



#2012-45 Ashton Pointe Final PUD Amendment Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	July 9, 2010
<u>Request:</u>	Final PUD Amendment to allow a new set of homes plans by Ryland Homes.
<u>Location:</u>	West side of Pingree Road, north of the Union Pacific Railroad
<u>Acreage:</u>	Approximately 36 acres
<u>Zoning:</u>	R-2 PUD Single Family
<u>Surrounding Properties:</u>	North: R-1 (McHenry County) South: R-3B PUD Attached Residence (Ashton Pointe Townhomes) East: R-1 PUD Single Family West: E Estate
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- On April 20, 2004, the City Council approved the Preliminary & Final Plats of Subdivision and the Subdivision Ordinance Variations for the Church Subdivision and the Preliminary Plat of Subdivision and PUD for Ashton Pointe. Through the PUD approval, the house model styles proposed by Ashton Pointe were reviewed and approved.
- In April of 2010, the petitioners requested an amendment to their PUD to allow the lots to be sold individually or in groups to different builders. Ashton Pointe created an Acknowledgement Statement that lists the design criteria for future home construction. Two homes have been built under these criteria.
- The petitioners are requesting a new PUD Amendment in conjunction with Ryland Homes to adopt standard model plans from Ryland Homes.
- All the lots would still need to meet all of the approved engineering plans, subdivision lot sizes and all other PUD requirements.

Land Use Analysis:

- Ashton Pointe is a Planned Unit Development approved for 71 single-family lots. Currently 30 lots have been sold or had a permit requested by Ashton Pointe, leaving 41 lots subject to this amendment.
- The new home plans represent 8 model types, all two story homes with 2 or 3-car garages.
- The homes would range in size from 2405 square feet to 3800 square feet.

- The homes would be faced with vinyl siding and vinyl trim pieces. Some homes would be faced with brick on the front elevation.
- Each home plan has three sets of elevations an “A,” “B,” and “C.”

Other conditions of the original approval that are pertinent to this amendment are:

- Due consideration be given while designing residences on Lots 20 and 25 (Lot 25 already built-upon) to take into account the possibility of the rear façades of these houses facing the entrance of residences on Lots 21 and 24. These façades shall provide a comparable amount of brick or masonry type materials as the front façade. Additional planting shall be provided on these lots to screen any accessory structures (sun rooms, screen porches, etc.).
- Variations from required setbacks shall not be granted for any structures (principal or accessory) on Lots 20 and 25 (Lot 25 already built-upon). This condition shall be included on the Final Plat document and within the Covenants, Conditions and Restrictions document.

Findings of Fact:

Final Planned Unit Development Amendment

The petitioner is requesting approval of an amendment to a Final Planned Unit Development to allow the adoption of new home plans by Ryland Home builders. 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.

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.
2. The use will not be detrimental to area property values.
3. The use will comply with the zoning districts regulations.
4. The use will not negatively impact traffic circulation.
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.
6. The use will not negatively impact the environment or be unsightly.
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.
8. The use will meet requirements of all regulating governmental agencies.
9. The use will conform to any conditions approved as part of the issued Special Use Permit.

10. The use will conform to the regulations established for specific special uses, where applicable.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which represents existing and future residential areas including a combination of single-family and multi-family housing types. The following goals are related to the petitioner's requests:

Land Use

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

This can be accomplished with the following supporting action:

Supporting Action: Encourage a diversity of housing types throughout the city, which satisfy wide-range needs for all persons regardless of age, race, religion, national origin, physical ability and economic level for existing and future city residents.

Housing

Goal: Promote strong neighborhoods by preserving their character and historical significance and ensuring that they are well served by a variety of community facilities and services.

This can be accomplished with the following supporting actions:

Supporting Action: Encourage the development of single family neighborhoods.

Supporting Action: Encourage quality subdivision design.

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, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Ashton Pointe LLC, received 06/29/12)
 - B. Home Plans (Ryland Homes, dated 05/30/12, received 06/29/12)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable. Ordinance # 6311 (allowing ranch homes) and Ordinance # 6560 are hereby rescinded.
3. The following conditions shall apply to the following lots and proposed elevations:
 - A. Due consideration will be given while designing residences on Lots 12, 38, 39, 48 and 68 to take into account the possibility of the side/rear facades of these houses facing the entrance to other residences. These façades shall provide interest by the addition of details or fenestration. Additional planting shall be provided on these lots to screen any accessory structures (sun rooms, screen porches, etc.)
 - B. Variations from required setbacks shall not be granted for any structures (principal or accessory) on Lots 12, 18, 38, 39, 47, 48, 59 and 68. Buyers will be required to sign an acknowledgment to that effect.
 - C. For the Carlisle and Meridian plans, some fenestration must be added to both the side elevations on all models. For the Hawthorne plan, some interest must be added to the left elevation, either through the addition of fenestration or other details.

- D. For all plans, an at least 3 inches wide trim is required on the patio doors.
- 4. The following anti-monotony provisions shall apply:
 - A. No two homes which are within 2 lots side by side or face front to front shall have the same identical elevation. This does not apply to a back to back situation.
 - B. No two homes having lots which border in any way (without regard to streets and parks) shall have the same identical color scheme. This includes identical trim, siding and masonry color selection.
 - C. No two homes with identical elevations shall be allowed to have the same identical exterior color scheme.
 - D. No two homes with identical floor plans, regardless of elevation, shall be built next to each other or directly across the street from each other.
 - E. None of the lots on a cul-de-sac shall have the same model and elevation on it.
- 5. Variations from the proposed elevations are permitted upon staff approval as long as they meet at least seven of the following nine criteria:
 - A. Where siding is used as a building material, wood board siding shall be used.
 - B. A front porch or stoop at main entrances of the proposed homes is provided.
 - C. Three-car garages are designed as 2-car side loading and 1-car front-loading.
 - D. Front loading, side facing garages shall have windows facing the street that match the style, spacing and frequency of windows for the rest of the dwelling.
 - E. Front loading, front facing garages shall incorporate at least 3 architectural elements (like columns flanking doors, moldings, overhanging eaves, decorative vent covers, decorative brackets, arched lintels, garage windows, etc.)
 - F. Windows are required on all elevations. Long blank facades or token window/s on elevations are not permitted
 - G. Window and door openings must be articulated through the use of shutters, flat or arched lintels, projecting sills or surrounds. These treatments should be applied on all elevations of the dwelling.
 - H. Where shutters are used, they should be sized to the window such that they appear as if they can be closed and fully protect the window.
 - I. All facades generally, and the front façade specifically shall be articulated through the use of dormers, eyebrow windows, decorative brackets, louvers, balconies or other elements.
- 6. The adoption of the Ryland Home model plans shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.
- 7. 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.

RECEIVED
JUN 29 2012
BY: _____

**City of Crystal Lake
Development Application**

Office Use Only
File # _____

45 2012

Project Title: ASHTON POINTE

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

Petitioner Information

Name: RYLAND HOMES
Address: 1141 E. MAIN ST. #108
EAST DUNDEE, IL 60118
Phone: 224-293-3101
Fax: 224-293-3100
E-mail: mpagoria@ryland.com

Owner Information (if different)

Name: ASHTON POINTE, LLC
Address: 525 W. WISE RD, WIT F
SHAUMBURG, IL 60193
Phone: 847-352-0100
Fax: 847-352-0210
E-mail: _____

Property Information

Project Description: AN AMENDMENT TO THE SPECIAL USE PERMIT
TO ALLOW THE CONSTRUCTION OF RYLAND'S BUILDING
PRODUCT

Project Address/Location: ASHTON POINTE

PIN Number(s): _____

Development Team

Please include address, phone, fax and e-mail

Developer: RYLAND HOMES (ATTN: MATT PAGORIA)

1141 E. MAIN ST. #108

Architect: EAST DUNDEE, IL 60118

847-878-9439

Attorney: mpagoria@ryland.com

Engineer: _____

Landscape Architect: _____

Planner: _____

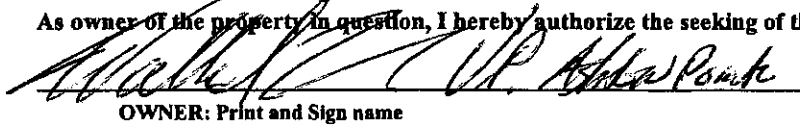
Surveyor: _____

Other: _____

Signatures

 6/26/12
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.

 VP Alpha Pointe 6/27/12
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 PETITION
OF Ryland Homes on behalf of
Ashton Pointe, LLC**

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development

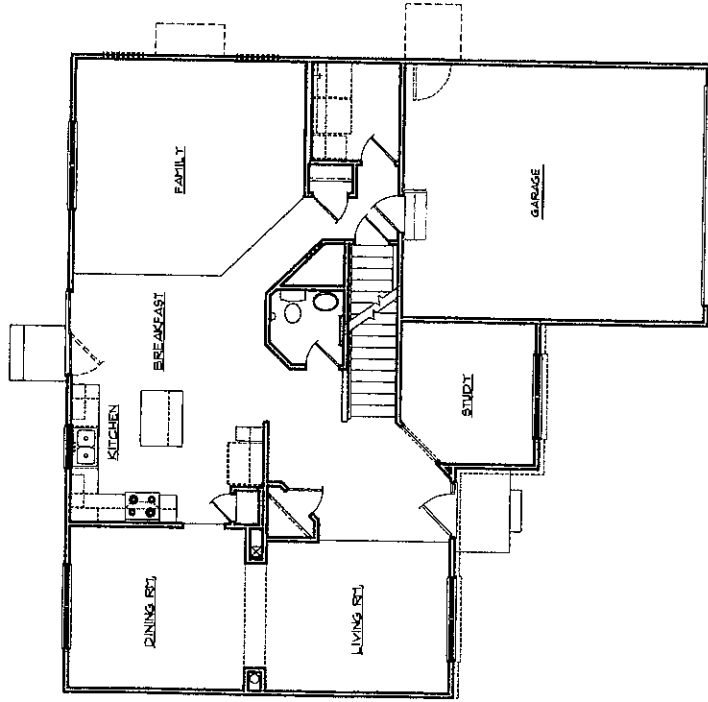
Ordinance of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Matt Pagoria representing Ryland Homes, on behalf of Ashton Pointe LLC, for a Special Use Permit Amendment for a Final Planned Unit Development Amendment, relating to the following described real estate commonly known as the Ashton Pointe Subdivision in Crystal Lake, Illinois 60014.

This application is filed for the purpose of seeking an amendment to a Special Use Permit, which granted a Planned Unit Development approval, to allow the adoption of specific home plans presented by Ryland Homes, which are different than the previously established Ashton Pointe architecture for the remaining vacant lots, pursuant to Article 4-500 Planned Unit Development Standards B, General Standards and C, Development Standards of the Unified Development Ordinance. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

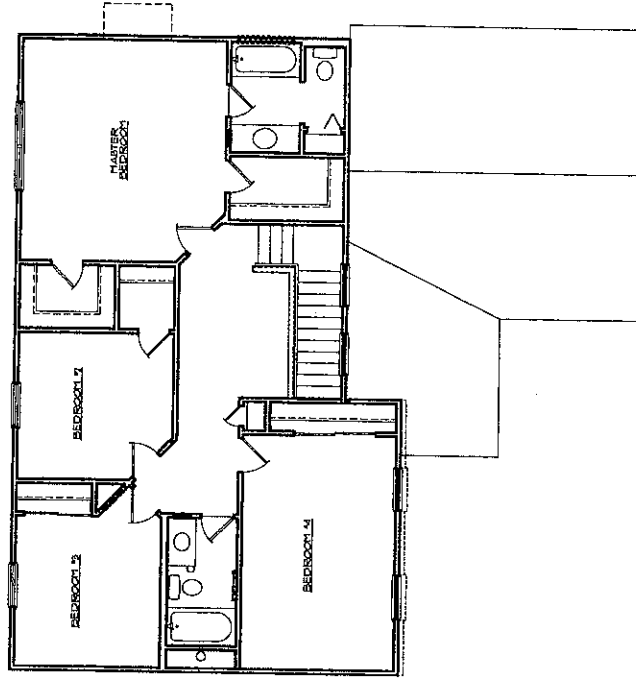
A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Monday July 9, 2012, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hoyden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
June 22, 2012)

4520R



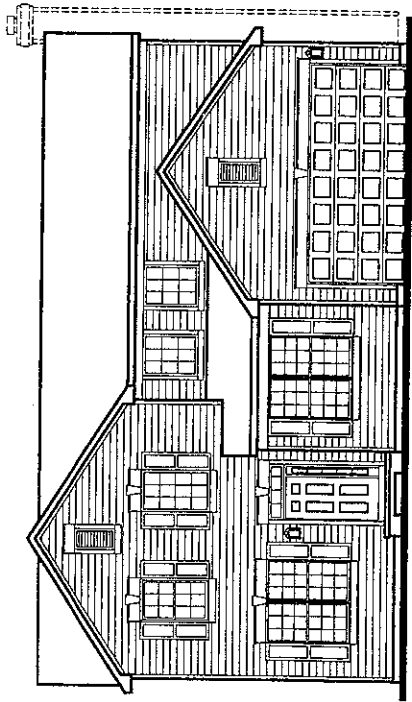
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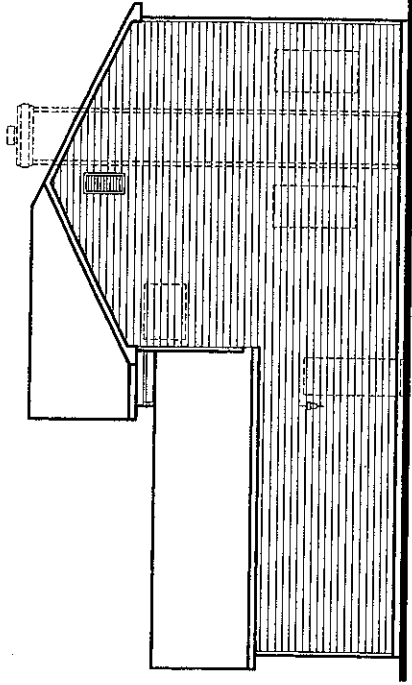
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CARLISLE

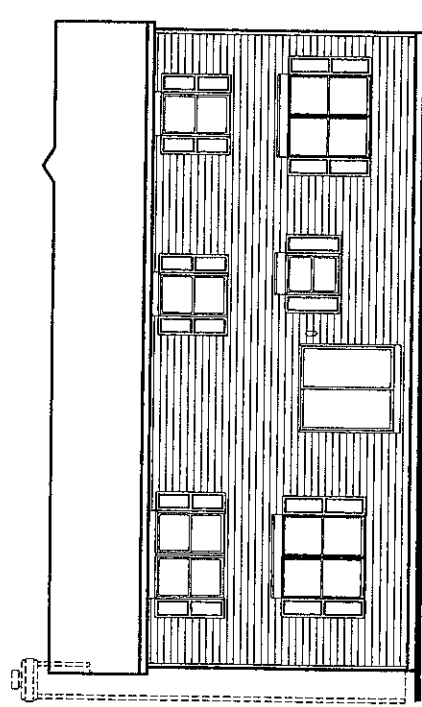
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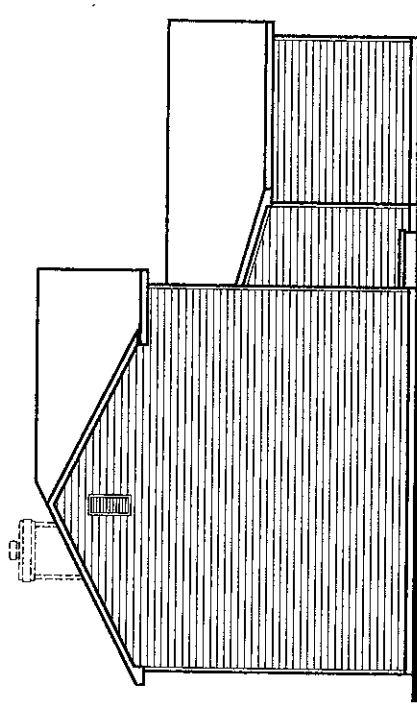
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RIGHT ELEVATION



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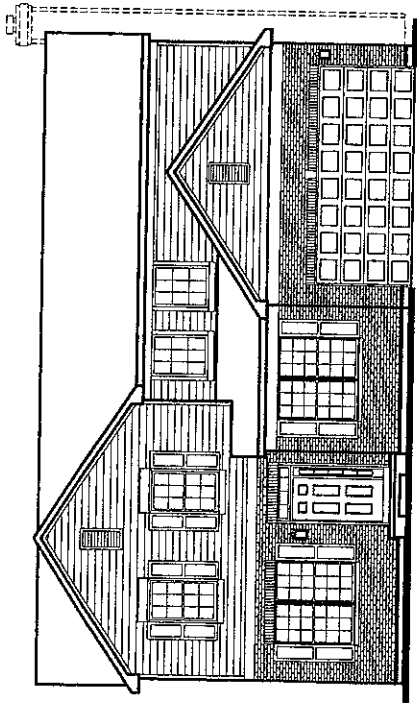


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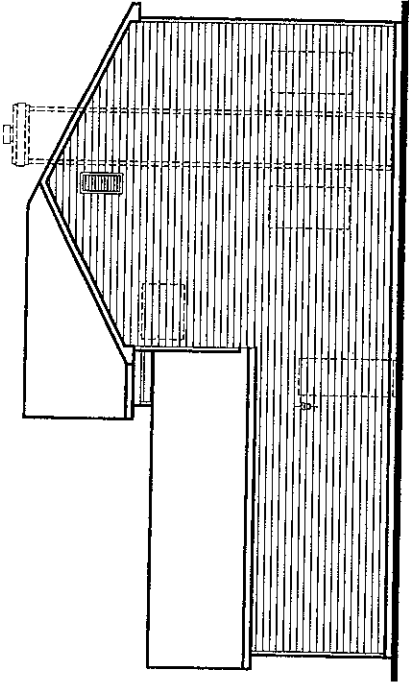
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ASHTON POINTE

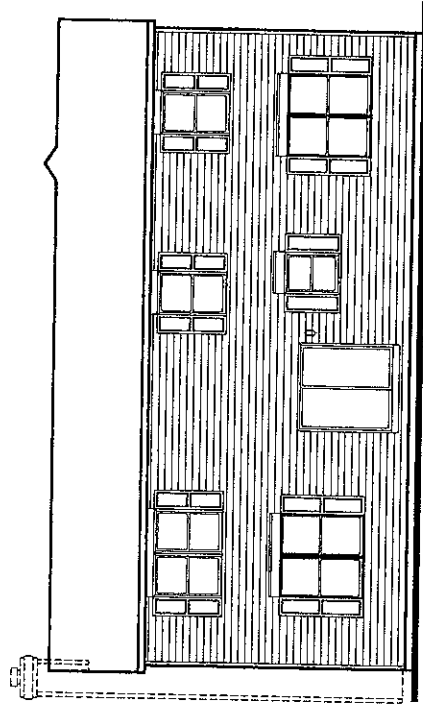
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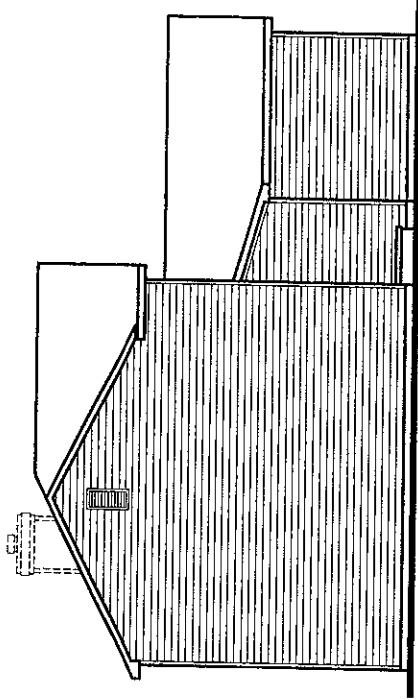
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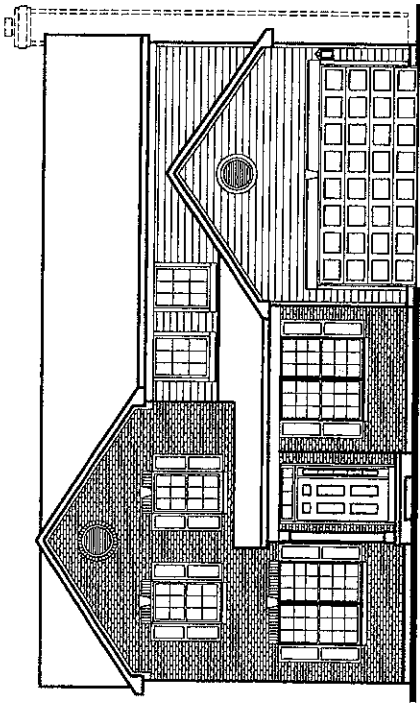
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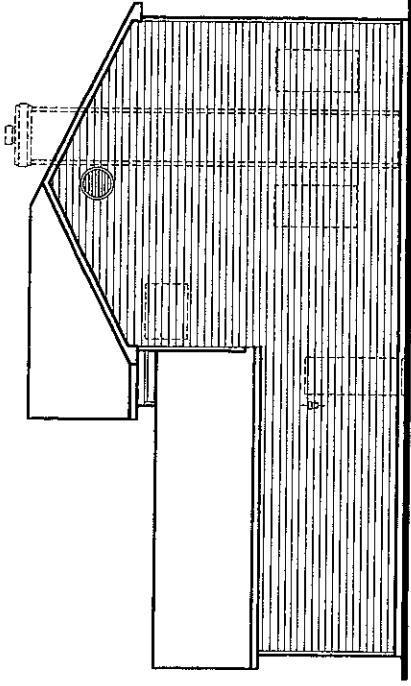
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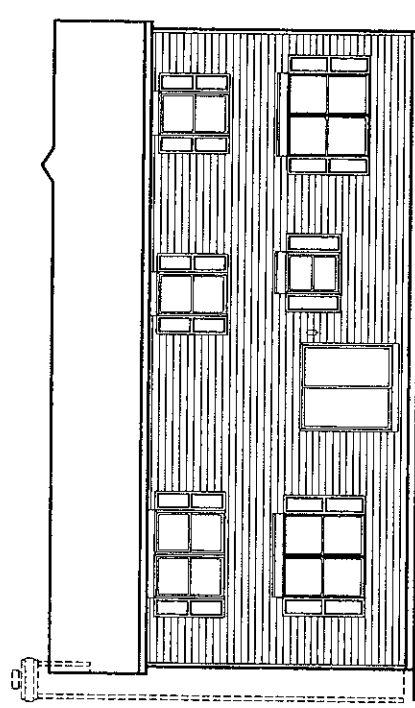
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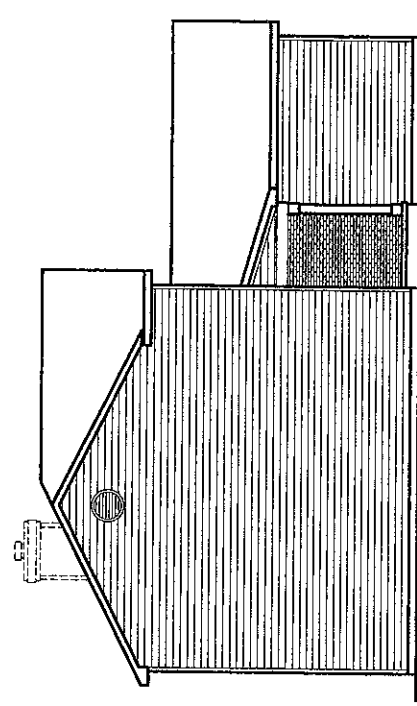
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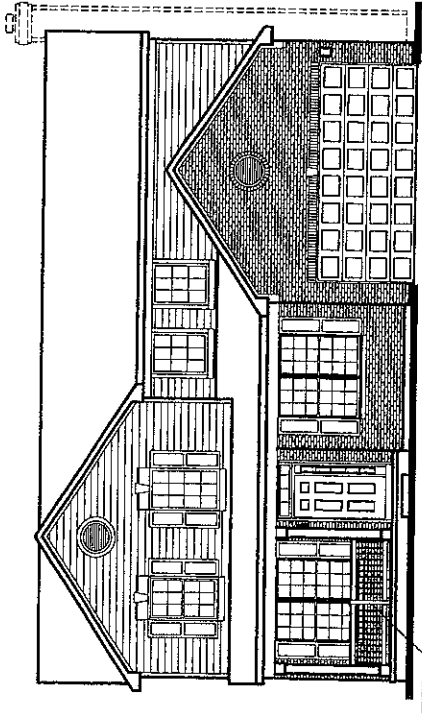


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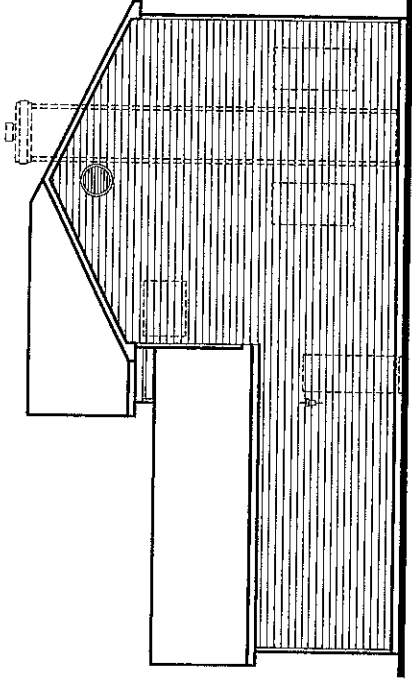
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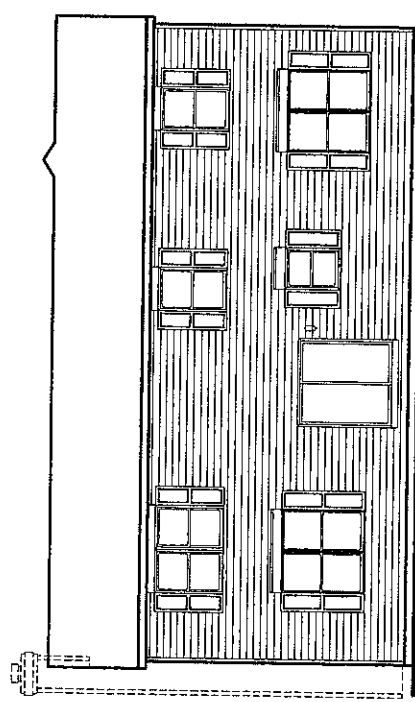
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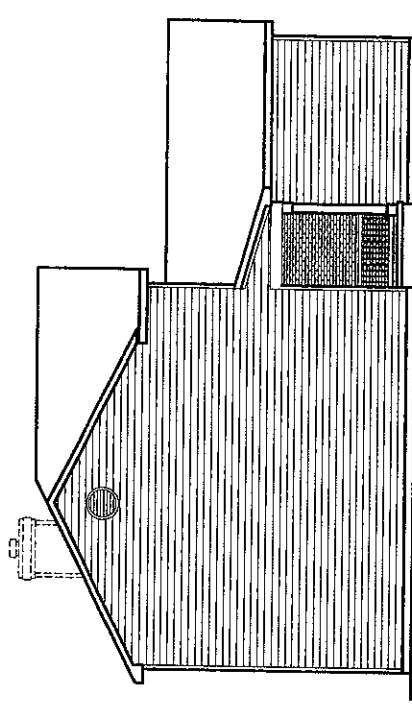
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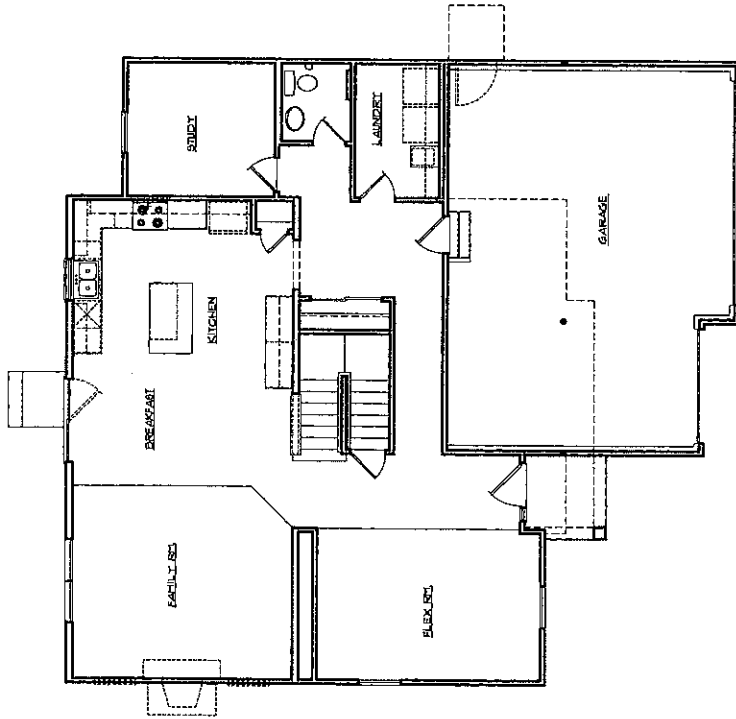


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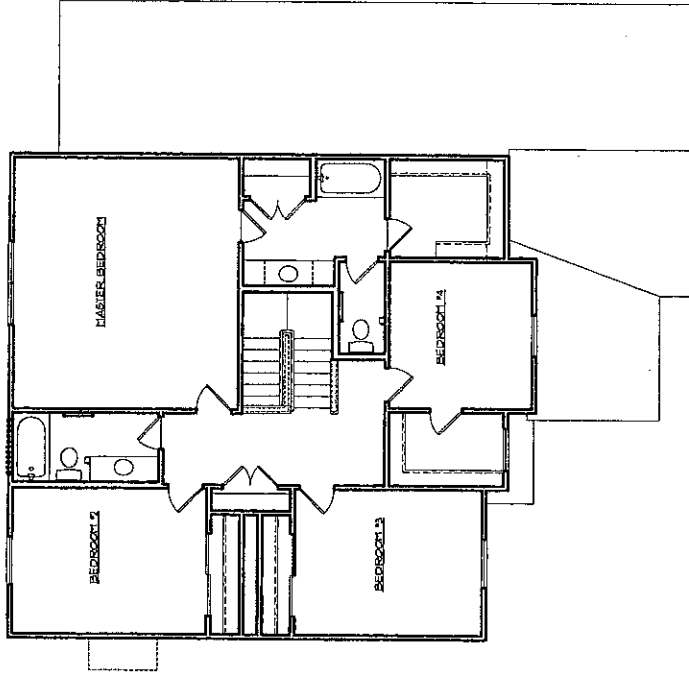
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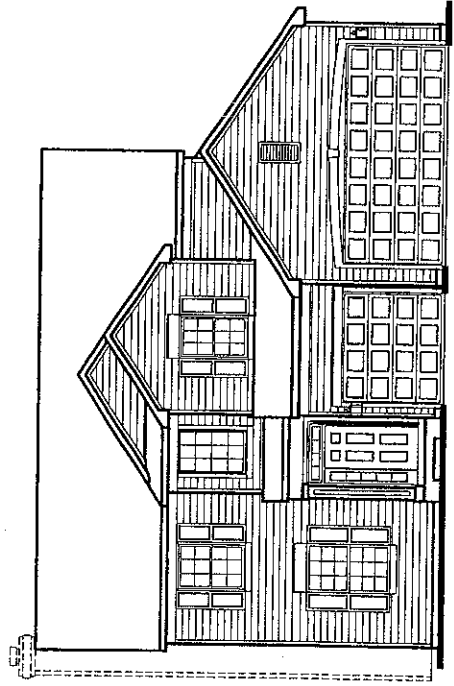
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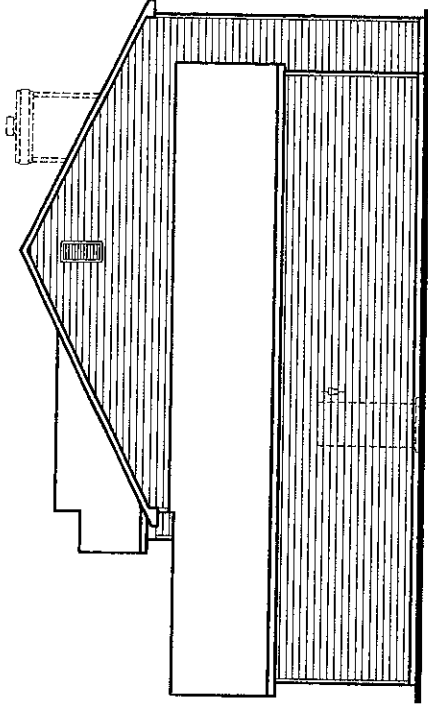
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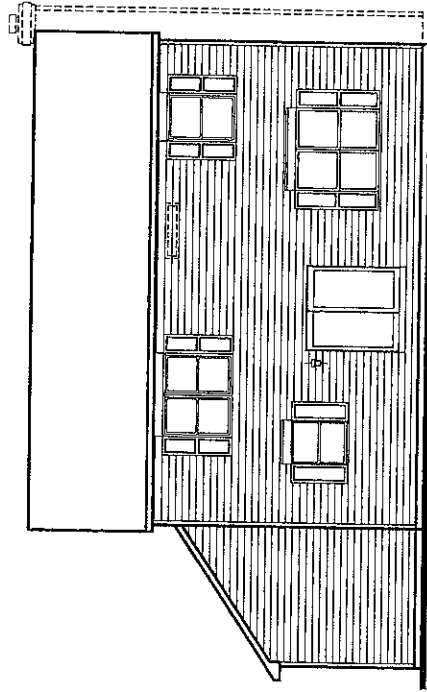
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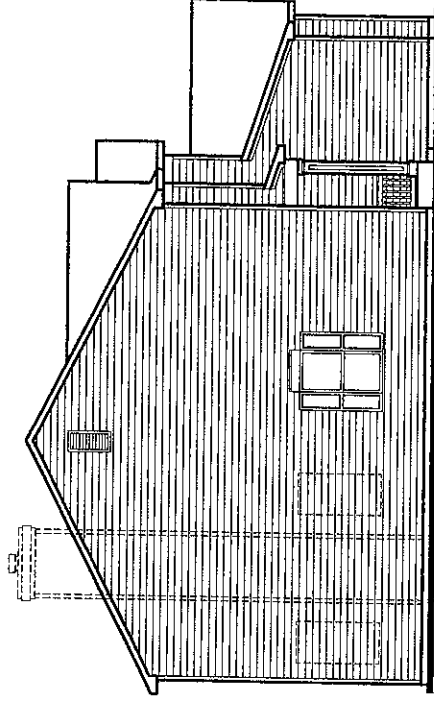
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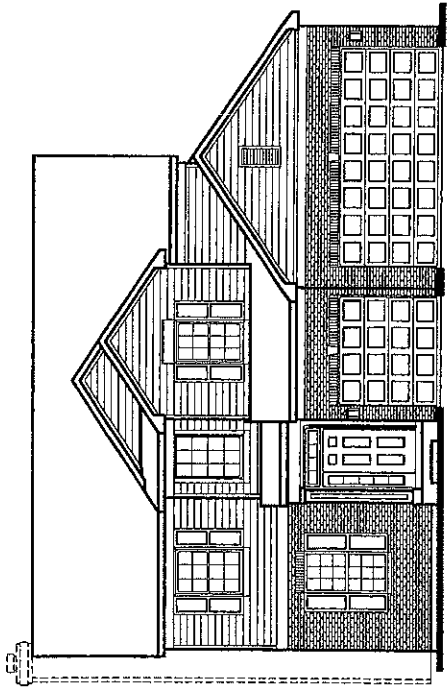
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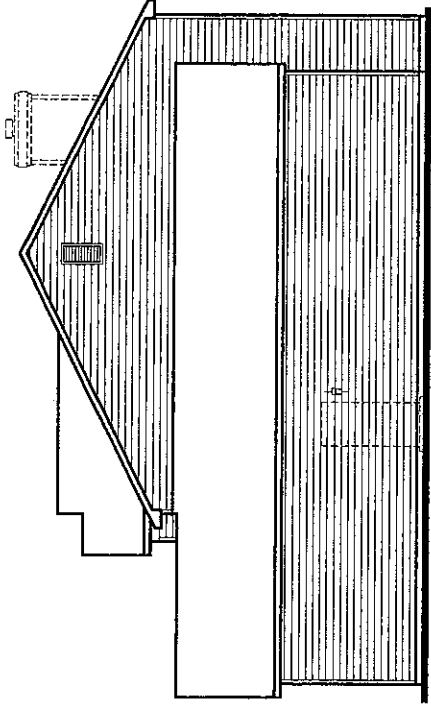
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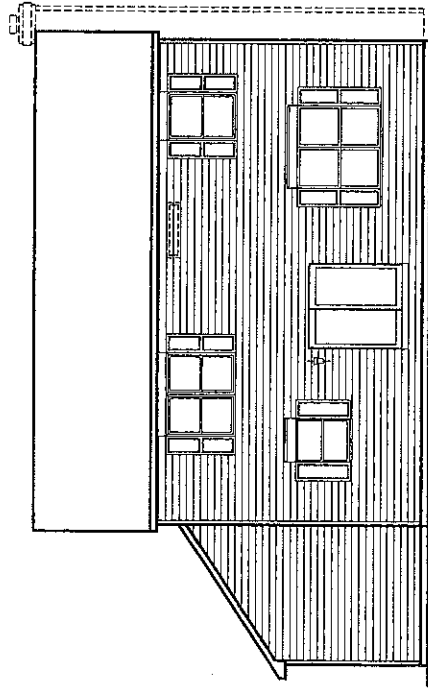
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05-25-12



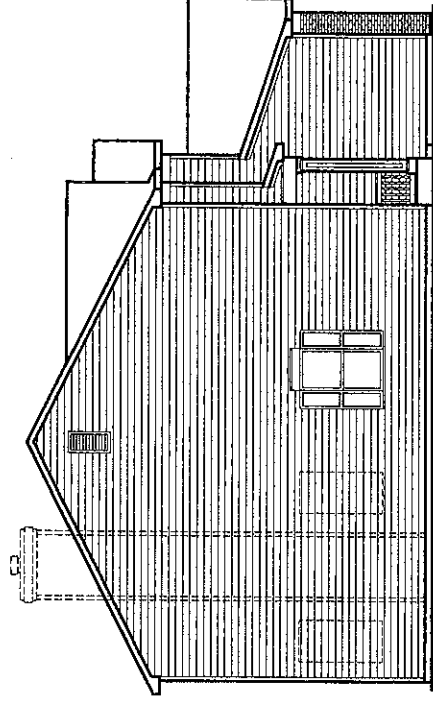
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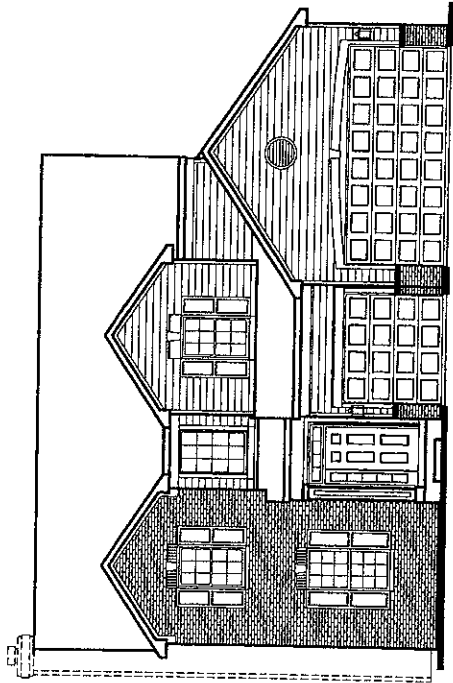


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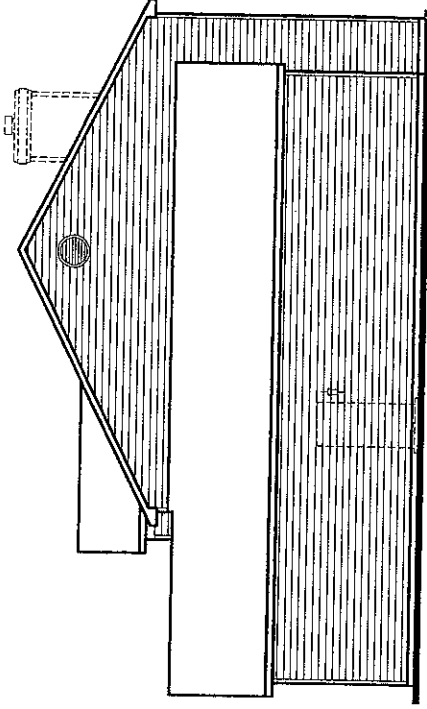
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ASHTON POINTE

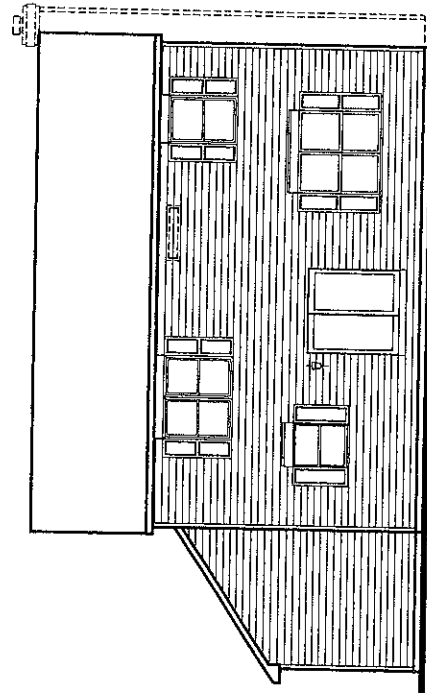
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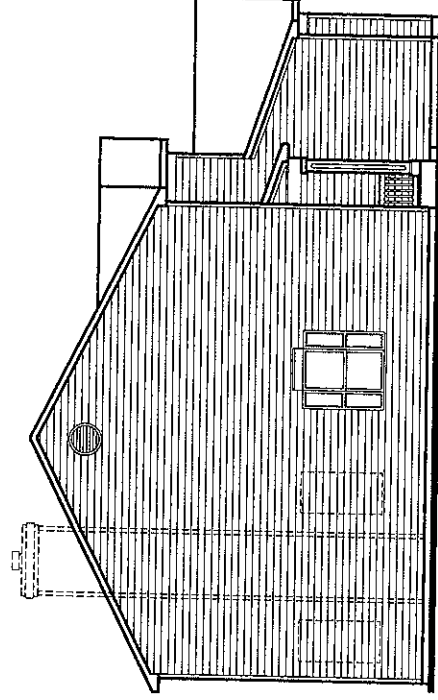
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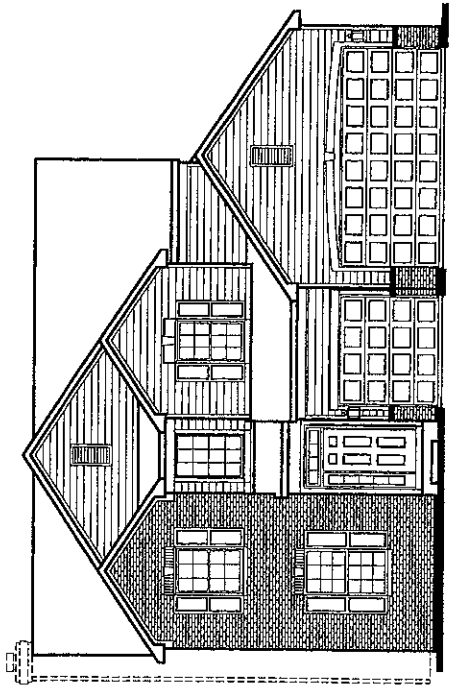
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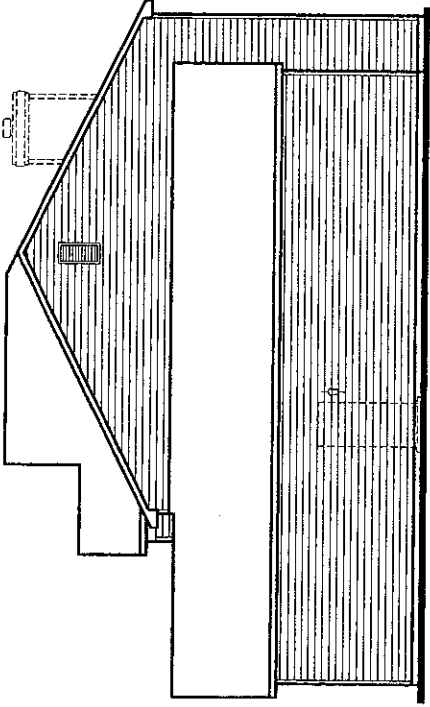
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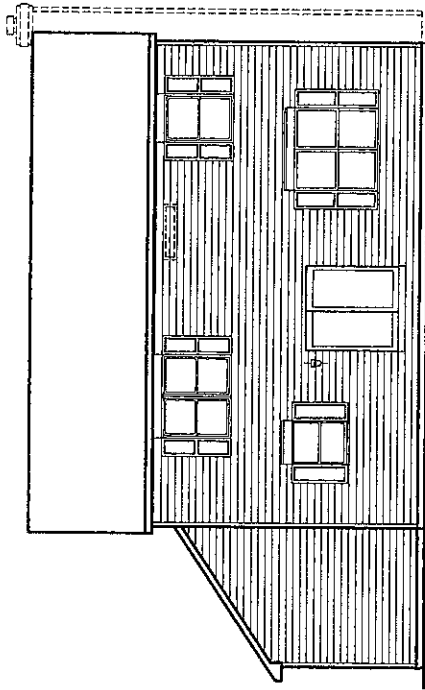
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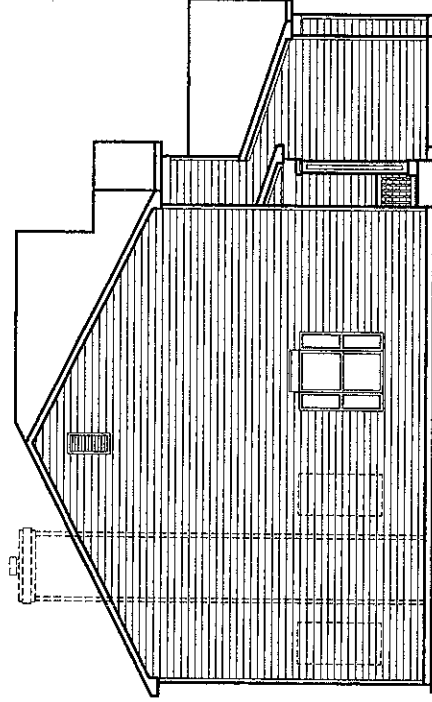
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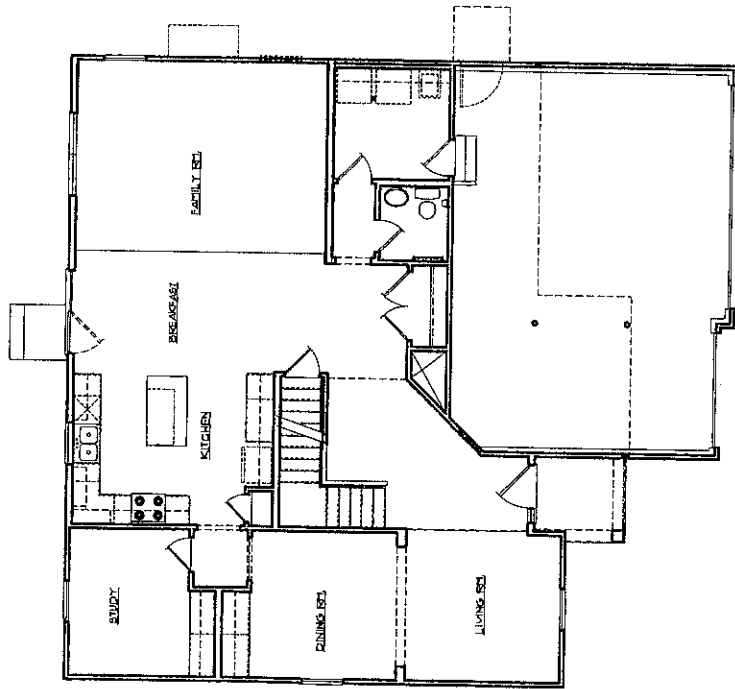


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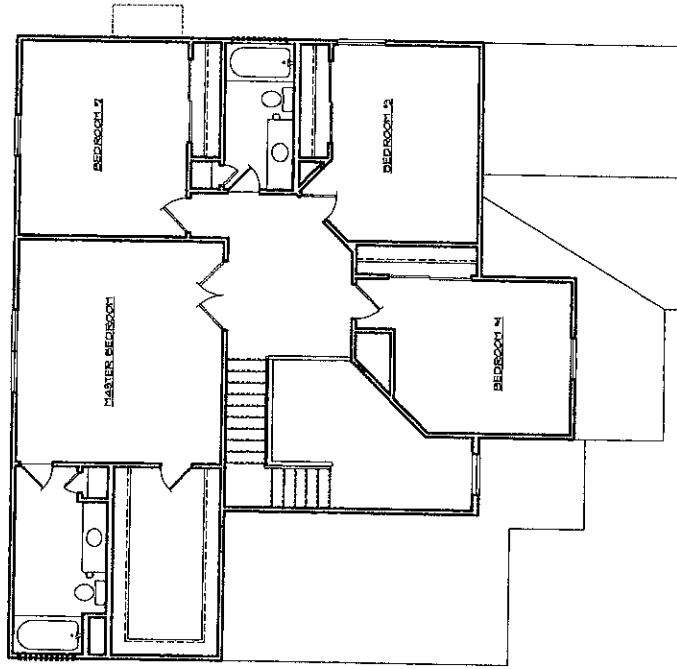
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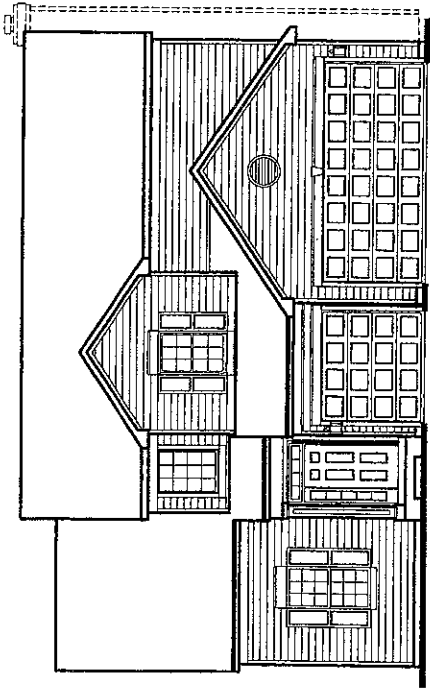
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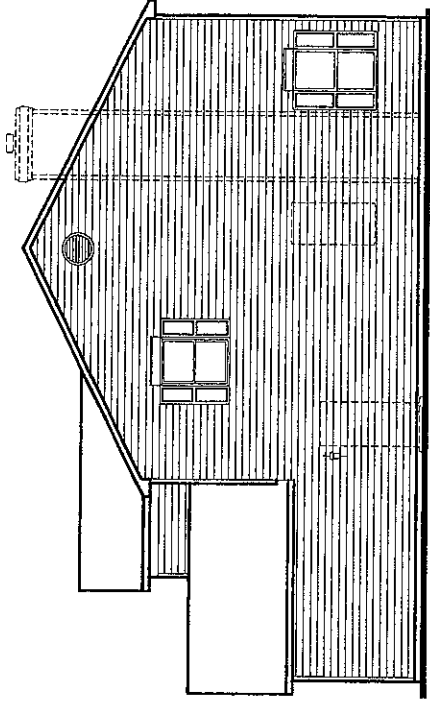
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GALVESTON

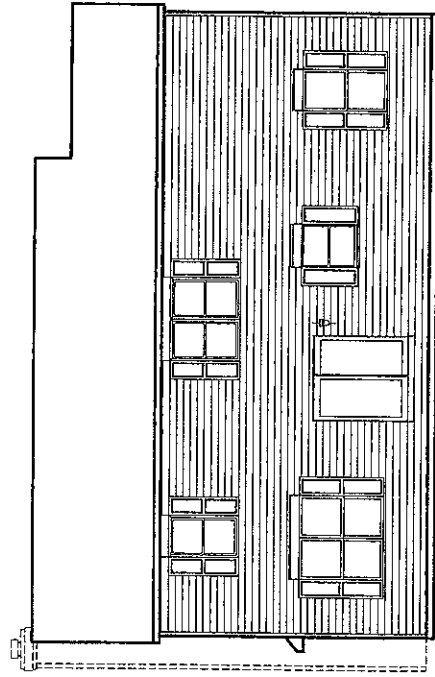
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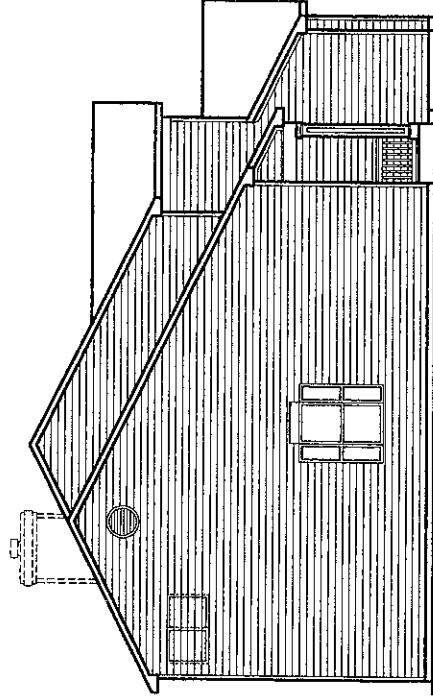
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RIGHT ELEVATION



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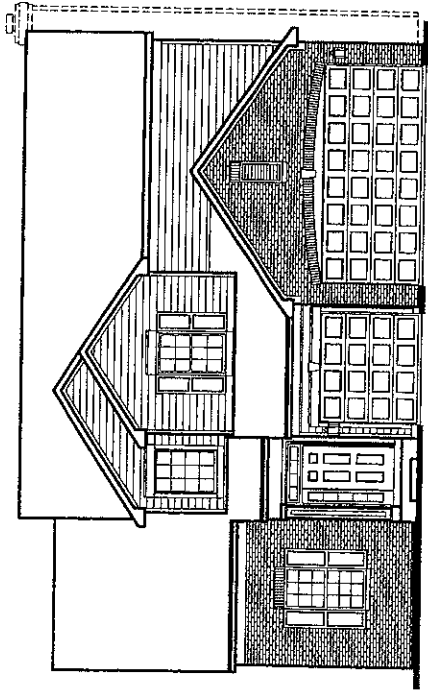


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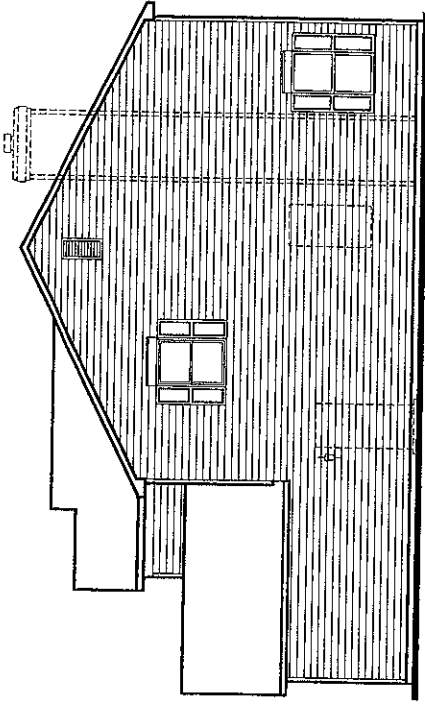
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ASHTON POINTE

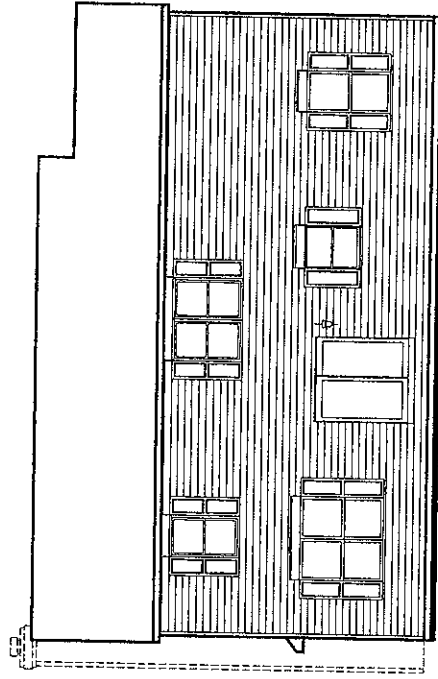
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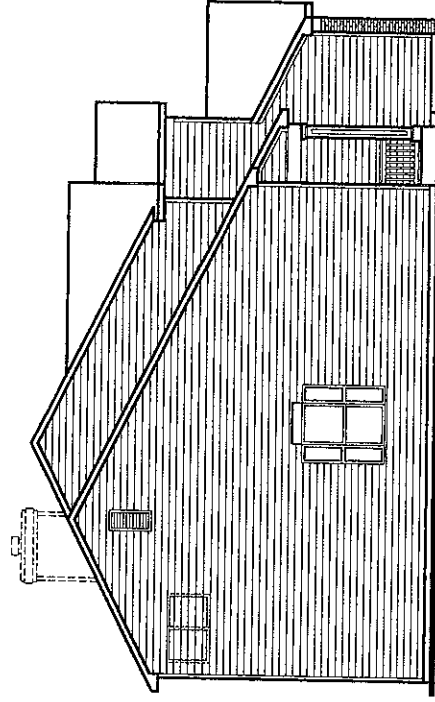
FRONT ELEVATION



RIGHT ELEVATION



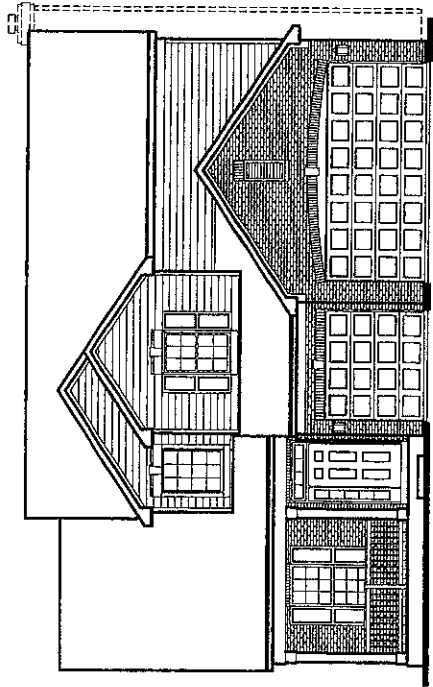
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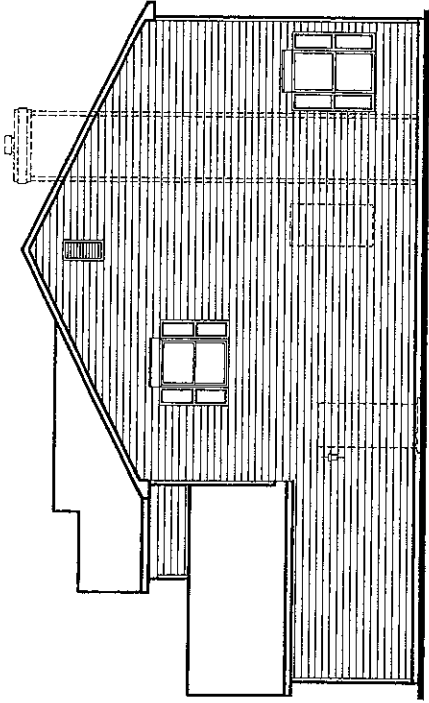
LEFT ELEVATION

GALVESTON "B"

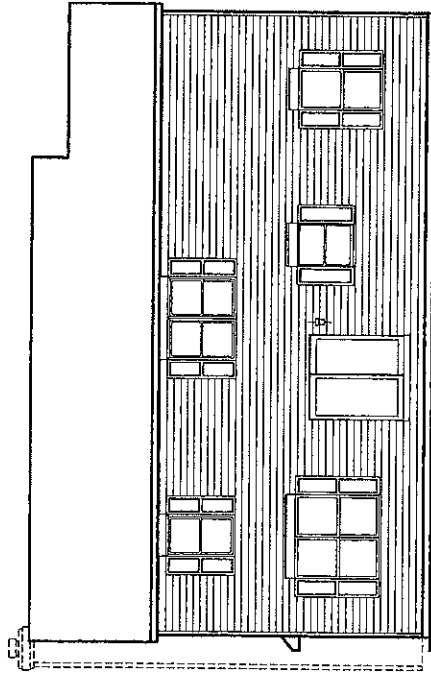
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05-30-12**



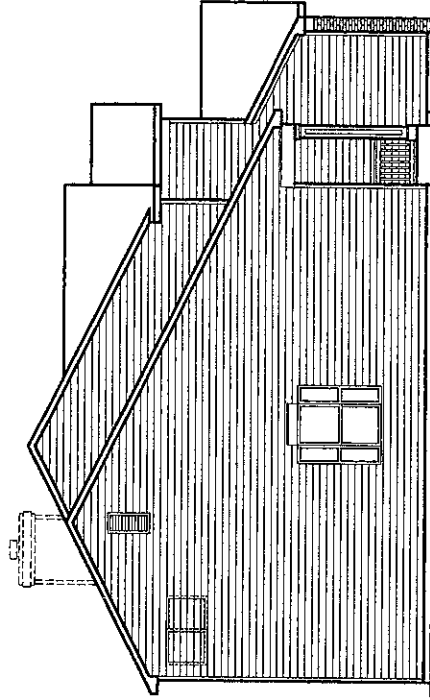
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

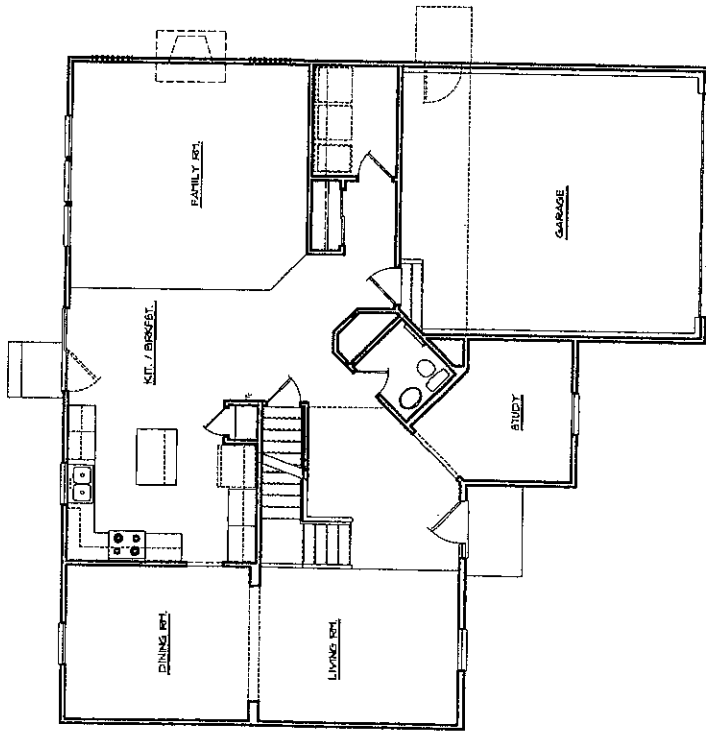


LEFT ELEVATION

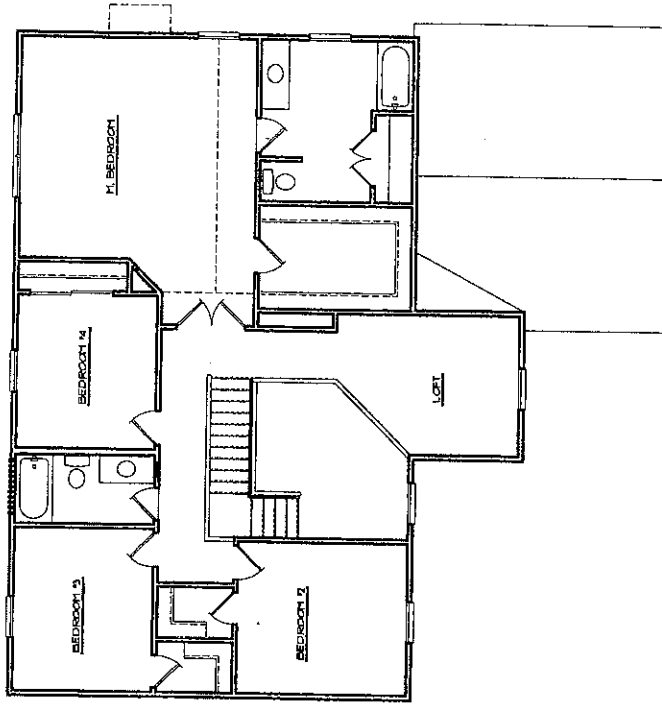
GALVESTON "C"

ASHTON POINTE

05-30-12



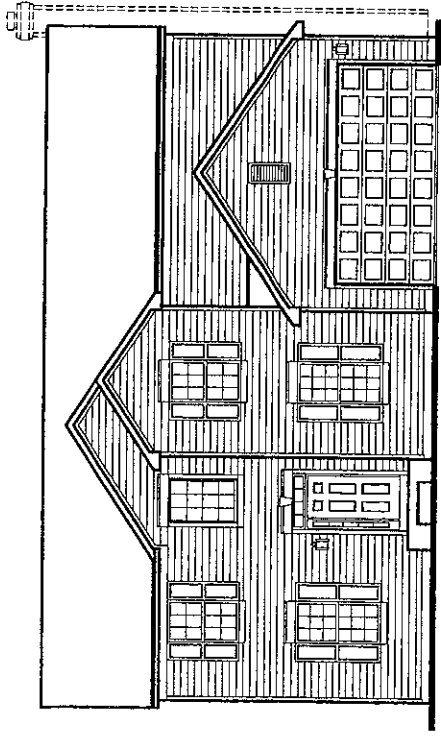
1ST FLR.



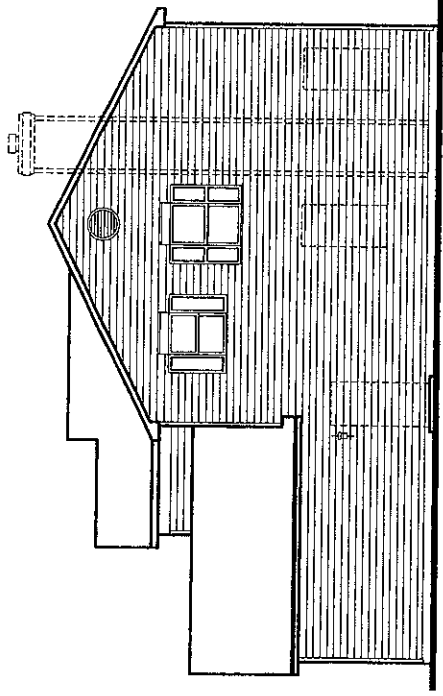
2ND FLR.

HAWTHORNE

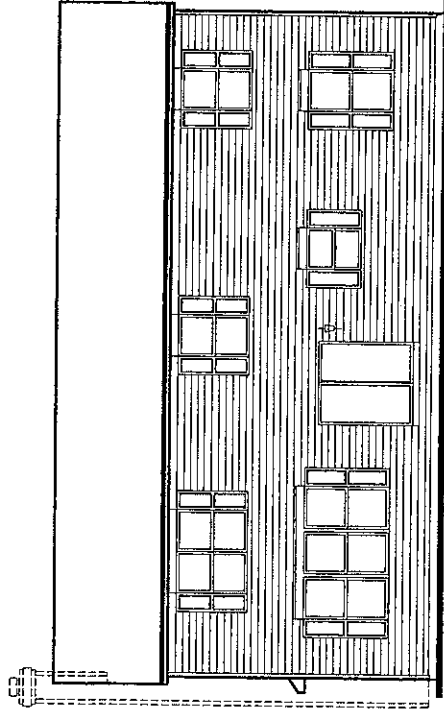
2709 SF.



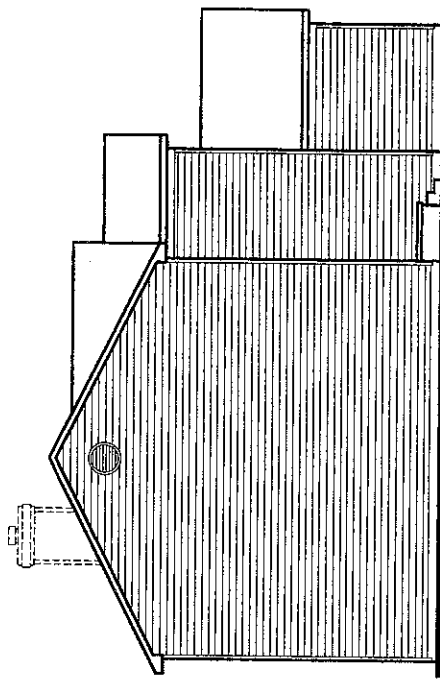
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

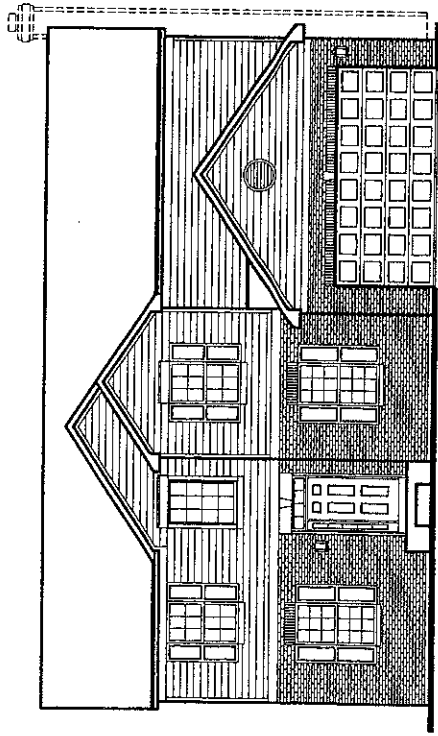


LEFT ELEVATION

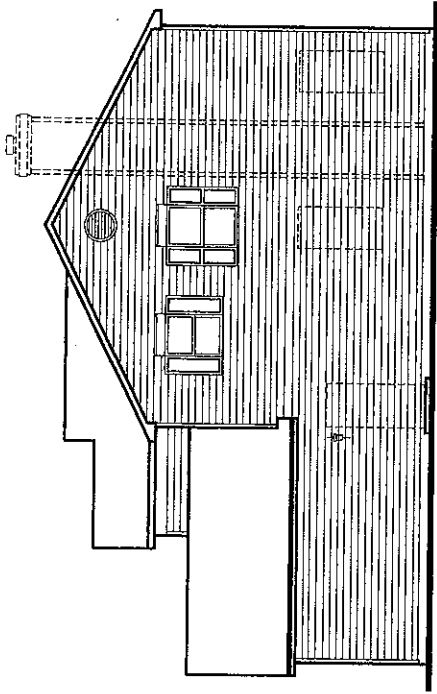
HAWTHORNE "A"

ASHTON POINTE

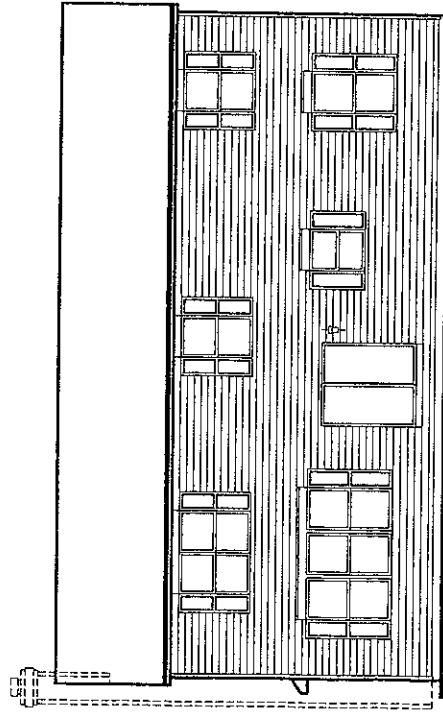
05-25-12



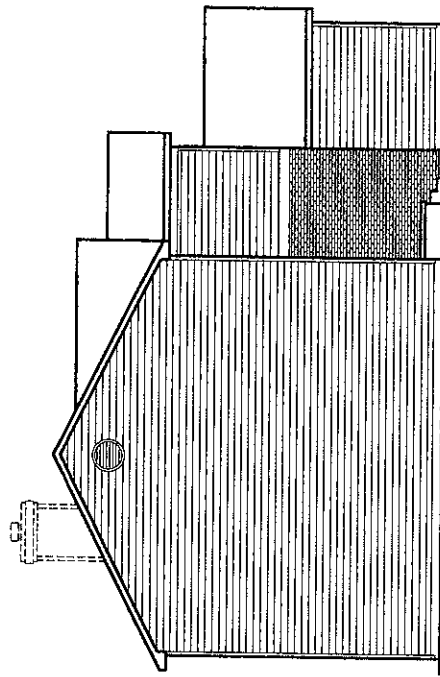
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

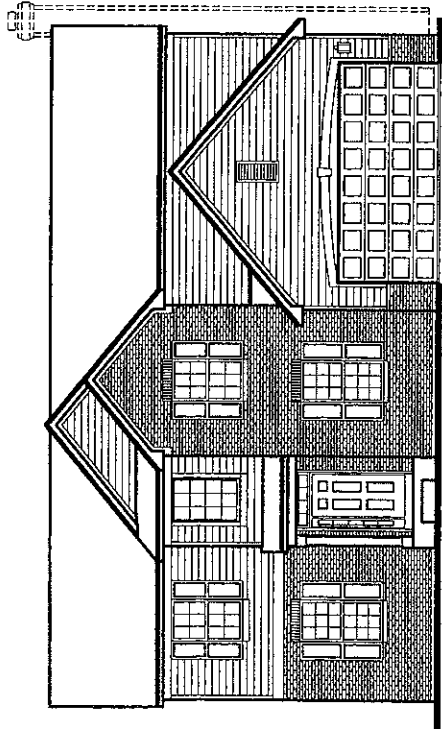


LEFT ELEVATION

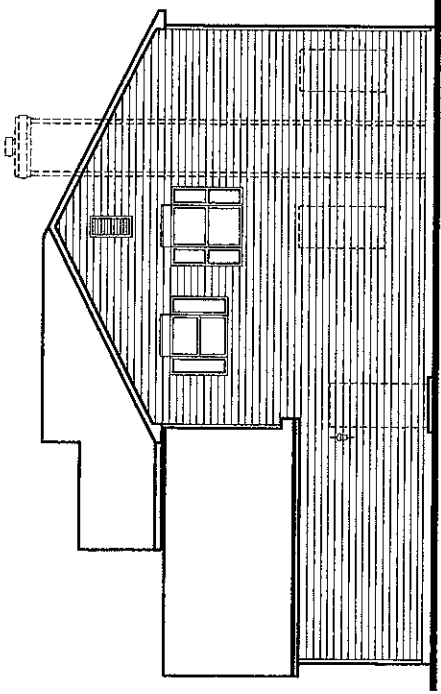
HAWTHORNE "A"

ASHTON POINTE

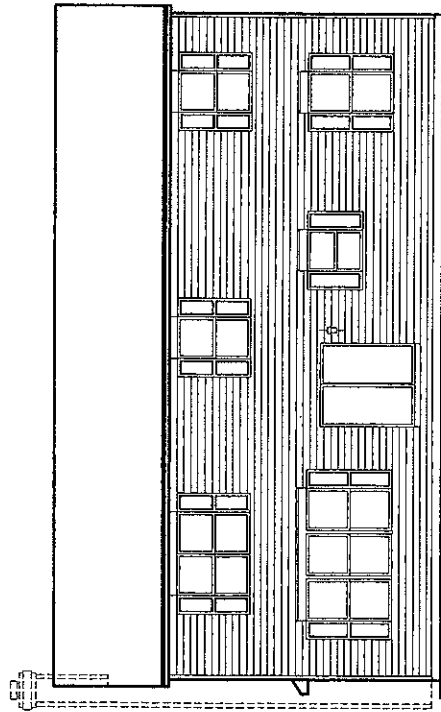
05-30-12



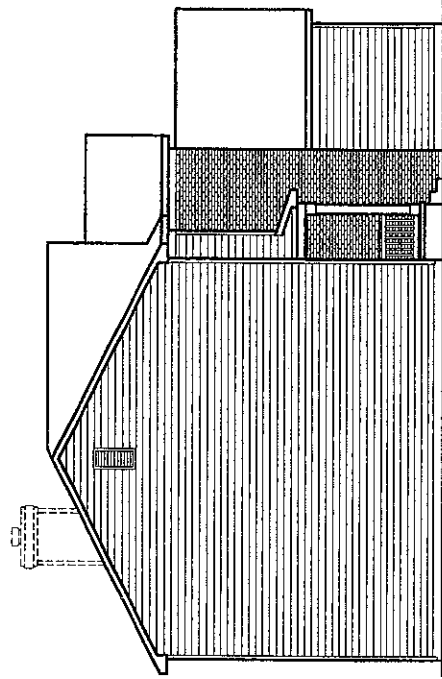
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

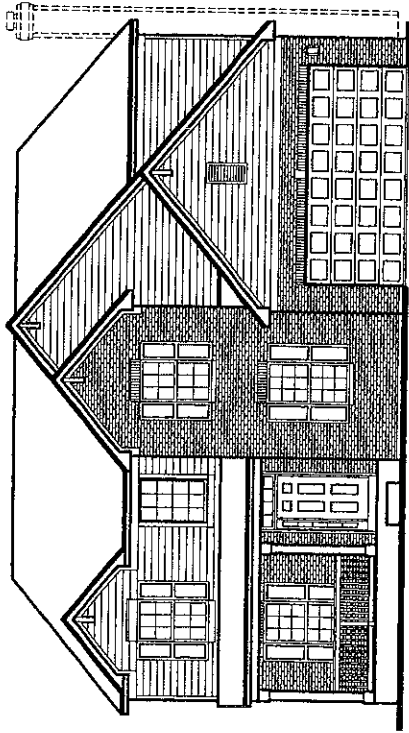


LEFT ELEVATION

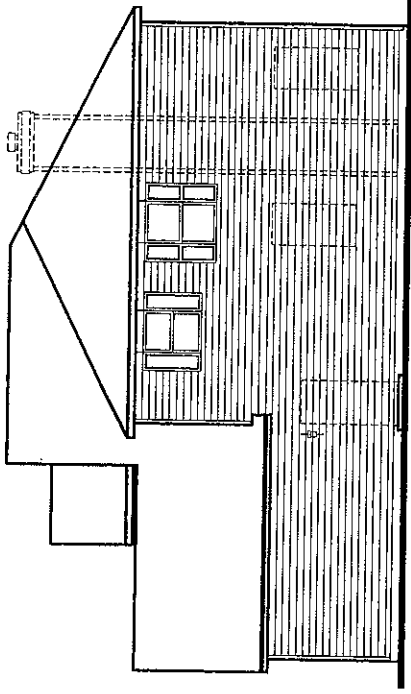
HAWTHORNE "B"

ASHTON POINTE

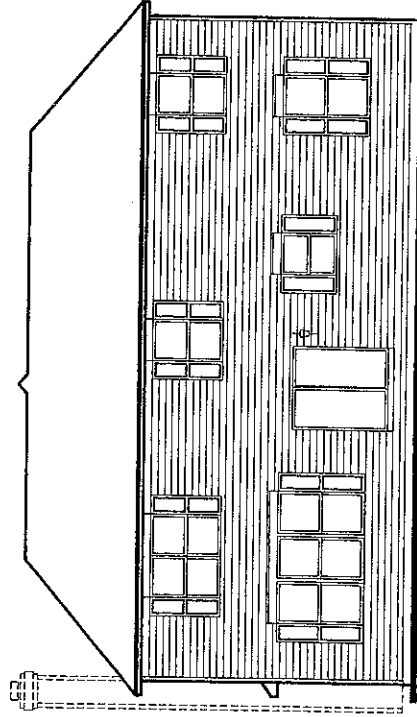
05-30-12



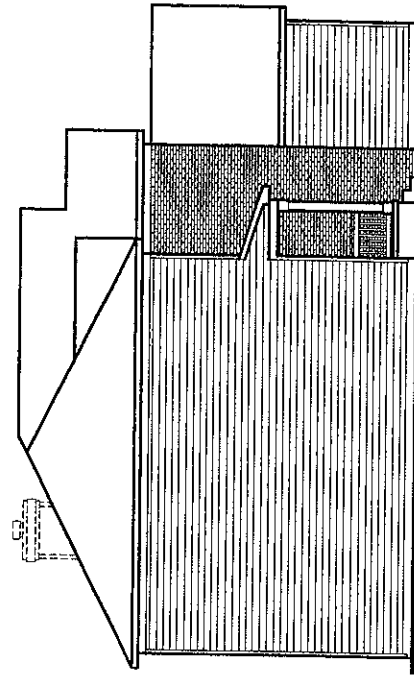
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

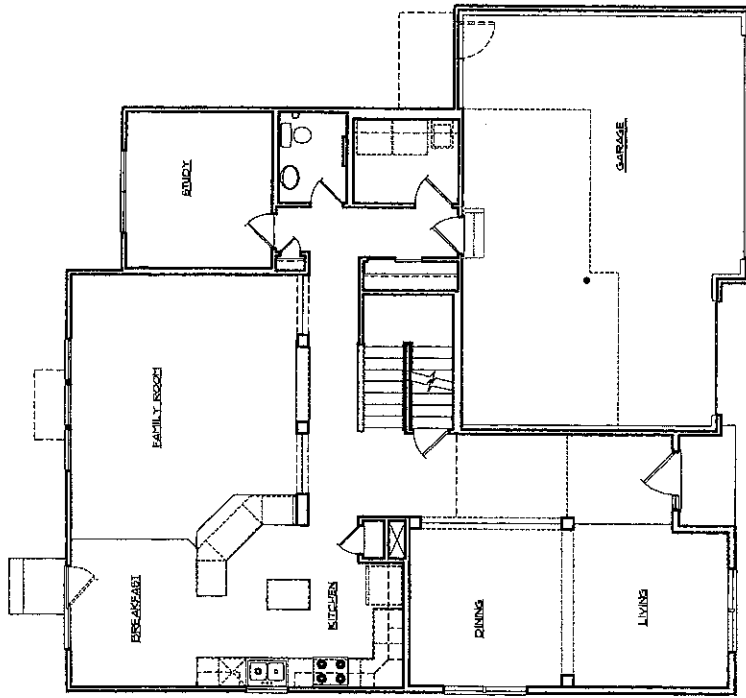


LEFT ELEVATION

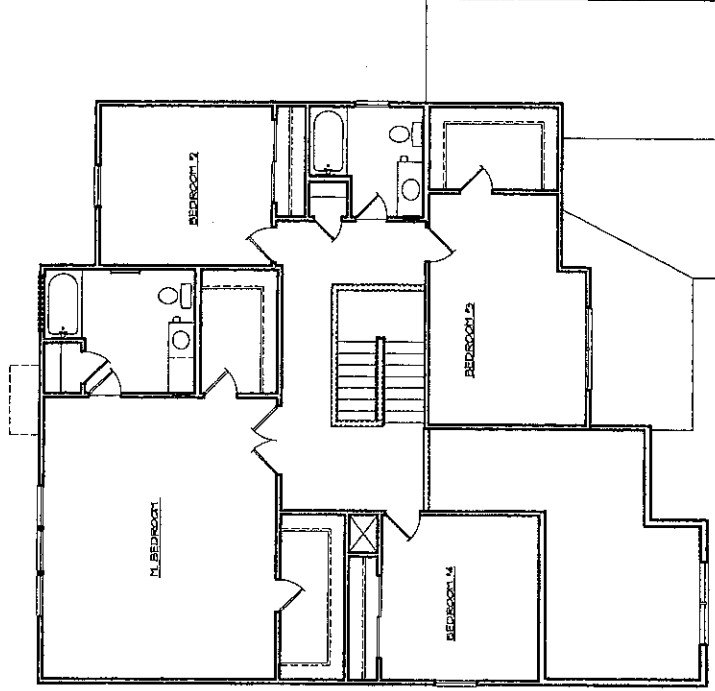
HAWTHORNE 'C'

ASHTON POINTE

05-30-12

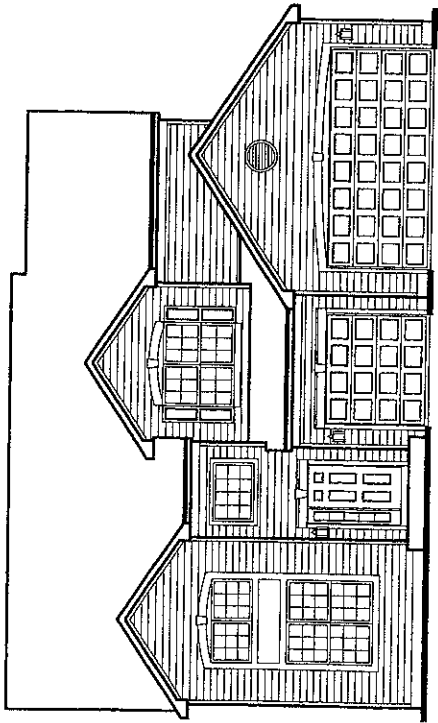


1ST FLR.

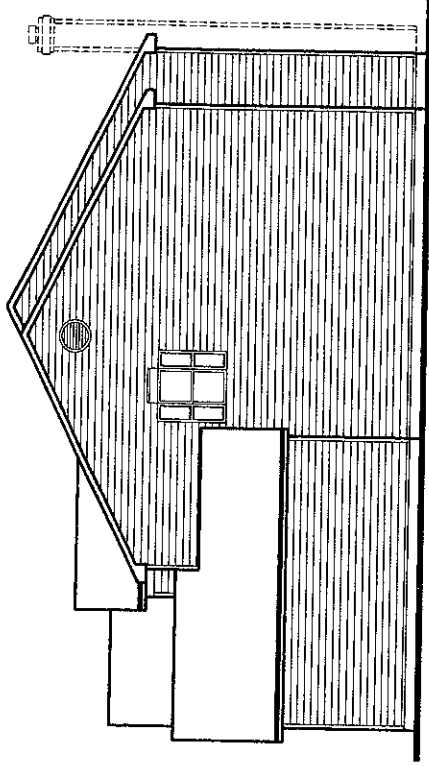


2ND FLR.

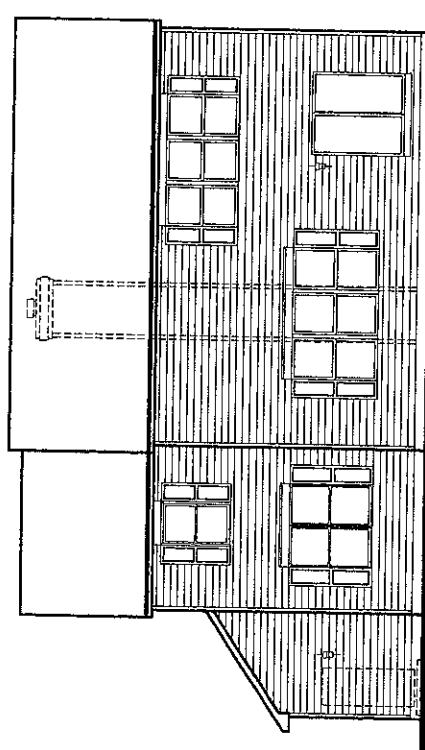
WESTON
2907 SF.



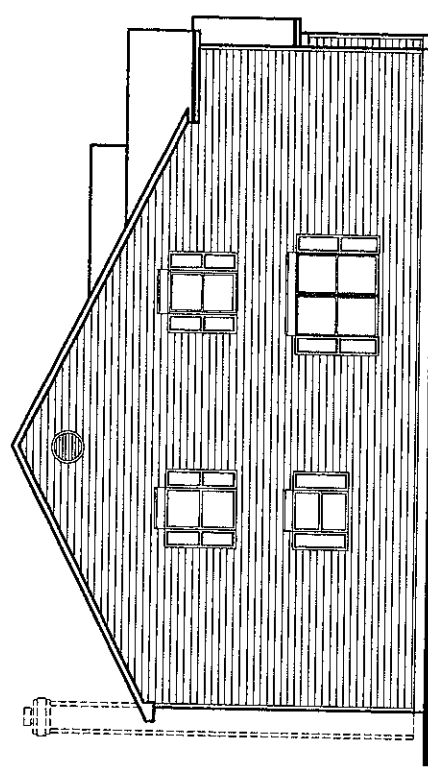
FRONT ELEVATION



RIGHT ELEVATION



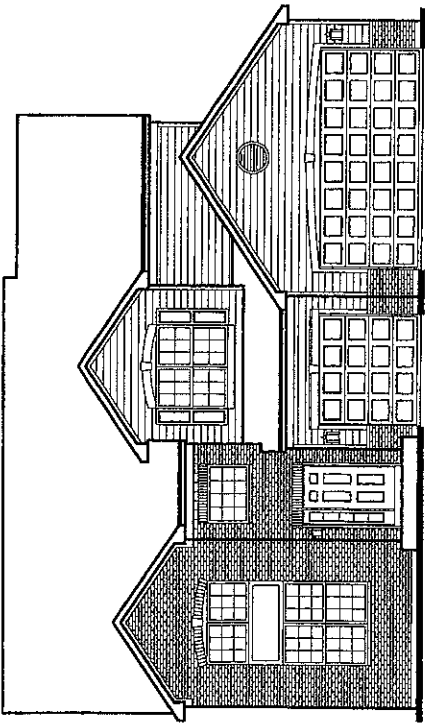
REAR ELEVATION



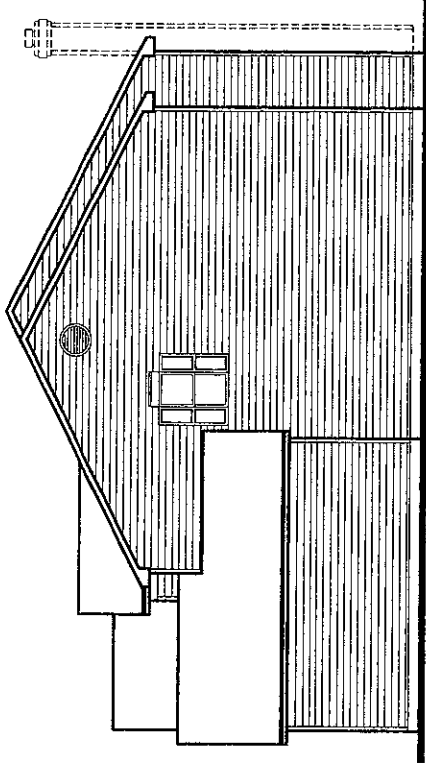
LEFT ELEVATION

WESTON "A"

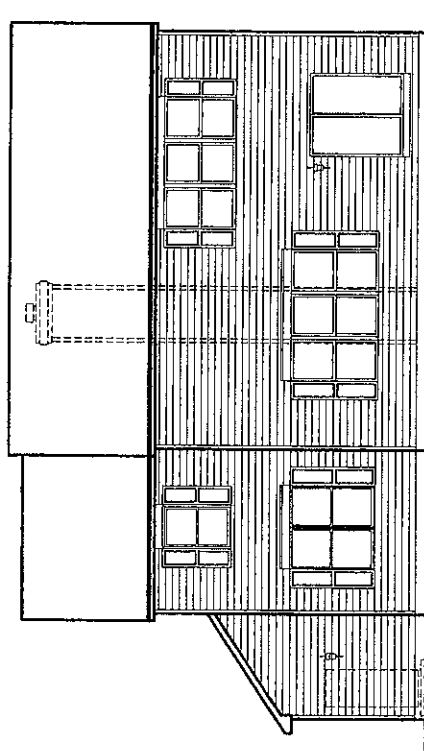
ASHTON POINTE
05-25-12



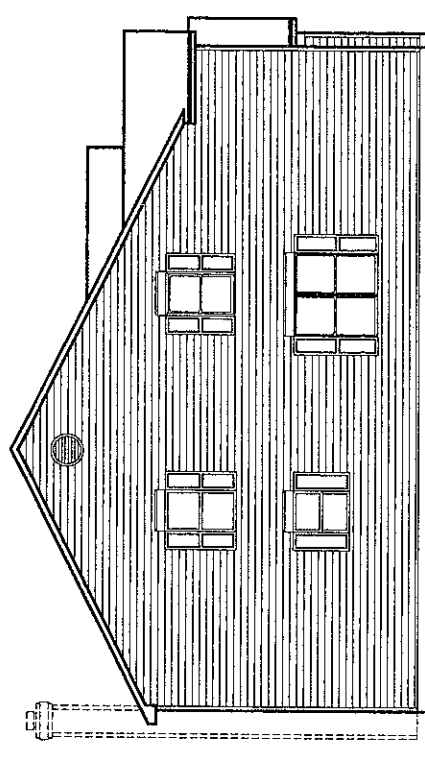
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

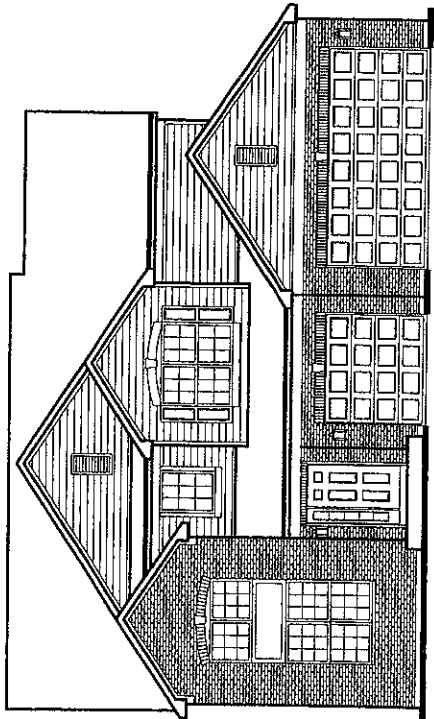


LEFT ELEVATION

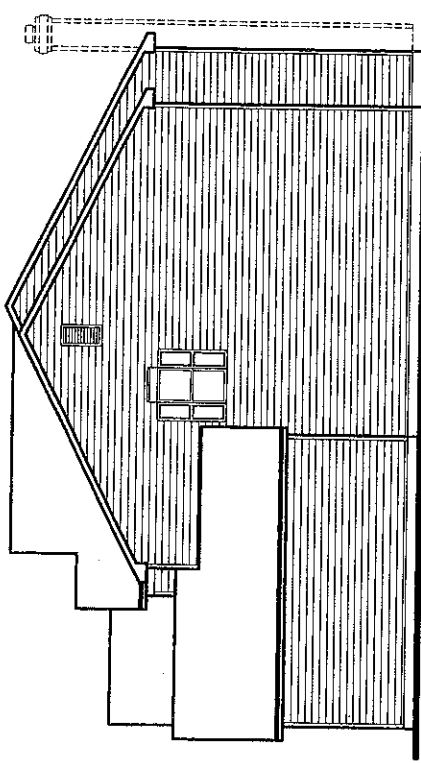
WESTON "A"

ASHTON POINTE

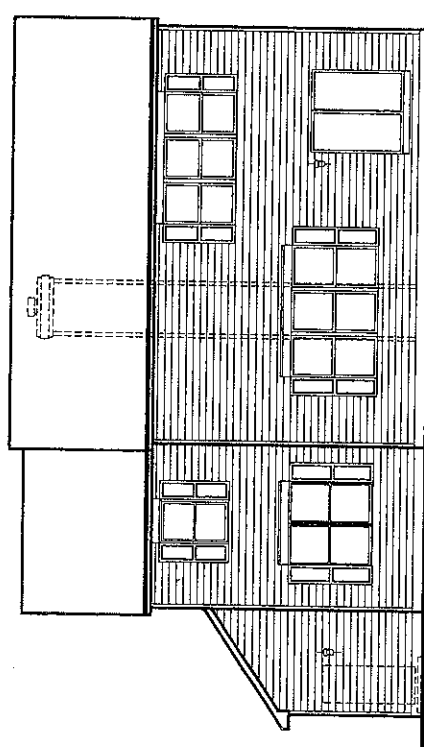
05-30-12



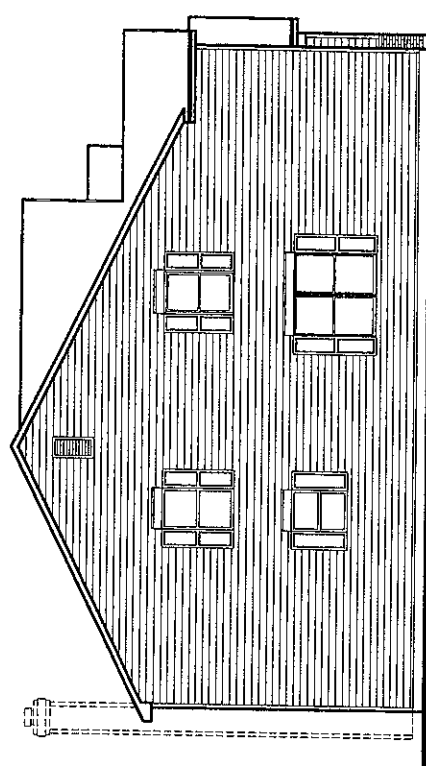
FRONT ELEVATION



RIGHT ELEVATION



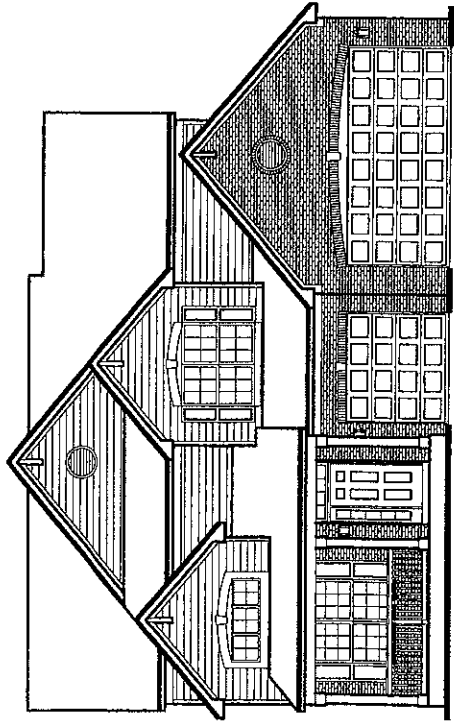
REAR ELEVATION



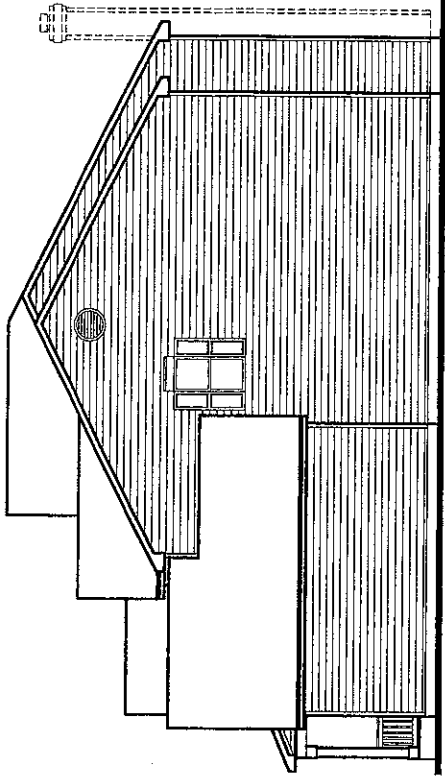
LEFT ELEVATION

WESTON "B"

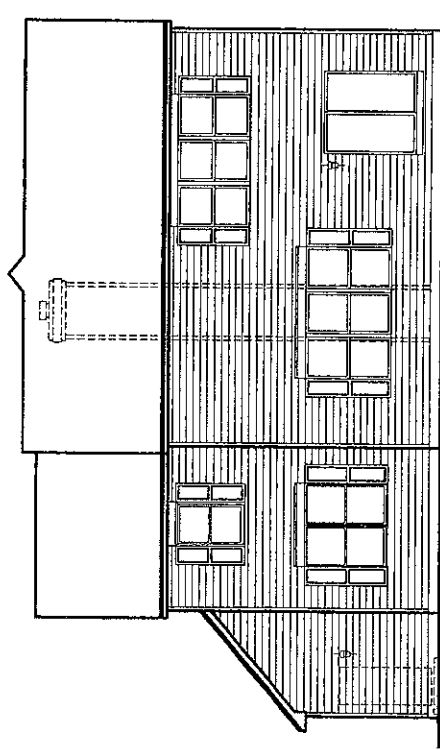
**ASHTON POINTE
05-30-12**



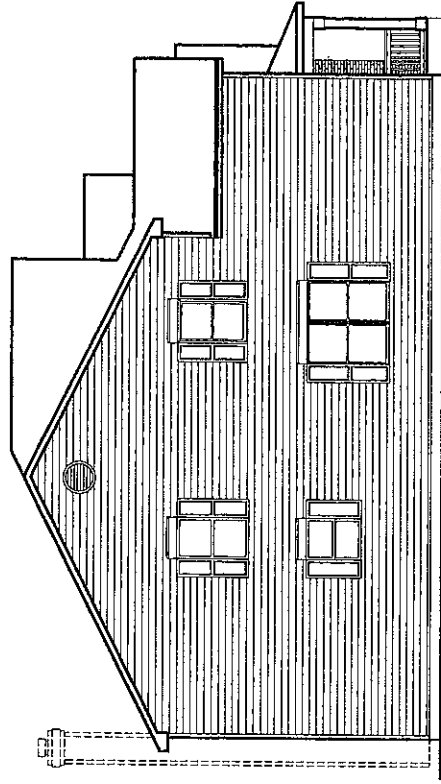
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

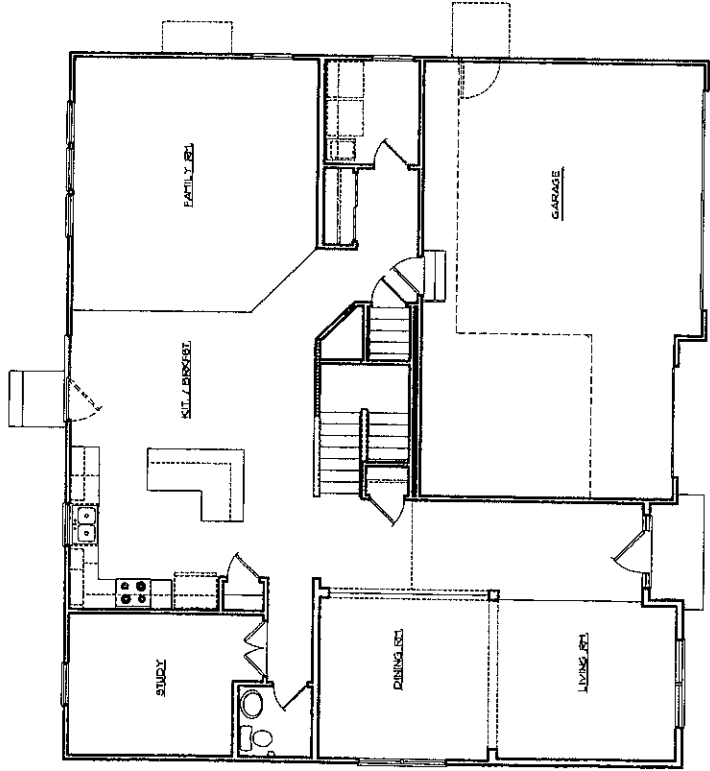


LEFT ELEVATION

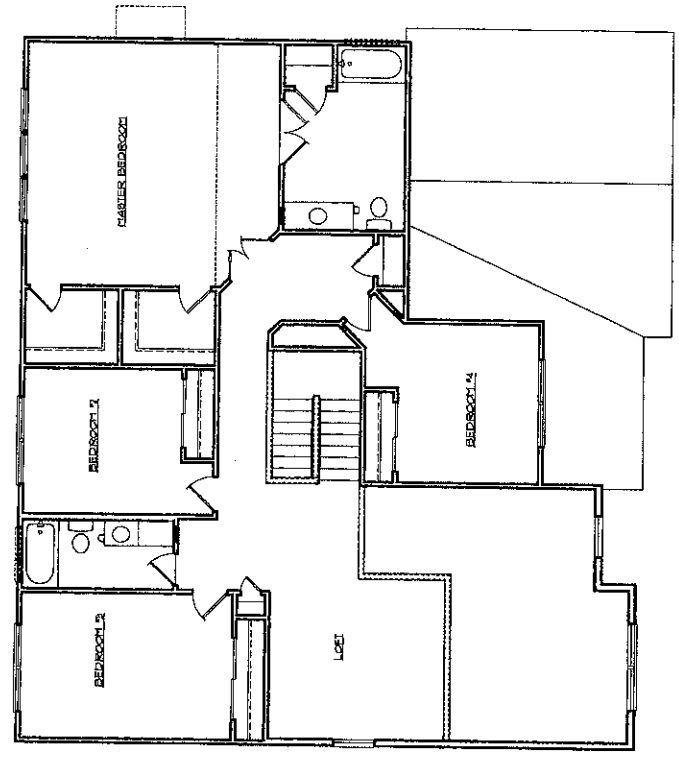
WESTON "C"

ASHTON POINTE

05-30-12



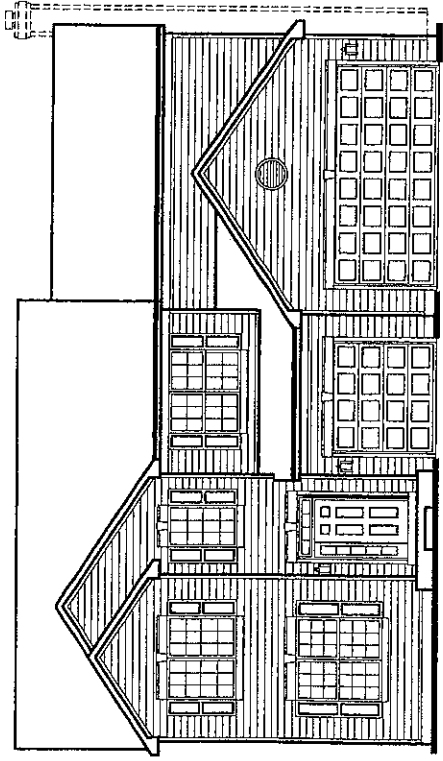
1ST FLR.



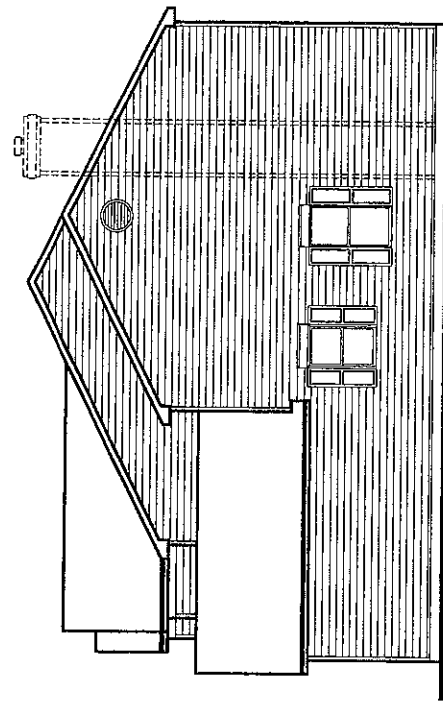
2ND FLR.

MANCHESTER

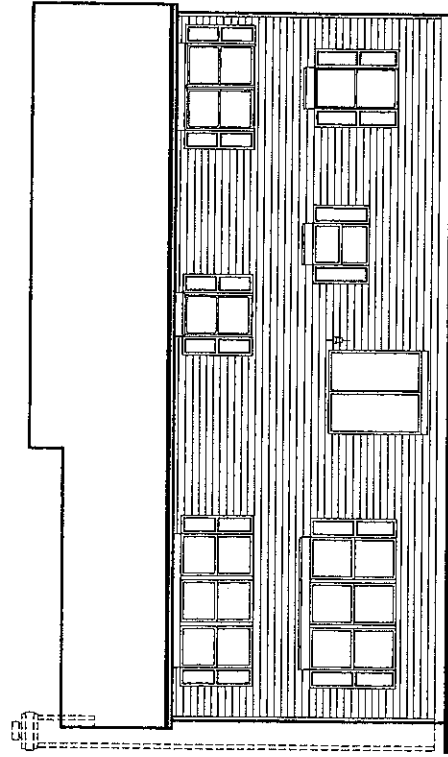
3130 SF.



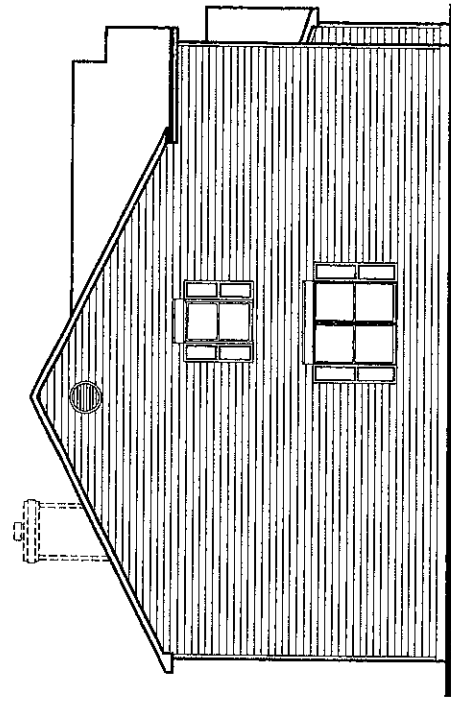
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

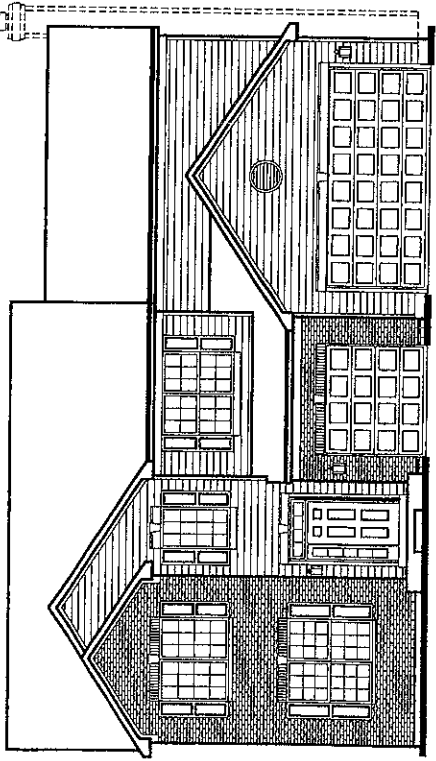


LEFT ELEVATION

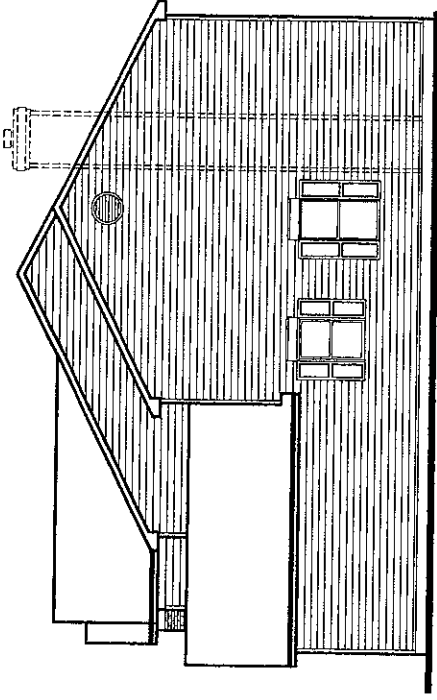
MANCHESTER "A"

ASHTON POINTE

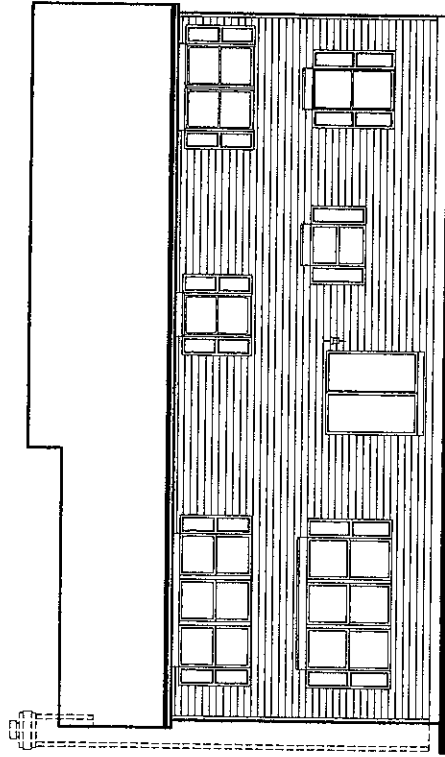
05-25-12



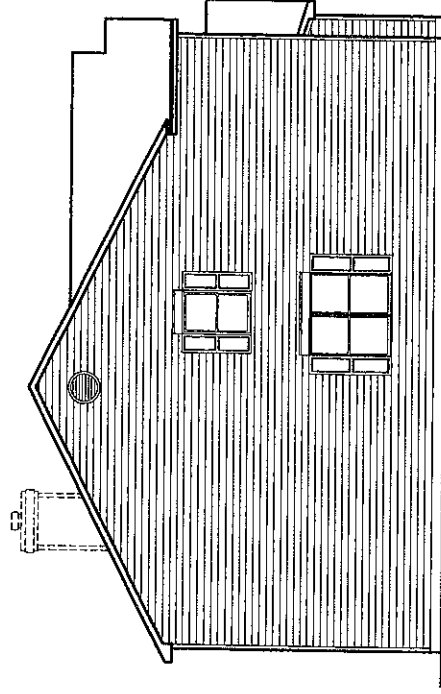
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

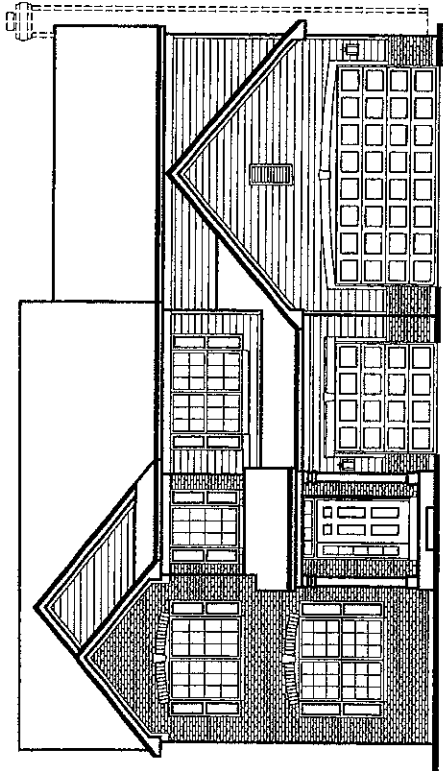


LEFT ELEVATION

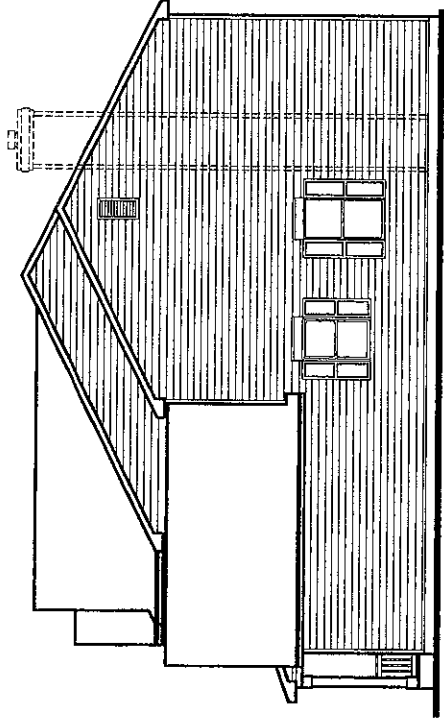
MANCHESTER "A"

ASHTON POINTE

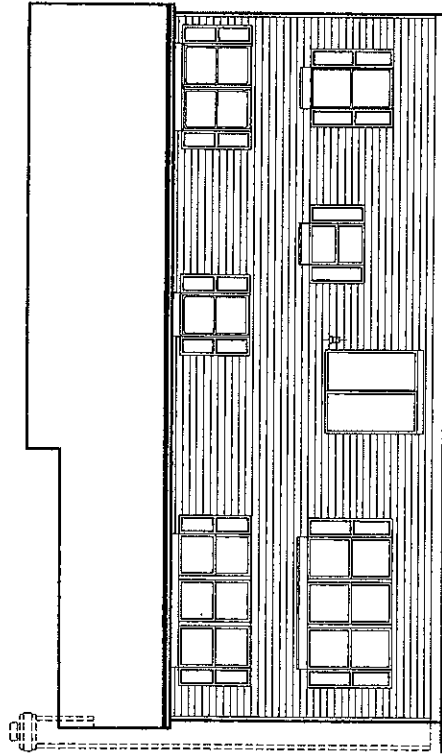
05-30-12



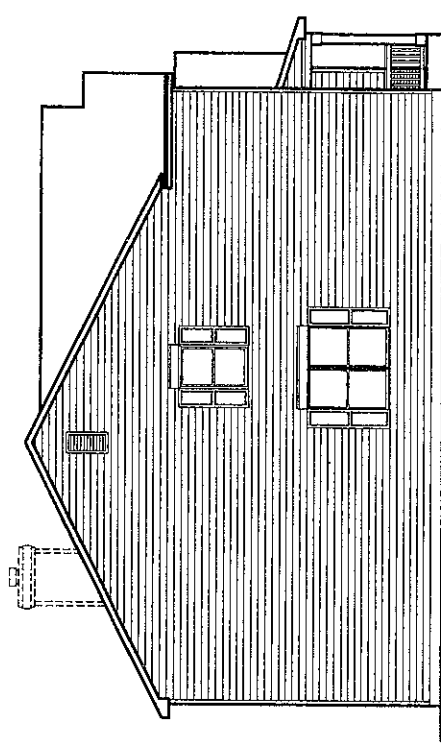
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

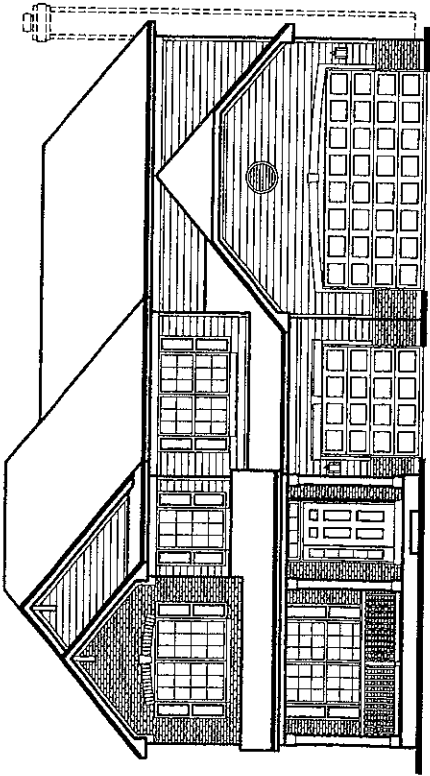


LEFT ELEVATION

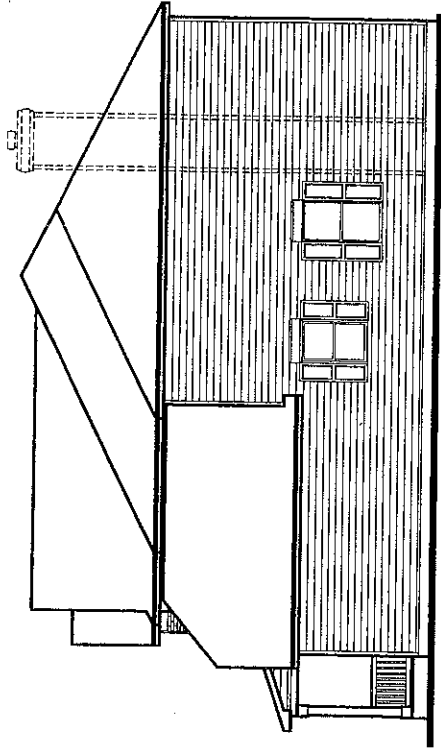
MANCHESTER "B"

ASHTON POINTE

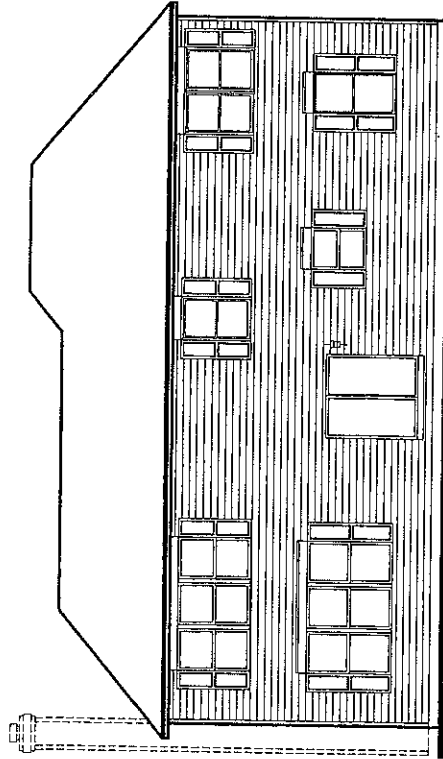
05-30-12



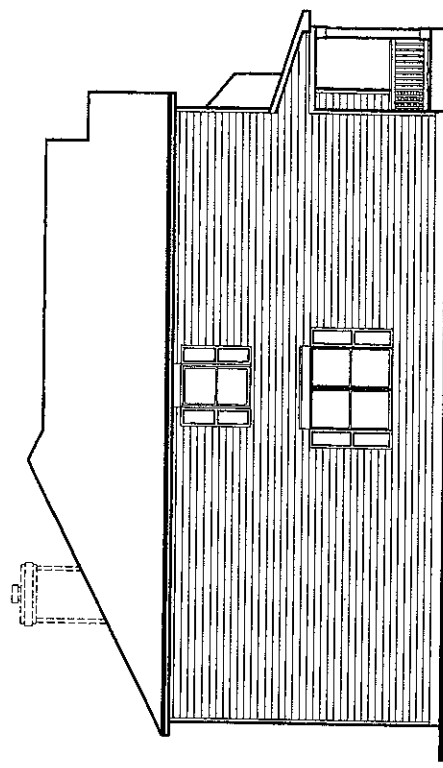
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

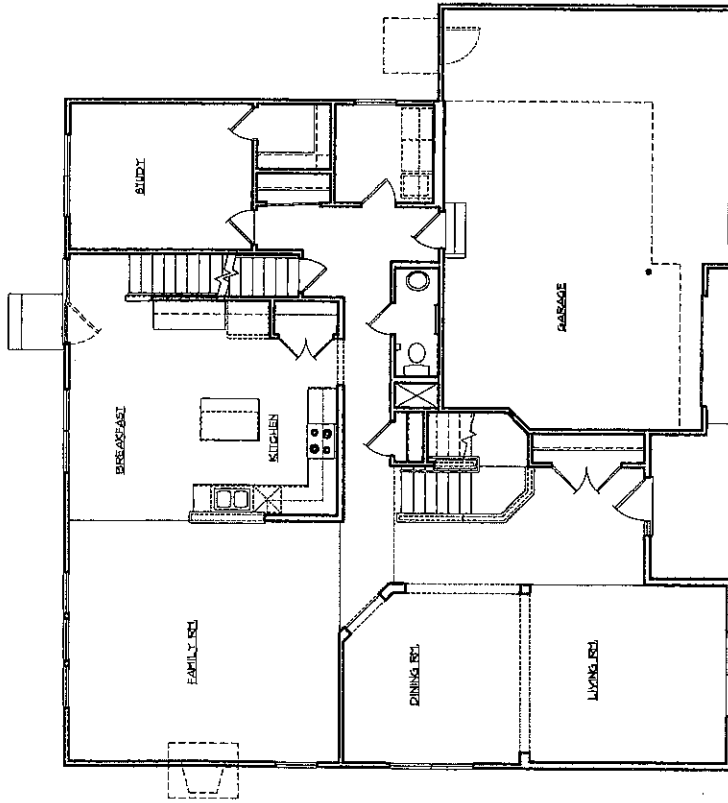


LEFT ELEVATION

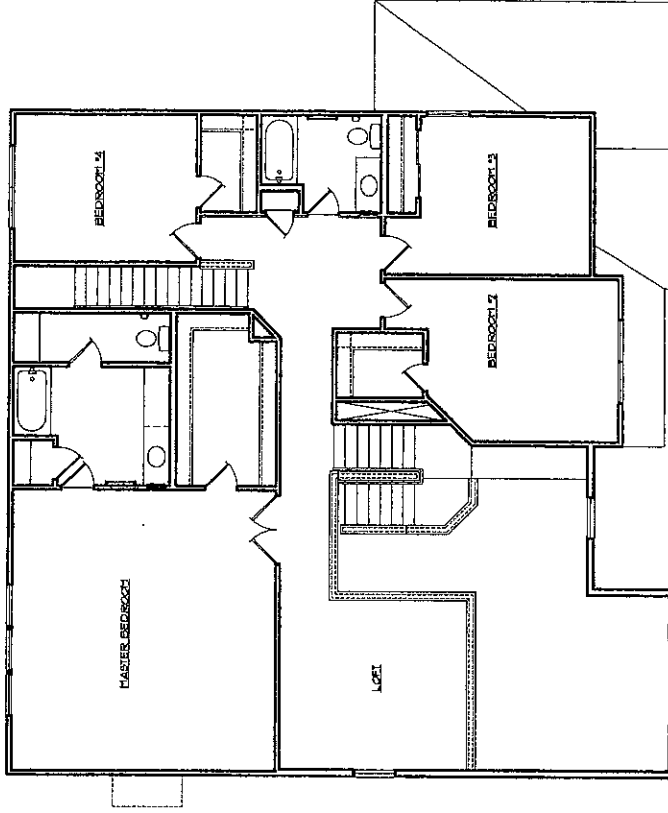
MANCHESTER "C"

ASHTON POINTE

05-30-12



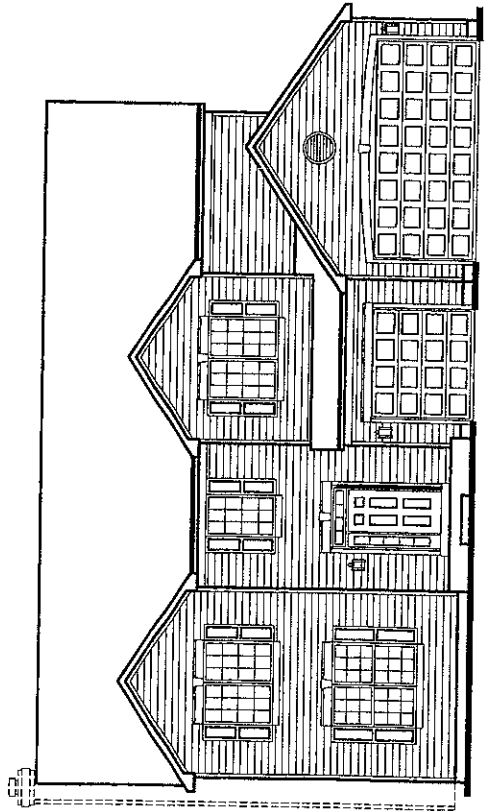
1ST FLR.



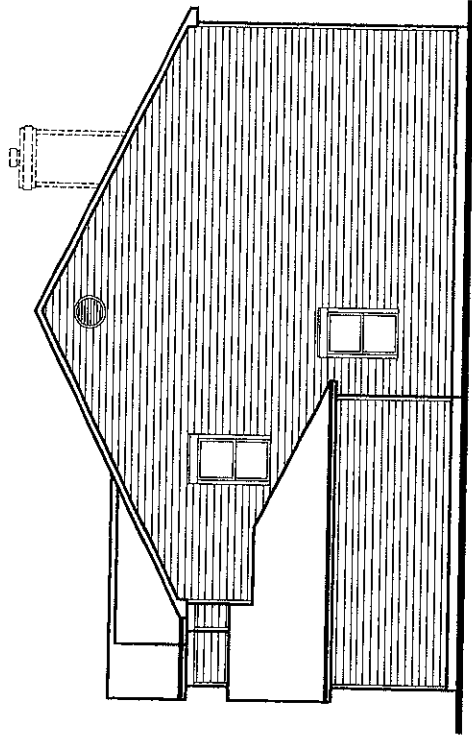
2ND FLR.

SHENANDOAH

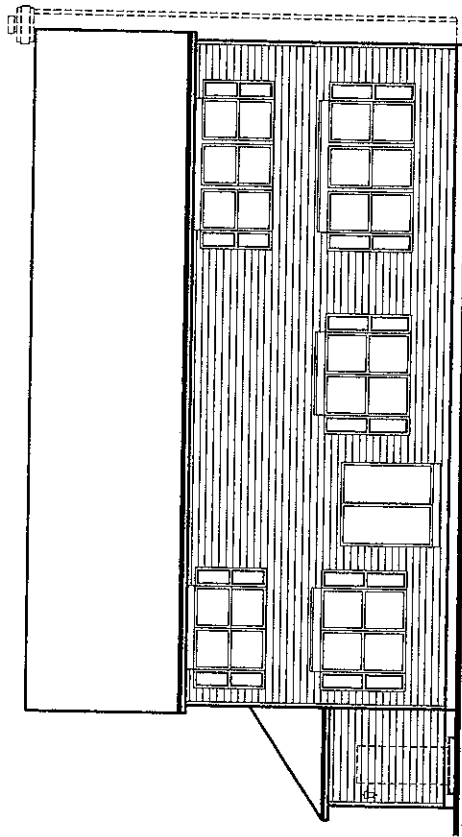
3415 SF.



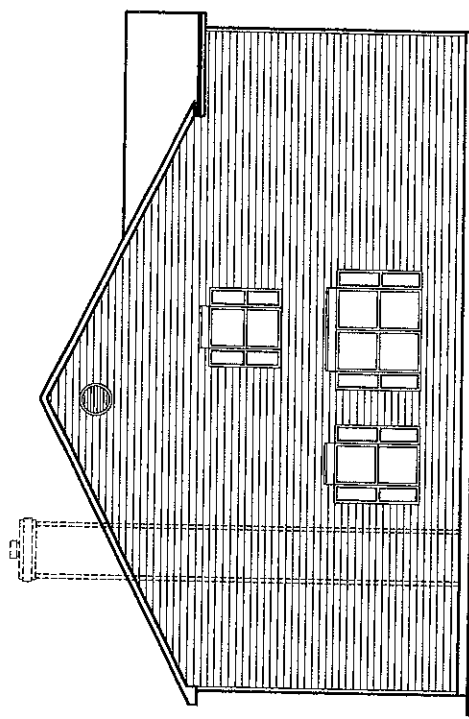
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

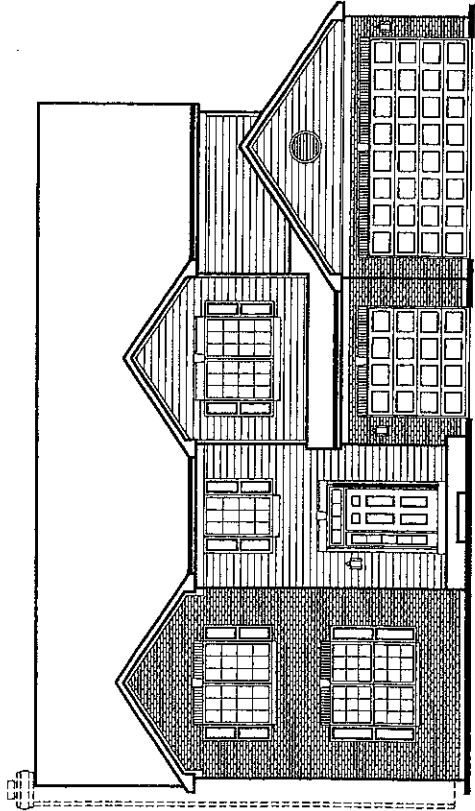


LEFT ELEVATION

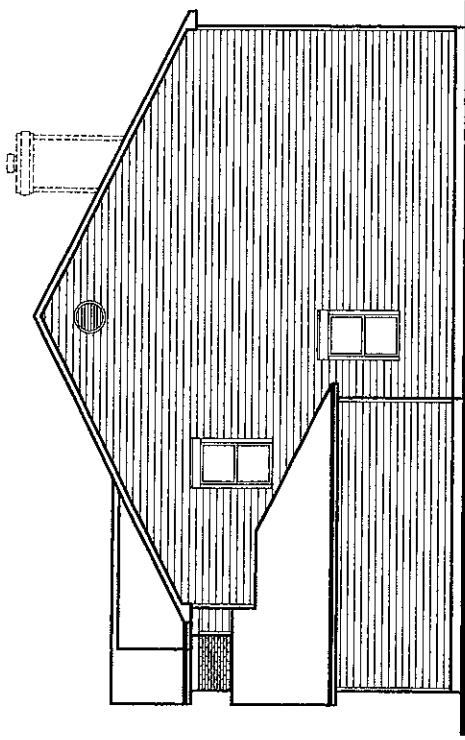
SHENANDOAH "A"

ASHTON POINTE

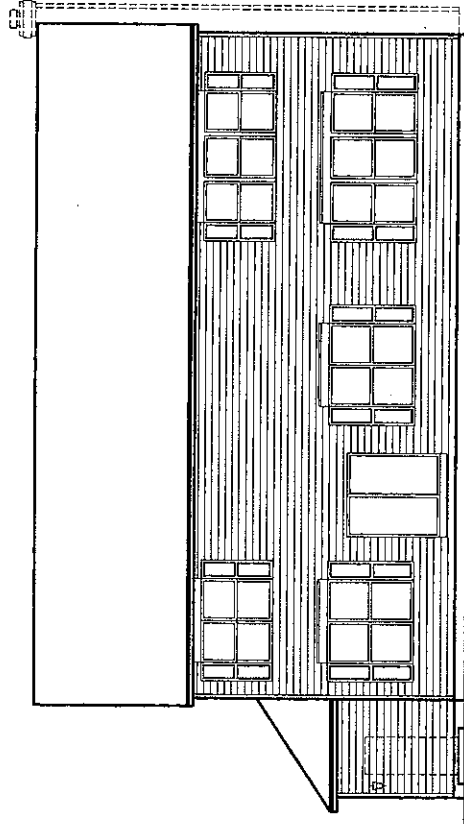
05-25-12



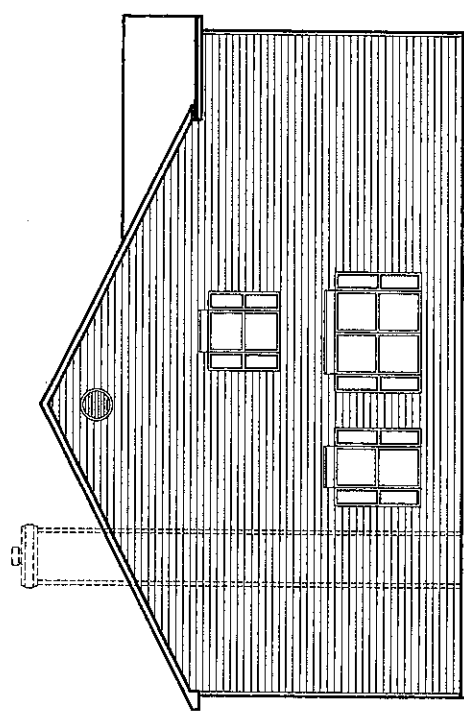
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

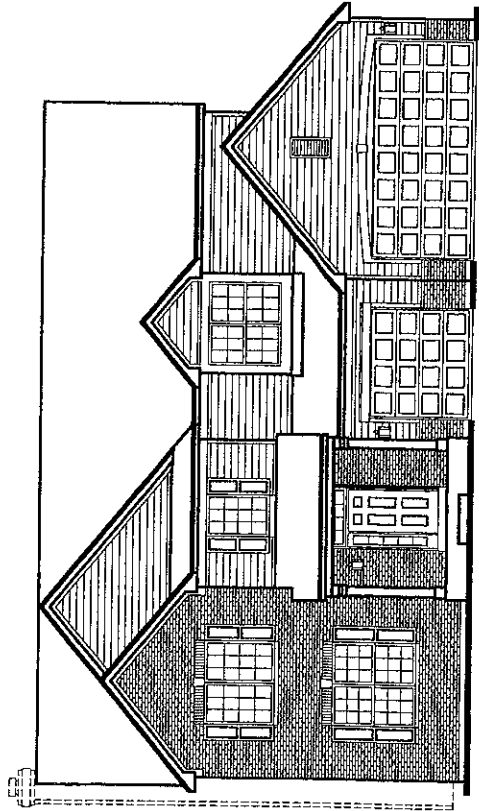


LEFT ELEVATION

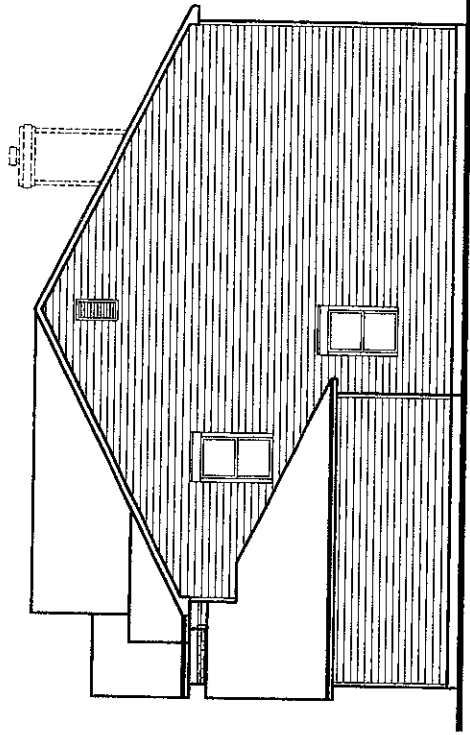
SHENANDOAH "A"

ASHTON POINTE

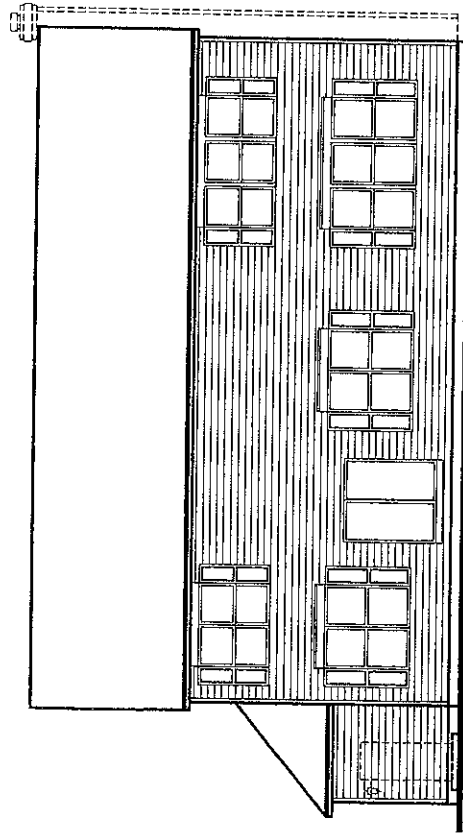
05-30-12



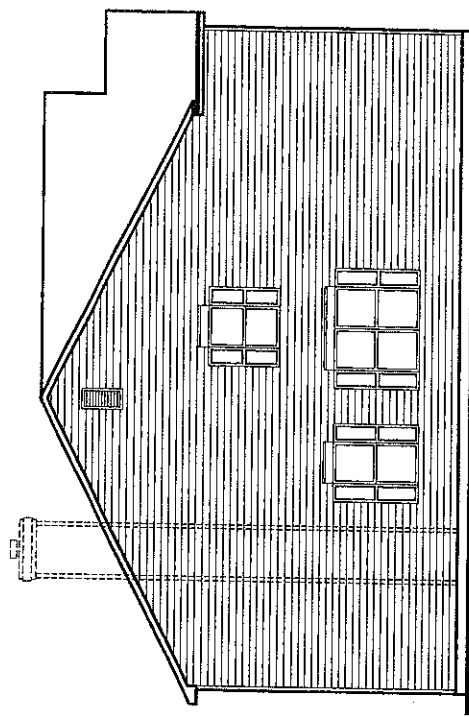
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

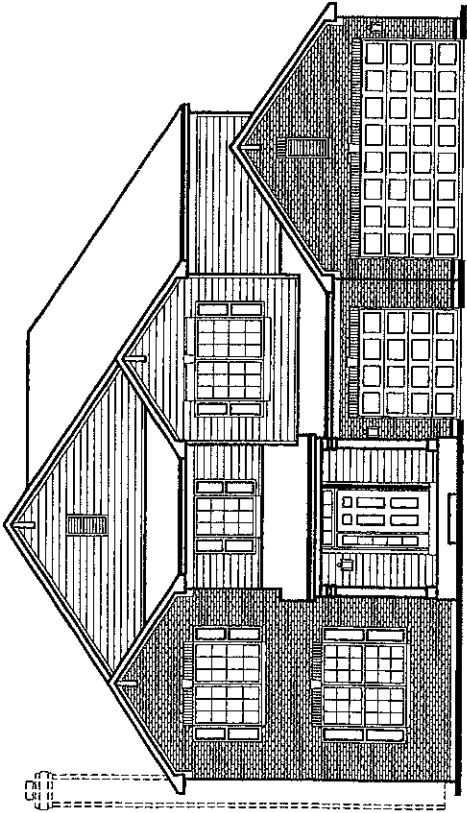


LEFT ELEVATION

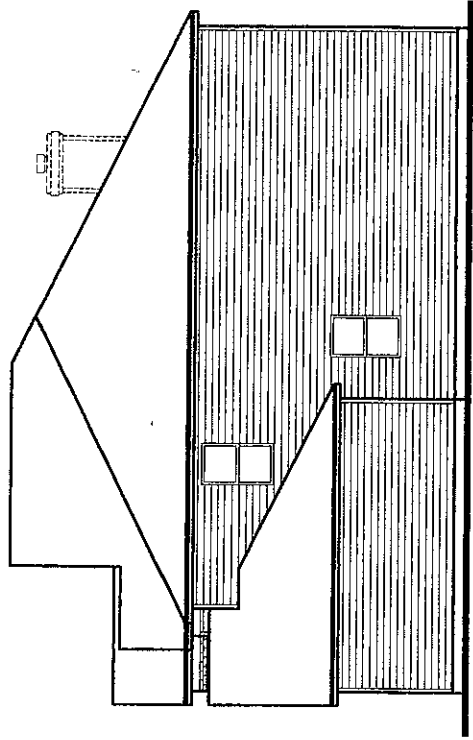
SHENANDOAH "B"

ASHTON POINTE

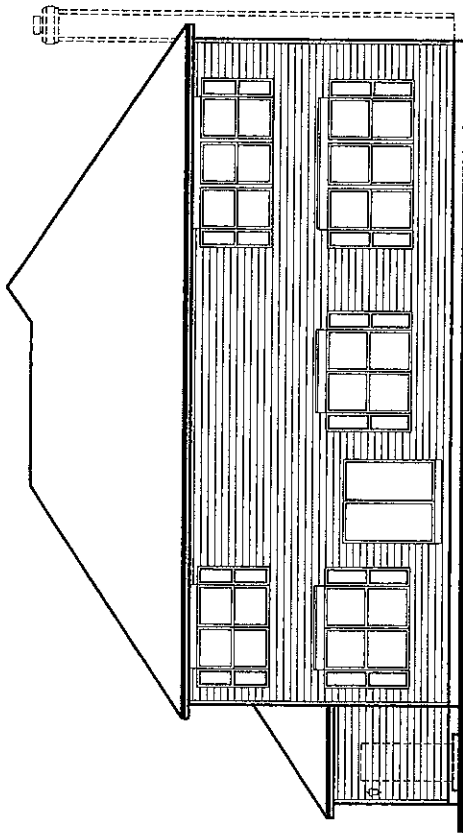
05-30-12



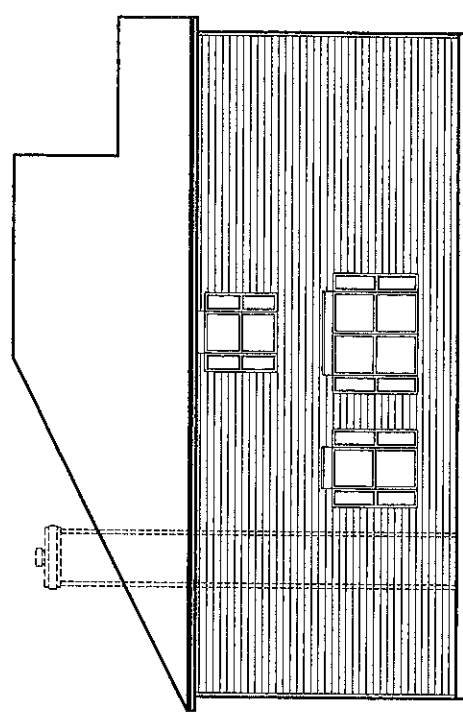
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

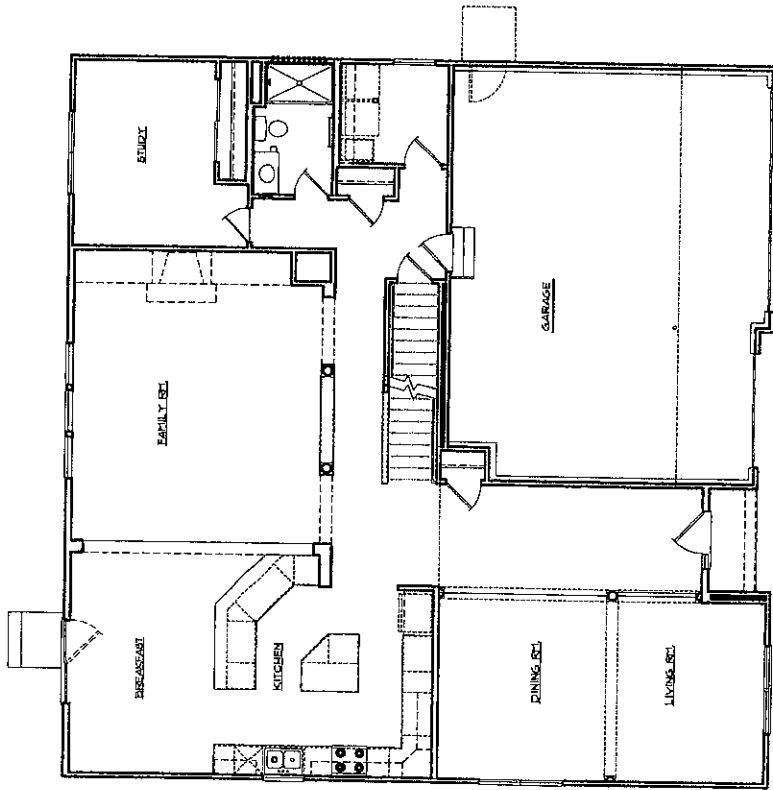


LEFT ELEVATION

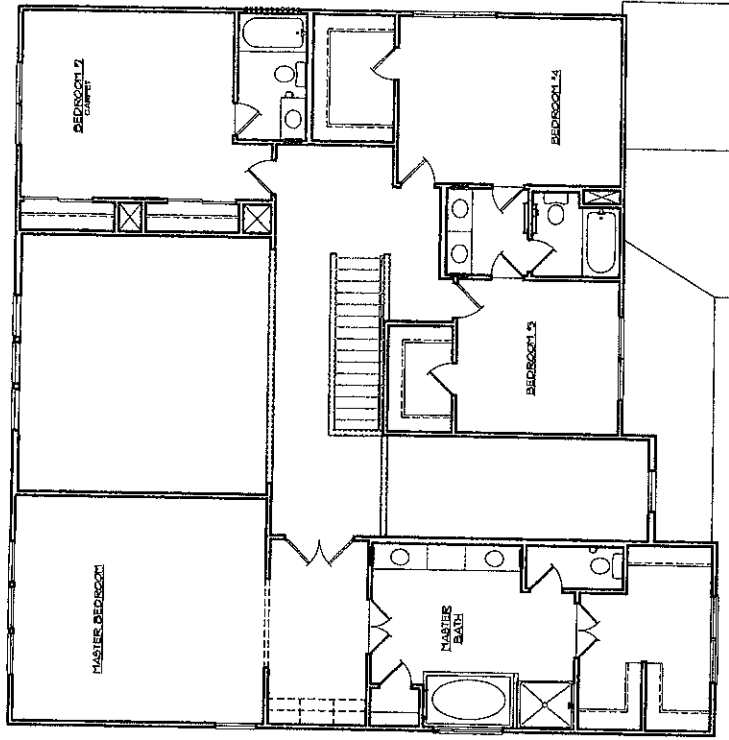
SHENANDOAH "C"

ASHTON POINTE

05-30-12



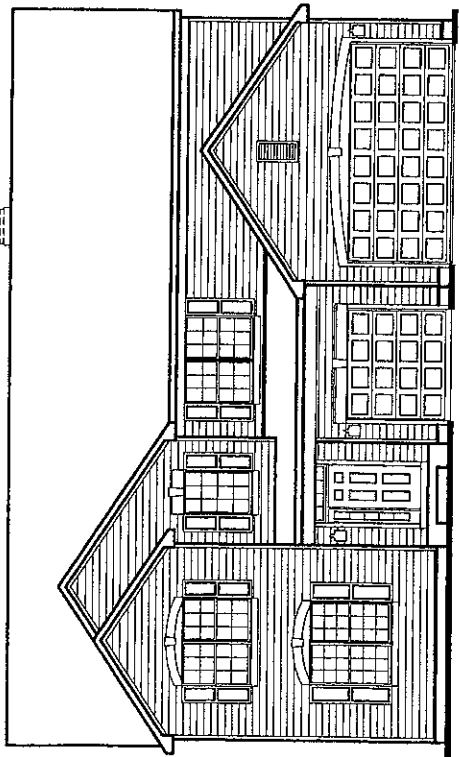
1ST FLR.



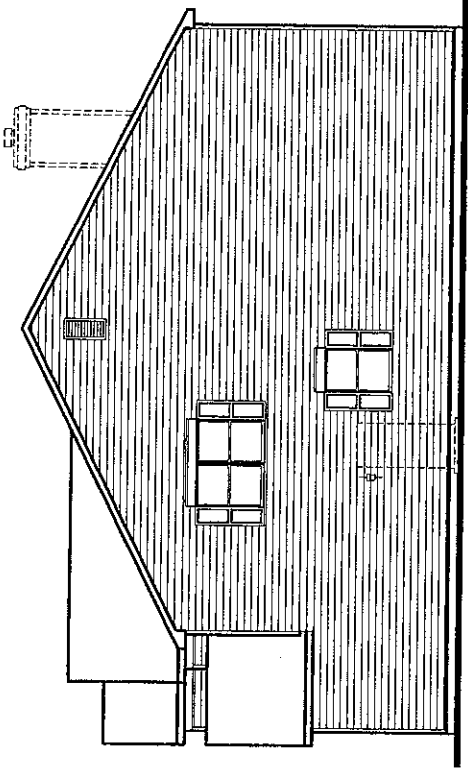
2ND FLR.

NEWCASTLE

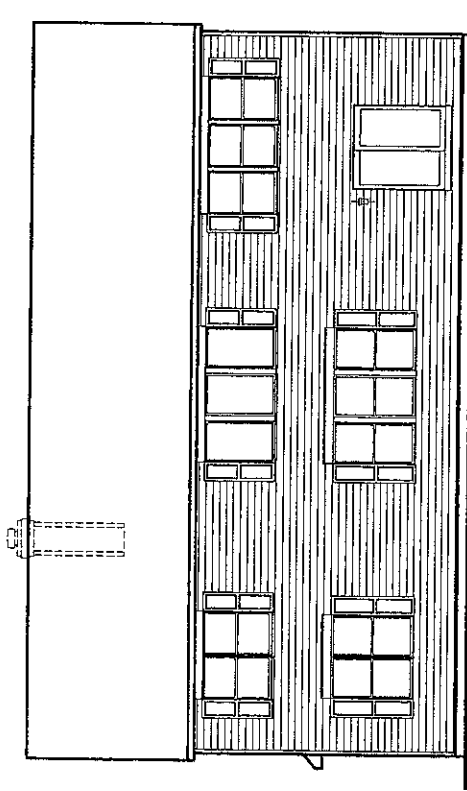
3800 SF.



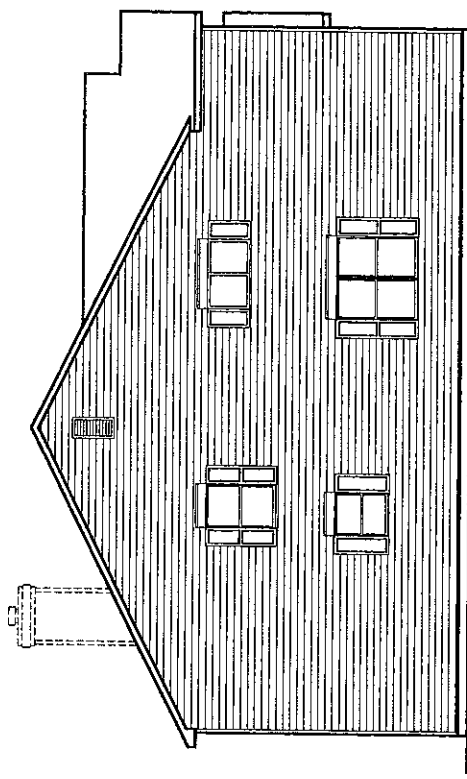
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

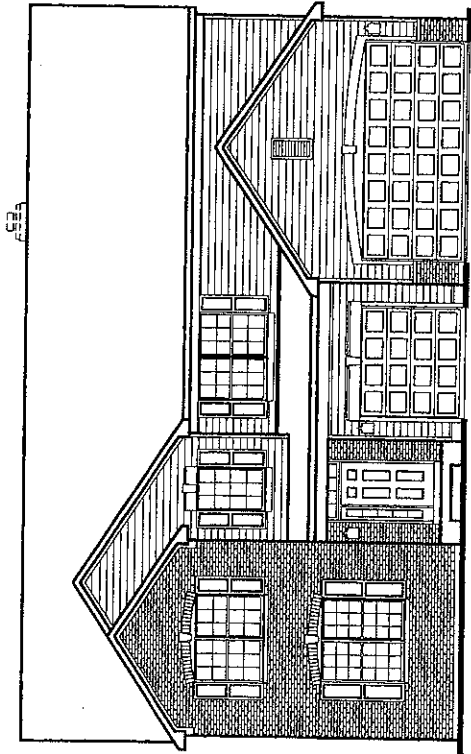


LEFT ELEVATION

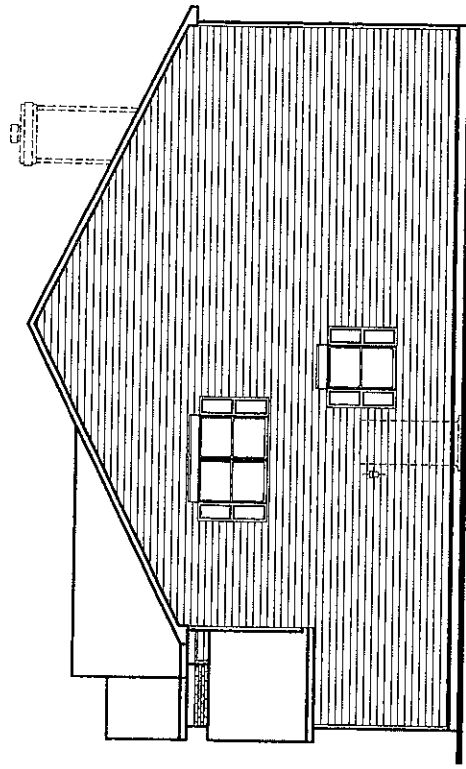
NEWCASTLE "A"

ASHTON POINTE

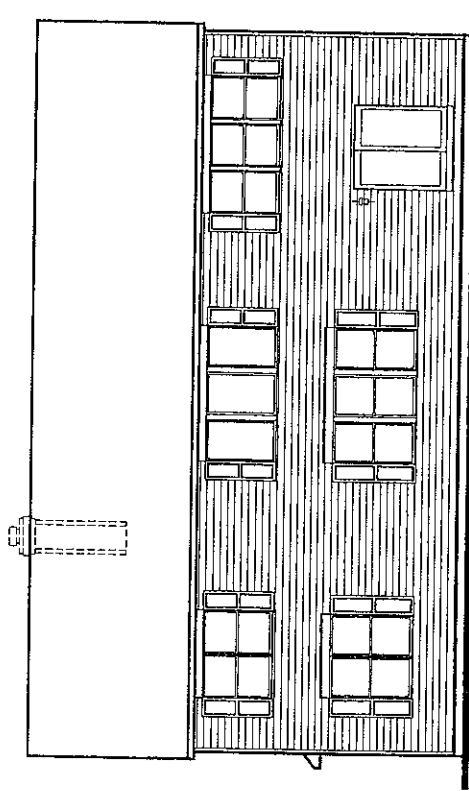
05-25-12



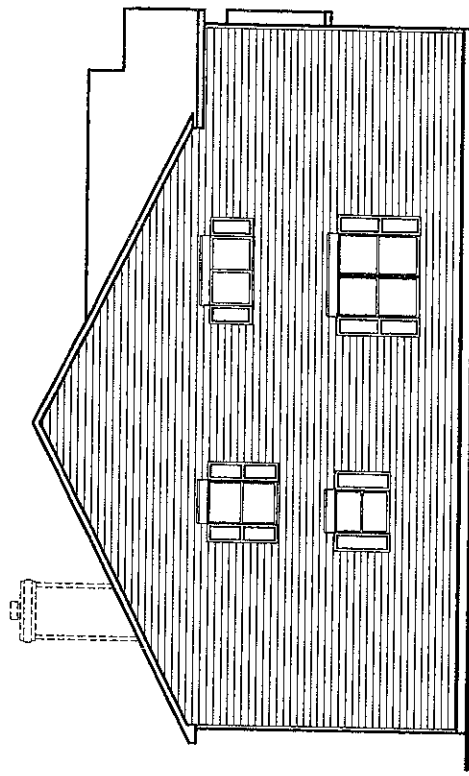
FRONT ELEVATION



RIGHT ELEVATION



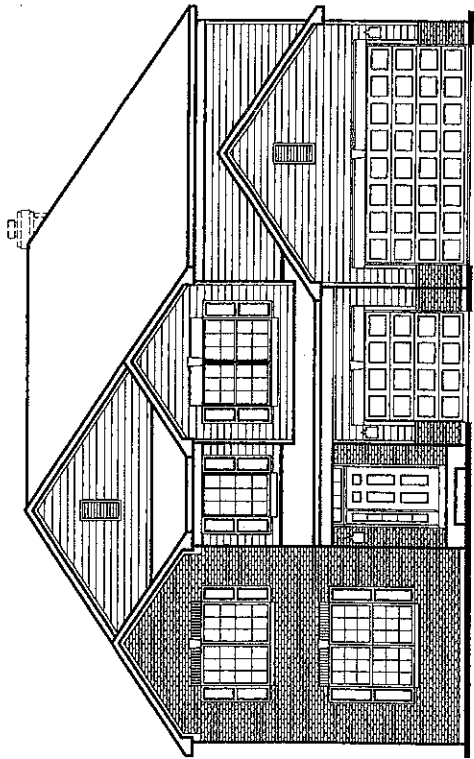
REAR ELEVATION



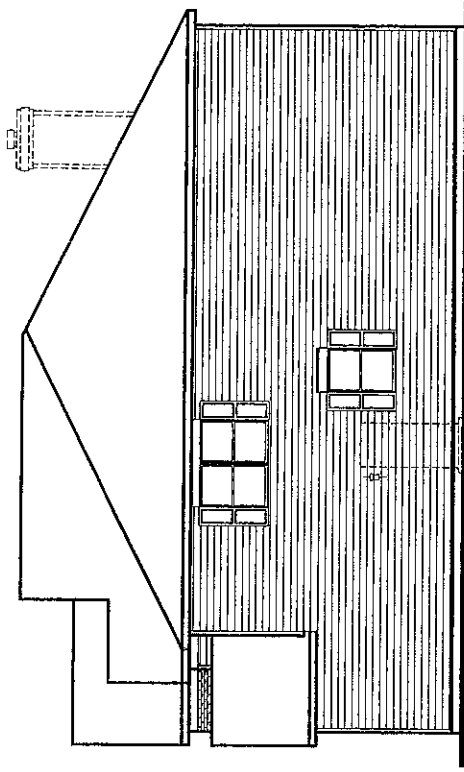
LEFT ELEVATION

NEWCASTLE "A"

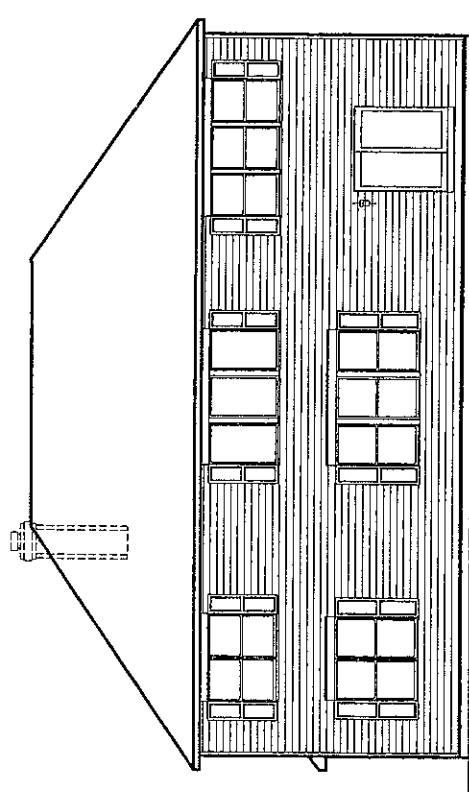
**ASHTON POINTE
05-30-12**



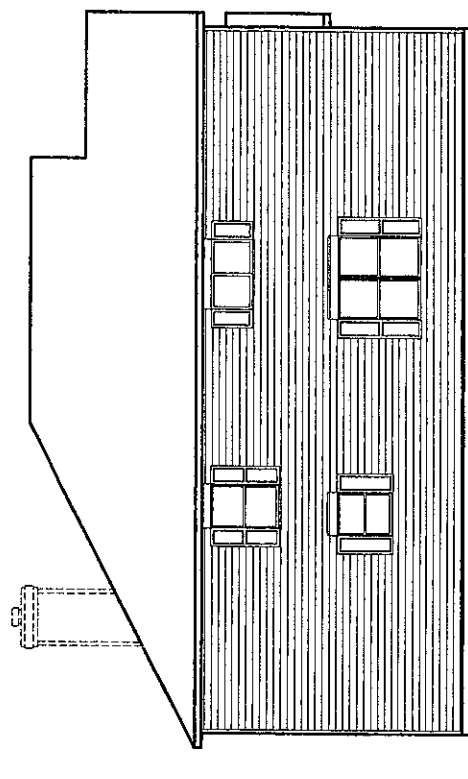
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

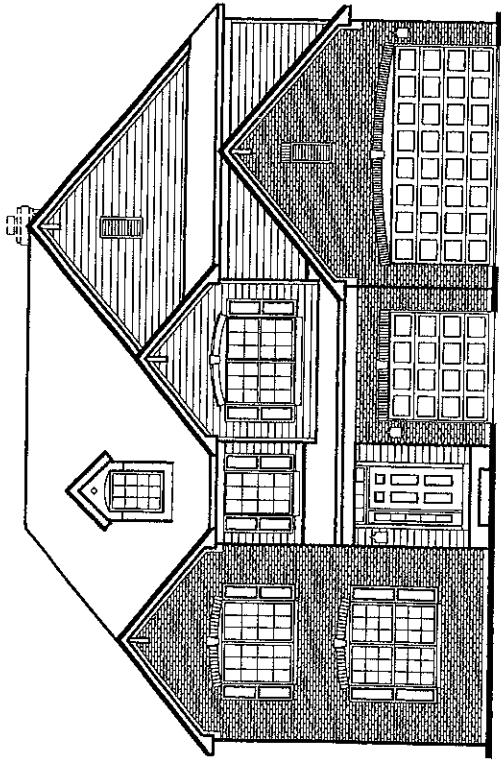


LEFT ELEVATION

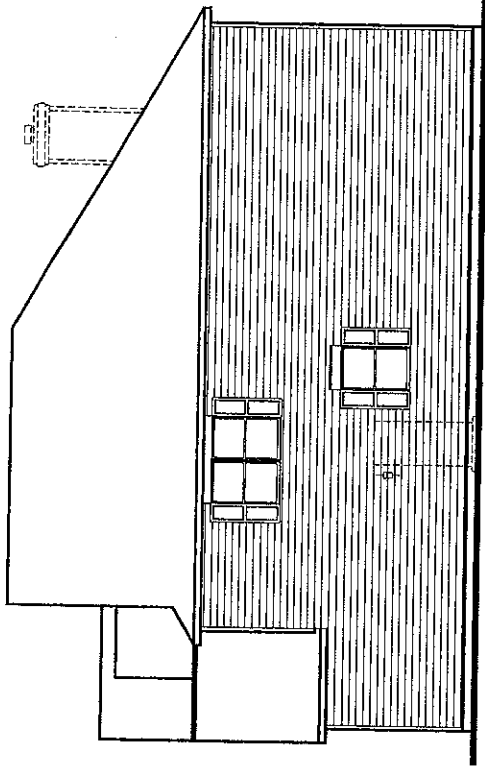
NEWCASTLE "B"

ASHTON POINTE

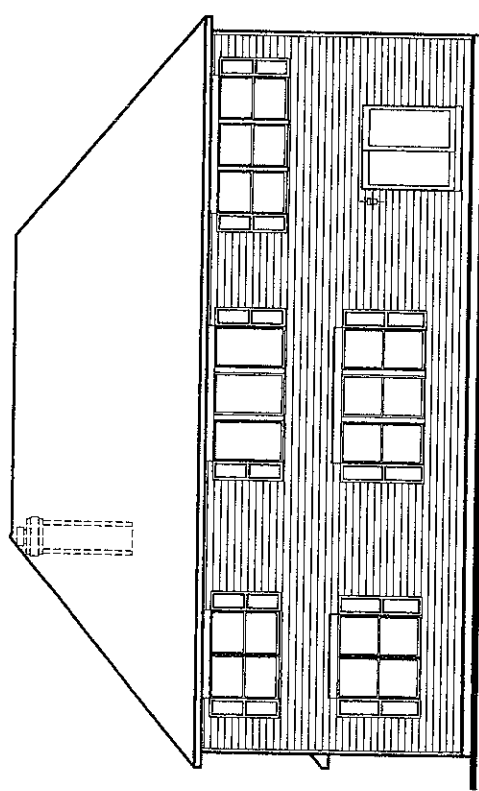
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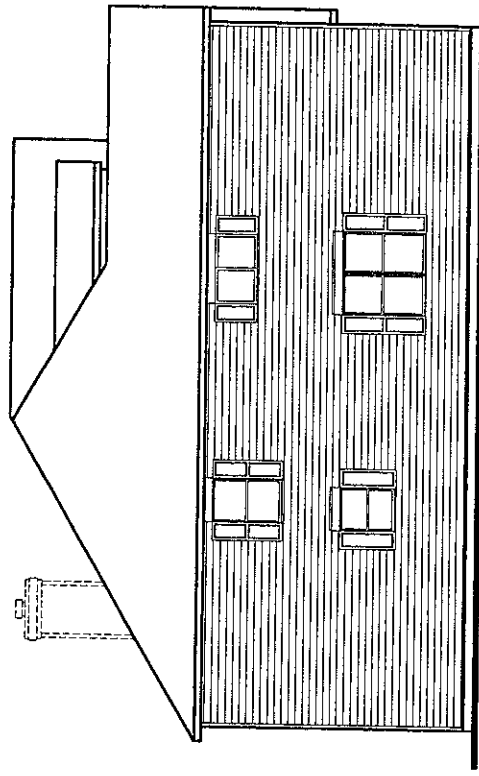
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION




LEFT ELEVATION

NEWCASTLE "C"

ASHTON POINTE

05-30-12

Ashton Pointe

 Ryland Lots (41)



4 5 2012



FUTURE PARK

**CRYSTAL LAKE PLAN COMMISSION
WEDNESDAY, SEPTEMBER 8, 2004
HELD AT THE CRYSTAL LAKE PARK DISTRICT BUILDING
1 E. CRYSTAL LAKE AVENUE**

The meeting was called to order by Acting Chair Schofield at 7:35 p.m. On roll call, members Cabay, Esposito, Greenman, Hopkins, and Schofield were present. Members Deemer, Hess, Vause, and McDonough were absent.

Michelle Rentzsch, Planning Director, Brian Grady and James Richter, both Planners, were present from Staff.

2004-57 ASHTON POINTE – N. RR TRACKS; W. PINGREE RD. – PUBLIC MEETING

This petition was continued from the August 25, 2004 Plan Commission meeting. Final Planned Unit Development/Plat of Subdivision for 71 single-family lots, 49 townhomes, and 5 outlots.

William Franz, an attorney with Hinshaw & Culbertson, and Bob Schmude, with Kenar LLC, represented the petition.

Mr. Greenman stated that he wanted to note Mr. Vause's letter to the Plan Commission urging them to continue the petition due to outstanding issues and lack of staff review of the materials. Mr. Greenman stated that he has the same concerns and would like to continue the issue as well.

Mr. Greenman made a motion to continue the petition to the September 22, 2004 Plan Commission meeting. Mr. Cabay seconded the motion.

Mrs. Schofield asked Mr. Richter if there were any updates regarding the petition. Mr. Richter said that the petitioner has made efforts to provide the required materials. He said materials were provided the previous week, but staff cannot review the materials in such a short timeframe.

Mrs. Schofield asked if the Church Plat of Subdivision has been resolved. Mr. Richter said two issues must be addressed in regards to the Plat. The petitioner must provide an A+ rated bond for the improvements and a Plat correction must be made regarding the right-of-way on Crystal Lake Avenue. Mrs. Schofield said that it was very clear that the Church Plat of Subdivision must be finalized before applying for Final Plat/PUD.

Mr. Franz said that it might be impossible to resolve the Church Plat issue. He said the City is making the petitioner solve its problems. He said they have submitted an appropriate bond. Mr. Franz said that after their petition was continued two weeks ago they worked hard to address the issues in the staff report. He said that since staff has not had time to review the new materials they would like the Plan Commission to address the old materials and original staff report.

On roll call, all members voted aye. Motion passed.

Mr. Esposito said that the petitioner must provide all the materials. He said Final is Final and the petitioner is not there yet.

Mr. Greenman said that he relies on information from staff when he considers petitions. He said that he cannot make a good decision without the information. Mr. Hopkins agreed. Mr. Cabay said that condition to finalize the Plat is very clear.

Mrs. Schofield said she would like to give staff some direction as to what they are looking for in regards to the petitioner's submittal. Mr. Greenman said that he would like comments from John Cowlin, City Attorney, as to whether the Church Plat is out of the petitioner's hands.

Mr. Franz asked if their petition would be considered first at the next meeting. Mr. Richter said that it would.

Jeff Faye, 6314 Pingree Road, said that he would like to see the engineering plans for the project. Mr. Schmude said that it was not fair of the Commission to make a motion before the petitioner could speak. Mr. Greenman said that proper protocol was followed.

Wally Krawczyk, Kenar LLC, said that it may seem like they are pressing, but this is September and they have staff committed for Pingree Road improvements. He said that when they were continued they worked hard to get the project going. They would like to do their trench work for the utilities over the winter when the kids are in school. Also, excavators will not want to work when the ground is frozen. If they do not get the project going they will miss the season.

Mr. Krawczyk said that that the report for the previous meeting was 11 pages long. He said that some of the issues in the report were new issues.

Mrs. Schofield said that she understands the business standpoint, but they must consider petitions from a planning standpoint.

Mr. Krawczyk asked if staff is comfortable answering questions about the materials that have been submitted. Mr. Greenman said that staff should not be put on the spot. He said that the petitioner would not lose two weeks. The issues must be resolved either way.

Mrs. Schofield said that she feels considering the new materials without the benefit of staff's review would be sidestepping the process.

Mr. Greenman moved that comments from John Cowlin regarding the Church Plat be provided to the Plan Commission for the next meeting. On voice vote all members voted aye. Motion passed.

CRYSTAL LAKE PLAN COMMISSION
WEDNESDAY, SEPTEMBER 22, 2004
HELD AT THE CRYSTAL LAKE PARK DISTRICT BUILDING
1 E. CRYSTAL LAKE AVENUE

The meeting was called to order by Acting Chair Deemer at 7:35 p.m. On roll call, members Cabay, Esposito, Hess, Hopkins, Schofield, and Deemer were present. Members Greenman, Vause, and McDonough were absent.

Michelle Rentzsch, Planning Director, Brian Grady and James Richter, both Planners, and Mark Stonikas, Engineer, were present from Staff.

2004-57 ASHTON POINTE – N. RR TRACKS; W. PINGREE RD. – PUBLIC MEETING

This petition was continued from the September 8, 2004 Plan Commission meeting.

Final Planned Unit Development/Plat of Subdivision for 71 single-family lots, 49 townhomes, and 5 outlots.

Mr. Richter stated the information has been submitted to Staff for review and a revised staff report has been created.

Bill Franz, attorney, Robert Schmude and Larry Vitous, with Kenar, were present to represent the petition. Mr. Franz stated they believe they have preformed all of the items requested by Staff. He showed the site plan and showed the proposed location of the streetlight showing the areas that will be illuminated. They will be finding a new location for the burial of the utility lines that is not in the right of way per ComEd request. It can be accommodated in the landscaping or bike path/sidewalk. They are waiting for approval by ComEd.

Mr. Franz stated they have an alternative to the paving blocks as suggested by the Utility Department. They prefer the bike path be used. He believes that is ok with Staff but has not received approval yet.

Mr. Franz reviewed the comments regarding the elevations for the single-family homes. He showed photos of similar housing in Crystal Lake. He said Crystal Lake doesn't have affordable houses and described the differences in the homes. Mr. Franz said they have done many things to create interest in the front and sides of the homes but not the rear.

Mr. Franz said they did not find any sites that could accommodate side-loaded garages. There are space limitations.

Mr. Franz said the City required a 10-foot wide landscape easement and then parkway trees. He stated that the easements that they are proposing would accommodate what the City is wanting.

Mr. Franz feels that some of these issues should have been addressed at Preliminary and he said they are trying to address them now.

Mr. Franz said he believes they have worked out their issues with the Park District regarding land donation. They will also make the necessary improvements to the property requested by the Park District.

Mr. Franz said regarding the pedestrian link to Metra - they will provide a path but the connecting link can't be guaranteed. They are working towards it. They agree with working with the City regarding Pingree Road improvements and their timing.

Dr. Deemer asked if the petitioner brought samples of the materials and colors to be used. Mr. Vitous stated that there will be over 44 combinations of colors and described the materials to be used for the siding, roofing, etc. Material samples were displayed for the Commissioners.

Mrs. Schofield asked about the street lighting and possible specific location. Mr. Stonikas said they have looked at the line of sight in the area. He stated that there is a location on Pingree near Valerie where at night headlights may disappear momentarily. Mr. Stonikas said they feel that street lights in that area will help. Also some of the vegetation may need to be removed but it may be on private property. They are still checking into the information received regarding the street light locations. Mr. Stonikas stated that any lighting in that area would help since it is a very dark area at night.

Mrs. Schofield asked if the petitioner was working to bury the lines. Mr. Franz said yes. Mrs. Schofield asked if other developments that have a bike path also are required to have additional space for the landscaping. Mr. Richter said it is typical for developers to provide 20-foot wide landscape easements in new subdivision.

Mrs. Schofield recalls that at Preliminary there was a lot of discussion regarding the rear elevations. Many points that were brought up at Preliminary weren't addressed. She said that it sounds like the petitioner is not willing to change their design even though the Commission made it very clear what was required. Mr. Vitous said they will be putting shutters on the single-family homes and have expanded the additional options. He explained other options and said they feel good about this product.

Mrs. Schofield asked if the petitioner was not in agreement with the requirement that 36 homes have brick. She feels that is not a great number. Mr. Schmude said that is not something they offer as an option. Some models offer many more options. He said they are not willing to change that. Mrs. Schofield asked Staff their opinion. Mr. Richter said that his recommendation to provide a certain feature as mandatory vs. optional would ensure a variation in architecture throughout the subdivision. Mr. Schmude said they would prefer to have stone if it is required.

Mr. Cabay asked what percentage of the houses are brick. Mr. Schmude said about 50% of the elevations are brick and on elevations B and C it is approximately 60%.

Mr. Hopkins asked what the options are for the models. Mr. Schmude explained the model options.

Mr. Hopkins asked if the petitioner is willing to work with Staff regarding the improvements to Pingree Road. Mr. Franz said yes. Originally they were going to improve the road when 50% of the units were sold but now they have agreed to the improvements when Staff requests them. Mr. Hopkins asked about the townhouses with brick. Mr. Richter said the petitioner has agreed to do that.

Ms. Hess said the Commission did discuss the architecture previously. She also asked about the monotony code. Mr. Richter explained that there is no official monotony code in the ordinances, but that the City can review architecture through PUDs. Ms. Hess said 3 car garages would all be front-loaded. Mr. Franz said they discovered there is no room for the side loaded garages. Ms. Hess asked if the petitioner has done side loaded garages in other communities. Mr. Schmude said no. Ms. Hess asked about some of the gable features. Mr. Vitous explained. Ms. Hess said some of the elevations are ok but others do bother her and explained further. She said brick fronts are attractive but the rear and sides need some help. The alignment and sizes of windows are kind of a hodgepodge and is a bit disturbing visually. Mr. Vitous said it is not always possible to have them lined up, etc.

Ms. Hess asked if there would be restrictions for storage sheds. She said possibly the third car garage would possibly be used for storage and then have a separate unit as well. Mr. Richter stated that the staff has not suggested restricting sheds, but that the number of easements throughout this subdivision may, in essence, restrict sheds. Ms. Hess reviewed her suggestions.

Mr. Esposito explained the features he likes on the homes.

Dr. Deemer asked about the tree preservation guidelines regarding grading close to a tree. Mr. Richter said that adequate tree protection measures have been proposed, reviewed, and approved by the consulting arborist.

Kevin Sarnwick, 4509 Walkup Ave., said he saw an article regarding this development. He asked about the developer donations. Mr. Richter explained the developer donations required.

Jeff Faye, 6314 Pingree Road, said he spoke with Staff and came to a better understanding of the project and will reserve his public comments for City Council. Mr. Faye asked about the paving of Pingree Road and where the Township improvements are going to be done. He is also concerned with the current speed limit on the street. Dr. Deemer asked about the road widening. Mr. Stonikas explained.

There was no one else in the public who wished to speak on this petition.

Dr. Deemer said he likes the townhouses. He has seen another townhouse development done by the petitioner. Dr. Deemer said the petitioner has done a lot to the single-family homes.

Mr. Franz said they believe they have covered many points. Mr. Cabay asked about the 3-car

garages and the brick would carry around the garage. Mr. Vitous explained.

Mrs. Schofield asked if the reference for the lighting was in the traffic report. Mr. Richter said yes.

Dr. Deemer asked about the temporary construction signs. Mr. Richter explained the procedure and time frames.

Mrs. Schofield moved to approve the Final PUD and Final Plat of Subdivision for Ashton Pointe located north of the railroad tracks and west of Pingree Road with the following conditions:

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

A. Final Plat of Subdivision – ASHTON POINTE (TFW Surveying, dated 06/04/04, revised 08/31/04, received 09/01/04).

B. Final Engineering, including the tree preservation/protection plans (Pearson Brown, dated 05/17/04, revised 09/01/04, received 09/01/04).

C. Consulting Arborist Report (Urban Forest Management, dated 08/04/04) & Calculation Sheet dated 01/14/03, revised 08/04/04).

D. Final Landscaping Plan (JenLand Design, Inc., dated 09/01/04, revised 09/02/04).

E. Park District Letter (Viger, Crystal Lake Park District, dated 08/06/04).

F. Architectural Package – Single Family and Multi-family products (Kenar Development LLC, received 09/03/04).

G. Declaration of Condominium Ownership for Ashton Pointe (Leiter, Esq., dated 07/04).

H. Declaration of Covenants, Conditions, and Restrictions for Ashton Pointe (Leiter, Esq., dated 07/04).

I. Kenar response letter to August 25, 2004 Staff Report, from Schmude to Richter (Kenar, dated 09/02/04)

J. Pierson Brown and Associates Lighting Plan dated 9-21-04.

2. Final Plat of Subdivision

A. This pedestrian connection to the Metra station should not be dedicated to the City of Crystal Lake and a statement of its purpose should be provided on the Final Plat as has been provided for the other easements. List PE Pedestrian Easement under the Legend of easements on the first page (if used), or connect to the SE as suggested in the Engineer's comments.

B. Wingate Court should be changed to Oak Hollow Court.

C. Provide the building setback lines for the R-3b Zoned lots.

D. Easements for the burial of the overhead utility lines shall be indicated on the Final Plat of Subdivision.

E. Provide a reference to the Covenants on the Final Plat document.

F. Work with City Staff and the City Attorney to revise the covenants to adequately address rights and responsibilities of the common landscaping, tree preservation areas, stormwater detention areas, etc.

G. The individual legal divisions of land around the townhome units should be labeled as outlots, not lots.

~~H. To be consistent with other single-family residential developments, expand the landscape easement to 20 feet in width.~~

3. Final Engineering, including the tree preservation/protection plans

A. In accordance with the Preliminary PUD approval for this project, a pedestrian link from this development to the Metra Station is required. The proposed link shall not be dedicated to the City of Crystal Lake. Work with City Staff to appropriately locate this link so that it matches the location of the easement to be illustrated on the Final Plat of Subdivision.

B. The bike path shall be increased in width to satisfy the Engineering Department so it can be used as an access for maintenance or grass pavers.

4. Consulting Arborist Report

A. The petitioner must comply with the recommendations of the Consulting Arborist report detailed in the letter to the City dated August 4, 2004. These recommendations must be tied into the revised engineering plans prior to issuance of any site grading or construction permits.

5. The Tree Preservation/Protection Plans within the Final Engineering by Pearson, Brown, & Associates (pages 19, 20, & 21) illustrate the areas which are to be fenced off by tree protection fencing. The Consulting Arborist Report by Urban Forest Management, dated 08/04/04, defines by identification number, which trees are to be removed and saved. As recommended by the Consulting Arborist, the following inspection system for the preservation of the trees on this site shall be established:

A. Prior to issuance of site grading or construction permits, the petitioner shall mark all of the trees on the site that are to be saved (using a marking system that does not harm the trees), that shall comply with the Consulting Arborist Report and the Tree Preservation/Protection Plans in the Final Engineering documents. These trees shall be inspected to ensure compliance with the Tree Preservation/Protection Plans prior to removal.

B. After the trees that are to be eliminated on site in conjunction with this Final PUD approval are removed, and prior to the issuance of any building permits for construction (of homes/townhomes), a subsequent inspection shall occur to ensure compliance with the Tree Preservation/Protection Plans. If it is found that the petitioner removes any tree that was required to be saved through the Tree Preservation/Protection Plan, the petitioner shall be required to replace it at 100% with a species that matches the highest quality tree found in Species Group A that is present on this site.

6. Final Landscaping Plan

A. Regarding the detention pond landscaping, if the storm water management plan is conducive, provide native plantings within the ponds.

~~B. To be consistent with other single-family residential developments, expand the landscape easement to 20 feet in width, and provide as much of a berm as is possible within this area.~~

7. Elevations Plan Sets: Harvard, Emory, Fairmount, and Georgetown
 - A. At least 36 of 71 single-family homes and all models with 3-car garages shall be elevations "B" or "C" and shall have front elevations comprised of entirely brick. In addition, these homes shall wrap the brick around the side elevations by at least one foot, creating a pier element.
 - B. Shutters around all windows on the rear and side elevations of the units shall be mandatory, versus optional.
 - C. Provide color samples and material samples of all exterior building materials used on the units.
 - D. Work with Staff to add additional architectural features to the rear and side elevations on lots backing up the Pingree Road.
8. Elevations Plan Set: Multi-family product
 - A. Provide a row of soldier-coursed brick along the sections of the elevations that are to be constructed using brick.
 - B. Provide brick or stone window sills for the windows to be located in the sections of the elevations that are to be constructed with brick.
 - C. At least 50% of the elevations of the townhomes must be comprised of brick.
 - D. ~~Provide shutters on the rear and side elevations of all the units.~~
 - E. Provide color samples and material samples of all exterior building materials used on the units.
9. The petitioner shall work with the City of Crystal Lake to coordinate the commencement of construction of the full improvements to Pingree Road, such that the improvements to Pingree Road south of the railroad tracks and the petitioner's requirements can be done simultaneously.
10. The petitioner shall comply with the requirements of the Traffic Study that has been completed for the subject development (Traffic Impact Study – HLR, dated 01/01/04, received 01/30/04).
11. The sign identification information submitted can be reviewed and approved via a Temporary Use Permit for this property. No permanent identification signage has been reviewed or approved through this application.
12. The petitioner shall address all of the review comments of the Building, Engineering, Fire/Rescue, Police, Utilities, and Planning Departments, as well as the City's consulting arborist, the traffic consultant, and the Crystal Lake Park District.

Mr. Cabay seconded the motion. On roll call, members Cabay, Esposito, Hopkins, Schofield, and Deemer voted aye. Ms. Hess voted no. Motion passed.



Ashton Pointe – Final Planned Unit Development and Final Plat of Subdivision

The Council considered the Final Planned Unit Development and Final Plat of Subdivision for 71 Single Family Lots, 49 Townhomes and 5 Outlots; and a Subdivision Ordinance variation for a deferral from providing a bond or letter of credit for the Pingree Road improvements until 60 building permits are issued, for the Ashton Pointe Development located west of Pingree Road and north of the Union Pacific Railroad tracks. Attorney Bill Franz and Bob Schmude of Kenar, the developer of the property, were present for the matter.

Mr. Franz stated that they were in agreement with the conditions noted on the agenda supplement. He stated that he had decided to go with a Letter of Credit rather than bonds, so they were not longer requesting Subdivision Ordinance variations regarding bonds instead of letters of credit as noted on the agenda supplement. He stated that regarding Condition 2H, the Plan Commission had agreed that since they were providing a 10 foot bike path and a 10 foot landscape easement, they were effectively providing a 20 foot landscape easement. He stated that he had a signed letter from Com Ed stating that that they would accept the easement and utilize it for burial of their lines. He stated that he wished to clarify Condition 7A that 36 of the 71 single family homes, including 3 car garage models, would be elevations b and c. The Planning Director stated that was the Plan Commission's intent.

Regarding the Pingree Road improvements, he requested deferral until the 60th buiding permit was issued, or until the City begins the improvements to Pingree Road in that area.

The City Manager asked Mr. Schmude to clarify the stormwater drainage issues. Mr. Schmude stated that six of the buildings that were walkouts were converted to lookouts with the lowest adjacent grades raised to give them even more protection to those buildings. The City Engineer concurred.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

Councilman Goss stated that he was concerned that having three car garages with large homes on the lots would look very crowded. Mr. Schmude stated that they were within the setback variation granted at Preliminary approval for the three car garages. Councilman Goss also expressed concern about the road not being built to collector road standards. Councilman Dawson asked about shaving the hill at Pingree Road and Valerie Drive. Mr. Schmude stated that would be a tremendous amount of work and their proposal to add extra lighting should take care of the issue. The City Engineer concurred, and stated that the City's traffic consultant also agreed. He stated that they could also trim the brush in that area.

Councilman Dawson moved to approve the Plan Commission and staff recommendations consistent with the Council's discussion, approve the Final Plat of Subdivision and the Final Planned Unit Development for the Ashton Pointe Subdivision, and to adopt an ordinance to be published in pamphlet form by the authority of the Mayor and City Council granting the Final Planned Unit Development for Ashton Pointe. Councilwoman Brady Mueller seconded the motion. On roll call, Councilmembers Brady Mueller, Christensen, Dawson, Ferguson, Thorsen



and Mayor Shepley voted aye. Councilman Goss voted no, stating it was because he felt that Ocala Drive should have been designed as a collector street. Motion passed.

Bid Award - Installation of Structural Storage Mezzanine

Councilwoman Brady Mueller moved to award the bid to Lyon Workspace Products and to adopt a resolution authorizing the purchase and installation of a structural storage mezzanine in the Fleet Services Department. Councilwoman Ferguson seconded the motion. On roll call, all voted aye. Motion passed.

Harvest Bible Chapel - Special Use Permit for an Institutional Use and a Zoning Variation for 580 Tracy Trail and 551 Congress Parkway.

The Council considered a Special Use Permit for an Institutional use to allow a religious establishment for worship, youth and adult ministries and administrative offices; and a Zoning Variation from the required 15 foot minimum side yard setback to allow the building mechanical unit enclosures attached to the building to be set back 10 feet., for the Harvest Bible Chapel property at 580 Tracy Trail and 551 Congress Parkway.

Attorney Joseph Gottemoller and Doug Bantz of Harvest Bible Chapel were present for the matter. Mr. Gottemoller stated that they were in agreement with the Zoning Board of Appeals recommendations, except that they wished to have larger signs on the building. He stated that it was difficult to see the building from Pingree Road, and they wanted people to be able to find them.

Mr. Gottemoller spoke about parking, stating that they were not asking for any variation regarding parking, and they had plenty of parking and four acres of fields that could be converted to parking if need be. He stated that the new Metra lot parking spaces would also be available on Sunday mornings. He stated that they were comfortable with Condition #7 in the agenda supplement regarding this matter. He stated that the only other issue was regarding a school, and they expected to come back to Council with that request in the future.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

There was extensive discussion regarding signage, and possible scenarios and compromises. Mayor Shepley stated that he felt most parishioners would know where the church was, and he was not in favor of any relief from the Sign Ordinance. Mr. Gottemoller stated that the two entrance signs were needed because they were on different roads, eight acres apart. Councilman Thorsen stated that he would be in favor of making concessions on the wall signage since this was such a large building and it was set back from the roadway. He stated that a 75 square foot sign on a 53,000 square foot building may not be meaningful, and the Council had made such concessions in the past. Councilman Christensen agreed, and stated that he had no problem with the signs. Councilman Dawson stated that he did not have any issues with the monument signs, but felt that the proposed building wall signs at 169 square feet each were way too big. Councilwoman Brady Mueller asked if the petitioner would accept wall signs at 100 square feet each. Mr. Bantz stated that they would accept whatever the Council decided, but they wished to have signs visible for people who may want to visit for the first time. He stated that he felt name recognition signs were necessary because the building did not look like a typical church. He



REVISED
Ord. No. 5845
File No. 440

AN ORDINANCE GRANTING A FINAL PLANNED UNIT DEVELOPMENT
FOR ASHTON POINTE

WHEREAS, pursuant to the terms of the Petition (File #2004-57) before the Crystal Lake Plan Commission, the Petitioner has requested a Final Planned Unit Development for 71 single-family lots, 49 townhomes, and 5 outlots for Ashton Pointe; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Zoning Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Final Planned Unit Development be granted as requested in said Petition,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a Special Use Permit be granted to permit 71 single-family lots, 49 townhomes, and 5 outlots for the property legally described as follows:

Parcel 1: Lot 4 in Church Subdivision, being a subdivision of part of the Northeast Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian according to the plat of said Church Subdivision recorded September 22, 2004 as Document No. 2004R0085425, in McHenry County, Illinois.

Parcel 2: Lot 5 in Church Subdivision, being a subdivision of part of the Northeast Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian according to the plat of said Church Subdivision recorded September 22, 2004 as Document No. 2004R0085425, in McHenry County, Illinois.

Outlot C: That part of Lot 5 in Church Subdivision, being a subdivision of part of the Northeast Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian according to the plat of said Church Subdivision recorded September 22, 2004 as Document No. 2004R0085425, in McHenry County, described as follows: Beginning at the most Westerly corner of Lot 6 in said Church Subdivision; thence North 54 degrees 33 minutes 04 seconds

West along the South line of Lot 5 aforesaid, 329.96 feet; thence North 35 degrees 26 minutes 56 seconds East along the West line thereof, 93.23 feet; thence South 64 degrees 15 minutes 08 seconds East, 118.92 feet; thence South 58 degrees 07 minutes 13 seconds East, 254.43 feet; thence South 89 degrees 58 minutes 44 seconds East, 364.29 feet; thence North 69 degrees 39 minutes 50 seconds East, 152.15 feet; thence North 30 degrees 44 minutes 38 seconds East, 72.84 feet to the North line of said Lot 5; thence Southeasterly along said North line, being a non-tangent curved line concave Southwest, having a radius of 120.00 feet, an arc distance of 26.28 feet (the chord to said arc bears South 41 degrees 40 minutes 21 seconds East, 26.23 feet); thence South 30 degrees 44 minutes 38 seconds West, 73.76 feet; thence south 69 degrees 39 minutes 50 seconds West, 133.26 feet; thence South 16 degrees 55 minutes 02 seconds West, 123.11 feet; thence South 20 degrees 20 minutes 10 seconds East, 155.13 feet; thence South 61 degrees 20 minutes 36 seconds East, 123.08 feet; thence North 69 degrees 39 minutes 49 seconds East, 164.69 feet; thence North 05 degrees 26 minutes 48 seconds East, 54.51 feet to the North line of said Lot 5; thence Easterly along said North line, being a non tangent curved line concave North, having a radius of 179.75 feet, an arc distance of 51.83 feet (the chord to said arc bears South 70 degrees 02 minutes 21 seconds East, 51.65 feet); thence South 05 degrees 26 minutes 48 seconds West, 107.91 feet; thence South 00 degrees 40 minutes 08 seconds East, 185.00 feet; thence South 04 degrees 02 minutes 48 seconds West, 98.47 feet to an angle point in the North line of Lot 6 aforesaid; (the following 3 courses are along said North line) thence North 54 degrees 33 minutes 04 seconds West, 113.37 feet; thence North 35 degrees 26 minutes 56 seconds East, 20.00 feet; thence North 54 degrees 33 minutes 04 seconds West, 285.00 feet; thence North 35 degrees 26 minutes 56 seconds East, 81.40 feet; thence North 61 degrees 20 minutes 36 seconds West, 58.76 feet; thence North 20 degrees 20 minutes 10 seconds West, 169.35 feet; thence North 16 degrees 55 minutes 02 seconds East, 34.24 feet; thence North 63 degrees 09 minutes 53 seconds West, 75.50 feet; thence South 50 degrees 03 minutes 43 seconds West, 49.62 feet; thence North 73 degrees 36 minutes 18 seconds West, 92.11 feet; thence South 54 degrees 54 minutes 06 seconds West, 150.05 feet to the North line of Lot 6 aforesaid; thence North 62 degrees 02 minutes 49 seconds West along said North line, 162.92 feet to the point of beginning, in McHenry County, Illinois.

Outlot D: That part of Lot 5 in Church Subdivision, being a subdivision of part of the Northeast Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian according to the plat of said Church Subdivision recorded September 22, 2004 as Document No. 2004R0085425, in McHenry County, described as follows: Beginning at the Southeast corner of said Lot 5; thence South 88 degrees 04 minutes 34 seconds West along the South line thereof, 103.12 feet said point being an angle point in the North line of Lot 6 in said Church Subdivision; thence North 04 degrees 02 minutes 48 seconds East, 98.47 feet; thence North 00 degrees 40 minutes 08 seconds West 185.00 feet; thence North 05 degrees 26 minutes 48 seconds East, 107.91 feet to the North line of said Lot 5; (the following 4 courses are along the North and East lines of said Lot 5) thence Easterly along a non tangent curved line concave North, having a radius

of 179.75 feet, an arc distance of 38.81 feet (the chord to said arc bears South 84 degrees 29 minutes 03 seconds East, 38.73 feet); thence North 89 degrees 19 minutes 52 seconds East, 15.00 feet to a point of curvature; thence Southeasterly along a curved line concave Southwest, having a radius of 330.00 feet, tangent to the last described line at the last described point, an arc distance of 47.12 feet (the chord to said arc bears South 45 degrees 40 minutes 08 seconds East, 42.43 feet); thence South 00 degrees 40 minutes 08 seconds East, 354.00 feet to the point of beginning, in McHenry County, Illinois.

Outlot E: That part of Lot 4 in Church Subdivision, being a subdivision of part of the Northeast Quarter of Section 4, Township 43 North, Range 8 East of the Third Principal Meridian according to the plat of said Church Subdivision recorded September 22, 2004 as Document No. 2004R0085425, in McHenry County, described as follows: Beginning at the intersection of the North line of Oak Hollow Road and the West line of Pingree Road, both heretofore dedicated to the City of Crystal Lake, according to said Church Subdivision; (The following 3 courses are along the South line of Lot 4 aforesaid, being also the North line of said Oak Hollow Road) thence Southwesterly along a curved line concave Northwest and having a radius of 30.00 feet, 47.12 feet, (the chord to said curved line bears South 44 degrees 19 minutes 52 seconds West, 42.43 feet); thence South 89 degrees 19 minutes 52 seconds West, 15.00 feet to a point of curvature; thence Westerly along a curved line concave North, having a radius of 120.25 feet, tangent to the last described line at the last described point, an arc distance of 22.12 feet (the chord to said arc bears North 85 degrees 23 minutes 58 seconds West, 22.09 feet); thence North 19 degrees 37 minutes 59 seconds East, 77.80 feet; thence North 13 degrees 48 minutes 05 seconds East, 160.08 feet to the East line of said Lot 4, being also the West line of Pingree Road aforesaid; thence South 00 degrees 40 minutes 08 seconds East along said East line, 200.00 feet to the point of beginning, in McHenry County, Illinois.

The property is located north of the railroad tracks and west of Pingree Road, Crystal Lake, Illinois.

SECTION II: That the Special Use Permit be granted with the following conditions:

1. Approved plans, to reflect the recommendations of staff and the advisory board, as approved by the City Council:
 - A. Final Plat of Subdivision – ASHTON POINTE (TFW Surveying, dated 06/04/04, revised 08/31/04, received 09/01/04).
 - B. Final Engineering, including the tree preservation/protection plans (Pearson Brown, dated 05/17/04, revised 09/01/04, received 09/01/04).
 - C. Consulting Arborist Report (Urban Forest Management, dated 08/04/04) & Calculation Sheet dated 01/14/03, revised 08/04/04).
 - D. Final Landscaping Plan (JenLand Design, Inc., dated 09/01/04, revised 09/02/04).

- E. Park District Letter (Viger, Crystal Lake Park District, dated 08/06/04).
- F. Architectural Package – Single Family and Multi-family products (Kenar Development LLC, received 09/03/04).
- G. Declaration of Condominium Ownership for Ashton Pointe (Leiter, Esq., dated 07/04).
- H. Declaration of Covenants, Conditions, and Restrictions for Ashton Pointe (Leiter, Esq., dated 07/04).
- I. Kenar response letter to August 25, 2004 Staff Report, from Schmude to Richter (Kenar, dated 09/02/04)
- J. Pierson Brown and Associates Lighting Plan dated 9-21-04.

2. Final Plat of Subdivision

- A. This pedestrian connection to the Metra station should not be dedicated to the City of Crystal Lake and a statement of its purpose should be provided on the Final Plat as has been provided for the other easements. List PE Pedestrian Easement under the Legend of easements on the first page (if used), or connect to the SE as suggested in the Engineer's comments.
- B. Wingate Court should be changed to Oak Hollow Court.
- C. Provide the building setback lines for the R-3b Zoned lots.
- D. Easements for the burial of the overhead utility lines shall be indicated on the Final Plat of Subdivision.
- E. Provide a reference to the Covenants on the Final Plat document.
- F. Work with City Staff and the City Attorney to revise the covenants to adequately address rights and responsibilities of the common landscaping, tree preservation areas, stormwater detention areas, etc.
- G. The individual legal divisions of land around the townhome units should be labeled as outlots, not lots.

3. Final Engineering, including the tree preservation/protection plans

- A. In accordance with the Preliminary PUD approval for this project, a pedestrian link from this development to the Metra Station is required. The proposed link shall not be dedicated to the City of Crystal Lake. Work with City Staff to appropriately locate this link so that it matches the location of the easement to be illustrated on the Final Plat of Subdivision.
- B. The bike path shall be increased in width to satisfy the Engineering Department so it can be used as an access for maintenance or grass pavers.

4. Consulting Arborist Report

- A. The petitioner must comply with the recommendations of the Consulting Arborist report detailed in the letter to the City dated August 4, 2004. These recommendations must be tied into the revised engineering plans prior to issuance of any site grading or construction permits.

5. The Tree Preservation/Protection Plans within the Final Engineering by Pearson, Brown, & Associates (pages 19, 20, & 21) illustrate the areas which are to be fenced off by tree protection

fencing. The Consulting Arborist Report by Urban Forest Management, dated 08/04/04, defines by identification number, which trees are to be removed and saved. As recommended by the Consulting Arborist, the following inspection system for the preservation of the trees on this site shall be established:

A. Prior to issuance of site grading or construction permits, the petitioner shall mark all of the trees on the site that are to be saved (using a marking system that does not harm the trees), that shall comply with the Consulting Arborist Report and the Tree Preservation/Protection Plans in the Final Engineering documents. These trees shall be inspected to ensure compliance with the Tree Preservation/Protection Plans prior to removal.

B. After the trees that are to be eliminated on site in conjunction with this Final PUD approval are removed, and prior to the issuance of any building permits for construction (of homes/townhomes), a subsequent inspection shall occur to ensure compliance with the Tree Preservation/Protection Plans. If it is found that the petitioner removes any tree that was required to be saved through the Tree Preservation/Protection Plan, the petitioner shall be required to replace it at 100% with a species that matches the highest quality tree found in Species Group A that is present on this site.

6. Final Landscaping Plan

A. Regarding the detention pond landscaping, if the storm water management plan is conducive, provide native plantings within the ponds.

7. Elevations Plan Sets: Harvard, Emory, Fairmount, and Georgetown

A. At least 36 of 71 single-family homes and all models shall have front elevations that match elevations "B" or "C" for each product. In addition, these homes shall wrap the brick around the side elevations by at least one foot, creating a pier element.

B. Shutters around all windows on the rear and side elevations of the units shall be mandatory, versus optional.

C. Provide color samples and material samples of all exterior building materials used on the units.

D. Work with Staff to add additional architectural features to the rear and side elevations on lots backing up the Pingree Road.

8. Elevations Plan Set: Multi-family product

A. Provide a row of soldier-coursed brick along the sections of the elevations that are to be constructed using brick.

B. Provide brick or stone window sills for the windows to be located in the sections of the elevations that are to be constructed with brick.

C. At least 50% of the elevations of the townhomes must be comprised of brick.

D. Provide color samples and material samples of all exterior building materials used on the units.

9. The petitioner shall work with the City of Crystal Lake to coordinate the commencement of construction of the full improvements to Pingree Road, such that the improvements to Pingree Road south of the railroad tracks and the petitioner's requirements can be done simultaneously.

10. The petitioner shall comply with the requirements of the Traffic Study that has been completed for the subject development (Traffic Impact Study - HLR, dated 01/01/04, received 01/30/04).

11. The sign identification information submitted can be reviewed and approved via a Temporary Use Permit for this property. No permanent identification signage has been reviewed or approved through this application.

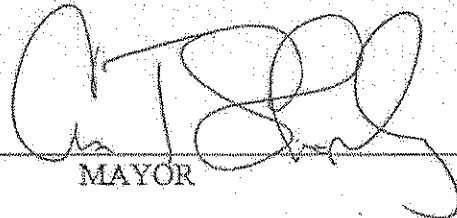
12. The petitioner shall address all of the review comments of the Building, Engineering, Fire/Rescue, Police, Utilities, and Planning Departments, as well as the City's consulting arborist, the traffic consultant, and the Crystal Lake Park District.

13. The petitioner shall provide the City with a Letter of Credit or Bond, pursuant to the Subdivision Ordinance requirements, to provide security that the required improvements to Pingree Road are installed per the final approved plans prior to the issuance of the 60th building permit or at the time when the Pingree Road reconstruction project has reached this development (within 1-2 years), which ever comes first.

SECTION III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting of Variations in accordance with the provisions of this Ordinance, as provided by law.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED this 5th day of October, 2004.


MAYOR

ATTESTED:


CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

ASHTON POINTE SINGLE FAMILY

The Emory

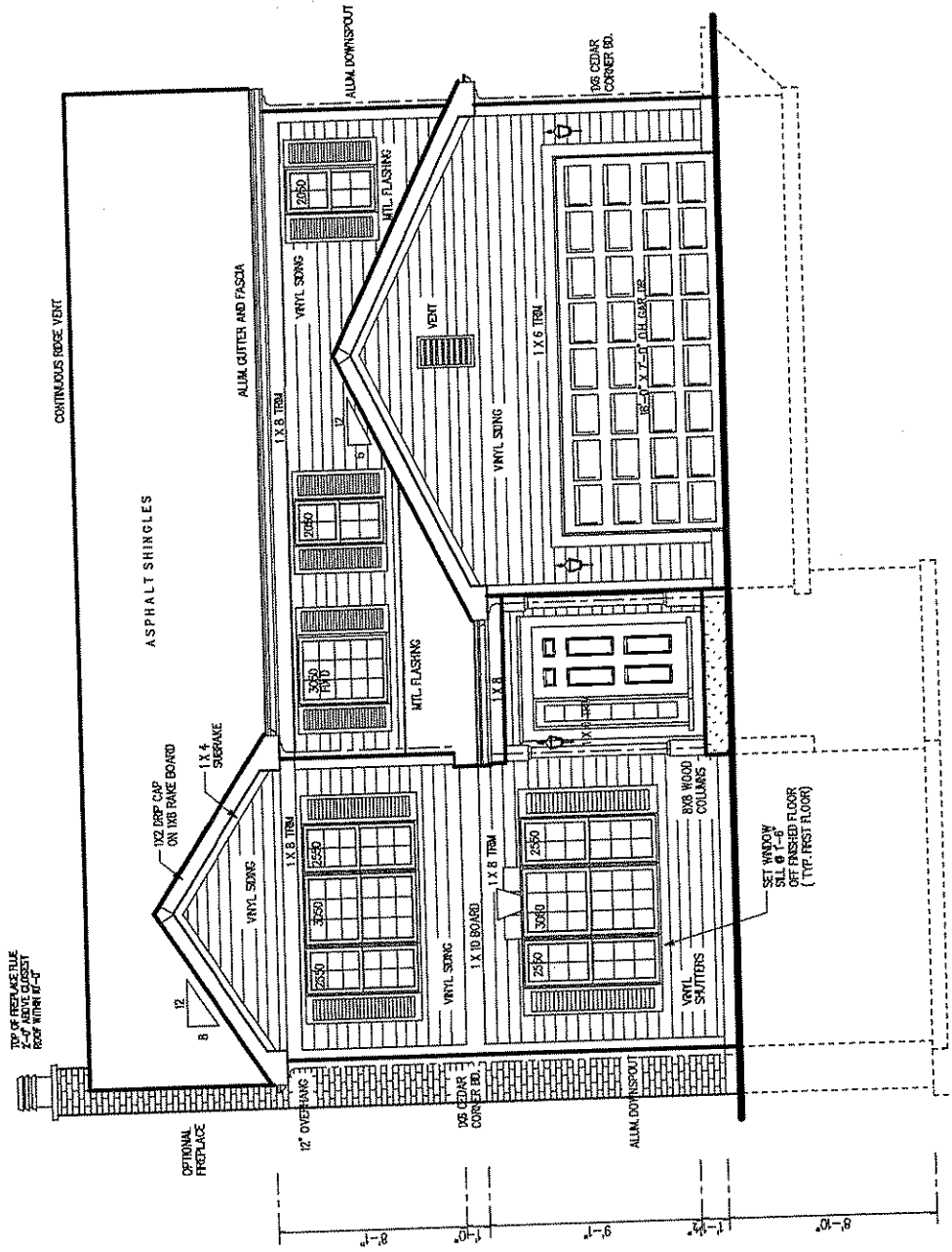
2364 Sq. Ft.

\$295,990-\$302,990

2 Story, 3 Bedrooms with Loft and 2 ½ Baths

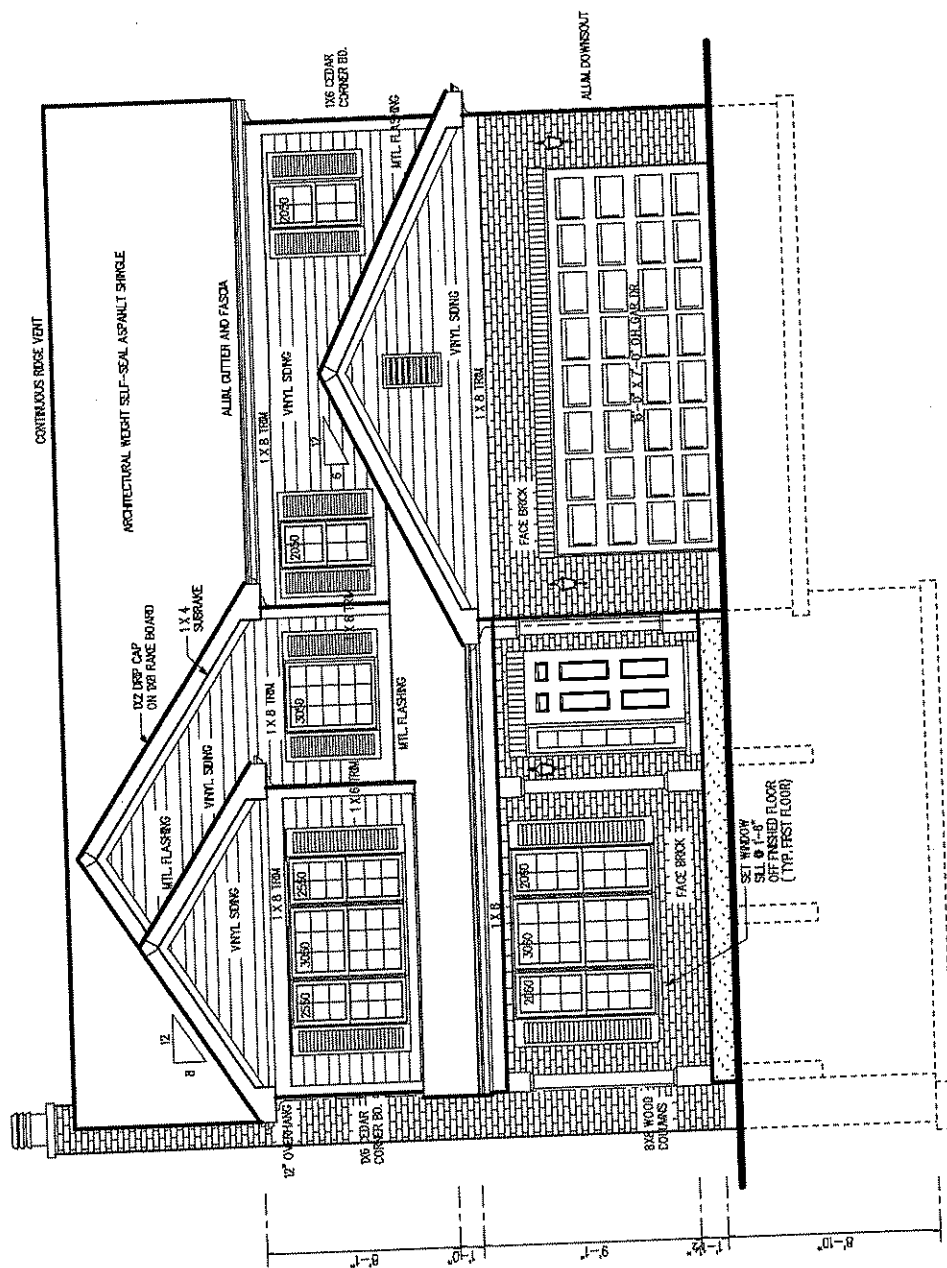
Options Available

- 4th Bedroom
- 3'-5' Lookouts with Deck
- 9' Walkout with Deck
- B Elevation Brick Front with Gable Roof
- C Elevation Brick Front with Hip Roof
- Fireplace with Exterior Brick Chase (Side Location)
- 3 Car Garage



F R O N T E L E V A T I O N - A - The Emory

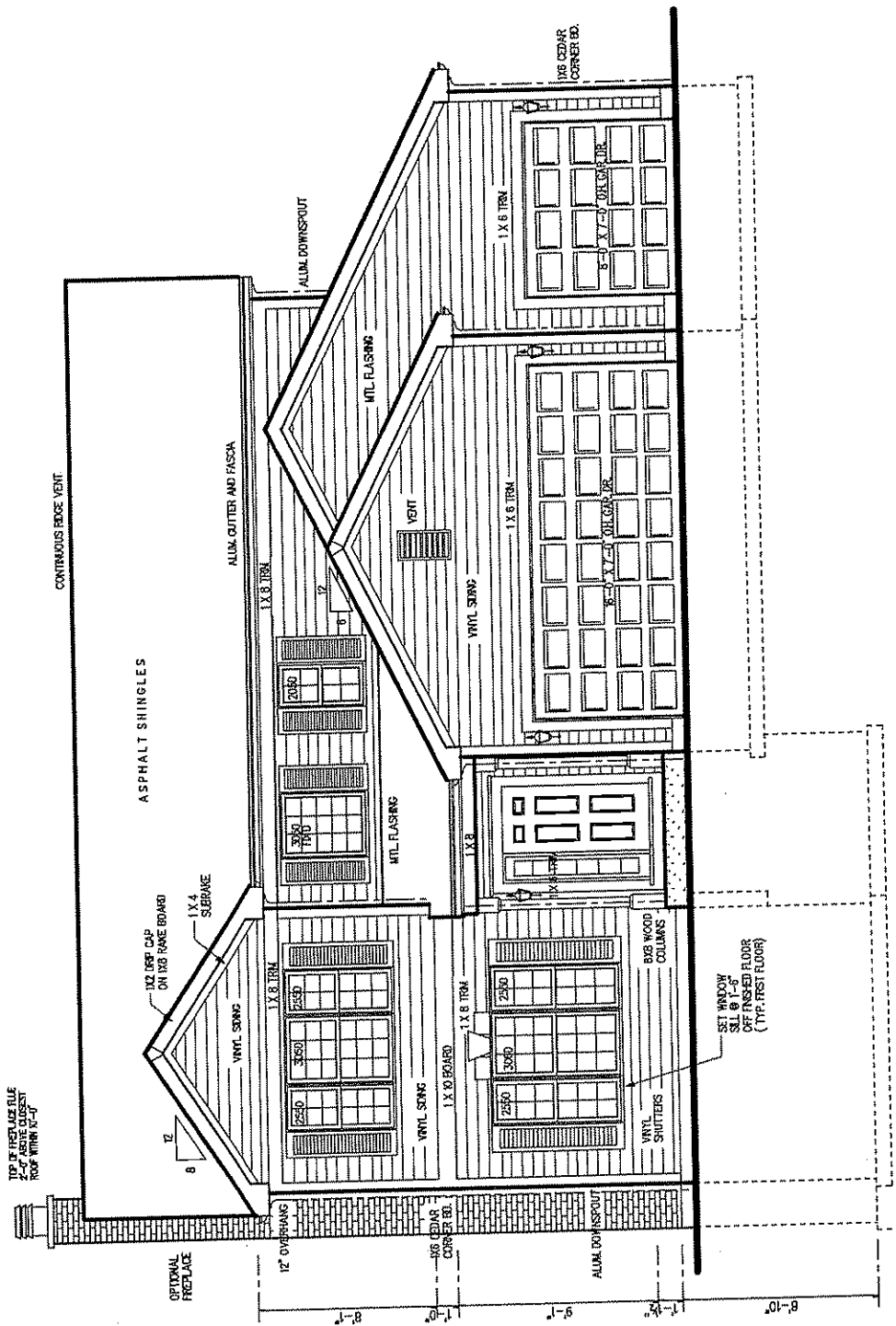
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FRONT ELEVATION "B"

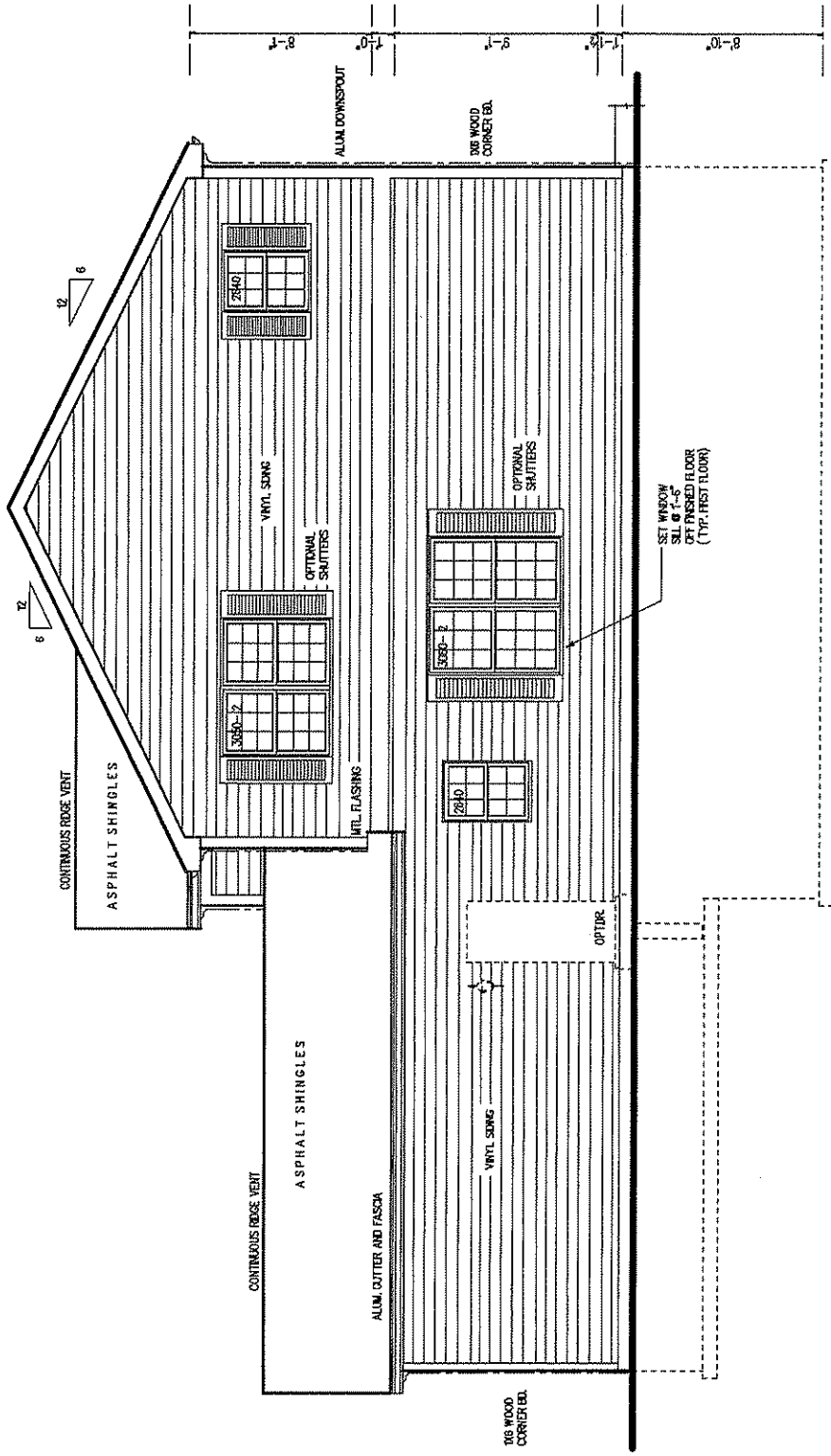
The Emory

SCALE: 1/4" = 1'-0"



F R O N T E L E V A T I O N " A " **The Emory**

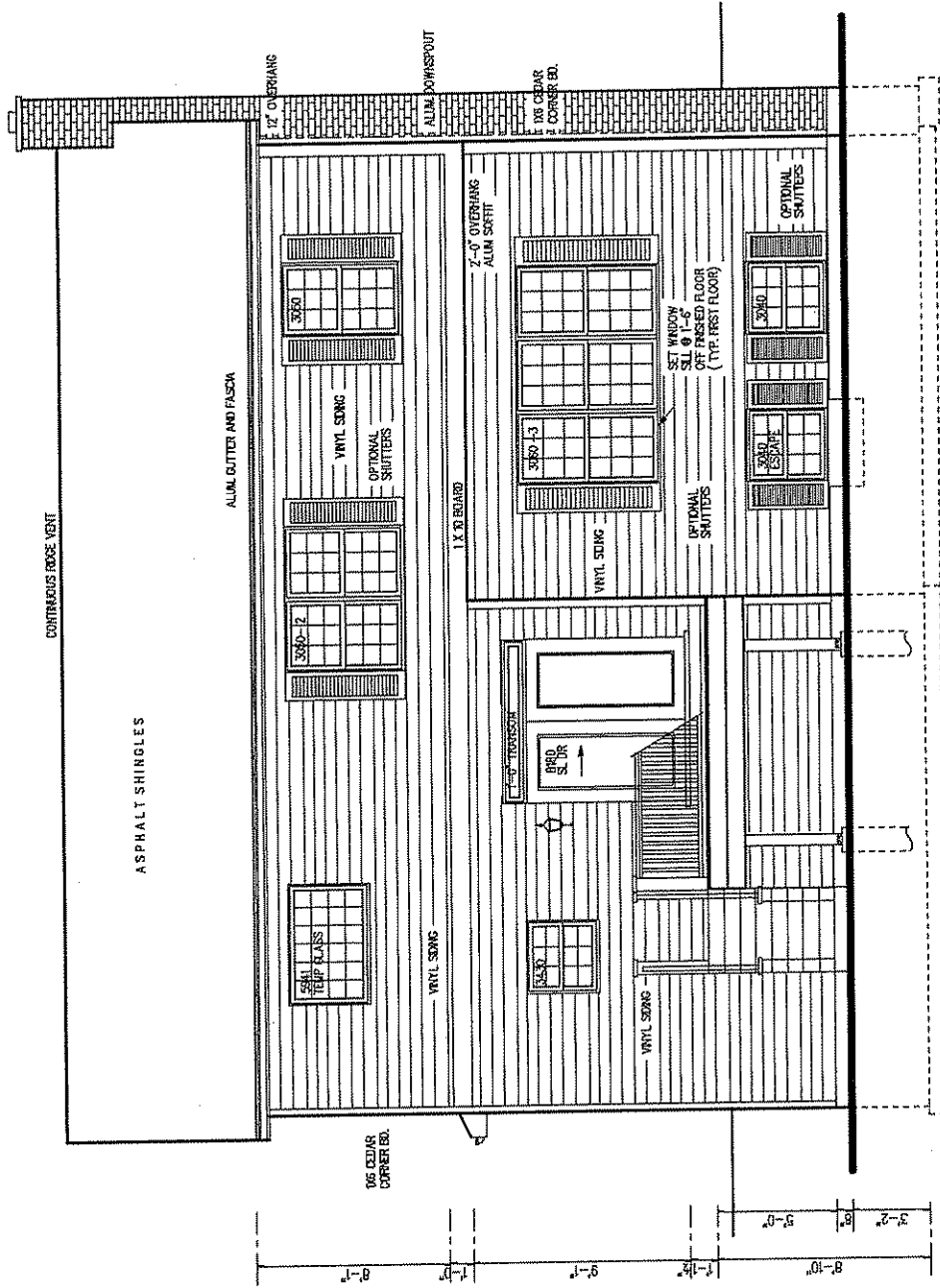
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

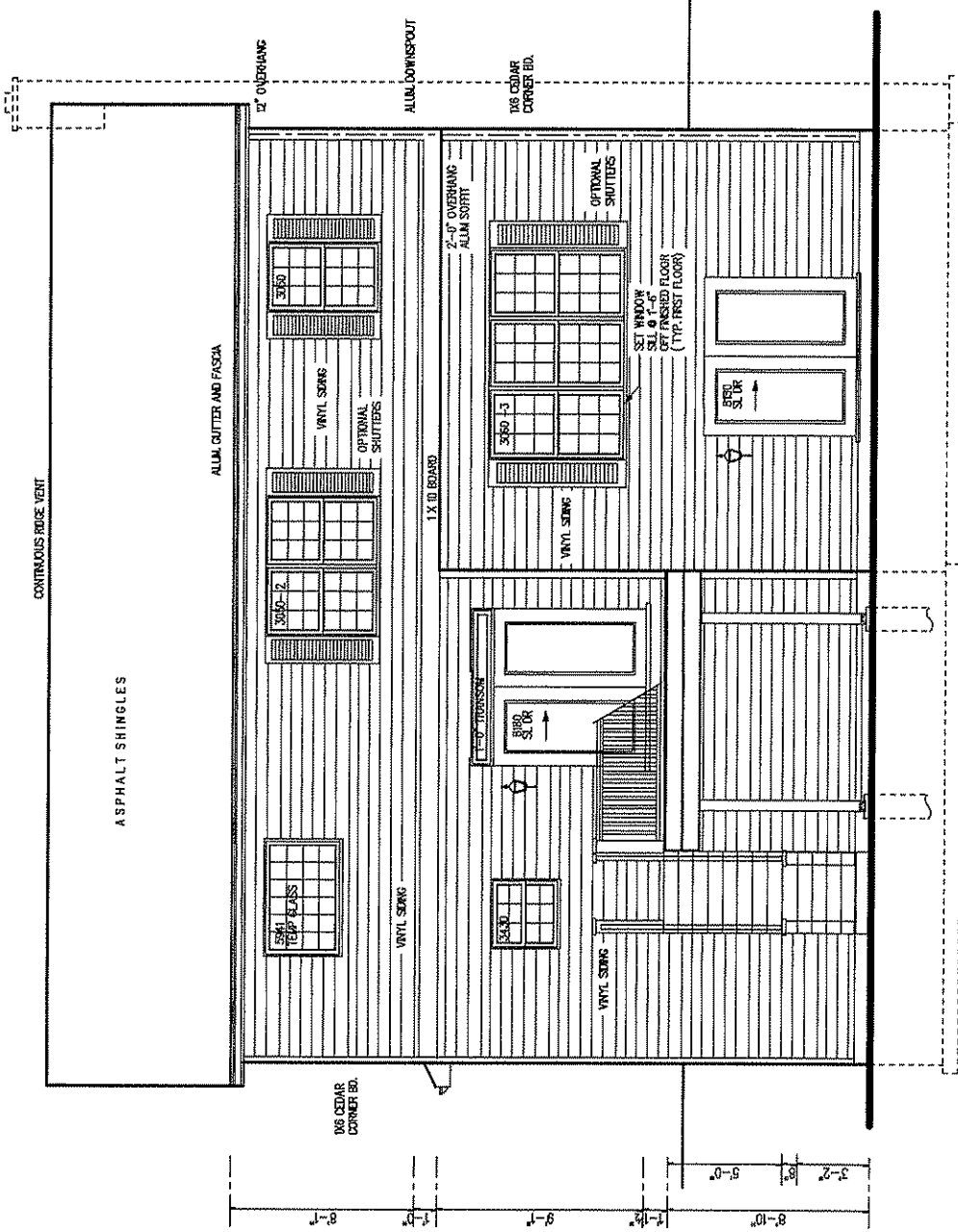
The Emory



The Emory

R E A R E L E V A T I O N

SCALE: 1/4" = 1'-0"



R E A R E L E V A T I O N

SCALE: 1/4" = 1'-0"

The Emory

ASHTON POINTE SINGLE FAMILY

The Fairmont

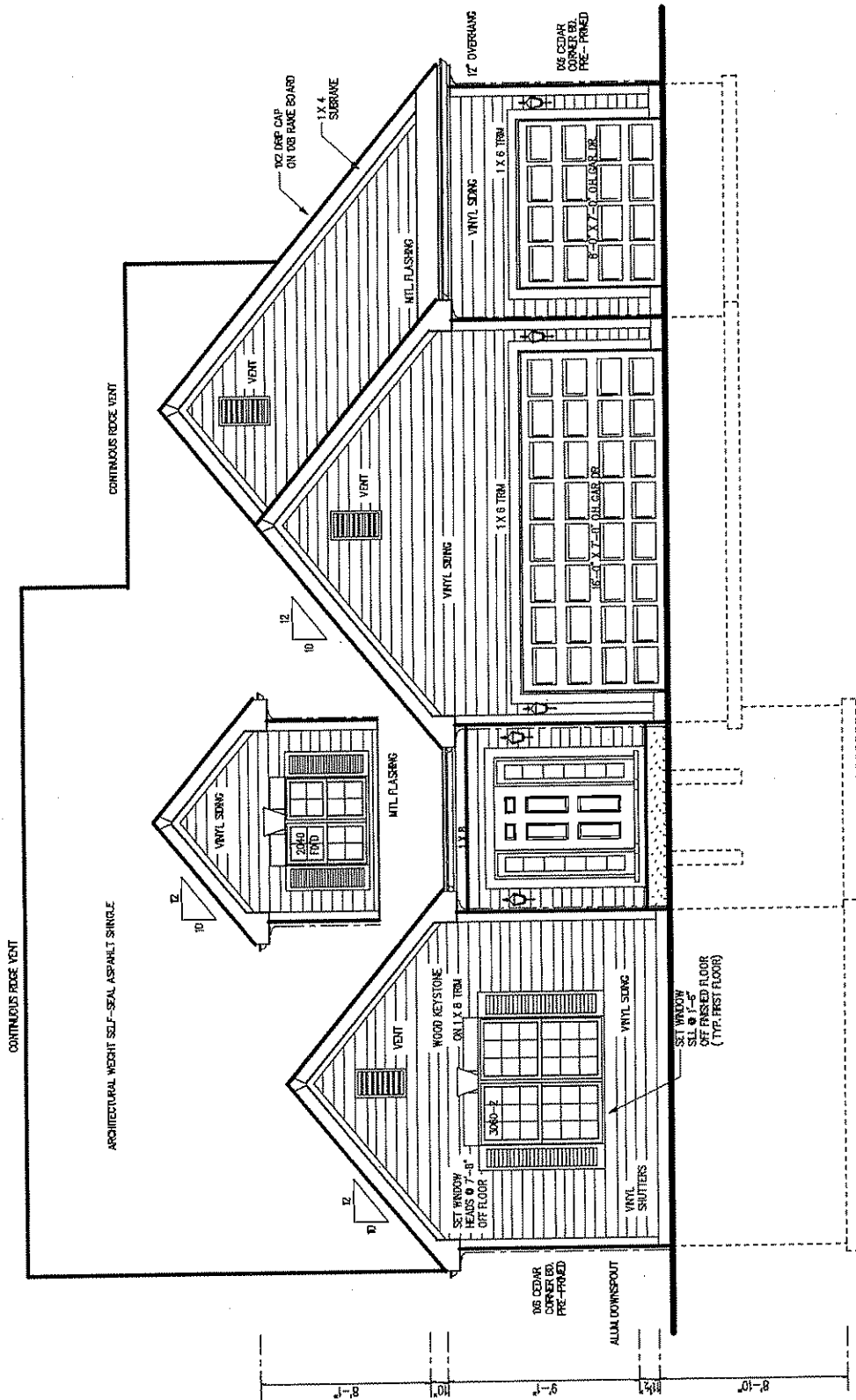
2638-2862 Sq. Ft.

\$320,990-\$325,990

2 Story, First Floor Master Suite, 3 Bedrooms with Loft

Options Available

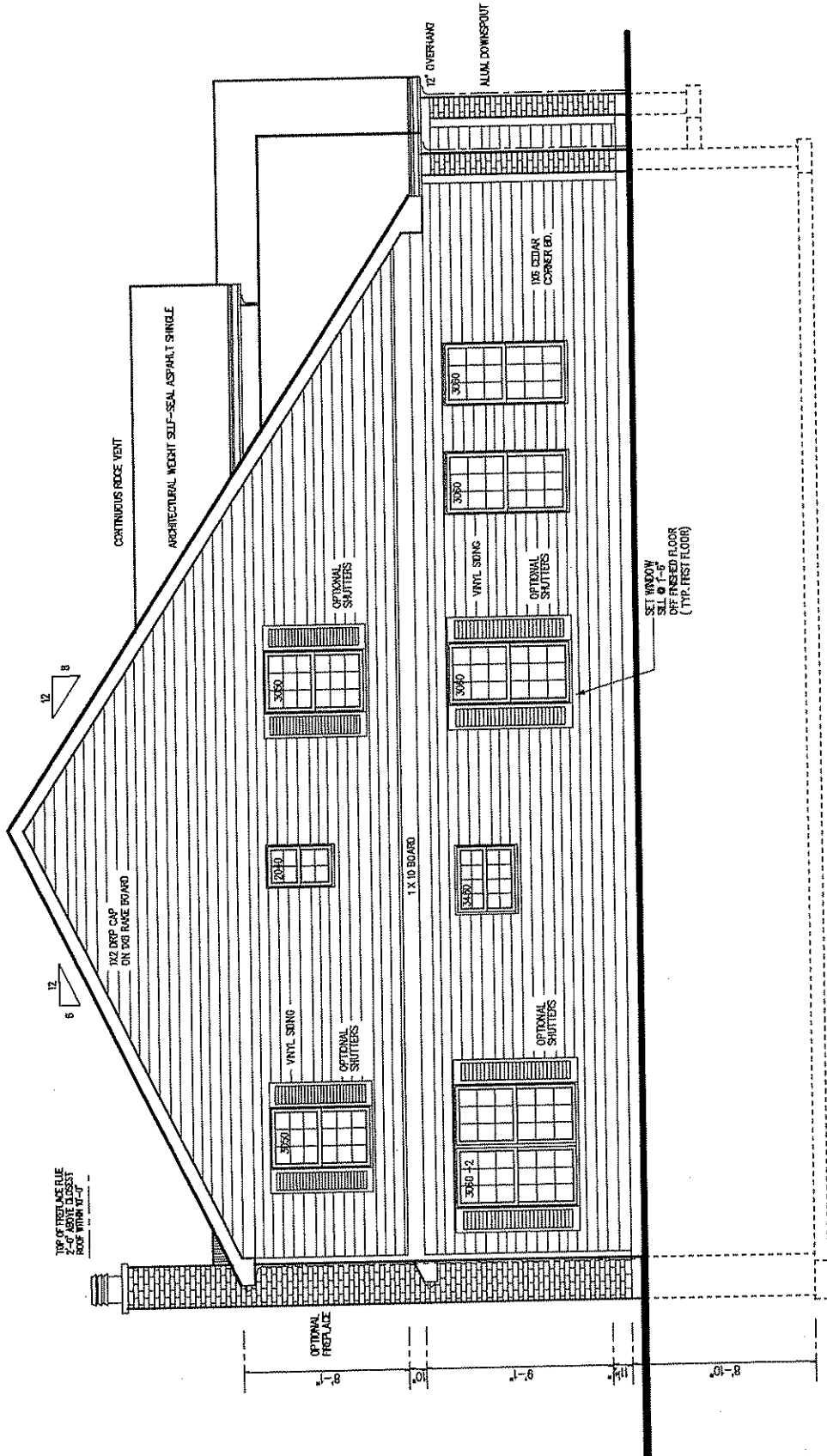
- 4th Bedroom
- 3'-5' Lookouts with Deck
- 9' Walkout with Deck
- B Elevation Brick Front with Gable Roof
- C Elevation Brick Front with Gable Roof
- Fireplace with Exterior Brick Chase (Rear Location)
- 3 Car Garage



The Fairmont

FRONT ELEVATION "A"

SCALE: 1/4" = 1'-0"



The Fairmont

LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

VINYL SIDING

CONTINUOUS ROUGE VENT

VINYL SIDING

CONTINUOUS ROUGE VENT

ARCHITECTURAL WEIGHT SELF-SEAL ASPHALT SINGLE

ALUM. GUTTER AND FASCA

ARCHITECTURAL WEIGHT SELF-SEAL ASPHALT SINGLE

ALUM. GUTTER AND FASCA

MTL. FLASHING

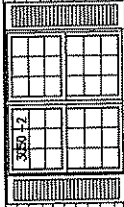
1 X 6 BOARD

12" OVERHANG

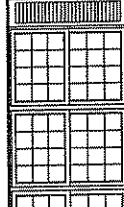
ALUM. DOWNSPOUT

866 CEDAR CORNER BR.

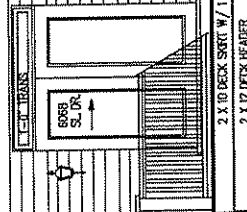
36" HEIGHT RAIL W/ SHOULDS @ 4" O.C. MAX. (TYP)



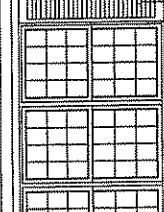
OPTIONAL SHUTTERS
VINYL SIDING



OPTIONAL SHUTTERS
VINYL SIDING

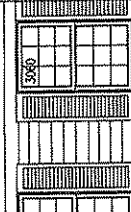


6868 S.L.D.R.
2 X 4 DECK SKIRT W/ 1 X 4 TBM
2 X 4 DECK HEADER

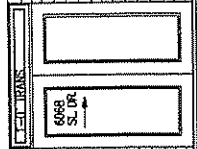


OPTIONAL SHUTTERS
VINYL SIDING

SET WINDOW SILL @ 1'-0" OFF FINISHED FLOOR (TYP. FIRST FLOOR)



OPTIONAL SHUTTERS



6868 S.L.D.R.

866 CEDAR CORNER BR. PRE-FRAMED

The Fairmont

R E A R E L E V A T I O N

SCALE: 1/4" = 1'-0"

ASHTON POINTE SINGLE FAMILY

The Georgetown

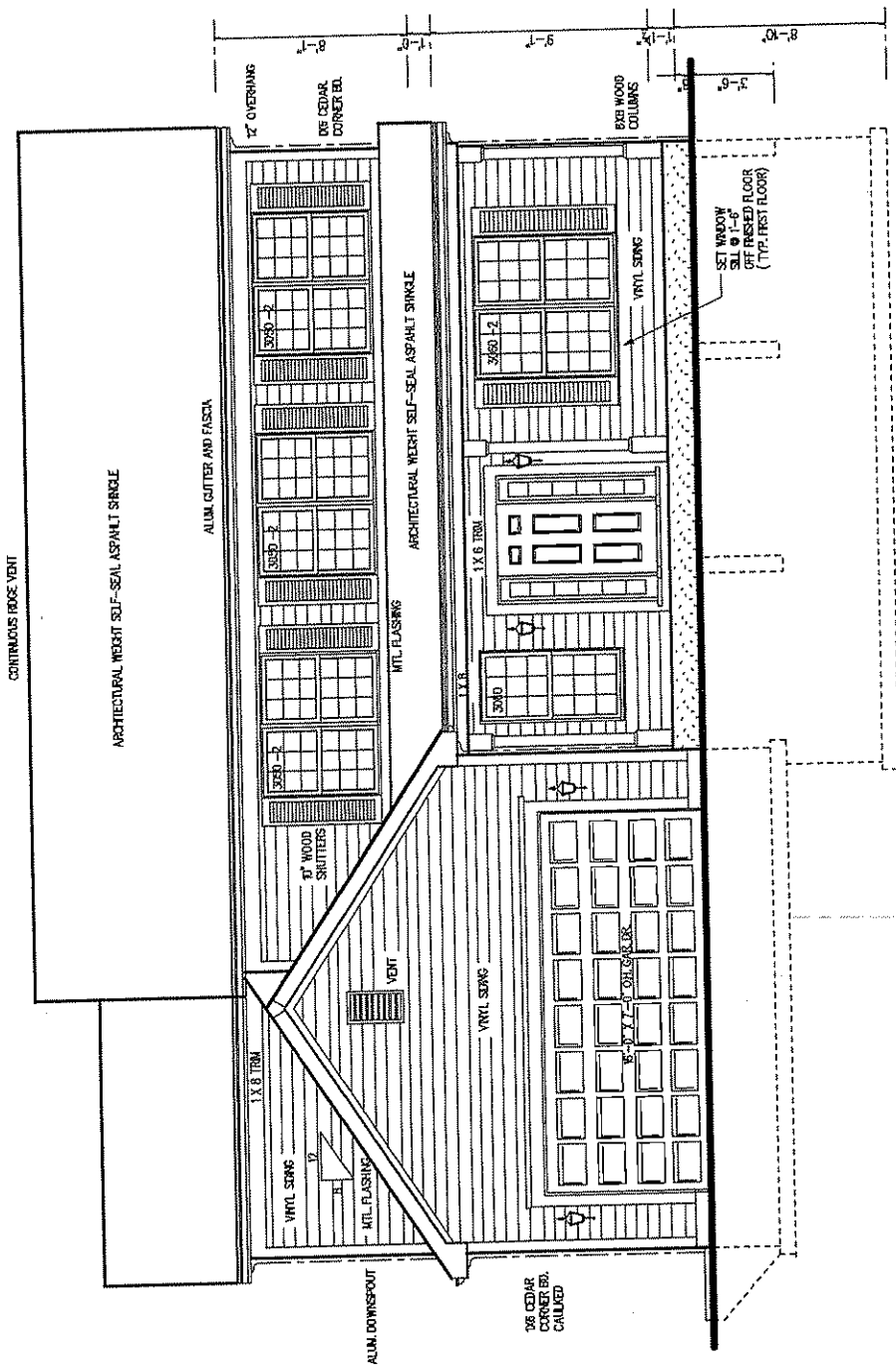
2542-2738 Sq. Ft.

\$325,990-\$331,990

2 Story, 3 Bedrooms with a Study and 2 ½ Baths

Options Available

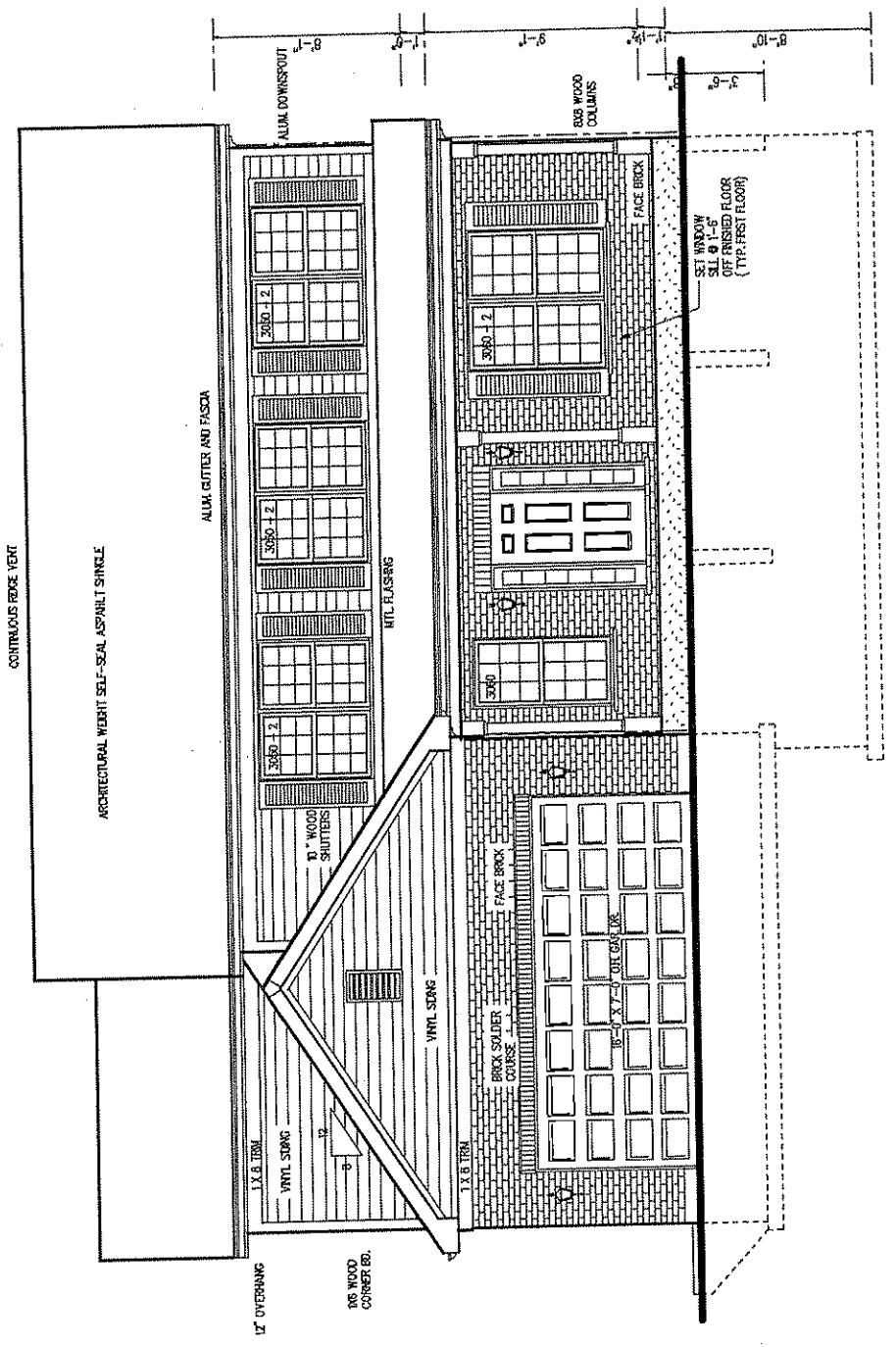
- 4th Bedroom
- Sitting Room off of Master Bedroom
- In Law Option with Full Bath
- Bedroom in lieu of Study
- 3'-5' Lookouts with Deck
- 9' Walkout with Deck
- B Elevation Brick Front with Gable Roof
- C Elevation Brick Front with Hip Roof
- Fireplace with Exterior Brick Chase (Side Location)
- 3 Car Garage



The Georgetown

FRONT ELEVATION "A"

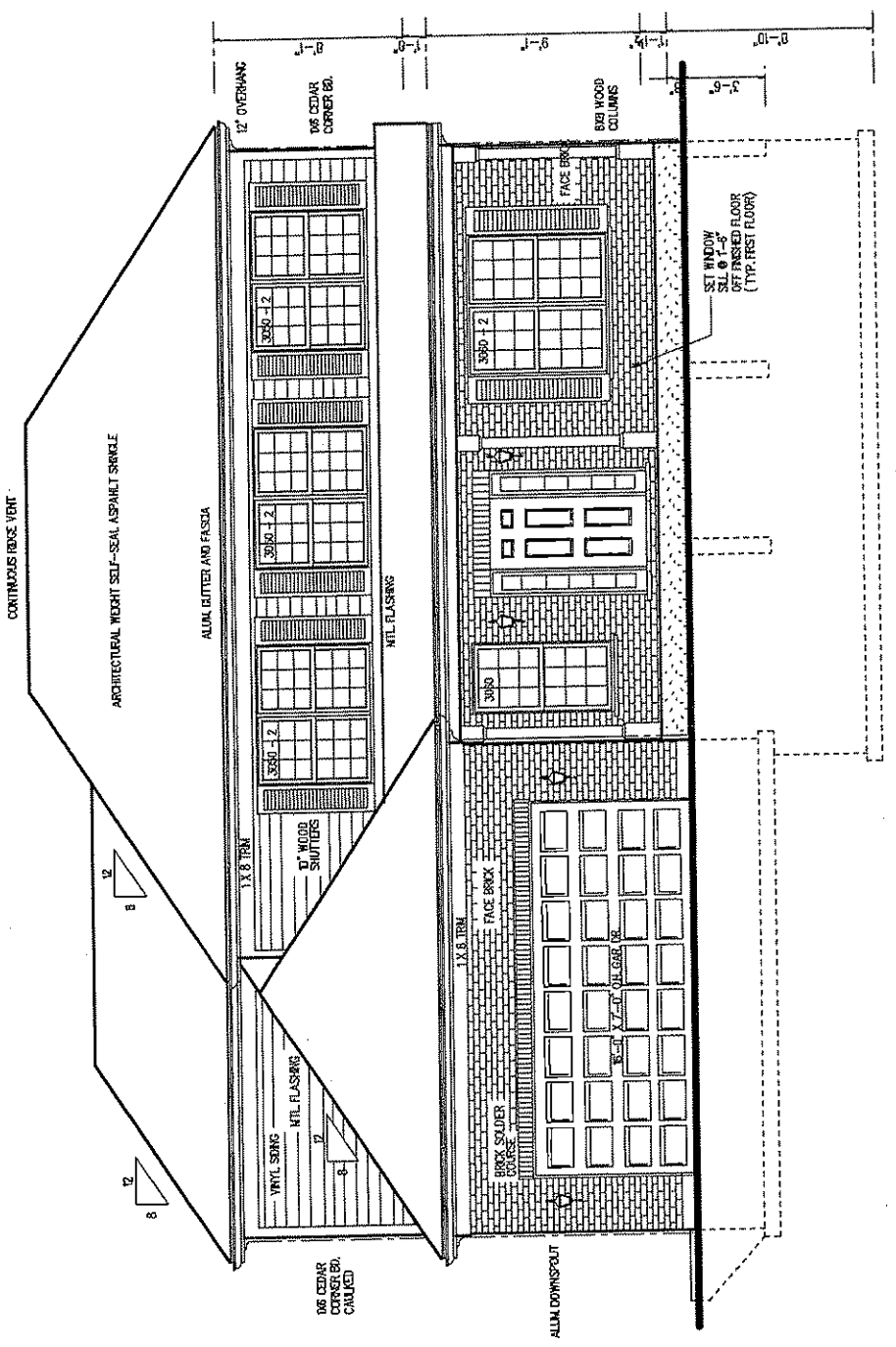
SCALE: 1/4" = 1'-0"



The Georgetown

FRONT ELEVATION "B"

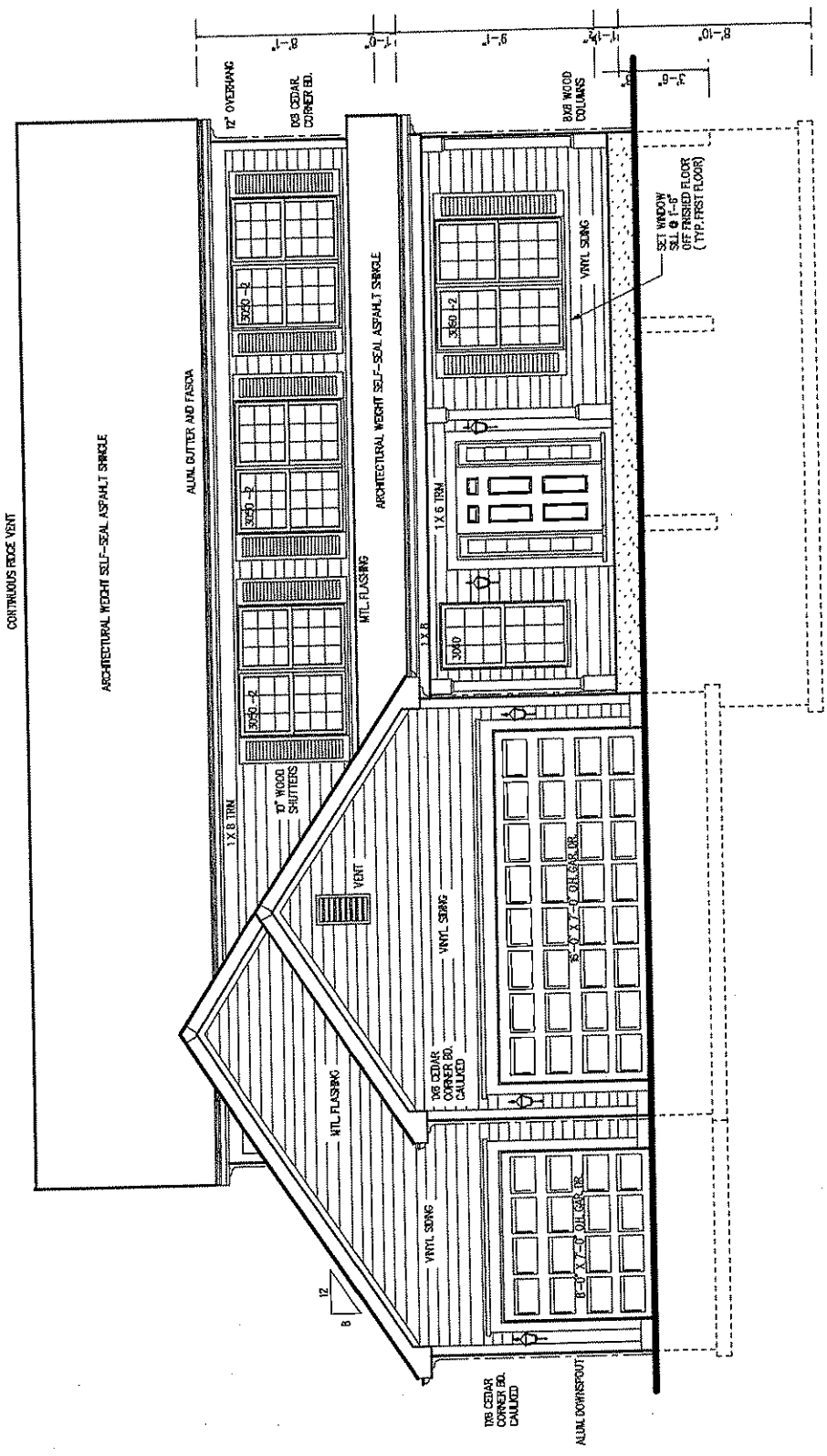
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F R O N T E L E V A T I O N " C "

The Georgetown

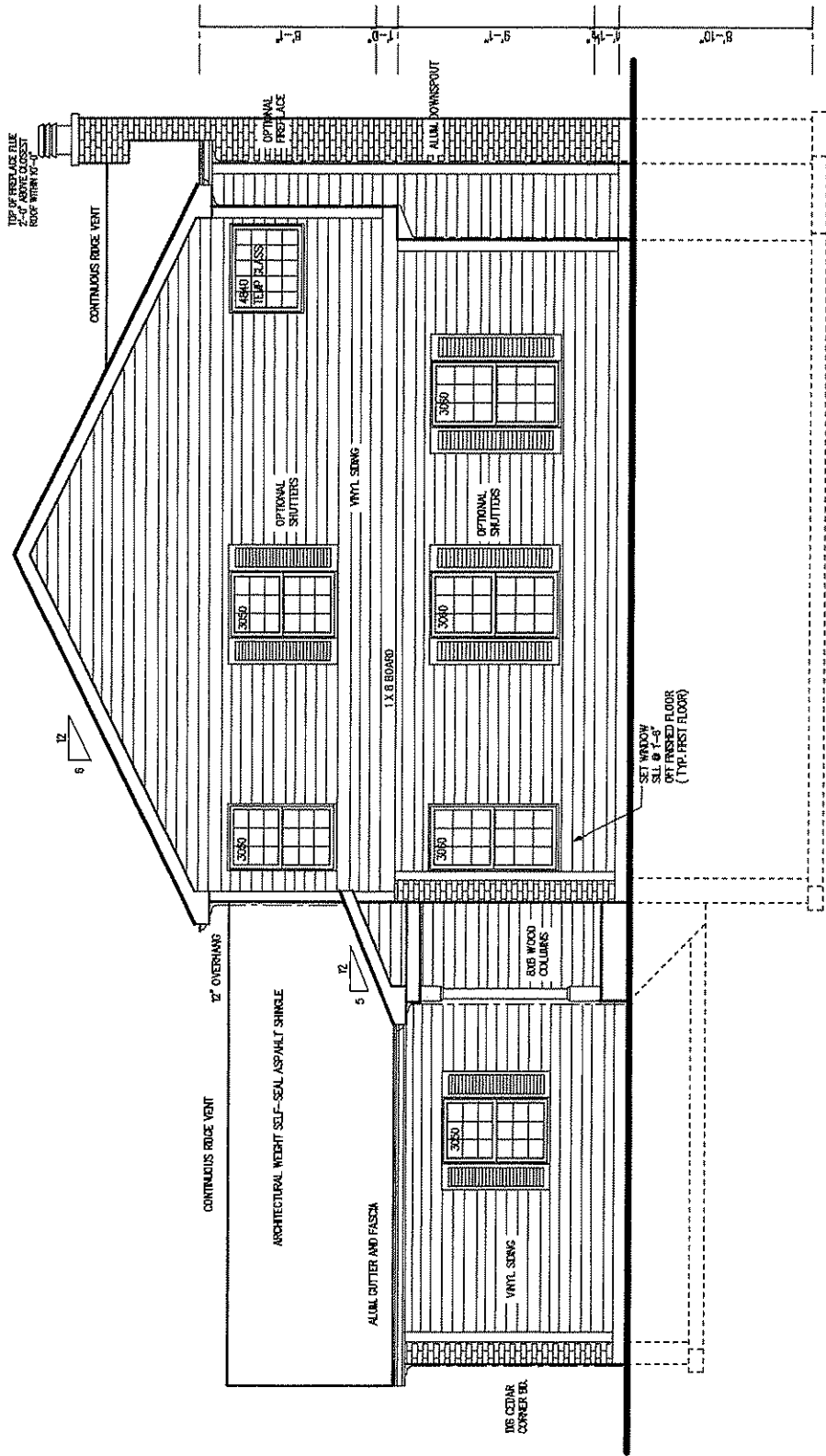
SCALE: 1/4" = 1'-0"



F R O N T E L E V A T I O N " T H I R D C A R G A G E O P T I O N "

SCALE: 1/4" = 1'-0"

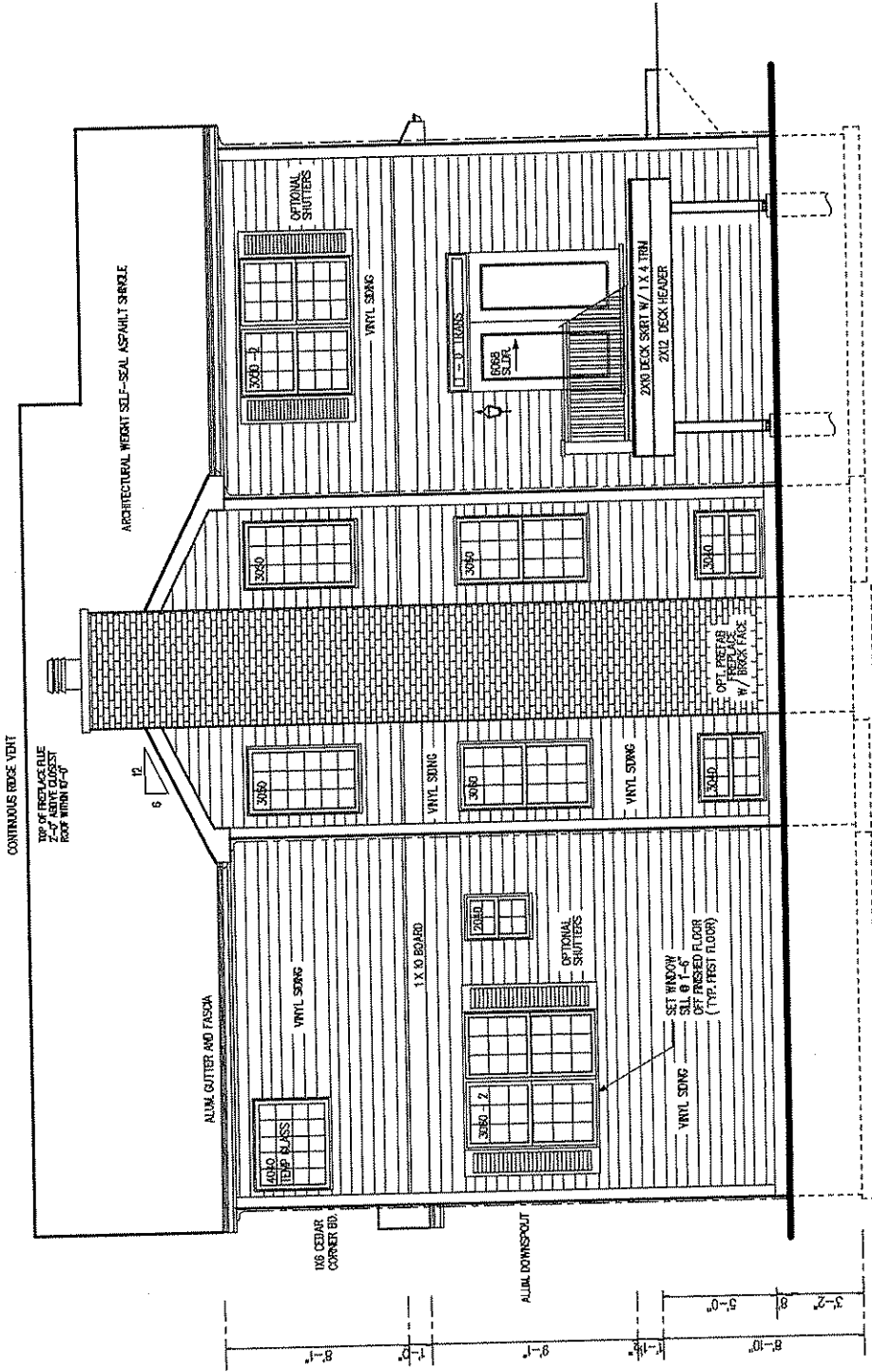
The Georgetown



R I G H T S I D E E L E V A T I O N

SCALE: 1/4" = 1'-0"

The Georgetown



The Georgetown

REAR ELEVATION

SCALE: 1/4" = 1'-0"

ASHTON POINTE SINGLE FAMILY

The Harvard

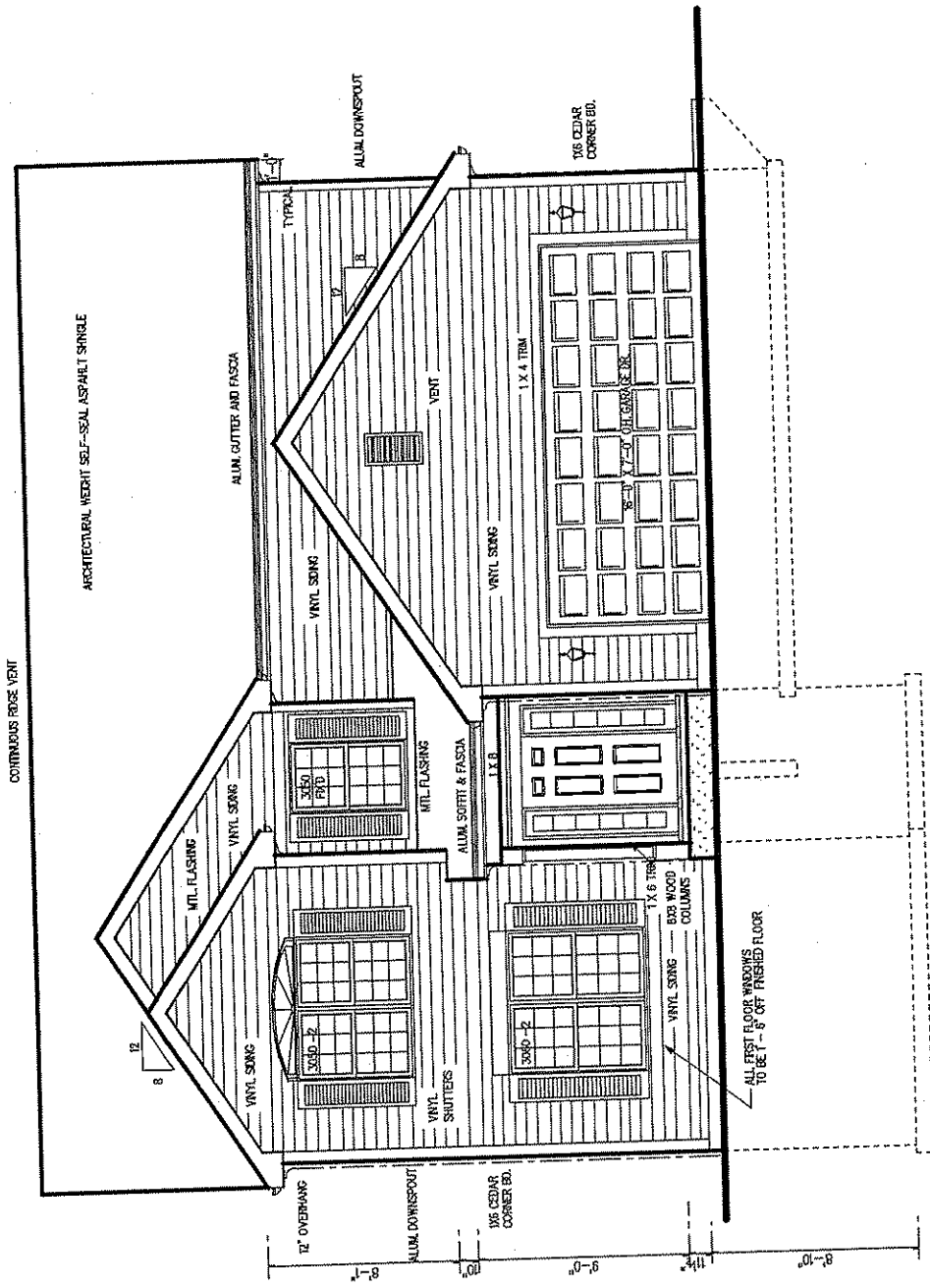
2858-3099 Sq. Ft.

\$330,990-\$337,990

2 Story, 3 Bedrooms with a Study, 2 ½ Baths

Options Available

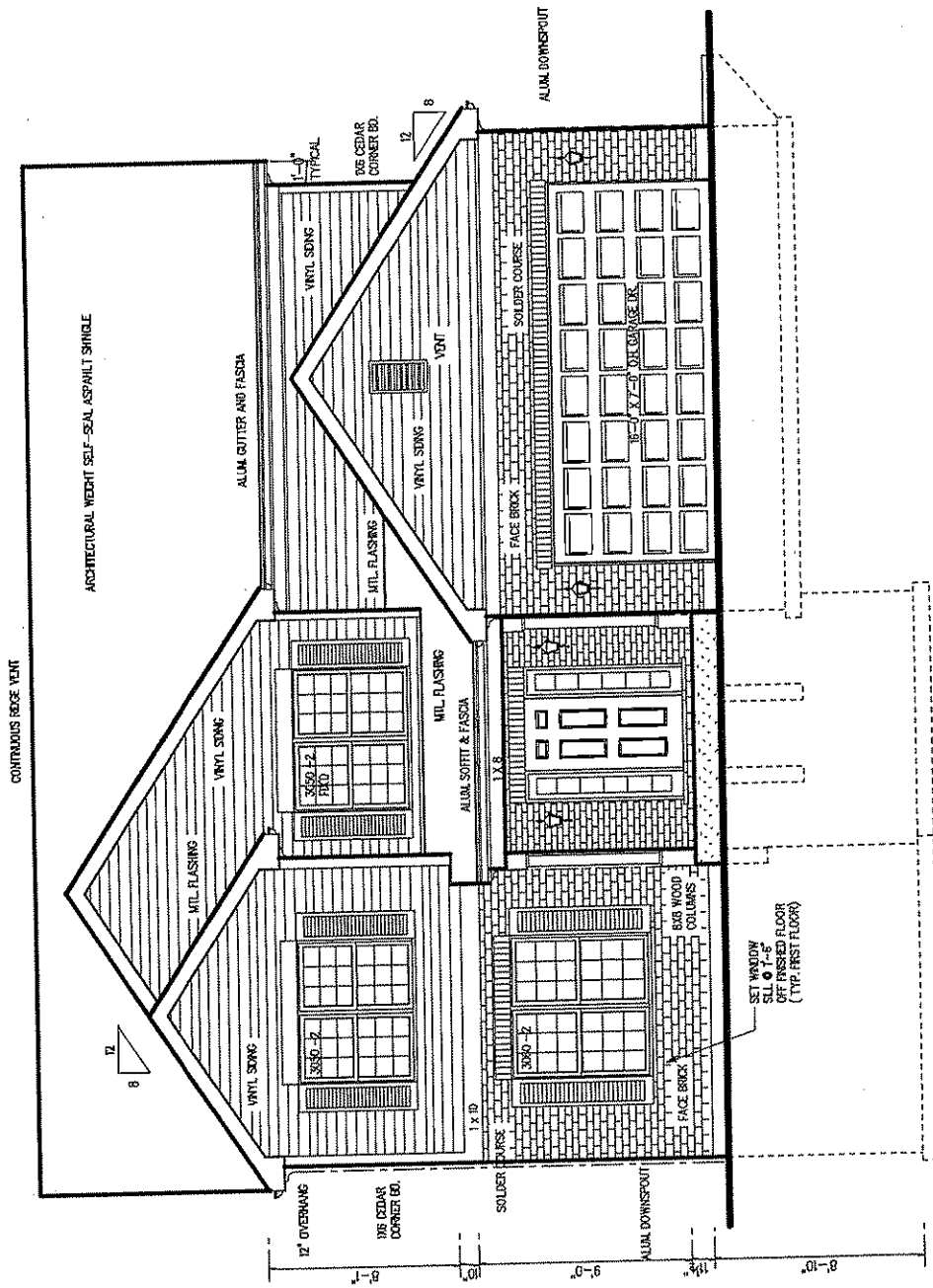
- 4th Bedroom
- 3'-5' Lookouts with Deck
- 9' Walkout with Deck
- B Elevation Brick Front with Gable Roof
- C Elevation Brick Front with Hip Roof
- Fireplace with Exterior Brick Chase (Rear Location)
- 3 Car Garage



F R O N T E L E V A T I O N - A

The Harvard

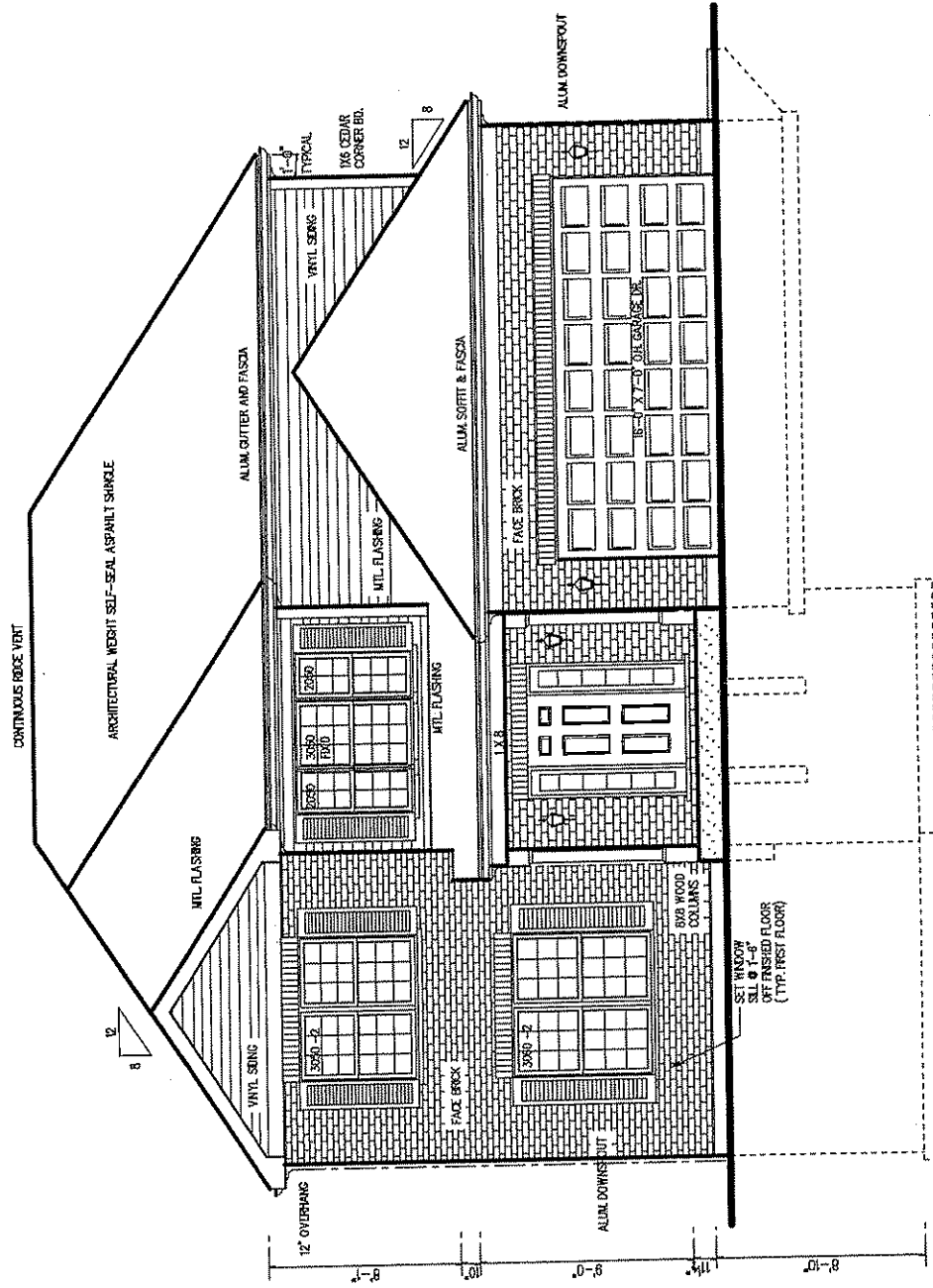
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The Harvard

FRONT ELEVATION - B

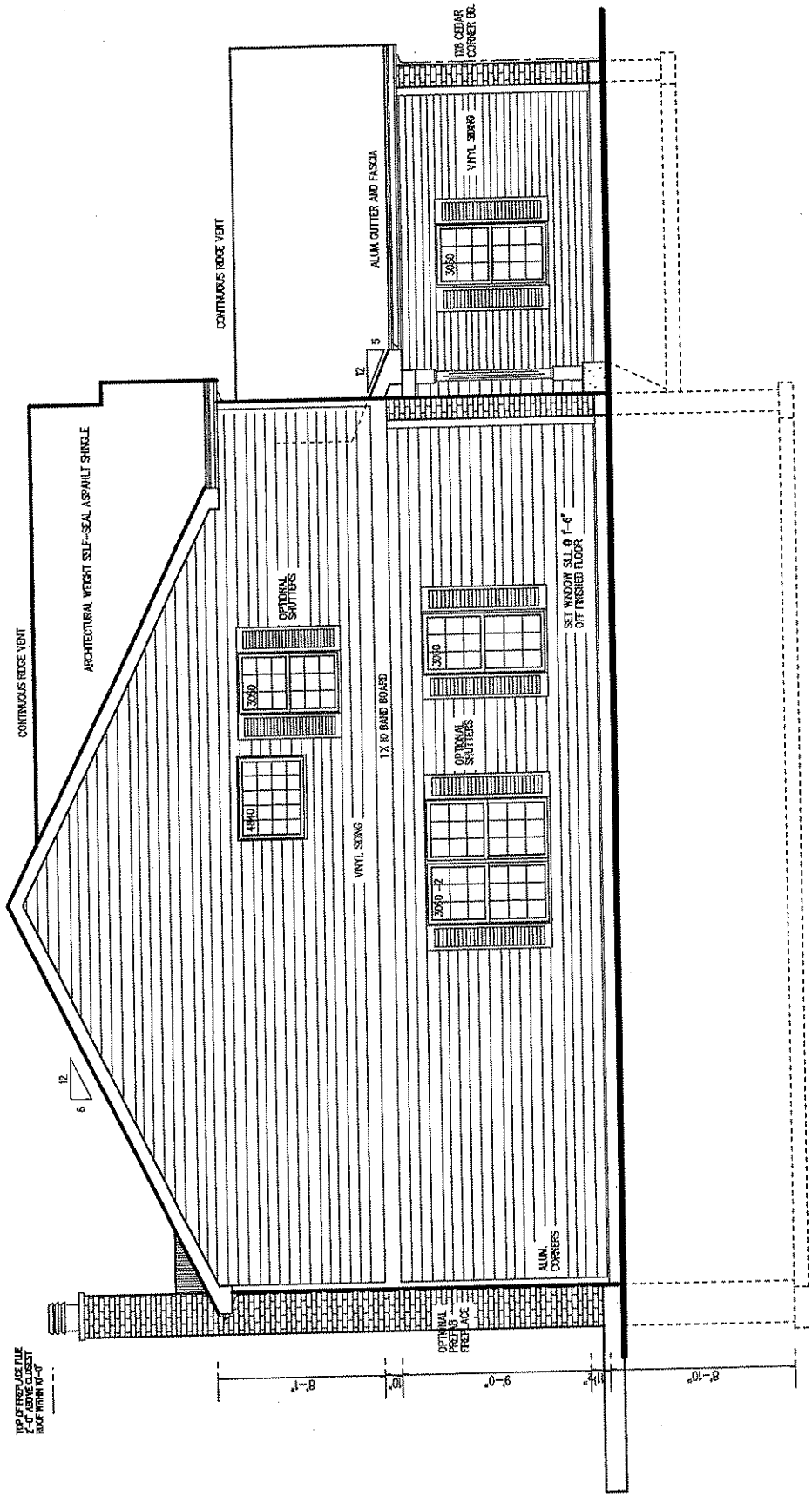
SCALE: 1/4" = 1'-0"



FRONT ELEVATION - C

SCALE: 1/4" = 1'-0"

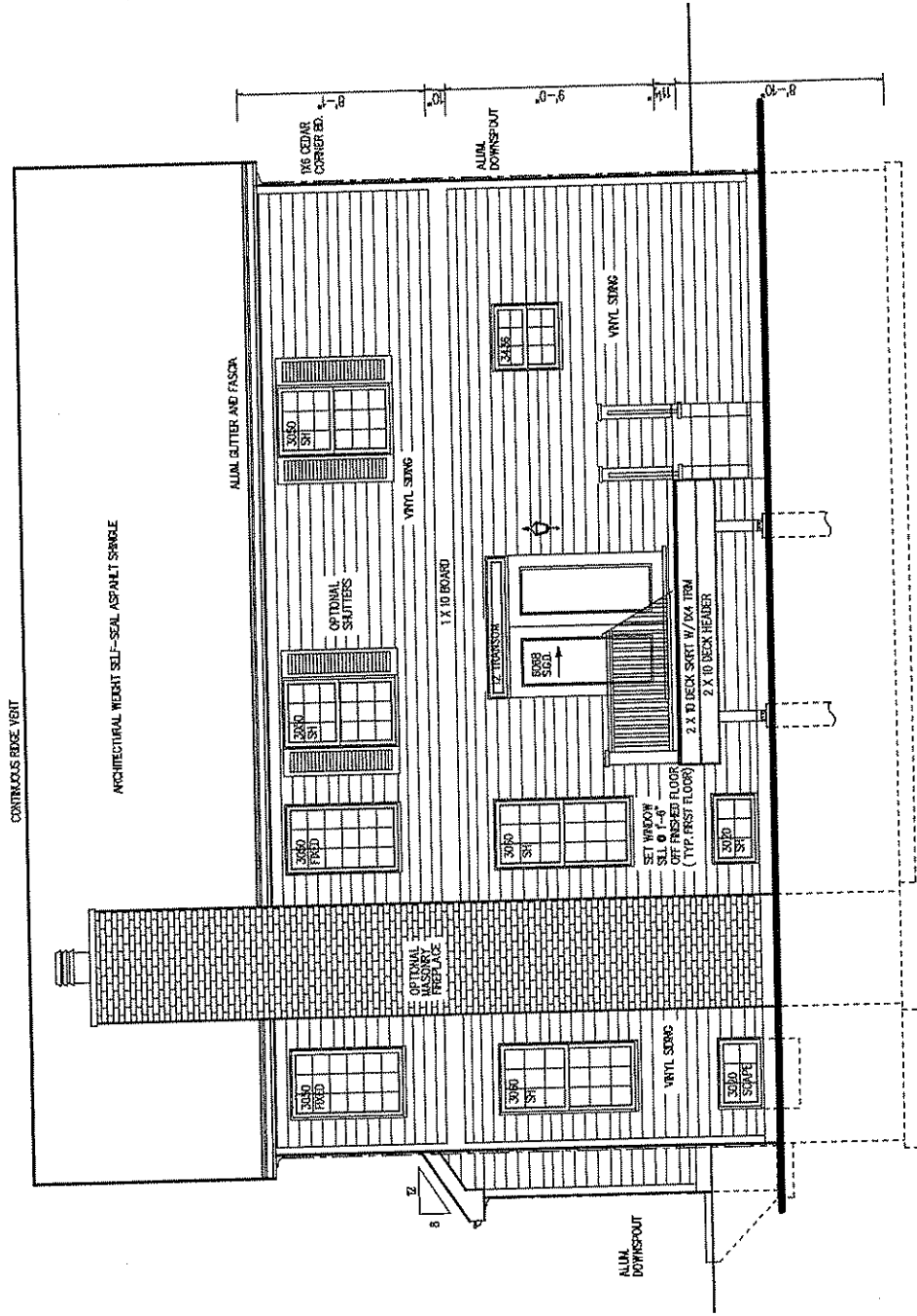
The Harvard



The Harvard

LEFT SIDE ELEVATION

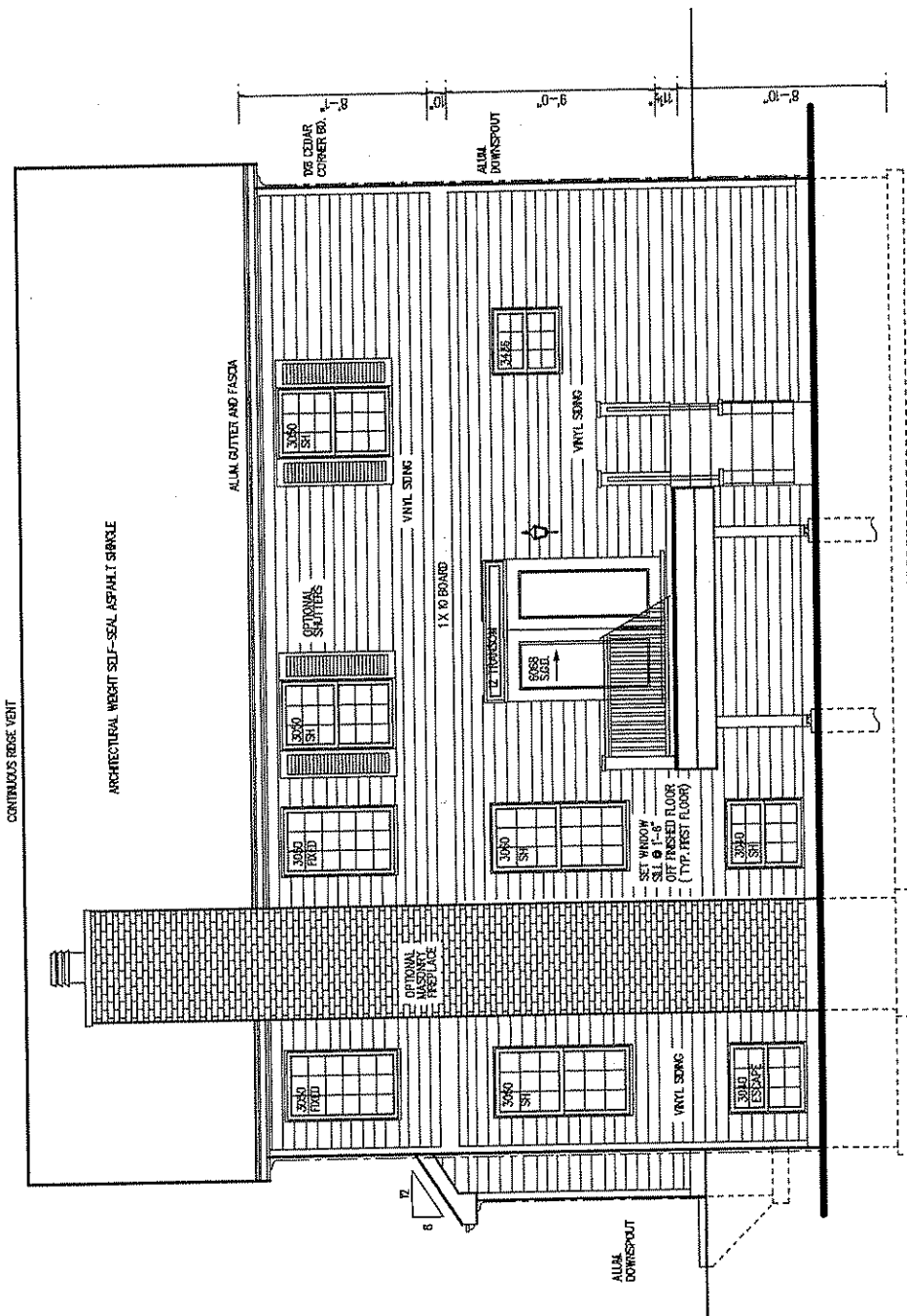
SCALE: 1/4" = 1'-0"



The Harvard

REAR ELEVATION

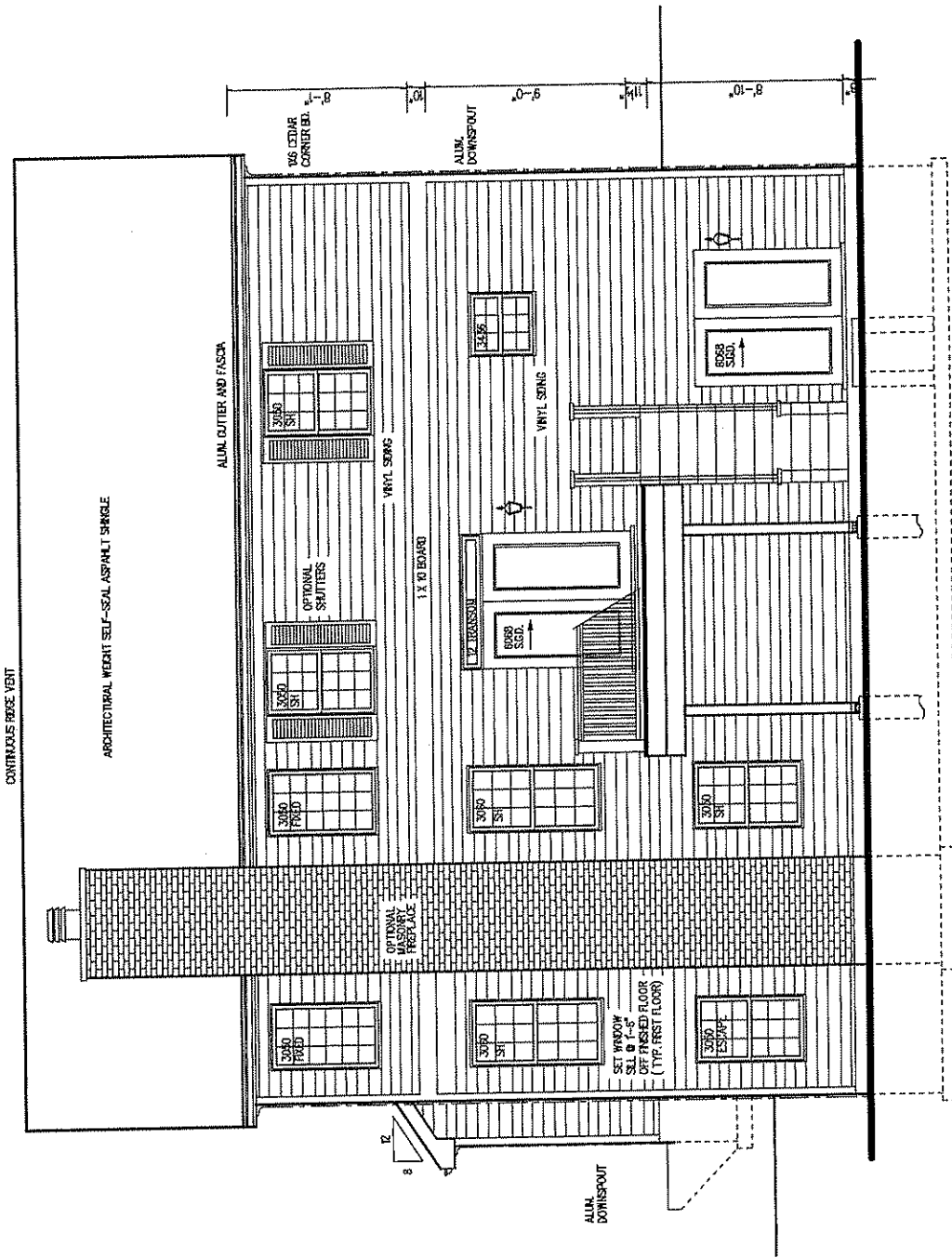
SCALE: 1/4" = 1'-0"



R E A R E L E V A T I O N

SCALE: 1/4" = 1'-0"

The Harvard



REAR ELEVATION

SCALE: 1/4" = 1'-0"

The Harvard

ASHTON POINTE SINGLE FAMILY

Interesting Features That Change and Enhance the Appearance of the Exterior:

- Hip, Gable and Shed Roof Lines
- 30 Year Architectural Shingles
- Optional Brick Front Elevations with 1'-0" Wrap Around Corners, Creating a Column Appearance
- Lookout and Walkout Rear Elevations with Decks and Additional Windows
- Extended Bumpouts on Rear Elevations (Family Room-In Law Option)
- Fireplaces with Exterior Brick Chases on Side and Rear Locations
- 3 Car Garages
- Raised Panel Garage Doors
- Alside Vinyl Siding -0.46 Gage Panel with 4 1/2" Profile (Normal Gage 0.42 By Others)
- Rough Sawn Cedar Trim Defining All Corners, Windows, Roof Lines and 1st to 2nd Floor Lines
- Decorative Shutters on Windows and Decorative Fypon on Various Front Elevations
- Optional Decorative Shutters on Windows on Side and Rear Elevations
- Vinyl Windows with Decorative Grids Throughout and Low "E" Glass
- Architectural Columns to Accentuate the Entry
- 22 Exterior Color Boards to Choose From

**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, JANUARY 2, 2008
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chair Hayden at 7:30 p.m. On roll call, members Collins, Esposito, Greenman, Jouron, Schofield, Skluzacek, and Hayden were present. Mr. Batastini was absent.

Michelle Rentzsch, Director of Planning and Economic Development, and Elizabeth Zeller, Planner, were present from Staff.

Mr. Hayden asked the people in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Mr. Hayden stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station. He stated that there are a number of items on the agenda and asked that those in attendance, who wished to speak on any of the petitions, please sign in on the sheets provided for each petition.

Mr. Hayden said he would like to wish everyone a very Happy New Year on behalf of the Planning and Zoning Commission members.

2007-110 ASHTON POINTE – W. Pingree Rd; N. RR Tracks – PUBLIC HEARING
Final PUD Amendment to allow a “ranch” home plan.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice with no objection.

Larry Vitous and Peggy McDaniel, both with Kenar, were present to represent the petition. Mr. Vitous said they have received a number of requests for a ranch style home. They currently have 4 single family models each with three elevations. He said the new ranch home would be 2100 to 2300 square feet and range in price from \$425,000 to \$431,000.

Mr. Vitous said he reviewed the comments in the staff report and agrees with them.

There was no one in the public who wished to speak on this petition. The public hearing was closed at this time.

Mr. Jouron thanked the petitioner for presenting a ranch style home. He asked if there are certain lots that this style can fit on. Mr. Vitous said there are 45 lots remaining and this style can be placed on 22 of them.

Mr. Hayden said he has been an advocate of ranch homes and thanked the petitioner as well. Mr. Vitous said they do receive a lot of requests for that style.

Mr. Esposito moved to approve the Final PUD Amendment to add a “ranch” home to the allowable single-family home plans for Ashton Pointe located west of Pingree Road and north of

the railroad tracks with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Kenar, LLC, received 11/19/07).
 - B. Architectural Plans (BLR Architects, dated 10/15/07, received 11/19/07)
 - C. Elevation exhibit for "The Ivy" (Kenar LLC, received 11/19/07).
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.
3. Work with staff to ensure that the "ranch" plan shall not affect the approved engineering or grading plans.
4. 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.

Mr. Skluzacek seconded the motion. On roll call, all members voted aye. Motion passed.

Permit to allow a temporary sales trailer, pursuant to staff recommendations.

13e. Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit for outdoor seating at Chipotle Mexican Grill, 5006 Northwest Highway.

13f. Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit for outdoor automobile storage at Brilliance Honda, 100 S. Main Street.

13g. Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit and zoning variation for outdoor trailer storage at Accenting Images, 975 Nimco Drive, Unit G.

13h. Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit and zoning variation for outdoor storage at 844 Virginia Road (Water Treatment Plant and Fire Rescue Station 3).

13j. Adopted the Abatement Ordinance for the 2007 Multi-Project General Obligation Bond Issue.

13k. Adopted the Abatement Ordinance for the 1998 Multi-Project General Obligation Bond Issue.

13m. Adopted a Resolution authorizing execution of a parking lot lease agreement amendment with the Downtown Crystal Lake Organization to change the designation of public parking and ordinance amending the City Code to allow free parking to begin at 4:00 p.m.

13n. Adopted a Resolution authorizing the appointment of Eric T. Helm, Assistant to the City Manager, to represent the City of Crystal Lake on the Board of Directors of the Intergovernmental Risk Management Agency (IRMA), and appointing Mark Nannini, Director of Finance, as the alternate delegate.

15. Approved the Planning and Zoning Commission recommendations and adopted an ordinance granting a Special Use Permit for My Father's Preschool, Prince of Peace Church, 975 McHenry Avenue. Councilwoman Ferguson noted that the room with two exits was to be used for classes of more than 10 students.

26. Appointed and confirmed the following individuals as members of the Crystal Lake Ad Hoc Clean Air Counts Advisory Committee: Pat Dieckhoff, Steven Fuller, Linda Gaska, Kimberly Hankins, Elizabeth Puchmelter, Lehn Shepherd, and Pauline Walker.

Ashton Pointe Subdivision, west of Pingree Road and north of UPRR – Final Planned Unit Development Amendment to allow a "ranch" plan home option as part of the approved single-family residences.

Larry Vitous of Kenar LLC, was present for the matter and stated that they would like to add a ranch plan in response to customer requests. He described the current approved plans and the new ranch plan with three different elevations. He stated that they were in agreement with the Planning and Zoning Commission recommendations and staff comments.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

Councilman Dawson commented about the need for a ranch plan, and strongly recommended that the doors be large enough to accommodate wheelchairs. Mr. Vitous stated that they often work with homebuyers to make homes handicapped accessible. Councilman Dawson asked that those features be included as standard.

Councilman Hopkins moved to approved the Planning and Zoning Commission recommendations and to adopt an ordinance granting a Final PUD Amendment for Ashton Pointe. Councilwoman Ferguson seconded the motion. On roll call, all voted yes, except Councilman Thorsen abstained. Motion passed.

Agreement between the City of Crystal Lake and McHenry County College for the regulation of parking and traffic at McHenry County College and resolution authorizing execution of the agreement.

Chief Dave Linder explained that these types of agreements are common throughout the City for private parking lots. Mayor Shepley asked if there would be any downside, and Chief Linder stated there was not. Councilman Thorsen stated that he was concerned about staffing required to patrol the college's parking lot. Councilman Dawson agreed, noting that the Police Department did not currently have enough staffing to handle parking violations in the downtown area and noted that the College had its own security force. Chief Linder stated that although the College did have a security force, they could not write tickets. Mayor Shepley stated that this was similar to parking lots in private shopping centers on Route 14, noting that having such agreements did not change the resource requirements of the Police Department, but only the ability of the Police to write tickets. Councilman Thorsen stated that he was concerned about straining the Police Department's resources, noting that the Police Department was at a pressure point for staffing and he was concerned about increasing the coverage. Chief Linder explained that the Police would not patrol on a regular basis, but rather, if the Police were called to the College, they could enforce violations. Councilman Thorsen stated that he was curious as to what was spearheading this agreement and asked if there was a problem. Chief Linder stated that the City has numerous similar routine agreements.

Councilwoman Ferguson moved to approve the agreement with McHenry County College for the regulation of parking and traffic on the McHenry County College property by the Crystal Lake Police Department. Councilman Goss seconded the motion.

Councilman Thorsen stated that he was uncomfortable with entering into an agreement without any evidentiary evidence that it is necessary. Mayor Shepley asked Chief Linder how many similar agreements were in effect, and Chief Linder stated that there were numerous agreements,



AN ORDINANCE GRANTING AN AMENDMENT
TO THE FINAL PUD FOR ASHTON POINTE

WHEREAS, pursuant to the terms of the Petition (File #2007-110) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development for Ashton Pointe to add a "ranch" home to the allowable single-family home plans; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Zoning Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Amendment to the Final Planned Unit Development be granted as requested in said Petition,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a Special Use Permit be granted to add a "ranch" home to the allowable single-family home plans permit for the property located west of Pingree Road and north of the railroad tracks, Crystal Lake, Illinois.

SECTION II: That the Special Use Permit be granted with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:

- A. Application (Kenar, LLC, received 11/19/07).
- B. Architectural Plans (BLR Architects, dated 10/15/07, received 11/19/07)
- C. Elevation exhibit for "The Ivy" (Kenar LLC, received 11/19/07).

2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.

3. Work with staff to ensure that the "ranch" plan shall not affect the approved engineering or grading plans.

4. 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.

SECTION III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting of Variations in accordance with the provisions of this Ordinance, as provided by law.

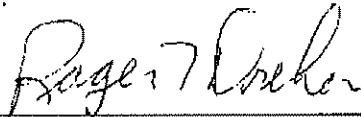
SECTION IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this 15th day of January, 2008.



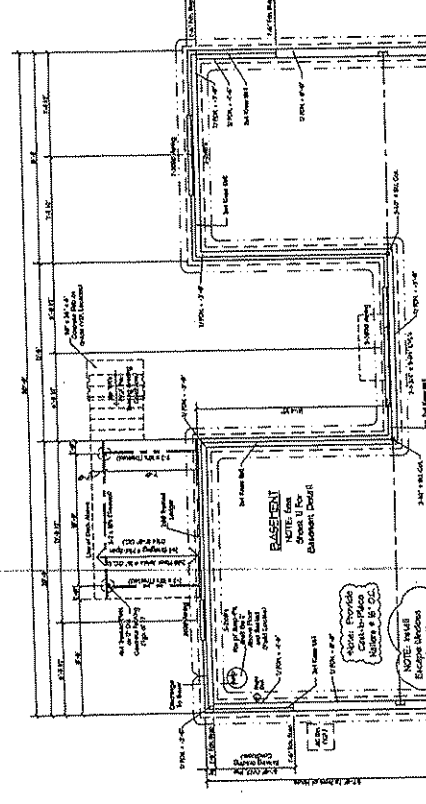
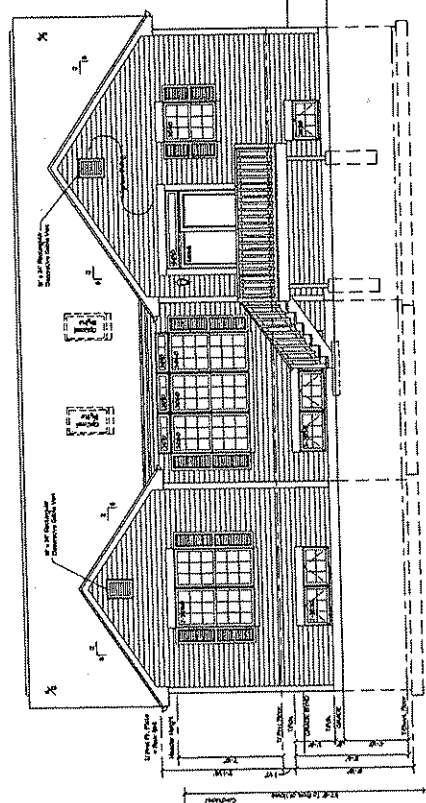
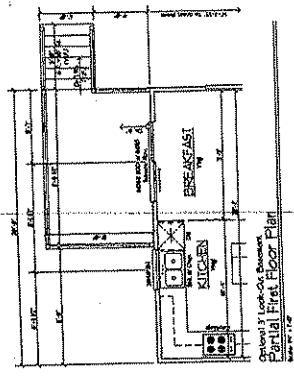
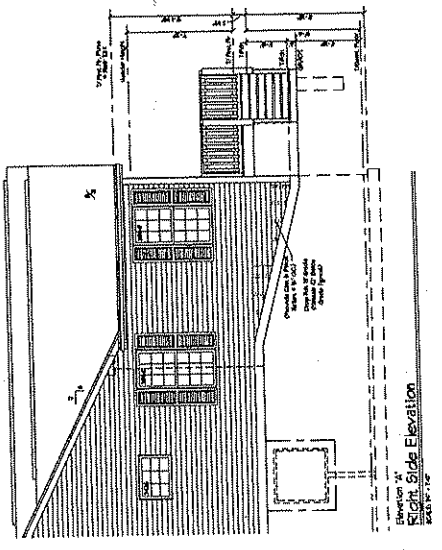
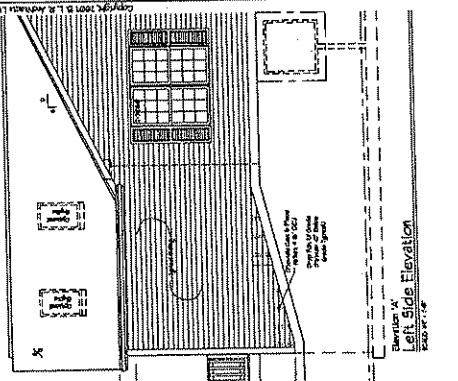
MAYOR

ATTEST:



CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



GENERAL ELEVATION NOTES

1. All elevations are shown in black ink. All dimensions are shown in feet and inches. All dimensions are to the center of the member unless otherwise noted.

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LIGHT & VENT SCHEDULE

ROOM NAME	AREA	UNIT	VEAT	FRESH AIR
1st Floor Living	100	sq ft	1	1
1st Floor Kitchen	100	sq ft	1	1
1st Floor Dining	100	sq ft	1	1
1st Floor Bedroom	100	sq ft	1	1
1st Floor Bathroom	100	sq ft	1	1
1st Floor Hall	100	sq ft	1	1
1st Floor Stair	100	sq ft	1	1
1st Floor Porch	100	sq ft	1	1
1st Floor Deck	100	sq ft	1	1
1st Floor Garage	100	sq ft	1	1
1st Floor Attic	100	sq ft	1	1
1st Floor Basement	100	sq ft	1	1

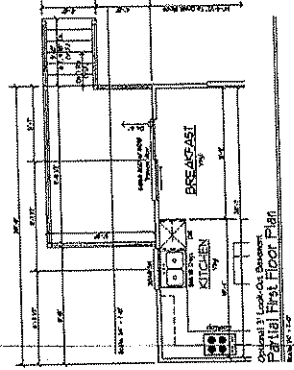
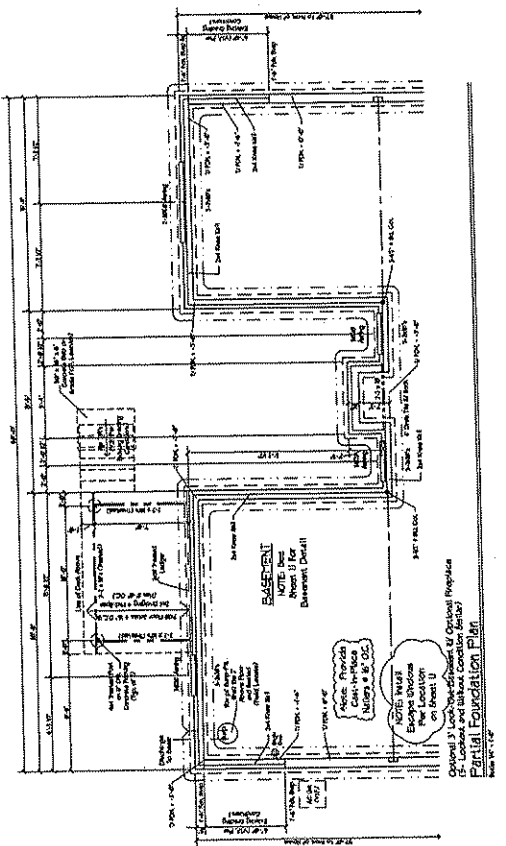
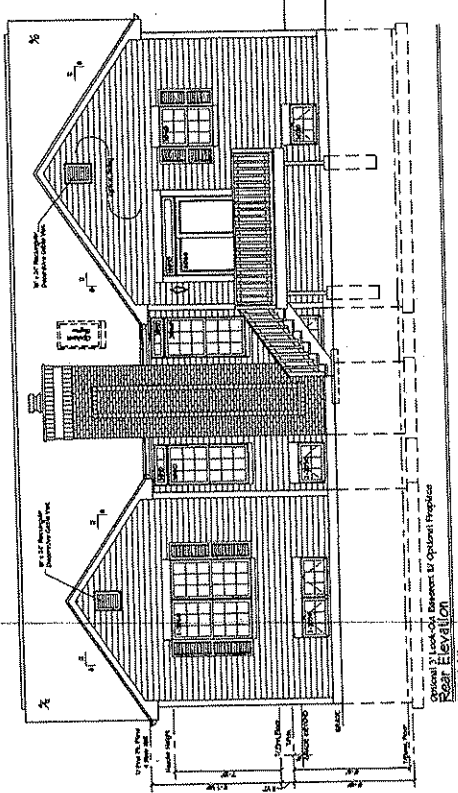
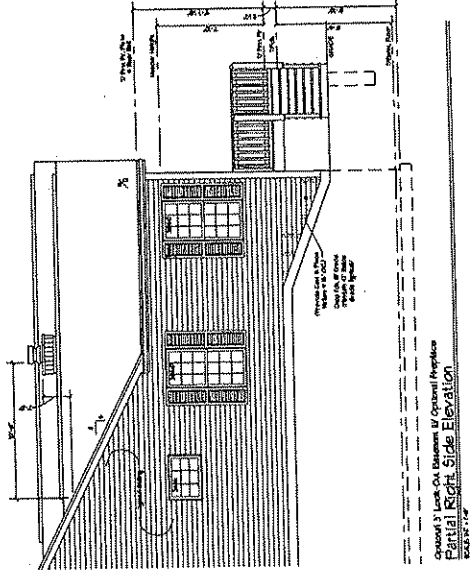
NOTE: 1. All items are shown in black ink. All dimensions are shown in feet and inches. All dimensions are to the center of the member unless otherwise noted.

Project 3 Look-Out Basement
 Partial First Floor Plan
 02/15/17

B.L.R. Architects
 125 Cedar Avenue
 Madison, Wisconsin 53703
 Phone: 608.255.0100
 Fax: 608.255.0101

KENAR HOMES
ASHTON POINTE
 Showings: 9:00 AM - 5:00 PM
 284 West Blvd.
 Optional 3' Look-Out Basement
 or Optional Porch

Sheet No.	63
Drawn By	SSS
Check By	SSS
Date	10/20/07
Project No.	07-0000
Revision	
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**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 7, 2010
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chair Hayden at 7:30 p.m. On roll call, members Batastini, Goss, Jouron, McDonough, Skluzacek, and Hayden were present. Members Esposito and Greenman were absent.

Mr. Hayden asked the people in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, were present from Staff.

Mr. Hayden stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

2010-20 ASHTON POINTE – N. Railroad Tracks; W. Pingree Road - PUBLIC HEARING

Final PUD Amendment to allow design criteria rather than approved model plans.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Larry Vitous and Wally Krawczyk, both with Kenar, were present to represent the petition. Mr. Krawczyk said they have been working diligently with the neighbors and the City. They are entertaining the idea of selling some of the lots to other builders and they would like to have architectural criteria in place instead of specific floor plans and elevations. Mr. Krawczyk said they used the approved plans and covenants to create the key points for the criteria.

Mr. Vitous said they agree with the recommended conditions except for the roof matrix. They can't agree with something since they don't know what the building beneath the roof will look like. Mr. Krawczyk said they want to keep the aesthetics of the subdivision so they need to be creative.

Mr. Hayden stated there are several people signed up to speak and object to this request. Mr. Krawczyk said he didn't believe they are objecting to this.

Cathy Oehlerking, 156 Ashton Ln., said she did attend the meeting that was held on Monday with Kenar about the proposed changes. Mrs. Oehlerking feels that a 1800 square foot model is too small for their development. That is more the size of a starter home. She did not pay that price for her home to live in a starter home neighborhood.

Mr. Batastini asked what the sizes of the existing models are. Mr. Vitous said they range from 2360 to 3100 square feet. Mr. Jouron asked what the average size of the existing homes is in the subdivision. Mr. Krawczyk said he wasn't sure but it was a good mixture.

Mrs. Oehlerking said there was an amendment to the PUD a few years ago to allow ranch style homes but none of those have been sold. She said she doesn't want a small home next to her.

Jeff Rugan, 144 Ashton Ln., said he purchased a mid-size unit. He is concerned with a smaller home being put between 2 larger homes. Mr. Rugan said they have also lost value in their homes because of the economy and doesn't want the value to be further eroded.

Rich Cooper, 132 Ashton Ln., said he was not able to attend Monday's meeting with Kenar. He is not sure why Kenar isn't advertising their subdivision. Mr. Cooper also stated he wasn't sure why Kenar didn't come up with additional floor plans instead of allowing other developers.

John Reinert, 3018 Oak Ridge Road, said he has built several homes in town and feels that this will diversify what's available in the subdivision. He doesn't believe that property values will be hurt.

Nichole Nowak, 140 Ashton Ln., asked the Commission not to give the concession to Kenar. She said the square footage of the home is too low and would prefer something greater than 2300 square feet. Ms. Nowak said the property owners within the subdivision have not been given control of the Homeowners' Association. They want to take it over so they can show they have a neighborhood. She said the subdivision currently doesn't look welcoming because of the weeds in the vacant lots and the sign in disrepair. She reviewed several selling techniques such as web presence, wording use in the MLS listings, photos of homes showing mostly the garage, etc. Ms. Novak said there is limited sales presence as well. Even the BBB gives Kenar an F. They need to sell Ashton Pointe as a neighborhood, with parks, good schools, Metra within walking distance, etc. Ms. Nowak added that experts agree that Chicagoland has stabilized. She asked that the Commission not approve the concessions.

Bruce Oehlerking, 156 Ashton Ln., said he had built a few homes. He said the size of the homes is a consideration.

Marily Nowak stated she has been a real estate agent for over 30 years. She agrees with the homeowners that their property values will be hurt by allowing smaller homes in this subdivision. Ms. Nowak said there are currently 6 homes on the market and they would sell easier if they had 4 bedrooms in this price range.

There was no one else in the public who wished to speak on this petition. The public hearing was closed at this time.

Mr. Batastini said everyone can identify with the current marketplace. Part of the issue is the vacant lots. Also the HOA has not been turned over to the property owners. Mr. Vitous said they are in the process

of turning over the HOA. Mr. Batastini feels it is not a good idea to have every home design reviewed by the HOA. Mr. Vitous said it is part of the Declaration of Covenants to have an Architectural Review Committee comprised of 2 resident members and 1 from the builder. The covenants say the guidelines are to be followed but the City has final say.

Mr. Batastini said there are to be certain lots with masonry products in their elevations but there are only 10 lots that remain that are required to have brick. He is concerned with opening this development up to another builder. Mr. Batastini also feels that 1800 square feet is too small and would prefer to see what the models will look like because of a possibility of lesser value and standards. He said he can't do this to the residents of this subdivision.

Mr. Skluzacek said 1800 square feet is too small. Mr. Jouron said this is a drastic cut and having different builders is a concern. Mr. Batastini said he is not opposed to other builders. Mr. Jouron said he is concerned about the materials to be used.

Mr. Goss said he doesn't care for the 1800 square foot units. This isn't a large subdivision and people had faith in what they were told when they were purchasing their homes.

Mr. Hayden said he purchased his home in Four Colonies and the next phase of the development allowed smaller homes. His home is worth between \$25,000 to \$50,000 less than the same style home in another unit of Four Colonies. Mr. Hayden reviewed the Findings of Fact and these changes will have an impact on the existing home values. He is not opposed to smaller homes but they don't go along with the existing large homes in this subdivision.

Mr. Krawczyk said there are 4 homes that range between 2360 and 3100 square feet. He understands that 1800 square feet is not acceptable but now larger homes are not acceptable. They are prepared to go to 2000 square feet. They are trying to help the residents and make this development successful. Mr. Krawczyk said they need to build homes that are smaller and more affordable. They are trying to establish criteria and are willing to work with the neighbors but they need to have the smaller homes.

Mr. Hayden said the petitioner is looking for help and he knows that everyone is in the same position. The City had nothing to do with the downturn but neighbors are looking for help. The \$8000 tax credit will be gone at the end of this month and that would have been the people who would have been looking for the smaller homes.

Mr. McDonough asked how the criteria will be written so as to protect the architecture. Mr. Vitous said the criteria calls out where things can be placed. The guidelines are exactly the same as the plans that were originally approved and key points that were discussed. He said this is to lower the square footage and to get away from the 4 to 5 plans that were originally approved. Mr. McDonough said he is concerned with the property values.

Mr. Batastini said Kenar originally wanted the "R-2" zoning while the City wanted larger lots. The goal

here is to protect the neighbors. Mr. Krawczyk said they want to sell the remaining lots and keep the quality. Mr. Batastini said he is not confident that the criteria will protect the neighbors. Mr. Krawczyk said they don't want cookie cutter homes. They want proactive builders.

Mr. Hayden recognizes the economic times but they have an obligation to the homeowners. They don't want to sit here and redesign the project. He said there are two options -- the developer can either work with staff to make this more palatable or the Commission can vote on this tonight.

Mr. Batastini said the criteria needs to be tightened up. We need to do everything we can to protect the neighbors.

Ms. Maxwell said staff will work with the petitioners on the criteria. Mr. Hayden said staff can facilitate the discussions but is not a mediator.

Mr. Goss moved to continue 2010-20 Ashton Pointe to the April 21, 2010 PZC meeting. Mr. McDonough seconded the motion. On roll call, all members voted aye. Motion passed.



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 21, 2010
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Vice Chair Greenman at 7:30 p.m. On roll call, members Batastini, Esposito, Jouron, McDonough, Skluzacek, and Greenman were present. Members Goss and Hayden were absent.

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, were present from Staff.

Mr. Greenman stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

2010-20 ASHTON POINTE – N. Railroad Tracks; W. Pingree Road - PUBLIC HEARING

This petition was continued from the April 7, 2010 PZC Meeting.

Final PUD Amendment to allow design criteria rather than approved model plans.

Mr. Greenman said the petitioner was sworn in at the previous meeting. He swore in Mr. Reinert.

Larry Vitous with Kenar and John Reinert, developer, were present to represent the petition. Mr. Vitous said they are requesting a modification of the Final PUD. They are trying to keep the sales activity going on this subdivision therefore they would like to allow other builders and other designs other than those approved with the Final PUD. They have created an Acknowledgement Statement which covers architectural minimums for the homes to be built. Mr. Vitous said this way they will not need additional PUD Amendments to allow other designs of homes.

Mr. Vitous reviewed the Acknowledgement Statement which covers the Engineering plans, Plat of Subdivision, Homeowners' Association, Declaration of Covenants, and Landscape Plan. He said within 3 years of this approval Kenar will be required to put in all public sidewalks, parkway trees, and sod the parkways if nothing is built on the lot. The agreement also covers exterior color packages, monotony code, and an architectural review committee. Mr. Vitous said there is a provision for minimum square footage of a range style home and 2-story home. There are also requirements for the number of additional homes required to have brick as well as the percentage of the brick required. Provisions are also given for soldiering of the brick over the garage door and entry way.

Mr. Vitous said there is an error in the Statement regarding the width of the homes. He said the Statement says a two-story is a minimum of 52 feet wide and it should be 40. A 52 foot wide two-story home won't fit on the lots. He said the homes are currently 40 to 46 feet wide with a 2 car garage. Mr. Vitous continued stating that the homes are required to have a minimum 2 car garage. Also shutters are

required, and the roof pitch is stipulated as well as the type of shingles to be used. He said two meetings were held with the homeowners and they have come to an agreement.

Cathy Oehlerking, 456 Ashton Ln., thanked the PZC members for bringing up things that she hadn't even thought of previously. She said things were changed because of the meetings. Ms. Oehlerking feels the petitioner wants to do away with the PUD and open it up to other builders. They have larger homes and haven't seen anything in writing with regards to the changes and she feels that more discussions are needed. There were some changes presented tonight that were not discussed at the meetings and not everyone is present now.

Jeff Ragan, 144 Ashton Ln., thanked the PZC members and Kenar for working with the current homeowners. He is not overly concerned with the changes that were presented but questioned the width of the homes. Mr. Vitous said the current homes are approximately 40 to 46 feet wide. Mr. Ragan feels Kenar has addressed their concerns for the most part.

Nicole Nowak, 140 Ashford Ln., said they have had communication since the last meeting. Ms. Nowak said Mr. Vitous has been a very good rep from Kenar. They want to protect the values of their homes. She said they were not told of the ranch style homes coming before the City for approval a few years ago and asked about the percentage of brick or stone being 50%. Mr. Vitous said the percentage will be approximately 50% not exactly 50%. Ms. Nowak said she would like to have the phrase added "or more" to the approximately 50% brick or stone. She also would like to review everything prior to this request going before City Council.

There was no one else in the public who wished to speak on this petition. The public hearing was closed at this time.

Mr. Vitous said the request for the ranch homes was a PUD Amendment and notification was mailed out to the homeowners. He said ranch homes are very expensive to build. They may be smaller in size but they are higher in value. The ranch homes are good for the community and this subdivision. Mr. Vitous said he will add verbiage to clarify the brick issue. He added that the Homeowners' Association will be turned over to the homeowners next month.

Mr. Reinert said the petitioner wanted to open the subdivision to new designs/plans which customized homes.

Mr. McDonough asked if after a certain number of units are built they would revert back to the models. Mr. Vitous said no. Mr. McDonough asked how would the lot improvements be enforced. Mr. Vitous said it is part of the documents when purchasing a lot. Ms. Maxwell said Kenar provided the City with letter of credit for the public improvements. That means they are liable to complete the public improvements. Mr. Vitous said the improvements are all in the public right of way.

Mr. McDonough said the width requirements restricts creativity and feels it is overly restrictive. He is

not sure if that makes it better for the current residents. Mr. McDonough said they have come a long way and does support what they have done.

Mr. Batastini asked what the average size home is now in the development. Mr. Vitous said he believes it is 2,700 square feet and said a 2,400 square foot ranch home is a good size home. Mr. Batastini said the development will not be overrun with ranch homes. He asked if the masonry fire places were going to remain. Mr. Vitous said that is very expensive. Mr. Batastini said he would like to have the masonry fireplaces on the homes that back up to Pingree Road. He does support this request.

Mr. Skluzacek thanked the petitioner for working with the neighbors and taking care of most of their concerns. Mr. Vitous said they have addressed most of the issues.

Mr. Esposito said it took a lot of bickering when this development originally came before the City to get what we got. He said there were requests for smaller homes originally to allow for more green space between the homes which didn't happen. Now they are requesting smaller homes after the larger ones have been built. Mr. Esposito said he can't support this request.

Mr. Greenman said he wasn't at the last meeting but was on the Commission when this development originally came through. He said it is their duty to protect the neighbors and appreciates the petitioner's willingness to work with the neighbors. Mr. Greenman said it is hard to change the development after it is started. Mr. Vitous said they have compromised with the neighbors. He said they are trying to keep afloat in these tough times.

Mr. Greenman said the petitioner has gone above and beyond. He said his role is to base his vote on if this is in the best interests of the residents.

Mr. Batastini said he doesn't want the neighbors to have to keep watching their back with other changes. Mr. Vitous said their intention is not to come back. Their goal is to come back as little as possible.

Mr. Greenman suggested that the petitioners have a copy of the plat showing where homes are built and the square footage of them. Also note where the smaller homes could be placed. He is sure the Council would want to know the risk to the neighbors and that map would also benefit the neighbors.

Mr. Batastini moved to approve the Final PUD Amendment to allow design criteria for home construction rather than approved model plans for Ashton Pointe with the following conditions:

- I. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Ashton Pointe LLC, received 3/23/10).
 - B. Acknowledgement Statement (Ashton Pointe LLC, dated 2-23-10, received 3/23/10)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.

3. The Acknowledgement Statement shall be adopted with the following changes:

- A. Amend #8. To read, ~~“There exists a Subdivision Bond for public improvements for the subdivision. The City of Crystal Lake has inspected and conditionally approved all street lights, storm sewer, sanitary sewer and water infrastructure streets and curbs within or adjacent to said lots. All storm water detention ponds (north and south), public sidewalks, parkway landscape, curb repairs and street surfacing remain subject to final acceptance by the City of Crystal Lake. Ashton Pointe, LLC shall be responsible for installation and final acceptance of curb repairs, final surface on streets, and north and south detention ponds within three years of approval of this Ordinance. Upon request for final occupancy the buyer shall have the lot and adjacent parkway final graded, improved with sod, parkway trees, lot landscaping and public sidewalk. If final occupancy has not been requested within two years from the purchase date the buyer shall be required to improve the parkway contiguous to the lot. Parkway improvements shall include final grading, public sidewalk, parkway trees and sod. Proof of sale must be provided by Ashton Pointe LLC. (Removed by Staff. This condition has been addressed with the revised Acknowledgement Statement)~~
- B. Amend the signature Date to read Acknowledged this __ Day of 20__.

4. The Acknowledgement Statement shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.

5. 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.

6. In the Acknowledgement Statement, the minimum width of a 2-story home is 40 feet.

7. Masonry fireplaces are required on homes that are visible from Pingree Road.

Mr. Skluzacek seconded the motion. On roll call, members Batastini, McDonough, Skluzacek, and Greenman voted aye. Members Esposito and Jouron voted no. Motion passed.

Mr. Greenman stated that he has reservations. He said if there was significant risk to the neighbors he would have voted no.

Ashton Pointe, west of Pingree Road, north of UPRR – Final Planned Unit Development Amendment to allow the adoption of architectural criteria rather than specific house model plans.

Larry Vitous of Kenar Homes and John Reinert, sales representative and potential homebuilder at Ashton Pointe were present for the matter. Mr. Vitous presented a site plan showing sold lots (with or without homes) and lots that would accept the previous approved ranch plan as requested by the Planning and Zoning Commission. He also presented photos of possible custom home plans. He stated that with the economic conditions, there had been a slowdown in housing sales and they were looking at alternatives to spur the market.

Mr. Vitous reviewed the proposed "Acknowledgement Statement", which would be presented to all builders, which he stated clearly spelled out all of the building requirements, bonding, and architectural requirements, including minimum square footages, masonry elements, minimum widths, two-car garage minimums, shutters on all windows that will accept them, shingles, cedar trim, and more. Mr. Vitous confirmed that the Planning and Zoning Commission had reviewed and approved the changes. He stated that all of the architectural elements, except the 14 homes with less square footage, had not changed from the City's original PUD approval. Mr. Vitous stated that the petition had also been reviewed and approved by the current subdivision homeowners.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

Mayor Shepley asked if to the best of Mr. Vitous' knowledge and belief, the neighbors were in favor of the plan. Kathy Oehlerking, a homeowner, stated that Mr. Vitous had worked with the homeowners very diligently and resolved the homeowners' concerns. No other homeowners were present.

Mayor Shepley confirmed that the Plan Commission had reviewed and approved the document dated 4/27/10 with Director of Planning and Economic Development Michelle Rentzsch. Mr. Vitous added that the 50-foot minimum width for the ranch plan and the 40-foot minimum width for two story homes, plus brick on the fireplace exterior, were discussed at the Planning and Zoning Commission meeting and with the homeowners, but those changes were made to the document after the Planning and Zoning Commission meeting.

Councilman Dawson stated that he was very pleased that Kenar Homes had worked with the residents and he would support the petition because innovative ideas such as this were needed in the current economic situation. He added that senior citizens prefer ranch homes. Councilwoman Ferguson agreed, and noted that empty lots were unattractive.

Mayor Shepley stated that the petition had undergone a lot of scrutiny and had been a study in perseverance for the builder. He stated that he had initially received calls from residents who were concerned about the petition, but they had been pleasantly surprised with the Planning and Zoning Commission's stance at their meeting and he was glad that the proposal had been worked out to everyone's satisfaction. He commended the Planning and Zoning Commission for their

hard work and diligence.

Councilman Hopkins moved to approve the Planning and Zoning Commission recommendation and to adopt an ordinance granting a Final Planned Unit Development Amendment for Ashton Pointe. Councilman Thorsen seconded the motion. Councilwoman Ferguson asked that reference be made to approving the Acknowledgement Statement dated April 27, 2010. Councilman Hopkins restated his motion to include that approval. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

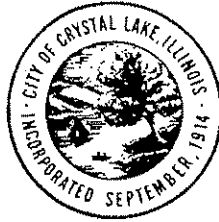
Bryn Mawr Corporation, north side of Route 176, east of Route 47 – Annexation Agreement Amendment Public Hearing.

Mayor Shepley noted that this petition was contingent upon receiving approval from the Village of Lakewood for a proposed amendment to the Boundary Line Agreement between the Village and the City of Crystal Lake, and a discussion ensued as to whether the Council would proceed on the matter. Councilman Dawson suggested that any approval could be made contingent upon the Village approving the Boundary Line Agreement amendment. Councilwoman Brady Mueller stated that she was not willing to consider that, since the City's action could be perceived negatively by the Village. The City Attorney stated that the Council could legally provide conditional approval, but it was possible that the Village could perceive it as the City ignoring the Boundary Line Agreement amendment procedure. Councilwoman Brady Mueller reiterated that she did not feel it was prudent for the City to put itself in that position. Councilmembers Ferguson, Hopkins and Schofield agreed, noting how the Village could perceive the Council's action.

Joseph Gottemoller, attorney for Bryn Mawr, asked that the Council proceed with the public hearing so that the petitioner could have the Council's comments, but without any formal approval action. Councilwoman Brady Mueller agreed. Councilmembers Ferguson and Schofield agreed also, but stated that they did not wish to send a message as to being predisposed to one direction or another. Councilman Thorsen stated that he was in favor of proceeding with the Public Hearing. Councilman Hopkins agreed.

With a majority of the Council in favor, Mayor Shepley opened the Public Hearing.

Ken Rawson of Bryn Mawr Homes provided a presentation on the property's history, Lakewood's comprehensive plan, Lakewood's current annexation petition for nearby property, a current aerial view of the property, the existing approved Preliminary Plat of Subdivision, and the wetlands. Mr. Gottemoller stated that the proposed Townhome plan on a 64.35 acre parcel would leave 41.85 acres as open space, and the nearest single family homes would be 1,000 feet away. He stated that under the current plan, the entire 64.35 acres would be cleared for single family home construction. He stated that the Village of Lakewood has had the petition for over a month and there have been several favorable discussions between Village staff and Mr. Rawson, but the Village Board had not yet reviewed the matter. He stated that he was not asking the City to violate the terms of the Boundary Line Agreement with the Village, but they would like to know if the City would consider allowing the Annexation Agreement amendment so that they could then proceed with going before the Village of Lakewood. Mr. Rawson added that he had



AN ORDINANCE GRANTING AN AMENDMENT
TO THE FINAL PUD FOR ASHTON POINTE

WHEREAS, pursuant to the terms of the Petition (File #2010-20) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development to allow design criteria for home construction rather than approved model plans for Ashton Pointe; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Unified Development Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Amendment to the Final Planned Unit Development be granted as requested in said Petition,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That the Final PUD Amendment be granted to allow design criteria for home construction rather than approved model plans for Ashton Pointe for the property located west of Pingree Road and north of the rail road tracks, Crystal Lake, Illinois.

SECTION II: That the Special Use Permit be granted with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Ashton Pointe LLC, received 3/23/10).
 - B. Acknowledgement Statement (Ashton Pointe LLC, dated 2-23-10, received 5-4-10)
2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.
3. The Acknowledgement Statement shall be adopted with the following change:
 - A. Amend the signature Date to read Acknowledged this ___ Day of 20___.

4. The Acknowledgement Statement shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.

5. 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.

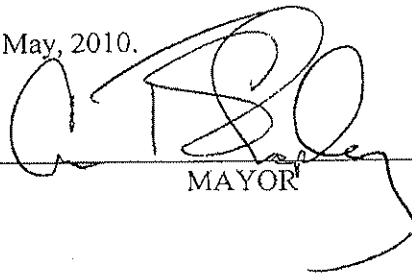
6. In the Acknowledgement Statement, the minimum width of a 2-story home is 40 feet.

7. Masonry fireplaces are required on homes that are visible from Pingree Road.

SECTION III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting of Variations in accordance with the provisions of this Ordinance, as provided by law.

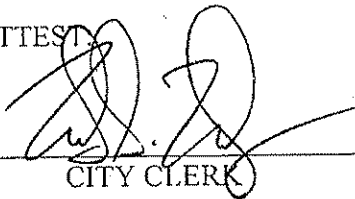
SECTION IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this 4th day of May, 2010.



MAYOR

ATTEST



CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

ASHTON POINTE PUD

ACKNOWLEDGEMENT STATEMENT

~~4-15-10 CHANGE TO THIS DOCUMENT~~

1. Ashton Pointe is a Planned Unit Development (PUD) subject to an approved set of Architectural Plans and regulated by approved ordinances.
2. There exists Final Engineering Plans, including the Tree Preservation/Protection Plans prepared by Pearson, Brown & Associates dated May 17, 2004, latest revision dated September 22, 2006 filed with the City of Crystal Lake. Each owner will be required to strictly conform to all top of foundation elevations and final grading elevations that will be submitted to the City for approval. Each buyer will be issued this set of Final Engineering Plans.
3. A Letter of Awareness exists required to be signed by purchasers of a lot acknowledging they are aware of the fact that easements run with their lot and affect and concern their lot, all which are located on the Plat of Subdivision for Ashton Pointe, last dated January 17, 2005 as recorded at the Office of the Recorder of Deeds of McHenry County, Illinois on February 4, 2005 as Document Number 2005R0009632. Each buyer will be issued this recorded Plat of Subdivision.
4. There exists a Homeowners Association (Ashton Pointe Homeowners Association) that governs the single family lots and all the lots within the subdivision are associated with this Association.
5. There exists a Declaration of Covenants, Conditions and Restrictions for Ashton Pointe, as recorded at the Office of the Recorder of Deeds of McHenry County, Illinois on February 4, 2005 as Document Number 2005R0009633. Each buyer will be issued a copy of the Declaration of Covenants, Conditions and Restrictions for Ashton Pointe Subdivision.
6. The subject properties are zoned R-2PUD (Lots 1 through 71) and are being developed as a Planned Unit Development. Setback lines shown thereon reflect said agreement, all setback lines per Document 2004R0085425 falling within the limits legally described thereon and as drawn and described on recorded Plat of Subdivision Document 2005R0009632. Ashton Pointe Final Plat prepared by TFW Surveying & Mapping Inc.
 - A. Single Family Side Interior = 7 Ft. Minimum (Total building-to-building = 18 Ft. except in 3 Car Garage, then Total building-to-building = 14 Ft.)
7. There exists an approved Landscape Plan that depicts the minimum of the lot and parkway landscape requirements. Landscape plans prepared by JenLand Design Inc. dated September 1, 2004. Each buyer will be issued this set of approved Landscape Plans.

8. There exists a Subdivision Bond for public improvements for the subdivision. The City of Crystal Lake has inspected and conditionally approved all street lights, storm sewer, sanitary sewer and water infrastructure streets and curbs within or adjacent to said lots. All storm water detention ponds (north and south), public sidewalks, parkway landscape, curb repairs and street surfacing remain subject to final acceptance by the City of Crystal Lake. Ashton Pointe, LLC shall be responsible for installation and final acceptance of curb repairs, final surface on streets, and north and south detention ponds within three years of approval of this ordinance. Upon request for final occupancy the buyer shall have the lot and adjacent parkway final graded, improved with sod, public access, lot landscaping and public sidewalk. If final occupancy has not been requested within two years from the purchase date the buyer shall be required to improve the sidewalk contiguous to the lot. Parkway improvements shall include final grading, public sidewalk, curbs, trees and sod. Proof of compliance to be provided by Ashton Pointe, LLC.

9. Exterior color packages have been predetermined by the Architectural Committee that offers a variety of exterior colors to choose from. (See Exhibit A-1)

10. Monotony code exists where there must be three (3) homes between any same color package.
Exception: The same model type can be next to each other as long as it's a different color and elevation.

11. Architectural Control Committee:

There exists an Architectural Control Committee as outlined in the Declaration of Covenants, Conditions and Restrictions for Ashton Pointe Association.

All new construction shall be submitted to the City of Crystal Lake Building Department for review and approval.

After a permit is issued any further exterior changes or additions will need to be reviewed by the above mentioned architectural control committee.

12. Architectural Requirements Must Include the Following Elements:

Square Footage:

The minimum square footage requirements will be as follows:

The ranch plan shall have a minimum square footage of 2,000 square feet.

The two story plan shall have a minimum square footage of 2,100 square feet.

This square footage area **does not include** garages, basements or decks.

No more than 14 homes can be built on the minimum square footage of 2,000 - 2,100. After 14 building permits have been issued in this range the square footage minimum requirements will revert back to the previous approved of 2,100 on a ranch plan and 2,300 on a two story plan.

Elevation:

Front or street view elevation must have the entry door and garage door face the street. At least 53 out of the 71 single family homes must have a masonry

element (brick or stone) covering approximately 50% of the front or street view (face of garage and face of home, does not include garage returns). Any home that is issued a permit in the 2,000 – 2,360 range must conform to the (brick or stone) criteria as mentioned above.

In addition, these elevations shall wrap the masonry around the side elevations by at least one foot creating a pier element. Front brick area must include the following details such as: limestone sills under windows and entry door and must also include one of the following: soldier course above garage door/doors, windows and entry door or quoins at all outside corners.

Stone must have all of same area and percentages of coverage but does not have the same requirements as brick such as the limestone sills, soldering, and quoins.

Width:

In order to preserve the streetscape of the subdivision all houses shall have a minimum house width of 50' on a ranch and 52' on a two story.

Garage:

All homes must have a minimum of a 2-car garage.

Shutters:

All windows on all exterior elevations that will accept shutters are required.

Roof:

Minimum 6/12 roof pitch on main roof, 6/12 roof pitch on gable and hip roofs. The roof lines of each adjacent home must vary with the addition of gables, dormers or hip roof lines to make each home appear different.

Shingles:

15 lb. felt, Owens Corning class "A" Oakridge, 30 year architectural shingle.

Windows and Patio Doors:

(Type: Milgard 6217, White, Low E, Single Hung) or Equal

Fypons:

Fypons are required at gables on both front and side elevations of houses.

Cedar Trim:

Front elevations require cedar trim on roof gable sub-rakes, below fascias, all corners, above windows and at all intersecting masonry to siding elements. Rear elevations require a cedar trim element above all windows. Front, sides and rear elevations require cedar trim band boards at all first to second floor intersections.

Exterior Decks:

Exterior decks are required to have cedar railings and cedar skirt board trim finish at all joist ends and stair stringers.

ACKNOWLEDGED THIS _____ DAY OF _____, 2010.

PURCHASERS: _____

SELLER: ASHTON POINTE, LLC

BY: _____