



**#2013-34**  
**970 Pyott Road – SUP & Use Variation**  
**Amendment and Variations**  
**Project Review for Planning and Zoning Commission**

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**Meeting Date:** July 17, 2013

**Requests:**

1. Special Use Permit and Use Variation Amendment for an “Automobile Dealer” and “Other Motor Vehicle Dealer” in the M Manufacturing zoning district.
2. Special Use Permit for certain temporary uses which may include grand opening, cruise nights and charitable events.
3. Variation from Article 4-200 C 3 Off-Street Parking and Loading and City Code Section 570 Parking Lot, Driveway and Sidewalk Construction to allow a crushed asphalt/gravel parking and storage area for vehicles that is 50 feet wide and parking on the grass for special events.
4. Variation from Article 4-200 Off-Street Parking and Loading from the requirement to provide curbing around parking and landscape areas.

**Location:** 970 Pyott Road

**Acreage:** 5.75 acres

**Existing Zoning:** M Manufacturing

**Surrounding Properties:**

North:	M Manufacturing
South:	M-1 Lake in the Hills
East:	M Manufacturing
West:	R-2 Single Family Residential

**Staff Contact:** Elizabeth Maxwell (815.356.3615)

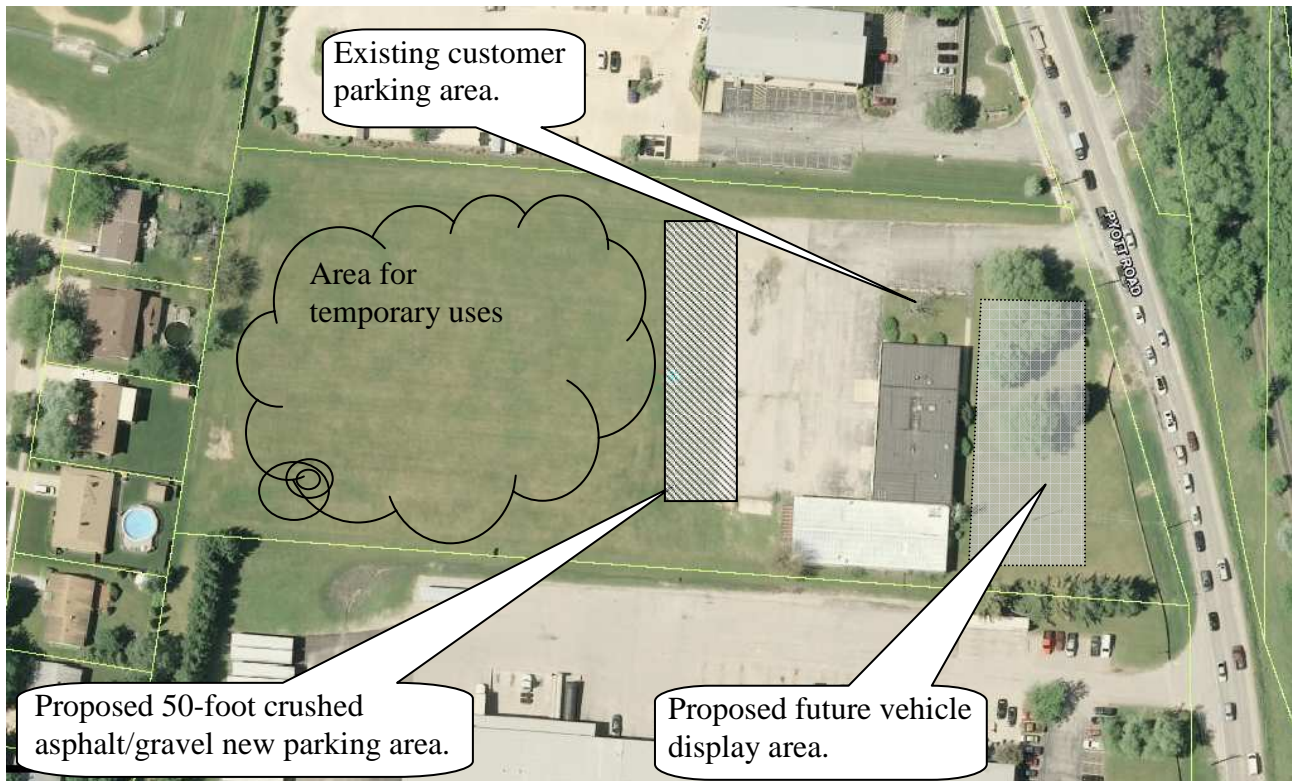
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**Background:**

- **Previous Approvals:** Signature Auto received their Use Variation for “Automobile Sales” on May 7, 2013.
- **Existing Use:** Currently the site contains automobiles and other vehicles for sale, as well as, a larger planned display area.
- **Request:** The current request is to amend the previous approval to allow additional vehicle types for sale, a larger display area, the auto repair shop to be open to the public and variations from the curbing requirements.

**Development Analysis:**

General - Illustrative example of site plan



- Requests:
  - Special Use Permit and Use Variation Amendment. A Use Variation was originally granted to allow an automobile dealer; a use not permitted in the manufacturing zoning district. The use has been expanded to allow other motor vehicle sales, which include box trucks, fire trucks, ambulances, bucket trucks, dump trucks, buses, vans and other specialty vehicles. In addition, the vehicle display area is being expanded to include a portion adjacent to the building and a potential display area in front of the building along Pyott Road.
  - Special Use Permit to allow certain temporary uses. The petitioner would like to have several temporary uses throughout the year, which include car shows, a grand opening event and other charitable events.
  - Variation from the parking requirements to allow the vehicles to be parked/displayed/stored on a non-approved surface, which is comprised of crushed asphalt/gravel. This was part of the original request, but only for a 20-foot wide area. The petitioner is requesting to extend this to 50 feet in width.
  - Variation from the parking requirements to allow the parking on the grass area for special events.
  - Variation from the requirement to curb parking areas and landscape areas. This would be for the landscape area along the building; around the perimeter of the customer parking area; and the vehicle display area.

- Land Use: The land use map shows the area as Manufacturing. This land use designation can be considered appropriate for the automobile dealership, as well as, other motor vehicle sales since it will primarily be outside storage of vehicles and include minor vehicle repair, both of which are permitted in the M Manufacturing district.
- Zoning: The site is zoned M Manufacturing. The use variation for automobile dealer was approved previously. Other motor vehicle sales is not a permitted use, but the ancillary uses of outside storage and minor automobile repair are permitted in that zoning district. The petitioner is requesting the Use Variation for the automobile sales.

#### Site Layout

- The site has one full access point off Pyott Road, which leads into the vehicle display area.
- Customer parking is provided up front, adjacent to the main drive aisle.
- The outside vehicle storage/sales lots are located behind the building, adjacent to the building next to the customer parking area and up front along Pyott Road.
- Photos were taken of the site on July 25<sup>th</sup> and are attached to this staff report.

#### Parking

- There are seven existing parking spaces on site.
- One new accessible space is required, which will be added along this parking row.
- Parking for auto dealers is required at 1/5,000 SF of outdoor display area + 2 per service bay + 1 per employee. The proposed vehicle display area is approximately 58,090 square feet. There are estimated to be 3 employees on site. This use is required to provide 17 parking spaces.

#### **Comprehensive Land Use Plan 2020 Vision Summary Review:**

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

#### Land Use - Industry

**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:** Encourage the redevelopment of "brownfield" sites, underused or abandoned manufacturing properties in the City, and reuse already existing structures or draw upon existing infrastructure.

#### **Findings of fact:**

##### **SPECIAL USE PERMIT and USE VARIATION AMENDMENT**

A Use Variation was approved to allow an automobile dealer in the M zoning district. The petitioner is also requesting to sell trucks (box, bucket, fire, etc.), RVs, boats, buses, and any other vehicle allowed under the State of Illinois license. These vehicles are classified as other motor vehicles. These uses have specific criteria that, if not met, triggers the need for a Special Use Permit. Since the Use Variation is the overriding approval, other motor vehicle dealer is not a permitted use. This request requires that they obtain a Special Use Permit. 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. 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*

More specifically, Automobile Dealers are required to meet the following standards.

Vehicles, including but not limited to, automobiles, boats, lawn equipment, all terrain vehicles, or other similar items, for sale or lease are not permitted to be stored on lots unless the sale of such items is permitted within the district the lot is located in and a current certificate of occupancy for the location has been obtained from the City.

Automobile sales and passenger car rental & leasing must comply with the following standards:

1. 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.

*Meets*                       *Does not meet*

2. 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.

*Meets*                       *Does not meet*

3. 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.

*Meets*                       *Does not meet*

4. Repair bays: Repair bays shall not front adjacent major arterial or collector right-of-ways or towards property that is residential property.

*Meets*                       *Does not meet*

5. 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.  
 *Meets*                       *Does not meet*
6. 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.  
 *Meets*                       *Does not meet*
7. 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.  
 *Meets*                       *Does not meet*
8. Parking on right-of-way: No vehicles offered for sale shall be parked on the public right-of-way.  
 *Meets*                       *Does not meet*

In addition, Other Motor Vehicle Dealers are required to meet the following standards.

Other Motor Vehicle sales and Truck, utility trailer and RV rental and leasing must comply with the following standards:

1. Display areas: All vehicle display areas must be paved using an approved surface (Approved surface shall mean asphalt/bituminous, concrete/P.C.C. and any surface that is approved by the City Engineer). The City Engineer may administratively approve the use of crushed asphalt as an approved surface for the display areas. All display areas shall be setback a minimum of 20 feet from all property lines.  
 *Meets*                       *Does not meet*
2. 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.  
 *Meets*                       *Does not meet*
3. Repair bays: Repair bays shall not front adjacent major or minor arterial or collector right-of-ways or residential property.  
 *Meets*                       *Does not meet*
4. 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.  
 *Meets*                       *Does not meet*

5. Accessory uses: Accessory uses and structures, such as vehicle 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.

*Meets*                       *Does not meet*

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

*Meets*                       *Does not meet*

#### ZONING ORDINANCE VARIATIONS

The petitioner is requesting a variation from Article 4-200 Off-Street Parking and Loading and City Code Section 570 Parking Lot, Driveway and Sidewalk Construction to allow a crushed asphalt/gravel parking and storage area for vehicles, the parking on grass for temporary events and to have no curbing requirement along customer parking, landscape areas or along the display area.

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.

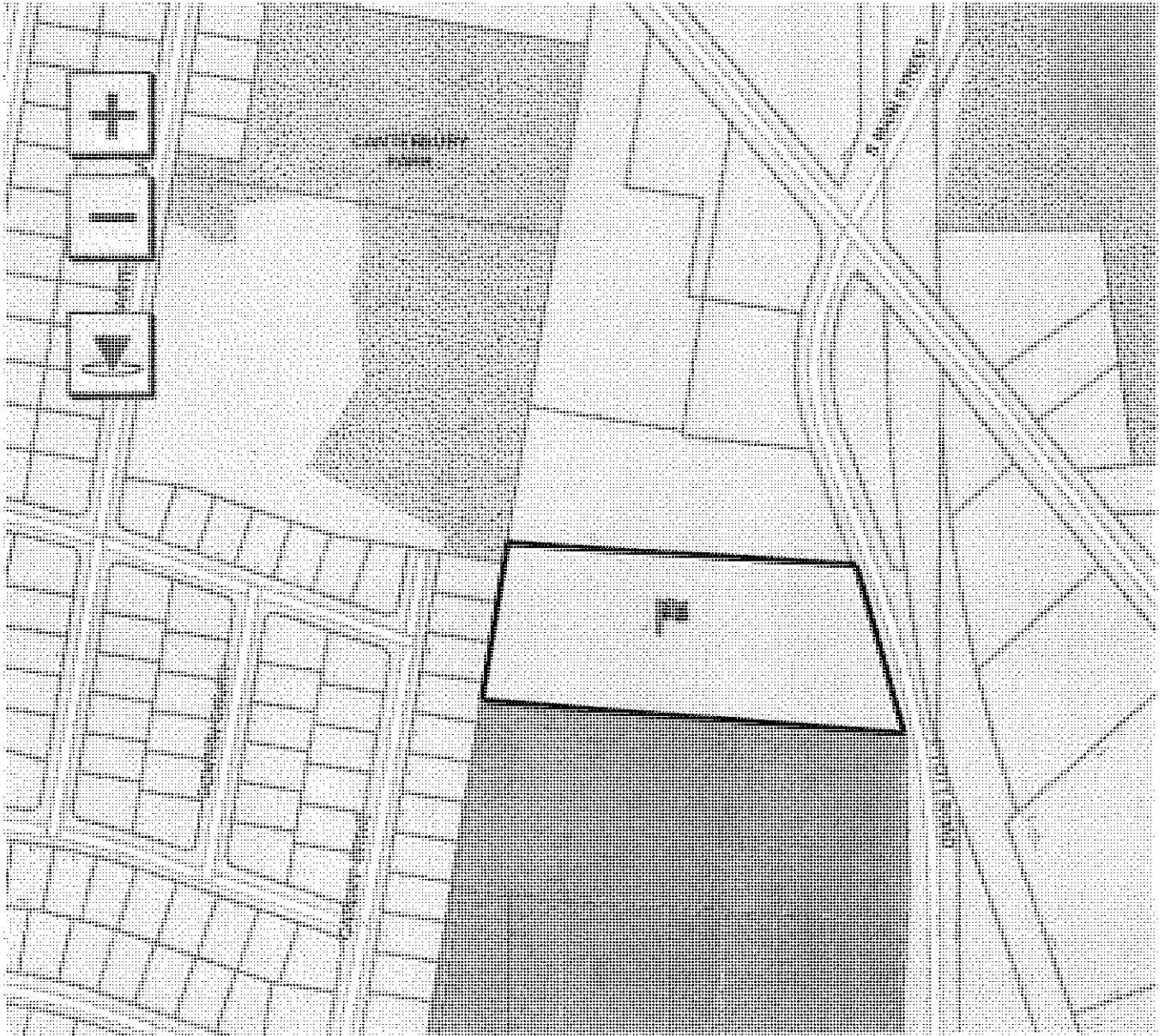
**Recommended Conditions:**

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 (Signature Auto Group, Inc., received 06/24/13)
  - B. Site Plan (Signature Auto, received 07/09/13)
  - C. Signage (Signature Auto, received 07/09/13)
2. Ordinance No. 6928, including all approval conditions, remains valid.
3. No vehicles shall be parked in the drive-aisle which is the driveway area extending 25 feet beyond the end of the building as illustrated on Exhibit 2 attached to this report.
4. Staggered evergreens 6-8 feet in height at the time of planting shall be planted adjacent to the north property line for 250 feet to screen the vehicles from the property to the north. The landscape screening areas area adjacent to the residences and the north property line shall be planted by November 1, 2013. See Exhibit 2 for landscape screening locations.
5. Landscape screening is required adjacent to any customer parking areas, this includes end landscape islands, screening adjacent to roadways or other properties, islands every 10 spaces, etc. per Section 4-400 of the UDO. Landscape screening shall be added to the east of the customer parking area where the grass area exists now.
6. Any tree removal is subject to the City's Tree Preservation Ordinance Article 4-300.



7. Signage:
  - a. The free-standing sign shall not exceed 8 feet in height and 80 square feet in size.
  - b. The free-standing sign is required to have 1 square foot of landscape materials around the base of the sign for each square foot of signage. The landscape materials shall consist of at least 50% large shrubs and trees.
  - c. The wall signage shall not exceed 75 square feet per tenant space and shall not exceed 50 square feet per building façade or 50 square feet per individual sign.
8. The required customer parking shall be provided. Provide a customer parking plan for staff review and approval.
9. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.



# City of Crystal Lake Development Application

Office Use Only
File # _____

Project Title: 970 Pyott.

### 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
- Other

**RECEIVED**  
JUL 09 2013  
BY: \_\_\_\_\_

### Petitioner Information

Name: Signature Auto group Inc  
 Address: 970 Pyott Rd  
Crystal Lake IL 60014  
 Phone: 847-208-3900  
 Fax: 846-628-1939  
 E-mail: Brent@pennington.com

### Owner Information (if different)

Name: Eugene Feely  
 Address: 970 Pyott Rd  
Crystal Lake IL 60014  
 Phone: 847-208-3900  
 Fax: 846-628-1939  
 E-mail: \_\_\_\_\_

### Property Information

Project Description: See Attached -

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Project Address/Location: 970 Pyott Rd Crystal Lake IL 60014

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PIN Number(s): 19-08-479-021

**Development Team**

Please include address, phone, fax and e-mail

Developer: \_\_\_\_\_

Architect: \_\_\_\_\_

Attorney: \_\_\_\_\_

Engineer: \_\_\_\_\_


Landscape Architect: \_\_\_\_\_

Planner: \_\_\_\_\_

Surveyor: \_\_\_\_\_

Other: Brent Pennington

**Signatures**

*Signature Auto group*  
Brent Pennington  6-21-13  
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.

\_\_\_\_\_  
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.

## Project Description

The variation request is divided into individual requests.

- A) Clarification and or modification of Used Car Dealership Approval
- B) Clarification of Display area and customer parking area. Request for Parking lot and display area extension ( request for no Curbs )
- C) Request for asphalt display areas in front of building to park cars on that are for sale.
- D) Additional Parking lot Front Display Area Plans
- E) Request for use of back 2.5 Acers of property (grass area) for events including Grand opening, Cruise Night and Charitable Events.
- F) Signage

## PUBLIC NOTICE

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

IN THE MATTER OF THE  
APPLICATION OF  
Brent Pennington representing  
Signature Auto Group

### LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission upon the application by Brent Pennington representing Signature Auto Group on behalf of Eugene Feely, the property owner, relating to the following described real estate commonly known as 970 Pyott Road, Crystal Lake, Illinois 60014, PIN: 19-08-479-021.

This application is filed for the purposes of seeking a Special Use Permit and Use Variation Amend-

ment to allow an "Automobile Dealer" and "Other Motor Vehicle Dealer" with related outside sales and display pursuant to Article 2, Land Uses Sections 2-300 and 2-400 and Article 9 Section 9-200, a Special Use Permit for certain "Temporary Uses" pursuant to Article 2 Section 2-500, Variation from the required Article 4-200 C 3 Off-Street Parking and Loading and Section 570 Parking Lot, Driveway and Sidewalk Construction of the City Code to allow for a 50-foot crushed asphalt/gravel parking and storage area and parking on the grass area for special events, a Variation from Article 4 Section 4-200 from the requirement to curb parking or landscape areas and a Variation from Article 4 Section 4-1000 signage, as well as any other variations as necessary to approve the project as presented. The application and plans can be found at the City of Crystal Lake Community Development Department at City Hall

A public hearing before the Planning and Zoning Commission on the request will be held at 7:30 p.m. on Wednesday July 17, 2013 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  
June 30, 2013. #1376)



**CRYSTAL LAKE PLANNING AND ZONING COMMISSION  
SPECIAL MEETING  
WEDNESDAY, APRIL 24, 2013  
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS**

The meeting was called to order by Chairman Hayden at 7:30 p.m. On roll call, members Batastini, Esposito, Gavle, Goss, Greenman, Jouron, Lembke, Skluzacek, and Hayden were present.

Elizabeth Maxwell, Planner, and Rick Paulson, Building Commissioner, were present from Staff.

Mr. Hayden asked those in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge.

Mr. Hayden stated that this meeting was being televised now as well as recorded for future playback on the City's cable station.

**2013-19 SIGNATURE AUTO GROUP – 970 Pyott Road – PUBLIC HEARING**

Use Variation and Variation for parking lot construction to allow a gravel/crushed asphalt parking and storage area for vehicles.

Mr. Hayden stated that the sign had been posted. He said the surrounding property owners were notified and the Certificate of Publication was in the file. Mr. Hayden waived the reading of the legal notice without objection.

Brent Pennington with Signature Auto Group and Jennifer Wagner were present to represent the petition. Mr. Pennington said they are currently located at 1095 Pingree and want to expand their business. He handed out additional information for the request. Mr. Hayden asked if there are changes to what they had received. Mr. Pennington said no that it was only to help understand their business.

Mr. Pennington reviewed the conditions listed in the staff report. He said they usually purchase cars in good condition and they will be parked in the rear away from the well. There is space in front of the building that would allow them to have more parking spaces. They do not have a problem with the 5 foot landscaping area around the building. Mr. Pennington said he needs clarification regarding the landscape island requirements for parking lots. Is a landscape island needed if there are 10 parking spaces and none is required with 9? Mr. Pennington questioned the need for a berm, as he said they did not expect to do that. JA Frate, next to this property, has an extensive berm. Mr. Pennington added that they do not have a budget for a berm. They will not be parking cars right up to the property line so he doesn't see the need. He said they will not be parking cars on the grassy area and the gravel/crushed asphalt they are suggesting won't be dusty. They will pave the area in two years and that will give the area time to settle. He said the signs will meet the ordinance.

Ms. Wagner said they have been in their current location for 1 ½ years. With them moving, the business will increase. She is concerned with the berm requirement and the cost of it. She had read several years ago that the City had programs to help businesses. Mr. Hayden said that is not in their purview.

Inga Neuner, 947 Cardiff Drive, said she lives directly behind the property and is happy that the vacant building will be used again. Ms. Neuner said they do need a berm between the properties to help with the noise from the business. The noise coming into their back yard will affect their quality of life. She asked if there will be lighting in the rear. Mr. Pennington said there will not be lights in the rear. Ms. Neuner said she is happy to hear if there is a gravel/crushed asphalt area that it will not be dusty.

Lynett Aul, 955 Cardiff Drive, said the berm will help screen the car storage area.

There was no one else in the public who wished to comment on this petition. The public portion was closed at this time.

Mr. Batastini said he can support the variation to use crushed asphalt as well as the variation for the auto dealership. He appreciates the business owner wanting to stay in Crystal Lake. Mr. Batastini said the City is very generous with giving the petitioner 1 ½ years to put in a berm. He believes that it should be a joint effort between the residents and the business owner. The berm from JA Frate is very tall and he would like the height matched but put evergreens on it so the view is blocked all year around.

Mr. Batastini said that the landscaped islands in a parking lot add to the aesthetics of the property. If there are 10 spaces, an island is required. He added that just recently there was a car dealership that went to great lengths for the landscaping.

Mr. Esposito said he lived in an area that was adjacent to a large berm. It was a great dirt bike path and there were many parties over the summer.

Mrs. Lembke said she supports the request.

Mr. Gavle said the berm is to protection the residents and the use. He said the cars will be stored a football field away from the property line. Mr. Gavle thanked the neighbors for coming to the meeting and voicing their opinion. He is challenged with developers having to put in something that is of no use like the berm. Ms. Neuner said currently they see an open lot but with this approval there will be cars parked there.

Mr. Pennington said they currently have an indoor showroom now and with this location they can have cars displayed outside as well. He is concerned that the berm will be a very large expense and the owner won't do it. There won't be much noise and they will close about 8 p.m. On the other hand, JA Frate is 24 hours a day with big trucks coming in and out. This berm won't help the noise from that company. Ms. Neuner said the owner of the property was told he needed a berm and started dumping broken concrete and dirt in the rear of the property but didn't get very far. She would like a berm so long as it doesn't cause flooding to her



property.

Mr. Greenman thanked the petitioner for remaining in Crystal Lake. He suggested that discussions be held between the neighbors, the petitioner, and staff to determine what would be a good and useful berm. Mr. Greenman said he understands the variation for the use and the Findings of Fact for that variation have been met but he has not heard a hardship for the variation to allow the crushed asphalt. Mr. Pennington said the technology has gotten much better. He is concerned that if he paved that area that with having cars parked on it the lot would need to be replaced in a year because of settling. Mr. Greenman said it doesn't matter if the variation is for a small area or large, it's still a variation. He added that every business in town started with vacant farmland.

Mr. Skluzacek asked about the crushed asphalt. Mr. Pennington said they didn't want to spend the money on regular pavement, so they want to put in the crushed asphalt and let it settle. Mr. Skluzacek said the petitioner would have the expense of digging out the crushed asphalt prior to putting in the new parking surface. If the lot is done right with a good base, it wouldn't need to be replaced soon.

Mr. Goss said the City well is very close to this property and he doesn't want to endanger it with the permeable surface. He asked if the property is on well and septic. Mr. Pennington said yes. Mr. Goss asked if there will be vehicles for sale inside the building. Mr. Pennington said the building will be divided – ½ for the showroom and ½ for the vehicle repair/car wash. Mr. Goss said the vehicles that will be for sale are not to be parked along the driveway. That is for emergency vehicles.

Mr. Goss asked if the repair portion of the business would be just for cars getting ready to be sold. Mr. Pennington said they will be doing minor car servicing such as brakes, exhaust, oil change, radiator flushes, etc. He looked it up in the UDO and he will not be doing major auto repair only minor.

Mr. Goss said something needs to be done for the neighbors whether it is a berm, fence or a combination. He suggested that the petitioner prepare something before the City Council meeting.

Mr. Jouron said what worries him is not having the landscape islands now and the parking area expand without them being added.

Mr. Hayden asked about the crushed asphalt. Ms. Maxwell said the material is similar to the roadway millings. It is a fairly solid surface and the Engineering Division did not have any major concerns about it. Mr. Paulson said water will go through it.

Mr. Hayden said the petitioner is requesting retail in the manufacturing district, as well as auto repair and detailing which is allowed and a variation for the parking of the lot. He said originally the crushed asphalt wasn't a concern but he does want to protect the well head area. Mr. Pennington said he is currently at a property that has about an acre of crushed asphalt and no berm or fence. Mr. Hayden said if the well and septic on this property fails, they would be required to hook up to City sewer and water. Ms. Maxwell said

they would if it fails but not as it stands currently.

Mr. Paulson asked exactly what type of minor car repair would be done at this location. Mr. Pennington said minor car repairs not major like engine repair, car body work, etc. Mr. Skluzacek said if the petitioner would need to hook up to City services. Mr. Paulson said the County regulates wells and septic and it would be up to them to determine if hookup were required. Mr. Pennington said he is putting in a triple tank system. Mr. Hayden said there would be many car fluids that would be involved such as gas, oil, antifreeze. He asked what would be the trigger for hooking up. Mr. Batastini said it was an auto repair business before. Mr. Goss said that was pre-UDO. Mr. Paulson said he understood originally that there would be no minor car repairs to other vehicles but only to the vehicles getting ready for sale. Mr. Skluzacek said there will be a triple basin put in. Mr. Paulson said they need to check with the County on their requirements.

Mr. Pennington said he did a pre-inspection of the location before applying for the variations. Mr. Hayden said he is not saying that the petitioner is not being upfront. Mr. Pennington said he has been working with Staff and the County to be sure what was needed. Mr. Paulson said he needs to talk with the County to see what fluids they would allow in the holding tank. Mr. Pennington said the tanks are pumped out. Mr. Goss said that because the area is a well head protection area, that changes the requirement of what can and can't be done.

Mr. Batastini moved to approve the Use Variation from Article 2 Land Uses to allow an automobile dealer in the M Manufacturing zoning district, and a Variation from Article 4-200 C 3 Off-Street Parking and Loading and City Code Section 570 Parking Lot, Driveway and Sidewalk Construction to allow a crushed asphalt/gravel parking and storage area for vehicles for Signature Auto Group at 970 Pyott Road with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Signature Auto Group, Inc., received 04/08/13)
  - B. Plat of Survey (RLS Land Surveyors, dated 05/27/05, received 04/08/13)
  - C. Site Plan (Signature Auto, received 04/08/13)
2. Ordinance No. 4016, for the former Crystal Auto Body, is no longer valid and replaced with this ordinance.
3. The property is located within a well-head protection area. Any vehicles stored outdoors that are awaiting repair or leaking fluids must utilize fluid capture mats.
4. The site shall maintain the minimum required foundation base landscape of 5 feet around the building where landscape materials exist now. The customer parking addition adjacent to the building should not remove all of the landscape area.

5. Customer parking areas shall have end landscape islands and a landscape island every 10 spaces.
6. ~~A berm and landscape area, similar to that on JA Frate's property, shall be completed by September of 2014.~~ **In place of a berm, evergreens shall be placed next to the property line and staggered from 6 to 8 feet apart.**
7. No vehicles shall be parked on any grass areas.
8. The crushed asphalt/gravel area shall be improved with a surface acceptable to the City Engineer within 2 years. All required compaction rates, engineering, landscape and permit requirements in effect at the time shall be met.
9. All wall and free-standing signage shall meet the UDO requirements.
10. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.

**11. This approval is for minor auto repairs only.**

**12. Obtain/Secure plumbing modification approval from McHenry County code to mitigate the auto fluid concerns.**

Mr. Jouron seconded the motion. On roll call, members Batastini, Esposito, Gavle, Jouron, Lembke, and Hayden voted aye. Members Goss, Greenman, and Skluzacek voted no. Motion passed.

Mr. Goss said his no vote was because of the well head protection area. Mr. Greenman said he voted no because there was no hardship given for allowing the gravel/crushed asphalt parking area and the variations were not separated out in the motion. Mr. Skluzacek said his no vote was because of the expense of using crushed asphalt for 2 years and then still having to put in the full asphalt parking lot.

was already nearly impossible. Councilman Thorsen stated that he would be entirely in favor of this petition except for the position he outlined earlier about outside boats using the lake.

Mayor Shepley stated that the bottom line was that the Council's first obligation was to keep the area available for residents. He noted that this petition was different from the previous one because that was a camp with no spectators and would not impair anyone else's use of the facility, but this event could be overwhelming, and recalled last year's 105 degree days and how if that occurred again, the residents would not be happy with not being able to access the facility. He stated that even if the event did not tie up the beach area or prevent residents from using the boats, the event organizers would have a very difficult time keeping spectators and participants from using the parking lot. He stated that he would not rule out hosting this event in the future, and that, ultimately, it may be exactly what the City would like to have, but at this time, it would be too much, too soon.

Councilwoman Brady Mueller asked Mr. Chin to stay in touch with Mr. Helm, stating that she felt this would be an excellent opportunity for Crystal Lake and hoped that it could be accommodated in the future.

In response to Mayor Shepley's question, Mr. Chin requested that a formal motion be made on the matter so that he would have a definitive answer to take back to his board. Councilman Dawson moved to deny the petition. Councilman Hopkins seconded the motion. On roll call, all present voted yes, except Councilwoman Brady Mueller voted no. The motion to deny the petition passed.

Councilman Dawson stated that Three Oaks Recreation Area will evolve with requests like this. Councilman Thorsen reiterated his position about residents not being able to use their boats on the water, and Mayor Shepley stated that he completely disagreed with that position because he felt it was entirely different. He added that since zebra mussels were already in the lake, the Council should possibly revisit that policy, however.

→ **16. Signature Auto Group, 970 Pyott Road – Use Variation to allow an automobile dealer in the M Manufacturing zoning district with a Variation to allow a crushed asphalt/gravel parking and storage area for vehicles.**

Jennifer Wagner and Brent Pennington of the Signature Auto Group were present for the matter. Ms. Wagner stated that they could not grow their business any more at their current location and wished to relocate to the proposed property on Pyott Road.

Mayor Shepley asked if anyone in the audience wished to speak on the matter. No one wished to speak.

Councilman Thorsen asked about the storage of vehicles on pervious surfaces. Director of Planning and Economic Development Michelle Rentzsch stated that they would be required to use fluid capture mats underneath the vehicles. Councilman Thorsen asked about a possible berm which had been discussed at the Planning and Zoning Commission meeting, and Ms. Rentzsch stated that the berm was not necessary as long as they installed staggered landscaping.

She stated that although some residents had initially been in favor of a berm, others were concerned about possible flooding and were happy with the proposed landscaping plan.

Councilman Dawson asked about the Planning and Zoning Commission's recommendation to install a triple catch basin in a septic field to mitigate concerns about leaking auto fluids. Building Commissioner Rick Paulson stated that the petitioner would need to install a holding tank to drain the fluids to, and that McHenry County has already reviewed their application and will issue a permit.

Councilwoman Brady Mueller moved to approve the petitioner's request and the recommendations of the Planning and Zoning Commission and adopt an ordinance granting the Use Variation and Variation to allow an automobile dealer in the "M" Manufacturing zoning district with the temporary use of a crushed asphalt/gravel parking area at 970 Pyott Road. Councilman Thorsen seconded the motion. On roll call, all present voted yes. Motion passed.

Mr. Pennington asked about a time frame for installing the trees, and Mayor Shepley advised him to work with the City Staff.

**17. 2013 Bikeway Corridor Improvement Final Design Presentation – Discussion Only.**

The consensus of the City Council was that they had no concerns with City staff's recommendation, which incorporated the Council's direction at the previous City Council meeting, as presented in the Agenda Supplement. No formal action was taken at this time.

**29. Resolution authorizing execution of an agreement for Mosquito Abatement Services.**

Since Mr. Balis of Clarke Environmental was in the audience, the consensus of the Council was to suspend the order of the agenda and consider this item at this time.

Councilwoman Brady Mueller moved to adopt a Resolution authorizing the City Manager to execute a three-year agreement with Clarke Environmental Mosquito Management, Inc. for mosquito abatement services. Councilman Thorsen seconded the motion. On roll call, all present voted yes. Motion passed.

**18. Walkup Road Concrete Wall – Discussion Only.**

Director of Engineering and Building Erik Morimoto advised that based on the City Council's previous consensus, staff had sent a letter to the County outlining the recommendation to apply an engineered stone veneer on the concrete wall. Mr. Morimoto asked if the Council would like anything further communicated to the County at this time regarding the concrete wall, and the Council had no comments.

**19. Centennial Logo Selection**

Deputy City Manager George Koczwarra advised that 26 designs had been submitted in response to the contest, which had been advertised in the City's newsletter, on the City's website and through a press release. The Centennial Committee selected six finalists. He stated that each finalist would receive a \$100 "I Shop Crystal Lake" gift certificate, and the winner would be recognized as a creative partner in the new logo reveal publication, which would occur in the



AN ORDINANCE GRANTING VARIATIONS  
AT 970 PYOTT ROAD

WHEREAS, pursuant to the terms of a Petition (File #2013-19) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the granting of a Use Variation from Article 2 Land Uses to allow an automobile dealer in the M Manufacturing zoning district, and a Variation from Article 4-200 C 3 Off-Street Parking and Loading and City Code Section 570 Parking Lot, Driveway and Sidewalk Construction to allow a crushed asphalt/gravel parking and storage area for vehicles for Signature Auto Group at 970 Pyott Road; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that a Use Variation from Article 2 Land Uses to allow an automobile dealer in the M Manufacturing zoning district, and a Variation from Article 4-200 C 3 Off-Street Parking and Loading and City Code Section 570 Parking Lot, Driveway and Sidewalk Construction to allow a crushed asphalt/gravel parking and storage area for vehicles for Signature Auto Group at 970 Pyott Road be granted as requested in said Petition.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the Variations be granted from Article 2 Land Uses to allow an automobile dealer in the M Manufacturing zoning district, and from Article 4-200 C 3 Off-Street Parking and Loading and City Code Section 570 Parking Lot, Driveway and Sidewalk Construction to allow a crushed asphalt/gravel parking and storage area for vehicles

at the property commonly known as 970 Pyott Road, City of Crystal Lake,.

Section II: That the Variations be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
  - A. Application (Signature Auto Group, Inc., received 04/08/13)
  - B. Plat of Survey (RLS Land Surveyors, dated 05/27/05, received 04/08/13)
  - C. Site Plan (Signature Auto, received 04/08/13)
2. Ordinance No. 4016, for the former Crystal Auto Body, is no longer valid and replaced with this ordinance.
3. The property is located within a well-head protection area. Any vehicles stored outdoors that are awaiting repair or leaking fluids must utilize fluid capture mats.

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5. Customer parking areas shall have end landscape islands and a landscape island every 10 spaces.
6. In place of a berm, evergreens shall be placed next to the property line and staggered. They shall be 6 to 8 feet in height.
7. No vehicles shall be parked on any grass areas.
8. The crushed asphalt/gravel area shall be improved with a surface acceptable to the City Engineer within 2 years. All required compaction rates, engineering, landscape and permit requirements in effect at the time shall be met.
9. All wall and free-standing signage shall meet the UDO requirements.
10. The petitioner shall address all of the review comments and requirements of the Engineering and Building and Planning and Economic Development Departments.
11. This approval is for minor auto repairs only.
12. Obtain/Secure plumbing modification approval from McHenry County code to mitigate the auto fluid concerns.

Section III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting of a Variation in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this 7th day of May, 2013.



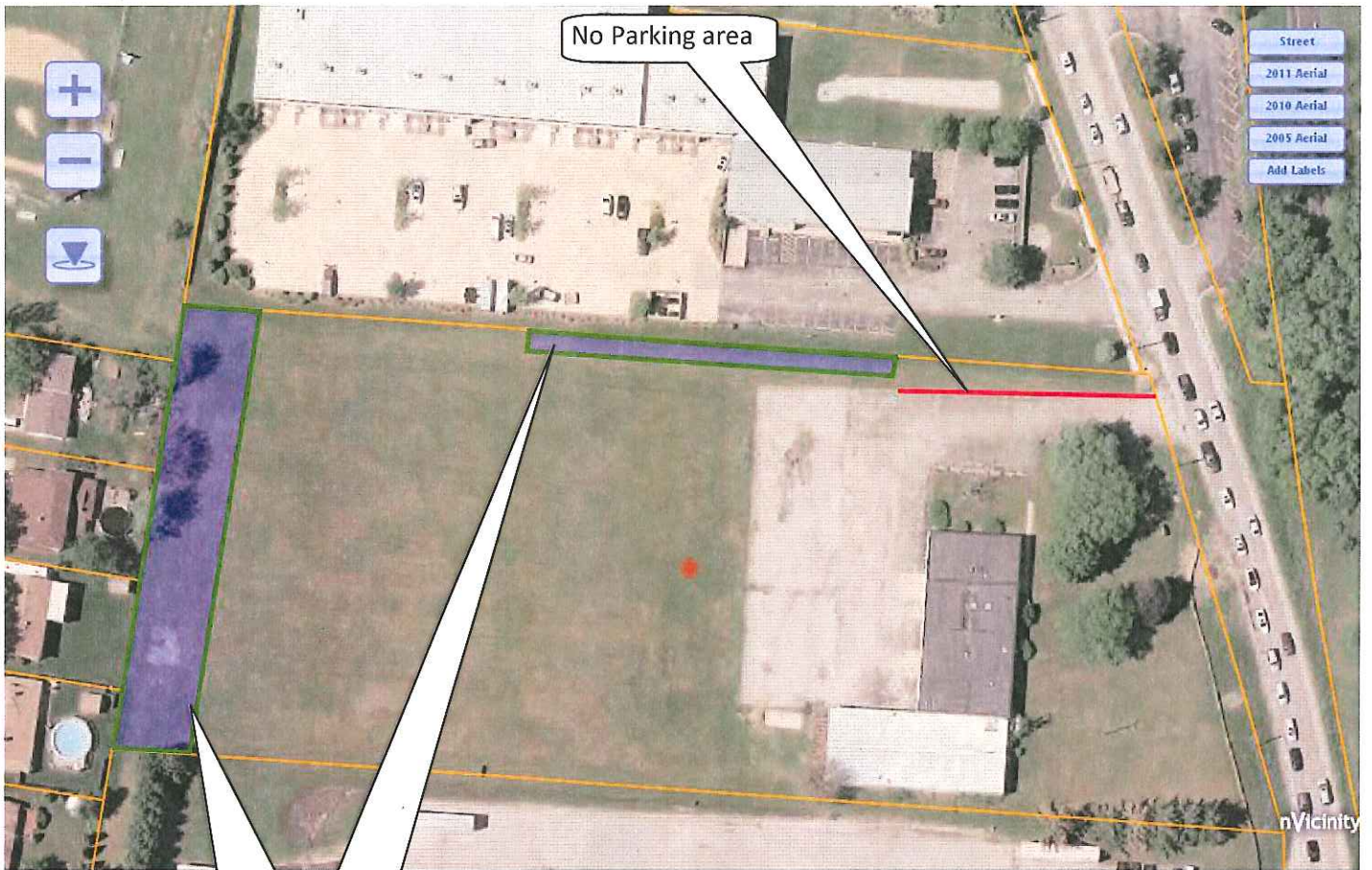
MAYOR

ATTEST

  
CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

EXHIBIT 2



Required landscape screening area

No Parking area

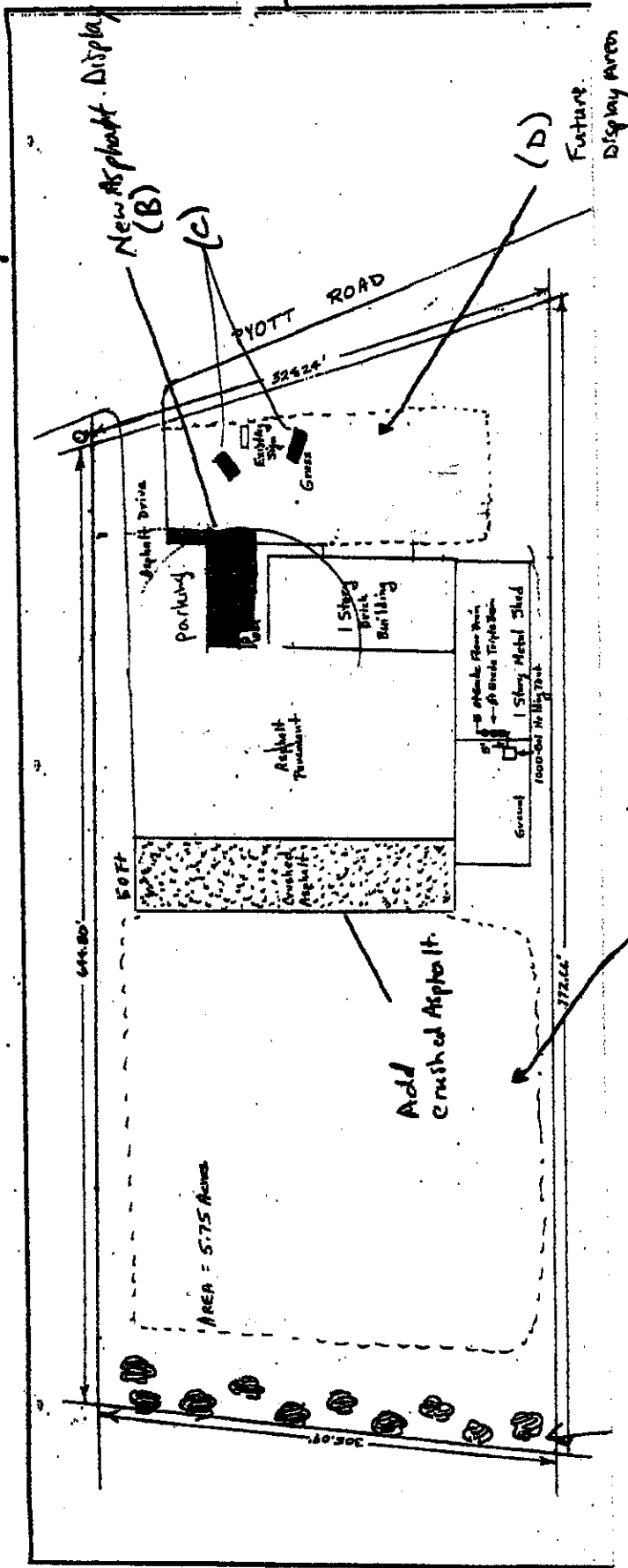


Pictures Taken at Signature Auto on 6/25/13





970 Pyott Rd. Crystal Lake IL 60014.



Area to be used for events including grand opening, car shows charitable events.

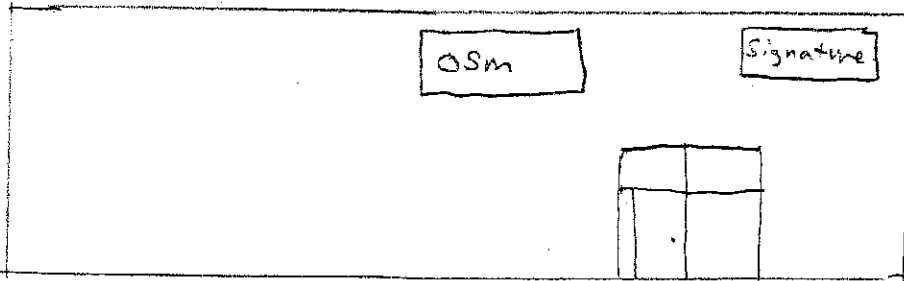
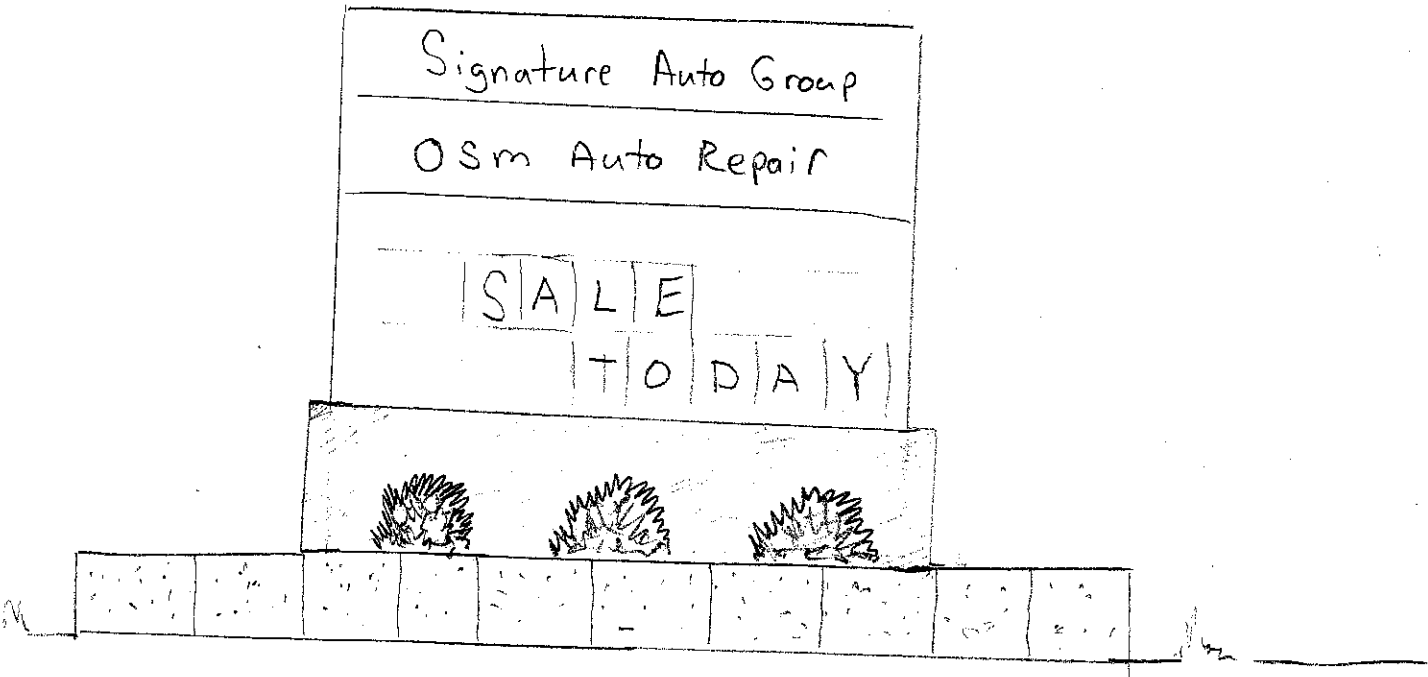
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Fax: 815-459-8872  
847-208-3900

ATTN: Penny

970 Pyott Rd Crystal Lake IL 60014



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