



#2013-13
7218 Virginia Road (Wristen)
Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	March 20, 2013
<u>Zoning Request</u>	Special Use Permit Amendment and Use Variation to allow a towing business with related outdoor storage.
<u>Location:</u>	7218 Virginia Road
<u>Acreage:</u>	2.5 acres
<u>Existing Zoning:</u>	B-2 General Commercial
<u>Surrounding Properties:</u>	North: B-2 General Commercial South: R-3B PUD Multi-Family Residential East: R-2 PUD Single Family Residential West: R-3B PUD Multi-Family Residential
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- **History:** In 1976, this property was annexed, which at the time, was occupied by Firestone. Over the years several other retail or automotive uses have occupied the property.
- **Previous Approvals:**
 - An SUP for major automobile repair with limited outdoor storage was granted; allowing up to 10 vehicles in good condition to be stored outside. These vehicles could be offered for sale; 7 parking spaces for outdoor sales were allocated up front.
 - In May 2007, the property owner requested a Special Use Permit Amendment to allow up to 36 vehicles to be stored outside in a rear screened storage area. Vehicles are required to be awaiting repair or customer pickup and not stored for more than 30 days.
- **Existing Use:** Currently occupied by Maaco and Aamco which utilize the rear outdoor storage area for customer vehicles.

Development Analysis:

General

- **Request:** A Special Use Permit Amendment to remove the condition, “**No more than 36 vehicles awaiting repair can be parked outside for a period not to exceed 30 days per vehicle.**”

- Request: A Use Variation to allow DSL Towing to operate an office from this location, as well as, utilize the outdoor storage for impound vehicles.
- Land Use: The land use map shows the property as Commerce. Towing operations are considered more of an industrial type land use because of the vehicle storage and impound.
- Zoning: The property is zoned B-2. Towing is not a listed use in this zoning district, requiring the Use Variation.

Site Layout

- There are two entrance drives from Virginia Road.
- The outside storage is a fenced area on the northeast side of the building.



2030 Comprehensive Land Use Plan Summary Review:

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future commercial, business and office uses. The following goal is applicable to this request:

Land Use – Commerce

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.

This can be accomplished with the following supporting action:

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

Findings of Fact:

SPECIAL USE PERMIT AMENDMENT

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. These criteria were reviewed when the automobile repair and outside storage was originally approved. The SUP Amendment is to remove the one restrictive condition on the outside storage.

USE VARIATION

The Crystal Lake Unified Development Ordinance (UDO) was adopted in 2009. Article 2, Land Use sets forth the uses that are permitted within each zoning district. A tow truck service (identified as NAICS 2007 code 488410) is not listed within Section 2-300 Permitted Use Table. The Article states that in the event a particular use is not listed in this Article, and not specifically listed as a prohibited use or otherwise prohibited by law, the Zoning Administrator shall determine whether a substantially similar use exists in this Article.

Other previously existing tow truck services in the City are located within the M Manufacturing zoning district. Also, Freight Terminals, which fall within the same 4-digit Classification of the NAICS, are permitted by right in the M zoning district. Based on past precedent and similar uses, it has previously been determined that a tow truck service is permitted by right within the M zoning district.

The new DSL Towing would like to operate at 7218 Virginia which is zoned B-2. The property is along Virginia Road adjacent to both commercial and residentially zoned areas. Since tow operations are not permitted in the B-2 zoning district, the petitioner is required to request the Use Variation. The variation should be reviewed against the current use of the building and the possible impact to the surrounding properties.

DSL Towing's intention is to operate as one of the City's tow companies, which are placed on a rotation list for police tows and impounds. In order to be on that list, the tow company must meet certain requirements as established in the City Code. Some of those requirements are listed below:

- The tow firm must maintain its primary tow operation and storage facility within the corporate limits of Crystal Lake.
- The tow firm shall maintain one facility with equipment and labor forces adequate to supply demand for police directed towing services, on a full 24 hour per day basis.
- Office hours shall be made available to citizens for at least 8 hours per day Monday through Friday and at least 4 hours on Saturday.
- The tow firm shall have an agent available at all other hours to allow police access to the vehicles.
- The tow firm must maintain at least two licensed and registered vehicles, a medium-duty tow truck and one light-duty flat bed tow truck.
- The towing firm must be a member in good standing of the Professional Towing and Recovery Operators of Illinois or similar professional trade association.

Recommended Conditions:

If a motion to recommend approval of the Special Use Permit Amendment and Use Variation at 7218 Virginia Road is granted, the following conditions are recommended:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Wristen, received 02/27/13)
 - B. Site Plan (Spaceco Inc., dated 01/20/09, received 02/27/13)
2. The idling of tow trucks shall not be permitted.
3. All vehicles parked for more than 24 hours must be within the screened outdoor storage area.
4. Customer office hours shall not be before 7:00 am or after 9:00 pm.
5. Ordinance #6172 and #6212 shall remain applicable except as modified by this request, which deletes the time limit conditions on vehicle storage and the requirement that they be awaiting repair.
6. The petitioner shall comply with all of the requirements of the Engineering and Building and Planning and Economic Development Departments.

City of Crystal Lake Development Application

Office Use Only
File # 2013 13

Project Title: DSL Towing

RECEIVED
FEB 27 2013
BY: _____

Action Requested

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

Petitioner Information

Name: Edward L Wristen
Wristen LLC
 Address: 7218 Virginia Rd
Crystal Lake, IL 60014
 Phone: 815 477 0100
 Fax: 815 477 0881
 E-mail: EdWristen@gmail.com

Owner Information (if different)

Name: Same
 Address: _____
 Phone: _____
 Fax: _____
 E-mail: _____

Property Information

Project Description: Special use permit amendment to remove condition limiting storage use and a use variation to allow a towing company in a B2 zoning district

Project Address/Location: 7218 Virginia Rd
Crystal Lake, IL 60014

PIN Number(s): 19-08-201-013 19-08-201-014

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

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.

Edward L Whiston Edward L Whiston

2/27/2013

OWNER: Print and Sign name

Date

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

PUBLIC NOTICE

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

**IN THE MATTER OF THE
APPLICATION OF Edward Wristen**

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 upon the application by Edward Wristen, relating to the following described real estate commonly known as 7218 Virginia Road, Crystal Lake, Illinois 60014. PINs: 19-08-201-013, 19-08-201-014.

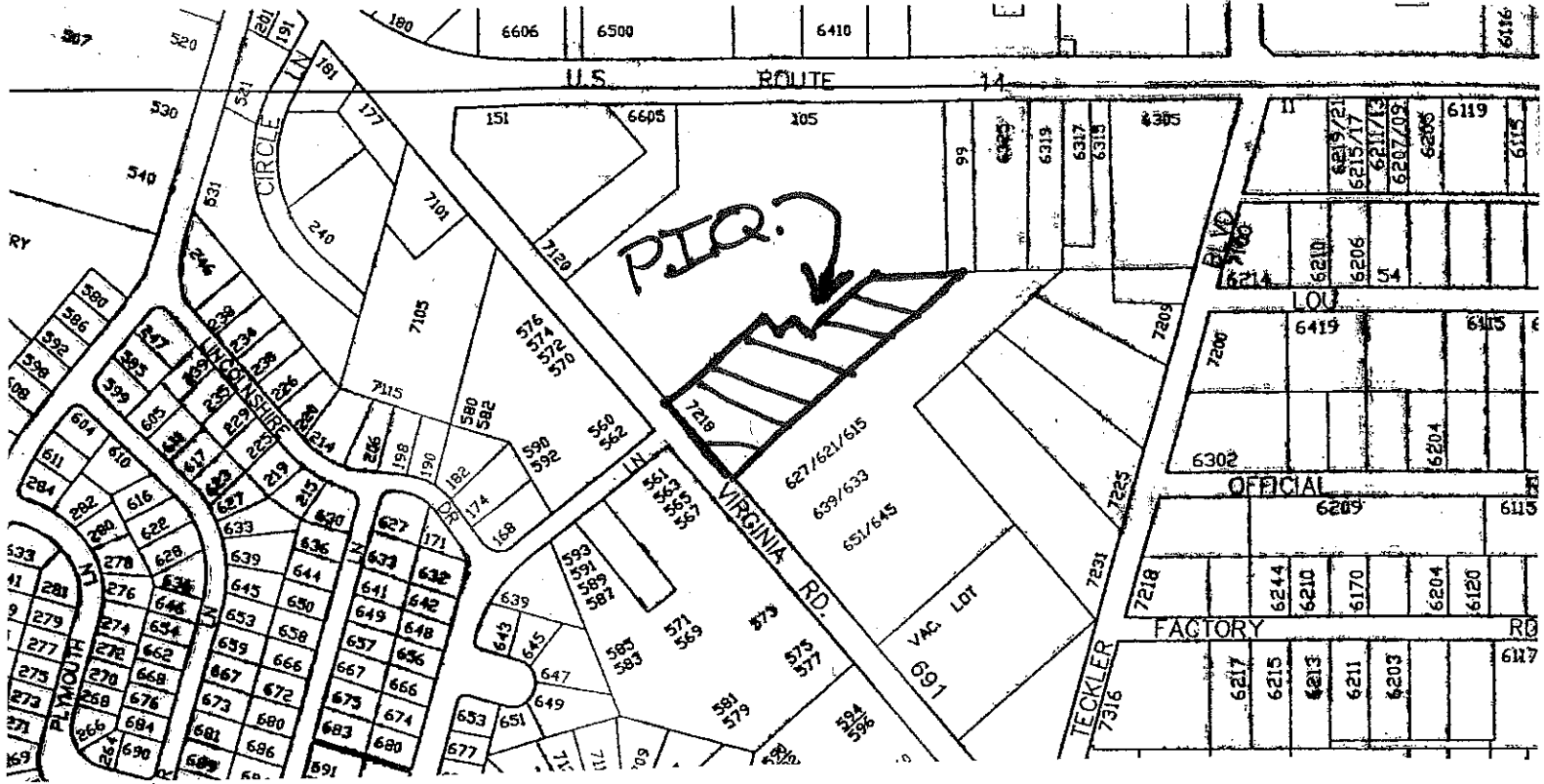
This application is filed for the purposes of seeking a Special Use Permit Amendment pursuant to Article 9, Section 9-200 as well as a Use Variation from Article 2, Land Uses Table 2-300 of the Unified Development Ordinance to allow a towing company with related outside storage, as well as any other variations as necessary to approve the project as presented. The application and plans can be found at the City of Crystal Lake Community Development Department at City Hall.

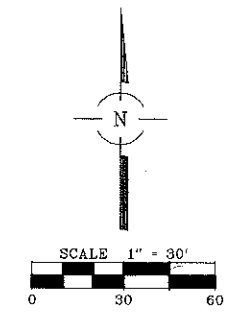
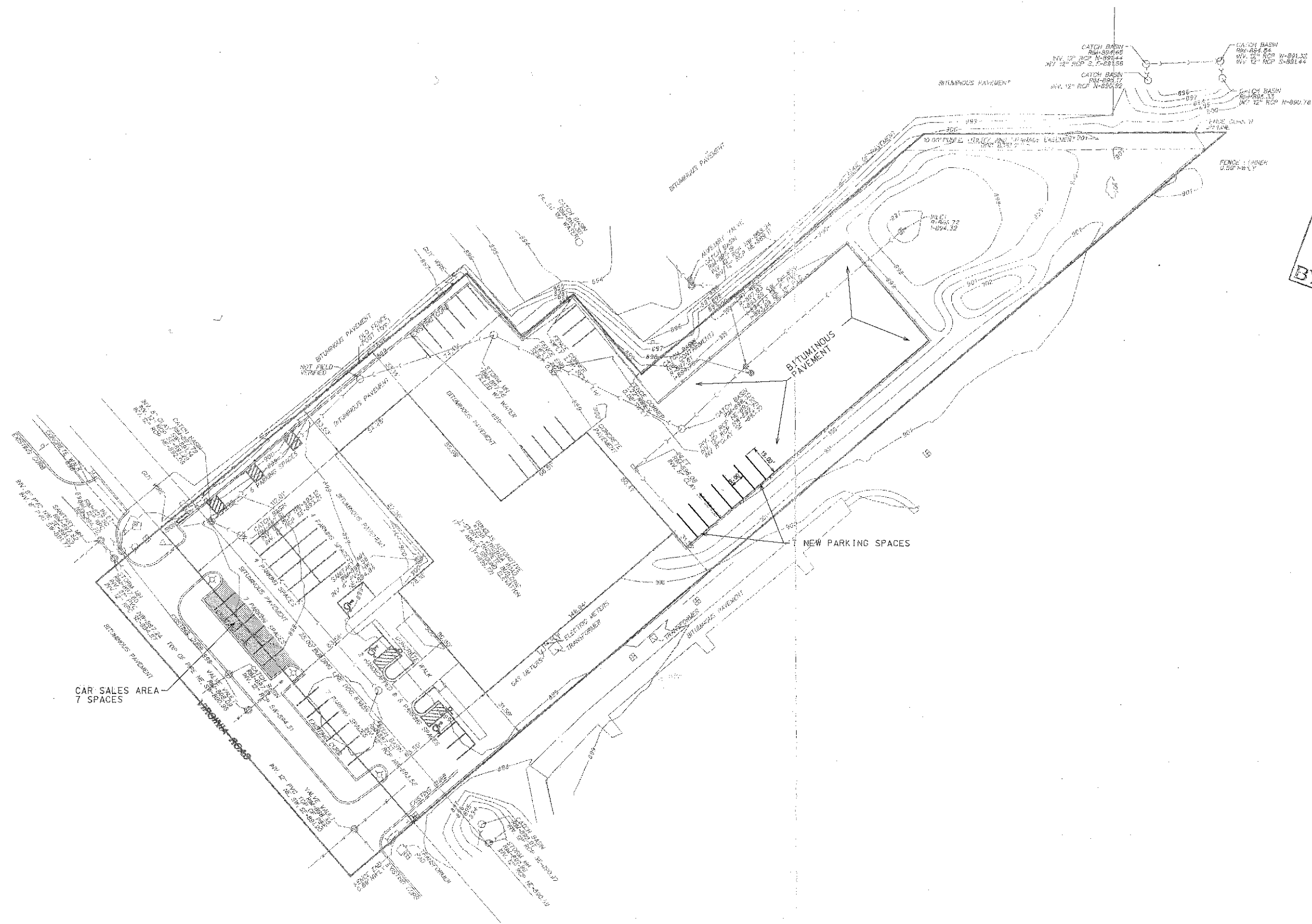
A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday, March 20, 2013 at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson

Planning and Zoning Commission
City of Crystal Lake

(Published in the Northwest Herald
March 5, 2013)





2013 13
RECEIVED
 FEB 27 2013
 BY:

NO.	DATE	REMARKS

NO.	DATE	REMARKS

PARKING PLAN
OUTDOOR STORAGE AREA EXPANSION
7218 VIRGINIA ROAD
 CRYSTAL LAKE, ILLINOIS

CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS
 9575 W. Higgins Road, Suite 700,
 Rosemont, Illinois 60018
 Phone: (847) 694-4060 Fax: (847) 694-4065



FILENAME:	1702parking.DGN
DATE:	01/20/09
JOB NO.	5517.02
SHEET	PP1
1	OF 1

CAR SALES AREA
7 SPACES

NEW PARKING SPACES

BITUMINOUS PAVEMENT

CATCH BASIN
 844-854-84
 INV. TO 302' N-891.44
 12" 12" RCP S-7-081.56

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 844-854-84
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 12" 12" RCP S-7-081.56

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**CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, MAY 16, 2007
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, Greenman, Jouron, Schofield, Skluzacek, and Hayden were present. Mr. Esposito was absent.

Latika Bhide and Elizabeth Zeller, both Planners, and James Richter, Senior Planner, were present from Staff.

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

2007-33 WRISTEN – 7218 Virginia Rd. – PUBLIC HEARING
Special Use Permit for outside storage of vehicles.

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.

Ed Wristen was present to represent his petition. Mr. Wristen said the staff report covers the project very well and asked if there were any questions.

A property owner from 621 Virginia Road, said she lives behind the property. In the winter there are no leaves on the trees and she can see the back portion of the property. She asked what type of fence would be along the property line. She stated there have been 5 cars there since last July and asked if repairs will be done outside.

Mr. Wristen said the fence would be chain link with slats. The adjacent property owner said there is a small chain link fence there now and the trees are meshed into it. Mr. Wristen said the new fence would be inside the tree line.

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

Mr. Skluzacek asked how the City polices the 30-day storage rule. Ms. Zeller said that is the same condition that was approved recently for Douglas Automotive and would allow storage of the vehicles while repair is going on, but not allow this to become a junk yard. Mr. Richter said the Building Division handles this. He will inform them of the problem with the cars that are currently there. Mr. Wristen said he is not intending to store cars there. Mr. Hayden said the time frame is a tool for the City to use to police the issue.

Mrs. Schofield asked about how they arrived at the number of vehicles they are requesting to be outside. Mr. Wristen said that would be the high end of the volume of cars they could work on per month. He believes the storage area would be smaller than requested.

Mr. Jouron asked about the cars in the rear. Mr. Wristen said he currently doesn't own the property but he will be sure to have them removed when he does.

Mr. Greenman said he wants to be sure the storage area is used for this business only. Ms. Zeller said that could be added to the conditions. Mrs. Schofield suggesting adding the information about the fence too.

Mr. Hayden asked about the conditions that were approved for Douglas Automotive. Mr. Richter read the conditions to the Commission. He said these conditions would remain in effect.

Mrs. Schofield moved to approve the Special Use Permit to allow outside storage of vehicles for Wristen at 7218 Virginia Road with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Wristen, received 04/12/07).
 - B. Plat of Survey (Thomas Surveying Ltd., dated 03/29/07, received 04/06/07).
 - C. Site Plan (Christopher B. Burke, dated 04/05/07, received 04/06/07).
2. The Special Use Permit for outside storage of vehicles is hereby granted to Edward Wristen with the following conditions:
 - A. No more than 36 vehicles **awaiting repair** can be parked outside for a period not to exceed 30 days per vehicle.
 - B. All vehicles are to be parked/stored within the fenced area
 - C. The fenced area shall not block any accessibility to the rear of the building including access doors, fire department connection or KNOX box.
 - D. No trees shall be removed with the installation of the fence.
 - E. The storage area shall be paved and have a containment system to trap any leaking fluids.
 - F. The information for a 6-foot solid screen fence to screen the storage area is to be submitted to staff.**
3. The Conditions of Ordinance No. 6172 approving the Special Use Permit for major automobile repair shall also apply to this business.
4. The petitioner shall comply with all of the requirements of the Engineering & Building, Public Works, Fire Rescue, Police, and Planning & Economic Development Departments.

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

Attorney Joseph Gottemoller and petitioner Ed Devaney were present for the matter. Mr. Gottemoller stated that Mr. Devaney and his fiancé Beth Rudat, a 4th generation member of the Rudat family, wished to divide a 1.3 acre lot on Rudat Court, a private road, into two lots to build another home. He stated that they were in agreement with the Planning and Zoning Commission recommendations.

Mayor Shepley asked if anyone in the audience wished to speak on the matter.

Keith LaMasse, 640 Rudat Court, stated that his property, which is on a point well and cesspool, would be directly affected and he had not seen a Plat of Subdivision regarding water and sewer lines, which he stated he hoped could be extended to his property. He stated that he would also like to see sidewalks and trees installed, and the utility lines buried.

Councilwoman Brady Mueller stated that she did not have an issue with subdividing the lots because of the unique street, and the other homes in the area all had lots that would still be smaller after the lots were subdivided. She stated that requiring the petitioner to bury the utility lines would represent a monumental cost for one property to bear. Michelle Rentszsch, Director of Planning and Economic Development, confirmed that costs would be shared with other property owners only if an areawide program were instituted. Councilwoman Brady Mueller asked about extending the water lines, and Mr. Gottemoller explained that they would have to be looped. He stated that Mr. LaMasse could drill a regular well and install a septic system, but it would not be an easy or inexpensive task to run water and sewer lines to his property. Eric Lecuyer, Director of Utilities, confirmed, however, that Mr. LaMasse could go through the process to extend water and sewer lines to his property if he wished to pursue it.

In response to Councilwoman Brady Mueller's question about the possible public dedication of Rudat Court, Mr. Lecuyer stated that the road had not been constructed to City standards and there was nowhere for a plow to turn around, so he did not feel that would be a worthwhile pursuit.

Councilman Dawson stated that the property is unique and has history, and he supported the petition. Councilman Thorsen stated that he also supported it, but wanted it to be clear that this property was not included in the recently adopted moratorium because it was already in process.

Mayor Shepley commended the petitioners on the level of detail they had provided, and requested that if they could do anything at no cost that would make it easier for Mr. LaMasse to obtain water and sewer, it would be appreciated.

Councilwoman Ferguson moved to approve the recommendations of the Planning and Zoning Commission approving the Rudat Court Final Plat of Subdivision, a Subdivision deferral of aerial line burial, sidewalk installation and planting of parkway trees until areawide programs are initiated. Councilman Thorsen seconded the motion. On roll call, all voted yes. Motion passed.

7218 Virginia Road – Special Use Permit to allow outside storage of vehicles.

Edward Wristen, the petitioner, was present and stated that he had a contract to purchase the property and wished to add a vehicle painting and repair business.

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

Councilwoman Brady Mueller moved to approve the recommendations of the Planning and Zoning Commission and to adopt an ordinance to be published in pamphlet form by the authority of the Mayor and City Council granting a Special Use Permit for outdoor vehicle storage at 7218 Virginia Road. Councilman Goss seconded the motion. On roll call, all voted yes. Motion passed.

350 W. Virginia – Zoning Ordinance Variations to allow driveway widths of up to 40 ft. along McHenry Avenue and Virginia Street, to allow no curb for the parking stalls along McHenry Avenue and along the west property line, to allow a two-way drive aisle of 18', to allow parking lots as close as 0' along rights of way, to allow up to 0' of landscaping along parking lots abutting rights-of-way, to allow up to 0' landscaping strip for parking lot perimeters not abutting rights-of-way, to allow no landscaped parking island at the west end for the parking rows north of the building, to allow a loading berth 18' in length, to allow no screening of loading areas by landscaping and/or visual barriers from adjacent properties and public streets, to allow 38 parking spaces, to allow the existing building to be 18' from an adjacent residential property, and to allow 0' front yard for the existing building.

Mayor Shepley noted that the petition had been withdrawn by petitioner and no action was taken by the Council.

Proposed Sign Ordinance amendment to provide criteria for Electronic Message Center signs.

Councilwoman Ferguson suggested postponing this matter until more information could be gathered regarding municipalities that do allow this type of signage. She noted that with the signs recently approved for the Park District and Anderson Motors, there would already be two exceptions. Director of Planning and Economic Development Michelle Rentzsch clarified that Mazda would not be using the electronic sign that was approved for that property, and the Holiday Inn sign had been approved as part of their annexation agreement. Councilman Goss added that Car Care Center's sign had also been approved in their annexation agreement. Councilman Dawson stated that he was not interested in what other towns were doing. Councilman Goss stated that he did not have any problem with the current ordinance and did not see why it should be changed.

Councilman Dawson moved to adopt an ordinance to be published in pamphlet form by the authority of the Mayor and City Council adding criteria allowing and regulating electronic message center signs with other minor amendments. Councilwoman Brady Mueller seconded the motion. On roll call, Councilmembers Brady Mueller, Dawson, Hopkins, Thorsen and Mayor Shepley voted yes. Councilmembers Ferguson and Goss voted no. Motion passed.

385 Millennium Drive – Sign Ordinance Variation for a second freestanding sign.

Mayor Shepley stated that the sign company representative for this petition had a family emergency and could not be present. He noted that the petitioner was his employer, Centegra Health Systems, and he would not participate in any discussion or vote on the matter. Mayor



AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AT 7218 VIRGINIA ROAD

WHEREAS, pursuant to the terms of a Petition (File #2007-33) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow outside storage of vehicles for the property located at 7218 Virginia Road; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit be issued 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 issued to allow outside storage of vehicles for the property commonly known as 7218 Virginia Road, Crystal Lake, Illinois.

Section II: Said Special Use is issued with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Wristen, received 04/12/07).
 - B. Plat of Survey (Thomas Surveying Ltd., dated 03/29/07, received 04/06/07).
 - C. Site Plan (Christopher B. Burke, dated 04/05/07, received 04/06/07).
2. The Special Use Permit for outside storage of vehicles is hereby granted to Edward Wristen with the following conditions:
 - A. No more than 36 vehicles awaiting repair can be parked outside for a period not to exceed 30 days per vehicle.
 - B. All vehicles are to be parked/stored within the fenced area
 - C. The fenced area shall not block any accessibility to the rear of the building including access doors, fire department connection or KNOX box.
 - D. No trees shall be removed with the installation of the fence.
 - E. The storage area shall be paved and have a containment system to trap any leaking fluids.

F. The information for a 6-foot solid screen fence to screen the storage area is to be submitted to staff.

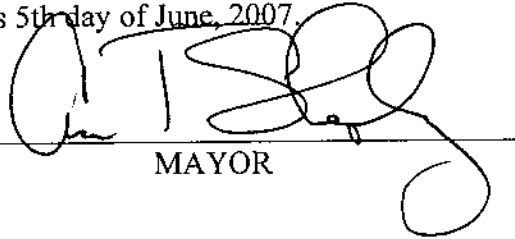
3. The Conditions of Ordinance No. 6172 approving the Special Use Permit for major automobile repair shall also apply to this business.

4. The petitioner shall comply with all of the requirements of the Engineering & Building, Public Works, Fire Rescue, Police, and Planning & Economic Development 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 issuance of a Special Use Permit 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 5th day of June, 2007.


MAYOR

ATTEST:


CITY CLERK

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