



#2020-200

WK Building and Development Inc.

Project Review for Planning and Zoning Commission

Meeting Date: January 6, 2021

Suggested Motion: Adopt revised language for Article 9-200 E 13 Amendment to a final PUD plan as follows to change the consent threshold as recommended by staff.

Staff Contact: Elizabeth Maxwell, 815-356-3605

Background:

- In 2013, the City amended the Unified Development Ordinance to make amending residential planned unit developments more strict requiring 100% homeowner consent.
- As we have found, this is very difficult for developers to accomplish and a developer is proposing less restrictive language, which still requires a high level of owner consent.

The current language:

Amendment to a final PUD plan. For residential planned unit developments, when amending an approved final PUD plan, unless the homeowners' association, where one is present, is authorized to act on behalf of the entire development, every property owner within the PUD is required to consent to the amendment to the PUD.

The proposed language:

Amendment to a final PUD plan. Except as provided herein, for residential planned unit developments, when amending an approved final PUD plan, unless the homeowners' association, where one is present, is authorized to act on behalf of the entire development, every property owner within the PUD is required to consent to the amendment to the PUD. The following exceptions shall apply:

Where a planned unit development consists of different categories of dwellings (single family attached, single-family detached, two-family and multifamily dwellings, or category as identified by the City) any amendment to a final PUD plan relating to one or more category of dwellings shall require the consent of:

- a. Ninety percent (90%) of every unit owner of properties within the category of dwellings located within the planned development to which the proposed amendment pertains. Where a homeowners' association is authorized to act on behalf of some or all of owners within such category, such consent by the

homeowners’ association shall be deemed sufficient with respect to the owners who are members of such consenting homeowners’ association; and

- b. Three-fourths (3/4ths) of the owners of properties within category of dwellings located within the planned development to which the proposed amendment does not pertain. Where a homeowners’ association is authorized to act on behalf of some or all of owners within such category, such consent by the homeowners’ association shall be deemed sufficient with respect to the owners who are members of such consenting homeowners’ association.

Discussion:

- The changes between the existing and proposed language are:

<u>Requirement</u>	<u>Existing Language</u>	<u>Proposed Language</u>
100% consent	Yes	Yes in cases where only 1 product type has been developed (ex. A subdivision of single-family detached residential homes)
90% consent	No	Yes in cases where multiple housing type exists (townhomes and single family) then 90% of the owners with the same product type are required to sign off on the proposed amendment.
¾ approval	No	Yes in cases where multiple housing type exists (townhomes and single family) then 3/4ths of the owners of the different product type are required to sign off on the proposed amendment.
HOA approval	Yes	Yes if an HOA is permitted to act on behalf of its residents, the HOA can take ballot votes on the proposed amendment and if receive a majority they can vote to sign off on the proposed amendment.

Recommendation:

Adopt the revised language to Article 9-200 E. 13

Amendment to a final PUD plan. Except as provided herein, for residential planned unit developments, when amending an approved final PUD plan, unless the homeowners' association, where one is present, is authorized to act on behalf of the entire development,

every property owner within the PUD is required to consent to the amendment to the PUD. The following exceptions shall apply:

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- a. Ninety percent (90%) of every unit owner of properties within the category of dwellings located within the planned development to which the proposed amendment pertains. Where a homeowners' association is authorized to act on behalf of some or all of owners within such category, such consent by the homeowners' association shall be deemed sufficient with respect to the owners who are members of such consenting homeowner's' association; and
- b. Three-fourths (3/4ths) of the owners of properties within category of dwellings located within the planned development to which the proposed amendment does not pertain. Where a homeowners' association is authorized to act on behalf of some or all of owners within such category, such consent by the homeowners' association shall be deemed sufficient with respect to the owners who are members of such consenting homeowners' association.



**City of Crystal Lake
Development Application
Ownership Sign-off Acknowledgement Form**

The following information is related to a development application. As the owner of the property in question, I (we) acknowledge that the information provided in the submittal was reviewed and approved.

Owner Information

Name: WK BUILDING & DEVELOPMENT INC

Address: 525 W WISE RD.
SCHAUMBURG IL 60516

Phone: 847-352-0100 X116

E-mail: WALLY@WKHOMEBUILDERS.COM

Project Name & Description: TEXT AMENDMENT to
ARTICLE 9-200 E13

Project Address/Location: ASHTON Pointe CRYSTAL LAKE IL

Signature [Handwritten Signature]

WALTER S KRAWECZYK V.P. 12-31-20

Owner: Print and Sign name

Date

NOTE: If the property is held in a 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.

SHAW MEDIA
EST. 1851
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION

Salesperson: GINA BEYER

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Acct #: 30765

Ad #: 1845610

Status: New

WAGGONER LAW FIRM, PC
4 N. WALKUP AVENUE
CRYSTAL LAKE IL 60014

Start: 12/21/2020 Stop: 12/21/2020
Times Ord: 1 Times Run: ***
CLEG 1.00 X 118.00 Words: 401
Total CLEG 118.00

Class: C8100 PUBLIC NOTICES
Rate: LEGAL Cost: 173.62

Affidavits: 1

Ad Descrpt: ART 9 SEC 9-200 PUD AMEND

Descr Cont: 1845610

Given by: LISA WAGGONER

P.O. #:

Contact: LISA WAGGONER

Phone: (815)477-0830

Fax#:

Email: lwaggoner@waggonerlawfirm.co

Agency:

Created: gbeye 12/18/20 11:59

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EST. 1851
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: GINA BEYER

Printed at 12/18/20 13:47 by gbeye-sm

Acct #: 30765

Ad #: 1845610

Status: New

PUBLIC NOTICE

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

IN THE MATTER OF THE
APPLICATION OF WK
Building and Development
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 for the purposes
of seeking UDO Text Amend-
ments to make changes to
Article 9 Section 9-200 E 13
Amendment to a final PUD
plan as follows:

Amendment to a final PUD
plan. Except as provided
herein, for residential
planned unit developments,
when amending an
approved final PUD plan,
unless the homeowners'
association, where one is
present, is authorized to act
on behalf of the entire
development, every property
owner within the PUD is
required to consent to the
amendment to the PUD. The
following exceptions shall
apply:

Where a planned unit
development consists of
different categories of
dwellings (single family
detached, single-family
detached, two-family and
multifamily dwellings, or
category as identified by the
City) any amendment to a
final PUD plan relating to
one or more category of
dwellings shall require
the consent of:

a. Ninety percent (90%)
of every unit owner of
properties within the cate-
gory of dwellings located within
the planned development to
which the proposed amend-
ment pertains. Where a
homeowner's association is
authorized to act on behalf
of some or all of owners
within such category, such
consent by the homeowner's
association shall be deemed
sufficient with respect to the
owners who are members of
such consenting homeown-
er's association; and

b. Three-fourths (3/4ths)
of the owner's of properties
within category of dwellings
located within the planned
development to which the
proposed amendment does
not pertain. Where a
homeowner's association is
authorized to act on behalf
of some or all of owners
within such category, such
consent by the homeowner's
association shall be deemed
sufficient with respect to the
owners who are members of
such consenting homeown-
er's association.

A public hearing before the
Planning and Zoning
Commission on this request
will be held at 7:00 p.m. on
Wednesday, January 6,
2021, at the Crystal Lake
City Hall, 100 West
Woodstock Street, at which
time and place any person
determining to be heard may
be present.

Jeff Greenman, Chair
Planning and Zoning
Commission
City of Crystal Lake

(Published in the Northwest
Herald on December 21,
2020) 1845610