



#2021-45
1776 Restaurant – Special Use Permit
Project Review for Planning and Zoning Commission

Meeting Date: April 21, 2021

Request: Special Use Permit to allow an outdoor seating area with a setback of 5 feet from a residentially zoned property, a variation of 15 feet and to allow an accessory structure to have a setback of 5 feet, a variation of 15 feet.

Location: 397 W. Virginia St

Existing Zoning: B-2 General Commercial

Surrounding Properties: North: B-2 – General Commercial
South: R-3B – Multi-Family Residential
East: B-2 – General Commercial
West: B-2 – General Commercial

Staff Contact: Katie Cowlin (815.356.3798)

Background:

- **Existing Use:** The subject property is occupied by a fine dining restaurant with an outdoor seating pergola area.
- **UDO Requirements:** Outdoor seating is permitted by a limited use permit, approved by staff, if all of the review criteria can be met. When the criteria cannot be met, a special use permit is required.

Development Analysis:

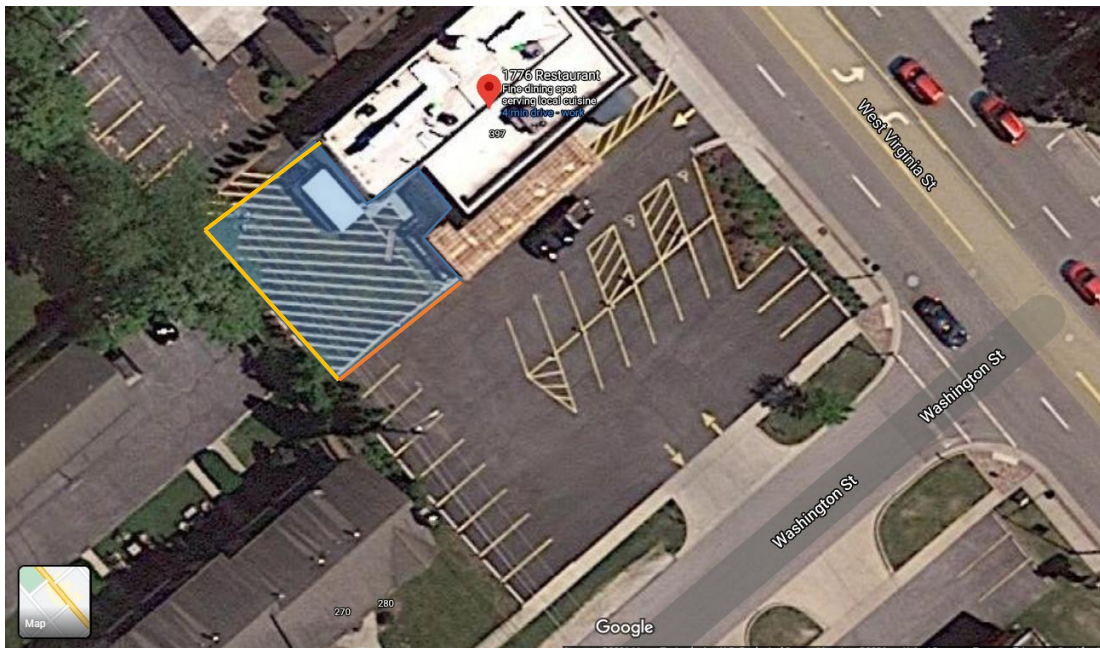
General

- **Request:** The petitioner is requesting a special use permit for outdoor seating with a variation to allow the seating area to have a 5-foot setback from residential property, a variation of 15 feet. The petitioner is also requesting a variation from the accessory structure setback to allow for a 5-foot setback, a variation of 15 feet.
- **Land Use:** The land use map shows the area as Commerce. This land use designation is appropriate for this use.
- The COVID-19 pandemic created a demand for outdoor seating for restaurants. 1776 added a small outdoor dining area and desires to expand the area into the area of the parking lot that is currently striped out. Parking spaces would not be affected by this outdoor seating

area expansion. Also, in 2018, the petitioner acquired the lot at the corner of Washington and Pierson to create an additional parking area for employees and customers.

- Along with this outdoor seating area improvement, the owner is making significant improvements to the interior of the restaurant to improve the service and comfort for her customers.
- The proposed outdoor seating area would be for patrons waiting for their table or for those just wishing to have a drink and small plates.
- Currently, there is a row of Arborvitae along the property line between the restaurant and the adjacent apartments. The petitioner is proposing a 6-foot fence along the seating area to screen the seating area.

Proposed seating area and 6-foot fence along the two back sides and a 4-foot fence along the front of the outdoor seating area.



View from Washington Street current



View from Pierson Street



- The outdoor seating area would include a service station in the form of a renovated Airstream, like the image below.
- The proposed location for the Airstream is approximately 5 feet from the rear property, which requires a variation from the 20-foot setback requirement.



Comprehensive Land Use Plan 2030 Vision Summary Review:

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future retail, office, and service uses. The following goal is applicable to this request:

Land Use - Commerce

Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city, as well as, the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.

Findings of Fact:

The petitioner has requested a Special Use Permit to allow an outdoor seating area to be located 5 feet from the property line abutting residentially zoned 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 standard 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*

Outdoor Seating located on private property must also comply with the following standards:

1. Outdoor seating areas must be adjacent to and provide direct access to and from the tenant space within the principal structure which the outside seating area serves.
 Meets *Does not meet*
A door to the seating area from inside the restaurant is proposed.

2. Outdoor seating areas must be located 20 feet from the rear property line if adjacent to residentially zoned properties.
 Meets Does not meet
The petitioner is requesting a 5-foot setback.

3. Outdoor seating areas shall not be located in the parking lot landscape islands.
 Meets Does not meet
The petitioner is meeting this criterion since the parking area is not affected.

4. The use of the additional area for outdoor seating will not decrease available parking below that required by the UDO for the food service use.
 Meets Does not meet
The petitioner is meeting this criterion since the parking area is not affected.

5. If outdoor seating areas are located within six feet from driveways, drive aisles and alleys, and within 10 feet from intersections, a sturdy and highly visible barrier shall be provided to protect the seating area.
 Meets Does not meet
Not applicable.

6. A minimum of three feet of clear pedestrian passage, free of barriers and street trees, bike racks, lamp posts, sign posts, and any other fixtures or obstructions is required between the seating area and the edge of the sidewalk.
 Meets Does not meet
Not applicable.

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 3-200(B)(3) to allow an accessory structure (the Airstream to be used as the outdoor service station) to have a 5-foot setback, a variation of 15 feet.

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, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (1776, dated 3/31/2021)
 - B. Site Plan (1776, received 01/01/2021)

2. Along the property line abutting the residential, a 6-foot fence is being provided along the outdoor seating area. Replace the dying/dead Arborvitae shrubs with evergreen plants to replace this screening.

3. Ensure that the area behind the outdoor seating area and the property line can be accessed to provide ease of maintenance of this area.
4. The Airstream outdoor service station must remain at least 5 feet from the property lines and on an approved surface.
5. The outdoor seating area must be closed at 10:00pm.
6. The petitioner shall address all of the review comments and requirements of the Community Development, Police and Fire Rescue Departments.

**City of Crystal Lake
Development Application**

Office Use Only
File # PLN-2021-00045

Project Title: 1776 GARDEN PROJECT + ADDITIONAL BATHROOM AND STORAGE

Action Requested

- | | |
|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Preliminary PUD |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Final PUD | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Final PUD Amendment | <input type="checkbox"/> Variation |
| <input type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Other |

Petitioner Information

Name: 1776 OF CRYSTAL LAKE
Address: 397 N. VIRGINIA ST.
CRYSTAL LAKE, IL 60014
Phone: 815.352.1776
Fax: N/A
E-mail: RUIENNA@1776RESTAURANT.COM

Owner Information (if different)

Name: 1776 OF CRYSTAL LAKE
Address: DBA: 1776 RESTAURANT
~~_____

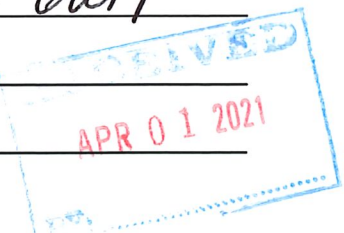
_____~~
Phone: _____
Fax: _____
E-mail: _____

Property Information

Project Description: _____
STORAGE EXPANSION PROJECT, BUILDING OF WINE CELLAR,
BUILDING OUT OF ADDITIONAL BATHROOM AND GOING OUTSIDE
TO A GARDEN WITH ADDITIONAL OUTDOOR SEATING.

Project Address/Location: _____
397 N. VIRGINIA ST. CRYSTAL LAKE, IL 60014

PIN Number(s): 1906428004 & 1906428005



Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: ADAM SNORE, MCG

Attorney: RYAN FARRELL, ZFM (915) 459-2050

Engineer: _____

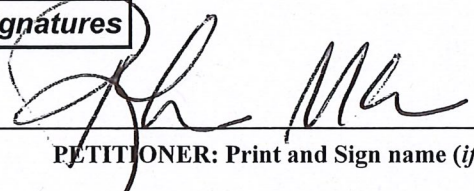
Landscape Architect: N/A

Planner: _____

Surveyor: _____

Other: KETHY DUSMANE, V2 CONTRACTOR (947) 602-4452

Signatures

 3/31/21
PETITIONER: Print and Sign name (if different from owner) Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.

OWNER: Print and Sign name Date

NOTE: If the property is held in 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.



LEGALS

PUBLIC NOTICES

PUBLIC NOTICE

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT MCHENRY COUNTY-IN PROBATE

In the Matter of the Estate of **JONATHAN HART** Deceased

Case No. 21PR000063
CLAIM NOTICE

Notice is given of the death of: **JONATHAN HART** of: **CRYSTAL LAKE, IL** Letters of office were issued on: 3/18/2021

to: Representative: **LAURA R HART** 711 STOWELL AVE STREAMWOOD, IL 60107

whose attorney is: **RATHJE WOODWARD** 300 E ROOSEVELT RD STE 300 WHEATON, IL 60187

Claims against the estate may be filed within six months from the date of first publication. Any claim not filed within six months from the date of first publication or claims not filed within three months from the date of mailing or delivery of Notice to Creditor, whichever is later, shall be barred. Claims may be filed in the office of the Clerk of Circuit Court at the McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois, 60098, or with the representative, or both. Copies of claims filed with the Clerk must be mailed or delivered to the representative and to his attorney within ten days after it has been filed.

Katherine M. Keefe
Clerk of the Circuit Court

(Published in Northwest Herald on April 1, 8, 15, 2021) 1873307

PUBLIC NOTICE

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT MCHENRY COUNTY-IN PROBATE

In the Matter of the Estate of **TAMMERA LORRAINE ANDERSON** Deceased

Case No. 21PR000099
CLAIM NOTICE

Notice is given of the death of: **TAMMERA LORRAINE ANDERSON** of: **HEBRON, IL** Letters of office were issued on: 3/30/2021

to: Representative: **BAYLEE ANDERSON** 336 S DELAWARE ST APT 4509 INDIANAPOLIS, IN 46204

whose attorney is: **ZANCK COEN WRIGHT & SALADIN** 40 BRINK ST CRYSTAL LAKE, IL 60014

Claims against the estate may be filed within six months from the date of first publication. Any claim not filed within six months from the date of first publication or claims not filed within three months from the date of mailing or delivery of Notice to Creditor, whichever is later, shall be barred.

Claims may be filed in the office of the Clerk of Circuit Court at the McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois, 60098,

PUBLIC NOTICES

or with the representative, or both.

Copies of claims filed with the Clerk must be mailed or delivered to the representative and to his attorney within ten days after it has been filed.

Katherine M. Keefe
Clerk of the Circuit Court

(Published in the Northwest Herald April 1, 8, 15, 2021) 1873610

PUBLIC NOTICE

NOTICE OF ANNUAL TEAM REGISTRATION FOR THE 2021 SKI SEASON

The Wonder Lake Water Ski Show Team will hold its annual registration on Friday, April 30, 2021 from 12:00pm to 6:00pm. Any interested parties can contact the team at wlvstst@wonderlakeskiteam.org for location and further information.

(Published in the Northwest Herald April 1, 2021) 1873330

PUBLIC NOTICE

March 29, 2021
Dear Community District 155 High School Student:

As part of the Illinois Records Act (ISSRA) a copy of your temporary school record is being retained by Community High School District 155. These records must be maintained by our district for five full years after you have graduated or exited our district.

We are writing to inform you that the 2016 files will be destroyed in 2021. Your file includes all of your special education eligibility forms, IEP and other testing data. Should you wish to access, review or pick up the file, please contact Lisa Melendez at lmelendez@d155.org or 815-45-8500 ext 1011 prior to April 30, 2021.

If you do not pick up your file, it will be destroyed on or after May 15, 2021.

Thank you,
Kimberly Dahlem
Director of Student Services
Community High School District 155

(Published in the Northwest Herald on March 29 through April 14, 2021) 1871841

Northwest Herald is the only daily newspaper published in McHenry County.

PUBLIC NOTICES

PUBLIC NOTICE

Notice is hereby given that LOCK-IT Self Storage, LLC. 1370 Horizon Drive, Johnsburg, IL 60051 will sell the personal goods from: Unit (s) 540 Lorenzen

Sale will take place on premises on Saturday April 17, 2021 at 9:00 am. We reserve the right to accept or reject any or all bids. Not responsible for accidents.

Randy Broders, Manager
1370 Horizon Drive
Johnsburg, IL 60051
Telephone: 847-497-9900

(Published in the Northwest Herald on April 1, 8, 2021) 1873646

PUBLIC NOTICE

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on Wednesday, April 21, 2021, at 10:00 AM a sale by public auction will be held at 1910 E Algonquin Road, Algonquin IL, to sell the following articles to enforce a lien existing under the self-Service Storage Facility act, 770 ILCS 95/1 et seq., against such articles, for storage furnished at 1910 E Algonquin Road, Algonquin IL.

3105 James Fincher
5108 Kippy Gagliano
3017 Eugene McKeough
3022 Eugene McKeough
Algonquin Road Self Storage - 1910 E. Algonquin Road Algonquin, IL, 60102 847-658-3033

(Published in the Northwest Herald April 1, 8, 2021) 1869339

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS
IN THE MATTER OF THE APPLICATION OF
397 W. Virginia LLC
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

PUBLIC NOTICES

the Planning and Zoning Commission of the City of Crystal Lake upon the application of the 397 W. Virginia LLC seeking a Special Use Permit at 397 W. Virginia Street and a Special Use Permit Amendment at 295 Washington Street, Crystal Lake, Illinois. PIN: 19-06-428-004, 19-06-428-005, 19-06-430-001 & 19-06-430-002

This application is filed for the purpose of seeking a Special Use Permit to allow outdoor seating on private property located five feet from residentially zoned property, indirect access from the seating area to the tenant space and an accessory structure with a five-foot setback at 397 W. Virginia Street. Also, an Amendment to the Special Use Permit to allow a shed at 295 Washington Street pursuant to Articles 2-300, 2-400, 3-200, 4-600 and Article 9 Administration, as well as any other variations as necessary to allow 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 7:00 p.m. on Wednesday April 21, 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, Chairperson
Planning and Zoning Commission
City of Crystal Lake

(Published in Northwest Herald April 1, 2021) 1873517

ASSUMED NAME

PUBLIC NOTICE

ASSUMED NAME PUBLICATION NOTICE
Public Notice is hereby given that on MARCH 9, 2021 a certificate was filed in the Office of the County Clerk of McHenry County, IL concerning the business known as **DEFIER PERFORMANCE** located at

ASSUMED NAME

721 AMSTERDAM STREET, WOODSTOCK IL 60098
Owner Name & Address: **MONTE MOUNTAIN** 127 FEN VIEW CIR., ISLAND LAKE IL 60042

JOHN PARTIPILO 5375 LANSBURY CIR., LAKE IN THE HILLS IL

ASSUMED NAME

60156
Dated: MARCH 9, 2021 /s/ Joseph J. Tirio
McHenry County Clerk

(Published in the Northwest Herald on March 18, 25, April 1, 2021) 1868616

PUBLIC NOTICES

PUBLIC NOTICE
McHenry County College will be accepting proposals from contractors for Professional Audit Services. For more information and to receive a copy of the bid or bid results, visit our website at www.mchenry.edu/bid.
(Published in the Northwest Herald April 1, 2021) 1872029

PUBLIC NOTICES

MCHENRY COUNTY EARLY VOTING
APRIL 6, 2021 CONSOLIDATED ELECTION
All ballot styles for McHenry County are available at all Early Voting Centers, voters may choose to vote at the site most convenient for them. Early Voting at the McHenry County Clerk's Office begins on **March 12, 2021 at the McHenry County Administration Building, 667 Ware Rd, Woodstock, from 8:30 am to 4:30 pm.**

Beginning March 22nd all centers will be open during the times listed below.

EARLY VOTING WILL BE CONDUCTED DURING THE FOLLOWING HOURS:	
Monday, March 22 nd through Friday, March 26 th	9:00 AM to 4:30 PM
Saturday, March 27 th	9:00 AM to 12:00 PM
Monday, March 29 th through Friday, April 2 nd	9:00 AM to 7:00 PM
Saturday, April 3 rd	9:00 AM to 2:00 PM
Sunday, April 4 th	9:00 AM to 2:00 PM
Monday, April 5 th	9:00 AM to 7:00 PM

AT THE FOLLOWING LOCATIONS:

MCHENRY COUNTY ADMINISTRATION BUILDING	MCHENRY TOWNSHIP OFFICE
667 Ware Rd., Woodstock	3703 N. Richmond Rd., Johnsburg
NUNDA TOWNSHIP OFFICE	MCHENRY CITY HALL
3510 Bay Rd., Crystal Lake	333 S Green St., McHenry
LAKE IN THE HILLS VILLAGE HALL	
600 Harvest Gate, Lake in the Hills	

EARLY VOTING WILL BE CONDUCTED DURING THE FOLLOWING HOURS:		
Monday, March 22 nd through Friday, March 26 th	9:00 AM to 4:30 PM	
Saturday, March 27 th	9:00 AM to 12:00 PM	
Monday, March 29 th through Friday, April 2 nd	9:00 AM to 4:30 PM	
Saturday, April 3 rd	9:00 AM to 12:00 PM	

AT THE FOLLOWING LOCATIONS:

HUNTLEY PARK DISTRICT	CARY AREA LIBRARY	ALGONQUIN LIBRARY
12015 Mill St., Huntley	1606 Three Oaks Rd., Cary	2600 Harnish Dr., Algonquin

EARLY VOTING WILL BE CONDUCTED DURING THE FOLLOWING HOURS:		
Monday, March 22 nd through Friday, March 26 th	9:00 AM to 4:30 PM	
Monday, March 29 th through Friday, April 2 nd	9:00 AM to 4:30 PM	
Saturday, April 3 rd	9:00 AM to 12:00 PM	

AT THE FOLLOWING LOCATIONS:

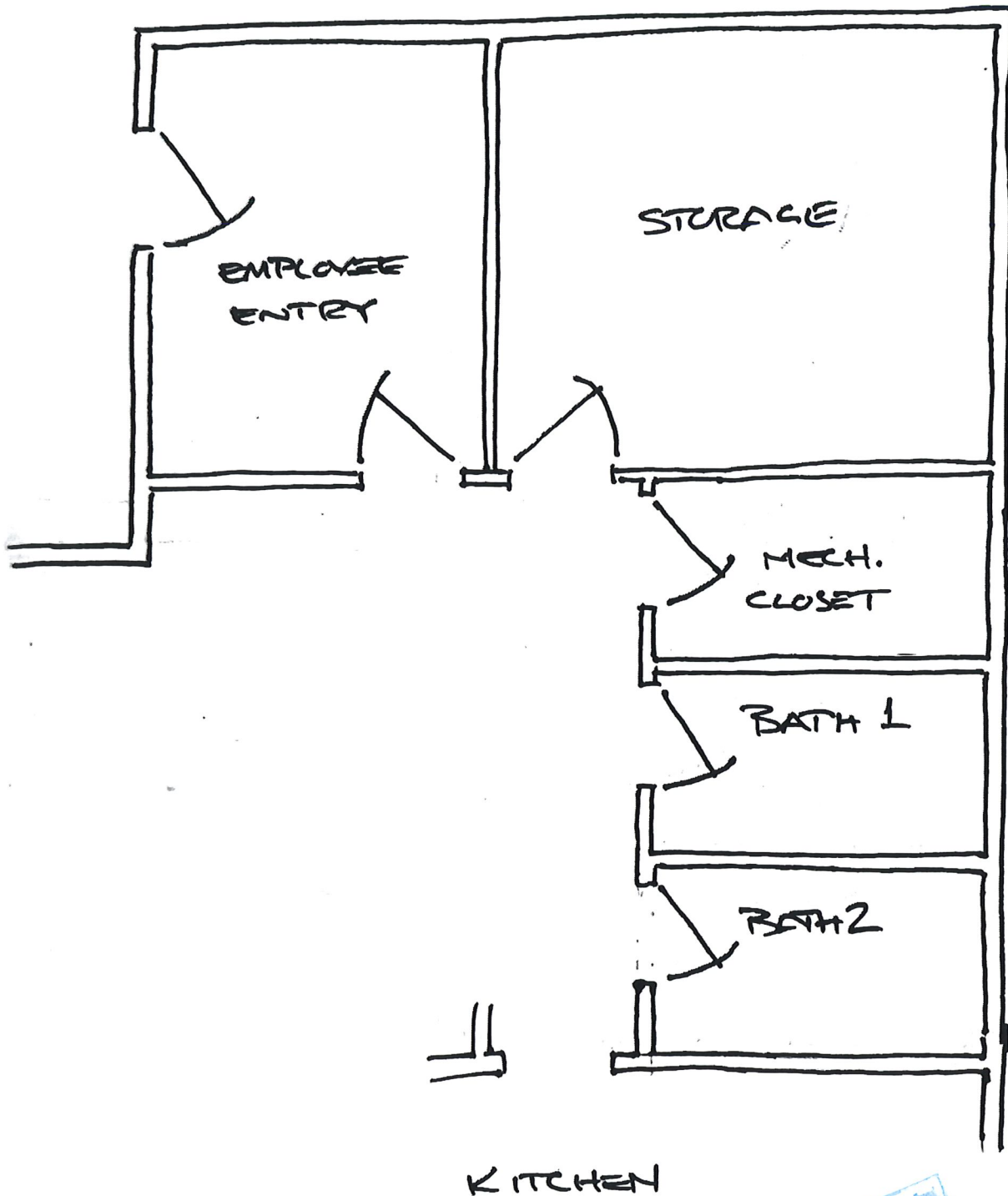
DUNHAM TOWNSHIP OFFICE	MARENGO CITY HALL
107 Airport Rd., Harvard	132 E Prairie St., Marengo

Voters who request a "Vote by Mail" ballot and choose to vote in person, may go to the polls and surrender the "Vote by Mail" ballot.

Take your car search for a spin.

Check out our Vehicles Classification in Today's Classified

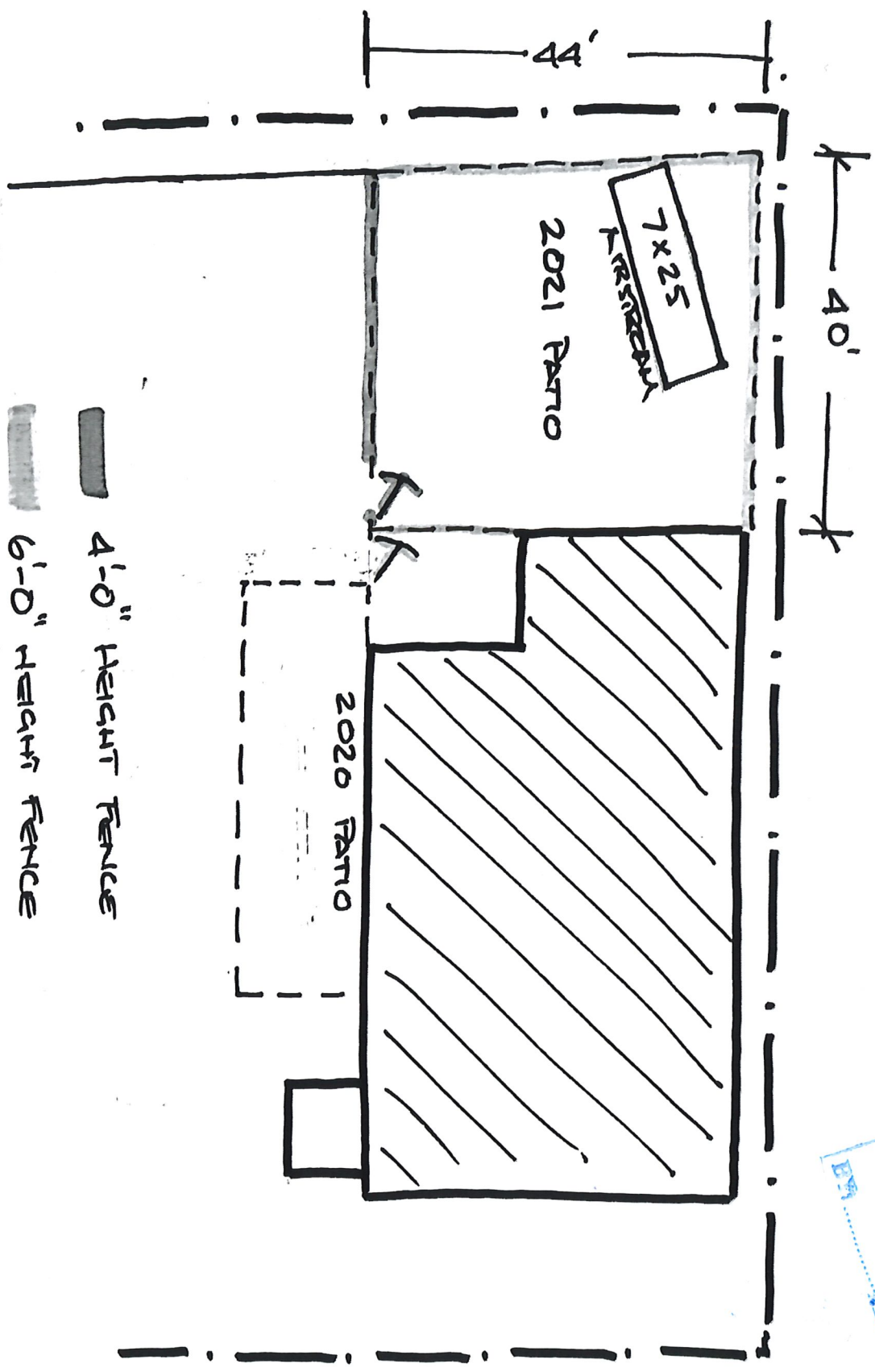
1776 - EXISTING



RECEIVED
APR 01 2021
EW

1776 - PROPOSED 2021 PATIO

RECEIVED
APR 01 2021
DA



P. 14