

#2013-60 8611 Huntley Road (Lapetina) Project Review for Planning and Zoning Commission

Meeting Date: August 20, 2014

Zoning Requests: 1) Comprehensive Land Use Plan Amendment from Estate

Residential to Commerce.

2) Rezoning upon annexation to the "B-2" Highway

Service.

3) Special Use Permits for:

A) Rental buildings for Cold Storage;

B) Outside Storage of campers, boats and trailers in

designated fenced-in areas;

C) Residential rental of one single-family house;

D) Sale of landscape products, limited to boulders, stone,

sand, dirt and sod.

Location: 8611 Huntley Road

Acreage: ~3.60 acres

Existing Zoning: "A-1" Agriculture, County

Surrounding Properties: North: "A-1" Agriculture, *County, Residential Use*

South: "A-1" Agriculture, County, Residential Use

East: "R-1" Single-Family Residential (Willow's Edge

Park)

West: "A-1" Agriculture, County, Residential Use

Staff Contact: James Richter II 815.356.3737

Background:

• <u>Location:</u> The property in question, 8611 Huntley Road, is located at the northwest corner of Huntley and Ackman Roads.

- Zoning: The property is currently zoned "A-1" Agriculture, under the County's Zoning Ordinance. The property is improved with a single-family residence, outbuildings for cold storage, an outside area for storage of campers, boats, trailers and a two monopole cell phone towers.
- Request: The petitioner is requesting rezoning upon annexation to the "B-2" Highway Service Business district and special use permits to continue the use of the property for the

- existing uses. The portion of the property (~0.9 acres) that contains the two cell towers is excepted out of this annexation request.
- <u>History:</u> The petitioner previously sought annexation into the City in 2005, but the request was denied by the City Council. At the time, some of the key concerns identified were the requested "B-2 Highway Service" zone without a specific plan for the property; concerns expressed by the PZC and Council about the storage (indoor and outdoor) on the property; and concerns by the petitioner with the requirement to pave the property within 5 years. On September 3, 2013, the City Council reviewed a request from the petitioner regarding a potential annexation of the property. The City Council asked many questions of the petitioner and of staff regarding the affects of annexation on the City. While there was no formal vote regarding the matter, there was a general consensus from the City Council that this request could move forward with the annexation request.

Land Use Analysis:

- <u>McHenry County:</u> The property is zoned "A1" Agriculture in the County. Per the County's Zoning Ordinance, several different uses such as single family dwellings, kennels, stables, grain elevators and asphalt/concrete facilities are permitted by right and as conditional uses within the A-1 district. The County's 2030 Comprehensive Plan delineates this property as Residential. Per the Boundary Line Agreement between the Village of Lakewood and the City of Crystal Lake, this property would be annexed into Crystal Lake.
- <u>Surrounding Zoning:</u> The properties immediately surrounding the parcel in question are used for residential purposes. The properties to the north, west and south are zoned "A-1" Agriculture, in McHenry County. Willow's Edge Park is to the east of the property and Four Colonies, Unit 17 is located further east and is zoned "R-1" Single Family Residential in the City of Crystal Lake.
- <u>LITH Comp Plan:</u> Lake in the Hills' Comprehensive Land Use Plan calls for commercial and low density residential along the south side of Ackman Road, traveling westward.
- <u>LITH Zoning:</u> The zoning within Lake in the Hills, along the south side of Ackman Road is generally consistent with their Land Use Plan, reflecting Institutional Business (I-B), Neighborhood Convenience (B-1), and Single-family residential.
- <u>Lakewood Comp Plan:</u> The Lakewood Comprehensive Plan calls for low density residential surrounding the subject property, while the properties west of the subject property along Ackman Road call for neighborhood commercial, recreation, and high density residential.
- <u>Lakewood Zoning:</u> The Zoning for Lakewood generally reflects their Land Use Plan, with single-family residential to the northwest along Ackman Road, B-1 Neighborhood Business to the west and Single-family residential as you continue westward (north side of Ackman).
- <u>Use Landscape (surrounding areas):</u> Since 2005, there has been a change in the use landscape along Ackman Road. The commercial development (Lou Malnati's Pizzeria, strip retail and Chesterbrook Academy) at Redtail Drive and Ackman Road has since been built and the Village of Lakewood is actively marketing the property at the northwest corner of Redtail Drive and Ackman Road for a gasoline service station. The

future land use plan for the Village of Lake in the Hills also designates the properties on the south side of Ackman Road across from this property and west to Lakewood Road as Commercial.

- <u>Crystal Lake Zoning Regulations:</u> Upon annexation, the property will be subject to the property maintenance regulations of the City. Furthermore, any future commercial development will be consistent with the City's vision for this corner and annexing the property into the City will ensure that property is developed to City standards.
- Existing Uses: Upon review of this request, legal counsel's recommendation is to rezone this property to the "B-2 PUD" district and allow the existing uses to continue. To the extent that such uses are not in compliance with the City's UDO, they shall be considered legal non-conforming uses. While the existing uses can continue in the current manner, any development of the property will have to occur in accordance with a Planned Unit Development which is approved the City.

Findings of Fact:

COMPREHENSIVE LAND USE PLAN AMENDMENT

The Comprehensive Plan designates the subject property as Estate Residential, which is defined as: "low density single-family housing containing lots of one-third acre or more". The solicited rezoning would require an amendment to the Comprehensive Land Use Plan from Estate Residential to Commerce. Commerce is defined as "existing retail and service commercial areas, indicating areas for future commercial uses."

REZONING

The requested "B-2" General Commercial district would allow several principal permitted uses including, but not limited to:

- 1) Automobile Dealers and related uses
- 2) Vehicle Repair and maintenance uses
- 3) Retail Uses
- 4) Service Uses, including beauty salons, spas, diet and weight reducing centers, veterinarian clinic, interior design, funeral home, etc.
- 5) Education Services
- 6) Financial Institutions
- 7) Food Services
- 8) Offices and
- 9) Commercial Recreation Uses.

Comprehensive Land Use Plan Amendment

The petitioner's request before the Planning and Zoning Commission and the City Council would amend the Comprehensive Land Use Plan from Estate Residential to Commerce for the 3.6 acres, commonly known as 8611 Huntley Road.

Rezoning upon Annexation

The petitioner's request before the Planning and Zoning Commission and the City Council

would grant "B-2 PUD" General Commercial PUD zoning designation for the 3.60 acres, commonly known as 8611 Huntley Road.

Recommended Conditions:

If the Planning and Zoning Commission recommends a comprehensive land use plan amendment and annexation of the property with an initial zoning classification of "B-2 PUD" located at 8611 Huntley Road, the following are recommended as conditions of approval:

- 1) Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 12/9/13).
 - B. PIQ (received 12/9/13).
 - C. Draft annexation agreement Petition for Initial Zoning (received 12/9/13).
 - D. Plat of Survey (exhibit) (received 12/9/13).
- 2) The petitioner shall provide a detailed site plan depicting and describing the various land uses and their extent on the site, so as to establish the current uses on the site prior to executing the annexation agreement.
- 3) The petitioner shall meet all the conditions of the Community Development, Public Works, Fire Rescue and Police Departments.

Action:

2013 60

City of Crystal Lake Development Application

Office Use Only
File #

Project Title: Lapetina Annexation	Marini Kanada - 1				
Action Requested		DEC 0 9 2013			
X Annexation	Preliminary PUD	BV			
Comprehensive Plan Amendment	Preliminary Plat of Subdivision				
Conceptual PUD Review	X Rezoning				
Final PUD	X Special Use Permit				
Final PUD Amendment	Variation				
Final Plat of Subdivision	Other				
Petitioner Information	Owner Information (if different)				
Name: Joseph J. Lapetina and Elaine M. Lapetina	Name:	<u></u>			
Address: PO Box 81	Address:				
Palatine, IL 60078					
Phone: 847-321-0085	Phone:				
Fax:	Fax:				
E-mail: jlap002@yahoo.com	E-mail:				
Property Information					
Project Description: Lapetina Annexation					
Project Address/Location: 8611 Huntley Road, Co	rystal Lake, Illinois 60014				
PIN Number(s): 18-13-100-039					

Developi	ment Team		Please include ac	dress, phone, lax and o	<u>e-mail</u>
Developer:	Petitioner				
Architect:					
Attorney: _	Thomas C. Zanck, 40 Etzanck@zcwlaw.com	Brink Street, Crystal	Lake, Illinois 60014	4 (815) 459-8800 (815)	459-8429 fax
Engineer: _					
Landscape	Architect:				
Planner: _		-			
Surveyor:	Luco Construction Co	., 54 Lou Street, Cry	stal Lake, Illinois 6	0014 (815) 526-3974 (<u>815) 526</u> -3984 fax
Other:					
Signatur	es				
	FITIONER: Print and Sign		•	Date	
As owner of	of the property in quest	-Carrier 194	//	f the above requested $\frac{1}{20}$	/
OH	NER: Print and Sign nam	ie	7	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

IN THE MATTER OF THE APPLICA-TION OF Joseph J. Lapelina and Elaine M. Lapelina, 8611 Huniley Road, Crystal Lake, Illinois 60014

LEGAL NOTICE

Notice is hereby given in compliance with the Zoning Ordinance 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 Joseph J. Lapetina and Elaine M. Lapetina relating to the properly located at 8611 Huntley Road, Crystal Lake, Illinois 60014. PiN: 18-13-100-039 039

This application is filed for the purpose of seeking rezoning upon annexation to the 8-2 Business District with a Special Use to continue to allow the rental of buildings for cold storage; outside storage of campers, boats and trailers in fence in areas; the rental of one residential house; and to allow the sale of landscape products limited to boulders, stone, sand, dift and sad, pursuant to Article 2 and Article 9 of the Crystal Lake Unitied Development Ordinance. ment Ordinance.

A public hearing before the Planing and Zoning Commission on the request will be held at 7:30 p.m. on May 7, 2014, at the Crystal Lake City Hall, 100 West Woodslock Street, at which time and place any person determining to be heard may be present.

Thomas Hayden, Chair Planning and Zoning Commission City of Crystal Lake

(Published in the Northwest Herald April 22, 2014. #A3155)



CRYSTAL LAKE PLANNING AND ZONING COMMISSION WEDNESDAY, MAY 7, 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 Esposito, Gavle, Goss, Greenman, Jouron, Skluzacek, and Hayden were present. Mr. Batastini was absent.

James Richter II, Planning and Economic Development Manager, Latika Bhide, Planner, 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.

2013-60 LAPETINA – 8611 Huntley Rd – PUBLIC HEARING

Annexation, Rezoning to "B-2" Business District, Special Use Permit to continue to allow the rental of buildings for cold storage; outside storage, rental of one residential house, and sale of landscape materials.

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.

Tom Zanck, attorney, and Joe and Elaine Lapetina, owners, were present to represent the petition. Mr. Zanck said the property is located at the northwest corner of Huntley and Ackman Roads. The property is currently used primarily for cold and outside storage and it has a residence located there as well. This property was before the City in 2005 for annexation but there were concerns with the dedication of the right-of-way. Mr. Zanck added that things have changed and they are again requesting annexation and to continue to manage the property as it has been managed. He handed out copies of the Lake in the Hills Comprehensive Plan as well as the zoning map. To the west of this property and south of Ackman Road is the property the Crystal Lake Park District is purchasing for their facility. Mr. Zanck said Lake in the Hills is actively seeking a gas station in that area. This property will be very important in the future and they are requesting the "B-2PUD General Commercial zoning district. They believe in the future this property will be a business parcel. He added that when that time comes, the developer would need to come back to the City for their PUD approval.

Mr. Zanck said they agree with the conditions listed in the staff report.

There was no one in the public who wished to comment on this petition. The public portion was closed

PLANNING AND ZONING COMMISSION MAY 7, 2014 PAGE 2

at this time.

Mr. Hayden asked if the property had come before the City Council in the 1990's. Mr. Lapetina said no.

Mr. Goss asked where the gas station is proposed. Mr. Zanck explained. Mr. Goss said he doesn't see the urgency and it will take some time for them to get there. He is concerned with no concessions for paving in 5 years, etc. Only to have the property as it is currently. What benefit is there to annex the property? He doesn't see what has changed since 2005. Mr. Zanck said the character of the neighborhood has changed. Mr. Goss said there are properties that are currently agriculture and with this rational they should be zoned ""B-2PUD" for the future. Mr. Zanck said that zoning shouts to the world that this property is available. Mr. Goss said the vision of the City is different than that of Lake in the Hills. There are mostly residential uses along Ackman Road.

Mr. Esposito said this seems to be a place for convenience stores. Zoning the property without a plan is like putting the cart before the horse. To bring in the property, zone it "B-2" and have it sit, will open Pandora's box. He would not have a problem if they had a plan before them.

Mr. Greenman said there is property at Ackman and Randall – Kaper's property – that was annexed and zoned "R-2" with the intention that it would be rezoned when a plan comes before the City. That has worked well. Ms. Bhide said that for the Kaper piece the Comprehensive Plan shows Commercial. Mr. Greenman said he would like the property to be within the City and there is a lot of opportunity in the future. He is not in a position to agree to "B-2PUD" and would prefer the zoning be determined when a plan comes before them. Mr. Greenman said he would like to have the Special Use Permit for the storage have a time frame to allow that use to be renewed if there are no problems. This will provide options for the City.

Mr. Skluzacek said the petitioner wants to keep things the way they are currently but for how long. He doesn't see any improvement to the property.

Mr. Lapetina said they need the "B-2" zoning because it saves a step for future developers. This is a very busy intersection. Mrs. Lapetina said the area has changed tremendously. Mr. Lapetina said he can't put money into building a plaza on the property. Mr. Skluzacek said outside storage requires a screening so it can't be seen. Mr. Lapetina said the storage can't be seen in the summer because of the landscaping. Mr. Skluzacek said it can be seen now.

Mr. Zanck said the request is for a holding pattern. Mrs. Lapetina said this is an opportunity. It could be a future outpatient center because of the hospital coming nearby.

Mr. Goss asked why the property the cell tower is on (200 feet by 200 feet) is excluded from the annexation. Mr. Zanck said that has the appropriate entitlements in the County.

Mr. Hayden asked why annex the property now. Mr. Lapetina said it is the only choice they have.

PLANNING AND ZONING COMMISSION MAY 7, 2014 PAGE 3

Someday the property will develop but he wants to keep it the way it is until then. Mr. Zanck said they could request a Special Use Permit in the County but that would only be a temporary measure. Mr. Hayden asked why parts of the parcel are excluded from the annexation. Mr. Zanck restated that the small parcel is already zoned appropriately in the County. Mr. Hayden said the remaining property is also currently zoned in the County. Every parcel is zoned. Mr. Zanck urged the PZC to recommend annexation and zoning the parcel as requested so the property is in a holding pattern. Now is the time to strike and the City will be in total control. Mr. Hayden said not exactly total control.

Mr. Goss said the property at Bard and Huntley Roads have exclusions as to what can go on the commercial portion of that property.

Mr. Greenman said he is not comfortable with "B-2PUD". He would prefer it be zoned "R-2" with the ability to rezone it in the future with a development plan. He would prefer it be like the Kaper property which has worked well.

Mr. Hayden asked if there is an annexation agreement. Ms. Bhide said they are currently working on it. Mr. Hayden said that agreement dictates what goes on the property. There will be an agreement for how the property will develop without benefit of a plan being presented. Mr. Hayden said he is struggling with this parcel.

Mr. Goss asked if after the property is annexed the City can do a safety inspection and require things to be fixed up. Mr. Richter said a safety inspection is more for repairing lights and exits, or moving combustible materials.

Mr. Gavle asked how close water and sewer is to this property. Mr. Richter said it is approximately 1,400 feet.

Mr. Greenman asked about Council referring this back to them. Ms. Bhide said all annexations go to Council to be referred back to the PZC. Mr. Greenman said they need guidance. They don't control the annexation agreement but do make recommendations on Comprehensive Land Use Plan amendments.

Mr. Goss said an amendment to the Comprehensive Plan would need to take into account the other properties in the area. Both sides of Ackman Road are residential. Mr. Jouron said the best solution is to annex the property so we can control it. Mr. Esposito said they need to think outside the box. What could go here? Commercial is close to this property already. Mr. Skluzacek said he can't agree with the request until he knows what will be going there. He can't go for it.

Mr. Hayden feels that the zoning of the property should not make it a legal non-conforming lot when annexed. He agrees that it should be annexed so the City controls it but he isn't sure if "B-2PUD" is right. He is also concerned with leaving out the towers property. All parcels are zoned whether it is in the County or in a municipality. Mr. Hayden said he is not stating that business would be wrong on this property. The property at Bard and Huntley is surrounded by residential.

PLANNING AND ZONING COMMISSION MAY 7, 2014 PAGE 4

Mrs. Lapetina said they are looking to the future – the next 5 to 7 years. She understands they want the best for their community. They haven't done anything wrong on this property.

Mr. Esposito said the Comprehensive Plan shows what the City would like in an area without changing the zoning. It is hard to change the zoning without a plan or a vision for the property. Zoning is legal and is set while the Comprehensive Plan is visionary. He said potential developers look at the Comprehensive Plan first.

Mr. Goss said they can ask Council whether they would like the PZC to review the Comprehensive Plan for this area.

Mr. Zanck said he would like action taken on the Special Use Permit portion of the request. Mr. Goss said they can't act on anything regarding property not within the City limits.

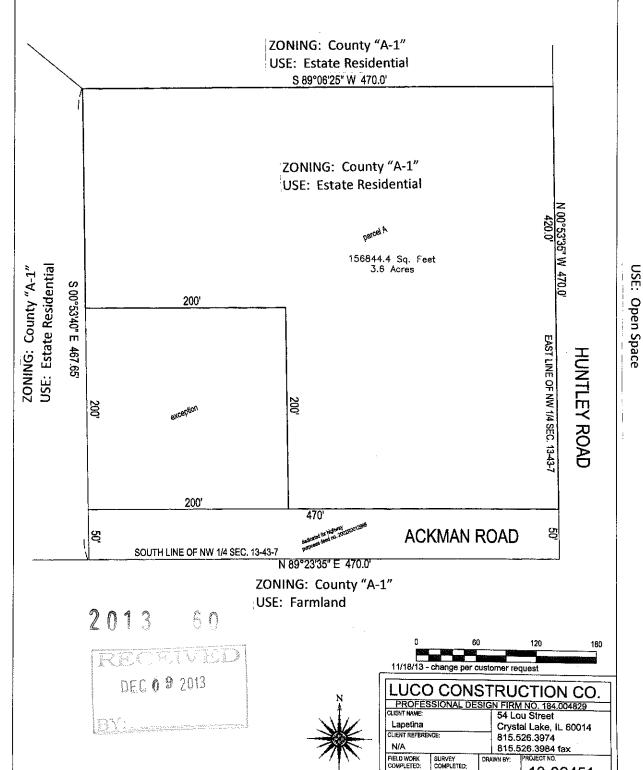
Mr. Greenman recalled several instances where the annexation agreement development requirements were not exactly what they would prefer there.

Mr. Zanck said he understands the Commissioners' position and asked that this request be tabled to give everyone sufficient time to review the Comprehensive Plan. Mr. Hayden suggested that this request be continued to a date certain.

Mr. Goss moved to continue 2013-60 Lapetina Annexation to August 20, 2014 PZC meeting and requesting City Council to refer back to the Planning and Zoning Commission to review a subarea of the Comprehensive Lane Use Plan to determine what changes need to be made if any. Mr. Jouron seconded the motion. On roll call, all members voted aye. Motion passed.

Mr. Hayden said he would love to see the property within the City but they want to be sure they are doing the right thing.

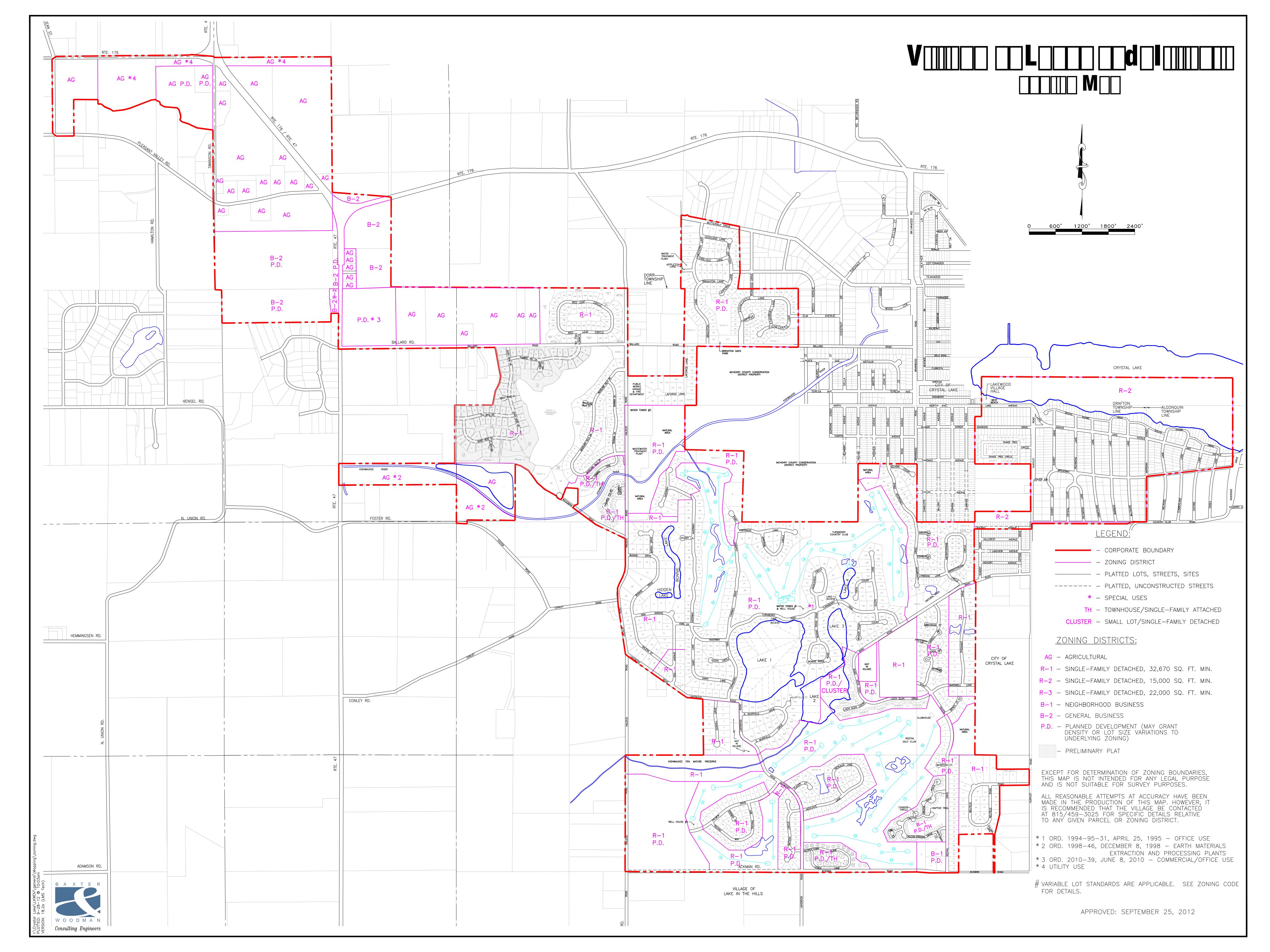
PARCEL A: BEGINNING AT THE INTERSECTION OF THE CENTER LINES OF ACKMAN ROAD AND HUNTLEY ROAD; THENCE NORTH 0 DEGREES 53 MINUTES 35 SECONDS WEST, ALONG THE CENTER LINE OF SAID HUNTLEY ROAD, 470.0 FEET; THENCE SOUTH 89 DEGREES 06 MINUTES 25 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, 470 FEET; THENCE SOUTH 0 DEGREES 53 MINUTES 40 SECONDS EAST, 467.65 FEET TO THE CENTER LINE OF SAID ACKMAN ROAD; THENCE NORTH 89 DEGREES 23 MINUTES 35 SECONDS EAST, ALONG SAID CENTER LINE, 470.0 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS. (EXCEPTING THE SOUTH 50 FEET THEREOF, DEDICATED FOR HIGHWAY PURPOSES) AND (ALSO EXCEPTING THEREROM THE SOUTH 200 FEET OF THE WEST 200 FEET, AS MEASURED ALONG THE SOUTH AND WEST LINES THEREOF OF THE ABOVE DESCRIBED PROPERTY).

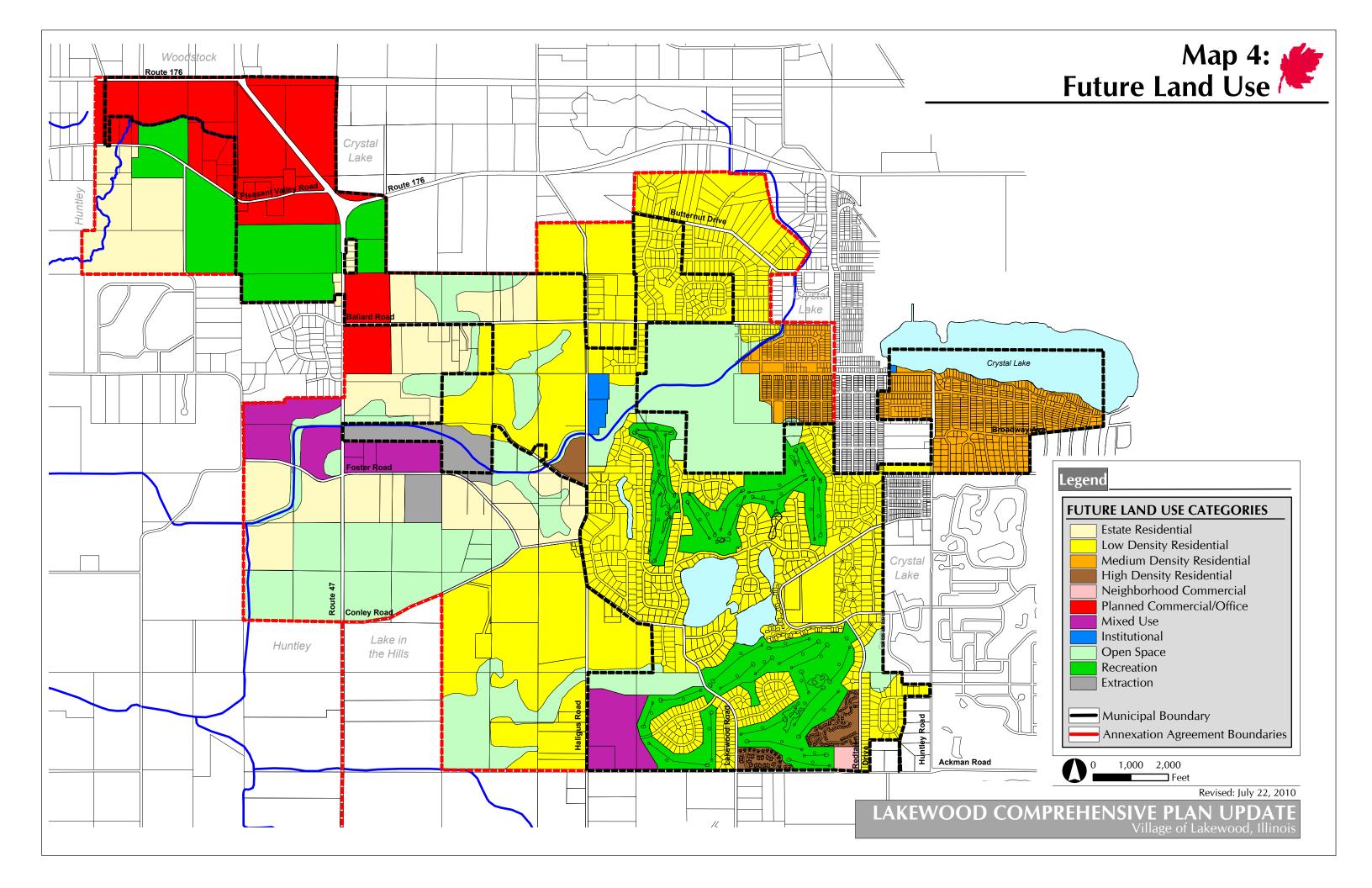


ZONING: City of Crystal "R-1"

13-32451

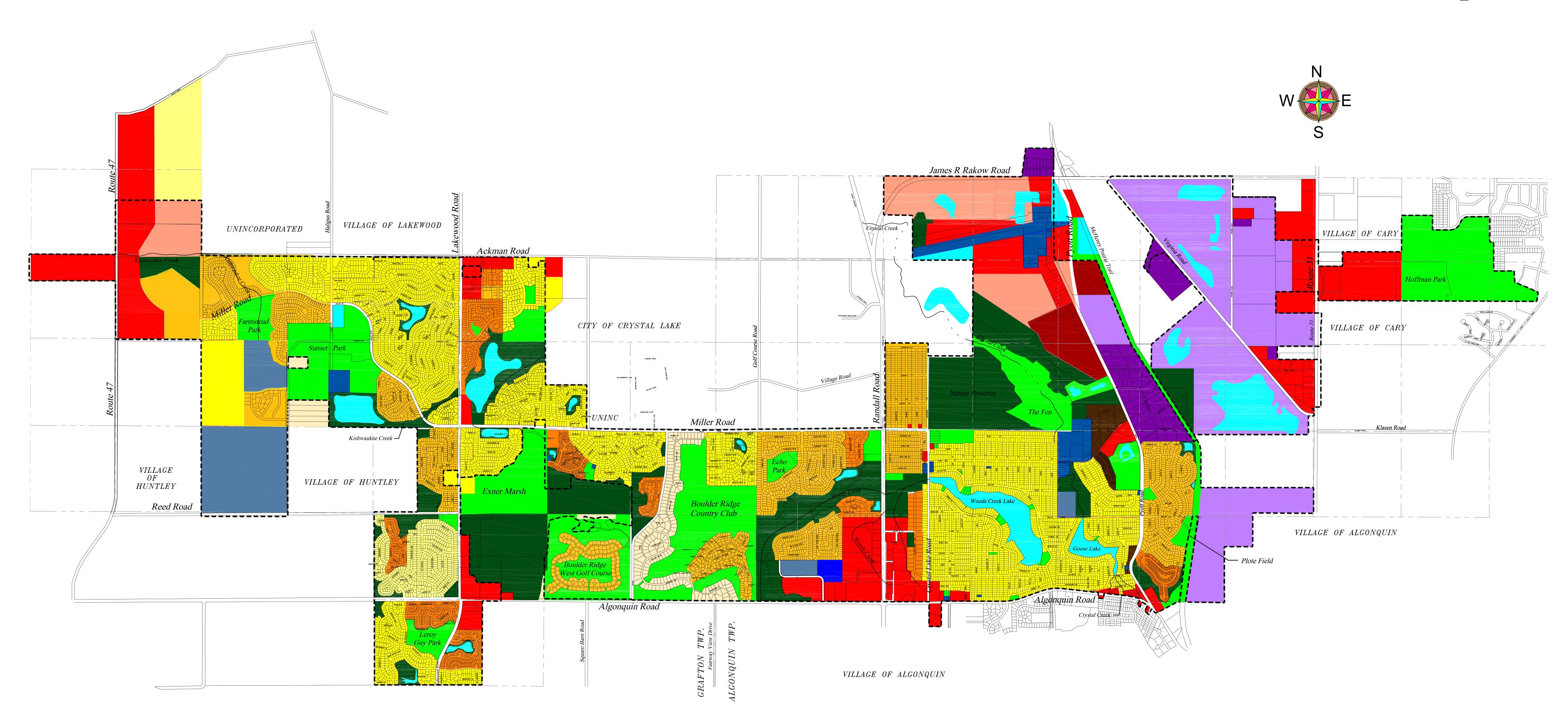
10/22/13





Village of Lake in the Hills

Future Land Use Map



Legend

