



#2012-31 Twin Ponds Marketplace – Home Depot Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	May 2, 2012
<u>Request:</u>	Final PUD Amendment allowing outside storage, sales and display.
<u>Location:</u>	4447 Northwest Highway (Twin Ponds Marketplace)
<u>Acreage:</u>	Home Depot space 112,672 square feet
<u>Zoning:</u>	B-2 PUD General Commercial Planned Unit Development
<u>Surrounding Properties:</u>	North B-2 PUD (Multi-tenant inline retail) South B-2 PUD (Holiday Inn) East R-3B PUD (Oakbrook Terrace) West B-2 General Commercial (PetsMart and HH Gregg)
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- Twin Ponds Marketplace received final approval in 1996.
- Home Depot has been one of the original tenants within this shopping center.
- Each year Home Depot requests a Temporary Use Permit to allow the outdoor storage, sales and display of seasonal or large items. This PUD Amendment, if approved, would permit those displays eliminating the need for the TUP.
- This request will also allow for the outdoor storage of rental trucks. These are Penske trucks that can be rented by customers to deliver large items to their homes.

Findings of fact:

Final Planned Unit Development Amendment

The petitioner is requesting approval of a Final Planned Unit Development Amendment to allow outdoor storage, sales and display. Outdoor storage, sales and display is allowed within the City according to Limited Use Criteria. Since this petition cannot meet all of the criteria, the request becomes a Special Use Permit. The criteria are listed below:

For all uses for Outdoor Display & Sales, Service and Storage

- a. In no instance shall outside display and sales, storage or service of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of the use(s) on the property.

Meets Does not meet Not applicable

Home Depot has adequate parking to meet the needs of the customers while allowing for outdoor storage within the parking area.

- b. Where sidewalks are present, an unobstructed portion of sidewalk measuring not less than 6 feet shall be continuously maintained for pedestrian access and no point of access or egress from any property or any individual unit within any property shall be blocked at any time.

Meets Does not meet Not applicable

Outdoor Storage

(Definition: The keeping in an unroofed area, of any goods, materials, merchandise or vehicles in the same place for more than 24 hours, except areas solely designated for garbage or trash for a particular use)

- a. Up to 2 vehicles that are used in the normal day-to-day operation of a business are exempt from being treated as outdoor storage as long as long as the vehicles are located in the rear of the property (not visible from the right-of-way except local streets and alleys).

Meets Does not meet Not applicable

Home Depot is storing Penske vehicles for rent on the site. There are more than 2 vehicles on site and they will be stored in front of the store on the east side partially screened by a fence. This is why they are requesting the Special Use Permit.

- b. 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.

Meets Does not meet Not applicable

- c. Excepting outdoor display areas, building supplies or construction equipment, including lumberyards, home improvement sales and services, tool and equipment sales or rental establishments is treated as storage.

Meets Does not meet Not applicable

- d. Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.

Meets Does not meet Not applicable

- e. Cart corrals are not considered outdoor storage; however their location shall be delineated on permit plans and approved by staff.

Meets Does not meet Not applicable

- f. Donation, drop boxes or similar appurtenances are prohibited as outdoor storage.

Meets Does not meet Not applicable

Outdoor Display and Sales

- a. Outdoor display and sales are limited to 15 percent of the total floor area and 1/3rd the length of the façade (along which the display is located) of the use requesting the outdoor display and sales. Automobile dealers, other vehicle dealers and rental and leasing services, lumberyards and nurseries are exempt from the percent and length limitation.

Meets *Does not meet* *Not applicable*

- b. Where outdoor display is located adjacent to a building, an unoccupied area of not less than 3 feet in width shall be provided for pedestrian access between any outside display and vehicle overhang areas of any adjacent parking lot.

Meets *Does not meet* *Not applicable*

- c. Outdoor display and sales is limited to items normally produced or sold in the principal structure on the property during business hours only.

Meets *Does not meet* *Not applicable*

- d. Inventory cannot be displayed or stored in landscape areas or buffers; in the public right-of-way or on private access roads; in parking spaces or on elevated pads, ramps and similar structures.

Meets *Does not meet* *Not applicable*

The materials will be stored within the parking area.

- e. Inventory must be setback at least 20 feet from adjacent residential properties.

Meets *Does not meet* *Not applicable*

- f. Propane Tanks: Twenty pound propane tanks are permitted, provided the tanks are stored in a locked storage container, no more than 1 storage container per property and the storage container does not exceed 50 cubic feet and 6 feet in height and complies with all applicable fire and safety codes, is located to allow at least 3 feet of clearance for pedestrian traffic and advertising is limited to 1 square foot.

Meets *Does not meet* *Not applicable*

- g. The short-term sale of agricultural products that are seasonal in nature, including but not limited to produce, nursery stock, Christmas trees, pumpkins, farmers' markets, and other similar products as qualified by the Zoning Administrator are subject to the approval of a Temporary Use Permit. Please refer to Section 2-500, Temporary Use Criteria of the UDO.

Meets *Does not meet* *Not applicable*

- h. For purposes of these guidelines, the term "Outdoor Vending Machine" is any self-contained or connected appliance, machine, and/or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service. Newspaper racks, pay telephones, air pumps, vacuum machines and automatic teller machines are not considered or regulated as vending machines. Outdoor vending

machines shall be located within a clearly delineated, contained, architecturally screened area designated for such machines. Decorative structures, such as, but not limited to, screen walls, trellises, columns, and roof covers, shall be used to contain the vending machine area if the existing architecture or building form does not already establish a contained location. The location of outdoor vending machines shall be coordinated with the architecture of the building. The vending machine or machines shall not cover up or obscure existing architectural features, such as, but not limited to, windows, landscape planters, and decorative trim. Please contact the City Manager’s Office for further information on license requirements for vending machines.

Meets *Does not meet* *Not applicable*

- i. No gas station shall engage in the display or sale of garden or household supplies or other retail items outside the main structure. Any outdoor vending machines must meet the criteria provided in sub-section (h) above. Sale of incidental auto-related items is limited to 15 percent of the total floor area and 1/3 the length of the façade (along which the display is located)

Meets *Does not meet* *Not applicable*

Recommended Conditions:

A motion to recommend approval of the Final Planned Unit Development Amendment, and the following conditions are recommended:

- 1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Greenberg Farrow, received 4/24/12)
 - B. Site Plan (Greenberg Farrow, dated 4/18/12, received 04/24/12)
- 2. The dates and locations of the materials stored outside shall be as illustrated on the site plan.
- 3. Fenced area in parking lot:
 - A. All items stored/displayed in the parking lot area shall have some type of barrier around the entire perimeter. The barrier shall not be permanently fixed to the parking lot pavement but must be removable in nature.
 - B. Ensure 19-foot long parking stalls are maintained along the west side of the closed off area.
 - C. The drive-through lane for mulch, stone, etc. pickup shall be one-way with patrons entering from the south (entrance closest to the building). Two “No-Entry” signs shall be temporarily placed on the north side of the aisle accessible from the center drive aisle adjacent to Retail B.
 - D. Signs shall be posted alerting drivers of pedestrians crossing the drive isle to get to and from the building and fenced-in display area in the parking lot.
 - E. The fenced area in the parking lot shall contain trees, bushes, and bagged goods only. The smaller items such as annuals, perennials and hanging baskets shall be displayed in the garden center or in the area against the garden center wall. No displays are permitted outside of the fenced area in the drive aisles or landscape areas.

- F. Inventory cannot be displayed or stored in landscape areas or buffers, in the public right-of-way or on private access roads, or on elevated pads, ramps and similar structures.
- 4. Front of building between main entrances and garden center:
 - A. Tables, carts and other display items may not be placed directly adjacent to the parking/fire lane. An unoccupied area of not less than 3 feet in width shall be provided for pedestrian access between the outside display and fire lane. Displays shall not be located within, nor encroach upon, a fire lane or maneuvering aisle.
- 5. East side of garden center:
 - A. Storage along the side of the garden center shall be limited to live goods, mulch, bagged items and empty plant racks only.
- 6. The site shall remain clear of debris at all times. Seasonal clean up of items shall occur immediately after removing such items from their outdoor storage locations.
- 7. The outdoor storage of rental vehicles shall be limited to the eastern row of parking spaces adjacent to the existing fence or along the eastern side of the drive aisle east of the building.
- 8. Access to the Fire Rescue Department connections and any fire hydrants cannot be blocked.
- 9. Displays cannot block any required egress doors from the building.
- 10. The conditions of the original approval ordinance #3930 shall remain applicable unless modified by this request.
- 11. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue and Planning and Economic Development Departments.

**City of Crystal Lake
Development Application**

Office Use Only
File #: 312012

Project Title: HOME DEPOT - PENSKE TRUCK RENTAL & SEASONAL SALES

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 checked="" type="checkbox"/> Final PUD Amendment | <input type="checkbox"/> Variation |
| <input type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Other |

RECEIVED
APR 24 2012
BY:

Petitioner Information

Name: MIKE ROACH / GREENBERG FARROW
Address: 21 S. EVERGREEN AVE., STE. 200
ARLINGTON HEIGHTS, IL 60005
Phone: 847.788.9200
Fax: 847.788.9536
E-mail: mroach@greenbergfarrow.com

Owner Information (if different)

Name: BEVERLY METZ / HOME DEPOT
Address: 3800 W. CHAPMAN AVE.
ORANGE, CA 92868
Phone: 714.940.3569
Fax: 714.940.3579
E-mail: beverly-metz@homedepot.com

Property Information

Project Description: PROPOSED PUD AMENDMENT TO ALLOW PENSKE TRUCK RENTAL USE, PARKING AREAS FOR 6 PENSKE TRUCKS, AND SEASONAL SALES AREAS AROUND BUILDING EXTERIOR & IN PARKING LOT.

Project Address/Location: 4447 U.S. HIGHWAY 14 NORTHWEST HWY
CRYSTAL LAKE, IL 60014

PIN Number(s): 19-10-201-006

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: GREENBERG FARROW/MIKE ROACH - SEE "PETITIONER"
2455 PACES FERRY RD. T: 770.433.8211
Attorney: JENNIFER EVANS/HOME DEPOT ATLANTA, GA 30339 F: 770.384.3042
Jennifer.M.Evans@homedepot.com

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

MIKE ROACH/GREENBERG FARROW Mike Roach 4.20.12
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.
Home Depot U.S.A., Inc. Jennifer M. Evans 4/19/12
OWNER: Print and Sign name Attorney 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.

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RECEIVED
APR 24 2012
BY:

MC HENRY COUNTY RECORDER
PHYLLIS K. WALTERS

2008R0054793

10/22/2008 03:54PM PAGES 6
RECORDING FEE 34.00
COUNTY STAMP FEE 5136.00
STATE STAMP FEE 10272.00
RHSPS HOUSING FEE 10.00

RECORDED AT THE REQUEST OF:

First American Title Insurance Company
National Commercial Services

File No. 362871IL2

**WHEN RECORDED MAIL THIS
SPECIAL WARRANTY DEED TO:**

Robert H. Nagle, Esq.
Nagle Law Group, P.C.
4530 East Shea Boulevard, Suite 140
Phoenix, Arizona 85028

MAIL TAX STATEMENTS TO:

Home Depot U.S.A., Inc.
Property Tax Dept. No. 1920
P.O. Box 105842
Atlanta, GA 30348-5842

STATE & COUNTY TAX	STATE OF ILLINOIS	727 # 0000042372	REAL ESTATE TRANSFER TAX
	OCT. 22. 08		1540800
	MC HENRY COUNTY		FP 351004

(Space Above for Recorder's Use)

Permanent Real Estate Index Number(s): 19-10-201-006

Address of premises: 4447 US Route 14, Crystal Lake, IL

SPECIAL WARRANTY DEED

STATE OF ILLINOIS

COUNTY OF McHENRY

THIS INDENTURE, made as of October 15, 2008, between Credit Suisse Leasing 92A, L.P., a Delaware limited partnership ("Grantor"), whose mailing address is 11 Madison Avenue, 19th Floor, New York, New York 10010, and Home Depot U.S.A., Inc., a Delaware corporation ("Grantee"), whose mailing address is 2455 Paces Ferry Road, Atlanta, Georgia 30339.

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit "A" attached hereto and made a part hereof (the "Property").

First American Title Order # 362871IL2

HV 3 of 3 DEC

FA

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

This Deed and the warranty of title contained herein are made expressly subject to the list of permitted exceptions set forth on Exhibit "B" attached hereto and made a part hereof.

GRANTOR will warrant and forever defend the right and title to the Property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

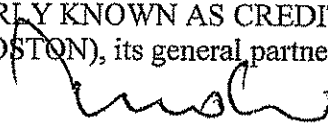
IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.


GRANTOR:

CREDIT SUISSE LEASING 92A, L.P., a Delaware limited partnership

Cayman Islands

By: CREDIT SUISSE, ~~NEW YORK~~ BRANCH
(FORMERLY KNOWN AS CREDIT SUISSE
FIRST BOSTON), its general partner


By: 
Name: KARL M STUDER
Title: DIRECTOR

By: 
Name: Jay Chall
Title: Director

STATE OF NEW YORK)
) ss.
County of NEW YORK)

On the 2nd day of OCTOBER, in the year 2008 before me, MARJORIE BULL, the undersigned, personally appeared KARL STODER - DIR. and JAY CHAN - DIR., personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or the person upon behalf of which the individuals acted, executed the instrument.

MARJORIE E. BULL
Notary Public, State of New York
No. 01BU6055282
Qualified in New York County
Commission Expires February 20, 2011
My Commission Expires:



Notary Public

2-20-11

EXHIBIT "A" TO SPECIAL WARRANTY DEED

Property

PARCEL 1:

LOT 4 IN TWIN PONDS MARKETPLACE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 16, 1996 AS DOCUMENT NO. 96R47374, IN MCHENRY COUNTY, ILLINOIS.

PARCEL 2:

EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR THE PASSAGE AND PARKING OF VEHICLES AND THE PASSAGE AND ACCOMMODATION OF PEDESTRIANS AS SET FORTH IN THE RECIPROCAL EASEMENT AND OPERATION DECLARATION MADE BY TWIN PONDS DEVELOPMENT L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY, RECORDED SEPTEMBER 30, 1996 AS DOCUMENT 96R050440, OVER AND ACROSS THE LAND DESCRIBED THEREIN.

EXHIBIT "B" TO SPECIAL WARRANTY DEED

PERMITTED EXCEPTIONS

1. Taxes for the years 2008 and subsequent years.
Permanent Index Number: 19-10-201-006
2. Terms, conditions and provisions of the document creating the easement described in Schedule A (see Exception 10 below), together with the rights of the adjoining owners in and to the concurrent use of said easement.
3. Notice by the State of Illinois Department of Public Works and Buildings (Division of Highways) of order establishing a freeway by instrument recorded October 23, 1969 as document 516229 and the provisions contained in said instrument.

(Affects Parcel 2)
4. Notice by the State of Illinois Department of Public Works and Buildings (Division of Highways) of order establishing a freeway by instrument recorded October 23, 1969 as document 516230 and the provisions contained in said instrument.

(Affects Parcel 2)
5. Municipal utility easements, public utility easements and storm water retention easement over and upon that portion of the land as shown on the plat of Twin Ponds Marketplace Subdivision recorded as document 96R047374.
6. Provisions shown on the plat of subdivision prohibiting the installation of trees, shrubs, bushes, (except on the East side of Sands Road), playground equipment, fences, sheds or other buildings and any other type of structure of building on municipal utility easements.
7. Building setback line of 30 feet (from the East lot line) as shown on the plat of Twin Ponds Marketplace Subdivision recorded as document 96R047374.
8. Terms, provisions and conditions of the Maintenance Agreement made by and between JDI Crystal Lake Limited Partnership and Twin Ponds Development L.L.C., dated August 8, 1996 and recorded September 30, 1996 as document 96R050434.

(Affects that part of the land falling within the storm water detention easement shown on the plat of subdivision)
9. Terms, provisions and conditions of the Twin Ponds Marketplace Municipal Utility Maintenance Agreement made by and between the City of Crystal Lake, Twin Ponds Development, L.L.C., Credit Suisse Leasing 92A, L.P., PetsMart, Inc., and Circuit City

Stores, Inc., dated September 30, 1996 and recorded September 30, 1996 as document 96R050484 and also recorded January 17, 1997 as document 97R002659.

(Affects that part of the land designated as "municipal utility easement" as shown on the plat of subdivision)

10. Terms, provisions, covenants, conditions, restrictions and easements contained in the Reciprocal Easement and Operation Declaration ("REA") made by Twin Ponds Development L.L.C., recorded September 30, 1996 as document 96R050440.

Supplement to REA dated October 3, 1996 and recorded October 17, 1996 as document 96R053682.
11. Terms, provisions and conditions of the Agreement made by and between Home Depot U.S.A., Inc., and the City of Crystal Lake recorded April 18, 1997 as document 97R017602, relating to a sewer connection fee.
12. Terms, provisions and conditions of the Agreement made by and between Home Depot U.S.A., Inc., and the City of Crystal Lake recorded April 18, 1997 as document 97R017603, relating to a water connection fee.
13. Terms, provisions and conditions of Twin Ponds Marketplace Fire Hydrant Maintenance Agreement dated September 2, 1997 and recorded October 20, 1997 as document 97R051539.
14. Encroachment of tall one story concrete block building located mainly on the land over and onto property West and adjoining by a distance of between 0.01 feet and 0.15 feet as disclosed by survey made by Jacob & Hefner Associates, Inc., dated June 29, 1998, revised August 27, 1998, as survey order no. B530.
15. Rights of public utility companies to maintain light poles, storm sewer and sanitary sewer as delineated on the plat survey made by Jacob & Hefner Associates, Inc., dated June 29, 1998, revised August 27, 1998, as survey order no. B530.

PROJECT INFORMATION

SITE AREA	ACRES
THE HOME DEPOT	10.93
REMAINDER SHOPPING CENTER	17.87
TOTAL SHOPPING CENTER	28.80

BUILDING AREA

BUILDING	SF	NOT USED	SF
THE HOME DEPOT	112,672		
GARDEN CENTER			
HH GREGG	32,446		
SUPER TRAK	14,250		
PETSMART	26,492		
PEP BOYS	15,000		
RETAIL "A"	12,000		
OFFICE MAX	23,000		
TOTAL	235,860		

PARKING SUMMARY

USER	RATIO REQUIRED	SPACES REQ'D	SPACES PROVIDED
THE HOME DEPOT	4.92 SP/1000 SF	1160	1160
TOTAL		1160	1160

ZONING CLASSIFICATION

JURISDICTION	TBD
EXISTING ZONING	TO BE DETERMINED
REQUIRED ZONING	TO BE DETERMINED

SIGNAGE REGULATIONS

TBV	
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LANDSCAPE REGULATIONS

TBV	
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BUILDING SETBACKS

FRONT	TBV
SIDE	TBV
REAR	TBV

PROJECT NOTES

1. THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING UTILITIES, SIGNAGE, PARKING LANDSCAPE REQUIREMENTS MUST BE VERIFIED.

DRAWING ISSUE/REVISION RECORD

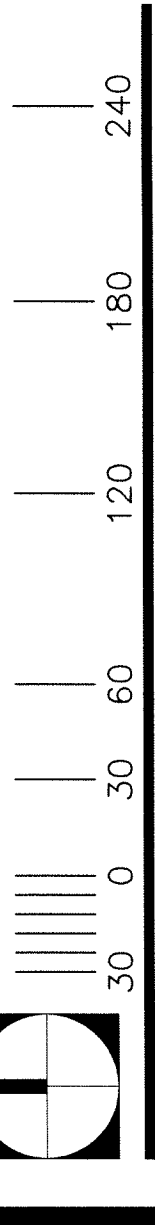
DATE	DESCRIPTION	INITIALS
04/19/12	P.U.D. AMENDMENT	CDB

SITE PLANNER
R. E. MARKET
NON-PROTOTYPE
8X/8X/XX

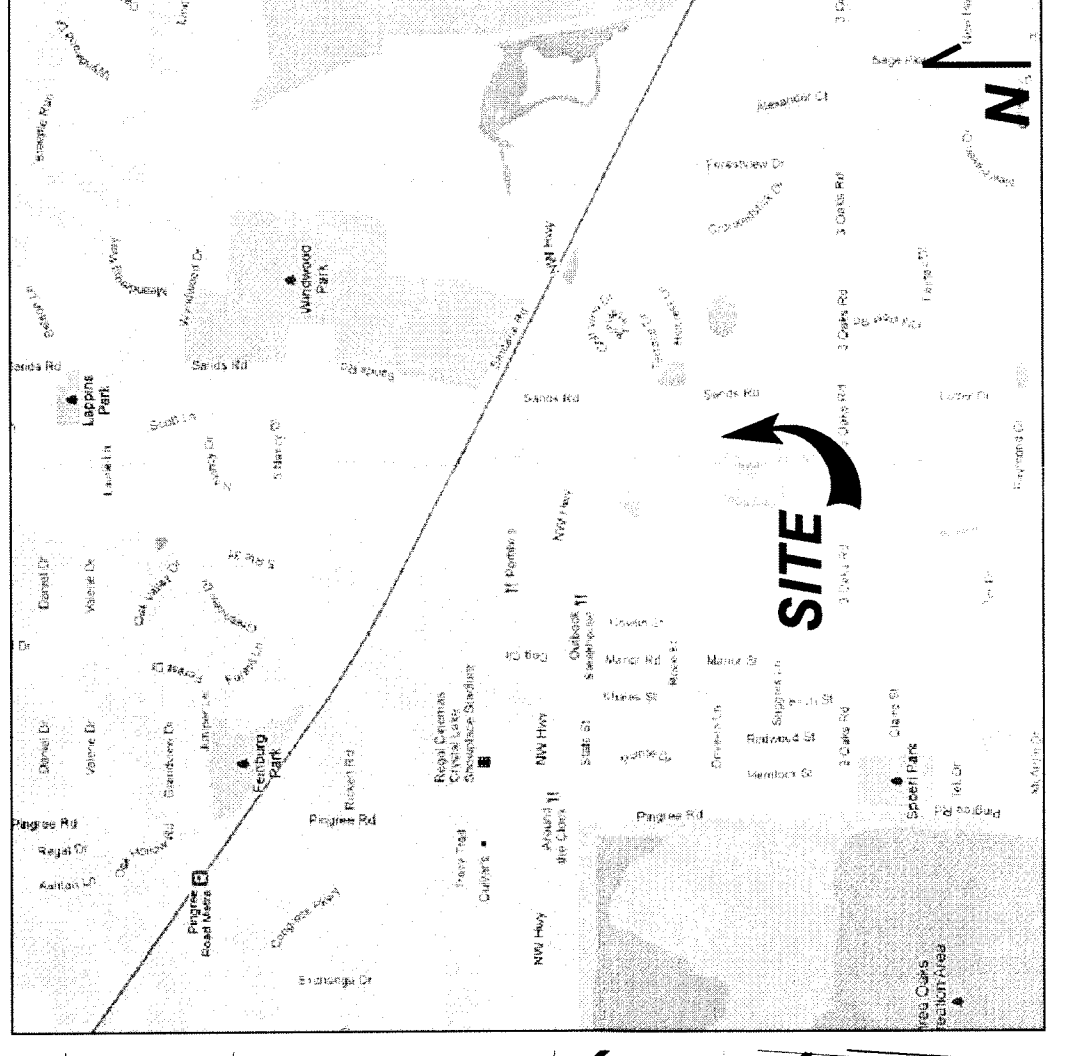
SITE DEV. COORDINATOR
R. E. MARKET
AGENDA
NON-PROTOTYPE
8X/8X/XX

THE HOME DEPOT
CRYSTAL LAKE, IL
TWIN PONDS MARKETPLACE
US ROUTE 14 & SANDS ROAD
CLIENT SITE ID NUMBER: XXXX
GF PROJECT NUMBER: 20120233.0

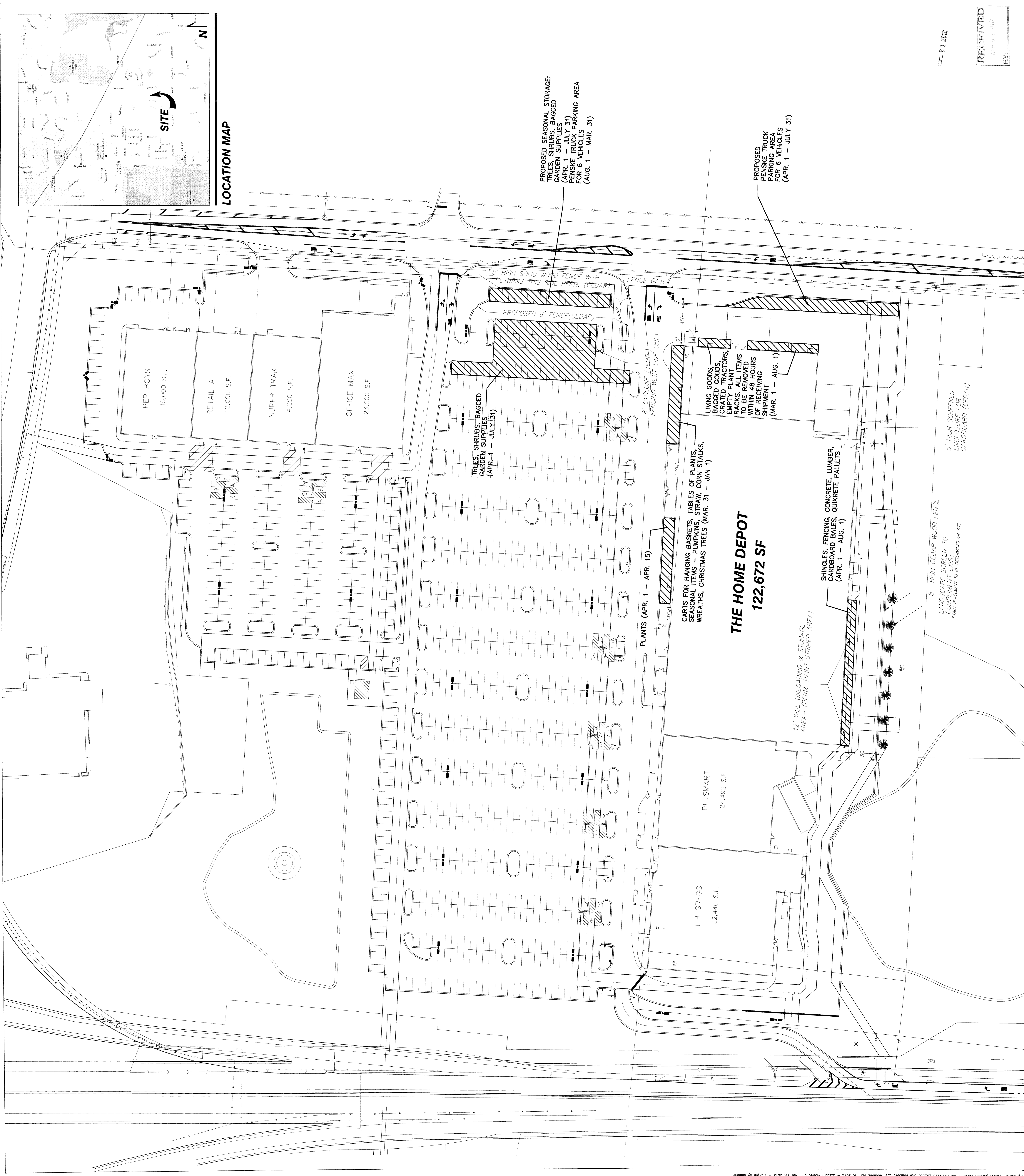
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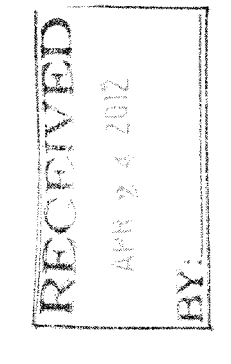
SITE PLAN
EXHIBIT



LOCATION MAP



3.1.2012



THE HOME DEPOT
122,672 SF