



#2012-107

The Other Side

Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	November 19, 2012
<u>Requests:</u>	Use Variation and Special Use for a 'Nightclub without alcoholic beverages' to allow a sober nightclub within the "M" zoning district at this location
<u>Location:</u>	93 E. Berkshire Drive
<u>Acreage:</u>	Approximately 2,400 SF tenant suite
<u>Zoning:</u>	"M-PUD" Manufacturing PUD
<u>Surrounding Properties:</u>	North: "B-2" General Commercial South: "B-1 PUD" Neighborhood Commercial PUD East: "M" Manufacturing (MCCD Trail and Three Oaks Recreation Area) West: "B-2" General Commercial
<u>Staff Contact:</u>	Latika Bhide (815.356.3615)

Background:

- **Location:** 93 E. Berkshire Drive, Unit G
- **Zoning:** "M-PUD" Manufacturing PUD
- **Existing Uses:** Multi-tenant center - Other uses include JT's Frames, The North Wall, Dobry Personal Trainer, Creative Sales, Crystal Lake Massage Therapy
- **Request:** Use Variation and Special Use for a 'Night club without alcoholic beverages' to allow a sober nightclub within the "M" zoning district at this location

Land Use Analysis:

- **History:** The site was developed as a group of 3 office/manufacturing buildings (SMK Center) located at Virginia Road, Berkshire Drive and Main Street. The center received Final Plat/PUD approval in 1988. Several special uses have been granted through the years to allow various commercial recreation uses at this location.
- **Proposed Use:** The petitioner is proposing a sober nightclub – The Other Side - at this location for people recovering from substance addiction. The club will be open to the general public on Thursday, Friday and Saturday nights. The petitioner had indicated that 30-40 people are usually present at these times. A (larger) party will be held once a month at which time bands will provide live music. The petitioner estimates that no more than 150 people will be present at this time. No food will be prepared on-site. Pre-packaged food and drinks are available for purchase.

- **Land Use:** The proposed use can be classified as a ‘Nightclub without alcoholic beverages’. This classification falls under the NAICS code 713990 ‘All Other Amusement and Recreation Industries’. Per the UDO, ‘All other amusement & recreation facilities’ are permitted as a Special Use in the “B-2” district. Therefore a Use Variation and a Special Use is necessary to allow the proposed use at this location.
- **Tenant Suite:** At this time, a construction company uses the front of this suite as their business office during normal business hours. The rear (warehouse) area is where the nightclub will operate. There is a mezzanine located within the suite that is/will be used as a lounge area for the club. Because the proposed use is classified as an ‘assembly’ use, the space must meet the applicable requirements of the International Building Codes, National Electric Code, and Illinois Plumbing Code for an assembly use. The petitioner has been made aware of the requirements.
- **Parking:** No specific parking standards are provided in the UDO for this use. There are 165 spaces available on-site. It should be noted that the hours of operation for ‘The North Wall’ overlap the proposed hours for this use. Most of the other uses operate during normal business hours which do not coincide with the hours of operation for this use. It is the petitioner’s responsibility to ensure that adequate parking is available on-site.

Findings of Fact:

USE VARIATION

As identified in the Land Use Table, the proposed use is not permitted within the M zoning district, which is intended for manufacturing uses. It should be noted that this use will not operate during the day. The Planning and Zoning Commission should view the request in light of the current uses within the building rather than the manufacturing zoning district.

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

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

Meets Does not meet

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

Meets Does not meet

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

Meets Does not meet

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

Meets Does not meet

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

Meets Does not meet

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

SPECIAL USE PERMIT

The petitioner is requesting approval of a Special Use Permit for ‘All other amusement & recreation facilities’. 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*

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Land Use Plan designates the property in question as Industrial, which represents existing manufacturing areas and indicates areas for future industrial uses. Within the Land Use section of the Comprehensive Plan, the following goal is applicable to this request:

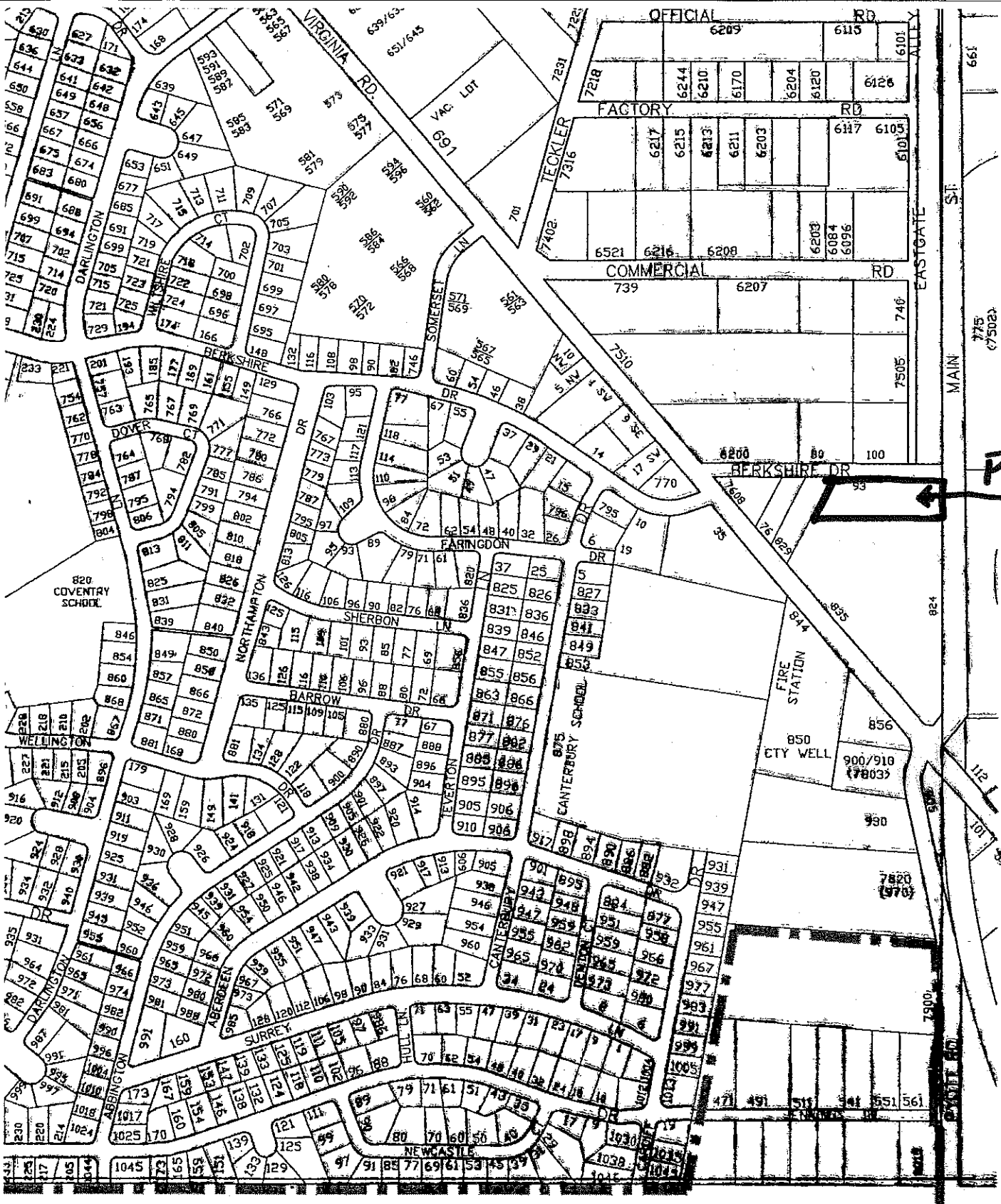
Goal: Support manufacturing uses within the community which contribute to the regional and local economy and Crystal Lake’s live, work, play philosophy.

Recommended Conditions:

If a motion to recommend approval of the Use Variation, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Creed, received 10-17-12)
 - B. Floor Plan (Creed, received 10-17-12)
2. This Use Variation and Special Use applies only to The Other Side. The use shall not be intensified without amending the Special Use.
3. Noise, odor or vibration levels generated by this use shall be kept to a level not creating a public nuisance to the surrounding businesses and/or immediate area.
4. The petitioner will be responsible to ensure that adequate parking is available on-site. If it appears that parking is not adequate, then the petitioner will restrict the number of patrons.
5. To prevent noise from carrying throughout the area, and especially to immediate neighbors, the doors shall be kept closed except as patrons enter and exit. The doors shall not be propped open during business hours.
6. The petitioner shall work with the Police Department to address any concerns they may have, including regarding security, and if requested, institute additional regulations.
7. The petitioner shall submit a floor plan with clearly marked dimensions of each area available for this use for evaluation of the allowable occupant load.

8. The unit was originally built as a manufacturing/storage/office use. The change of use to the proposed 'A-2' assembly use will require the unit to meet the applicable requirements of the International Building Codes, National Electric Code, and Illinois Plumbing Code. These include, but are not limited to:
 - A. Exiting from the mezzanine and building
 - B. Exit signs and emergency lighting
 - C. Stairs and guardrails
 - D. Bathroom facilities
 - E. Determine occupant load of the space including the mezzanine
9. Fire alarm notification devices may need to be altered. The sprinkler system may require alterations to ensure proper spacing and clearances from obstructions.
10. The petitioner shall be responsible for ensuring the area around the business is kept clean and free of trash, debris or graffiti.
11. The City reserves the right to periodically review the operation for any potential problems. If problems (on-site or within the immediate area), including, but not limited to, disorderly conduct or disturbing the peace, result from this use, the special use may be subject to review and revocation by the City of Crystal Lake.
12. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.



RAKOW RD



19-05
19-07
19-08
19-17

REV. 10/15/05

City of Crystal Lake Development Application

Office Use Only
File # _____ 10 7 2012

Project Title: The Other Side

RECEIVED
OCT 17 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 type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Final PUD Amendment | <input checked="" type="checkbox"/> Variation USE |
| <input type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Other |

Petitioner Information

Name: Chris Reed
Address: 93 E Berkshire
Unit G Crystal Lake IL
Phone: 847 307 1143
Fax: 815 843 6794
E-mail: Creed1990@gmail.com

Owner Information (if different)

Name: Nick Sarillo
Address: 842 Main St
Crystal Lake IL 60014 Unit 2041
Phone: 1 815 861 6468
Fax: _____
E-mail: _____

Property Information

Project Description: We are providing a safe & fun environment
for people trying to live a sober / substance free
lifestyle, we are open to the general public Thurs. Fri.
and Sat. nights and have one large party once a
month.

Project Address/Location: 93 E Berkshire Unit G
Crystal Lake IL 60014

PIN Number(s): _____

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: _____

Attorney: _____

Engineer: _____


Landscape Architect: _____

Planner: _____

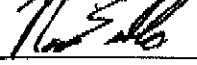
Surveyor: _____

Other: _____

Signatures

Chris Reed  10/15/12
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.

Nick Sacillo  10/15/12
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 CHRIS REED ON BEHALF OF
THE OTHER SIDE

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application of Chris Reed on behalf of 'The Other Side', relating to the following described real estate commonly known as 93 E. Berkshire Drive, Crystal Lake, Illinois 60014. PIN: 19-08-427-005.

This application is filed for the purpose of seeking a Use Variation and a Special Use Permit, for a nightclub without alcoholic beverages in the "M" Manufacturing district, pursuant to Article 2 Land Use and Article 9, Administration of the

UDO. This request includes any variations that may be necessary to allow the project 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 for this request will be held at 7:30 p.m. on Wednesday November 7, 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 Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald
October 23, 2012)



Pella Windows & Doors Southwest

RECEIVED
OCT 17 2012
BY:

RECIBUT6

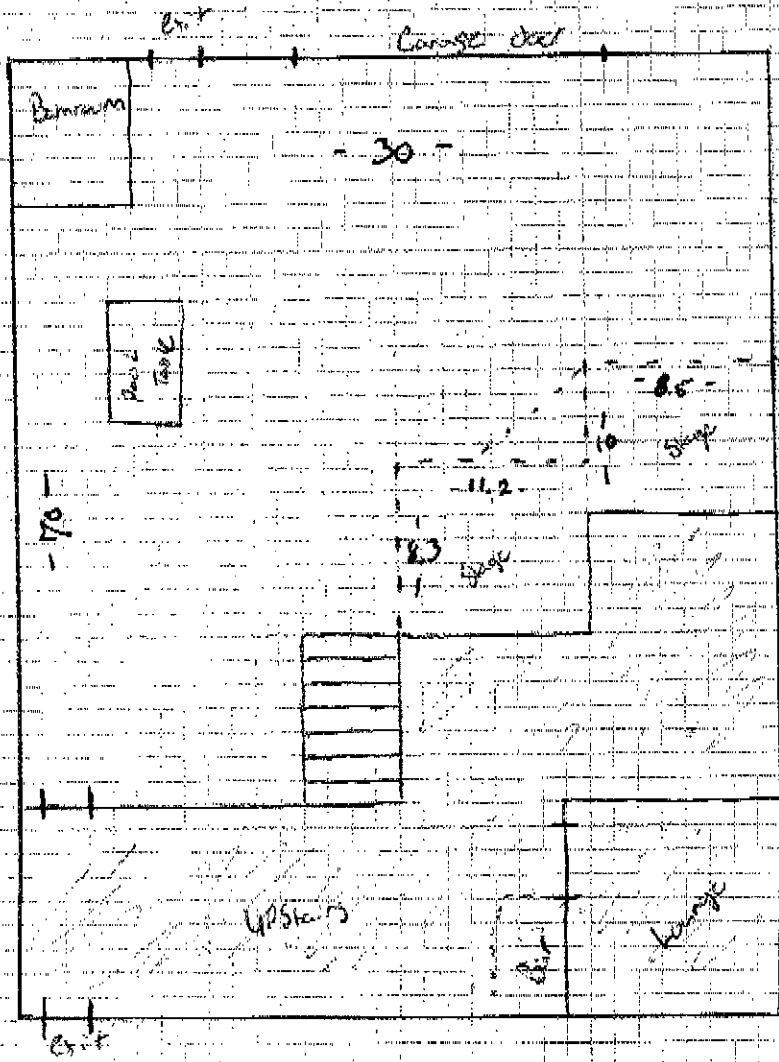
10/7/2012

PROJECT NAME

The Other Side

DATE

10-15-12



PHOENIX
(602) 236-4444

TUCSON
(520) 747-1854

PRESCOTT
(928) 778-0007

LAS VEGAS
(702) 221-1410

CALL TODAY TO GET THE BEST

BERKSHIRE DRIVE

BERKSHIRE DRIVE

LOT 3

RESUB.

NA

THREE OAKS ROAD

21 RODS = 346.9' DEED 346.48' MEAS.

21 RODS = 346.9' DEED MEAS. VIRGINIA

BOOK 84 OF DEEDS PAGE 88

P.O.B.

S 88°11'31" E 272.84' MEAS. 272.70' = DEED

EAST GATE ROAD

1-STORY BRICK, CONC. BLOCK & METAL BUILDING

824

1-STORY BRICK CONC. BLOCK & METAL BUILDING

825

1-STORY BRICK CONC. BLOCK & METAL BUILDING

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1-STORY BRICK CONC. BLOCK & METAL BUILDING

840

PART OF LOT 14 PLAT OF THE FARMS AT CRYSTAL LAKE

PYOTT ROAD SUBDIVISION LOT 2

STREET

PYOTT ROAD

MAIN STREET

CHICAGO & NORTHWESTERN RAILWAY CO. CENTERLINE OF C. & N.W. RAILWAY CO. DAN MARY

LANDSCAPED AREA

PYOTT CULTURE PARKING

DETENTION POND

RES-2

RES-1

RES-3

RES-4

RES-5

RES-6

RES-7

RES-8

RES-9

RES-10

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