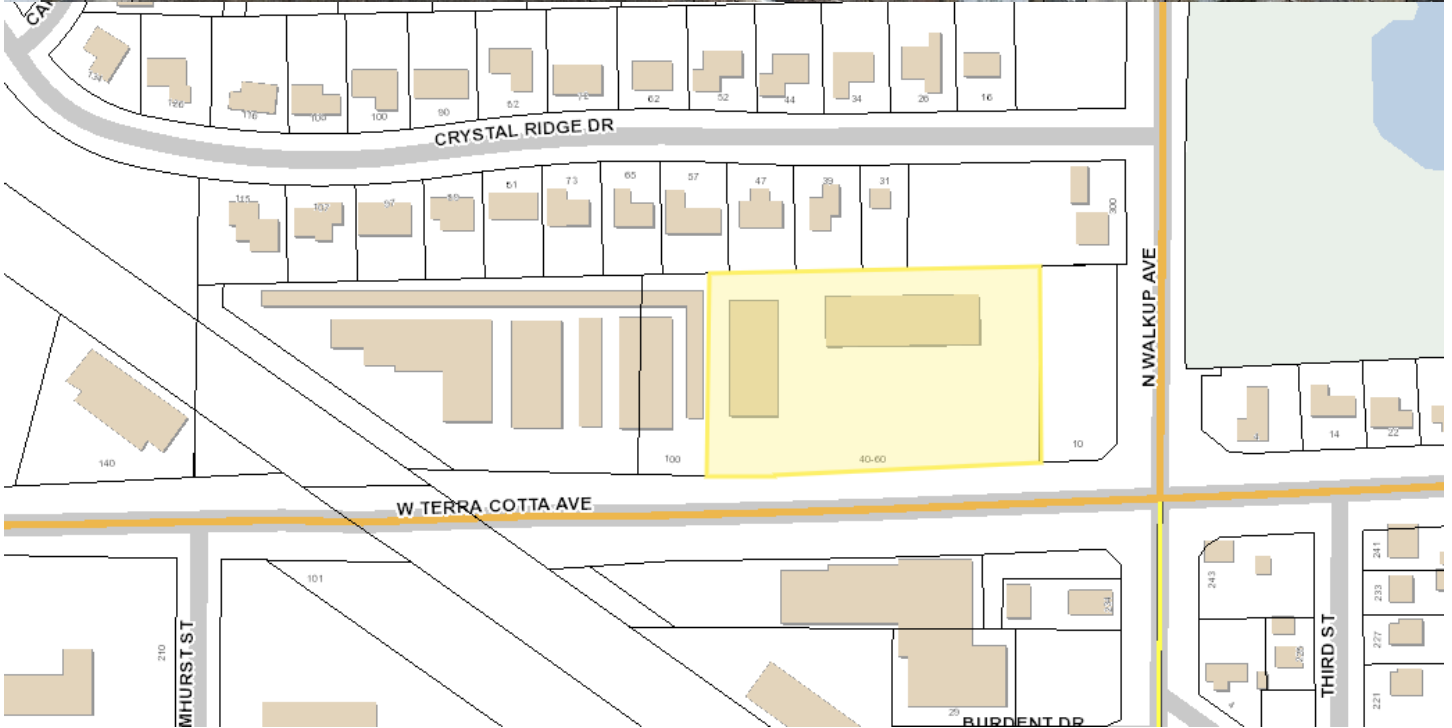


Exhibit A

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 as follows: 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 line thereof 165 feet to a point of a place of beginning; thence Westerly on a continuation of the last described line, 444.18 feet to a point; thence Southerly on a line forming an angle of 88 degrees to the left, with a prolongation of the last described line, 262.76 feet to an intersection with the Northerly right of way line of the State Highway, Route 176; thence Easterly on said right of way line being on a line forming an angle of 88 degrees and 24 minutes to the left, with a prolongation of the last described line a distance of 155.33 feet; thence Easterly on said right of way line being on a line forming an angle of 2 degrees to the left, with a prolongation of the last described line 295.25 feet; thence North on a line forming an angle of 90 degrees and 56 minutes to the left, with a prolongation of the last described line 280.74 feet to the place of beginning, excepting from the above parcel the North 1.00 feet thereof as measured at right angles to the North line of such parcel, all in McHenry County, Illinois.

PARCEL 2:

THE NORTH 1.00 FEET OF A PARCEL, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE THEREOF, DESCRIBED AS FOLLOWS: PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ AND A STRIP OFF THE NORTH SIDE OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ 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 ¼ OF THE NORTHEAST ¼; THENCE WESTERLY ON SAID LINE THEREOF 165 FEET TO A POINT OF POINT OF BEGINNING; THENCE WESTERLY ON A CONTINUATION OF THE LAST DESCRIBED LINE, 444.18 FEET TO A POINT; THENCE SOUTHERLY ON A LINE FORMING AN ANGLE OF 88 DEGREES TO THE LEFT, WITH A PROLONGATION OF THE LAST DESCRIBED LINE, 262.76 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY, ROUTE 176, THENCE EASTERLY ON SAID RIGHT OF WAY BEING ON A LINE FORMING AN ANGLE OF 88 DEGREES AND 24 MINUTES TO THE LEFT, WITH A PROLONGATION OF THE LAST DESCRIBED LINE A DISTANCE OF 155.33 FEET; THENCE EASTERLY ON SAID RIGHT OF WAY LINE BEING ON A LINE FORMING AN ANGLE OF 2 DEGREES TO THE LEFT, WITH A PROLONGATION OF THE LAST DESCRIBED LINE 295.25 FEET; THENCE NORTH ON A LINE FORMING AN ANGLE OF 90 DEGREES AND 56 MINUTES TO THE LEFT, WITH A PROLONGATION OF THE LAST DESCRIBED LINE 280.74 FEET TO THE POINT OF BEGINNING, ALL IN MCHENRY COUNTY, ILLINOIS.

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

OF PART OF SECTION 32 TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN MC HENRY COUNTY, ILLINOIS.

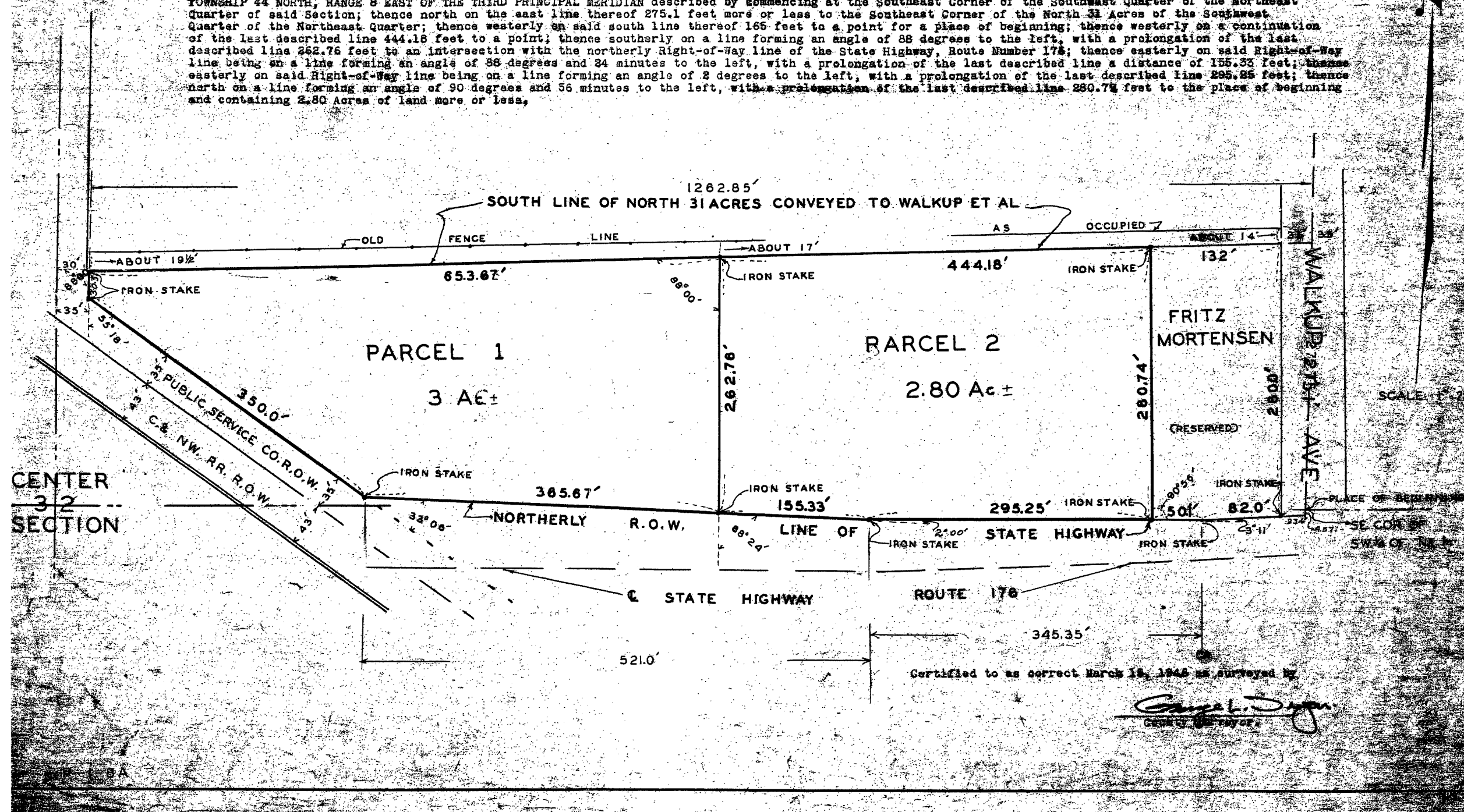
PARCEL 1

THE WEST 3 ACRES OF THE FOLLOWING DESCRIBED TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND A STRIP OFF THE NORTH SIDE OF THE NORTHWEST QUARTER OF THE SOUTHWEST 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 northwest 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 1262.85 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 35.00 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 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 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 and containing 3.00 acres of land more or less.

PARCEL 2

BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND A STRIP OFF THE NORTH SIDE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 44 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN described by commencing 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 165 feet to a point for a place of beginning; thence westerly on a continuation of the last described line 444.18 feet to a point; thence southerly on a line forming an angle of 88 degrees to the left, with a prolongation of the last described line 262.76 feet to an intersection with the northerly Right-of-Way line of the State Highway, Route Number 176; thence easterly on said Right-of-Way line being on a line forming an angle of 88 degrees and 34 minutes to the left, with a prolongation of the last described line a distance of 155.33 feet; thence easterly on said Right-of-Way line being on a line forming an angle of 2 degrees to the left, with a prolongation of the last described line 295.25 feet; thence north on a line forming an angle of 90 degrees and 56 minutes to the left, with a prolongation of the last described line 280.74 feet to the place of beginning and containing 2.80 Acres of land more or less.



Certified to be correct March 18, 1946 as surveyed by

Samuel J. Dyer
County Surveyor

RECORDED
2002 JUN 28 2002