



#2012-74

Blomsness Thebault Annexation

Project Review for Planning and Zoning Commission

Meeting Date: January 21, 2015

Request:

- 1) Rezoning upon annexation to M-Manufacturing.
- 2) Zoning Variation from Article 2-400 C(8), the requirement of outdoor storage of commercial vehicles and equipment to be screened.
- 3) Zoning Variation from Article 4-200 C, the requirement of off-street parking surfacing, to allow the existing gravel parking lot to remain.

Location: 6813 Sands Road

Acreage: Approximately 5.02 acres

Existing Zoning: I-1 Industry (McHenry County)

Surrounding Properties:

North:	M – Manufacturing
South:	M PUD- Manufacturing PUD
East:	M – Manufacturing
West:	M – Manufacturing

Staff Contact: Kathryn Cowlin (815.356.3798)

Background:

- **Existing Use:** The property is currently improved with the Blomsness Thebault Company and its associated carnival ride/equipment repair business and ancillary outdoor storage. Blomsness Thebault is a carnival management company and hosts a range of carnival events across the country.
- The three buildings on the property range in age, constructed between 1978-2000.
- The existing conditions of the property would be allowed to remain as is upon annexation into the City and allowed to continue for the term of the annexation agreement.
- **History:** This property is a county island, meaning it is surrounded by the City. City staff contacted the property owner and encouraged them to file an application for annexation.

Development Analysis:

General

- **Request:** To zone the property M-Manufacturing upon annexation and allow the existing uses and improvements to remain via the annexation agreement. In addition, zoning variations for the existing outdoor storage of vehicles without screening and gravel parking area are needed.
- **Land Use:** The land use map shows the property as Industry. No Comprehensive Land Use Plan Map Amendment is necessary.
- **Zoning:** The property is currently zoned I - Industry in McHenry County. The property will be rezoned to M-Manufacturing, which is appropriate for the existing manufacturing business.

2030 Comprehensive Land Use Plan Summary Review:

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

Land Use

Goal: Support manufacturing uses within the community which contribute to the regional and local economy and Crystal Lake’s live, work, play philosophy.

This can be accomplished with the following supporting action:

Supporting Action: Expand and attract manufacturing users which provide jobs, services, and products strengthening the City’s economy.

Findings of Fact:

REZONING

- The property is currently zoned I - Industry in McHenry County. Property annexed into the City of Crystal Lake comes in as E, Estate zoning.
- The property would be rezoned to the City's M-Manufacturing upon annexation.

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 a variations from Article 4-200 C, for the off-street parking lot surfacing requirement to allow the gravel parking lot to remain, and Article 2-400 C(8), for outdoor storage without screening to remain.

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 variations be denied.

Recommended Conditions:

1. A motion to recommend approval of the petitioner's request to rezone the subject property to "M" Manufacturing district upon annexation, allowing the existing uses and improvements via the annexation agreement.
2. The Variation from Article 2-400 C(8) for outdoor storage without screening is hereby granted..
3. The Variation from Article 4-200 C for the gravel parking lot is hereby granted.
4. Any other improvements that are made to the property shall comply with the Unified Development Ordinance standards.
5. The petitioner shall comply with the requirements of the Community Development Department, Public Works, Police and Fire Rescue Departments.

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BY:

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JMB/pmc

10/23/14

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

The undersigned Petitioner respectfully petitions to annex to the City of Crystal Lake, McHenry County, Illinois, the territory described in Exhibit "A" which is attached hereto and made a part hereof, and states as follows:

1. That the territory described in Exhibit "A" is not within the corporate limits of any municipality.
2. That the territory described in Exhibit "A" is contiguous to the City of Crystal Lake, McHenry County, Illinois.
3. That the territory described in Exhibit "A" has no electors residing thereon.
4. That the Petitioner is the owner of record of all land within the territory described in Exhibit "A".

Wherefore, Petitioner respectfully requests the Corporate Authorities of the City of Crystal Lake, McHenry County, Illinois, to annex the territory described in Exhibit "A" to said City in accordance with the provisions of this Petition and pursuant to the terms of a proposed Annexation Agreement, and in accordance with the law in such case made and provided.

DATED this 17th of December, 2014.

SIGNED:

CHICAGO TITLE LAND TRUST CO., Successor Trustee to Capital Bank and Trust, under Trust Agreement No. 2104, dated September 13, 1990, and not personally

By: [Signature]
ASST. VICE PRESIDENT
Its Trust Officer



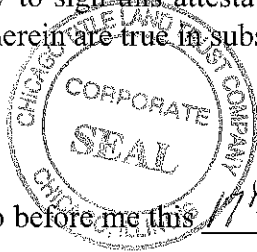
ATTEST: pursuant to corporate by-laws.

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

STATE OF ILLINOIS

COUNTY OF COOK

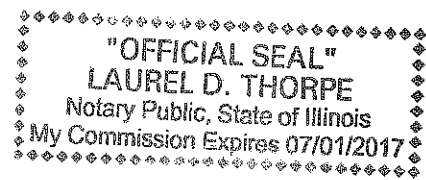
I, the undersigned, being sworn on oath depose and state that I have the authority to sign this attestation, that I am familiar with the matters therein and that the matters stated therein are true in substance and in fact.



Laurel D. Thorpe
CHICAGO TITLE LAND TRUST CO
ATTORNEY UTA #2104 & NOT PERSONAL NY
AVPV T.O.

Subscribed and sworn to before me this 17th day of December, 2014.

Laurel D. Thorpe
Notary Public



The information contained in this certification has been furnished to the land trustee by the beneficiaries of trust no. 2104, and the certification is made solely in reliance thereon and no responsibility is assumed by the trustee in its individual capacity, for the truth or accuracy of the facts therein stated.

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

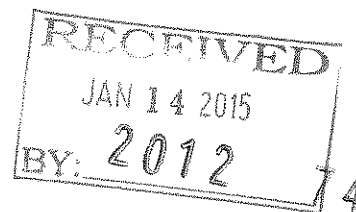
EXHIBIT A
LEGAL DESCRIPTION
OF
PREMISES

THAT PART OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 3, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY, SAID POINT BEING 30 FEET WESTERLY (AS MEASURED AT RIGHT ANGLES) FROM THE CENTER LINE OF A PUBLIC HIGHWAY RUNNING IN A NORTHEASTERLY AND A SOUTHWESTERLY DIRECTION AND COMMONLY KNOWN AS SANDS ROAD; AND RUNNING THENCE NORTHWESTERLY ON THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY, FOR A DISTANCE OF 760.0 FEET TO A POINT; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, AT THE LAST DESCRIBED POINT, FOR A DISTANCE OF 304.3 FEET TO A POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ON THE LAST DESCRIBED LINE EXTENDED FOR A DISTANCE OF 350.0 FEET; THENCE SOUTHEASTERLY PARALLEL WITH THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD COMPANY, 575.62 FEET TO A POINT, SAID POINT BEING 30 FEET WESTERLY (AS MEASURED AT RIGHT ANGLES) FROM THE CENTER LINE OF SAID SANDS ROAD, THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER LINE OF SAID SANDS ROAD, 363.63 FEET; THENCE NORTHWESTERLY AND PARALLEL WITH THE NORTHERLY RIGHT OF WAY OF SAID RAILROAD COMPANY, 674.25 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PIN No.19-03-453-002

COMMONLY KNOWN AS: 6813 SANDS RD, CRYSTAL LAKE IL 60014

BOLZ & McCARTY, LLC
ATTORNEYS AT LAW



JAMES M. BOLZ
jbolz@mhbm.com

KEVIN M. McCARTY
kmccarty@mhbm.com

895 West Main Street
West Dundee, Illinois 60118-2058

Telephone: 847-428-6107
Facsimile: 847-428-6078

October 21, 2014

Ms. Michelle Rentzsch
Director of Community Development
City of Crystal Lake
100 W. Woodstock Street
Crystal Lake IL 60014

Dear Michelle:

As you may recall, this Office represents Blomsness Thebault Co. to whom you directed your correspondence of August 8, 2014, a copy of which is enclosed.

My client is now in a position to proceed with this Annexation. In that regard, I have enclosed herein the following documents:

1. Copy of a survey of the property prepared by Alan J. Coulson, P.C. and dated June 18, 1996. There have been no changes to the property since that survey;
2. Sheet showing the legal description, permanent index number and address of the property;
3. Copy of the Trust Agreement. This Trust has been taken over by Chicago Title Land Trust Company. They will be signing the actual Petition and related documents.

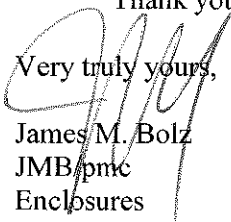
No one resides on the property as it is used mainly for storage and repairs and maintenance to equipment.

Would you kindly forward to me a revised Annexation Agreement with the information I have supplied herein, along with a proposed draft of your Annexation Ordinance – Exhibit B to the Agreement and Zoning Map Ordinance - Exhibit C to the Agreement.

Finally, while the Annexation Agreement provides that “Annexation Fees for the subject property are waived.” I assume there are no other fees that would be due and owing with regard to this matter. Kindly advise.

Thank you for your attention to this matter.

Very truly yours,


James M. Bolz
JMB/pmc
Enclosures

cc: Steve Thebault



PIQ

SANDS RD

ROUTE 14

ROUTE 31

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

IN THE MATTER OF THE APPLICATION OF)
Chicago Title Land Trust Company as Trustee under)
Trust Agreement known as Trust No. 2104)

LEGAL NOTICE

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 of the City of Crystal Lake upon the application of Chicago Title Land Trust Company as Trustee under Trust Agreement known as Trust No. 2104 for the following described real estate commonly known as 6813 Sands Road, Crystal Lake, Illinois 60014, PIN: 19-03-453-002. The land contains the site of Blomsness-Thebault Company.

The petitioner seeks a classification of M-Manufacturing upon annexation to allow multiple existing buildings to remain on site, a zoning variation from Article 2-400(C)(8) for outside storage of commercial vehicles and equipment without screening, and any other variations as necessary to approve the plans as presented. The existing uses include office space, amusement ride repairs, maintenance and storage. This request will allow the existing facility and operations to continue upon the annexation of the property into the City of Crystal Lake. 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 January 21, 2015, 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

(TO BE PUBLISHED IN THE NORTHWEST HERALD ON OR BEFORE January 6, 2015)

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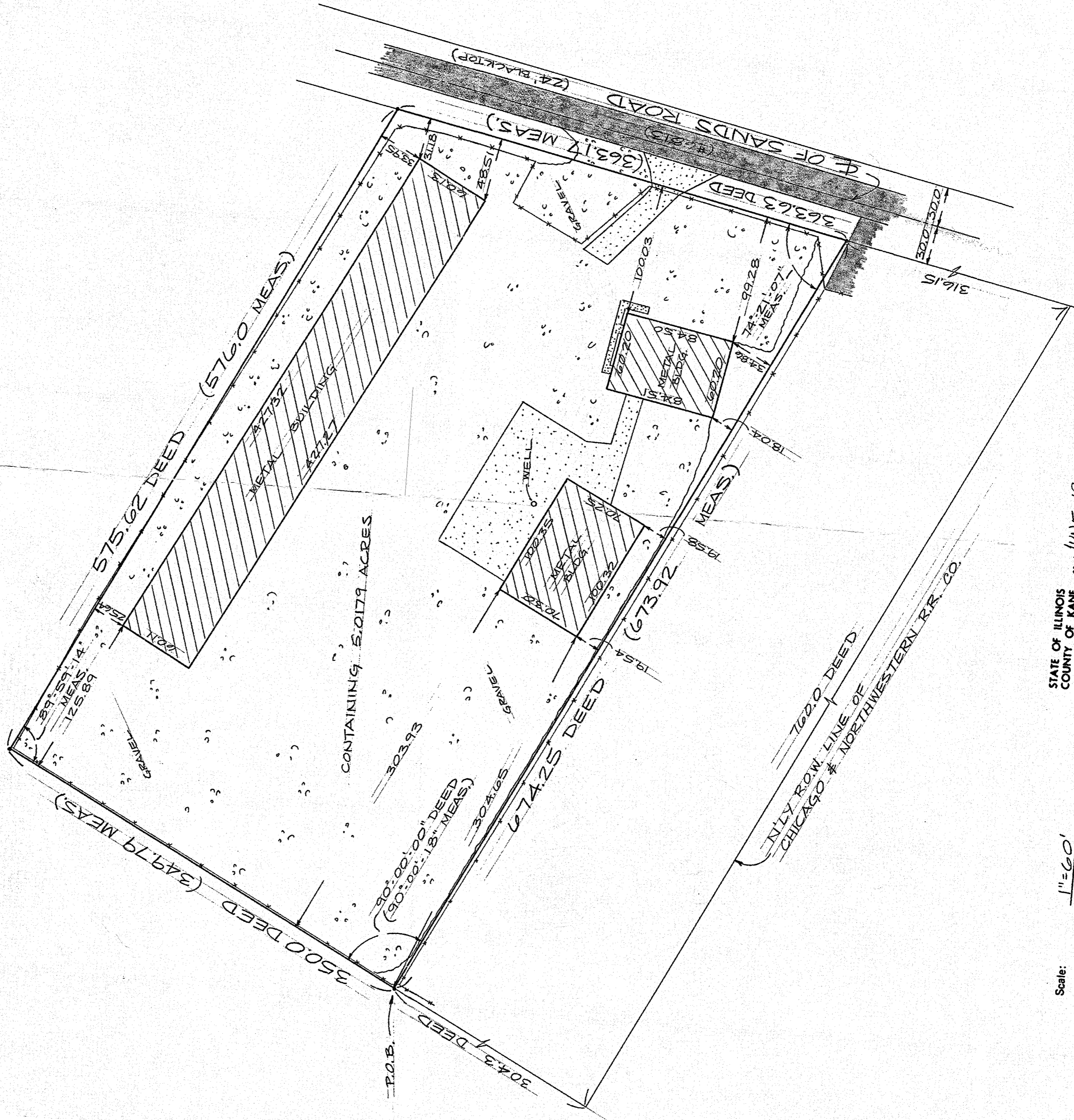
2012 74

ALAN J. COULSON, P.C.
PROFESSIONAL LAND SURVEYORS

Plat of Survey

OF PROPERTY DESCRIBED AS:

That part of the South Half of the Southeast Quarter of Section 3, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at a point on the Northernly right of way line of the Chicago and Northwestern Railroad Company, said point being 30 feet Westerly (as measured at right angles) from the center line of a public highway running in a Northernly and a Southernly direction and commonly known as Sands Road, and running thence Northernly on the Northernly right of way line of the Chicago and Northwestern Railroad Company, for a distance of 760.0 feet to a point; thence Northernly at right angles to the last described line, at the last described point, for a distance of 304.3 feet to a point of beginning; thence continuing Northernly at right angles to the last described line, extended for a distance of 350.0 feet to a point of beginning; thence continuing Northernly at right angles to the last described line, at right angles) from the center line of said Sands Road, 363.63 feet; thence Southernly parallel with the Northernly right of way line of said Sands Road, 674.25 feet; thence Northernly and parallel with the Northernly right of way of said Railroad Company, 674.25 feet to the point of beginning, in McHenry County, Illinois.



Scale: 1"=60'
Ordered: American Chartered Bk
Owner: Thebault
Page: 19-03-4
Drawn: [Signature]
Job: B48.917SI
City: Crystal Lake

STATE OF ILLINOIS
COUNTY OF KANE ss JUNE 18, 1996
This is to certify that the plat hereon drawn correctly indicates the above described property.

Alan J. Coulson

Any discrepancy in measurement should be promptly reported to surveyor for explanation or correction.

WE DO NOT CERTIFY AS TO LOCATION OF UNDERGROUND UTILITIES OR UNDERGROUND IMPROVEMENTS.

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL

ALAN J. COULSON, P.C.
PROFESSIONAL LAND SURVEYORS
ILLINOIS - WISCONSIN
205 W. MAIN ST.
W. DUNDEE, IL 60118
PHONE 847-426-2911

Compare the description on this plat with deed. Refer to deed for easements and building lines.