



CITY OF CRYSTAL LAKE

AGENDA

CITY COUNCIL REGULAR MEETING

**City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
July 6, 2010
7:30 p.m.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes – June 15, 2010 Regular City Council Meeting**
- 5. Accounts Payable**
- 6. Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.
- 7. Mayor's Report**
- 8. Council Reports**
- 9. Consent Agenda**
 - a. Extension of the Special Use Permit approval for Staybridge Suites, 400 Tag Way.**
 - b. Extension of the Final Planned Unit Development and Final Plat of Subdivision approval for Preston Pines Subdivision, Units 3, 4, 5 and 6.**
 - c. Extension of the Preliminary Planned Unit Development approval for the Pine Tree Mall property, southwest corner of Routes 176 and 14.**
 - d. Resolution authorizing a sign to be placed along the City rights-of-way recognizing Crystal Lake Central High School students Rosalie Albright and Megan Huberty for placing first in the Write It, Do It at the State Science Olympiad Tournament held at the University of Illinois, Urbana campus.**
 - e. Approval of the closure of Lake Street between Washington Street and the eastern portion of the St. Thomas the Apostle Church property on Sunday, July 25, 2010, from 10:30 a.m. to 5:30 p.m. for an outdoor mass and picnic.**
 - f. 8307 Ridgefield Road – Annexation Public Hearing Continuation.**
- 10. 490 W. Terra Cotta Avenue – Annexation Public Hearing, rezoning upon annexation to the “W” Watershed District, ordinance authorizing the annexation of the parcel and execution of the annexation agreement, approving the Planning and Zoning Commission recommendations, and an ordinance approving rezoning of the parcel upon annexation.**
- 11. Shell/Open Pantry Food Mart, 4811 Northwest Highway – Special Promotion Temporary Use Permit.**
- 12. CARSS and Sunset Tree Service, 545 and 565 Dakota Street – Special Use Permit for outside storage of vehicles and trailers; and variation from the requirement to store vehicles awaiting repair within a fenced area.**
- 13. Verlo Mattress, 5150 Northwest Highway – Special Use Permit for outside storage of trucks.**

14. **Pep Boys, 4423 Northwest Highway – Final Planned Unit Development Amendment to make modifications to the approved exterior elevations, wall signage and center free-standing signage.**
15. **Fair Oaks Health Care Center, 471 W. Terra Cotta Avenue – Special Use Permit for the expansion of a nursing home, variations from the maximum building coverage and lot coverage, variation from the requirement to have parking lot islands at the ends of the parking rows, and a variation from the required rear yard to allow the building to encroach 11 feet into the required 50-foot rear yard setback abutting a residential district.**
16. **779 North Shore Drive – Simplified Residential Variation to allow a 6-foot high fence into the required front and yard abutting a street setbacks and a 4-foot high fence in a yard abutting a street.**
17. **Resolution authorizing execution of an Intergovernmental Agreement with the Village of Lake in the Hills for the storage of road salt.**
18. **Resolution authorizing payment of Illinois Environmental Protection Agency Annual National Pollution Discharge Elimination System Permit fees.**
19. **Bid award and resolution authorizing execution of a contract for an Area Lightning Prediction System for the Three Oaks Recreation Area.**
20. **Three Oaks Recreation Area Concessions – Discussion Only**
21. **Council Inquiries and Requests**
22. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**
23. **Reconvene to Regular Session.**
24. **Adjourn**

*If special assistance is needed in order to participate in a City of Crystal Lake public meeting,
please contact Eric Helm, Deputy City Manager, at 815-459-2020,
at least 24 hours prior to the meeting, if possible, to make arrangements.*



Agenda Item No. 4

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: Minutes of the June 15, 2010 regular City Council Meeting

Staff Recommendation: Motion to approve the minutes.

Staff Contact: Nick Kachiroubas, City Clerk
Anne O'Kelley, Executive Assistant

Background:

Attached are draft minutes of the June 15, 2010 regular City Council meeting for your review. Should the Council have questions concerning this matter or note any errors or changes to these meeting minutes, please advise the City Clerk or Anne O'Kelley prior to the City Council meeting, if at all possible. Thank you.

Votes Required to Pass:

Simple majority.



The City of Crystal Lake
PROCEEDINGS OF THE CITY COUNCIL
June 15, 2010

Call to Order

Mayor Shepley called the City Council meeting to order at 7:30 p.m.

Roll Call

On roll call, Councilmembers Ellen Brady Mueller, Ralph Dawson, Cathy Ferguson, Brett Hopkins, Carolyn Schofield, Jeffrey Thorsen and Mayor Aaron Shepley were present. City Clerk Nick Kachiroubas was also present.

City Manager Gary Mayerhofer, City Attorney John Cowlin, Director of Planning and Economic Development Michelle Rentzsch, Director of Engineering and Building Victor Ramirez, Director of Finance Mark Nannini, Director of Human Resources Ann Everhart and Deputy City Manager George Koczwarra were also present.

Pledge of Allegiance

Mayor Shepley led the Council and the audience in the Pledge of Allegiance.

Administration of Oaths of Office

Mayor Shepley administered Oaths of Office to newly promoted Police Sergeant Steven P. Renje, new Fire Rescue Lieutenants John Volenec and Richard Kaiser and new Firefighter Paramedics Nathan Levek and Michael Hurley.

Proclamation

Mayor Shepley, along with Brian Fowler of the Crystal Lake Economic Development Committee, presented a proclamation and Community Investment Award to Chad Severson, President of Knaack Manufacturing, in honor of Knaack's 50th Anniversary in the City of Crystal Lake.

Approval of Minutes

Councilwoman Ferguson moved to approve the June 1, 2010 regular City Council meeting minutes. Councilman Thorsen seconded the motion. On voice vote, all voted yes. Motion passed.

Accounts Payable

Councilwoman Schofield moved to approve the Accounts Payable in the amount of \$1,801,811.05. Councilwoman Ferguson seconded the motion. On roll call, all voted yes. Motion passed.

Public Presentation

None.

Mayor's Report

Mayor Shepley noted that Joe's Barber Shop and Crystal Lake Babe Ruth Baseball also had 50-year anniversaries in 2010, and would be duly recognized.

Regarding Babe Ruth Baseball, Mayor Shepley reported that their season opener had been postponed due to rain to June 22nd at Veteran Acres Park.

Mayor Shepley noted that NiCor had been replacing old lines in the City, and would be restoring any portions of lawns, etc, that are disturbed.

Mayor Shepley also reported that Com Ed would be doing its annual tree "pruning", and stated that he was very disturbed by the way the trees are trimmed so severely. He stated that he hoped the Council would require Com Ed to always bury their lines in the future.

City Council Reports

Councilwoman Brady Mueller reported that several South High School juniors and seniors, including her son, were visiting Holzgerlingen, Crystal Lake's Sister City in Germany, for three weeks as part of an exchange program.

Parade

Mayor Shepley explained that the Independence Day Parade would be held on July 5th to coincide with the fireworks display, which due to not being held on July 4th, would be a much better value with a longer display, and the Parade could have well known groups such as the Jesse White Tumblers who are already booked for July 4th.

Consent Agenda

Councilwoman Brady Mueller moved to approve a Consent Agenda consisting of Items 11a, b and c with the addition of Items 12, 13, 14, 15, 16, 17, 18, 19 and 24. Councilman Thorsen seconded the motion. There was discussion on Items 11c and 15, which is reflected below. On roll call, all voted yes, except Councilwoman Schofield and Councilwoman Ferguson voted no. Motion passed.

11a. Continued the Metra Ridgefield Station Annexation Public Hearing to the August 3, 2010 regular City Council meeting, at the petitioner's request.

11b. Approved a request from St. Elizabeth Ann Seton Church - Young Mothers Group, to use City Property on the back site of St. Elizabeth Ann Seton Church on Sunday, August 22nd, from 12:30 p.m. to 3:30 p.m. for a Family and Church picnic.

11c. Adopted the June 2010 Prevailing Wage Resolution. Councilwoman Ferguson stated that she was opposed to this resolution on principle because she felt that the wages were artificially set and the City should not be held to them, and would vote accordingly.

12. Walgreens, 315 North Route 31 – Adopted an ordinance amending the City Code to increase the number of Class “15” liquor licenses from the current permitted 6 to 7 licenses.

13. Sunshine Taxi LLC– Adopted an ordinance amending the City Code to increase the number of taxicab business licenses from the current permitted 7 to 8 licenses.

14. Friendship House, 100 S. Main Street – Approved a request for a Unified Development Ordinance Sign Variation to install two banner signs.

15. Buy Buy Baby, 5540 Northwest Highway – Approved a request for a Unified Development Ordinance Sign Variation to install a limited duration sign. Councilwoman Schofield stated that she was concerned that the length of time for the sign would be excessive since the business was not scheduled to open until the end of November. She stated that she also felt that approval could conflict with previous Council actions regarding temporary signage. Councilwoman Brady Mueller stated that she had no problem with the time period for the sign, stating that this was a new business and not a well known brand, and she felt the City should do all it could to assist businesses.

16. Al & Joe’s Delicatessen, southwest corner of Congress Parkway and Exchange Drive – Approved an extension of the Special Use Permit approval to June 14, 2011.

17. Coleman of Crystal Lake, 7608 and 7614 Virginia Road – Approved the Planning and Zoning Commission recommendation and adopted an ordinance granting a Minor Subdivision and variations from the minimum lot area requirement (for both lots); the minimum lot width requirement (for Lot 2); and the maximum permitted impervious surface coverage (for Lot 1) for the “B-2” General Commercial district; and deferral from the requirement to install sidewalks, parkway trees, street lighting and burial of aerial utilities.

18. 520 Lake Street – Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit for a detached accessory structure greater than 600 square feet to allow a garage to be approximately 680 square feet.

19. 340 Poplar Avenue – Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Variation from Article 7-200 of the Unified Development Ordinance to allow a second story addition to be as close as 11 feet from the property line, and a variation from Article 7-300 B of the Unified Development Ordinance to allow the enlargement of a non-conformity.

24. *Approved the reappointment of members to the Historic Preservation Commission (LeeAnn Atwood and Robert Wyman), the Library Board (John Engebretson, Don Peters and Eric Larsen), and the Senior Citizens Committee (Grace Anderson and Michael Croll).*

Bid award and resolution authorizing execution of an agreement for Police Department uniform pricing.

Councilwoman Ferguson moved to award the bid for Police Department uniform pricing for two (2) years starting June 16, 2010 to the lowest responsive and responsible bidder, Ray O'Herron Co., Inc., and to adopt a resolution authorizing the City Manager to execute an agreement with Ray O'Herron Co., Inc. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation.

Councilman Thorsen moved to adjourn to Executive Session at 9:36 p.m. Councilwoman Ferguson seconded the motion. On roll call, all voted yes. Motion passed.

Reconvene to Regular Session.

Councilwoman Ferguson moved to reconvene to Regular Session at 11:08 p.m. Councilwoman Schofield seconded the motion. On voice vote, all voted yes. Motion passed.

Adjourn

There being no further business, Councilwoman Ferguson moved to adjourn the meeting at 11:09 p.m. Councilman Thorsen seconded the motion. On voice vote, all voted yes. Motion passed.

APPROVED:

Mayor

ATTEST:

City Clerk

All adopted ordinances are published in pamphlet form by the authority of the Mayor and City Council.



Agenda Item No: 9a

**City Council
Agenda Supplement**

- Meeting Date:** July 6, 2010
- Item:** Extension of the Special Use Permit approval for Staybridge Suites.
Dixon Companies, petitioner
- Recommendation:** Motion to approve extension of the Special Use Permit approval for the Staybridge Suites to June 15, 2011.
- Staff Contact:** Michelle Rentzsch, Director of Planning & Economic Development
-

Background: On June 15, 2008, the City Council granted the Special Use Permit for a four-story, 84-suite extended stay hotel to be located west of Pingree Road and north of Tracy Trail at 400 Tag Way.

The development company is close to securing financing for this project but needs some additional time. Per the City's Ordinance, an approval for a Special Use Permit is valid for two years after the approval of the City Council but may be extended, if approved by the City Council. The petitioner respectfully requests that their approval is extended for a year, to provide sufficient time to secure financing.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 9b

**City Council
Agenda Supplement**

Meeting Date:

July 6, 2010

Item:

Extension of the Final PUD and Final Plat of Subdivision approval for Preston Pines Subdivision, Units 3, 4, 5, and 6.

Ryland Homes, applicant

Recommendation:

Motion to approve extension of the Final PUD and Final Plat of Subdivision approval for the Preston Pines Subdivision, Units 3, 4, 5 and 6 to July 17, 2011.

Staff Contacts:

Michelle Rentzsch, Director of Planning & Economic Development

Background: On June 17, 2008, the City Council approved the Final PUD and Final Plat of Subdivision for Preston Pines, Units 3, 4, 5 and 6, creating 275 single-family lots and 184 townhomes. The Subdivision Ordinance states that a Final Plat must be recorded within one-year of Council approval and that the Council may grant an extension. Due to market conditions, Ryland Homes is asking for a plat extension until July 17, 2011. The Subdivision Ordinance does not provide a limit as to the number of times a plat extension may be requested and granted. In addition, a one-year extension to the Final PUD approval is requested, as the original 2008 approval is valid for two years.

Votes Required to Pass:

A simple majority vote.



Agenda Item No: 9c

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: Extension of the Preliminary PUD approval for the Pine Tree Mall property.

Alan Stefaniak & Eugene DiMonte, property owners

Recommendation: Motion to approve extension of the Preliminary PUD approval for the Pine Tree Mall development to October 4, 2010.

Staff Contacts: Michelle Rentzsch, Director of Planning & Economic Development

Background: On October 4, 2004, the City Council approved the Preliminary PUD for the Pine Tree Mall development, located at the southwest corner of Routes 176 and 14. The Pine Tree Mall consists of a shopping center with an 111,650-square-foot anchor store, a 30,000-square-foot retail building and four 5,500-square-foot outlot buildings. Per a provision of their annexation agreement, which is valid through 2014 and allows the PUD plan, and also the City's Zoning Ordinance, which allows the City Council to grant extensions of a PUD approval, the property owners seek an extension of the approval to October 4, 2010.

Votes Required to Pass: A simple majority vote



Agenda Item No: 9d

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: Championship Sign

Staff recommendation: Motion to adopt a resolution authorizing a sign to be placed in the City right-of-way recognizing Crystal Lake Central High School students Rosalie Albright and Megan Huberty for placing first in Write It, Do It, at the State Science Olympiad Tournament held at the University of Illinois, Urbana campus.

Staff Contact: Eric R. Lecuyer, Director of Public Works

Background:

On July 1, 2008, the City Council adopted a resolution creating a Championship Signs Program that recognizes individuals or teams from community schools who have won State championships. Because IDOT allows no more than two (2) championship signs on IDOT rights-of way at a time, the Council approved the implementation of a program that places championship signs at the entrances to the City or around the high school(s) honoring those championship efforts when authorized by the City Council. The championship signs are to be installed for a one-year period, after which the signs will be taken down, with one sign given to the high school as a memento honoring the individual or team champions.

The Crystal Lake Central High School (CLCHS) Science Olympiad team took fifth place at the 2010 Write It, Do It, State Science Olympiad Tournament held at the University of Illinois Urbana campus. The team was lead by CLCHS senior, Rosalie Albright and junior, Megan Huberty, who each placed first at the competition.

Recommendation:

The Public Works Department recommends that a sign be placed in relative proximity to Crystal Lake Central High School to recognize these students for their achievement.

Votes Required to Pass:

Simple majority

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to install championship signs, in the vicinity of Crystal Lake Central High School to recognize Rosalie Albright and Megan Huberty for placing first at the Write it, Do It, Illinois State Science Olympiad Tournament, for a one-year period.

DATED this 6th day of July, 2010.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 9e

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	July 6, 2010
<u>Item:</u>	St. Thomas the Apostle Church Street Closure Request
<u>Staff Recommendation:</u>	Motion to approve the closure of Lake Street between Washington Street and the eastern portion of the St. Thomas the Apostle Church property on Sunday, July 25, 2010, from 10:30 a.m. to 5:30 p.m. for an outdoor mass and picnic.
<u>Staff Contact:</u>	Brad Mitchell, Assistant to the City Manager

Background:

The City has received a request from St. Thomas the Apostle Church for the closure of Lake Street between Washington Street and the eastern portion of the St. Thomas the Apostle Church property on Sunday, July 25, 2010, from 10:30 a.m. until 5:30 p.m. for an outdoor mass and picnic. A similar request was approved in August 2009.

City staff has reviewed the petitioner's request and does not have concerns regarding the closure of Lake Street, providing the following conditions are met:

- 1) City-owned barricades must be used to block off the street closure sections. In addition, a "Local Traffic Only" sign must be temporarily placed at the entrance to Lake Street from Dole Avenue. The petitioner must complete and submit a Barricade Borrowing Application.
- 2) The petitioner must send a notice to all affected property owners along Lake Street.
- 3) Emergency vehicle access must be maintained throughout the event. Items should not be placed on the roadway to prohibit access, and volunteers should be available to remove barricades to allow emergency vehicles on the roadway, if necessary.

- 4) Local traffic access to Lake Street must be maintained throughout the event. Volunteers should be available to remove barricades to allow property owners on the roadway, if necessary.
- 5) All debris created by the event shall be cleaned up during and after the event.
- 6) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
- 7) Any additional permits or requests for signage shall be made through the Engineering and Building Department.
- 8) Emergency access to the Church must be maintained throughout the event. The petitioner must provide the Fire Rescue Department with a site plan of the outdoor mass and picnic layout on the Church grounds for the event.
- 9) If tents or canopies will be used, the petitioner shall contact the Fire Rescue Department for further review.
- 10) The petitioner must comply with any requirements by the Building Division, if needed.
- 11) In the case of inclement weather, an alternate date can be approved by the City Manager.

The petitioner has agreed to meet these conditions. The letter requesting approval for the closure of Lake Street and a map indicating the portion of the roadway to be closed have been attached for City Council consideration.

Votes Required to Pass:

Simple majority vote of the City Council



Agenda Item No: 9f

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: Gramme/Topps Annexation Public Hearing Continuation

Heidi Gramme and Anthony Topps, petitioners
8307 Ridgefield Road, Crystal Lake

Recommendation: Motion to continue the petitioner's request to the July 20, 2010, City Council meeting for the Annexation Public Hearing.

Staff Contact: Michelle Rentzsch, Director of Planning & Economic Development

Background: The property in question is approximately 3.25 acres in area, located on Ridgefield Road, just south of Tartan Drive. The property is surrounded by the McHenry County College property on three sides. It is located in unincorporated McHenry County and zoned "A-1" under the County's Zoning Ordinance. Currently, the property is improved with a two-story residence, a number of accessory structures (including a garage, an out-building and several sheds) and an in-ground swimming pool. The petitioner is requesting rezoning upon annexation to the "W" Watershed district and Minor Subdivision approval to create one additional lot.

The petitioner respectfully requests that this matter be continued to the July 20, 2010, City Council meeting for the Annexation Public Hearing. The petitioner is working with McHenry County Highway Department to understand the requirements relative to right-of-way dedication and other conditions in relation to Ridgefield Road, which is under the County's jurisdiction. Some additional time is requested to get this information finalized.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 10

**City Council
Agenda Supplement**

Meeting Date:

July 6, 2010

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2010-35 490 W. Terra Cotta Avenue

ANNEXATION PUBLIC HEARING

ZONING REQUEST

Rezoning upon annexation to the "W" Watershed District.

John & Margaret Lecuyer, petitioners
490 W. Terra Cotta Avenue

PZC Recommendation:

1) Motion to adopt ordinances authorizing the annexation of the parcel totaling 0.95 acres and the execution of the annexation agreement.

2) Motion to approve the Planning and Zoning Commission recommendations and to adopt an ordinance approving the rezoning upon annexation for 490 W. Terra Cotta Avenue.

Staff Contact:

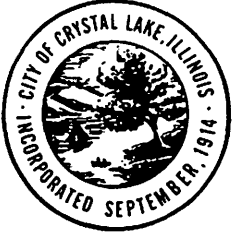
Michelle Rentzsch, Director of Planning & Economic Development

Background: The property in question is almost one acre in area, located on Terra Cotta Avenue (Route 176), immediately east of the Querhammer & Flagg Funeral Home. The property is abutted by County property on its east and west sides, and City property on the north and south sides. It is zoned "R-1" under the County's Zoning Ordinance. The property is improved with a one-story single family residence with an attached garage. The petitioner is requesting rezoning upon annexation to the "W" Watershed district upon annexation.

The property owners would retain the existing residential use of the property. They are seeking annexation to connect to City sewer as their septic system is failing. The property is located in the Crystal Lake Watershed and therefore requesting a Watershed classification. The requirements of the *Crystal Lake Watershed Stormwater Management Design Manual* would apply for any future redevelopment of this property.

The City Attorney and staff have reviewed the attached draft annexation agreement and it is an acceptable format.

Votes Required to Pass: A super majority of 5 votes is needed to approve the annexation agreement.



#2010-35
490 W. Terra Cotta Avenue
Project Review for Planning and Zoning Commission

Meeting Date: June 2, 2010

Zoning Request: Rezoning upon annexation to the “W” Watershed District.

Location: 490 W. Terra Cotta Avenue

Acreage: 0.95 acres

Existing Zoning: “R-1”, County

Surrounding Properties: North: W – Watershed, detention pond
South: R-1, nursing home
East: County, single family residence
West: County, funeral home

Staff Contact: Michelle Rentzsch 815-356-3615

Background:

The property in question is almost one acre in area, located on Terra Cotta Avenue (Route 176), immediately east of the Querhammer & Flagg Funeral Home. The property is abutted by County property on its east and west sides, and City property on the north and south sides. It is zoned “R-1” under the County’s Zoning Ordinance. The property is improved with a one-story single family residence with an attached garage. The petitioner is requesting rezoning upon annexation to the “W” Watershed district upon annexation.

Land Use Analysis:

The properties immediately surrounding the parcel in question are a mix of uses with residential being the primary use. Limited business redevelopment has occurred farther to east. The property owners would retain the existing residential use of the property. They are seeking annexation to connect to City sewer as their septic system is failing.

The property is located in the Crystal Lake Watershed and therefore requesting a Watershed classification. The requirements of the *Crystal Lake Watershed Stormwater Management Design Manual* would apply for any future redevelopment of this property.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Commerce, which: “represents existing retail and service commercial areas and indicates areas for future commercial uses”. As the “W”

Watershed district allows a range of uses, the petitioner’s request would be consistent with the Comprehensive Land Use Plan.

Within the Residential Land Use section of the Comprehensive Plan, the following applicable goals and objectives are observed by allowing this use:

Objective #1: Encourage a diversity of housing types throughout the city which satisfy wide-range needs for all persons, regardless of age, race, religion, gender, national origin, physical ability and economic level.

Objective #3: Preserve and enhance the character and livability of existing residential area

Findings of Fact:

REZONING UPON ANNEXATION

The petitioner’s request before the Planning and Zoning Commission and the City Council would grant “W” Watershed zoning upon annexation. Single-family detached dwellings are permitted as limited uses in the “W” district on existing platted lots. A myriad of uses are permitted through the conservation overlay district upon the application of a watershed Planned Unit Development (PUD). At some point in the distant future, if the petitioner would like to redevelop this property as something other than a single family residence, a watershed PUD would be required for the development.

In recommending approval of the rezoning, the Planning and Zoning Commission must transmit to the City Council written findings of fact that all of the conditions below apply to the application:

- a. ***The existing uses and zoning of nearby property.***
The trend of development in the area of the subject property is consistent with the requested amendment.
 Meets Does not meet
- b. ***The extent to which property values are diminished by a particular zoning classification or restriction.***
The rezoning, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.
 Meets Does not meet
- c. ***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.***
The amendment promotes the public health, safety, comfort, convenience and general welfare.
 Meets Does not meet
- d. ***The relative gain to the public as opposed to the hardship imposed on a petitioning property owner.***
 Meets Does not meet

- e. *The suitability of the subject property for its zoned purposes.***
The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.
 Meets Does not meet
- f. *The length of time the property has been vacant as zoned, considered in the context of land development in the area.***
The subject property has not been utilized under the existing zoning classification for a substantial period of time.
 Meets Does not meet
- g. *The Comprehensive Plan designation and the current applicability of that designation and Complies with the policies and Official Land Use Plan and other official plans of the City.***
 Meets Does not meet
- h. *The evidence or lack of evidence, of community need for the use proposed.***
The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.
 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 rezoning be denied.

Recommended Motion:

A motion to recommend approval of the petitioner’s request for a rezoning upon annexation to the “W” Watershed district for the property located at 490 W. Terra Cotta Avenue.



Agenda Item No: 11

City Council Agenda Supplement

Meeting Date:

July 6, 2010

Item:

Open Pantry's (at Shell gasoline station) Temporary Use Permit to allow a Special Promotion for a free bottle of water with gasoline purchase displays.

Recommendation:

Council's discretion:

- A. Motion to approve the Temporary Use Permit for a Special Promotion at Open Pantry for the Shell gasoline station located at 4811 Northwest Highway, pursuant to the recommendations listed below.
- B. Motion to deny the applicant's request.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background: Open Pantry is requesting a Temporary Use Permit for a Special Promotion to allow water bottle displays and signage located at 4811 Northwest Highway (Shell gas station) from June 1, 2010 to December 31, 2010 (seven months). The displays and signage are to promote a free bottle of water with the purchase of gasoline.

The UDO restricts Gasoline Stations (with and without convenience stores) from the display or sale of garden or household supplies or other retail items outside the main structure. On June 16, 2010, a Building Division inspector noticed the displays and signage at this location and contacted the owners. The owners, in turn, submitted this request for the approval of the outside displays as a special promotion.

If the request is approved, the following conditions are recommended:

1. The Temporary Use Permit shall be valid per the attached site plan from July 6, 2010 to October 31, 2010 (four months from approval).
2. All signage shall be securely fastened to the gas pumps and canopy supports. Any requests for additional signage shall be made to the Building Division.
3. All pallets and outside storage shall not affect the accessibility to the building, restrooms, or accessible parking.
4. The pallets of water bottles shall not block the view of the pumps for the on-duty attendant (2006 IFC 2204.2.4).

The applicant has been made aware of these recommended conditions and will be attending the July 6, 2010, City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2010-29 Carss and Sunset Tree Service

- 1) Special Use Permit for outside storage of vehicles and trailers
- 2) Variation from the requirement to store vehicles awaiting repair within a fenced area.

Christopher Branham, CARSS and Andrew Ludovissie, Sunset Tree Service, petitioners
545 and 565 Dakota Street, Crystal Lake.

PZC Recommendation: Motion to approve the Planning and Zoning Commission recommendations and to adopt an ordinance granting the Special Use Permit and variation for 545 and 565 Dakota Street.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development

Background: The properties at 545 and 565 Dakota Street are zoned “M” Manufacturing and improved with a multi-unit building on each property. Carss (Auto Repair and Maintenance) and Sunset Tree Service are requesting a Special Use Permit for outside storage of vehicles and trailers. Carss occupies Suites E, F and G at 545 Dakota Street and Sunset Tree Service is located in Suites B and H at 565 Dakota Street. The other tenants at 545 Dakota include World of Monogramming, Crystal Lake Millwork and In Sync Systems. Apart from Sunset Tree Service, the other tenants at 565 Dakota Street include Haider Inc. and International Auto Brokers (now vacant).

Outside sales, service, display or storage is a Limited Use in the “M” district. The UDO defines outside storage as “The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except areas solely designated for garbage and trash for a specific use”. The Guidelines for Outdoor Display and Sales, Storage, and Service that were adopted as part of the UDO exempts up to 2 vehicles that are used in the normal day-to-day operation of the business as being treated as storage, as long as they are not visible from the right-of-way (except local streets and alleys). In addition, vehicle repair and maintenance

uses are exempt from the screening requirement for outdoor storage only for vehicles that are awaiting pick-up no longer than 7 calendar days after repairs are completed. For service uses, the guidelines require that all repairs be conducted inside an enclosed structure. Any outdoor storage of repair materials must meet outdoor storage requirements. Vehicles that are in a state of disrepair are required to be stored in a fenced area.

The following storage is being requested:

Carss - trucks no larger than 17 feet to be stored in the rear parking lot (between the two buildings). Stored for 1-2 days and there will be an average of 6 vehicles parked overnight. The petitioner is also requesting a zoning variation from the requirement to provide a solid six foot screening of either fence, earth berms, or dense evergreen growth around the storage area for vehicles awaiting repair.

Sunset Tree Service - a variety of large trucks (plates K and L) as well as a trailer currently stored in the parking lot.

PZC Highlights

At the PZC meeting, there was discussion regarding requiring detailed information on exactly how many and the type of vehicles that would be stored at these locations. There was also some concern expressed, that when all the units are occupied, there will be a shortage of parking. The Commission, however, felt that in this specific instance, the Special Use Permit and variation criteria needed for approval were met.

The PZC recommended **approval (7-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 4-19-10)
 - B. Site Plan, Dakota Industrial Condos II (Northwestern Engineering Consultants, P.C., dated 9/29/03, received 4-19-10)
 - C. Plat of Survey, 545 Dakota Condominium (Vanderstappen Surveying, dated 3/5/03, received 4-19-10)
 - D. Plat of Survey, 565 Dakota Condominium (Vanderstappen Surveying, dated 11/2/04, received 4-19-10)
2. Outside Storage
 - A. Since this site is in the Crystal Lake wellhead protection area, no collision (wrecked) vehicles or vehicles that are or potentially could leak fluids shall be stored outside.
 - B. The petitioner shall work with Engineering and Public Works staff to provide satisfactory protective measures to prevent ground water contamination due to leaks.
3. A detailed plan indicating exactly where and how many vehicles (including stacking plan) will be parked must be provided for approval. A written verification that the condominium association has approved the plan is also necessary.
4. All repairs must be conducted inside an enclosed structure.

5. Information regarding the size and number of vehicles (for Sunset Tree Service) proposed to stored on-site must be provided. A diagram depicting actual vehicles parking in the proposed spaces and addressing vehicle turning movements must be submitted.
6. Provide a 20-foot access for emergency vehicles to gain access to the building, fire department connection, and any fire hydrants.
7. No vehicles or trailers can block any egress doors.
8. No vehicles or trailers can block any accessible spaces.
9. If upon inspection by the City, it is noticed that any of the conditions of approval are not adhered to, the SUP shall be revoked immediately.
10. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.
11. **A detailed plan shall be submitted as to where the parking will be located and the number of vehicles to be stored. (Added by PZC)**
12. **An occupancy application shall be completed for all units occupied by Sunset Tree Service. (Added by PZC)**
13. **Approval is based on the current occupancy of the building. If the occupancy of the building changes, the parking/storage situation shall be reviewed by staff and at Staff's discretion will be required to come back before the PZC and City Council for an amendment to the Special Use. (Added by PZC)**

Votes Required to Pass: A simple majority vote.



#2010-29
545 and 565 Dakota Street
Project Review for Planning and Zoning Commission

Meeting Dates:

June 16, 2010

Requests:

- 1) Special Use Permit for outside storage of vehicles and trailers
- 2) Variation from the requirement to store vehicles in a state of disrepair within a fenced area.

Location:

545 and 565 Dakota Street

Acreage:

Site: 2.43 acres (both lots)

Existing Zoning:

“M” Manufacturing

Surrounding Properties:

North: “M” Manufacturing
South: “B-2 PUD” General Commercial PUD
East: “M” Manufacturing
West: “M” Manufacturing

Staff Contact:

Latika Bhide (815.356.3615)

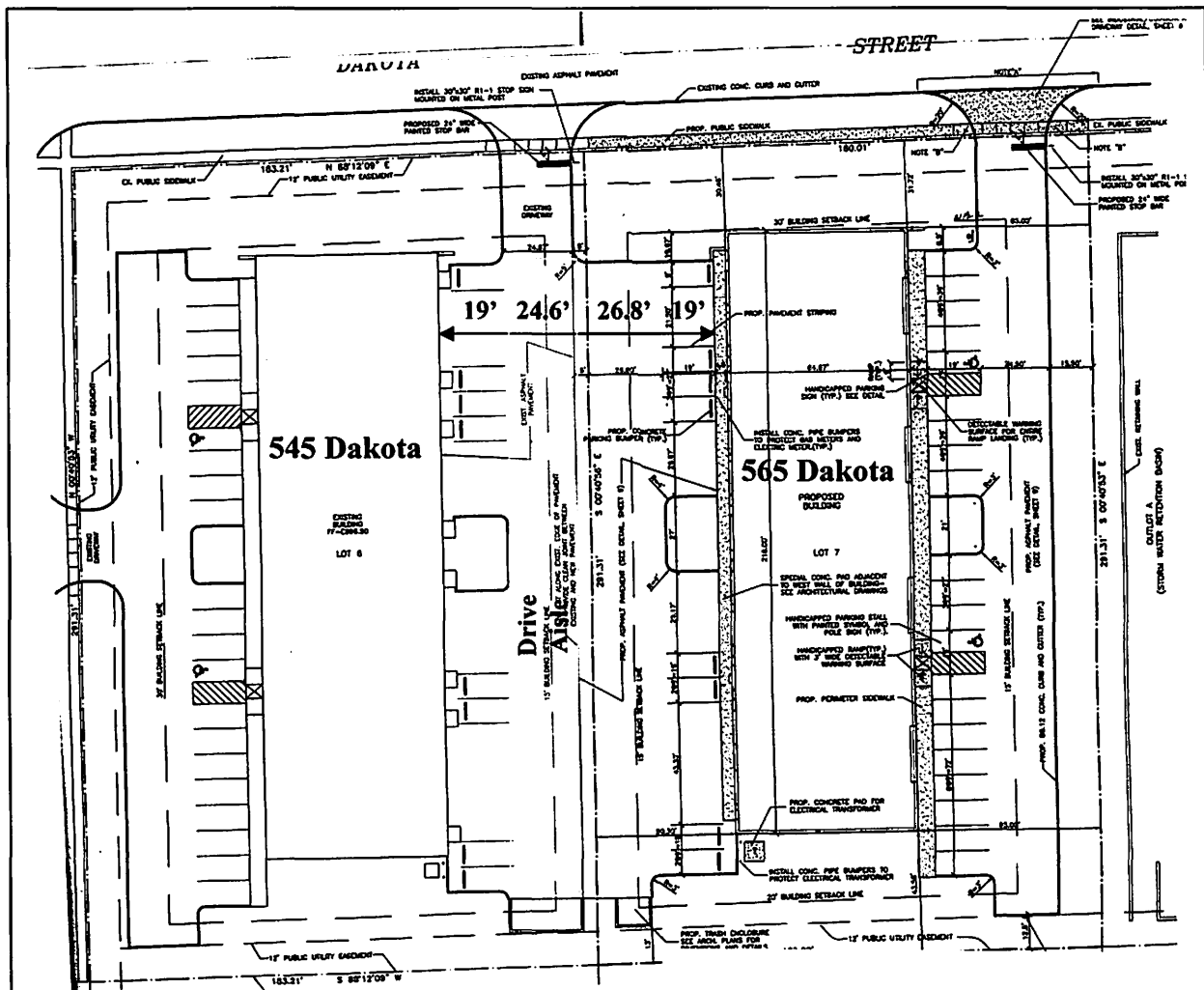
Background:

The properties at 545 and 565 Dakota Street are zoned “M” Manufacturing and improved with a multi-unit building on each property. Carss (Auto Repair and Maintenance) and Sunset Tree Service are requesting a Special Use Permit for outside storage of vehicles and trailers. Carss occupies Suites E, F and G at 545 Dakota Street and Sunset Tree Service is located in Suites B and H at 565 Dakota Street. The other tenants at 545 Dakota include World of Monogramming, Crystal Lake Millwork and In Sync Systems. Apart from Sunset Tree Service, the other tenants at 565 Dakota Street include Haider Inc. and International Auto Brokers (now vacant).

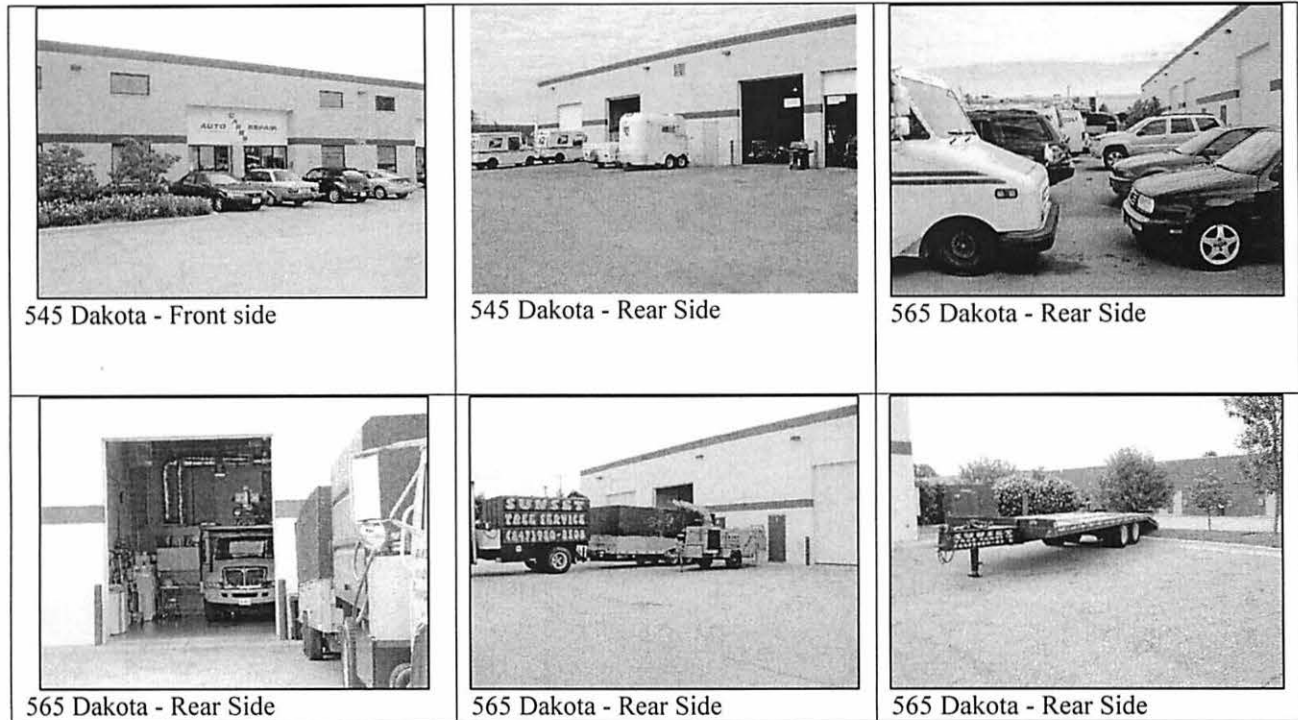
The Building Division has been working with both these businesses regarding obtaining a Special Use Permit for outside storage. Outside sales, service, display or storage is a Limited Use in the “M” district. The Unified Development Ordinance (UDO) defines outside storage as “The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except areas solely designated for garbage and trash for a specific use”. The Guidelines for Outdoor Display and Sales, Storage, and Service that were adopted as part of the UDO exempts up to 2 vehicles that are used in the normal day-to-day operation of the business as being treated as storage, as long as they are not visible from the right-of-way (except local streets and alleys). In addition, vehicle repair and maintenance uses are exempt from the screening requirement for outdoor storage only for vehicles that are awaiting pick-up no longer than 7 calendar days after repairs are completed. For service uses, the guidelines require that all repairs be conducted inside an enclosed structure. Any outdoor storage of repair materials must

meet outdoor storage requirements. Vehicles that are in a state of disrepair are required to be stored in a fenced area, meeting the requirements of Article 4-700, Fences, Walls and Screening. If automobile, recreational vehicle and boat washing areas are provided these areas are required to be covered and have drains connected to the sanitary sewer system per the approval of the Public Works Department.

A driveway off Knaack Boulevard provides access to the front side of 545 Dakota Street and a driveway off Dakota Street provides access to the front side of 565 Dakota Street. The rear side of both buildings can be accessed off another driveway along Dakota Street.



The following storage is being requested: Carss is requesting a SUP to allow vehicles (trucks) no larger than 17 feet to be stored in the rear parking lot (between the two buildings). The petitioner has indicated that the trucks will be stored for 1-2 days and there will be an average of 6 vehicles parked overnight. Sunset Tree Service services include storm damage, tree pruning, tree removal and replacement, urban forestry management, climbing, bucket truck, cabling and bracing, as well as undergrowth and invasive mowing. There is a variety of large trucks (plates K and L) as well as a trailer currently stored in the parking lot.



It should be noted also that on further research, staff found that the U-Haul website (<http://www.uhaul.com>) lists CARSS, at this location, as one of the locations where trucks, trailers, and towing equipment can be rented (This information was not indicated on the application). Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing is a Limited Use in the "M" district. It appears that the petitioner should be able to meet the limited use criteria; however an application must be completed and submitted to the City.

The petitioner (CARSS) is also requesting a variation from the requirement to store vehicles in a state of disrepair within a fenced area.

Land Use Analysis:

Outside sales, service, display or storage is a Limited Use in the M Manufacturing district. Where the requirements of the Limited Use cannot be met, a Special Use Permit is necessary. CARSS does not meet the requirement to store vehicles awaiting repair within a fenced area. Sunset Tree Service has more than 2 vehicles stored at this location with the vehicles larger than the striped parking areas.

Site Plan

545 Dakota Street is a double frontage lot (Dakota Street to the north and Knaack Boulevard to the west) and has two driveways, one off Dakota Street along the front of the building and a shared driveway with 565 Dakota Street off Dakota Street. There is an additional driveway off Dakota Street along the front of 565 Dakota Street. There are a total of 58 parking spaces (21 spaces along the front of each building) for both buildings. The overhead doors are located on the rear of the buildings, accessed from the common drive.

Parking

At the time of approval, properties in the "M" district were required to provide 2.5 spaces per 1,000 SF of useable area. From conversation with tenants in the building, it appears that there is no assigned parking for either building. Based on the tenant mix (and the vacancies in 565 Dakota), there do not appear to be parking problems at this time. However, it should be noted that the Sunset Tree Service equipment is too long for a standard 19-foot parking stall, and was noted to be stored either blocking drive aisles or across multiple parking spots on more than one occasion.

Findings of fact:

SPECIAL USE PERMIT

The petitioner is requesting approval of a Special Use Permit to allow outside storage. 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 outside display, sales, and storage.

- a. General: An on-site circulation pedestrian and vehicle plan, illustrating the location of the sales, service, storage or display area shall be provided.
The petitioners are not proposing any modifications to the existing site layout. The petitioner must submit written verification that the condominium association has approved the proposed parking plan. Vehicle storage must occur within the existing striped parking spaces.
- b. Site design: Outdoor service or storage areas shall be located at the rear of the property. Special attention must be given to locate outdoor service or storage areas away from adjacent residential properties and at the least obtrusive location for adjacent commercial uses.
The outdoor service and storage areas are located along the rear of the property and not along any residential areas.
- c. Screening: All outside service or storage areas shall be screened from view with solid wooden fencing or opaque landscaping, in accordance with the standards in Article 4-700, Fences, Walls and Screening. The height of the fencing shall be adequate to conceal the stock, equipment or materials from view of adjacent properties. In cases where the height of materials exceeds 15 feet in height making it difficult to screen with fencing and landscaping, consideration will be given to the type of materials being stored and the impact of the visibility on the adjacent and surrounding property owners.
The Guidelines for Outdoor Display and Sales, Storage, and Service states that vehicles that are in a state of disrepair are required to be stored in a fenced area. The petitioner is

requesting a variation from this requirement. It appears that there is no assigned location for the vehicles. It is recommended that the Special Use be conditioned to allow storage to occur only in a specific location in the rear parking area.

- d. Other applicable regulations: Written evidence, that applicable standards and requirements for health and safety protection and licensing by jurisdictions other than the City, as well as those required by the City ordinances, have been met shall be provided.
It is the responsibility of the petitioner to provide written documentation, where applicable.

UNIFIED DEVELOPMENT ORDINANCE VARIATION

The petitioner is requesting a variation from the requirement that vehicles in a state of disrepair be stored in a fenced area. The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Unified Development Ordinance requirements as they relate to the property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing. Before recommending any Variation, the Planning and Zoning Commission and City Council shall first determine and record its findings that the evidence justifies the conclusions that:

1. 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.
 True False
2. Also, that the variation, if granted, will not alter the essential character of the locality.
 True False

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:

1. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;
 True False
2. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
 True False
3. 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
 True False
4. 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.
 True False

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 is made to recommend approval of the petitioner's request, the following conditions are suggested:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 4-19-10)
 - B. Site Plan, Dakota Industrial Condos II (Northwestern Engineering Consultants, P.C., dated 9/29/03, received 4-19-10)
 - C. Plat of Survey, 545 Dakota Condominium (Vanderstappen Surveying, dated 3/5/03, received 4-19-10)
 - D. Plat of Survey, 565 Dakota Condominium (Vanderstappen Surveying, dated 11/2/04, received 4-19-10)
2. Outside Storage
 - A) Since this site is in the Crystal Lake wellhead protection area, no collision (wrecked) vehicles or vehicles that are or potentially could leak fluids shall be stored outside.
 - B) Outside storage of vehicles shall be limited to repaired vehicles and shall be limited to the designated parking spots in the rear of the building.
 - C) The petitioner shall work with Engineering and Public Works staff to provide satisfactory protective measures to prevent ground water contamination due to leaks.
3. A detailed plan indicating exactly where and how many vehicles (including stacking plan) will be parked must be provided for approval. A written verification that the condominium association has approved the plan is also necessary.
4. All repairs must be conducted inside an enclosed structure.
5. Information regarding the size and number of vehicles (for Sunset Tree Service) proposed to stored on-site must be provided. A diagram depicting actual vehicles parking in the proposed spaces and addressing vehicle turning movements must be submitted.
6. Provide a 20-foot access for emergency vehicles to gain access to the building, fire department connection, and any fire hydrants.
7. No vehicles or trailers can block any egress doors.
8. No vehicles or trailers can block any accessible spaces.
9. If upon inspection by the City, it is noticed that any of the conditions of approval are not adhered to, the SUP shall be revoked immediately.
10. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2010-39 Verlo Mattress

Special Use Permit for outside storage of trucks

Ray Westman, Verlo Mattress Factory Store,
5150 Northwest Highway

PZC Recommendation: A motion to approve the Planning and Zoning Commission recommendations approving an ordinance granting a Special Use Permit for 5150 Northwest Highway.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development

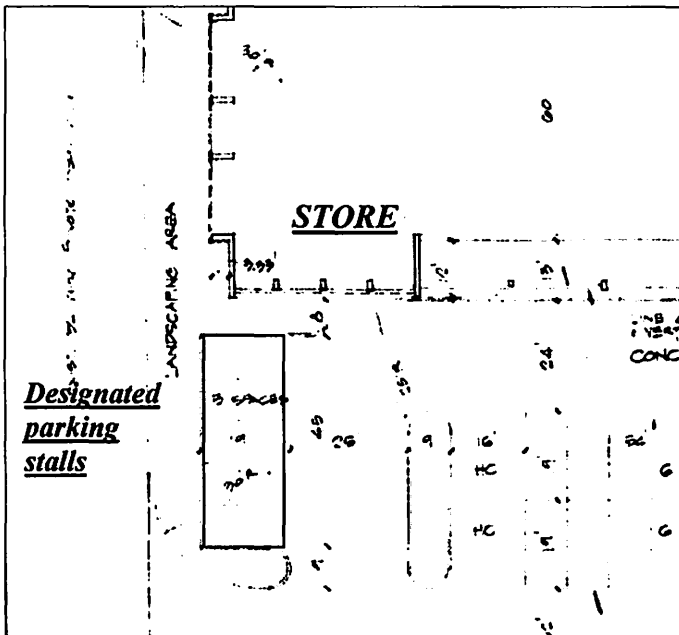
Background: The property at 5150 Northwest Highway is zoned “B-2 PUD” General Commercial PUD. The multi-tenant building was approved as the Pinehurst Planned Unit Development in 1988. The petitioner, Verlo Mattress, is requesting a Special Use Permit to allow a truck to be parked overnight in the parking lot along Northwest Highway in front of the building. Outside sales, display or storage is a Limited Use in the B-2 district. The UDO defines outside storage as “The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except areas solely designated for garbage and trash for a specific use”. The Guidelines for Outdoor Display and Sales, Storage, and Service that were adopted as part of the UDO exempts up to 2 vehicles that are used in the normal day-to-day operation of the business as being treated as storage, as long as they are not visible from the right-of-way (except local streets and alleys). This SUP is necessary because the truck, though used in the normal operation of the business, is visible from the Northwest Highway.

PZC Highlights

At the Planning and Zoning Commission meeting, the Commissioners expressed some concerns regarding the aesthetic impacts of allowing large trucks to park along major streets. There was some discussion regarding mandating off-site storage. The Commission, however, felt that in this specific instance, the Special Use Permit criteria needed for approval were met, especially because no parking space was available in the rear of the building.

The Planning and Zoning Commission recommended **approval (6-1)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 5-14-10)
 - B. Site Plan (Geudtner & Associates, dated 12-13-88)
2. The outdoor storage is limited to Verlo Mattress for a maximum of one vehicle. No wrecked, inoperable or other vehicles not associated with the business are permitted to be stored overnight.
3. The delivery truck must be parked in a designated parking stall (~~one of the 5 spaces~~ closest to the building) and not along a drive aisle. **(Changed by PZC)**



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

Votes Required to Pass: A simple majority vote.



#2010-39

**Verlo Mattress - 5150 Northwest Highway
Project Review for Planning and Zoning Commission**

Meeting Dates: June 16, 2010

Requests: Special Use Permit for outside storage of trucks.

Location: 5150 Northwest Highway

Acreage: Site: 2.24 acres

Existing Zoning: "B-2 PUD" General Commercial PUD

Surrounding Properties: North: "B-2 PUD" General Commercial PUD (Comfort Inn)
South: "B-2" General Commercial (Switzer Center and NTB)
East: "B-2 PUD" General Commercial PUD (Amcore Bank)
West: "B-2" General Commercial

Staff Contact: Latika Bhide (815.356.3615)

Background:

The property at 5150 Northwest Highway is zoned "B-2 PUD" General Commercial PUD. The multi-tenant building was approved as the Pinehurst Planned Unit Development in 1988. Apart from Verlo Mattress, the other tenants at this location include Wolf Camera and Julie's Nails. The petitioner, Verlo Mattress, is requesting a Special Use Permit to allow a truck to be parked overnight in the parking lot along Northwest Highway in front of the building.

Land Use Analysis:

Outside sales, display or storage is a Limited Use in the B-2 district. The Unified Development Ordinance (UDO) defines outside storage as "The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except areas solely designated for garbage and trash for a specific use". The Guidelines for Outdoor Display and Sales, Storage, and Service that were adopted as part of the UDO exempts up to 2 vehicles that are used in the normal day-to-day operation of the business as being treated as storage, as long as they are not visible from the right-of-way (except local streets and alleys). This SUP is necessary because the truck, though used in the normal operation of the business, is visible from the Northwest Highway (which is classified as a Major Arterial).

Findings of fact:

Special Use Permit

The petitioner is requesting approval of a Special Use Permit to allow outside storage. 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 outside display, sales, and storage.

a. General: An on-site circulation pedestrian and vehicle plan, illustrating the location of the sales, service, storage or display area shall be provided.

The petitioners are not proposing any modifications to the existing site layout. Vehicle storage must occur within the existing striped parking spaces.

b. Site design: Outdoor service or storage areas shall be located at the rear of the property. Special attention must be given to locate outdoor service or storage areas away from adjacent residential properties and at the least obtrusive location for adjacent commercial uses.

The petitioners are requesting the Special Use Permit as there is no parking area along the rear of the property.

c. Screening: All outside service or storage areas shall be screened from view with solid wooden fencing or opaque landscaping, in accordance with the standards in Article 4-700, Fences, Walls and Screening. The height of the fencing shall be adequate to conceal the stock, equipment or materials from view of adjacent properties. In cases where the height of materials exceeds 15 feet in height making it difficult to screen with fencing and landscaping, consideration will be given to the type of materials being stored and the impact of the visibility on the adjacent and surrounding property owners.

Not applicable

d. Other applicable regulations: Written evidence, that applicable standards and requirements for health and safety protection and licensing by jurisdictions other than the City, as well as those required by the City ordinances, have been met shall be provided.

It is the responsibility of the petitioner to provide written documentation, where applicable.

Recommended Conditions:

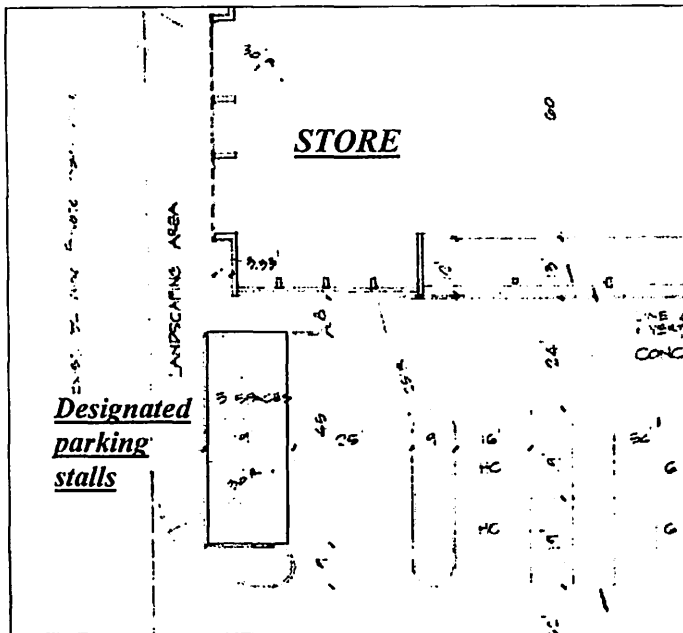
If a motion is made to recommend approval of the petitioner’s request, the following conditions are suggested:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:

- A. Application (received 5-14-10)
- B. Site Plan (Geudtner & Associates, dated 12-13-88)

2. The outdoor storage is limited to Verlo Mattress for a maximum of one vehicle. No wrecked, inoperable or other vehicles not associated with the business are permitted to be stored overnight.

3. The delivery truck must be parked in a designated parking stall (one of the 5 spaces closest to the building) and not along a drive aisle.



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



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: REPORT OF THE PLANNING & ZONING COMMISSION
#2010-41 Pep Boys Auto

Final PUD Amendment to make modifications to the approved exterior elevations, wall signage and center free-standing signage.

Allison Mathern, petitioner
4423 Northwest Highway

PZC Recommendation: Motion to approve the recommendation of the Planning and Zoning Commission and adopt an ordinance amending the Final PUD to allow the changes to the exterior façade, wall signage and free-standing sign for Pep Boys Auto at 4423 Northwest Highway.

Staff Contact: Michelle Rentzsch, Director of Planning & Economic Development

Background:

The Twin Ponds Marketplace was approved in 1996. This tenant space was originally the La-Z Boy Furniture Store. The current petitioner is Pep Boys Auto. They are expanding and have requested to open a supercenter at this location. This store will have approximately 40-50% of sales from the repair bays and 50-60% of sales from retail parts. Pep Boys is changing their branding and adding, "Service – Tires – Parts," to their signage to highlight the retail aspect of the business.

The original PUD approval restricted the signage and had certain building elevations approved. The petitioners are requesting modifications to the exterior elevations to add six bay doors for service and repair. Pep Boys only does minor repair work. The petitioners are also requesting the amendment to the PUD and Tenant Sign Criteria to add wall signage totaling 320.59 square feet and two 30.2 square foot sign panels on the free-standing signs.

PZC Highlights

The Commission discussed the request and felt there was too much wall signage. They were concerned about the residential properties off Sands Road and any signage on that side of the building. They did not want to set precedent and have other tenants request signage along Sands

Road. As a compromise, they recommended allow the sign panel on the Route 14 freestanding sign.

The Planning and Zoning Commission recommended **approval (6-1)** of the petitioner's request subject to the following conditions.

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Pep Boys Auto, received 6/1/10)
 - B. Sign Package (CimaNetwork, dated 6/15/10, received 6/15/10)
 - C. Elevations (Unnamed, undated, received 6/1/10)
 - D. Site Plan, Floor Plan and Elevation sheets (Pep Boys, undated, received 6/1/10)
2. All conditions from the original PUD Ordinance and subsequent Ordinances shall remain valid, as applicable, unless specifically modified by this request.
3. The petitioner shall comply with the Tenant Sign Criteria, as modified by this request.
4. The petitioner shall address any review comments of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.
5. **The sign on the east side of the building facing Sands Road shall be removed and a panel be added to the monument sign on Route 14. (Added by PZC)**
6. **No illuminated signs, whether inside or outside, shall be seen outside from the bay doors. (Added by PZC)**

Votes Required to Pass: A simple majority vote.



City of Crystal Lake

Memorandum

To: Planning and Zoning Commission
From: Elizabeth Maxwell
Date: June 16, 2010
Re: 2010-41 Pep Boys Auto

Upon reviewing the staff recommendations, the petitioners have proposed changes to their signage plans. The revised request is for the following:

Sign copy	Originally proposed SF	Staff recommended Square footage	Revised proposed SF
(A) Pep Boys Auto Service-Tires-Parts	160.89 SF	160.89 SF	160.89 SF
(B) Pep Boys Auto Service-Tires-Parts	160.89 SF	85.26 SF	103.7 SF
(C) Pep Boys Auto	85.26 SF	85.26 SF	55.8 SF
(E1) Repair	2.5 SF	2.5 SF	0 SF Eliminated
(E2) Diagnostic	4.5 SF	4.5 SF	0 SF Eliminated
(E3) Alignment	4.5 SF	4.5 SF	0 SF Eliminated
(E4) Brakes	3 SF	3 SF	0 SF Eliminated
(E5) Oil Change	4.5 SF	4.5 SF	0 SF Eliminated
(E6) Tires	2 SF	2 SF	0 SF Eliminated
Total Signage	428.04 SF	352.41 SF	320.39 SF

In addition, they have eliminated the request to put a panel on the free-standing sign along Route 14. The request would include adding a 30.2 square foot panel to the free-standing sign along Route 31.

These changes affect the recommended conditions of approval. If a motion is made to recommend approval of the petitioner's request, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Pep Boys Auto, received 6/1/10)
 - B. Sign Package (CimaNetwork, dated 6/15/10, received 6/15/10)
 - C. Elevations (Unnamed, undated, received 6/1/10)
 - D. Site Plan, Floor Plan and Elevation sheets (Pep Boys, undated, received 6/1/10)
2. All conditions from the original PUD Ordinance and subsequent Ordinances shall remain valid, as applicable, unless specifically modified by this request.
3. The petitioner shall comply with the Tenant Sign Criteria, as modified by this request.
4. ~~The wall sign on the north wall (along Route 14) shall be changed to the 85.26 square foot sign which reads, "Pep Boys Auto," for a total approved wall signage of 352.41 square feet.~~
5. ~~The freestanding sign along Route 31 may be changed to provide the new 30.2 square foot tenant panel, but it is not allowed on the Route 14 freestanding sign.~~
6. The petitioner shall address any review comments of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.



#2010-41

**Twin Ponds Marketplace Pep Boys
Project Review for Planning and Zoning Commission**

Meeting Dates: June 16, 2010

Requests: Final PUD Amendment to make modifications to the approved exterior elevations, wall signage and center signage.

Location: 4423 Northwest Highway

Size: Tenant space is 10,605 square feet

Existing Zoning: B-2 PUD General Commercial

Surrounding Properties: North: B-2 PUD General Commercial
South: B-2 PUD General Commercial
East: B-2 PUD General Commercial
West: County, D'Andrea banquet facility

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

The property is the Twin Ponds Marketplace, approved in 1996. In 2001, a Final PUD Amendment was approved for this end tenant space. The amendment was for the then proposed tenant, La-Z Boy. The request permitted 208.5 square feet of wall signage. The property has two monument signs, one at the exit ramp from Route 31 and one at the intersection of Route 14 and Sands Road.

The petitioners are requesting a Final PUD Amendment to allow for the exterior changes to the elevations for the overhead doors and from the Tenant Sign Criteria to add additional wall signs and panels to the free-standing signs. They are also requesting variations in conjunction with the Final PUD Amendment to exceed the permitted wall signage square footage and free-standing sign square footage.

The request is to install six overhead doors on the north side of the building to allow for automotive repair. The use would be changing from a retail furniture store to an automotive retail store with major automotive repair service. The petitioners would install nine wall signs for a total of 428.04 square feet. They would also install two 30.2 square foot sign panels on each of the freestanding signs. The petitioners have requested 446.04 square feet of wall signage since the Aluminum Bay ID Signs were calculated using the overall panel size. Staff has calculated them at the actual size of the copy text reducing the square footage from 39 square feet to 10.5 square feet. The following chart illustrates the requested wall signage.

Sign	Requested Size
(A) Pep Boys Auto Service-Tires-Parts	160.89 SF
(B) Pep Boys Auto Service-Tires-Parts	160.89 SF
(C) Pep Boys Auto	85.26 SF
(E1) Repair	2.5 SF
(E2) Diagnostic	4.5 SF
(E3) Alignment	4.5 SF
(E4) Brakes	3 SF
(E5) Oil Change	4.5 SF
(E6) Tires	2 SF
Total Signage	428.04 SF

The Unified Development Ordinance permits up to 150 square feet of wall signage, which may be split among three signs for corner tenants. The La-Z Boy was approved a variation for up to 208.5 square feet of wall signage. The original Tenant Sign Criteria allowed larger wall signs for the major center anchors; Home Depot at 413 SF, PetsMart at 323 SF and Circuit City at 293 SF. The supporting tenants were to meet the sign ordinance which allowed 150 square feet of signage. Pep Boys is requesting 428.04 square feet of wall signage, which is a variation of 219.54 square feet.

Findings of fact:

Final Planned Unit Development Amendment

The petitioner is requesting approval of an amendment to a Final Planned Unit Development to allow exterior changes and additional signage. A Planned Unit Development is a Special Use and Special Uses require separate review because of their potential to impact surrounding properties and the orderly development of the City. Article 4-500 in the Unified Development Ordinance lists the standards for a PUD, this request complies with those standards. In addition Article 2 Section 2-400 B of the Unified Development Ordinance establishes general standards for all Special Uses in Crystal Lake. Briefly, the criteria are as follows:

Section 2-400 B General Standards for all special uses in the Unified Ordinance establishes standards for all special uses in Crystal Lake. Briefly, 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*

Planned Unit Development Variations

The purpose of Planned Unit Developments is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are, therefore, intended to allow substantial flexibility in planning and designing a proposal. This flexibility is often in the form of relief from compliance with conventional zoning ordinance site and design requirements.

Ideally, this flexibility results in a development that is better planned, contains more amenities, and is ultimately more desirable than one that would have been produced through compliance with typical zoning ordinance and subdivision controls.

Therefore more lenient site requirements may be granted where the Planned Unit Development contains features not normally required of traditional developments. If the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation request be lessened or denied.

The petitioner is asking for two variations in conjunction with the PUD Amendment request:

- 1) Variation from Article 4 Section 4-1000 F Commercial Signs, to allow a total of 428.04 square feet of wall signage, and

- 2) Variation from Article 4 Section 4-1000 F Commercial Signs, to allow the two free-standing signs to have an additional 30.2 square feet of signage.

The original PUD Approval approved the elevations, signage and Tenant Sign Criteria. The original Tenant Sign Criteria are attached to this report. The minor tenants in the center were to have 150 square feet of wall signage. The previous PUD Amendment permitted 208.5 square feet of wall signage and now Pep Boys is requesting 428.04 square feet. This is a variation of 219.54 square feet. The Tenant Sign Criteria also restricted the content of the signage to the tenant name only, not products sold. The Pep Boys signs refer to "Service, Tires and Parts," as well as the aluminum bay ID signs. Signs on end tenant suites are permitted to share their sign square footage among three signs; front, side and rear.

The existing free-standing signs have approximately 132 square feet of signage. The petitioners are proposing to add a 30.2 square foot panel to each sign; one at Route 31 ramp and one at Route 14 and Sands Road. In 1996 they measured the sign panels by a box around only the copy area. Today the sign panel is measured by the overall area on which copy may be placed. The proposed Pep Boys sign panel will be comparable to the other existing sign panels. Free-standing signs are restricted to a maximum of 80 square feet. The existing free-standing sign is approximately 132 square feet. The addition of the Pep Boys panel would put the free standing sign at approximately 162.2 square feet.

Recommended Conditions:

If a motion is made to recommend approval of the petitioner's request, it shall be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Pep Boys Auto, received 6/1/10)
 - B. Sign Package (CimaNetwork, dated 5/25/10, received 5/26/10)
 - C. Elevations (Unnamed, undated, received 6/1/10)
 - D. Site Plan, Floor Plan and Elevation sheets (Pep Boys, undated, received 6/1/10)
2. All conditions from the original PUD Ordinance and subsequent Ordinances shall remain valid, as applicable, unless specifically modified by this request.
3. The petitioner shall comply with the Tenant Sign Criteria, as modified by this request.
4. The wall sign on the north wall (along Route 14) shall be changed to the 85.26 square foot sign which reads, "Pep Boys Auto," for a total approved wall signage of 352.41 square feet.
5. The freestanding sign along Route 31 may be changed to provide the new 30.2 square foot tenant panel, but it is not allowed on the Route 14 freestanding sign.
6. The petitioner shall address any review comments of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: REPORT OF THE PLANNING & ZONING COMMISSION
#2010-40 Fair Oaks Nursing Home

- 1) Special Use Permit Amendment for the expansion of a nursing home,
- 2) A variation from the maximum building coverage (Article 3 Section 3-200 Table 3-200 A) from the required 20% building coverage to allow 22.5% coverage,
- 3) A variation from the maximum lot coverage (Article 3 Section 3-200 Table 3-200 A) from the required 40% building coverage to allow 49% coverage,
- 4) A variation from the requirement to have parking lot islands at the ends of the parking rows (Article 4 Section 4-400 F) to eliminate the required end islands, and
- 5) A variation from the required rear yard (Article 3 Section 3-200 Table 3-200 A) to allow the building to encroach 11 feet into the required 50-foot rear yard setback abutting a residential district.

Joyce Surdick, petitioner
471 West Terra Cotta Avenue

PZC Recommendation: Motion to approve the recommendation of the Planning and Zoning Commission and adopt an ordinance amending the Special Use Permit to allow the expansion of the nursing home and the requested variations for Fair Oaks Nursing Home at 471 W. Terra Cotta Avenue.

Staff Contact: Michelle Rentzsch, Director of Planning & Economic Development

Background: Fair Oaks was constructed in the early 70's and has a dated appearance. In order to compete in today's market; the owners of Fair Oaks feel they must offer more rehabilitation and therapy services. They must also create a more "home-like" environment to make the center more appealing to guests and short term residents. The petitioners would like to expand the facility with a 15,000-square-foot addition for the therapy area. This would include private rooms, a kitchen and dining area, salon, store, exercise area and restorative therapy area. The expansion would also allow the nursing home rooms to revert back to single-occupancy.

The petitioners are requesting four variations to accomplish this expansion. In addition, approximately 100 trees would be removed. The petitioners have not yet prepared engineering plans for the property. Once engineering plans are prepared, some of the detention and grading may change, and additional trees may need to be removed. The petitioners will work with staff through the Building permit process to address staff concerns, complete the final plans and address the Ordinance conditions.

PZC Highlights

The Commission liked the new architecture. They discussed the materials and the architectural features at length. They thought that the architectural elements could be modified to make a better statement. They suggested the Field Stone along the base incorporate more red blocks to pick up the red color from the existing building.

The Commission also added condition 6c asking City Council to determine the appropriate tree replacement requirement. The Tree Preservation Article in the Unified Development Ordinance has a required replacement ratio and recommends that replacement trees be either in the Species A or Species B categories. In order to complete the addition, the petitioner is requesting removal of approximately 100 trees. These trees are a variety of species including Bur Oak, White Oak, Shagbark Hickory, Green Ash, Black Cherry, American Elm, Norway Maple, Boxelder, Mulberry, Crabapple, and Black Walnut. The tree replacement requires sixty-six (66) 2 ½” trees to be replanted on site or equivalent money put into the tree banking fund. The petitioner does not believe the site has sufficient room for (66) 2 ½” trees. The petitioner would rather be able to choose smaller species trees and ornamental species which may only have a diameter of 1”. Also, the petitioner would like the ability to add in other landscape features such as grasses, boulders, flowers, etc. to create a visually interesting area rather than 2 ½” trees. The Planning and Zoning Commission discussed that smaller trees could be used but that the total inches would still need to be 165.05.” This could require many more trees being required on site than the 66. The Commission put the request in the motion to have the City Council look into what is fair for the petitioner to replace on site, taking into consideration, cost, aesthetics, the size of the site and the Ordinance requirement.

The Planning and Zoning Commission recommended **approval (7-0)** of the petitioner’s request subject to the following conditions.

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Wisconsin Illinois Senior Housing Inc., received 5/28/10)
 - B. Site Plan (Community Living Solutions, dated 5-21-10, received 5/25/10)
 - C. Landscape Plan (Countryside Nursery, dated 4/2010, received 5/25/10)
 - D. Tree Removal Plan (Countryside Nursery, dated 4/2010, received 5/25/10)
 - E. Floor Plan (Community Living Solutions, dated 5-21-10, received 5/25/10)
 - F. Elevations (Community Living Solutions, dated 5-21-10, received 5/25/10)
2. The following variations are approved:
 - a. A variation from the maximum building coverage (Article 3 Section 3-200 Table 3-200 A) from the required 20% building coverage to allow 22.5% coverage, and
 - b. A variation from the maximum lot coverage (Article 3 Section 3-200 Table 3-200 A) from the required 40% building coverage to allow 49% coverage.

- c. A variation from the requirement to have parking lot islands at the ends of the parking rows (Article 4 Section 4-400 F.) to eliminate the required end islands.
- ~~d. A variation from the front yard setback (Article 3 Section 3-300) to allow the encroachment of the covered front porch 4 feet into the required 40-foot front yard setback. (Variation not needed – withdrawn)~~
- e. A variation from the required rear yard (Article 3 Section 3-200 Table 3-200 A) to allow the building to encroach 11 feet into the required 50-foot rear yard setback abutting a residential district.

3. Site Plan

- a. This site has a 40-foot front yard setback because it is along Route 176. Please label the correct dimension on the site plan.
- b. Several high quality trees (oaks and hickories) are grouped and situated whereby adjustments to the parking and building features can preserve these trees. The petitioner shall work with staff to adjust the location of the parking lot and building addition to try to preserve certain trees.
- c. Indicate on the site plan where the freestanding sign would be relocated.
- ~~d. The walking path and fence shall be relocated to be within this property's limits. (Deleted by PZC)~~

4. Architecture

- ~~a. The petitioner shall work with staff to better coordinate the existing architecture with the proposed architecture; e.g.:~~
 - ~~i. Carry the red brick through the addition, at least half way up the wall plane and eliminate the brown fieldstone.~~
 - ~~ii. The proposed addition should have similar Colonial features, such as, shutters, rooflines and window style to the existing building. (Deleted by PZC)~~
- b. The accessory bus storage building shall be designed to match the principal building architecture.
- c. Material samples and colors shall be presented to the Planning and Zoning Commission and the City Council. The materials shall be listed on the architectural elevation plans.
- d. Utilize Hardi Fiber Cement siding in place of the vinyl siding. (Added by PZC)
- e. Work with staff to enhance the elevations to include a stone element and better complement the existing building color. (Added by PZC)

5. The petitioner shall prepare a revised tree removal and protection plan which illustrates the following:

- a. Final list of trees to be removed per final site plan and engineering.
- b. Tree protection methods must be illustrated on the plan.
- c. Trees with tag numbers 366, 367, and 369 shall not be removed.
- d. Trees with tag numbers 392, 434, 447 and 448 are not shown on the plan.
- e. The petitioner shall reimburse the City for any expense related to the consulting arborist's fees associated with plan review.
- f. Since all the replacement trees will not fit on this site, the petitioner must provide the calculated monetary contribution to the City's tree banking fund.

6. Landscape Plan

- a. All trees shown on the landscape plan should be Species A tree and at a minimum 2 ½ inches to help meet the required tree replacement ratio for this site.
 - b. Submit a final landscape plan after the final tree removal and site design has been determined.
 - c. **Work with staff regarding the ornamental trees. City Council should determine a fair exchange on the size and number of trees to be planted.**
7. The petitioner shall address all of the review comments of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

Votes Required to Pass: A simple majority vote.



#2010-40

**Fair Oaks Health Center – 471 Terra Cotta Ave.
Project Review for Planning and Zoning Commission**

Meeting Dates: June 16, 2010

- Requests:**
- 1) Special Use Permit Amendment (Article 2 Section 2-300) to allow the expansion of a nursing home,
 - 2) A variation from the maximum building coverage (Article 3 Section 3-200 Table 3-200 A) from the required 20% building coverage to allow 22.5% coverage,
 - 3) A variation from the maximum lot coverage (Article 3 Section 3-200 Table 3-200 A) from the required 40% building coverage to allow 49% coverage,
 - 4) A variation from the requirement to have parking lot islands at the ends of the parking rows (Article 4 Section 4-400 F.) to eliminate the required end islands,
 - 5) A variation from the front yard setback (Article 3 Section 3-300) to allow the encroachment of the covered front porch 4 feet into the required 40-foot front yard setback, and
 - 6) A variation from the required rear yard (Article 3 Section 3-200 Table 3-200 A) to allow the building to encroach 11 feet into the required 50-foot rear yard setback abutting a residential district.

Location: 471 Terra Cotta Avenue

Acreage: Approximately 3 acres

Existing Zoning: R-1 Single Family residential

Surrounding Properties:

North:	County, residences
South:	R-1 Single Family residential, school
East:	R-1 Single Family residential, church
West:	O-PUD Office, professional offices

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

Fair Oaks Nursing Home was granted a Special Use Permit approval in 1978 when the City completed its comprehensive zoning. Fair Oaks has been operated as a nursing home and rehabilitation facility. The property is located on the south side of Terra Cotta Avenue between St. Thomas Church and The Oaks Professional Center.

Land Use Analysis:

Site Plan

The petitioner is requesting the expansion of the nursing home with a 14,969 square foot addition. This would only add four more beds to the existing 46 bed facility. Many rooms are double occupancy and the additional space would allow single occupancy rooms and the separation between the nursing care facilities and the rehabilitation program. The expansion would be at the rear of the existing building. Improvements will also include a detention area and new front building entrance along Terra Cotta Avenue. The parking lot would be expanded and tucked in behind the building. A 20' x 24' bus storage area would be constructed at the southwest corner of the parking lot. The building and parking lot addition would require tree removal and additional grading and storm water detention. The aerial photo below illustrates the look of the site as it currently exists. The red circle highlights the planned expansion area.



Floor Plan

The existing portion of the building contains 20 bedrooms, two dining areas, a kitchen and areas for staff. The expansion would add 20 additional bedrooms, a dining and kitchen area and several offices and rooms for therapy. The expansion would allow the nursing care and therapy facilities to have their own areas. The expansion would also allow for many double occupancy rooms to become single occupancy rooms adding to the quality of life for the residents.

Parking

The site plan illustrates 48 visitor and employee parking spaces. Nursing care facilities require a range between 1 space per 3 beds to 1 space per 4 beds, plus employee parking. The physical therapy at this location would be treated similar to the nursing care facilities since these are people who have undergone surgery or other treatment and are not yet fully mobile. The total required parking for this use is 44 spaces. This site meets the parking requirements.

Tree Removal

The site is heavily wooded and the rear building addition would require the removal of approximately 100 trees. The following chart illustrates the trees listed as condition 1, 2, or 3 to be removed and the required replacement inches.

Species Group	Removal inches	Replacement Inches
Group A	253"	126.5"
Group B	95"	28.5"
Group C	74"	7.4"
Group D	53"	2.65"
Total Inches required to be replaced	165.05"	(66) 2 ½" trees

Final engineering plans have yet to be submitted which could affect the building layout and storm water management improvements. These could affect the final number of trees to be removed. A condition has been added that the petitioner provide a final tree removal, protection and landscape plan with the building permit.

Landscape Plan

The landscape plan illustrates several new trees and shrubs being planted. The shrubs will be around the exterior of the building adding to the foundation base. The petitioner is proposing on planting 27 new trees on the property. This is short of the required 66 trees. Where insufficient space is available for the planting of the required replacement trees, tree banking can be used. The amount of money required to be donated shall be determined based on the total inches of caliper to be replaced and the current cost for the tree species to be replaced. The City's consulting arborist will determine the appropriate tree replacement and tree banking costs when the final tree removal plan is submitted.

Architecture

The current building is colonial style architecture. The roof has a modest pitch and the building is red brick with black shutters accenting the windows. The picture below is a current view of the front façade of the center.



The proposed architecture is more of a New England style with projecting roof and window areas. Staff is recommending the architecture blend between the existing building and the proposed addition.

Findings of Fact:

ZONING ORDINANCE VARIATIONS

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.

The petitioner is requesting five variations. The first is a variation from the maximum building coverage of 20% to allow 22.5%. This is a variation of 2.5% or 3,272 square feet. The petitioners have designed the building to meet the functional need of the residents, visitors and employees. One option to reduce building coverage would be to construct the addition as a second-story. This would not work for persons with limited mobility. It also creates problems for staff that cannot quickly supervise and attend to patient needs.

The second variation is from the maximum permitted impervious coverage limit of 40% to allow 49%. This is a variation of 9% or 11,797 square feet. A portion of this overall impervious coverage is attributed to the building coverage. The remaining is attributed to the parking lot required for this use and the overflow parking lot from St. Thomas's church which is on this lot.

The third variation was created through the suggestion by staff that the end landscape islands be eliminated to move parking spaces from the southwest corner of the parking lot to help preserve trees. The southwest corner of the proposed parking lot would impact two high quality Oak trees. If the end islands were eliminated these three parking spaces could be relocated to the center parking area preserving these trees.

The fourth variation is to allow the new front porch to encroach into the front yard setback. The required setback along Route 176 is 40-feet. The new porch addition would encroach 4 feet into this setback. Uncovered porches are permitted a 4-foot encroachment, but since this porch is covered it is held to the principle building setbacks.

The fifth variation is from the rear yard setback. Other uses in residential zoning districts are required to provide a 50-foot rear yard setback from residentially zoned properties. The property to the south is used for a school and not single family residents, but it is still zoned R-1 so the required 50-foot setback applies. The building will be encroaching approximately 11-feet into this setback.

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.

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

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

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.

SPECIAL USE PERMIT

Article 2 Section 2-400 B of the Unified Development Ordinance establishes general standards 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*

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Public / Semi-Public, which is defined as: "representing the locations of municipal buildings, schools and other public uses." Within the Public / Semi-Public Land Use section of the Comprehensive Plan, the following goal and objectives are related to the petitioner's requests:

Goal: Provide high quality public and semi-public facilities, such as schools, libraries, municipal facilities and private service providers throughout the city to support the diverse and evolving needs of people in the city.

Objective #2: Promote accessible community facilities distributed on a fair and equitable basis to provide the highest level of support to the community.

- Emphasize the maintenance and expansion of existing facilities over the construction of new facilities to previously undeveloped areas.

Objective #3: Carefully plan for a reasonable rate of growth that promotes the maximum use of existing facilities and minimizes the need for new facilities.

- Encourage redevelopment or expansion of existing facilities or development on in-fill sites, sites which are underused or abandoned, to reduce the need for new facilities.

Recommended Conditions:

If a motion is made to recommend approval of the petitioner's request, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Wisconsin Illinois Senior Housing Inc., received 5/28/10)
 - B. Site Plan (Community Living Solutions, dated 5-21-10, received 5/25/10)
 - C. Landscape Plan (Countryside Nursery, dated 4/2010, received 5/25/10)
 - D. Tree Removal Plan (Countryside Nursery, dated 4/2010, received 5/25/10)
 - E. Floor Plan (Community Living Solutions, dated 5-21-10, received 5/25/10)
 - F. Elevations (Community Living Solutions, dated 5-21-10, received 5/25/10)
2. The following variations are approved:
 - a. A variation from the maximum building coverage (Article 3 Section 3-200 Table 3-200 A) from the required 20% building coverage to allow 22.5% coverage, and
 - b. A variation from the maximum lot coverage (Article 3 Section 3-200 Table 3-200 A) from the required 40% building coverage to allow 49% coverage.
 - c. A variation from the requirement to have parking lot islands at the ends of the parking rows (Article 4 Section 4-400 F.) to eliminate the required end islands.
 - d. A variation from the front yard setback (Article 3 Section 3-300) to allow the encroachment of the covered front porch 4-feet into the required 40-foot front yard setback.
 - e. A variation from the required rear yard (Article 3 Section 3-200 Table 3-200 A) to allow the building to encroach 11 feet into the required 50-foot rear yard setback abutting a residential district.
3. Site Plan
 - a. This site has a 40-foot front yard setback because it is along Route 176. Please label the correct dimension on the site plan.
 - b. Several high quality trees (oaks and hickories) are grouped and situated whereby adjustments to the parking and building features can preserve these trees. The petitioner shall work with staff to adjust the location of the parking lot and building addition to try to preserve certain trees.
 - c. Indicate on the site plan where the freestanding sign would be relocated.
 - d. The walking path and fence shall be relocated to be within this property's limits.

4. Architecture

- a. The petitioner shall work with staff to better coordinate the existing architecture with the proposed architecture; e.g.:
 - i. Carry the red brick through the addition, at least half way up the wall plane and eliminate the brown fieldstone.
 - ii. The proposed addition should have similar Colonial features, such as, shutters, rooflines and window style to the existing building.
- b. The accessory bus storage building shall be designed to match the principal building architecture.
- c. Material samples and colors shall be presented to the Planning and Zoning Commission and the City Council. The materials shall be listed on the architectural elevation plans.

5. The petitioner shall prepare a revised tree removal and protection plan which illustrates the following:

- a. Final list of trees to be removed per final site plan and engineering.
- b. Tree protection methods must be illustrated on the plan.
- c. Trees with tag numbers 366, 367, and 369 shall not be removed.
- d. Trees with tag numbers 392, 434, 447 and 448 are not shown on the plan.
- e. The petitioner shall reimburse the City for any expense related to the consulting arborist's fees associated with plan review.
- f. Since all the replacement trees will not fit on this site, the petitioner must provide the calculated monetary contribution to the City's tree banking fund.

6. Landscape Plan

- a. All trees shown on the landscape plan should be Species A tree and at a minimum 2 ½ inches to help meet the required tree replacement ratio for this site.
- b. Submit a final landscape plan after the final tree removal and site design has been determined.

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



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date:

July 6, 2010

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2010-42 Bourgeau

Request:

Simplified Residential Variation (Article 4 Section 4-700 B Height Requirements for Fences) to allow a 6-foot high fence into the required front and yard abutting a street setbacks and a 4-foot high fence in a yard abutting a street.

Oliver and Mari Bourgeau, petitioners
779 North Shore Drive

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and to adopt an ordinance approving a Simplified Residential Variation at 779 North Shore Drive.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background:

The petitioners own an older small 40-foot wide lot with an existing house and detached garage. The garage is located along the rear property line along Oak Court. To provide privacy between the neighboring residences, the petitioners are requesting to install a 6-foot high solid cedar privacy fence along the side yards up to the front of the home and to the rear of the garage. Fences are permitted to be a maximum of 6 feet high in residential districts along interior property lines and rear yards. The extension of the fence up to the front of the house encroaches 6 feet into the required 21-foot front yard setback. The construction of the fence up to the rear of the garage encroaches 23 feet into the required yard abutting a street setback.

The petitioners have also requested the replacement of the 4-foot high chain link fence along the rear of the property from the 6-foot fence back to the property line along Oak Court. This is a variation of 23 feet into the required 46-foot yard abutting a street setback. The proposed fences and their locations are illustrated on the attached aerial photo.

Article 4 Section 4-700 B. 3 Height Requirements for Fences, Walls and Screening states that Fences, walls or screening in any front yard or yard abutting a street shall not exceed 3-feet in height and meet the clear view provisions. The clear view provision applies to corner lots where visibility is needed between intersecting streets. Clear view is also important between residential lots to ensure that views

are not obstructed when backing out from a driveway. Since the garages were constructed at the rear lot line, they already block a portion of the visibility for people backing out of neighboring driveways. The petitioners are requesting the variation to allow the fence to be within the setbacks.

PZC Highlights

At the PZC hearing, two neighbors spoke regarding the petition. The first neighbor was opposed and did not see the hardship and wanted to ensure the fence would not encroach on his property. The second neighbor was in favor of adding a level of privacy and security between the two houses.

Most of the PZC members felt that the 6-foot high fence was appropriate as it was so close to the front of the house, but they were not in favor of the 4-foot high fence in the rear along Oak Court. Since this fence is not enclosing anything, it is not necessary. The Commission requested that the petitioners only construct a 3-foot high fence along the side property lines on the Oak Court side. The petitioners agreed.

The Planning and Zoning Commission recommended **approval (6-1)** of the petitioner's request with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Bourgeau, received 5/28/10)
 - B. Site Plan (Bourgeau, received 5/5/10)
2. The following is hereby granted:
 - A. A simplified residential variation to allow a 6-foot high fence 6 feet into the required front yard setback and 23 feet into the yard abutting a street; and
 - B. To allow a ~~4-foot~~ **3-foot** high fence to encroach 23 feet into the yard abutting a street. **(Amended by PZC)**
3. Through the Building Permit process, the petitioner shall work with the Fire Rescue Department to ensure the fence design, location and gates will allow them access to the property in case of an emergency.
4. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works and Planning and Economic Development Departments.

Votes Required to Pass:

A simple majority vote.



#2010-42
779 North Shore Drive (Bourgeau)
Project Review for Planning and Zoning Commission

Meeting Date: June 16, 2010

Request: Simplified Residential Variation (Article 4 Section 4-700 B Height Requirements for Fences) to allow a 6-foot high fence into the required front and yard abutting a street setbacks and a 4-foot high fence in a yard abutting a street.

Location: 779 North Shore Drive

Acreage: Approximately 5,000 square feet

Existing Zoning: R-2 Single Family Residential

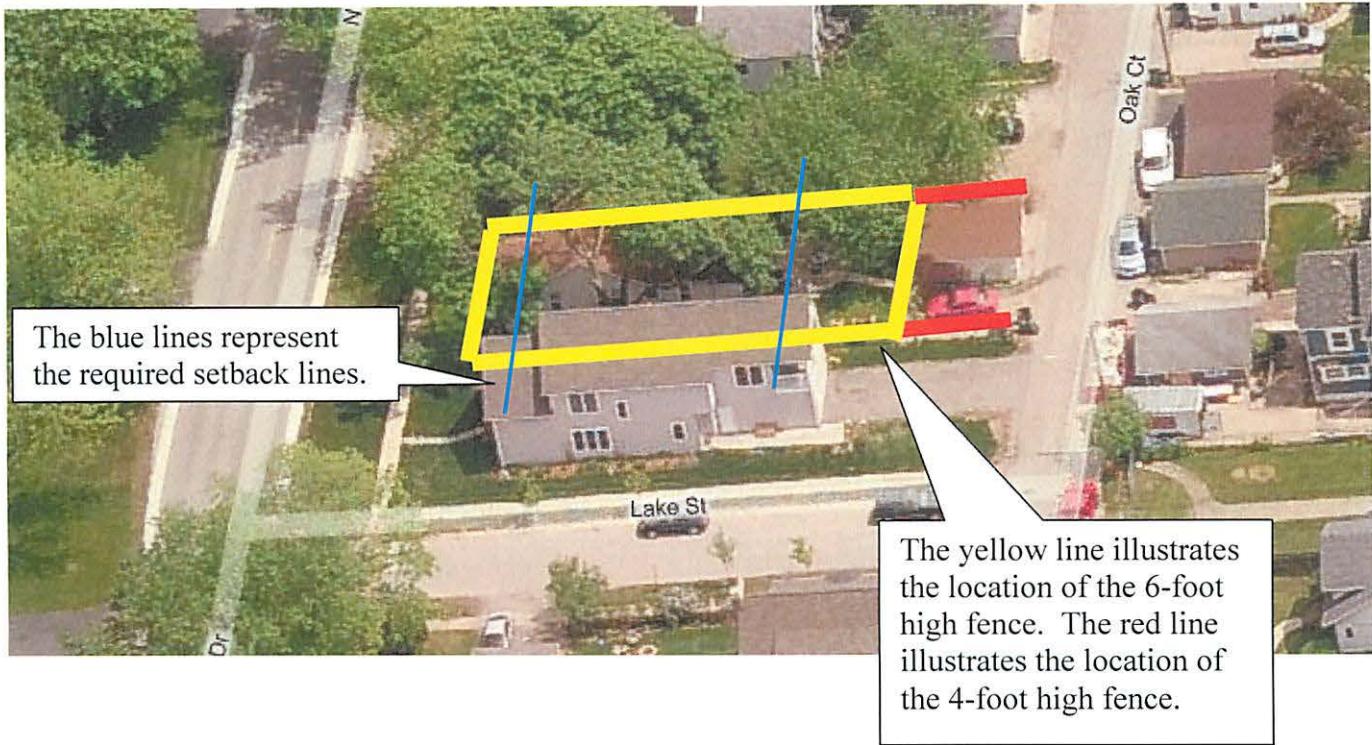
Surrounding Properties: North: R-2 Single Family Residential
South: R-2 Single Family Residential
East: R-2 Single Family Residential
West: R-2 Single Family Residential

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

The petitioner owns a single family lot with an existing house and detached garage. The garage is located along the rear property line along Oak Court. The petitioner is requesting to install a 6-foot high fence from the front of the home to the garage. This would be a board on board solid cedar privacy fence. The fence would then taper down to a 4-foot high picket fence to the lot line along Oak Court.





Zoning Analysis:

Height Variation

Article 4 Section 4-700 B. 3 Height Requirements for Fences, Walls and Screening states that Fences, walls or screening in any front yard or yard abutting a street shall not exceed 3-feet in height and meet the clear view provisions. The clear view provision applies to corner lots where visibility is needed between intersecting streets. Clear view is also important between residential lots to ensure that views are not obstructed when backing out from a driveway. Since the garages were constructed at the rear lot line, they already block a portion of the visibility for people backing out of neighboring driveways.

The petitioner is requesting a 6-foot high fence be allowed up to the front of the house along North Shore Drive. The required minimum setback along North Shore Drive is 21 feet. Any fence in a front yard is required to be no higher than 3 feet. The fence would encroach 6 feet into the required front yard. The petitioner is also requested that a 6-foot high fence be constructed to the rear wall of the garage. Also that a 4-foot fence be constructed along both side lot lines from the 6-foot fence to the lot lines along Oak Court. Any fence in a yard abutting a street is required to be no higher than 3 feet. The required setback along Oak Court is 46 feet. The 6-foot high fence would encroach 23 feet into this required setback. The 4-foot high fence would encroach 23 feet into this setback.

Findings of Fact:

ZONING ORDINANCE VARIATIONS

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.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which is defined as: “representing existing and future residential areas including a combination of single-family and multi-family housing types.”

Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.

Within the Residential Land Use section of the Comprehensive Plan, the following objective is supported by the petitioner’s request:

Objective #3: Preserve and enhance the character and livability of existing residential areas.

Within the Residential Land Use section of the Comprehensive Plan, the following objective is not supported by this request

Objective #2: Promote clean, safe and well maintained housing by encouraging regular repair and maintenance of housing and compliance with City Codes and Ordinances

Recommended Conditions:

If a motion to recommend approval of the Simplified Residential Variation at 779 North Shore Drive is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Bourgeau, received 5/28/10)
 - B. Site Plan (Bourgeau, received 5/5/10)
2. The following is hereby granted:
 - A. A simplified residential variation to allow a 6-foot high fence 6 feet into the required front yard setback and 23 feet into the yard abutting a street; and
 - B. To allow a 4-foot high fence to encroach 23 feet into the yard abutting a street.
3. Through the Building Permit process, the petitioner shall work with the Fire Rescue Department to ensure the fence design, location and gates will allow them access to the property in case of an emergency.
4. The petitioner shall comply with all of the requirements of the Engineering and Building, Fire Rescue, Public Works and Planning and Economic Development Departments.



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date:

July 6, 2010

Item:

Intergovernmental Agreement with the Village of Lake in the Hills for the storage of 1,000 tons of Road Salt.

Staff Recommendation:

Motion approving the Intergovernmental Agreement with the Village of Lake in the Hills for the storage of road salt and adopting a resolution authorizing the City Manager to execute the Intergovernmental Agreement with the Village of Lake in the Hills for the storage of road salt.

Staff Contact:

Eric R. Lecuyer, Director of Public Works

Background:

As a result of the road salt shortage during the winter of 2008-09, we were greatly delayed in receiving our last salt order, which eventually arrived after the snow season in April of 2009. Due to this factor, we entered the 2009-10 snow season with our salt storage building completely full, and did not need to order salt from our 09/10 commitment with the State of Illinois for the joint purchase of this material until after the start of the snow season. The ultimate result has been that following the 2009-10 winter season, our storage building was again full and we had an un-fulfilled commitment to pay for and take delivery of 1,000 tons of road salt, with no place to store the material.

Street Division Superintendent Bob Huss worked with surrounding agencies seeking unused storage capacity and found that the Village of Lake in the Hills had capacity to store this material on our behalf. Under the attached agreement, the Village will receive and store 1,000 tons of road salt designated for and paid for by the City of Crystal Lake. In return, the Village will pay an equal amount for the first 1,000 tons of road salt with delivery designated to the City of Crystal Lake for the 2010-11 snow season, with adjustments made for any increase, or decrease in cost for the commodity. That delivery will occur once we have storage capacity, after the beginning of the snow season. We are grateful to the Village of Lake in the Hills and its Public Works Director Fred Mullard, for assisting the City in this matter and recommend approval of the attached Intergovernmental Agreement.

The City Attorney has reviewed the attached documents.

Votes Required to Pass:

Simple Majority

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to enter into an intergovernmental agreement with the Village of Lake in the Hills to store 1,000 tons of salt purchased by the City of Crystal Lake until winter season of 2010/2011 whereby the Village of Lake in the Hills will replenish the City of Crystal Lake's salt stockpile with 1,000 tons of salt.

DATED this 6th day of July, 2010.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: July 6, 2010

Item: Illinois Environmental Protection Agency Annual National Pollution Discharge Elimination System Permit (NPDES) Fees.

Staff Recommendation: Motion to adopt a resolution authorizing payment in the amount of \$48,500.00, for annual NPDES permit fees under protest, and the addition of an equal amount to the Accounts Payable list.

Staff Contact: Eric R. Lecuyer, Director of Public Works

Background:

As part of the State of Illinois adoption of its annual budget in 2003 and its efforts to overcome a huge budget deficit, unprecedented annual fees have been established for holders of National Pollution Discharge Elimination System (NPDES) Permits. These permits, which regulate the operation and discharges of the City's wastewater and storm water systems, are required under the Clean Water Act and are issued by the IEPA. Operation of wastewater and storm water facilities in violation of the permit requirements or without a permit constitutes violations of the Clean Water Act and the State of Illinois compiled statutes relative to Water Pollution Control, and violators are subject to civil and criminal prosecution. The fees are "justified" by the Governor and Legislature as being needed to fund the IEPA and its oversight of NPDES holders' operations, which have previously been funded without permit fees other than new water and sewer extension permit application fees.

The annual permit fees for the wastewater plants are based on design average flows (DAF), with facilities with a DAF of > 1 Million Gallons per Day (MGD) and < 5 MGD receiving an annual fee of \$15,000.00, which would be the fee for WWTP #3 since the DAF is 1.7 MGD. Facilities with a DAF > 5 MGD and < 10 MGD are to be charged \$30,000.00. The DAF of WWTP #2 is 5.8 MGD. The IEPA has invoiced the City of Crystal Lake in the amount of \$30,000.00 for WWTP #2 and \$15,000.00 for WWTP #3, with a payment due date of August 1st, 2010. In addition to these fees, a fee of \$2,500.00 per year is assessed for our Sludge Generator Land Application permit.

Storm water annual permit fees have been assessed to the City for its municipally owned and operated separate storm sewer system (MS4) in the amount of \$1,000.00 and these annual permit fees will be due on August 1st of each year.

These NDPES permit fees were unforeseen and not publicized and were, therefore, unbudgeted when first implemented in 2003, but have been budgeted items in subsequent fiscal year budgets. The fees were established within the State of Illinois' FY2004 Budget Implementation Act and became effective July 1, 2003 and, in spite of intense political rhetoric, have not been repealed or modified. The City Council voted to pay these fees under protest in 2003, 2004, 2005, 2006, 2007, 2008 and 2009. A copy of the letter submitted with the 2009 payment is attached, in addition to the invoices for the current year.

The City has been assessed a total of \$340,500 in NPDES fees since 2003.

The IEPA Web Site includes the ominous statement that failure to pay the required fees will result in referral to the Attorney General's office for "prosecution as provided for within the act".

Attached for consideration is a resolution authorizing payment of the NPDES Permit Fees in the amount invoiced, totaling \$48,500.00. If payment is authorized, the addition of an equal amount to the accounts payable list approved earlier in the meeting is also requested.

The City Attorney has reviewed the attached documents.

Votes Required to Pass:

Simple Majority

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to authorize payment under protest in the amount of \$48,500.00 for annual NPDES permit fees and add an equal amount to the Accounts Payable list.

DATED this 6 day of July, 2010.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date:

July 6, 2010

Item:

Lightning Prediction System

Staff Recommendation:

A motion awarding the bid for a lightning prediction system and adopting a resolution authorizing the City Manager to execute a contract with the lowest responsive and responsible bidder, Thor Guard Incorporated, for the purchase and installation of a lightning prediction system in the amount of \$21,925 and authorizing the City Manager to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

Staff Contact:

Eric T. Helm, Deputy City Manager

Background:

On Wednesday, June 30, 2010, the City of Crystal Lake publicly opened and read aloud the bids received for a lightning prediction system at the Three Oaks Recreation Area. This system will warn patrons of potential lightning strikes by detecting the atmospheric conditions that cause lightning. Once the potential for lightning is detected, a horn will sound to notify patrons that they should seek shelter.

The specifications are attached and summarized below:

1. Furnish and install a Thor Guard integrated lightning prediction and warning system.
2. Install all necessary wiring and brackets.
3. Install software and provide staff training on the operation of the system.
4. Thor Guard designers recommended the installation of warning horns and strobe lights at the following locations:
 - Lake House / Beach
 - West Peninsula Trails / Fishing Areas
 - South Shoreline

The three installation areas are depicted below and will provide adequate warning coverage for the entire property. Patrons utilizing the north lake, the south lake, and all hiking trails will hear the warning horn.



The bid documents specified a Thor Guard integrated lightning prediction and warning system. This specific brand was recommended for two reasons. First, unlike other systems, the Thor Guard system is a “lightning prediction system”. This means that it will warn staff and patrons of conditions that precede an actual lightning strike. Other systems will only detect lightning if it actually exists, not before it occurs. Second, Thor Guard is a tested system that is utilized by numerous park districts, beaches, golf courses, and pools. The following organizations utilize Thor Guard Equipment:

- Crystal Lake Park District
- City of Woodstock
- Village of Algonquin
- Huntley Park District
- Lake County Forest Preserve: Four locations, including Independence Grove.

The breakdown of the bids received is shown below:

	√ Thor Guard Incorporated	Carey Electric Contracting	Associated Electrical Contractors
Equipment and Materials	<i>\$19,075</i>	\$21,926	\$24,595
Installation and Performance Bond	<i>\$2,850</i>	\$4,260	\$4,219.50
Total	<i>\$21,925</i>	<i>\$26,186</i>	<i>\$28,814.50</i>
*Alternate – Wood Posts	<i>No bid</i>	\$1,550	\$3,550

√ - Indicates lowest responsive and responsible bidder

* The City included an alternate for the installation of the wooden posts for the two remote warning horns and strobes. However, after receiving the bid pricing, the City can more economically utilize another contractor to install the wooden posts.

Recommendation:

The City Manager’s Office has reviewed all bids received for completeness and accuracy in accordance with the Invitation to Bid document and has checked references. The lightning prediction system is budgeted in the FY 2010/2011 Three Oaks Recreation Area Capital Fund budget. Funding is provided from Series 2009 bond proceeds. It is staff’s recommendation to award the contract for a lightning prediction system to Thor Guard Incorporated, in the total bid amount of \$21,925 and approve up to 10 percent in justifiable contract amendments from a contingency allowance.

Votes Required to Pass:

Simple majority vote of the City Council.



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a contract for a lightning prediction system between the City of Crystal Lake and Thor Guard Incorporated in the amount of \$21,925. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED this 6th day of July, 2010

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED:
APPROVED:



Agenda Item No: 20

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	July 6, 2010
<u>Item:</u>	Three Oaks Recreation Area Concessions
<u>Staff Recommendation:</u>	Discussion Only
<u>Staff Contact:</u>	Eric T. Helm, Deputy City Manager

Background:

As the Council is aware, the City publically opened proposals for the concession service at the Three Oaks Recreation area in April 2010. The request for proposal was mailed to Crystal Lake area restaurants and publically advertised. The City received proposals from five interested restaurants/businesses. The request for proposal document is attached for your review and is summarized below:

- **Lease Term:** September 2010 – October 2014. A three year lease is offered since the concession provider will need to purchase equipment.
- **Lease Rent:** The proposer was allowed to submit a rent based on a flat yearly fee or percentage of gross sales.
- **Concession Provider Responsibility:** The provider shall supply the following:
 1. Pay all Real Estate Taxes.
 2. Provide food preparation equipment, including the outside grill, fryers and food storage items.
 3. Pay all utilities, including gas, electric, refuse and water/sewer.
 4. Clean patio and maintain the kitchen exhaust hood.
- **City Responsibility:** The City would provide the following:
 1. Grant exclusive concession rights to the provider for the building area. Patrons would still be allowed to bring food into the picnic areas and beach.
 2. Provide accessory equipment such as freezers, sinks, and tables. The cost for these items were included in the bid for the construction of the facility.
 3. Provide general HVAC and building maintenance.

As part of the evaluation process, City Staff reviewed each proposal and interviewed each submitter. Summarized on page two are the potential advantages/strengths of each provider.

<u>Provider</u>	<u>Advantages / Strengths</u>
Culvers	<ul style="list-style-type: none"> • Local provider. • Has 7 years of restaurant experience • Offers a well known “national” brand. • Based on submittal documents, successfully operates a restaurant in Crystal Lake. • Based on submittal menu, will offer food at an affordable price.
Nick’s Pizza	<ul style="list-style-type: none"> • Local provider. • Has 15 years of experience. • Based on submittal documents, successfully operates a restaurant in Crystal Lake and Elgin • Provides pizza.
GG Food Service	<ul style="list-style-type: none"> • Has 20 years of experience, which is most among the providers. • Based on submittal documents, successfully operates two concession operations that are conceptually similar to the proposed Three Oaks Recreation Area concession service. • Based on submittal menu, will offer food at an affordable price. • Will offer the City the highest percentage of gross sales as rent.
Galloway’s	<ul style="list-style-type: none"> • Local provider • Based on submittal documents, successfully operates a restaurant in Crystal Lake. • Based on submittal menu, offers the most diverse food/beverage items. • Will offer the City the highest flat/fixed amount as rent.
Trax Depot	<ul style="list-style-type: none"> • Local provider. • Based on submittal documents, successfully operates two coffee/breakfast/lunch stands in the Crystal Lake and Woodstock train stations. • Provides wide variety of coffee specialty drinks/smoothies.

Evaluation Criteria

In the RFP, the City indicated that the proposals would be evaluated on the following:

1. Years of Experience
2. Quality of Food Service
3. Proposed Compensation
4. Suggested Menu
5. Proximity or Availability of Services
6. Quality, Efficiency or Service, Willingness to enter into an acceptable lease with the City.

Attached is a summary of the proposals, as presented at the June 22, 2010 Council Workshop.

	Exp	Quality/Service./ Menu (sample items given below)	Compensation to City	Proximity of Services	Agree to Lease Lang.
<u>Trax Depot</u> Submitted full proposal	4 Yrs	\$4.15 Cheeseburger \$1.50 Pretzels No combo meal shown \$4.25 Coffee Drinks	2010-2011: 8% 2012: 9% 2013-2014: 10%	Crystal Lake Support Operation	Yes
<u>Culvers</u> <i>Did not</i> submit full proposal	7 Yrs	\$4.59 Cheeseburger/ combo \$1.59 Pretzels \$1.89 Ice Cream	2010-2011: 7.5% 2012: 8% 2013-2014: 8.5%	Crystal Lake Support Operation	Yes
<u>Nick's Pizza</u> Submitted full proposal	15 Yrs	\$8.75 Cheeseburger/ combo – no drink \$2.25 Pretzels \$7.00 - \$8.50 Pizza slices	2010-2014: 7%	Crystal Lake Support Operation	<i>Conditional;</i> Request kitchen change and lease rider
<u>GG Food Service</u> Submitted full proposal	20 Yrs	\$5.00 Cheeseburger/ combo \$2.50 Pretzels \$6.00 Buffalo Wing combo	2010: \$1,500 min or 10%, whichever is greater 2011-2014: \$5,000 min. or 10%, which- ever is greater	West Chicago Support Operation	Yes
<u>Galloway's</u> Submitted full proposal	1 Yr.	\$9.00 Cheeseburger/ combo \$2.25 Pretzel \$5.55 - \$5.95 subs	2010: \$1,750 2011: \$7,000 2012: \$7,200 2013: \$7,400 2014: \$7,600	Crystal Lake Support Operation	Yes