



#2013-20 905 Pyott Road – Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	May 15, 2013
<u>Requests:</u>	<ol style="list-style-type: none">1. Variation from Article 3-200 Density and Dimensional Standards to allow a 15.4 foot building setback.2. Variation from Article 4-200 E Off-Street Parking and Loading and Article 4400 F Landscaping and Screening Standards to allow a 0-foot parking lot and landscape screening setback.
<u>Location:</u>	905 Pyott Road
<u>Acreage:</u>	38,000 square feet
<u>Existing Zoning:</u>	B-2 General Commercial
<u>Surrounding Properties:</u>	North: M Manufacturing South: M Manufacturing East: M Manufacturing West: B-1 Neighborhood Business and M Manufacturing
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- **Existing Use:** The site is a 7,850 square foot retail building with 20 parking spaces.
- **Previous Approvals:**
 - In 1991, a Special Use Permit was issued for the Crystal Lake Ski & Bike Shop as a Commercial/Recreation use in the M Manufacturing zoning district.
 - In 2004, the property was rezoned from M Manufacturing to B-2 General Commercial and a variation from the required parking of 28 spaces to allow 20 spaces was granted.

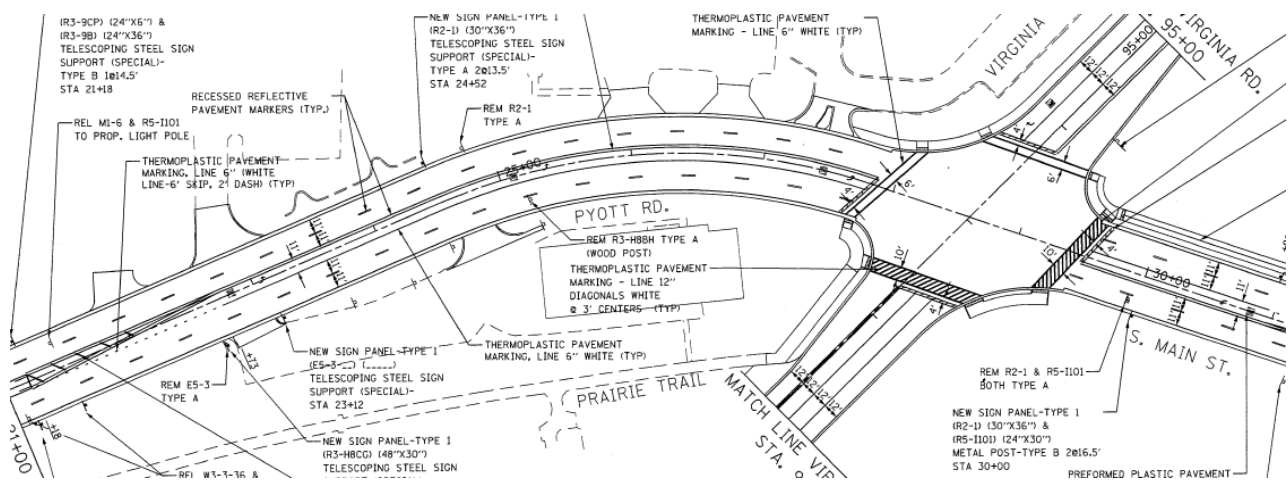
Development Analysis:

General

- **Request:** Variation from the required building and parking setbacks to allow the building to be considered a legal conforming use and be rebuilt “as is” after the property taking that is occurring due to the South Main Street road improvements.
- **Land Use:** The land use map shows the area as Commerce. This land use designation is appropriate for this use.
- **Zoning:** The site is zoned B-2 General Commercial. This use is a commercial use.

Site Layout

- The site is a diamond shaped lot between Pyott and Virginia Roads.
- There are two access points off Pyott Road leading through a one-way parking lot.
- When the site was constructed, the building met the 30-foot setback from both Pyott Road and Virginia Road.
- The parking lot setback from Pyott Road is 15 feet for the parking lot and 7.5 feet from the handicap parking space adjacent to the building.
- Per the right-of-way taking plan, the handicap space would need to be slightly shifted toward the building leaving a 0-foot setback.
- The closest portion of the building to the new right-of-way would be 15.4 feet.



Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future commercial 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:

ZONING ORDINANCE VARIATION

The petitioner is requesting variation from the required front yard building setback, the parking lot setback and screening requirements along Pyott Road. This is to accommodate the site in its future configuration after the property taking for right-of-way. The City does not require that properties come into compliance after a property taking, but the property would become legal non-conforming. If the property were destroyed, it would need to be rebuilt according to all current zoning standards. The shape of this lot would make it difficult to get the building and parking back to a similar configuration while meeting the new required setbacks.

The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

- a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.

Meets *Does not meet*

- b. Also, that the variation, if granted, will not alter the essential character of the locality.

Meets *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

- a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;
 Meets *Does not meet*

- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
 Meets *Does not meet*

- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
 Meets *Does not meet*

- d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.
 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.

Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

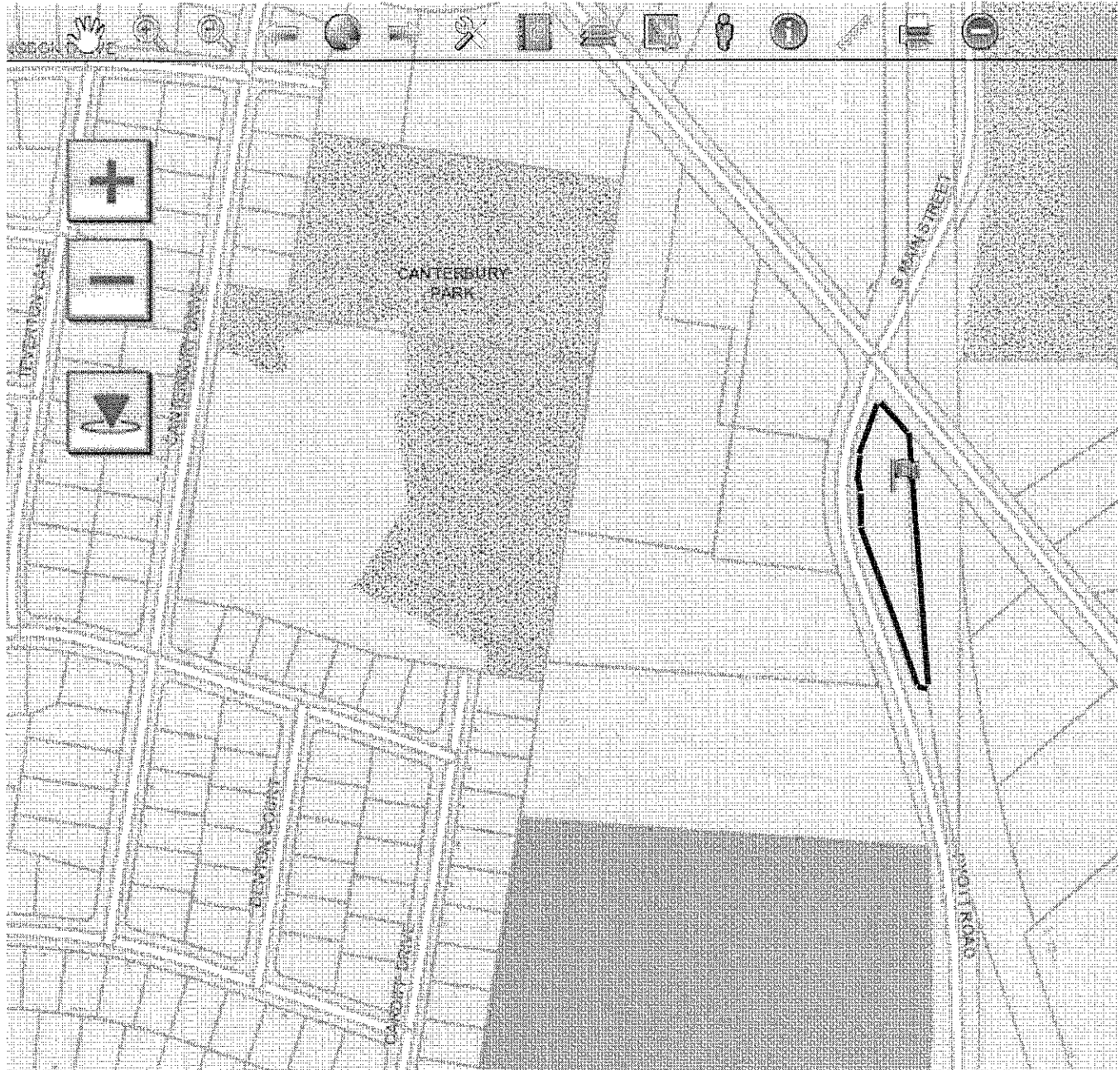
- 1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Fuhler, received 04/12/13)
 - B. Site/Landscape Plan (Earth Industries, dated 6-27-89, received 4/29/13)

- 2. Any future changes to the building or site shall be required to comply with the ordinances in effect at that time, provided they were not granted a variation through this request.

- 3. In the case of a catastrophic event, the building and parking lot may be replaced/rebuilt in their current location and configuration.

- 4. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

CITY OF
Crystal Lake Illinois



City of Crystal Lake Development Application

Office Use Only
File # _____ 2013 20

Project Title: 905 Pyott Rd VARIATION REQUEST

Action Requested

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

RECEIVED
APR 12 2013
BY: _____

Petitioner Information

Name: John Fuhler
 Address: 1126 N. MAIN ST.
Algonquin IL 60102
 Phone: 815-455-4000
 Fax: 815-479-7950
 E-mail: john@fuhlerproperties.com

Owner Information (if different)

Name: John W. Fuhler, trust
 Address: _____
 Phone: _____
 Fax: _____
 E-mail: _____

Property Information

Project Description: Pyott Road is being widened. This causes the parking lot & building set back to no longer be in conformance. This is a request for a variation to the ordinance.

Project Address/Location: 905 Pyott Road

PIN Number(s): 19-08-430-001

Development Team

Please include address, phone, fax and e-mail

Developer: City of Crystal Lake

Architect: _____

Attorney: _____

Engineer: Tran Systems 1475 E. Woodfield Rd Suite 600
Schaumburg IL 60173 847-605-9600

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

John Fuhler John Fuhler 4/10/13
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.

John Fuhler, trustee & sole beneficiary John Fuhler 4/10/13
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 John Fuhler

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 John Fuhler, relating to the following described real estate commonly known as 905 Pyroll Road, Crystal Lake, Illinois 60014, PIN: 19-08-430-001.

This application is filed for the purposes of seeking a Variation from Article 3 Section 3-200 Density and Dimensional Standards to allow a 15.4 foot building setback; from Article 4-200 E Off-Street Parking and Loading and Article 4 Section 4-400 F Landscaping and Screening Standards to allow a 0 foot parking lot landscape screening setback; and as well as any other variations as necessary to approve the plans as presented to allow for the existing building and parking lot to be re-built as exists after the proposed right-of-way taking. The application and plans can be found at the City of Crystal Lake Community Development Department at City Hall.

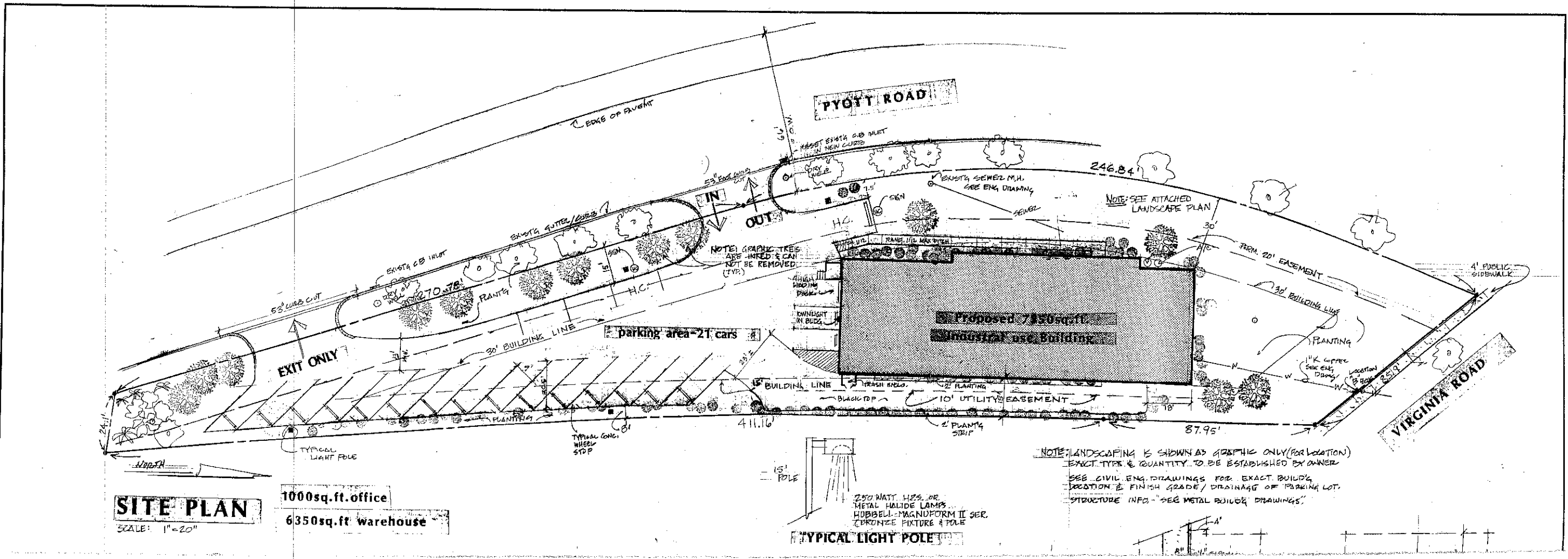
A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday May 15, 2013 at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson

Planning and Zoning Commission
City of Crystal Lake

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2013 20
RECEIVED
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 BY:



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Pyott Road Complex
 CRYSTAL LAKE, IL

DR: **ER**

