



#2016-28

Crystal Lake Plaza Foot Massage – Special Use Permit Project Review for Planning and Zoning Commission

<u>Meeting Date:</u>	August 17, 2016
<u>Request:</u>	1) Special Use Permit to allow a massage establishment; and 2) Variation from Article 2-400(C)(65) to allow the business to be open at 10am and close at 10pm.
<u>Location:</u>	16W Crystal Lake Plaza
<u>Existing Zoning:</u>	B-2 PUD (General Commercial Planned Unit Development)
<u>Surrounding Properties:</u>	North: R-2 (Single-Family Residential) South: B-2 (General Commercial) East: B-2 PUD (General Commercial Planned Unit Development) West: B-2 PUD (General Commercial Planned Unit Development)
<u>Staff Contact:</u>	Kathryn Cowlin (815.356.3798)

Background:

- **Existing Use:** The Crystal Lake Plaza is a commercial shopping center. The subject unit is currently vacant.
- **Background:** The petitioner will operate a foot massage business only. The State of Illinois does not require foot masseuses to have a state license for massage therapy.
- **UDO Requirements:** Massage establishments are required to obtain a special use permit. The special use permit requires all massage establishments to comply with certain criteria.

Development Analysis:

General

- **Request:** The petitioner is requesting a special use permit for a massage establishment and a variation for Article 2-400 to allow the business to close at 10pm, a variation of one hour.
- **Land Use:** The land use map shows the area as Commerce. This land use designation is appropriate for this use.
- **Zoning:** The site is zoned B-2 PUD (General Commercial Planned Unit Development).

2030 Comprehensive Land Use Plan Review:

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

Land Use - Commerce

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: Promote, retain and attract businesses that provide a diverse tax base.

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 therapist's information has been provided.

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 8:00 a.m.
 Meets *Does not meet*
The petitioner is requesting permission to close at 10:00pm.

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*

ZONING ORDINANCE VARIATION

The petitioner is requesting a variation from Article 2-400(C)(65) to allow the business to close at 10pm, a variation of one hour. 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.

Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Yu, dated 06/28/16, received 06/30/16)
 - B. Floor Plan (Yu, received 06/30/16)
 - C. Certificate of Program (received 06/30/16)
2. The hours of operation for the massage establishment can be 8am to 10pm.
3. Business records, including the names of clients and the services provided, must be readily available to inspect without prior notice.
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.
5. Persons under 18 years of age are not permitted in a massage establishment, unless accompanied by his/her parent or legal guardian.
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.
7. No residential use is permitted within the massage establishment at any time.
8. Alcohol is not permitted to be served in a massage establishment at any time.
9. The applicant consents to unannounced inspections by the City, its agents or employees for the purpose of determining of the provisions of this section are met.
10. Upon the petitioner's sale, transfer or relocation of this massage establishment, this special use will be considered null and void.
11. If the business plan for the foot spa expands to include body massage, the petitioner shall submit all massage licenses to the City prior to commencing body massages.
12. The petitioner shall address all of the review comments and requirements of the Community Development, Fire and Police Departments.

City of Crystal Lake Development Application

Office Use Only

File # _____

Project Title: _____

Action Requested

- | | |
|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Preliminary PUD |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Plat of Subdivision |
| <input type="checkbox"/> Conceptual PUD Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Final PUD | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Final PUD Amendment | <input type="checkbox"/> Variation |
| <input type="checkbox"/> Final Plat of Subdivision | <input type="checkbox"/> Other |

Petitioner Information

Name: Andy Yu

Address: 1508 W. Palm Dr.
Mt. Prospect, IL 60056

Phone: 626-203-9257

Fax: _____

E-mail: andy19670108@gmail.com

Owner Information (if different)

Name: Tom Eilers

Address: 650 Roosevelt
Glen Ellyn IL 60137

Phone: 630 858 5205

Fax: _____

E-mail: MADISONCORPORATEGROUP
© GMAIL.COM

Property Information

Project Description: _____

To build eleven rooms and one conference room
for the need of business. Will comply with the city's
regulation for the partition.

Project Address/Location: 16W Crystal Lake Plaza
Crystal Lake, IL 60014

PIN Number(s): 19-05-382-011

Development Team

Please include address, phone, fax and e-mail

Developer: Tom Eilers, Jr., Madison Corporate Group, Inc.

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

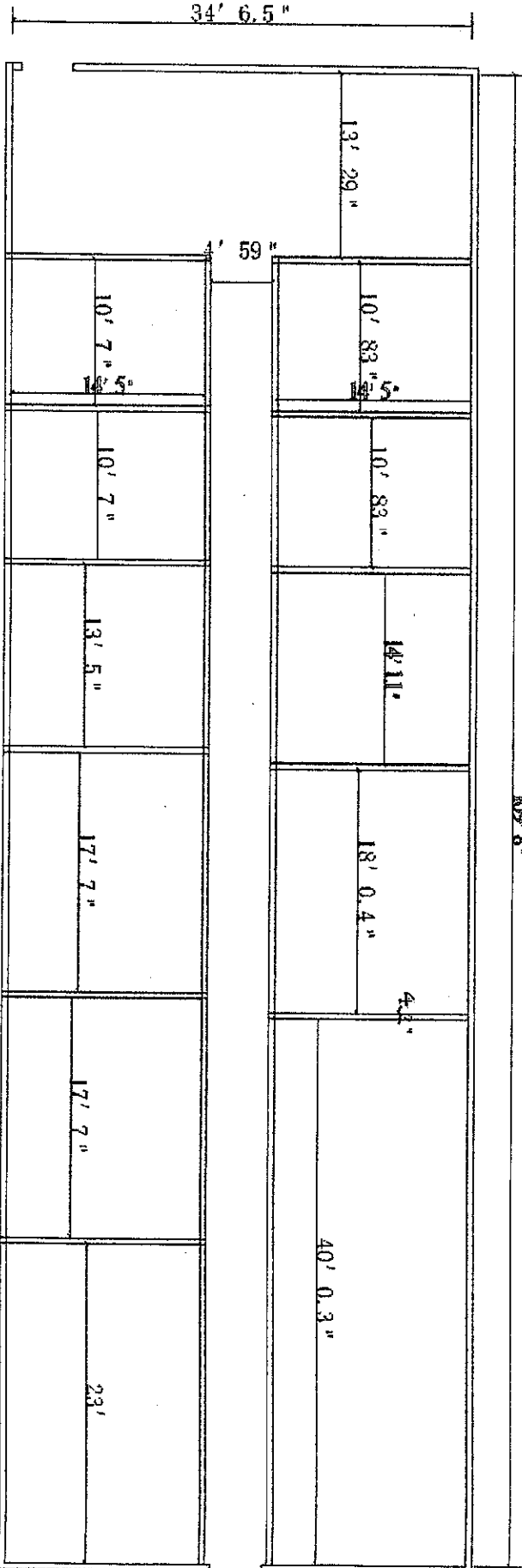
Signatures

Andy Yu, Yu Jian 6/19/2016
PETITIONER: Print and Sign name (if different from owner) Date

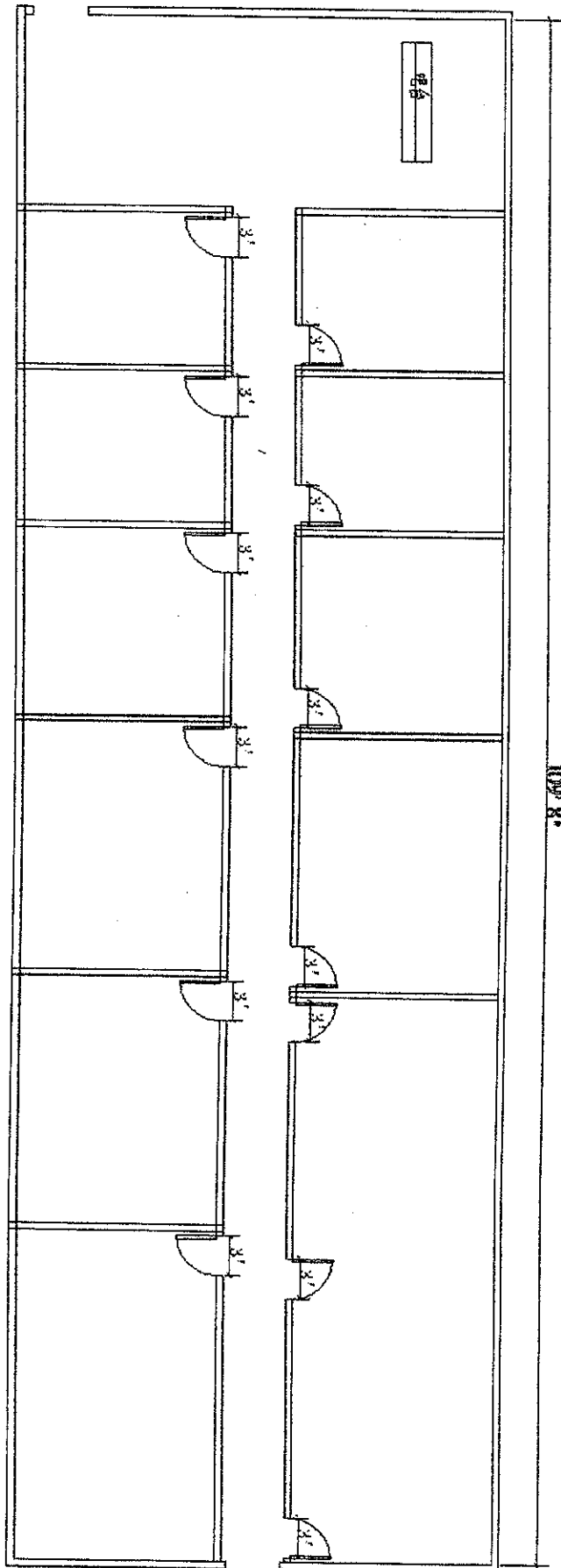
As owner of the property in question, I hereby authorize the seeking of the above requested action.

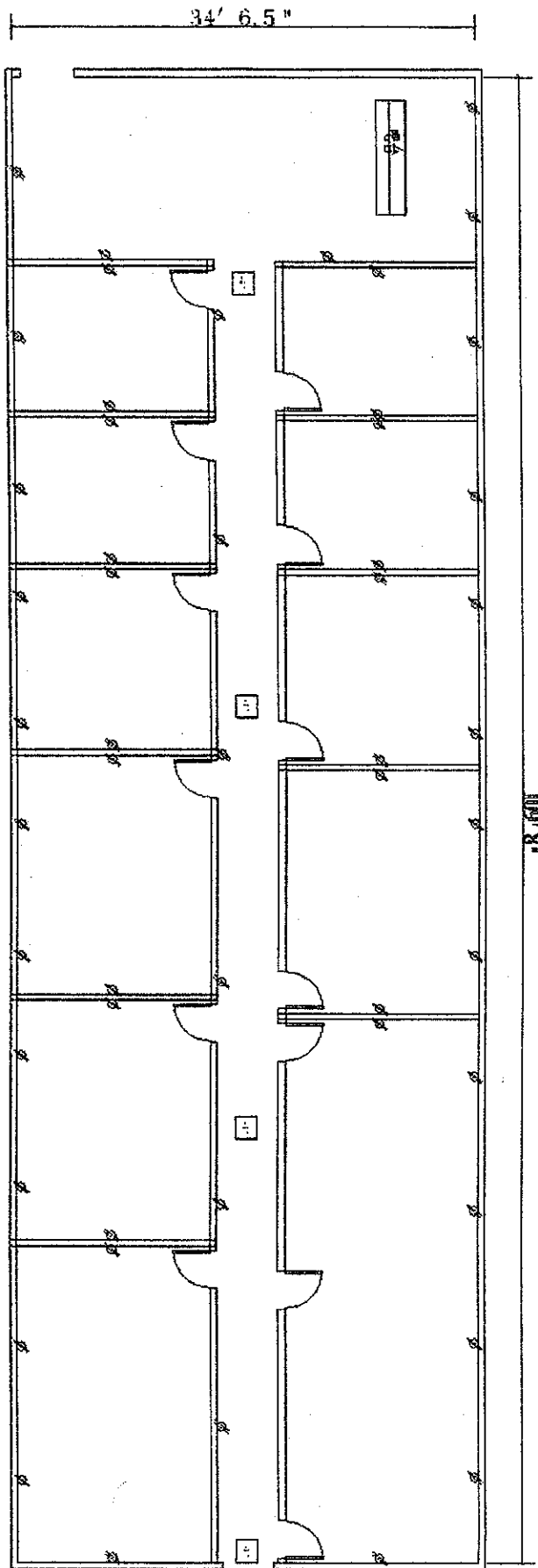
Tom Eilers, Jr. [Signature] 6/28/2016
OWNER: Print and Sign name Date

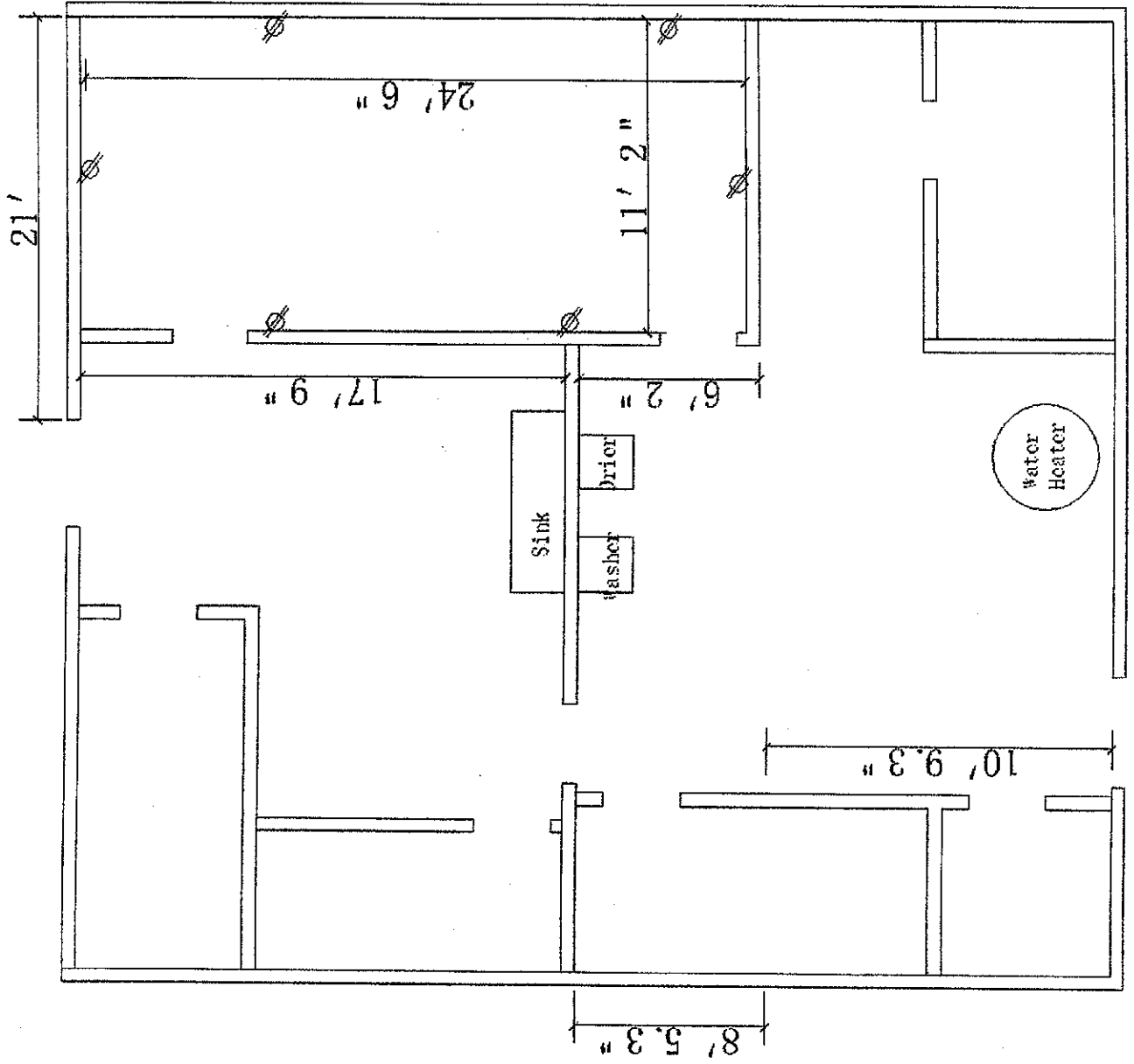
NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.

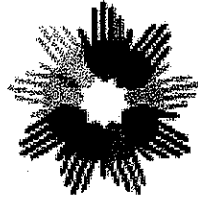


34' 6.5"









FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

SCORE REPORT

NAME: JIAN YU

CANDIDATE ID: 0000000001362587

EXAMINATION: Massage and Bodywork Licensing Examination

EXAMINATION DATE: July 25, 2015

RESULT: Pass

PASSING SCORE: 630

YOUR SCORE: 686

Congratulations! You have passed the Massage & Bodywork Licensing Examination (MBLEx).

Please note that a passing MBLEx score is one component in the licensure process. You are required to contact your State Licensing Board or Agency to apply for your license to practice. Contact information for the State Licensing Boards and Agencies can be found at www.fsmtb.org.

Thank you for allowing the Federation of State Massage Therapy Boards to assist you as you pursue your professional career goals. We wish you continued success.

FSMTB - SUPPORTING THE MISSION OF PUBLIC PROTECTION

10801 Mastin Boulevard | Suite 420 | Overland Park | Kansas | 66210 | 1.866.962.3926



**ANGELES
COLLEGE**

3440 Wilshire Blvd. Ste 310, Los Angeles, CA 90010

Certificate of Completion

is hereby issued to

Jian Yu

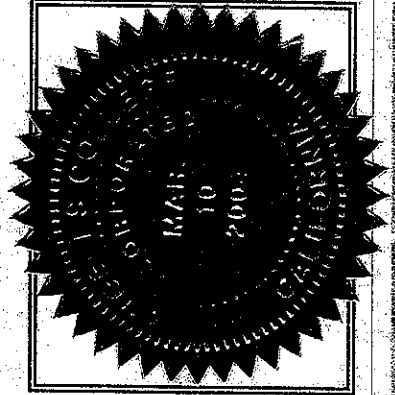
having successfully completed the prescribed program of

Massage Therapy

From November 6, 2014 to May 11, 2015

In witness whereof we have affixed our signature and seal at Los Angeles, California this 15th day of May, 2015.

School Code: 32878675



Teresa Krause

Teresa Krause
School Director

May 15, 2015

Date

SHAW MEDIA
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815) 459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: Not Applicable

Printed at 07/27/16 10:11 by kedan

Acct #: 10106399

Ad #: 1211164

Status: N

PUBLIC NOTICE

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

IN THE MATTER OF THE
APPLICATION OF
Andy Yu

LEGAL NOTICE

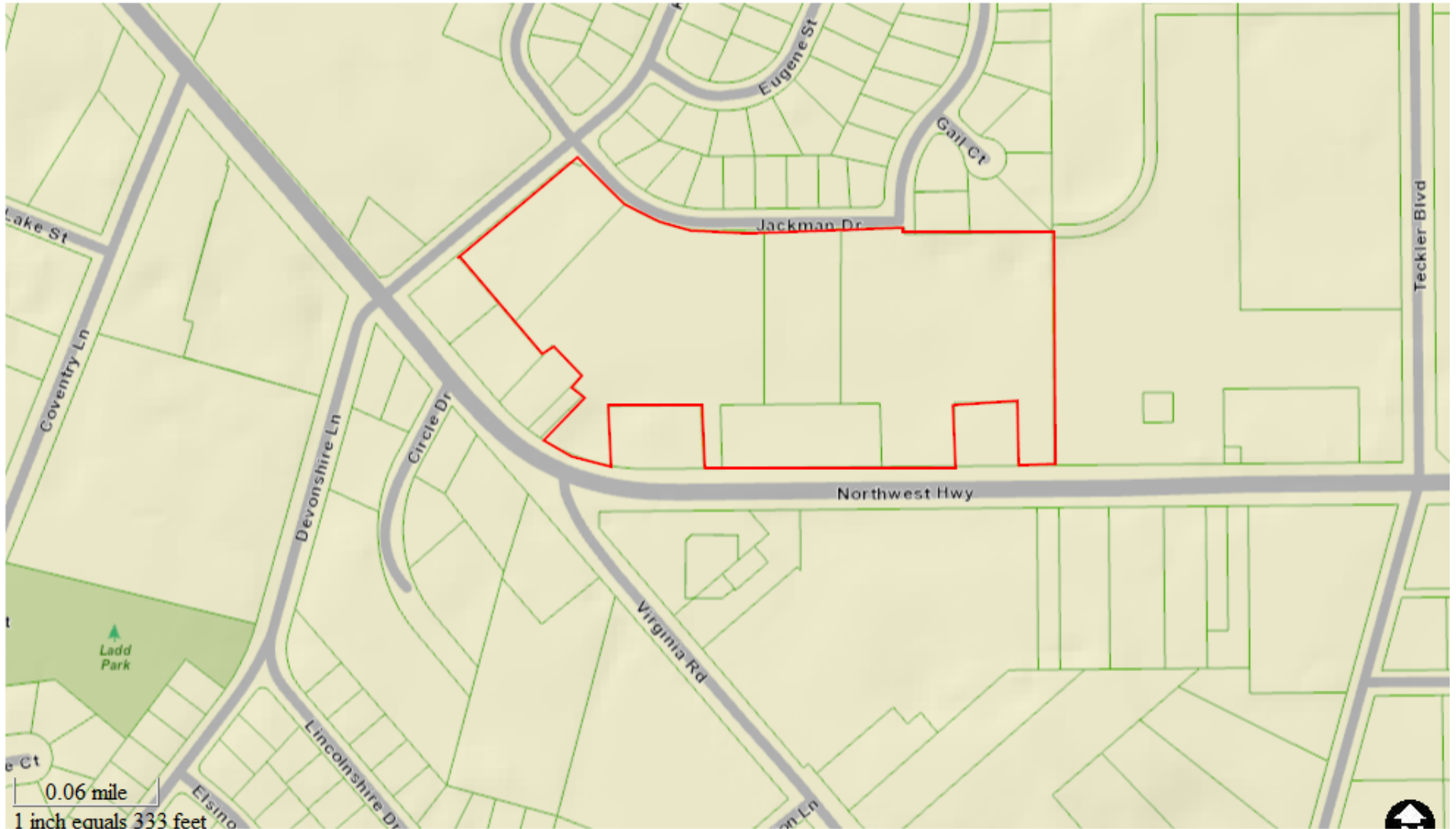
Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois, that a public hearing will be held before the Planning and Zoning Commission upon the application of the Andy Yu for the following described real estate commonly known as 16W Crystal Lake Plaza, Crystal Lake, Illinois 60014, PIN: 19-05-382-011.

This application is filed for the purpose of seeking a Special Use Permit pursuant to Article 2-400(G) (65), and a variation from Article 2-400(G)(65)(g) to allow the business to be open from 10am to 10 pm, as well as any other variations as necessary to allow a massage establishment. 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 for this request will be held at 7:30 p.m. on Wednesday August 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 July 28, 2016) 121164



1 inch equals 333 feet

Map created on August 5, 2016.

© 2016 GIS Consortium and MGP Inc. All Rights Reserved.

The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.

Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.