



**#2012-47**

**American Auto Sales/Gammoh - 189 S. Main St.  
Project Review for Planning and Zoning Commission**

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**Meeting Dates:** July 18, 2012

**Requests:** Use Variation and Special Use Permit in accordance with Article 2, Land Use, of the Unified Development Ordinance, to allow an automobile dealer (used-car sales) in the M Manufacturing zoning district.

**Location:** 189 S. Main Street

**Acreage:** 0.48 acres

**Existing Zoning:** "M" Manufacturing

**Surrounding Properties:** North: "M-L" Manufacturing Limited  
South: "M" Manufacturing  
East: "M" Manufacturing  
West: "R-2" Single Family Residential

**Staff Contact:** Latika Bhide (815.356.3615)

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**Background:**

- ❑ The subject property, zoned "M" Manufacturing, is located on the east side of Main Street, abutting the Union Pacific Railroad on its east and south sides.
- ❑ The property was annexed in 1983. The annexation agreement has since expired.
- ❑ In 2001, the City Council approved a Special Use Permit to allow the outdoor display, sales and storage of restored classic automobiles for Main Street Classic Cars at this location. With the closure of the business, that Special Use Permit has expired.
- ❑ With the adoption of the UDO in 2009, automobile dealers are permitted as a Limited Use only in the "B-2" and "B-4" districts.
- ❑ The petitioner is requesting a use variation and a special use permit, since the site is zoned Manufacturing.

**Land Use Analysis:**

- ❑ The petitioner is not proposing any changes to the existing building or parking lot on-site.
- ❑ The property currently has two access drives off Main Street. The petitioner is proposing to store vehicles along the south side of the property. It is the petitioner's intent to store approximately 30-40 vehicles on this site for sale.

- ❑ Per the parking requirements in the UDO, 2 parking spaces are required for this use based on the area of the outdoor storage and number of employees at this location. The petitioner will utilize the existing 3 parking spaces along the front of the building.
- ❑ The petitioner intends to utilize the existing freestanding sign at this location. Information for proposed wall signage is not provided at this time.
- ❑ Tax Increment Financing (TIF) district:
  - ✓ The property is located within the Crystal Lake Avenue and Main Street TIF district.
  - ✓ Within the Redevelopment Plan and Program for this TIF district, one of the identified goals is to promote Crystal Lake as a center of business activity and economic growth both locally and regionally.
  - ✓ Specifically, the properties along Main Street, including this property, are recommended to be commercial uses as redevelopment occurs.
- ❑ The Crystal Lake 2030 Comprehensive Plan designates this property as Mixed Use, which allows for a combination of housing types as well as office and commercial uses.

**Findings of Fact:**

**USE VARIATION**

The Manufacturing zone is intended for general industrial uses that provide jobs and services. The petitioner is requesting to use the property for automobile sales. The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Zoning Ordinance requirements. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

No specific standards are spelled out in the Unified Development Ordinance for granting use variations. However, it is recommended that the Planning and Zoning Commission and City Council first determine and record its findings that the evidence justifies the conclusions that:

The property cannot be used for purposes permitted in the zoning district without the requested variance;

Meets  Does not meet

The proposed use would not alter the essential character of the area in which the property is located;

Meets  Does not meet

The proposed use will not reasonably diminish the value of adjacent property;

Meets  Does not meet

The proposed use will not unreasonably increase the congestion in the public streets or otherwise endanger public safety; and

Meets  Does not meet

The proposed use is in harmony with the general purpose and intents of the Unified Development Ordinance.

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.

### SPECIAL USE PERMIT

The petitioner is requesting approval of a Special Use Permit. Due to their unique nature, Special Uses require 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 the general standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.  
 *Meets*                       *Does not meet*
2. That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.  
 *Meets*                       *Does not meet*
3. That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and flood plain regulations, Building and Fire Codes and all other applicable City Ordinances.  
 *Meets*                       *Does not meet*
4. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.  
 *Meets*                       *Does not meet*
5. That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.  
 *Meets*                       *Does not meet*
6. That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.  
 *Meets*                       *Does not meet*
7. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or

complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.

*Meets*                       *Does not meet*

8. That the proposed use will meet standards and requirements established by jurisdictions other than the City such as Federal, State or County statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.

*Meets*                       *Does not meet*

9. That the proposed use shall conform to any stipulations or conditions approved as part of a Special Use Permit issued for such use.

*Meets*                       *Does not meet*

10. That the proposed use shall conform to the standards established for specific special uses as provided in this section.

*Meets*                       *Does not meet*

Additionally, Section 2-400 C of the UDO, establishes specific criteria for consideration for automobile dealers.

- a. Display areas: All vehicle display areas must be paved with an approved surface (Approved surface shall mean asphalt/bituminous, concrete/P.C.C. and any surface that is approved by the City Engineer). Display areas shall be setback a minimum of 5 feet from all adjacent property lines and 10 feet from roadways.  
*The display areas are proposed to be setback 10 feet from roadways and 5 feet from all adjacent property lines.*
- b. Lighting: All lighting shall be designed and installed to prevent glare or excessive light spillover onto adjacent properties, in accordance with the requirements of Article 4-800, Exterior Lighting Standards.  
*No new lighting standards are proposed. The petitioner has indicated that the existing lighting on-site will be utilized.*
- c. Public Address Systems: If outdoor speaker or public address systems are installed, the maximum decibel level at the property line shall not exceed 55 where adjoining residential property and 65 where adjoining non-residential property.  
*No public address systems are proposed.*
- d. Repair bays: Repair bays shall not front adjacent major arterial or collector right-of-ways or towards property that is residential property.  
*No new repair bays are proposed. The petitioner has indicated that the repair bay along the south side of the building will be used for working on vehicles that will be for sale.*
- e. Landscaping: Landscaping is not required within or surrounding vehicle display areas. Parking lot landscaping in accordance with Article 4-400, Landscaping and Screening Standards shall be provided for employee and customer parking areas.  
*The existing parking areas are under 10 spaces and therefore do not require any landscaping per the Ordinance. The existing spaces do not meet the setback requirements.*
- f. Elevated vehicles: For automobile sales uses, up to 2 new vehicles are permitted on an elevated display, with a maximum height of the structure display being no more than 5 feet.

*Elevated displays are not proposed at this time.*

- g. Accessory uses: Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) shall be set back a minimum distance of 50 feet from all rear and side property lines abutting residential property. These facilities shall not be open to the public, unless as Special Use Permit is obtained.

*No accessory uses are proposed at this time.*

- h. Parking on right-of-way: No vehicles offered for sale shall be parked on the public right-of-way.

The above listed criteria can be required as a condition of approval.

**Recommended Conditions:**

If a motion to approve the petitioner's request is made, 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, Project Description - received 6-28-12
  - B. Plat of Survey, Northern Illinois Survey Inc., dated 2/1/2012, received 6-28-12
  - C. Site Layout, CBRE, Northern Illinois Survey Inc., dated 2/1/2012, received 6-28-12
2. The Use Variation and Special Use Permit is granted to allow American Auto Sales/Frank GamMoh, as described in the application information. The use shall not be significantly amended, i.e., the addition of storage areas beyond listed in the application or adding other services, without amending this request. A change in ownership will not require a new use variation and special use permit if the conditions of this Ordinance are met.
3. This petition must meet the UDO criteria for Automobile Dealers (listed in the report above), as applicable.
4. A visual barrier across the south entrance must be installed to prevent vehicles from entering into this driveway.
5. Vehicles for display must be setback 10 feet from roadways and 5 feet from all adjacent property lines. No vehicles can overhang into the Main Street right-of-way.
6. Vehicles near the north entrance should be parked to avoid blocking the sight-line triangle.
7. The petitioner shall address all comments and requirements from the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.