

APPLICATION FOR SPECIAL USE

CASE# \_\_\_\_\_  
Revision #1: \_\_\_\_\_  
Revision #2: \_\_\_\_\_  
Revision #3: \_\_\_\_\_  
For office use only

I. APPLICANT:

Cunat Inc. Yes  
Name Corporation

5400 W. Elm St  
Street

McHenry IL 60050  
City State Zip Code

Brian G. Cunat 815/385-3871 815/385-2068  
Contact Person Telephone Number Fax Number

Owner, Developer  
Relationship of Applicant to subject Property (e.g. Owner, Developer, Contract Purchaser, etc.)

II. OWNER (if different from Applicant)

Cunat Multi-Family Fund II LLC  
Name Corporation

5400 W. Elm St  
Street

McHenry IL 60050  
City State Zip Code

Brian G. Cunat 815/385-3871 815/385-2068  
Contact Person Telephone Number Fax Number

Owner, Developer  
Relationship of Applicant to Subject Property (e.g. Owner, Developer, Contract Purchaser, etc.)

III. ACTION REQUESTED (Check applicable boxes):

Special Use for a Planned Unity Developer for a Multi-family residential development.

Any additional requests, which are being processed with the Special Use (i.e. departures, rezoning, variations, etc.):

See Attached (TBD)

Is this Special Use for property currently within the Village limits?

- Yes.
- No, requesting annexation.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.

IV. APPLICANT'S CONSULTANTS:

Attorney: \_\_\_\_\_ Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Builder: Cunat Inc. Telephone Number: 815/385-3871 Fax Number 815/385-2068

Developer: Cunat Inc. Telephone Number: \_\_\_\_\_ Fax Number \_\_\_\_\_

Engineer: \_\_\_\_\_ Telephone Number: \_\_\_\_\_ Fax Number \_\_\_\_\_

V. PROJECT DATA:

1. Legal Description of Property ( from survey, title policy, attach if necessary): \_\_\_\_\_

Terra Springs Subdivision; Lot 1

Terra Springs Subdivision; Lot 2

a. Township: Grant

b. PIN#(s): 05-22-401-015; 05-22-401-016

2. Address or General description of the site: 0 Hartigan Rd.

Lot 1: north of Hartigan Rd. between Home Depot and Terra Springs

Lot 2: south of Hartigan Rd. between Home Depot and Terra Springs

3. Existing zoning on the site: MU-2 w/ SUP

4. Acreage of the site: 17.091 Acres

5. Character of surrounding area:

	Zoning	Jurisdiction	Existing Land Use
North	R-1; E-1	Fox Lake	Residential – Single Family
South	MU-2 w/ SUP	Volo	Residential – Townhomes
East	MU-2 w/ SUP	Volo	Residential – Townhomes
West	B-3	Volo	Residential – Retail

6. List Controlling Ordinances (annexation agreement, development agreement, site plans, any ordinances annexing or zoning the property, if any): \_\_\_\_\_

O-98-92 (Annexation Agreement), O-98-94 (Annexation Ordinance), O-98-96 (Re-Zoning & PUD Ordinance), O-99-103 (1<sup>st</sup> Amendment-Annexation Agreement), O-99-108B (2<sup>nd</sup> Amendment-Annexation Agreement)

7. Detailed description of the Special Use requested including type of use, square footage or building or space to be occupied, by the Special Use, hours of operation, and number of parking spaces to be provided (use additional sheet, if necessary): To allow for (11) 3 story apartment buildings and (1) one story clubhouse to be constructed on a (20 parcel site. 240 total apartments units. Height not exceed 37'-8".

8. Standards for Special Uses: Please provide a statement for each Standard set forth below as to how the proposed Special Use meets or complies with the Standard:

- a. The proposed use the specified location is consistent with the Comprehensive Plan.

Please see attached document

- b. The proposed building or use will not diminish the value of adjacent and nearby properties.

By providing adequate setbacks, fencing, and landscaping. This project provides a transitional buffer between heavy use commercial to the west and low density multi-family to the east.

- c. The proposed use at the specified location will not substantially or unduly increase traffic, traffic congestion and on-street parking demand in the immediate vicinity of the proposed use and in the area affected by traffic generated by the proposed use.

No on street parking is allowed, project will widen existing streets to more than compensate for already planned traffic. Only construct 240 apartments units vs. 380 original approved for site.

- d. The proposed use has been designed to provide for adequate ingress and egress to minimize potential vehicle conflicts and congestion in public streets.

As per city requests, ingress and egress pre-designed to minimize any disruption.

- e. The proposed building or use will not adversely affect or change the character of the area in which it is located.

Please see attached document

f. The proposed use at the specified location will not adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

No, not at all

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g. Adequate utility, drainage, parking and other necessary facilities to service the proposed use will be provided and that such utility, drainage, parking and other necessary facilities will not adversely affect the use, development and value of adjacent and nearby properties.

No, not at all

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h. The proposed building, other structures and use comply with any and all regulations, conditions or requirements of the Village of Volo applicable to such building, structure or use.

Yes, with height variation being requested and removal of sidewalk on south side of Hartigan Rd between the Home depot and the Clubhouse-large drop off to detention area

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i. That the exterior architectural appeal and function of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district to cause a substantial depreciation in property values in the neighborhood.

Elevations of Buildings to compliment all adjacent Buildings

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9. Other Information:

Please see attached document explaining the Community Benefit Statement -----

Estimated time frame for construction

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Authorized Signature of Applicant:

*[Handwritten Signature]*

Dated: 3-20-2020

Authorized Signature of Owner:

*[Handwritten Signature]*

Dated: 3-20-2020

Subscribed and Sworn to before me,  
a Notary Public this 20<sup>th</sup> day of  
March, 2020

*[Handwritten Signature]*  
Notary Public



Subscribed and Sworn to before me,  
a Notary Public, this 20<sup>th</sup> day of  
March, 2020

*[Handwritten Signature]*  
Notary Public



DISCLOSURE OF BENEFICIARIES

Cunat INC.

Name

5400 W. Elm St. McHenry, IL 60050

Address

2) Nature of Benefit sought: Approval of Final PUD amendment

3) Nature of Applicant: (please check one)

X a. Natural Person

X b. Corporation

c. Land Trust/Trustee

d. Trust/Trustee

e. Partnership

f. Joint Venture

4) If applicant is an entity other than described above, briefly state the nature and characteristics of applicant:

5) If in your answer to Section 3 you checked box b, c, d, e or f. identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of C3Se of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

Name	Address	Interest
a. Brian G. Cunat	6206 Katmei Dr. McHenry IL 60050	50%
b. John C. Cunat	6101 Chickaloon Dr. McHenry IL 60050	50%
c.		
d.		

6) Name, address and capacity of person making this disclosure on behalf of the applicant:

Brian Cunat President, Owner

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

VERIFICATION

I, Brian G. Cunat being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

[Handwritten signature of Brian G. Cunat]

Subscribed and Sworn to before me this 20th day of March, 2020.

[Handwritten signature of Notary Public]

Notary Public



## **Requested Departures**

### **Zoning Ordinance**

- **Maximum Building Height (§5.7.4.d):**  
37 FT 7¾ IN rather than 35 FT
- **Street Yard (§5.7.4.c.1):**  
16.76 FT rather than 20 FT – Building #6  
16.98 FT rather than 20 FT – Building #8  
18.28 FT rather than 20 FT – Building #11
- **Floor Area Ratio (§5.7.4.e):**  
0.51 rather than 0.40 – Lot 1
- **Interior Parking Lot Landscaping (§7.6.3):**  
5,455 SF rather than 8,575 SF – Lot 2
- **Perimeter Yard Landscaping (§7.6.5):**  
30 trees rather than 43 trees – Lot 2

### **Subdivision Ordinance**

- **Sidewalk (§V.C.5.a):**  
No sidewalk on the south side of Hartigan Road from the central access point west to the property line.

Special Use Application:

8. The proposed use the specified location is consistent with the Comprehensive Plan.

a. Multi-family high density is consistent with the Village's long range plan it acts as a buffer and transition from heavy use commercial to low density multi-family.

e. This will enhance the area by complimenting the existing architecture of the adjacent townhomes. The use of materials that are equal to or more architecturally pleasing than neighboring subdivision. The use of substantial brick, architecture grade shingles, no maintenance siding, and detailed appointments will add to a luxurious curb appeal.

11. a. A state of the art site design incorporates the existing topography and landscaping with the new building. This design will enhance the existing site.

b. All existing storm water and detention areas will be utilized, no new areas will be disturbed for water retention. Large areas of the site will be set aside with deed restrictions protecting them from any further construction in the future.

c. Architectural designs have been carefully planned to blend in with existing homes and townhomes.

d. All buildings and clubhouse are handicap accessible. The clubhouse is designed with an indoor pool to allow for swimming classes. Open space is being permanently set aside for public enjoyment.

e. All existing utilities will be utilized, streets will be widened to accommodate and correct existing traffic concerns.

f. With screening, fencing, and landscaping all adjacent property uses will be shielded.

g. No environmental areas will be affected.

h. The PUD allows for multiple building. These building provide opportunities for landscape areas between them and minimize the appearance of massive buildings.

i. N/A



## Community Benefit Statement

Residential rental properties are an essential part of each community. They provide quality housing that is affordable to numerous groups of people who for various reasons are not in a position to own a home.

People that are in job change situations; people that have experienced economic changes; individuals that have experienced changes in marital status, as well as individuals who are retired, downsizing or are just not in a position to deal with the exterior maintenance of owning a home are all candidates for this type of rental community. Individuals in a rental community, such as The Woods of Terra Springs, also include people that are starting their adult lives and are saving towards their purchase of a more permanent residence.

A healthy community needs to have various forms of residential properties that include high cost single family homes, lower cost owner occupied attached single family dwellings, as well as rental residences. These different types of residences allow for workers in all types of jobs that are available in a community to have the opportunity to be able to live within the community that they work. The Woods of Willow Springs fills a transition between high density commercial and townhouse style residential, and is appropriately located to transition from these various types of uses.

The project will be carefully intertwined with the existing landscape and wooded areas that surround it and therefore the visual impact to surrounding properties will be held to a minimum. Additional screening is planned which will also add to its seclusion.

The widening improvements planned for the existing road infrastructure that will be completed in conjunction with this project will provide existing residents with a smoother flow of traffic.

The amenities that will be constructed with this project will provide residents with high quality life benefits including an indoor swimming pool and exercise and fitness facility. The architecture of the buildings complements all existing neighboring structures and provides a stream of future purchasers for the existing townhome style buildings as they become available in the years to come.

All environmental issues have been taken into consideration and there will not be any negative impacts to storm water. Also, there is a significant amount of deed restricted area on this site which ensures protection of a large section of nature area in perpetuity.

Construction schedule:

Phase 1 Timeframe: 8/15/2020 -10/31/2021

Phase 2 timeframe: 11/1/2021 – 1/31/2023