



#2010-28 Nighttime Entertainment Project Review for Planning and Zoning Commission

Meeting Date: May 5, 2010

Zoning Requests: Special Use Permit to allow a lounge.

Location: 5831 Northwest Highway, Suite C.

Acreage: Site: 2.08 acres

Existing Zoning: “B-2” General Commercial

Surrounding Properties: North: “B-2 PUD” General Commercial PUD
South: “B-2 PUD” General Commercial PUD
East: “B-2” General Commercial
West: “B-2” General Commercial

Staff Contact: Latika Bhide 815.356.3615

Background:

The property in question is the former Great Escape store, approximately 30,000-square-foot in area, located on Northwest Highway, east of Main Street. The property is zoned “B-2” General Commercial. It is the petitioner’s intent to locate a lounge with dancing on Friday and Saturday nights within a tenant suite at this location. The use is classified as a ‘Drinking Place’ per the Unified Development Ordinance and is a Special Use in the “B-2” district.

Land Use Analysis:

The property is located at 5831 Northwest Highway. However, access to the site is from Rosenthal Drive and Heritage Drive. At this time, the only tenant in this building, Designer Shoe Discount, occupies the tenant suite at the eastern end of the building. For the past three years, Halloween Express has occupied an approximately 22,000-square-foot tenant space from around September to November.

The petitioner is requesting a Special Use for a Drinking Place to allow a lounge with dancing on Friday and Saturday nights at this location. The lounge will be approximately 6,000-square-foot in area including toilets, office and storage space. It appears from the floor plan presented that additional area in the rear of the building is available to this tenant space. No demising wall along the rear between this tenant space and the space to the east is shown on the drawing. However, it

appears that no improvements are being proposed for this space. The petitioner has indicated that there will be no kitchen on-site; therefore no food will be prepared on-site.

Parking:

There are 83 parking spaces at this location. In 1995, the City Council granted a variation to allow a reduced parking setback and a reduction in the required number of parking spaces. In addition, a condition of the approval stated that “all general retail uses, not including those listed in Table 3 “Design Capacity Requirements” in the Zoning Ordinance shall be permitted regardless of the actual usage area”. Since variations run with the land indefinitely, this allows all uses permitted in the “B-2” district that are not specifically listed in “Table 3” of the (erstwhile) Zoning Ordinance to locate without any parking variations. “Table 3” is appended to this report for the Commission’s reference.

Per the parking requirements in Article 4-200 of the UDO, Drinking Places are required to provide 1 parking space per 3 seats of design capacity or 1 parking space per 150 square feet of the gross floor area, whichever is greater. Based on the floor plan, it appears that there are approximately 112 seats provided. This generates a parking requirement of 37 spaces. A gross floor area of 6000-square-feet (not including the unutilized space in the rear) generates a parking requirement of 40 spaces.

At this time, there are no other potential co-tenants that will occupy the remaining tenant spaces. If future tenants are retail uses not specifically listed in Table 3, no parking variations will be necessary. If future co-tenants are uses specified in Table 3, parking requirements will be computed based on the floor area of each use. If the parking requirement cannot be met, variations will be necessary. However, it should be noted that peak hours for retail and personal service uses are different from the peak hours for a lounge/bar use which are typically later hours.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property Commerce, which is defined as: “representing existing commercial areas and indicates areas for future commercial uses.”

Within the Commerce/Office/Industrial Land Use section of the Comprehensive Plan, the following applicable goals and objectives are observed by allowing this Special Use Permit:

Objective #1: Promote Crystal Lake as a center of business activity and economic growth both locally and regionally.

Maintain a diversity of commercial, office and industrial uses throughout the City to create a more sustainable local economy that has the ability to meet the different personal and business needs of the people in the City.

Objective #2: Encourage business development that maximizes links to related businesses, infrastructure, and customers.

Encourage business development along major roads, railroads and the bicycle route network to encourage the movement of goods and people as smoothly and as timely as possible.

Findings of Fact:

SPECIAL USE PERMIT

The petitioner is requesting approval of a Special Use Permit to allow a Drinking Place. Due to their unique nature, Special Uses require 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 the general 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*

Additionally, Section 2-400 C of the UDO, establishes specific criteria for consideration before the issuance of a Special Use Permit for Drinking Places.

- a. Screening: Any bars, taverns, nightclubs and lounges located adjacent to a residential property shall provide a 6 foot tall solid screen consisting of a solid wooden fence along the perimeters of the property, in accordance with the provisions of Article 4-700, Fences, Walls and Screening.

Not Applicable. The property is surrounded on all sides by commercially zoned property.

- b. Entrance: 1 clearly-marked, main entrance for all patrons to enter and exit from, exclusive of fire exits or other required points of ingress and egress must be provided.

One entrance is being proposed on the north side of the building. Entry into the bar/dance area is through a reception room.

- c. Live music: If live music is to be played, in-wall sound-barriers or other means to prevent sound from traveling beyond the property lines of the subject property must be provided. Any amplified sound as measured at the closest property line of the closest adjoining property, must not exceed 55 decibels where adjoining residential property and 65 decibels where adjoining non-residential property.

If live music is to be provided, the petitioner shall provide proof at building permit that all sound-proofing requirements are being met.

Recommended Conditions:

If a motion to recommend approval of the Special Use Permit is made, the following are recommended as conditions of approval:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application, received 4-13-10
 - B. ALTA/ACSM Land Title Survey, Mionske, dated 9-5-2003, received 4-13-10
 - C. Floor Plan, JAKL, dated 3-8-10, received 4-13-10

- 2) This Special Use Permit is granted specifically to this applicant based on the floor plans submitted. An increase in the intensity of the use beyond what is indicated in the application is not permitted. A change in ownership will require a new Special Use Permit.

- 3) All proposed signage shall meet the requirements of the Unified Development Ordinance for Commercial Signs (Article 4-1000 F)

- 4) The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

L:\PLANNING AND ECONOMIC DEVELOPMENT\USER FOLDERS\LATIKA_B\Reports\1028.Nighttime Entertainment Special Use.docx

D. Certain uses regardless of the zoning district, except for B-4 Downtown Business District, require specific design capacities in order to ensure adequate parking. Examples of uses and their parking requirements are listed in Table 3, Design Capacity Requirements. Uses requiring specific design capacities not included in the Table 3 are subject to review and approval of the Zoning Administrator.

**Table 3
Design Capacity Requirements**

Use	Spaces Required	Design Capacity
Assembly facility	1	per 4 seats
Bar/lounge/tavern	1	per 3 seats
Bed-and-breakfast	1+	per guest room +
	2	per owner
Beauty/barber shop	8	per 1,000 square feet of usable area
Commercial recreation		
Billiard parlor	2	per 1 table
Health club	1+	per 100 square feet +
	1	per 2 employees
Racquetball court	4	per court
Swimming pool	1	per 4 persons
Other recreation uses	1	per 4 seats or persons
Day care	1	per employee +
	1+	per 6 children
Furniture store	2	per 1,000 square feet
Hotel/motel	1+	per room +
	1	per 2 employees on maximum shift
Institutional uses		
Hospital	1+	per bed +
	1	per 2 employees on maximum shift
High school	1+	per 4 students +
	1	per employee
Nursing home	1+	per 4 beds +
	1	per 2 employees on maximum shift
Post office	4+	per customer station +
	1+	per 2 employees +
	1+	per vehicle

**Table 3
Design Capacity Requirements**

Use	Spaces Required	Design Capacity
Medical office	8	per 1,000 square feet of usable area
Overnight accommodations	1	per person
Private club	1	per 3 seats
Golf course	4	per hole
Restaurant	1+	per 3 seats +
	1+	per 2 employees +
Carryout	1	per 15 square feet of customer service area
Self-service storage facility	1+	per 20 stalls +
	5	per 1,000 square feet of usable area

§ 650-42. Traffic studies. [Amended 8-19-2003 by Ord. No. 5693]

The City requires that developers pay the City for the expense of conducting traffic studies, through one of the City’s approved traffic consultants. Any special use permits, including preliminary PUDs and all new commercial (including office and retail), industrial and residential projects which are expected to generate more than 100 vehicle trips per peak hour, in accordance with standards established by the Institute of Transportation Engineers (ITE) shall be required to submit a traffic study. In addition:

- A. Any proposed subdivision or resubdivision may require a traffic analysis if, due to the creation of the new lot(s), public road access safety issues are introduced.
- B. Projects that are expected to generate less than 100 vehicle trips per peak hour may also be subject to a traffic analysis if the project presents site-specific safety issues, as determined by the City Council and City staff, including but not limited to the following:
 - (1) Off site conditions that may require a study by a City consultant:
 - (a) If the proposed access to an existing arterial or collector road (limited access roads) poses a safety concern due to daily traffic (ADT) or peak hour traffic loads.
 - (b) If for safety and/or efficiency, there needs to be an investigation of shared access or cross-access potential.
 - (c) If the location of existing driveways or intersections creates safety issues in terms of visibility and separation from the proposed access point(s).

CITY OF CRYSTAL LAKE DEVELOPMENT APPLICATION

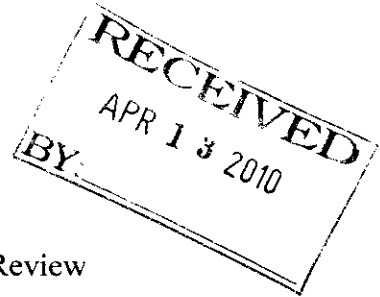
2010-28

Office Use Only
File # _____

PROJECT TITLE: Nighttime Entertainment, Inc. Special Use Permit

Action Requested:

- | | |
|---------------------------------|--------------------------------|
| Annexation | Variation |
| Rezoning | Conceptual PUD Review |
| X Special Use Permit | Comprehensive Plan Amendment |
| Preliminary Plat of Subdivision | Preliminary PUD |
| Final Plat of Subdivision | Final Planned Unit Development |
| Other: | Final PUD Amendment |



PETITIONER:

Name: Nighttime Entertainment, Inc.

Address: 350 Corrine Avenue
Crystal Lake, IL 60014

Phone: 815-793-5994

Fax:

OWNER (IF DIFFERENT):

Name: Cross Country Partners LLC

Address: 215 N. Main Street
Algonquin, IL 60102

Phone: 815-341-0987

Fax: 815-344-8142

Property Information:

Project Description: The Petitioner is requesting a Special Use Permit for a Drinking Place at 5831 Northwest Highway. Petitioner, as a tenant at Suite C in the property, desires to establish a new upscale lounge with dancing on Friday and Saturday nights. It is anticipated that the Owner will be conducting the buildout of the interior of the space for the new use and also making façade improvements on the exterior of the building.

Project Address/Location: The common address is 5831 Northwest Highway, Crystal Lake, Illinois.

PIN Number(s): 19-09-101-010

Development Team

Please include address, phone, fax, and e-mail

Developer:

Architect:

Attorney: Lisa M. Waggoner, 4 N. Walkup Ave., Crystal Lake, Illinois 60014; 815 477 0830;
(FAX) 815 477 0834

Engineer:

Landscape Architect:

Planner:

Surveyor:

Other:

Signatures:

Nighttime Entertainment, Inc.

By:

Carmen Tronchese April 9th 2010
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.

Cross Country Partners LLC

By:

DAN KERNE April 9th 2010
OWNER: Print and Sign name Date

NOTE: If the subject property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter which names all beneficiaries of the trust.

Y PUBLIC NOTICE Y

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE

IN THE MATTER OF THE APPLICATION OF Cross Country Partners, LLC, as Owners, and Nighttime Entertainment, Inc., as Lessee

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Cross Country Partners, LLC, as Owners, Nighttime Entertainment, Inc., as Lessee, relating to the property located at 5831 Northwest Highway, Suite C, Crystal Lake, Illinois, and having permanent index number 19-09-101-010, (The "Subject Property").

This application is filed for the purpose of requesting a Special Use Permit for a Drinking Place, pursuant to the requirements of Section 2-400C-18 of the Crystal Lake Unified Development Ordinance and for such other variances that may be required for the proposed use to be located at the Subject Property.

A public hearing before the Planning and Zoning Commission regarding this request will be held at 7:30 p.m. on May 5, 2010, at the City of Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person desiring to be heard may be present.

Thomas Hayden, Chair
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
April 20, 2010)

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 ARCHITECTS LTD. 03-08-10
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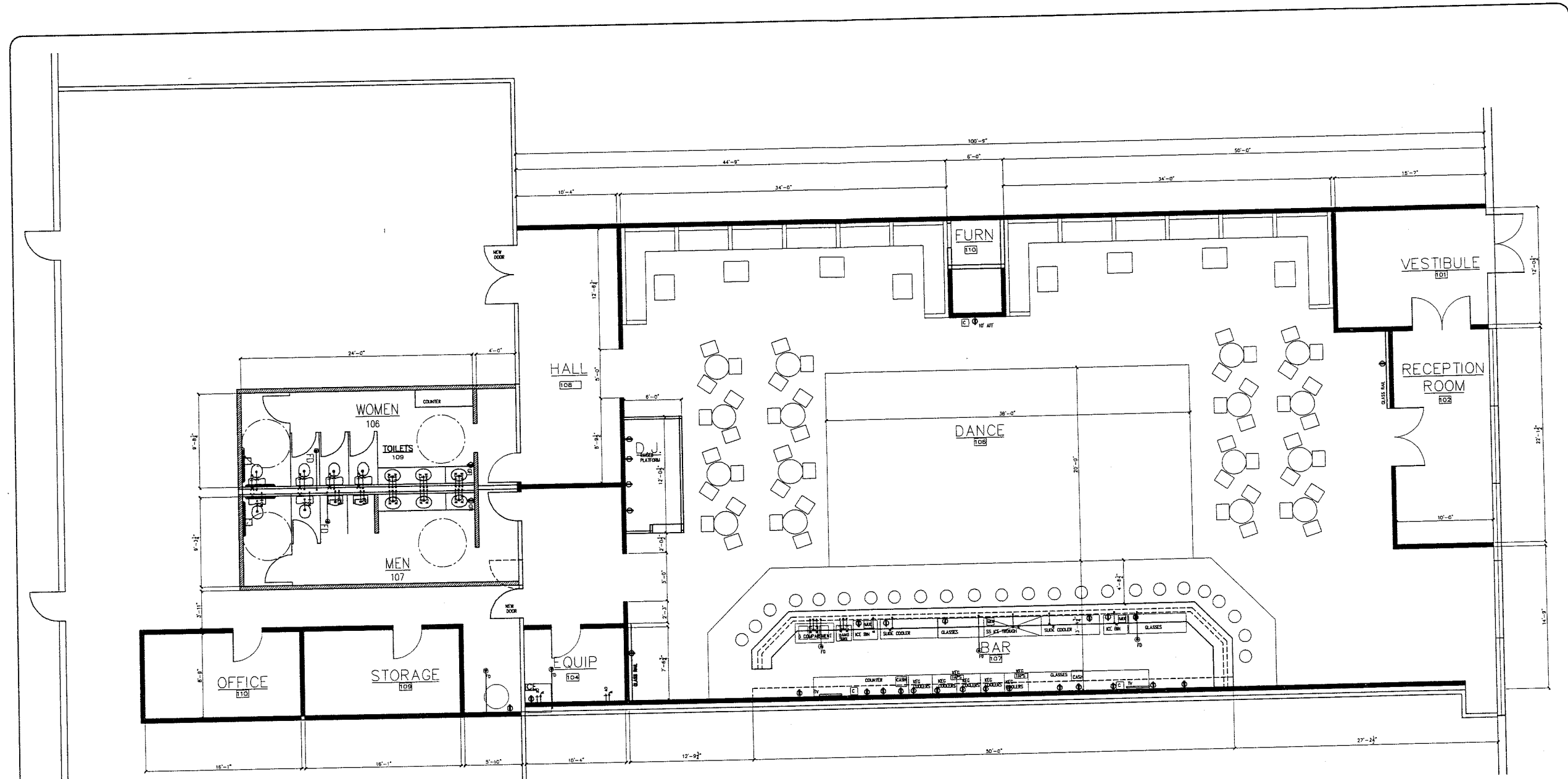
JAKL BRANDEIS ARCHITECTS LTD.
 1800 HAWTHORNE LANE
 WEST CHICAGO, ILLINOIS 60185
 PH: (630) 562-3900
 FAX: (630) 562-2570

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 APR 13 2010
 BY:

ISSUE	DATE
PRELIMINARY	03-08-10
PERMIT	
REVISION	
PERMIT REVISION	

DANCE CLUB
 5831 NORTHWEST HIGHWAY
 CRYSTAL LAKE, ILLINOIS

03-0208
 Sheet No.
 A-1
 1 of 5



FLOOR PLAN
 SCALE: 3/16"=1'-0"

GENERAL ELECTRICAL NOTES

1. ALL VOLTAGE OVER 24 VOLTS MUST BE IN METAL CONDUIT AND COPPER WIRE AS A CONDUCTOR NO BONDING IS PERMITTED AS LISTED IN SECT E-31 - 1800 400 AND V-3-1-1

2. THE MINIMUM WIRE SIZE SHALL BE #12 AWG WITH EXCEPTION OF CONTROL WIRING INSTALLATIONS

3. UNARMED-INSULATED, METAL-SHEATHED CABLE TYPE MC IS PERMITTED ONLY FOR FIRE PUMPS, FIRE ALARMS OR HAZARDOUS LOCATIONS

4. FLEXIBLE METAL CONDUIT TYPE FMC IS PERMITTED ONLY FOR HOODS, VENTS AND IS LIMITED TO 8 FT IN LENGTH

5. ALL MET SINGS SHALL HAVE RED LETTERS AT LEAST 8 INCHES HIGH AND THE MINIMUM WIDTH OF EACH STRIKE SHALL BE 3/4" ON WHITE BACKGROUND (NFPA 700:101.2.10 AND 101.2.11)

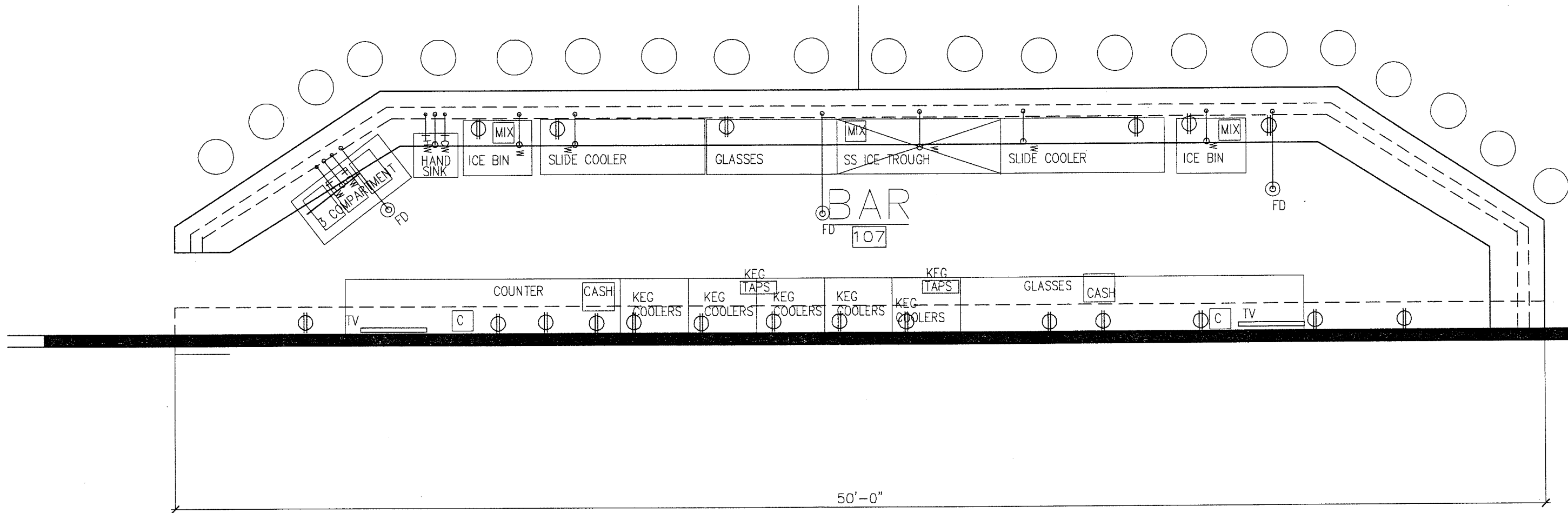
6. EVERY ELECTRICAL PANEL SHALL BE PROVIDED WITH A CLEAR WORKING SPACE IN ACCORDANCE WITH THE FOLLOWING (NFPA 700:101.2.6)

7. ALL LOW VOLTAGE WIRING TO FOLLOW NECT/NEC CODE AND (NEC/700:300.20)

NOTE: PER 2005 NEC 700.12(1) EMERGENCY SYSTEM LIGHT EQUIPMENT, THE BRANCH CIRCUITS FEEDING THIS EQUIPMENT SHALL BE THE SAME GENERAL LIGHTING BRANCH CIRCUIT AS THAT SERVICING THE NORMAL LIGHTING IN THE AREA AND SHALL BE CONNECTED AHEAD OF ANY LOCAL SWITCHING IN THE AREA SERVED. THE BRANCH CIRCUIT THAT FEEDS THIS EQUIPMENT SHALL BE CLEARLY IDENTIFIED AT THE DISTRIBUTION PANEL, OVERHEAD OR SERVICE, IN A SEPARATE AND UNMISAPPREHENSIBLE MANNER BY A BRANCH OF THREE NORMAL LIGHTING CIRCUITS, A SEPARATE BRANCH CIRCUIT SHALL BE PROVIDED FOR THIS EQUIPMENT IF IT IS IDENTIFIED IN THE SAME PANEL BOARD AS THAT OF THE NORMAL LIGHTING BRANCH CIRCUITS AND IS PROVIDED WITH A LOCK ON FEATURE.

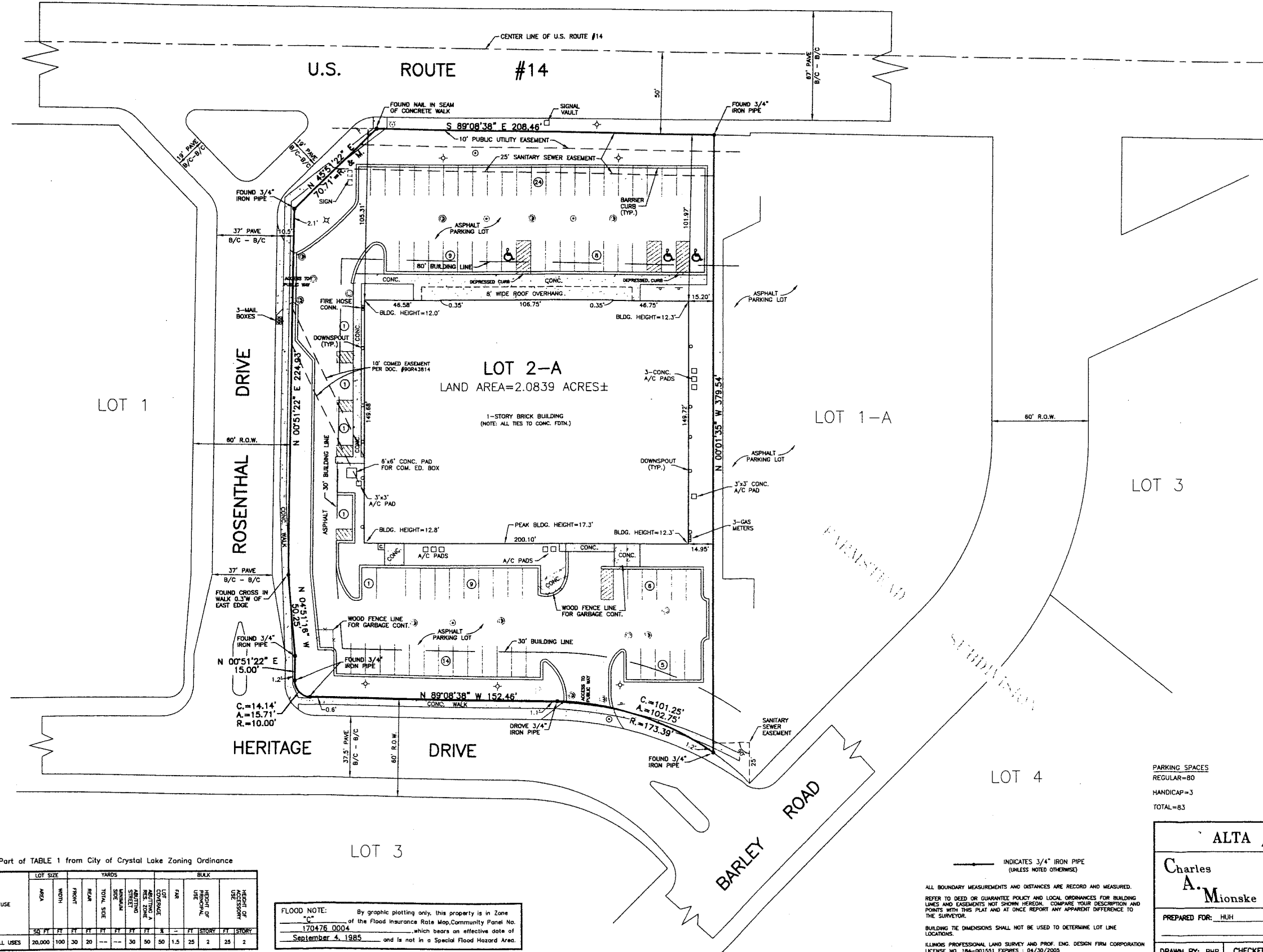
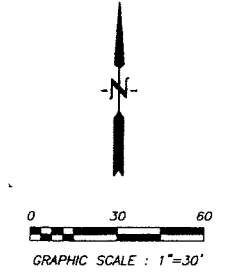
ALL ELECTRICAL SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES. THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS. THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS. THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.

- LEGEND**
- NEW PARTITION SEE DETAIL B/A-4
 - NEW PARTITION-SEE DETAIL A/A-4
 - EXISTING WALL CONSTRUCTION
 - EXISTING WALL TO BE REMOVED
 - NEW FIRE EXTINGUISHERS PROVIDE AS REQUIRED BY FIRE DEPARTMENT- CLASS K RATED
 - CABLE OUTLET
 - ELECTRICAL DUPLEX OUTLET
 - PHONE OUTLET
 - DATA OUTLET
 - ELECTRIC JUNCTION BOX
 - CW AND HW SUPPLY
 - DRAIN



ALTA / ACSM LAND TITLE SURVEY

LOT 2-A IN NORTHERN FEDERAL SAVINGS BANK RESUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 1, 1990, AS DOCUMENT NO. 90R 15312, IN McHENRY, ILLINOIS.



2010--28
RECEIVED
 APR 13 2010
 BY:

- LEGEND**
- ⊙ SIGN
 - ♿ HANDICAPPED PARKING
 - ⊕ LIGHT POLE
 - ⊕ FIRE HYDRANT
 - ⊕ SANITARY MANHOLE
 - ⊕ STORM MANHOLE
 - ⊕ CATCH BASIN
 - ⊕ DRYWELL

State of Illinois S.S.
 County of McHenry
 To: Cross County Partners, LLC
 American Community Bank & Trust

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 1, 3, 4, 5, 7a, 7c, 8, 9, 10, 11a and 12 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

THIS 8th DAY OF OCTOBER 2003

Charles A. Mionske
 Charles A. Mionske
 Illinois Professional Land Surveyor License No. 1790
 License Renewal Date: 1/1/2004

PARKING SPACES
 REGULAR=80
 HANDICAP=3
 TOTAL=83

Part of TABLE 1 from City of Crystal Lake Zoning Ordinance

ZONE	USE	LOT SIZE										YARDS		BULK	
		AREA	WIDTH	FRONT	REAR	TOTAL SIDE	STREET	ADJUTING STREET	REAR SIDE	FRONT	REAR	FRONT	REAR	STORY	HEIGHT OF BUILDING
B-2	ALL USES	20,000	100	30	20	---	30	50	50	50	1.5	25	2	25	2

FLOOD NOTE: By graphic plotting only, this property is in Zone "C" of the Flood Insurance Rate Map, Community Panel No. 170476 0004, which bears an effective date of September 4, 1985 and is not in a Special Flood Hazard Area.

INDICATES 3/4" IRON PIPE (UNLESS NOTED OTHERWISE)

ALL BOUNDARY MEASUREMENTS AND DISTANCES ARE RECORD AND MEASURED. REFER TO DEED OR GUARANTEE POLICY AND LOCAL ORDINANCES FOR BUILDING LINES AND EASEMENTS NOT SHOWN HEREON. COMPARE YOUR DESCRIPTION AND POINTS WITH THIS PLAT AND AT ONCE REPORT ANY APPARENT DIFFERENCE TO THE SURVEYOR.

BUILDING THE DIMENSIONS SHALL NOT BE USED TO DETERMINE LOT LINE LOCATIONS.

ILLINOIS PROFESSIONAL LAND SURVEY AND PROF. ENG. DESIGN FIRM CORPORATION LICENSE NO. 184-001551 EXPIRES: 04/30/2005

ALTA / ACSM LAND TITLE SURVEY

Charles A. Mionske Inc.
 SURVEYING / LAND PLANNING
 2024 STATE ROUTE 176
 CRYSTAL LAKE, ILLINOIS 60014
 (815)-455-3252

SCALE: 1" = 30'
 DATE: 9-5-2003
 DATE OF FIELD WORK: 9-3-2003

REVISIONS

NO.	DATE	DESCRIPTION
1	10-8-2003	GENR

PREPARED FOR: HUH ADDRESS: 5831 NORTHWEST HIGHWAY
 CRYSTAL LAKE, ILLINOIS

DRAWN BY: BHP CHECKED BY: CAM JOB NO. 2003-253

DESK: A-1365 FILE NO. 03253A7A
 DESK: 05-28 PLOT NO. 00253P