



**#2011-17**  
**Retake Resale**  
**Project Review for Planning and Zoning Commission**

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<b>Meeting Date:</b>	April 20, 2011
<b>Zoning Requests:</b>	Land Use Variation from Article 2 of the UDO, to allow a Resale store, classified a Used Merchandise Store as a Permitted Use in the “B-1” district.
<b>Location:</b>	19 E. Berkshire Drive
<b>Acreage:</b>	Site: 0.97 acres; Tenant Space: 4,800 square feet
<b>Existing Zoning:</b>	“B-1” Neighborhood Commercial
<b>Surrounding Properties:</b>	North: “B-2” General Commercial South: “R-2” Single-Family Residential (Canterbury Elementary) East: “B-1 PUD” Neighborhood Commercial PUD West: “R-2” Single-Family Residential
<b>Staff Contact:</b>	Latika Bhide 815.356.3615

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**Background:**

The property in question is an approximately 4,800-square-foot tenant space in a multi-tenant shopping center located at 19 E. Berkshire Drive. The property is zoned “B-1”, Neighborhood Commercial. The petitioner is requesting a use variation to allow a used merchandise store at this location that will retail clothing, housewares, furniture and accessories. The other tenants at this location include the White Hen Pantry and Summers Academy of Dance.

**Land Use Analysis:**

The petitioners are requesting to locate a resale store, at this location. Per the Unified Development Ordinance (UDO), resale stores, classified as a Used Merchandise stores, are permitted as a Limited Use in the “B-2” General Commercial and “B-4” Downtown Business districts. Therefore, a use variation is being requested to allow this use at this location. The petitioner has indicated that there will be no outside display or sale of merchandise or donation boxes for drop-off located outside.

A Special Use Permit was previously granted in 1994, to locate a resale and consignment shop in this shopping center. It should also be noted that the adjoining Coventry Plaza is zoned “B-1

PUD”. The PUD Ordinance states specific uses in addition to the uses allowed in the “B-1” district. One of the additional uses allowed in Coventry Plaza is “resale shops”. Since it was determined at the time of the Coventry Plaza PUD (and subsequent amendments) that a resale shop would not have a negative impact on surrounding properties, a resale shop at the location in question would also appear to have a negligible impact.

There is adequate parking on-site. Additionally, there is a joint parking agreement with the owners of Coventry Plaza to permit customers of both buildings to use the entire parking area.

Where a Used Merchandise store is permitted as a Limited Use, the UDO outlines the following standards that must be met:

- a. Location: Used Merchandise stores must be located more than 1,000 feet from an existing similar use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.  
*There are no used merchandise stores within 1,000 feet of the proposed location.*
- b. Outdoor display: Outdoor display, storage, and sales of items is not permitted.  
*The petitioner has indicated that there will be no outdoor display, storage and sales of merchandise.*
- c. Police inspection: Records of all items received and sold shall be kept and shall be made available during regular business hours for inspection by the Police Department.  
*The petitioner has indicated that records will be maintained of all items received and sold.*

**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 its findings that the evidence justifies the conclusions that:

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

Meets  Does not meet

The proposed use would not alter the essential character of the area in which the property is located;

Meets  Does not meet

The proposed use will not reasonably diminish the value of adjacent property;

Meets  Does not meet

The proposed use will not unreasonably increase the congestion in the public streets or otherwise endanger public safety; and

Meets  Does not meet

The proposed use is in harmony with the general purpose and intents of the Unified Development Ordinance.

Meets  Does not meet

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the Variation be denied.

**Recommended Conditions:**

If a hardship is found, the following conditions are recommended:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
  - A. Development Application, received 3-31-11
  - B. Floor Plan, received 3-31-11
- 2) The petitioner shall work with staff to ensure that any dumpsters or trash areas shall be appropriately enclosed.
- 3) All donations must be secured and cannot be stored outdoors. All receipt, sorting and processing of goods shall occur within the building.
- 4) Sign permits are required for all exterior signage and all signage (including any window signage) must meet the requirements of the Unified Development Ordinance.
- 5) The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

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# City of Crystal Lake Development Application

Office Use Only  
File # \_\_\_\_\_

Project Title: Retake Kesale Shop

RECEIVED  
MAR 31 2011  
BY: \_\_\_\_\_

### Action Requested

- Annexation
- Comprehensive Plan Amendment
- Conceptual PUD Review
- Final PUD
- Final PUD Amendment
- Final Plat of Subdivision
- Preliminary PUD
- Preliminary Plat of Subdivision
- Rezoning
- Special Use Permit
- Variation (USE)
- Other

### Petitioner Information

Name: Christine Gardner  
 Address: 712 Juniper Lane  
 Phone: 815-451-4292  
 Fax: \_\_\_\_\_  
 E-mail: Christinedae.gardner@yahoo.com

### Owner Information (if different)

Name: GEORGE RAPAIOS  
 Address: 4036 MILLER DR  
GREENVIEW IL 60026  
 Phone: 773-991-8894  
 Fax: 773-277-5953  
 E-mail: \_\_\_\_\_

### Property Information

Project Description: Resale shop to sell used clothing, housewares, furniture, accessories. We have a lower and upper level the upper level is used for storage no customer access and that is 2000 sqft, and lower level is where resale shop will be and that is 2800 sqft.

Project Address/Location: 19 E Berkshire Dr Unit 5:6  
Crystal Lake, IL 60074

PIN Number(s): 19-08-426-006

**Development Team**

Please include address, phone, fax and e-mail

Developer: \_\_\_\_\_

Architect: \_\_\_\_\_

Attorney: \_\_\_\_\_

Engineer: \_\_\_\_\_

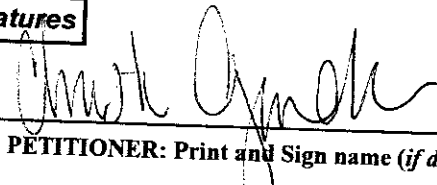
Landscape Architect: \_\_\_\_\_

Planner: \_\_\_\_\_

Surveyor: \_\_\_\_\_

Other: \_\_\_\_\_

**Signatures**

 Christine Gardner 3-31-11  
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.

GEORGE RADALIS  3-31-11  
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.

**PUBLIC NOTICE**

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

IN THE MATTER OF THE APPLICATION OF CHRISTINE GARDNER ON BEHALF OF RETAKE RESALE SHOP

**LEGAL NOTICE**

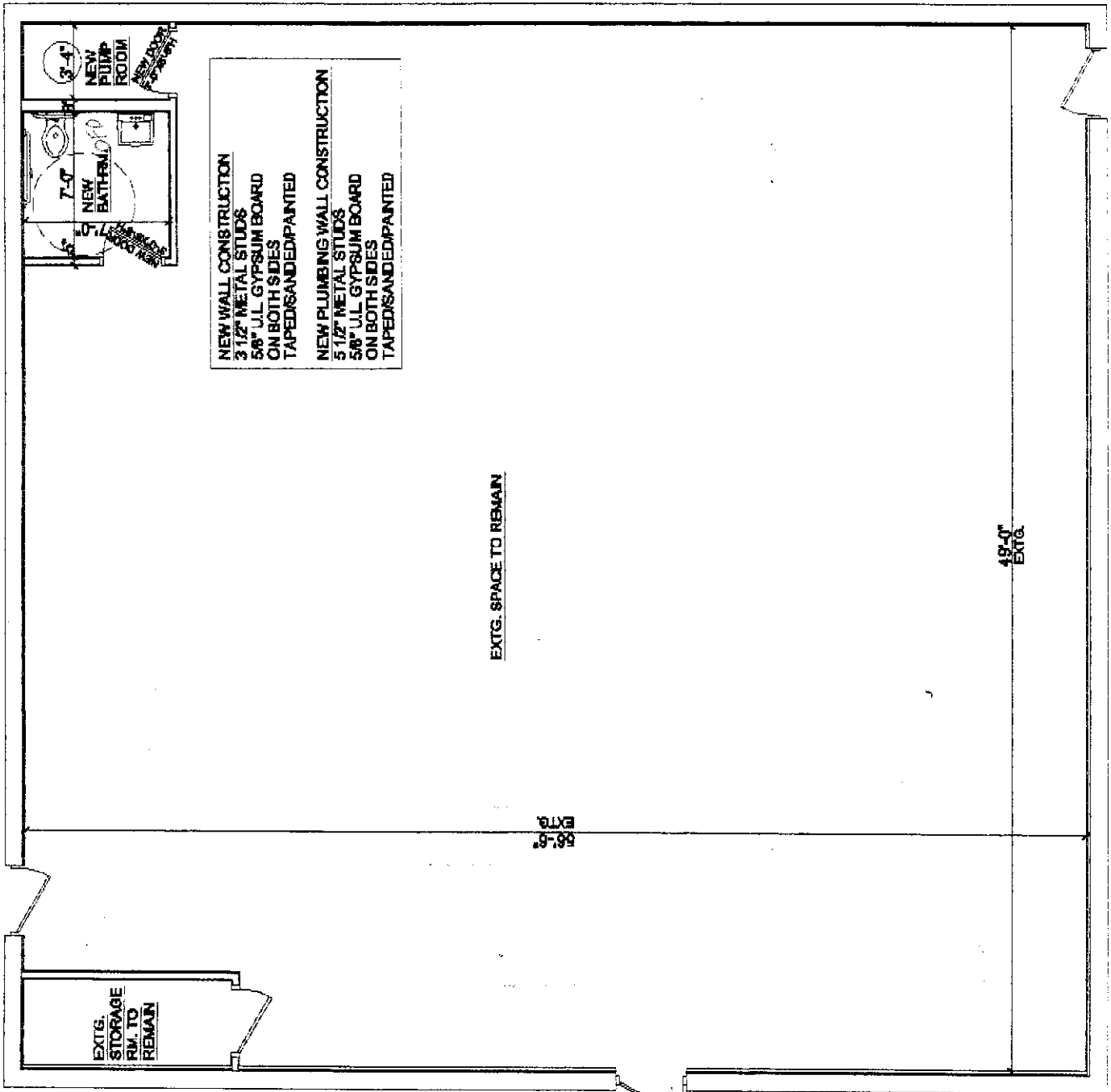
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Christine Gardner on behalf of Retake Resale Shop relating to the following described real estate commonly known as 19 E Berkshire Drive, Crystal Lake, Illinois 60014 PIN: 19-08-426-006.

This application is filed for the purposes of seeking a Use Variation from Article 2, Land Use of the UDO to allow a Used Merchandise Store in the "B-1" Neighborhood Commercial district at the above-mentioned location; as well as any other variations that may be necessary to allow the plans as presented. Plans for this project can be viewed at the City of Crystal Lake Planning and Economic Development Department at City Hall.

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday, April 20, 2011, 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  
April 5, 2011)

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