

#2014-08

David Faccone – UDO Text Amendment (Revised) Project Review for Planning and Zoning Commission

Meeting Date: March 19, 2014

Zoning Request: UDO Text Amendment to allow Bingo

Staff Contact: Elizabeth Maxwell 815.356.3615

Background:

- The petitioner has approached the City with an amendment to the Unified Development Ordinance (UDO) to allow Bingo.
- The proposed request would be to allow Bingo games at the restaurant. The existing table and chairs would be used for Bingo games.
- The following outlines the proposed changes to the UDO for this request.

Article 2-Land Use

Section 2-300 Permitted Uses Table

The proposed text amendment would allow Bingo, but only when ancillary to a [Religious Organization / Full Service Restaurant] and pursuant to a special use permit in the B-2 zoning district. Allowing only Bingo as a use would restrict the use to just Bingo and not permit the other gambling uses.

TABLE 2-300 PERMITTED USES TABLE																
	F	Е	RE	R-1	R-2	R-3A	R-3B	О	B-1	B-2	B-4	M-L	M	W	USE CRITERIA	NAICS
COMMERCIAL RECREATION																
Bingo (As an ancillary use in conjunction with a Religious Establishment or Full Service Restaurant)										S					2-400C-63	

Section 2-400 Limited and Special Use Criteria

63. Bingo

Bingo must comply with the following standards:

- a. License: Any Bingo operator/location must comply with the state licensing requirements in accordance with 230 ILCS 25 et. seq. Bingo License and Tax Act. A copy of this license shall be provided to the City of Crystal Lake annually.
- b. Record Keeping: The license holder must keep an accurate accounting record for each Bingo session showing the gross receipts from fees, sale of cards and other Bingo Equipment; the total number of winners and amount paid to each winner and the net amount deposited in the organization's Bingo checking account. This record shall be provided on a monthly basis to the City.
- c. Floor Plan: Floor Plan: The owner must provide an accurate floor plan of the space within the location at which Bingo will be planed, which will depict the fixed tables and chairs for all Bingo participants. All participants must be physically present at the facility at which Bingo is played and must play from a fixed chair as depicted in the floor plan. The number of Bingo participants shall not exceed the number of fixed chairs designated for Bingo.

Article 4-Development and Design Standards

Section 4-200 Off-Street Parking and Loading

The proposed text amendment would allow Bingo as ancillary to a [Religious Organization / Full Service Restaurant] and pursuant to a Special Use in the B-2 zoning district. Since the use is an ancillary use, the parking requirements would already be established for the principal use. Additional seating that would be added for Bingo, would need to be reviewed to confirm adequate parking, exiting and occupancy requirements.

Section 4-1000 Signs

Since the Bingo is an ancillary use, the signage would be calculated for the principal use. The business could then choose to split the signage between their main sign and a separate Bingo sign.

Article 10-Definitions

BINGO: A game in which each player has a card or board, for which a consideration has been paid, containing 5 horizontal rows of spaces, with each row except the central one containing 5 figures. The central row has 4 figures with the word "free" marked in the center space.

BINGO EQUIPMENT: Any handheld card or board which uses chips, paint, stamps or other similar means to mark the board covering the figures called. This does not include electronic equipment, pre-printed instant winner cards and video bingo machines as these are all prohibited.



#2014-08 Faccone Bingo – Special Use Permit (Revised) Project Review for Planning and Zoning Commission

Meeting Date: March 19, 2014

Request: Special Use Permit to allow Bingo

Location: 540 E. Terra Cotta Road

Acreage: 2.3 acre site (6,400 SF tenant space)

Existing Zoning: B-2 PUD General Commercial

Surrounding Properties: North: M Manufacturing

South: B-2 PUD General Commercial East: B-2 PUD General Commercial

West: M Manufacturing

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

- Existing Use: The property is improved with a multi-tenant inline tenant retail building. Crystal Lake Rib house is occupying the eastern 6400 square feet.
- Previous Approvals:
 - o 2003-91: Approval Preliminary and Final PUD with Variations for the multitenant inline retail building.
 - o 2006-33: Approval of a Final PUD Amendment with Variations to allow a drive-up ATM and drive-through tenant space.

Development Analysis:

General

- Request: Special Use Permit to allow Bingo games as ancillary to the full-service restaurant.
- <u>Land Use</u>: The land use map shows the area as Commerce. This land use designation is appropriate for Bingo as it is in conjunction with the restaurant use.
- <u>Zoning</u>: The site is zoned B-2 PUD General Commercial. The zoning district is appropriate for Bingo.

Floor Plan

• The Bingo games will occur within the Crystal Lake Rib house restaurant space. A portion of the fixed tables and chairs would be used for the Bingo games.

Parking

- There are 95 shared parking spaces.
- Parking for the restaurant use is required at 1 per 4 seats, requiring 71 spaces.
- The Bingo games will be held in a portion of the restaurant area. No increase of seating would be necessary to hold the Bingo games.

Comprehensive Land Use Plan 2020 Vision Summary Review:

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

Land Use - Industry

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: Encourage mixed-use developments that allow people to live, work and play in the same area, as well as, support the transfer of goods and services between businesses and limit the number of traffic trips generated.

Findings of fact:

SPECIAL USE PERMIT

The petitioner has requested a Special Use Permit to allow a repossession lot in the M Manufacturing zoning district. 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.	1 1	se is necessary or desirable, at the location involved, to provide a ich will further the public convenience and contribute to the general orhood or community.
	Meets	Does not meet
2.	That the proposed using the view of the vi	use will not be detrimental to the value of other properties or vicinity.
	☐ Meets	Does not meet

3.	located and this Ordin bulk regulations, par	e will comply with the regulations of the zoning district in which it is nance generally, including, but not limited to, all applicable yard and king and loading regulations, sign control regulations, watershed, lain regulations, Building and Fire Codes and all other applicable City
	☐ Meets	Does not meet
4.	will adequately addre	e will not negatively impact the existing off-site traffic circulation; ess on-site traffic circulation; will provide adequate on-site parking juired, will contribute financially, in proportion to its impact, to ad parking systems.
	☐ Meets	Does not meet
5.	service delivery syste	e will not negatively impact existing public utilities and municipal ems and, if required, will contribute financially, in proportion to its ng of public utility systems and municipal service delivery systems.
	☐ Meets	Does not meet
6.		se will not impact negatively on the environment by creating air, on; ground contamination; or unsightly views.
	☐ Meets	Does not meet
7.	adequate screening t covers, trees and sh compatible or comple	e will maintain, where possible, existing mature vegetation; provide o residential properties; provide landscaping in forms of ground rubs; and provide architecture, which is aesthetically appealing, ementary to surrounding properties and acceptable by community letailed in Article 4, Development and Design Standards.
	☐ Meets	Does not meet
8.	other than the City suc	e will meet standards and requirements established by jurisdictions ch as Federal, State or County statutes requiring licensing procedures ctions, and submit written evidence thereof.
	☐ Meets	Does not meet
9.	That the proposed use Special Use Permit is	shall conform to any stipulations or conditions approved as part of a sued for such use.
	Meets	Does not meet
10.	That the proposed use as provided in this sec	e shall conform to the standards established for specific special uses
	☐ Meets	Does not meet

More specifically, Bingo is required to meet the following specific special use standards.

1.	License: Any Bingo operator/location must comply with the state licensing requirements per 230 ILCS 25 / Bingo License and Tax Act. A copy of this license shall be provided to the City of Crystal Lake annually.
	☐ Meets ☐ Does not meet
	The petitioner has not provided a copy of the approved licenses to the City.
2.	Record Keeping: The license holder must keep an accurate accounting record for each Bingo session showing the gross receipts from fees, sale of cards and other Bingo Equipment; the total number of winners and amount paid to each winner; and the net amount deposited in the organization's Bingo checking account.
	☐ Meets ☐ Does not meet
3.	Floor Plan: The owner must provide an accurate layout of space and illustrate the fixed tables and chairs for all Bingo participants. All participants must be present and play from a fixed seat. The number of Bingo participants shall not exceed the number of fixed seats designated for Bingo
	☐ Meets ☐ Does not meet

Recommended Conditions:

If a motion to recommend approval of the petitioner's request to allow a Bingo Hall as a Special Use within the B-2 General Business zoning district is made, the following conditions are recommended:

- 1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Faccone, received 01/29/14)
 - B. Bingo Operations Summary (Faccone, received 01/29/14)
 - C. Floor Plan (ALA Architects & Planners, dated 06/19/13, received 01/29/14)
- 2. Apply for and comply with the City's raffle license.
- 3. Petitioner shall arrange for alternative, overflow parking and provide written confirmation along with an occupancy application for the Bingo use prior to commencing Bingo games.
- 4. The petitioner shall address all of the review comments and requirements of the Police, Fire Rescue, Engineering and Building and Planning and Economic Development Departments.



City of Crystal Lake

Memorandum

To: Planning and Zoning Commission

From: Elizabeth Maxwell
Date: March 19, 2014

Re: 2014-08 Text Amendment to UDO to allow Bingo and SUP for Bingo at 540 E. Terra Cotta

Background:

• The petitioner has approached the City with a Text Amendment to the Unified Development Ordinance (UDO) to allow Bingo as a Special Use.

• The petitioner has also requested a Special Use to be a Bingo provider at the existing Crystal Lake Rib House restaurant.

PZC Discussion:

The Planning and Zoning Commission wanted additional information on how other jurisdictions regulate Bingo. The item was continued until March 19th to give staff time to complete the research.

Staff Research:

Staff reviewed the ordinances of other surrounding municipalities and some out of state municipalities as illustrated in the table below:

Location	City Code	Zoning Code	Comment
Crystal Lake	408-8 Has provision for requiring	Nothing	
	Bingo receipts to be submitted per IDR		
	268-2 States nothing shall prohibit		
	gaming for non-profit per 230 ILCS 30		
	/ Charitable Games Act - Allows cards,		
	dice, casino night, bingo, pull tabs, etc.		
McHenry	Nothing about Bingo	Nothing	Video gaming allowed by
			State license
Woodstock	3.5.6 Records requires Bingo receipts	Nothing	Gaming locations need
	be submitted.		licensing, etc (related to
			Video Gaming)
Huntley	Title 11 Receipts for Bingo and requires	Nothing	Video gaming per state
	license through IDOR		license.
Rockford	Nothing	No requirement when an	accessory use. Parking must
		be met and SUP required	when stand-alone.
Phoenix, AZ	Bingo Permitted in C-1 (Neighborhood F	Retail w/SUP, C-2, PSC	
	(Planned Shopping Center Overlay)		
	Bingo permitted as Ancillary Use up to 2		
	institution in R-O (Res. Office), RE-2 (Re		
	Office), Residence Districts and RE-43		
	Bingo Permitted as Ancillary Use in priva		
	Bingo Prohibited in 7 th Ave. Main Street		

Ocean City,	Nothing	Nothing	Casino gaming license
NJ			
Ocala, FL	Bingo permitted as Accessory Use in Inst		
	Church, School Rec. Facility		
	FS Ch 849-0931 nothing shall prohibit ch		
	holding Bingo		

Staff Reports:

Staff has made some minor changes to the staff reports to reflect the new information.

Text Amendment to the UDO for Bingo

Staff has made the change to allow Bingo games as an ancillary use, "Bingo, but only when ancillary to a [Religious Organization / Full Service Restaurant] and pursuant to a special use permit."

Special Use Permit to allow Bingo at 540 E. Terra Cotta Avenue

Staff removed the condition about meeting the parking requirements.

JAN **29** 2014

CITY OF CRYSTAL LAKE DEVELOPMENT APPLICATION

Please type or print legibly

OFFICE	US:	Ε(ONLY			
CASE #	0	4	4	0	8	

PROJECT TITLE:	Rib House Bingo Pa	arlor
ACTION REQUESTED:		
Annexation		Preliminary PUD
Comprehensive Plan	Amendment	Preliminary Plat of Subdivision
Conceptual PUD Rev	view .	Rezoning
Final PUD		X Special Use Permit
Final PUD Amendme	ent	Variation
Final Plat of Subdivis	sion	XOther: Text Amendment
Petitioner Information:		Owner Information:(if different)
NAME: David Faccone	WAS	NAME: Terra Cotta Shops LLC
ADDRESS: 4915 Terra Cot	ta Rd	ADDRESS: 850 McHenry Ave
Crystal Lake, IL	60012	Crystal Lake, IL 60014
PHONE: 815 477 2368		PHONE: 815 477 3123
FAX:		FAX:
E-MAIL: clribhouse@att.net		E-MAIL: Bostrom@chasrivdev.com
Property Information:		
Project Description: The pet	itioner is a text amendr	nent to allow for the creation of a Bingo Parlor as
a special use permit in a B-2PUD	zoning classification.	Upon the approval of a text amendment to allow
the issuance of a special use per	mit for a Bingo Parlor f	or the property located at 540 E Terra Cotta Ave.
		.76), Crystal Lake Illinois. The property is located
on the North side of Rte 176 bet	ween Knaack Blvd and	Terra Cotta Road.
PIN Number(s): 14-33-277-009	, 14-33-277-010	

Development Team:

Developer: Bo Stro	om, Charles River Dev. 850 McHenry Ave. CL 815 477 3123, Fax 815 47	7 4923_
	v.com	
Architect: ALA 2600	Behan Rd Crystal Lake 815 788 9200 Fx 815 788 9201 spolit@alaarch	itects.com
Attorney: Joseph (Gottemolier of Madsen, Sugden & Gottemolier, 815 459-5152, FAX 815	5-459-0290
Engineer:		
Landscape Architect	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Planner:		
Surveyor:		
Other:		
Signatures:		
By;	Χ	
David Faccone	PETITIONER: Print and Sign Name (if different from owner)	Date
As owner of the pro	perty in question, I hereby authorize the seeking of the above requeste	ed actions.
Ву		
Bo Strom	OWNER: Print and Sign Name	Date
		-

NOTE: If the subject property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter which 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 David Faccone

LEGAL NOTICE

der y

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 on the application by David Faccone on behalf of Terra Cotta Shops LLC for the purposes of seeking a UDO Text Amendment and Special Use Permit to allow a Bingo Parlor as a Special Use at 540 E. Terra Cotta Avenue, Crystal Lake, Illinois. Pilvs: 14-33-277-009, 14-33-277-010.

This application is filed for the purpose of seeking a UDO Text Amendment from Article 2 Land Use to allow the category of Bingo Parlor as a Special Use within the B-2 zoning district subject to the specific special use criteria and a Special Use Permit Article 2-400 and Article 9-200 D. to open a Bingo Parlor in the B-2 zoning district. Plans for this project can be viewed at the Crystal Lake Community Development Department al

City Hall.

A public hearing before the Planning and Zoning Commission on this request will be held at 7:30 p.m. on Wednesday, February 19, 2014, at the Crystal Lake City Haii, 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 February 4, 2014. #A2621)



CRYSTAL LAKE PLANNING AND ZONING COMMISSION WEDNESDAY, FEBRUARY 19, 2014 HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS

The meeting was called to order by Chairman Hayden at 7:30 p.m. On roll call, members Batastini, Esposito, Gavle, Goss, Greenman, Jouron, Skluzacek, and Hayden were present.

James Richter II, Planning and Economic Development Manager, Latika Bhide and Elizabeth Maxwell, both Planners, and Rick Paulson, Building Commissioner, were present from Staff.

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

Mr. Hayden stated that this meeting was being televised now as well as recorded for future playback on the City's cable station.

<u>2014-08 TERRA COTTA SHOPS - CL RIB HOUSE – 540 E. Terra Cotta Ave.</u> – PUBLIC HEARING

Text Amendment to define Bingo and to allow them as a Special Use Permit in the B-2 Zoning District; and a Special Use Permit to allow a Bingo at 540 E. Terra Cotta Avenue.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Joe Gottemoller, attorney, and Dave Faccone, operator, were present to represent the petitions. Mr. Hayden stated that they would need to review each separately – UDO Amendment and then the Special Use Permit request.

Mr. Faccone said the Crystal Lake Rib House just moved across Route 176 to a larger location and with a banquet hall. They would like to allow 501C3 Charities to run bingo in the banquet hall area. This is a good way for the charities to raise their needed funds to continue their work.

Mr. Gottemoller said the City's UDO does not have a bingo hall or parlor classification. The request is to allow bingo as a Special Use Permit in the "B-2" zoning district. He added that there are licenses and approvals through the State of Illinois that are required along with specific record keeping.

There was no one in the public who wished to comment on this petition. The public portion for the UDO amendment was closed at this time.

Mr. Jouron said he helped write the original Bingo law for the State of Illinois. He asked what type of

PLANNING AND ZONING COMMISSION FEBRUARY 19, 2014 PAGE 2

license the petitioner has. Mr. Faccone said he has the required State license and the charities must go through the process for themselves.

Mr. Batastini asked about parking requirements. Ms. Maxwell said they have not found any similar uses close to Crystal Lake. Staff uses the American Planners Association parking standards, which they look at uses throughout the country not just our area and recommend one (1) space per three (3) seats. Mr. Batastini asked if the amendment would allow a stand- alone bingo hall or would it be required to have a restaurant with it. Ms. Maxwell said it can be stand-alone.

Mr. Goss said he is struggling with the "B-2" district and added that churches hold bingo nights and they are in residential areas. Ms. Maxwell said she was not certain if the City requires a separate license for that activity or if it is considered part of the church's use. She does know that we do not require a Temporary Use Permit for bingo nights. Mr. Goss suggested a possible overlay district. His main concern is how it is addressed in the UDO.

Mr. Batastini asked if a bingo hall is a good use in that district. Is that the district that would be best for that type of use?

Mr. Hayden asked if this use was under the gambling statutes for the State. Ms. Maxwell said no – it is a different statute. Mr. Hayden is concerned that this would put a foot in the door to allow slots, pull tabs, etc. Mr. Gottemoller said slot machines are not for fund raising. He said the specific statute is designed to raise revenue for non-profit groups.

Mr. Batastini asked if there was a similar use nearby. Mr. Gottemoller said years ago they had a bingo hall at the Milk Pail in Dundee, but he isn't sure if it is still running.

Mr. Hayden said he would prefer more research be done before any decision is made. Mr. Batastini said parking can be a challenge in the "B-2" district now.

Mr. Greenman said this is only about bingo and nothing else. He agreed that more information is needed. Ms. Maxwell said she tried to research it but there is not a lot of information available on-line. Mr. Hayden asked if the petitioner had a timing issue and needed to move this forward to Council. Mr. Gottemoller said if the Commission is not comfortable he would prefer that more information be gathered. Mr. Goss suggested a month continuation. Mr. Greenman suggested checking in areas with higher retirement such as Arizona, Florida, etc.

Mr. Batastini moved to continue the UDO Amendment discussion to allow a Bingo Hall to the March 19, 2014 PZC meeting at allow Staff additional time to research bingo facilities in other communities. Mr. Goss seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Gottemoller asked if the Commission could discuss the Special Use Permit even though they would not be voting on it at this meeting.

PLANNING AND ZONING COMMISSION FEBRUARY 19, 2014 PAGE 3

Mr. Esposito recused himself from the Special Use Permit discussion due to a possible conflict of interest.

Mr. Gottemoller said the bingo hall would be an ancillary use to the restaurant. Mr. Hayden asked about the seating capacity. Mr. Faccone said the Fire Department has determined their seating capacity is 294. Mr. Gottemoller added that there are only 95 parking spaces there. The answer isn't necessarily the district this use would go into but the conditions that would need to be met. Not everyone is going to be able to meet the requirements the City placed on that use.

Mr. Hayden asked if a bingo hall should be an ancillary use to a restaurant or a stand alone. Mr. Gottemoller said that is up to City Council. Mr. Hayden asked if people would just come in and play bingo. Mr. Gottemoller said yes, but most people want to eat something.

Mr. Goss said no minors would be allowed in the banquet area while bingo is being played. Mr. Gottemoller said that is correct. Mr. Goss said the biggest problem is parking. They will need a lot of parking off-site and not across Route 176. Overcoming parking will be a big job.

Mr. Greenman said that shopping center is not set up for easily getting around especially with the way the lot is currently plowed. There is what is to be a two-way aisle and it is currently allowing only 1 car through. He doesn't want to be put the petitioner in the situation of having a parking problem. We need to come up with options for them.

Mr. Gavle is concerned with parking as well. He also feels it is too small of a space for this use.

Mr. Jouron asked if more than one charity organization can share in the fundraising for one bingo session. Mr. Faccone said only one organization per day.

Vince Esposito, former Grand Knight of the St. Thomas Knights of Columbus, said this was brought before the Knights several years ago. He felt this would be a good opportunity for the members to raise money for the charities the Knights support. Mr. Esposito feels that this is no different than Nick's Pizza holding their fundraiser nights with 10% of the proceeds going to an organization. He believes this would be a great thing to be available to organizations.

There was no one else in the public who wished to comment on this petition. The public portion for the Special Use Permit was closed at this time.

There were no other comments from the Commissioners.

Mr. Batastini moved to continue the Special Use Permit discussion for a Bingo Hall at 540 E. Terra Cotta Ave. to the March 19, 2014 PZC meeting. Mr. Jouron seconded the motion. On roll call, all members voted aye, except Mr. Esposito who did not vote. Motion passed.

