



#2010-47
Spirit Halloween
Project Review for Planning and Zoning Commission

Meeting Date:	August 4, 2010
Zoning Requests:	Land Use Variation from Article 2, of the Unified Development Ordinance, to allow a Halloween Store, classified a Temporary Retail Use/Activity as a Permitted Use in the “B-2” district.
Location:	5500 Northwest Highway (Pier 1 building)
Acreage:	9,391 sq. ft.
Existing Zoning:	“B-2 PUD” General Commercial Planned Unit Development
Surrounding Properties:	North: “B-2 PUD” General Commercial Planned Unit Development South: “B-2 PUD” General Commercial Planned Unit Development East: “B-2 PUD” General Commercial Planned Unit Development West: “B-2 PUD” General Commercial Planned Unit Development
Staff Contact:	Elizabeth Maxwell 815.356.3615

Background:

The City Council adopted the Unified Development Ordinance (UDO) on April 21, 2009, which became effective on July 21, 2009. The UDO defines a Temporary Retail Use/Activity as “a use or activity that operates or locates with an intention of operating for no more than four months in a year. Retail uses that request temporary signage for a specific use located on a property without requesting permanent signage for the use shall be deemed as Temporary Retail Uses/Activities. Temporary retail activity conducted on a property associated with a permanent retail use shall not be considered a temporary retail use/ activity. Outdoor temporary retail activity associated with a permanent retail use may require a temporary use permit according to the provisions of this Ordinance.” A Temporary retail use/activity is specifically prohibited through the UDO, primarily to encourage year-round stores to locate in vacant storefronts as well as recognizing existing stores in the community that retail the same products.

The petitioner’s request for a Halloween store at 5500 Northwest Highway (former Pier 1 location) that would retail Halloween costumes and decorations is considered a temporary retail use and so requires a Use Variation.

Land Use Analysis:

Zoning District

The petitioners are requesting to locate the Halloween store at the location of the former Pier 1 building. This site is currently zoned B-2 PUD General Commercial, which allows for general retail uses.

Signage

The building is permitted 75 square feet of signage for any 1 sign and a total of 150 square feet for the entire building. The petitioners are requesting a banner wall sign on the front of the building at 4 feet by 18 feet for a total of 72 square feet of signage. Additional signage of similar design can also be requested, provided they do not exceed the overall 150 square feet. The banner design is illustrated below.



Findings of Fact:

USE VARIATION

The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Zoning Ordinance requirements. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

No specific standards are spelled out in the Unified Development Ordinance for granting use variations. However, it is recommended that the Planning and Zoning Commission and City Council first determine and record their findings that the evidence justifies the conclusions that:

- The property cannot be used for purposes permitted in the zoning district without the requested variance;

- The proposed use would not alter the essential character of the area in which the property is located;
- The proposed use will not reasonably diminish the value of adjacent property;
- The proposed use will not unreasonably increase the congestion in the public streets or otherwise endanger public safety; and
- The proposed use is in harmony with the general purpose and intents of the Unified Development Ordinance.

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 hardship is found, staff suggests that the following as conditions of the approval of the Use Variation at 5500 Northwest Highway:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application packet including sign information (Chiappetta, received 7/19/10)
- 2) The banner wall signs shall not exceed 75 square feet in size and the building shall not contain more than 150 square feet of signage. Window signs shall not exceed 25% of the overall glass storefront area.
- 3) All signs are required to comply with the requirements of Article 4-1000 in the Unified Development Ordinance and obtain building permits.
- 4) All retail signs associated with this use are required to be taken down or replaced with a blank sign panel by November 15th. If not, sign penalties will apply anytime after November 15th.
- 5) The point of sale for all sales tax transactions shall be noted as the City of Crystal Lake.
- 6) The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

City of Crystal Lake Development Application

Office Use Only
File # _____ **47 2010**

Project Title: _____

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JUL 19 2010

Action Requested

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

Petitioner Information

Name: Spirit Halloween
Address: 6826 Black Horse Pike
Egg Harbor Township, NJ 08234
Phone: 815-529-3556
Fax: _____
E-mail: Lyle.Chiappetta@spirit
Halloween.com

Owner Information (if different)

Name: _____
Address: _____
Phone: _____
Fax: _____
E-mail: _____

Property Information

Project Description: Former Pier One as is to be used as a
temporary Halloween store selling Halloween costumes
and decor - no candy

Project Address/Location: 5500 Northwest Highway (Rt 14)
Crystal Lake, IL 60014

PIN Number(s): _____

Development Team

Please include address, phone, fax and e-mail

Developer: Spirit Halloween 6826 Black Horse Pike, Egg Harbor Township NJ 08234

Architect: _____

Attorney: _____

Engineer: _____

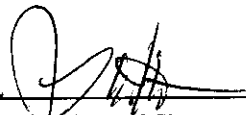
Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: Lyle Chiappetta 338 W. Main St Cary IL 60013

Signatures

Lyle Chiappetta  7/8/10
PETITIONER: Print and Sign name (if different from owner) Date

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

OWNER: Print and Sign name Date

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



Inland Commercial Property Management, Inc.

July 12, 2010

Spirit Halloween Superstores, LLC
6826 Black Horse Pike
Egg Harbor Township, NJ 08234

RE: Tenant Acknowledgment
Spirit Halloween – Temporary Tenant
5500 Northwest Highway
Bohl Farm Marketplace
Crystal Lake, Illinois

Dear Sirs,

This letter is to acknowledge that we are leasing to Spirit Halloween Superstores, LLC from August 12, 2010 to November 12, 2010 and they are using the space as the temporary display and retail sale of Halloween costumes, accessories, masks, make-up, décor, candy and related items.

We understand that you have applied for a special variance for temporary stores with the City of Crystal Lake.

Sincerely,

INLAND COMMERCIAL PROPERTY MANAGEMENT, INC.

Pamela Daniels
Property Manager

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PUBLIC NOTICE

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

**IN THE MATTER OF THE APPLICA-
TION OF Lyle Chiappetta**

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Lyle Chiappetta, on behalf Spencer Gifts, for Spirit Halloween, relating to the following described real estate commonly known as 5500 Northwest Highway (Route 14), Crystal Lake, Illinois 60014, PIN: 19-04-452-002.

This application is filed for the purposes of seeking a use variation from Article 2, Land Uses of the Unified Development Ordinance to allow a Halloween store as a temporary retail use at the above-mentioned location.

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday August 4th, 2010, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
July 17, 2010)

 **SPIRIT** **HALLOWEEN**

FOR
LEASE
520.927.5454

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