



#2012-109

Jaster's – 414 W. Virginia Street

Project Review for Planning and Zoning Commission

Meeting Date:

November 19, 2012

Request:

1. Special Use Permit for a 'Drinking Place'
2. Variation from the required number of 8 parking spaces to allow zero spaces

Location:

414 W. Virginia Street

Acreage:

Approximately 1,100 sq. ft. tenant suite

Zoning:

"B-2 VSC" General Commercial-Virginia Street Corridor Overlay

Surrounding Properties:

North: B-2 VSC General Commercial-Virginia Street Corridor
South: B-2 VSC General Commercial-Virginia Street Corridor
East: B-2 VSC General Commercial-Virginia Street Corridor
West: R-2 Single-Family Residential (McCormick Park)

Staff Contact:

Latika Bhide 815-356-3615

Background:

- **Location:** 414 W. Virginia Street (NWC of Pomeroy and Virginia Streets)
- **Zoning:** "B-2 VSC" General Commercial-Virginia Street Corridor Overlay
- **Existing Use:** Tenant space is currently vacant. Formerly occupied by Nextel
- **Request:** Special Use Permit for a 'Drinking Place' and a variation from the required number of parking spaces to allow zero spaces

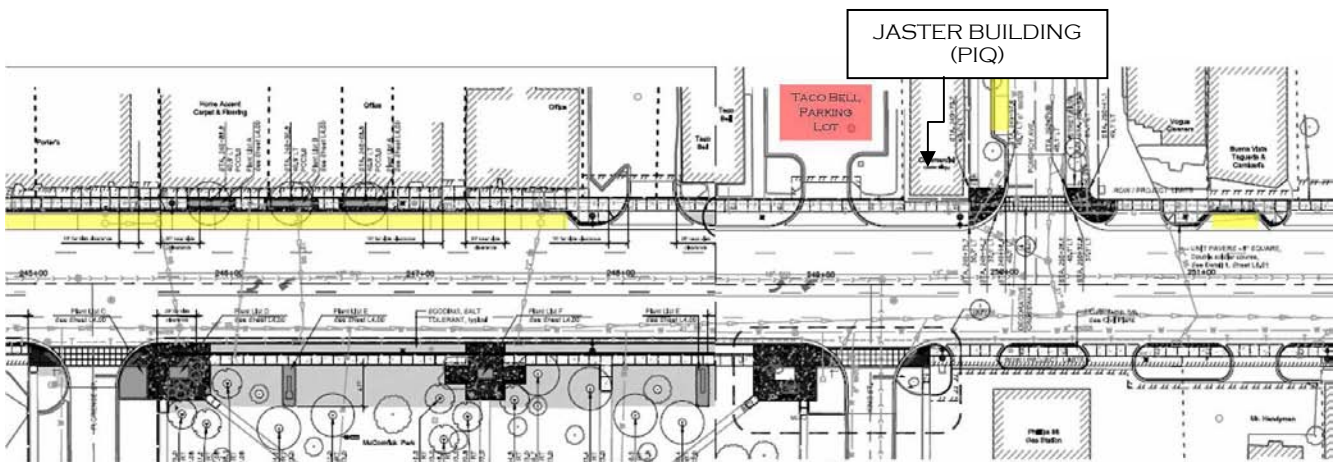


Site Analysis:

- **History:** The building located at the northwest corner of Pomeroy and Virginia Streets is identified as the Jaster Building. The building was built by Joseph J. Jaster in 1914. A market was operated on the first floor of the building for several years until the store was closed in 1951. In recent years, the approximately 1,100-square-foot tenant space along the south side, along Virginia Street has been occupied by a window store and a Nextel Store. The approximately 785-square-foot tenant space located along the north side of the building along Pomeroy Street is occupied by Chez Pierre' Creperie Restaurant (The restaurant will

operate as Sweet Melissa's once the business is acquired by the petitioner). Two apartments are located on the second story.

- **Use:** The petitioner is requesting to operate a bar at this location. Per Article 2, Land Uses of the Unified Development Ordinance (UDO), a bar, classified as a 'Drinking Place', is permitted as a Special Use in the "B-2" district.
- **Parking:** Along with the request for a Special Use, the petitioner is requesting a variation from the required number of parking spaces. There are 4 parking spaces located on-site which are assumed allocated to the existing apartments and the creperie restaurant. Per the UDO, the bar would be required to provide 11 parking spaces. With the adoption of the UDO, properties located in the Virginia Street Corridor overlay district are allowed a reduction in the number of parking spaces to allow 70% of the required spaces is allowed. Therefore, a total of 8 spaces are required for this use. The petitioner is requesting a variation from the required 8 spaces to allow 0 spaces.



ON-STREET PARKING

On-street parking is available along Pomeroy and Virginia Streets. McCormick Park is located on the south side of Virginia Street across from this property. On-street parking is also available on Florence, Pierson and King Streets.

- **Virginia Street Corridor (VSC) TIF and Overlay District:** The property is located in the VSC TIF district. The TIF plan identifies the property as mixed-use and recommends retention of the mixed-use (residential above commercial) for this site. The Virginia Street Design Guidelines identified the building on this site is as Type 2.C (Two story buildings with flat roof). The petitioners are not proposing any exterior changes to the building. For any signs that may be installed, the sign area must meet the UDO allowance. For Type 2.C buildings, an appropriate wall sign band area is required to be created for new signage.
- **Other issues:** The property owner at 234 Pomeroy Ave (a four-flat) contacted the City and expressed concerns that the patrons of the bar would utilize all available parking on Pomeroy Ave as well as the parking area for the four-flat. They also indicated concern about blowing trash, noise- particularly at late hours and the possibility of unruly behavior by the patrons.

Findings of fact:

SPECIAL USE PERMIT

The petitioner is requesting approval of a Special Use Permit for a Drinking Place. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

- 1. That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.

Meets *Does not meet*

- 2. That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.

Meets *Does not meet*

- 3. That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and flood plain regulations, Building and Fire Codes and all other applicable City Ordinances.

Meets *Does not meet*

- 4. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.

Meets *Does not meet*

- 5. That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.

Meets *Does not meet*

- 6. That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.

Meets *Does not meet*

- 7. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.

Meets *Does not meet*

8. That the proposed use will meet standards and requirements established by jurisdictions other than the City such as Federal, State or County statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.

Meets Does not meet

9. That the proposed use shall conform to any stipulations or conditions approved as part of a Special Use Permit issued for such use.

Meets Does not meet

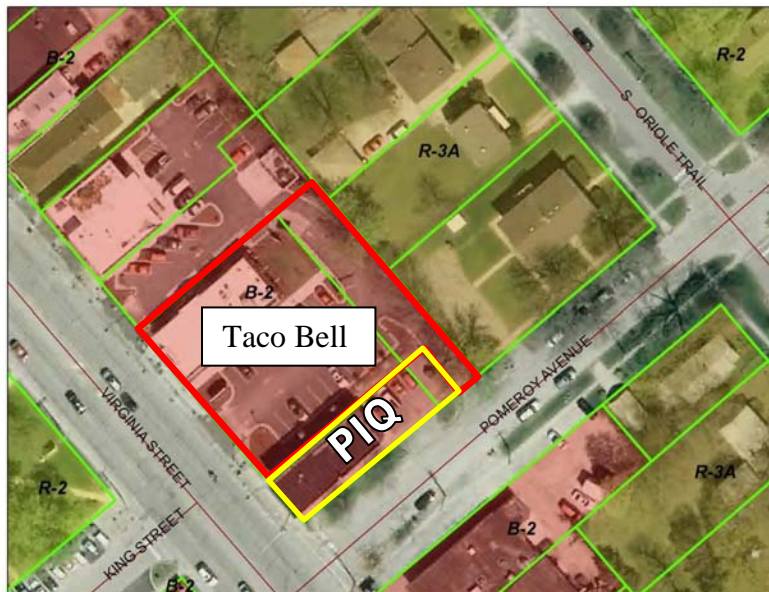
10. That the proposed use shall conform to the standards established for specific special uses as provided in this section.

Meets Does not meet

Additionally, Section 2-400 C of the UDO, establishes specific criteria for consideration before the issuance of a Special Use Permit for Drinking Places.

- a. Screening: Any bars, taverns, nightclubs and lounges located adjacent to a residential property shall provide a 6 foot tall solid screen consisting of a solid wooden fence along the perimeters of the property, in accordance with the provisions of Article 4-700, Fences, Walls and Screening.

Not Applicable. The property is surrounded on all sides by commercially zoned property.



- b. Entrance: 1 clearly-marked, main entrance for all patrons to enter and exit from, exclusive of fire exits or other required points of ingress and egress must be provided.

An entrance is located on the south corner of the building.

- c. Live music: If live music is to be played, in-wall sound-barriers or other means to prevent sound from traveling beyond the property lines of the subject property must be provided. Any amplified sound as measured at the closest property line of the closest adjoining

property, must not exceed 55 decibels where adjoining residential property and 65 decibels where adjoining non-residential property.

If live music is to be provided, the petitioner shall provide proof at building permit that all sound-proofing requirements are being met.

2030 Comprehensive Land Use Plan Review:

The Comprehensive Plan designates the subject property Commerce, which is planned for commercial and business activities. The following goals are applicable to this request:

Land Use

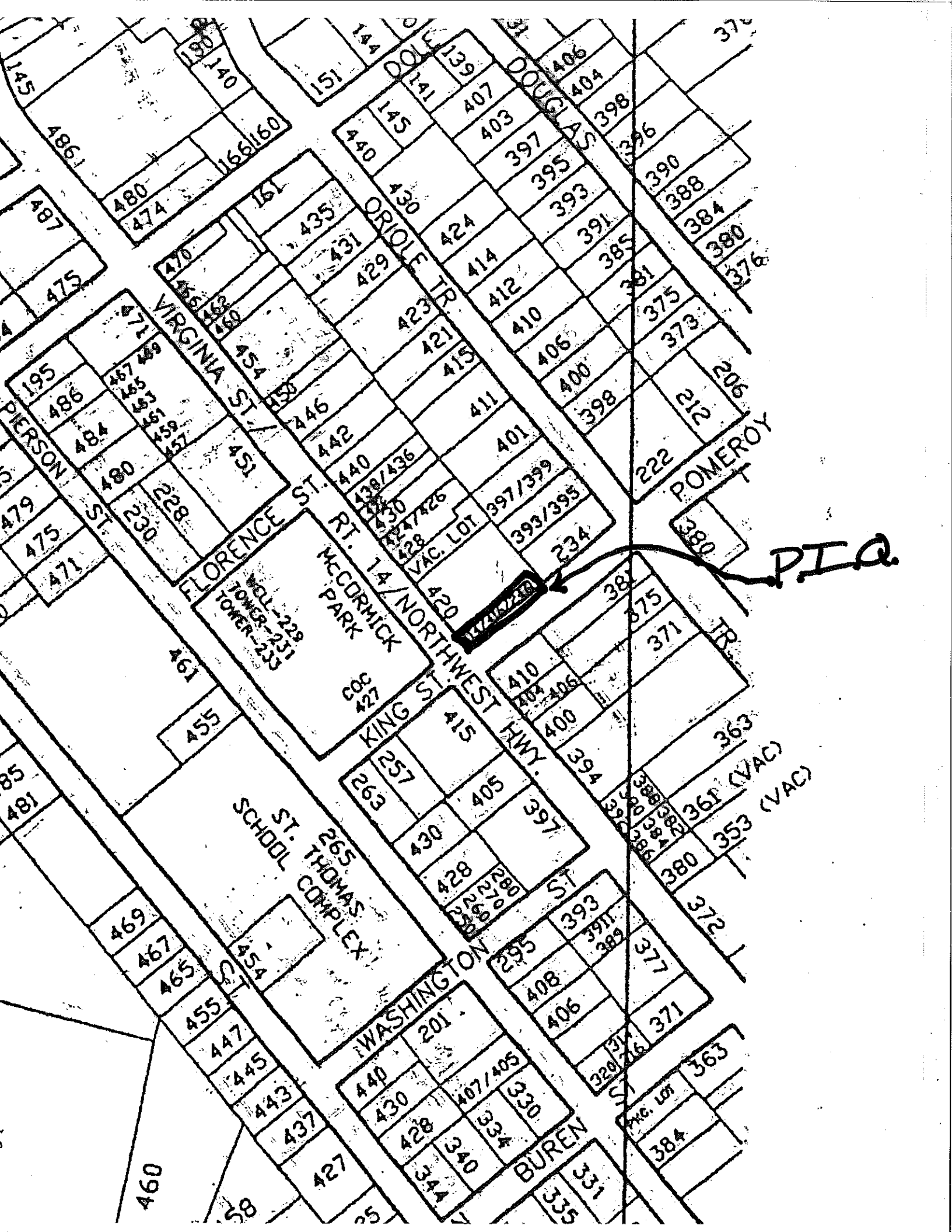
Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the city as well as the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan

Supporting Action: Promote, retain and attract businesses that provide a diverse tax base.

Recommended Conditions:

If the Planning and Zoning Commission makes a motion to recommend approval of a Special Use Permit and variation for 414 W. Virginia Street, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (received 11-8-12).
 - B. Plat of Survey (Luco, dated 10-24-11, received 11-8-12)
2. A Special Use Permit is granted for a 'Drinking Place' at 414 W. Virginia Street. The use shall not be intensified without amending the Special Use Permit.
3. A Variation from the required number of parking spaces to allow zero spaces is hereby granted.
4. If live music is to be provided, the petitioner shall provide proof at building permit that all sound-proofing requirements are being met.
5. All proposed signage shall meet the requirements of Article 4-1000 Signs of the UDO and the Virginia Street Design Guidelines, adopted as part of the UDO.
6. The garbage dumpster along Pomeroy Ave. shall be screened appropriately.
7. The petitioner shall provide patrons with information regarding the location of available on-site and area parking.
8. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Planning and Economic Development, Police and Public Works Departments.



PIQ

W246220

VIRGINIA ST

PIERSON ST

FLORENCE ST

RT. 14 / NORTHWEST
MCCORMICK PARK

KING ST

WASHINGTON ST

NORTHWEST HWY

BUREN ST

POMEROY ST

SCHDDL COMPLEX

ST. THOMAS

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361 (VAC)

353 (VAC)

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361 (VAC)

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**City of Crystal Lake
Development Application**

Office Use Only
File # _____ 11 2 2012

Project Title: Jaster's/Sweet Melissa's

RECEIVED
NOV 08 2012
BY: _____

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

Petitioner Information

Name: AKMG, LLC
Address: 8520 Voce Court
Cary, IL 60013
Phone: 847-363-1747
Fax: N/A
E-mail: aharjung@yahoo.com

Owner Information (if different)

Name: Jakubowicz, Inc.
c/o Attorney Craig Krandel
Address: 2032 Red Barn Rd.
Woodstock, IL 60098
Phone: 815-477-7476
Fax: 815-333-0480
E-mail: ckrandel@ltglegal.com

Property Information

Project Description: The Petitioner desires to open a bar ("Drinking Place") in
conjunction with the Greperie Restaurant at 414 Virginia Street and
246 Pomeroy Avenue, Crystal Lake. This request requires a special use permit
for a Drinking Place and a parking variation.

Project Address/Location: 414 Virginia Street and 246 Pomeroy Avenue,
northwest corner of Virginia Street and Pomeroy Avenue.

PIN Number(s): 19-06-284-023 and 19-06-284-024

Development Team

Please include address, phone, fax and e-mail

Developer: AKMG, LLC, C?O Adam Harjung, 8520 Voce Ct., Cary, IL 60013

Architect: Chris Russo, 605 Suffix Ln., Crystal Lake, IL 815-276-7308

Attorney: Mark S. Saladin, Zanck, Coen, Wright & Saladin, P.C., 40 Brink St., Crystal Lake, IL 60014

Engineer: N/A

Landscape Architect: N/A

Planner: N/A

Surveyor: N/A

Other: N/A

Signatures

AKMG, LLC

By: X Adam Harjung

10/07/2012

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.

JAKUBOWICZ, INC.

By: [Signature]

11-7-12

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 & ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE

IN THE MATTER OF THE APPLICATION OF JAKUBOWICZ, INC., as Owner, and AKMG, LLC, as Tenant

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 JAKUBOWICZ, INC., as Owner, and AKMG, LLC, as Tenant, retailing to the property located at 414 Virginia Street and 246 Pomeroy Street, Crystal Lake, Illinois; PIN 19-06-284-023 and 19-06-284-024.

This application is filed for the purpose of seeking a Special Use Permit for a Drinking Place at the above mentioned location, pur-

suant to Articles 2 and 9 of the UDO; for a variation from the required number of parking spaces to allow zero spaces per Articles 4-200 and 9; and any other variations that may be necessary to allow the plans as presented. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission regarding this request will be held at 7:30 p.m. on November 19, 2012, at the City of Crystal Lake City Hall, 100 West Woodstock Street, Crystal Lake, Illinois, at which time and place any person desiring to be heard may be present.

Thomas Hayden, Chair
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
November 3, 2012)

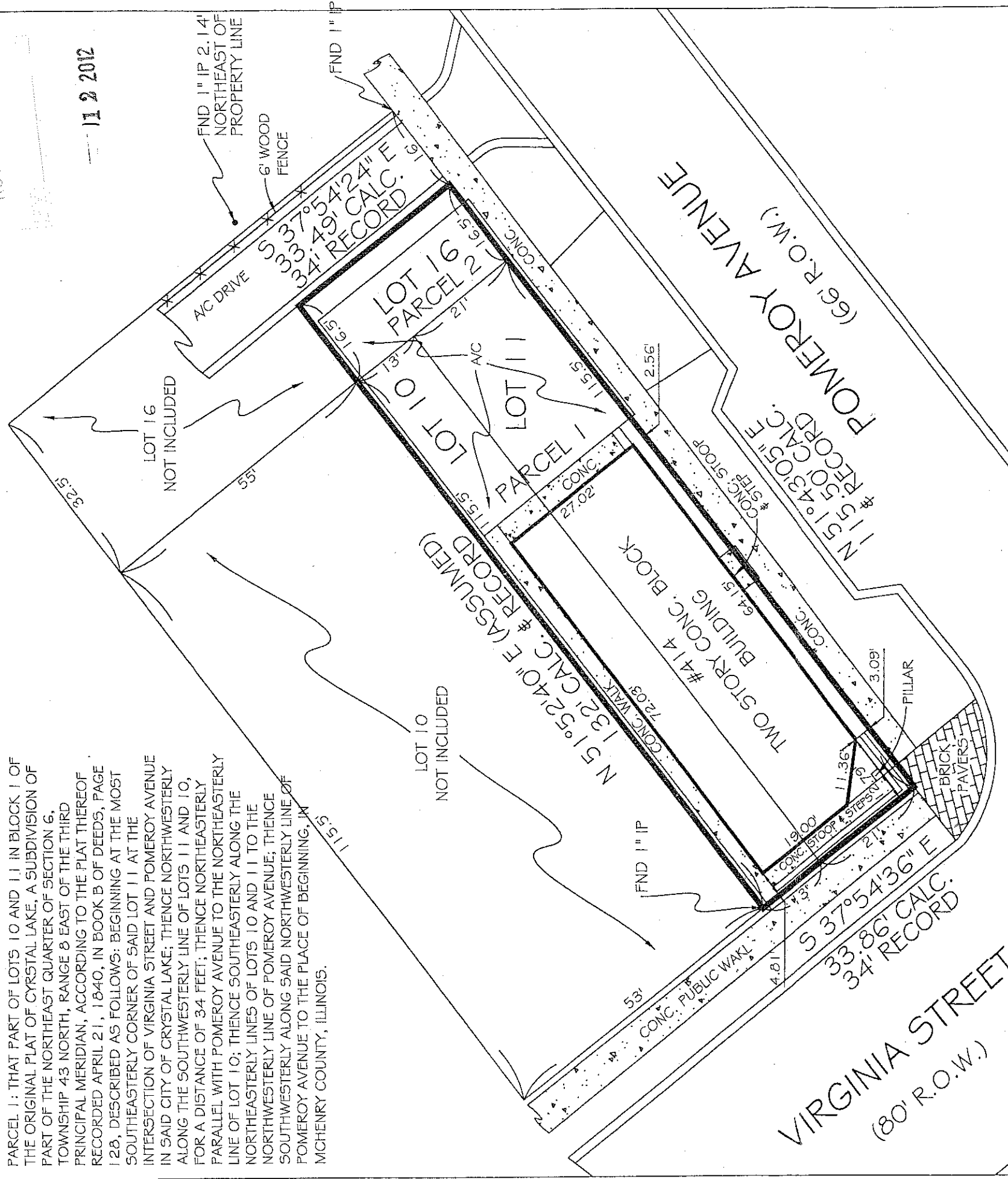
PLAT OF SURVEY

LEGAL DESCRIPTION:

PARCEL 1: THAT PART OF LOTS 10 AND 11 IN BLOCK 1 OF THE ORIGINAL PLAT OF CRYSTAL LAKE, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 21, 1840, IN BOOK B OF DEEDS, PAGE 128, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID LOT 11 AT THE INTERSECTION OF VIRGINIA STREET AND POMEROY AVENUE IN SAID CITY OF CRYSTAL LAKE; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF LOTS 11 AND 10, FOR A DISTANCE OF 34 FEET; THENCE NORTHEASTERLY PARALLEL WITH POMEROY AVENUE TO THE NORTHEASTERLY LINE OF LOT 10; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINES OF LOTS 10 AND 11 TO THE NORTHWESTERLY LINE OF POMEROY AVENUE; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF POMEROY AVENUE TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

11 2 2012

NOV 8 2012

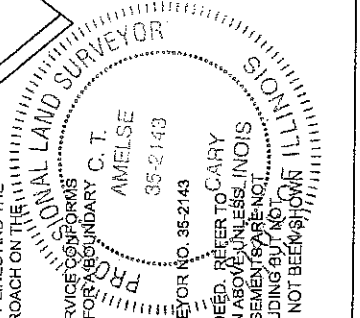


PARCEL 2: THAT PART OF LOT 16 IN BLOCK 9 IN PIERSON'S ADDITION TO CRYSTAL LAKE, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 5 AND OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 18, 1868, IN BOOK 43 OF DEEDS, PAGE 303, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 16 AND RUNNING THENCE NORTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 16, FOR A DISTANCE OF 34 FEET WHICH LINE IS ALSO THE NORTHEASTERLY LINE OF LOT 11 IN BLOCK 1 OF THE ORIGINAL PLAT OF CRYSTAL LAKE; THENCE NORTHEASTERLY PARALLEL WITH THE WEST LINE OF LOT 16, FOR A DISTANCE OF 16.5 FEET TO A POINT THAT IS 165 FEET SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF LOT 16; THENCE SOUTHEASTERLY ON A LINE PARALLEL WITH THE NORTHEASTERLY LINE OF LOT 16 TO THE NORTHWESTERLY LINE OF POMEROY AVENUE; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF POMEROY AVENUE TO THE PLACE OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.



LEGEND

	FENCE
	CONCRETE
	WOOD
	BRICK
	PAVERS



STATE OF ILLINOIS
 COUNTY OF MCHENRY

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THIS ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCROACH ON THE ABOVE DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THE PROFESSIONAL SERVICE REFERRED TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY C. T. SURVEY.

C.T. Amelise
 MY LICENSE EXPIRES: 11-30-2012
 C.T. AMELISE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2143

COMPARE THE DESCRIPTION OF THE PLAT WITH DEEDS. REFER TO CARY TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN ABOVE. UNLESS OTHERWISE NOTED, NOTED UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON. UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLES (IF ANY) HAVE NOT BEEN SHOWN HEREON.

VOID WITHOUT RAISED SEAL OR RED STAMP.

LUCO CONSTRUCTION CO.

PROFESSIONAL DESIGN FIRM NO. 184.004829	8813 S. Route 31
CLIENT NAME: JOHN COWLIN	Cary, IL 60013
CLIENT REFERENCE: LEWKE	647.658.8537
FIELD WORK COMPLETED: 10-18-11	647.458.0714 Fax
SURVEY COMPLETED: 10-24-11	PROJECT NO.
DRAWN BY: LAH	11-28343