



#2013-29

Doherty Properties

Project Review for Planning and Zoning Commission

Meeting Date:

December 4, 2013

Zoning Request

1) Rezoning upon annexation to B-2 Commercial district
2) Variations from the lot, yard, setback and tree survey requirements to accommodate the existing lots and future redevelopment.

Location:

4420, 4501, 5201 and 5425 Route 176

Acreage:

approximately 2.5 acres

Existing Zoning:

B-1 (McHenry County)

Requested Zoning:

B-2 General Commercial

Surrounding Properties:

North: B-2 Prairie Grove
South: B-1 County
East: R-1 County
West: B-2 PUD Crystal Lake

Staff Contact:

Michelle Rentzsch (815.356.3615)

Background:

- **Existing Use:** The four parcels are improved and unimproved; comprised of Discount Flooring Warehouse, commercial buildings and a vacant parcel.
- **History:** City staff contacted the property owner and encouraged annexation of these parcels. The annexation of these parcels helps with the redevelopment of the Route 176/31 intersection within Crystal Lake, and readies them for this activity most likely after the State's road project is completed.

Development Analysis:

General

- **Request:** To zone the property B-2 within the City of Crystal Lake as part of an Annexation with variations to accommodate the existing and future lot configuration and development.
- **Land Use:** The land use map shows the property as Commerce. No Comprehensive Land Use Plan Map Amendment is necessary.

- **Zoning:** The property is currently zoned B-1 in McHenry County. The equivalent zoning district in the City of Crystal Lake is B-2. The existing and proposed uses fit within the B-2 zoning district.

2030 Comprehensive Land Use Plan Summary Review:

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

Success Indicator: The number of small business occupancies.

Findings of Fact:

REZONING

- The property consists of four parcels that are currently zoned B-1 in McHenry County. Property annexed into the City of Crystal Lake comes in as E, Estate zoning.
- The properties would be rezoned to B-2 General Commercial. The parcels are improved and unimproved, with Discount Flooring Warehouse, commercial buildings and a vacant parcel.

Criteria for Rezoning

(a) The existing uses and zoning of nearby property.

Meets *Does not meet*

(b) The extent to which property values are diminished by a particular zoning classification or restriction.

Meets *Does not meet*

(c) The extent to which the destruction of property value of a petitioner property owner promotes the health, safety, morals or general welfare of the public.

Meets *Does not meet*

(d) The relative gain to the public as opposed to the hardship imposed on a petitioning property owner.

Meets *Does not meet*

(e) The suitability of the subject property for its zoned purposes.

Meets *Does not meet*

(f) The length of time the property has been vacant as zoned, considered in the context of land development in the area.

Meets *Does not meet*

(g) The Comprehensive Plan designation and the current applicability of that designation.

Meets *Does not meet*

(h) The evidence or lack of evidence, of community need for the use proposed.

Meets *Does not meet*

ZONING ORDINANCE VARIATIONS

The petitioner is requesting general variations from the lot, yard, setback and tree survey requirements to accommodate the existing lots and future redevelopment.

Lot Area

Prior to the State's Route 176/31 Road Project, the parcels met the minimum 20,000 square foot lot area requirement. After the required roadway dedication, the parcels on the south side of Route 176 no longer meet this minimum, providing 18,500; 18,900; 18,000; and 17,700 square feet, respectively, for Lots 1 – 4. A variation is requested to accommodate the existing lots due to the roadway improvement project.

Rear Yard Setback

The UDO requires a 50-foot rear setback for parcels abutting residential districts. Lots 1 – 4 abut residential zoning in the County; however, the subject residential parcels are intended for detention. A variation from this requirement is requested to maximize the buildability of these lots, given the property taken for the roadway project and how the "residential" lots are actually detention areas.

Parking Lot Setback

The UDO requires an 8-foot setback along the rear and interior side yard setbacks. A variation from this requirement is requested to maximize the buildability of these lots, given the property taken for the roadway project and the uncertainty of how the lots will be configured upon redevelopment.

Tree Preservation Requirements

The UDO requires a tree survey and tree analysis before the removal of trees within a commercial development. Lot 4 has significant vegetation that consists of low quality trees in poor condition. A variation is requested to permit the removal of these trees with providing a tree survey and tree analysis.

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 Action:

A motion to recommend approval of the petitioner's request to rezone the subject property to "B-2" General Commercial district upon annexation, allowing the existing uses and improvements via the annexation agreement and recommending approval of the requested variations subject to the following conditions:

1. The following variations are hereby granted:

- A) Lot Area to allow 18,500; 18,900; 18,000; and 17,700 square feet, respectively, for Lots 1 – 4, due to the property taking for the roadway project;
 - B) Rear Yard Setback to allow up to 0 feet for Lots 1 – 4, given that parking and stormwater management requirements are satisfied;
 - C) Parking Lot Setback to allow up to 0 feet for Lots 1 – 4, given that parking and stormwater management requirements are satisfied; and
 - D) Tree preservation requirements to allow the removal of the trees on Lots 1 – 4 without providing the required tree survey and tree analysis.
2. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works and Planning and Economic Development Departments.

City of Crystal Lake Development Application

Office Use Only
File # _____

Project Title: Doherty Annexation

Action Requested

- | | |
|---|--|
| <input checked="" 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 checked="" 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 |
| <input type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Other |

Petitioner Information

Name: Patrick Doherty
Address: 4420 Rte 176
Crystal Lake IL 60012
Phone: 847-344-8622
Fax: _____
E-mail: patd@flooringdiscount
warehouse.com

Owner Information (if different)

Name: _____
Address: _____

Phone: _____
Fax: _____
E-mail: _____

Property Information

Project Description: Annexation, zoning to B-2, variations
for four parcels, except 'as-is'

Project Address/Location: 4420, 4501, 5201, + 5425 Route 176

PIN Number(s): 14-34-252-009, 010, -030, -022

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.

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
DOHERTY DEVELOPMENT
GROUP, LLC; DOHERTY
DEVELOPMENT GROUP
LLC, PATRICK J. DOHERTY
JR. AND FAMILY
REVOCABLE TRUST;
and DR. BRADLEY
AND CAROL LEWIS

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 of the abovementioned petitioners for rezoning and variations relating to the following described real estate commonly known as PIN No and Common Address: 14-34-252-009 5201 Route 176; PIN No and Common Address: 14-34-252-010 5425 Route 176; PIN No and Common Address: 14-34-252-030 4501 Route 176; PIN No and Common Address: 14-34-251-022 4420 Route 176, Crystal Lake, Illinois 60012.

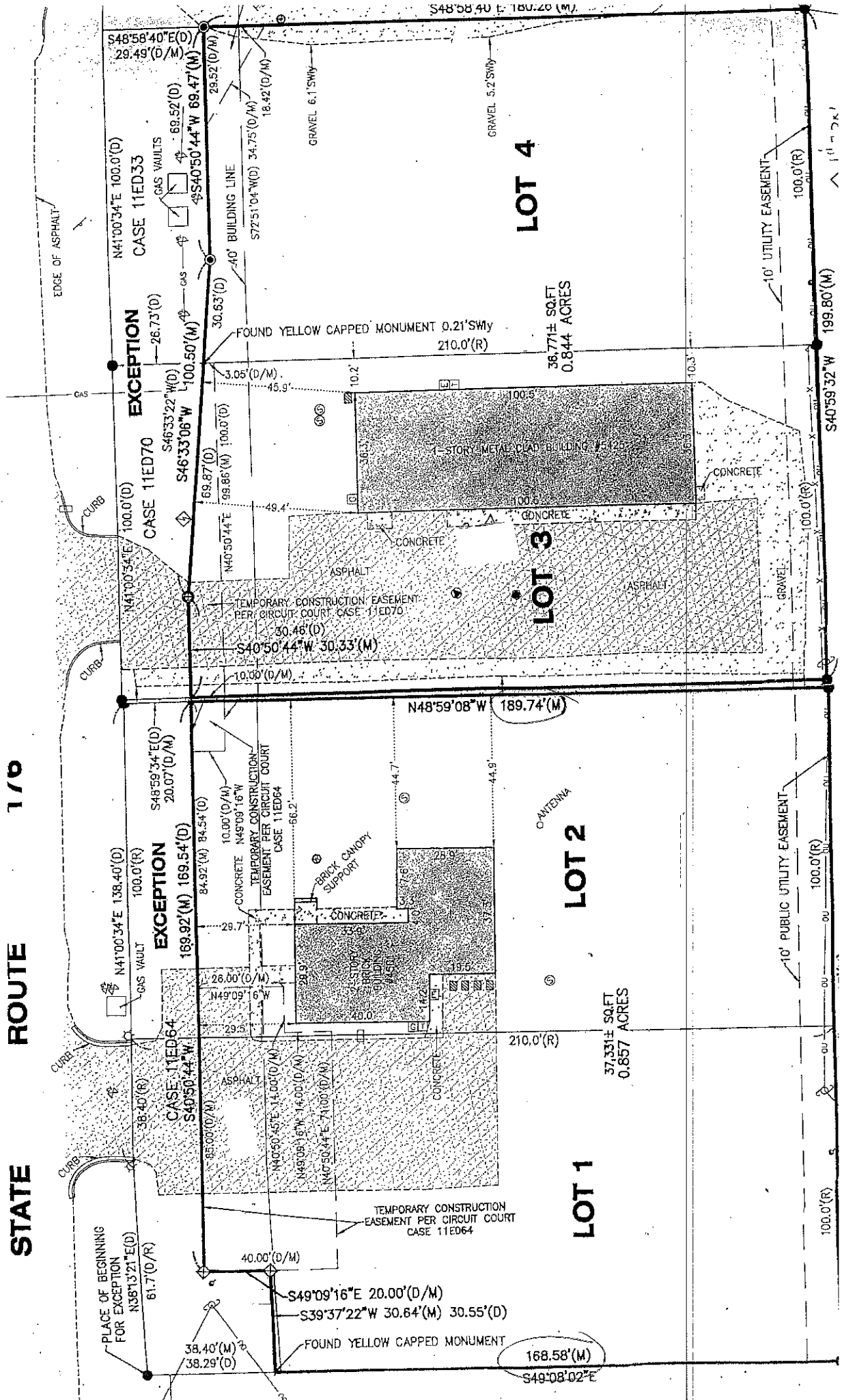
This application is filed for the purposes of seeking Rezoning from McHenry County B-1 Neighborhood Commercial to City B-2 General Commercial district and variations from the City's density, intensity, dimensional standards, and development and design standards in conjunction with Annexation and an Annexation Agreement, pursuant to Article 9-200 B; Article 3; and Article 4, respectively, of the Crystal Lake Unified Development Ordinance and any other variations necessary to accommodate 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, June 19, 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.

Tam Hayden, Chair

Planning and Zoning Commission
City of Crystal Lake

(Published in the Northwest Herald
May 21, 28, June 4, 2013.
#A966)



STATE ROUTE 170

PLACE OF BEGINNING FOR EXCEPTION
N38°13'21"E(D)
61.7'(D/R)

38.40'(M) 38.29'(D)

40.00'(D/M)

S49°09'16"E 20.00'(D/M)

S39°37'22"W 30.64'(M) 30.55'(D)

FOUND YELLOW CAPPED MONUMENT

168.58'(M)

S49°08'02"E

210.0'(R)

37,331± SQ.FT. 0.857 ACRES

10' PUBLIC UTILITY EASEMENT

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