



#2016-06 77 Woodstock Street SUP and Variation Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	February 17 2016
<u>Requests:</u>	<ol style="list-style-type: none">1. Special Use Permit for a massage therapeutic establishment.2. Variations from Article 4-200 from the required minimum parking of 33 spaces to allow 0 spaces.
<u>Location:</u>	77 Woodstock Street
<u>Acreage:</u>	6,354 square-foot space
<u>Existing Zoning:</u>	B-4 Downtown Commercial
<u>Surrounding Properties:</u>	North: B-4 Downtown Commercial South: B-4 Downtown Commercial East: B-4 Downtown Commercial West: B-4 Downtown Commercial
<u>Staff Contact:</u>	Elizabeth Maxwell (815.356.3615)

Background:

- **Existing Use:** The property is currently vacant. It was formerly Carl's furniture. A furniture store only requires 2 spaces per 1,000 square feet
- **Project:** The owner plans to divide the space for two tenants. The larger anchor tenant would be Blush Salon, currently located Downtown. The secondary tenant would be a coffee shop.

Development Analysis:

General

- **Request:** The petitioner is requesting both a Special Use Permit and a Variation for the required parking.
 - Special Use Permit for a Massage Therapeutic Establishment. The salon plans to offer some rooms for massage. Massage establishments require a Special Use Permit in the B-4 zoning district.
 - The change of use to a more intense use requires the parking variation. The following table illustrates the parking requirements:

<u>Use</u>	<u>Parking Calculation</u>	<u>Parking required</u>
Coffee Shop	1 per 100 SF	23 (70% for Downtown) = 16
Salon	1 per station (12 stations) 1 per employee (maximum 13 employees)	25 (70% Downtown) = 17

The total parking required is 33 spaces. The Downtown area receives a reduced parking requirement and only needs to provide 70% of the required parking. This is due to the fact that significant public parking spaces and on-street parking is available.

The parking lot directly across the street has changed from a commuter lot to a public parking lot providing an additional 73 parking spaces in the area available for Downtown shoppers.

- Land Use: The land use map shows the area as Mixed Use. This land use designation is appropriate for these uses, as well as, a multitude of other uses.
- Zoning: The site is zoned B-4 Downtown Commercial. This zoning district is appropriate for these business uses.

Findings of Fact:

SPECIAL USE PERMIT

The petitioner has requested a Special Use Permit to allow a massage establishment at the subject property. 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. A floor plan, drawn to scale is required illustrating all the services/uses listed.
 Meets Does not meet
A floor plan has been provided.
2. A complete list of the names, residence addresses, with zip codes, and dates of birth of all licensed massage therapists engaged in massage at the massage establishment, as well as current copies of the licenses as issued by the State Department of Professional Regulation of all licensed massage therapists must be provided.
 Meets Does not meet
The salon owner will provide this information.
3. Business records, including the names of clients and the services provided, must be readily available to inspect without prior notice.
 Meets Does not meet

4. All massage establishments subject to this section are declared to be public places, and shall not, during business hours, have the doors to the exits and entrances of such establishment locked or obstructed in any way so as to prevent free ingress and egress of persons; provided, however, that such doors may be closed.
 Meets *Does not meet*
5. Persons under 18 years of age are not permitted in a massage establishment, unless accompanied by his/her parent or legal guardian.
 Meets *Does not meet*
6. At least 75% of the window area of the massage establishment shall be visible, installed with clear, nonreflective windows. Blocking of windows with drapes, blinds or shelving is prohibited.
 Meets *Does not meet*
7. No massage establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.
 Meets *Does not meet*
The petitioner meets this requirement.
8. No residential use is permitted within the massage establishment at any time.
 Meets *Does not meet*
9. Alcohol is not permitted to be served in a massage establishment at any time.
 Meets *Does not meet*
10. By applying for a special use, the applicant is authorizing the City, its agents or employees to seek information and conduct an investigation into the truth of the statements set forth in the application, including an investigation of the applicant's character, qualification and criminal background check.
 Meets *Does not meet*
11. By applying for a special use, the applicant is consenting to unannounced inspections by the City, its agents or employees for the purpose of determining of the provisions of this section are met.
 Meets *Does not meet*
12. Upon sale, transfer or relocation of a massage establishment, the special use will be considered null and void.
 Meets *Does not meet*

Findings of fact:

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation:

- Article 4-200 Parking and Loading. The Downtown, by design, does not provide on-site parking for uses. Within the vicinity there is sufficient on-street and public parking lots. Blush Salon currently operates downtown and all their employees have Z-lot passes, which they would continue to maintain.

The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

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.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Mixed Use. The following goal is applicable to this request:

Unique Areas – Single Family Housing

Goal: Promote the unique architectural, historical, and social aspects of the downtown to stimulate economic and social vitality.

This can be accomplished with the following supporting action:

Supporting Action: Strengthen the economic base of the downtown while diversifying it.

Success Indicator: The number of new occupancies Downtown for “mom and pop” stores.

Recommended Conditions:

If a motion to recommend approval of the petitioner’s request is made, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Kincaid, received 01/28/16)
 - B. Coffee Shop floor plan (Kincaid, received 02/09/16)
 - C. Salon floor plan (Blush Salon, received 02/12/16)
2. The petitioner must comply with the State requirements and provide the City with a copy of every licensed masseuse at the location.
3. The operator of the Blush Salon shall comply with the SUP criteria for massage therapeutic establishments.
4. The parking variation is granted for these two uses, if the uses intensify or a new more intense use locates here, the request will need to be amended to review the parking in the future.
5. All employees for these two businesses must acquire and maintain Z-lot passes.
6. A sprinkler system and water service line upgrade may be necessary depending on use and occupancy.
7. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, and Fire Rescue Departments.

2016 05

City of Crystal Lake Development Application

Office Use Only
File # _____

Project Title: KINCAID (SALON-DAY SPA)

RECEIVED
JAN 28 2016
BY: _____

Action Requested

- Annexation
- Comprehensive Plan Amendment
- Conceptual PUD Review
- Final PUD
- Final PUD Amendment
- Final Plat of Subdivision
- Preliminary PUD
- Preliminary Plat of Subdivision
- Rezoning
- Special Use Permit
- Variation -parking
- Other

Petitioner Information

Name: Kevin Kincaid ✓
 Address: 63 Hilltop Drive
Lake in the Hills, IL 60156
 Phone: 847-893-8556
 Fax: _____
 E-mail: ~~Kevin~~@primecontractinginc.com
Kevin

Owner Information (if different)

Name: MARCO DI FRANCO
 Address: 960 S BUFFALO GROVE
BUFFALO GROVE IL 60089
 Phone: 847-344-1291
 Fax: _____
 E-mail: minospizza@yaho.com

Property Information

Project Description: requesting parking review for a
salon in 3/4 of the space and a
coffee shop in 1/4 of business space
on 1st level.

Project Address/Location: 77 E. Woodstock St., Crystal Lake,

PIN Number(s): 14-32-479-005

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

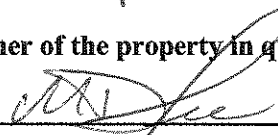
Other: _____

Signatures



PETITIONER: Print and Sign name (if different from owner) 1/27/16
Date

As owner of the property in question, I hereby authorize the seeking of the above requested action.



OWNER: Print and Sign name JAN. 27 2016
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,
MCHEMRY COUNTY, ILLINOIS**

**IN THE MATTER OF THE PETITION
OF Kevin Kincaid**

LEGAL NOTICE

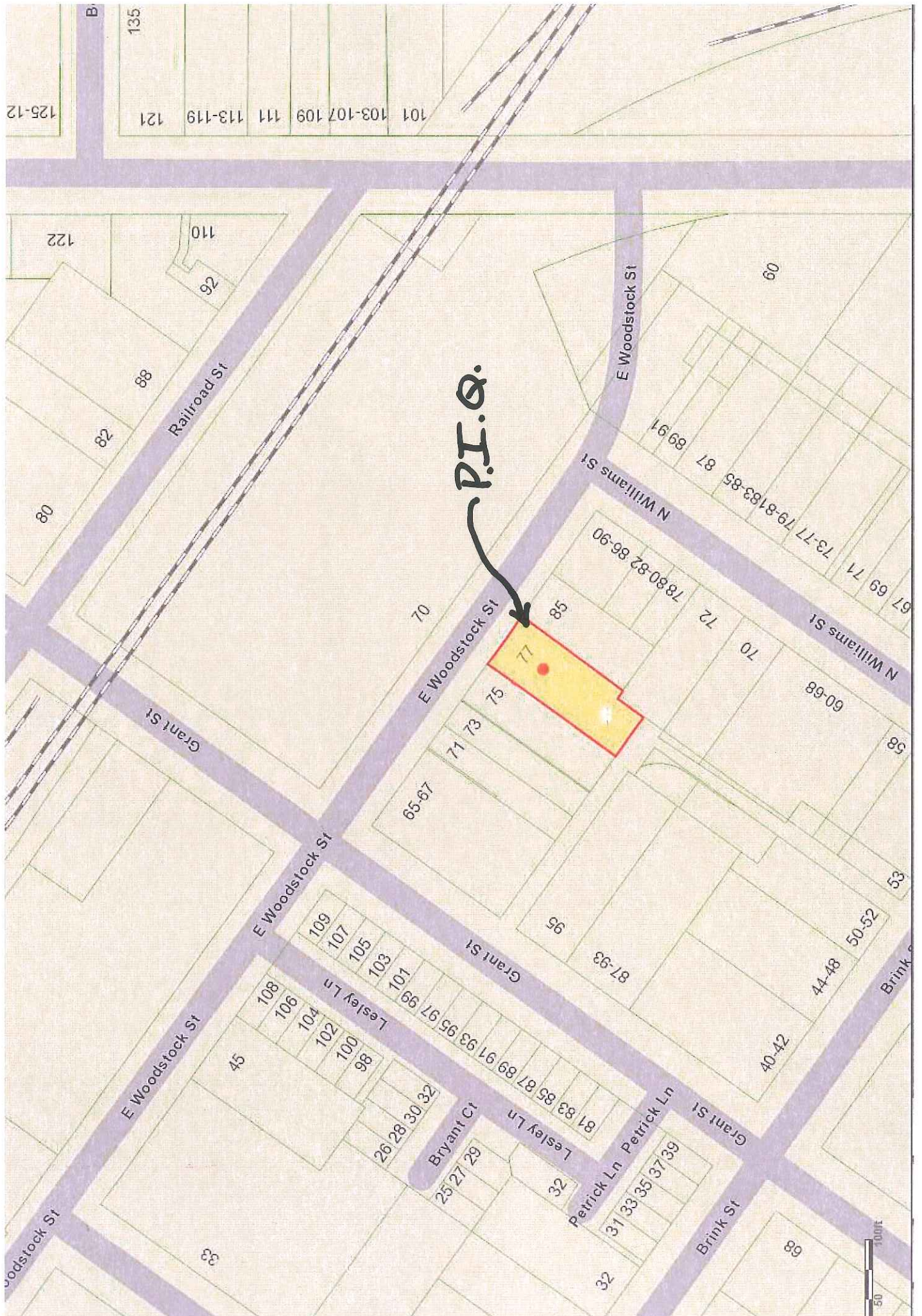
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission on the application by Kevin Kincaid, seeking a Parking Variation and Special Use Permit for 77 E. Woodstock Street, Crystal Lake, Illinois. PIN: 14-32-479-005.

This application is filed for the purpose of seeking a Special Use Permit for a Massage Establishment pursuant to Article 2-300, 2-400 and 9-200 D and a Variation from the required parking pursuant to Article 4-200. Plans for this project can be viewed at the Crystal Lake Community Development Department at 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 17, 2016, 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

(Published in the Northwest Herald
on February 2, 2016) 1155181

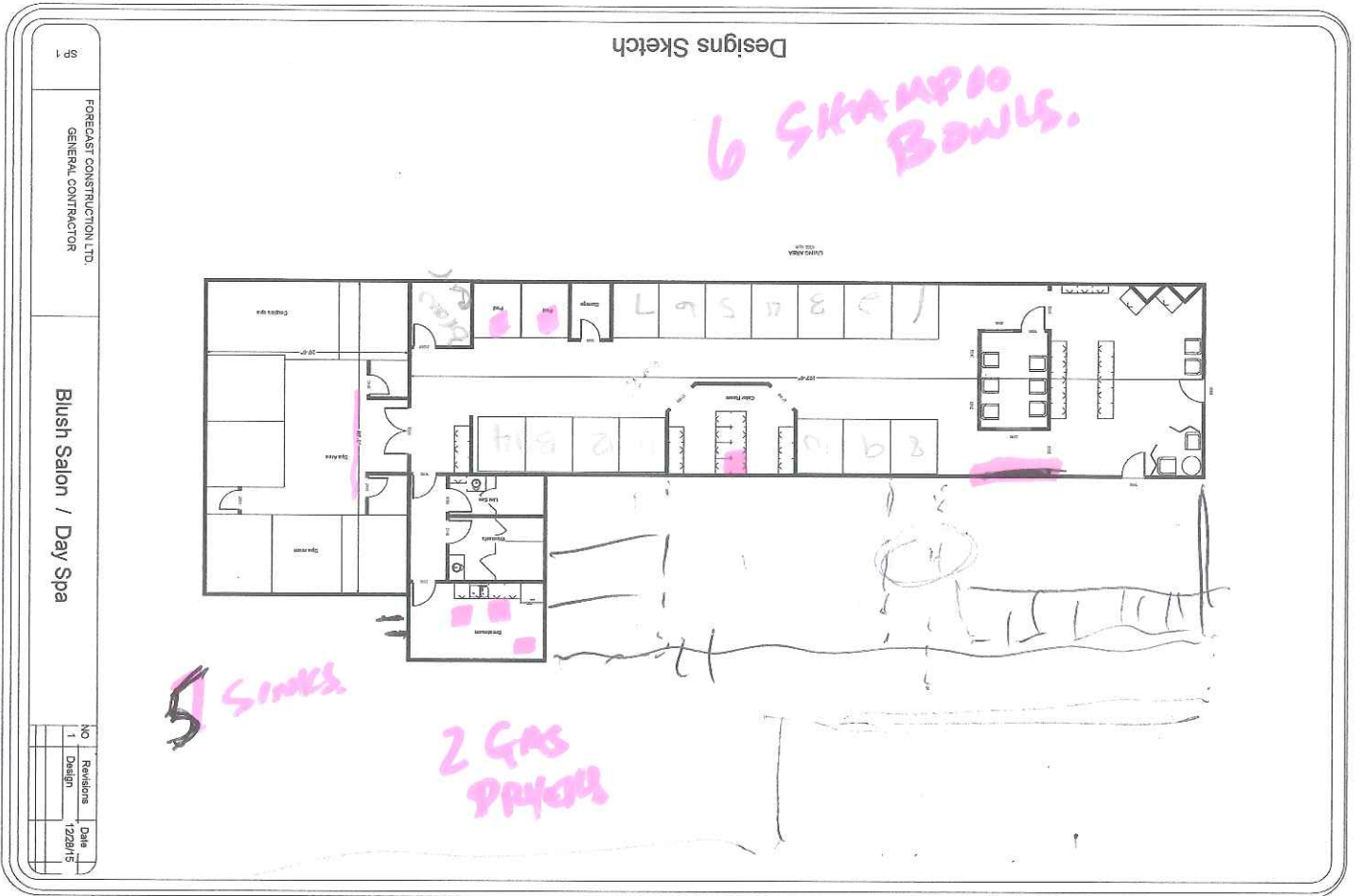


P.I.Q.

50 100ft

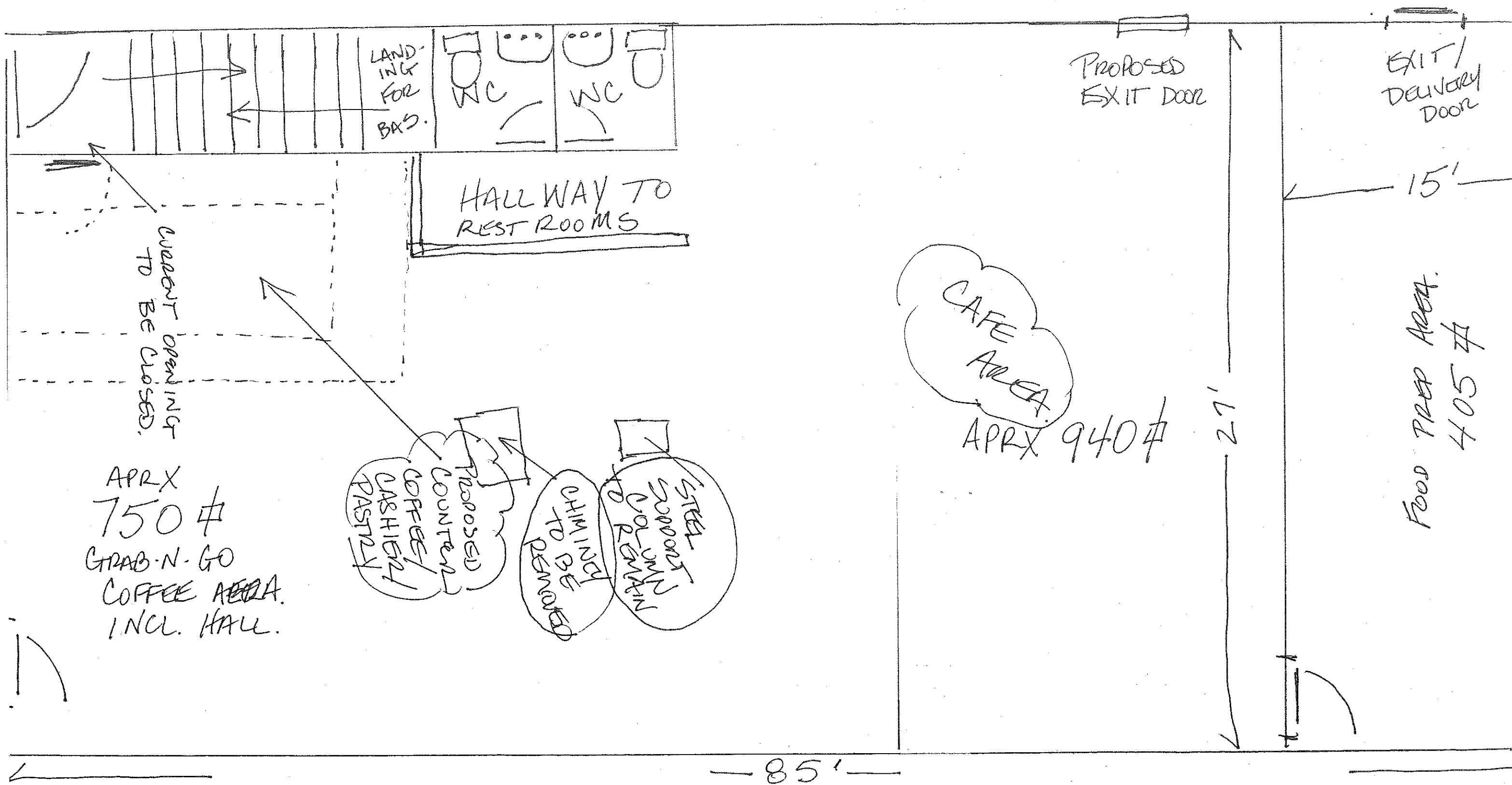
2016 05

RECEIVED
JAN 28 2016
BY:



CHRISTINA
847.651.1101

10 x 10 = 100



PROPOSED
COFFEE/
COUNTER

CHIMNEY
TO BE
REMOVED

STEEL
SPOONST
TO REMAIN

CAFE
AREA
APRX 940 #

APRX
750 #
GRAB-N-GO
COFFEE AREA
INCL. HALL.

CURRENT OPENING
TO BE CLOSED.

LAND-
ING
FOR
BAS.

WC

WC

HALLWAY TO
REST ROOMS

PROPOSED
EXIT DOOR

EXIT/
DELIVERY
DOOR

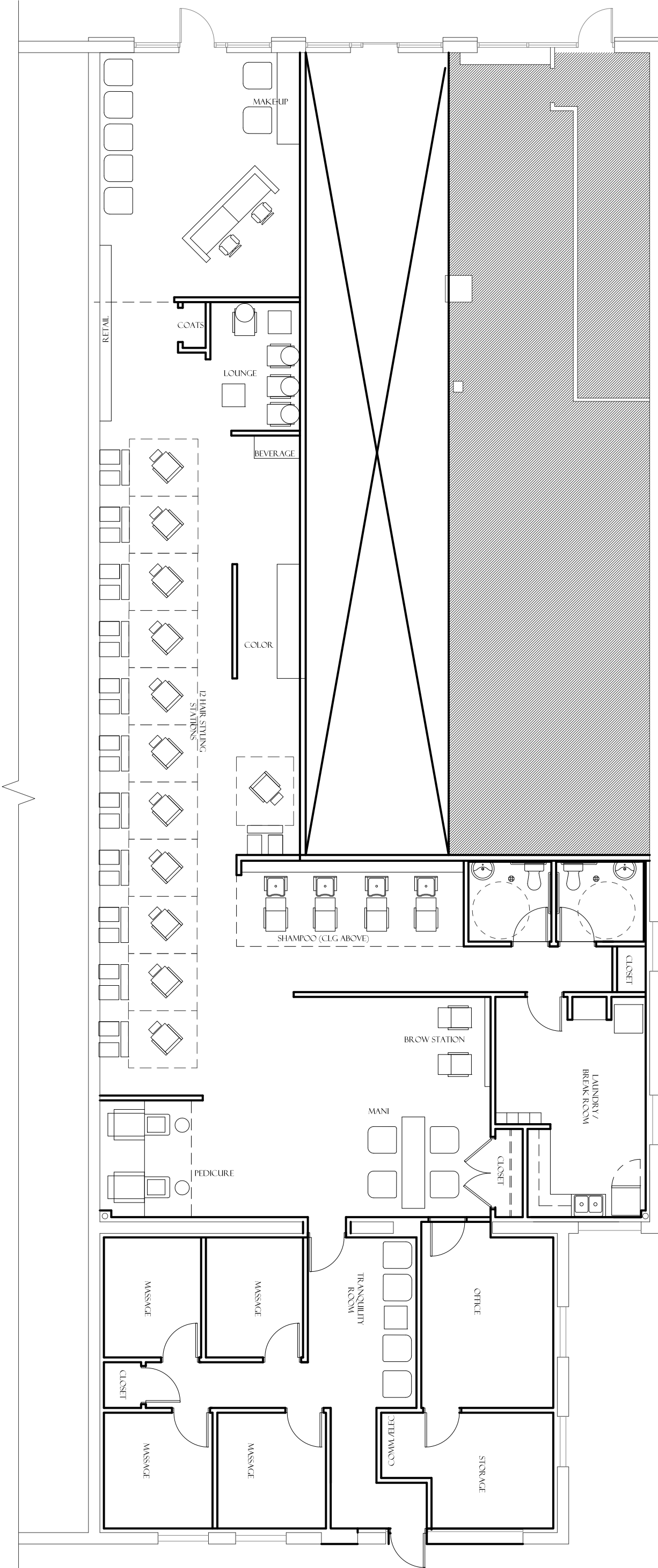
FOOD PREP AREA.
405 #

85'

27'

15'

RECEIVED
2/9/16



PLAN LAYOUT - 2-9-16
 REVISED AREA: 4059 S.F.