



#2014-12 City of Crystal Lake Project Review for Planning and Zoning Commission

Meeting Date: May 7, 2014

Zoning Requests: UDO Text Amendment from various provisions of the Unified Development Ordinance

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Background:

- When the City Council adopted the Unified Development Ordinance (UDO) in 2009, it was intended to be a dynamic document that would be updated periodically. Accordingly, reviews were completed at 6 months and 1 year after the adoption of the Ordinance. Additional text amendments were also approved by the City Council based on Planning and Zoning Commission and staff recommendations.
- The proposed text amendments would address issues observed by staff based on their day-to-day application of the UDO and would simplify the requirements and procedures for businesses and residents.
- Any additions are depicted as **bolded** and all deletions are marked with a ~~double strikethrough~~.

Discussion:

1. Limited and Special Use Criteria

Table 2-300 Permitted Uses Table

	F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W	USE CRITERIA	NAICS
Service Use Continued																
Massage (Therapeutic) parlors Establishments								PS		PS	PS					2-300C-63

Section 2-400 Limited and Special Use Criteria

11. Automotive Repair, Major

Major automotive repair facilities must comply with the following standards:

- a. Location of repair: All repairs shall be performed within a completely enclosed building.
- b. Licensed vehicles: All vehicles parked or stored on-site shall display a current license plate with a current registration.
- ~~c. Sale of vehicles: The sale of vehicles on-site or the advertising for such sale is prohibited.~~
- a. **c.** Odors and fumes: The use shall safely and appropriately vent all odors, gas and fumes and shall comply with all applicable Federal, State and local regulations. Such vents shall be located a minimum of 10 feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors from the fill pipes.
- b. **d.** Outdoor vehicle storage: Vehicles to be stored outdoors must be contained on-site on a paved area. The outside storage area shall be screened with a minimum 6 feet tall solid wooden fence. In selected cases, an 8 feet tall solid wooden fence may be required.
- e. **e.** Parts or junk vehicle storage: Outdoor storage of automotive parts or junk vehicles is prohibited.
- d. **f.** Fuel dispensing: Unattended, automated dispensing of gasoline or other engine fuel is prohibited.
- e. **g.** Fluid/oil collection mats: Fluid/oil collection mats are required by facilities in wellhead protection areas and within the Crystal Lake watershed.

63. Massage Establishment

All massage establishments must comply with the following criteria:

- a. **A floor plan, drawn to scale is required illustrating all the services/uses listed.**
- b. **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.**
- c. **Business records, including the names of clients and the services provided, must be readily available to inspect without prior notice.**
- d. **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.**
- e. **Persons under 18 years of age are not permitted in a massage establishment, unless accompanied by his/her parent or legal guardian.**
- f. **At least 75% of the window area of the massage establishment shall be visible, installed with clear, non-reflective windows. Blocking of windows with drapes, blinds or shelving is prohibited.**
- g. **No massage establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.**
- h. **No residential use is permitted within the massage establishment at any time.**
- i. **Alcohol is not permitted to be served in a massage establishment at any time.**
- j. **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.
- k. 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.
- l. Upon sale, transfer or relocation of a massage establishment, the special use will be considered null and void.

2. Temporary Use Permit requirements

Article 2-300 Permitted Uses Table

Categories & Sub-categories	Use		Use Criteria	NAICS
Temporary	Mobile Vendors	Temporary Use - All Districts	2-500B7	-

Section 2-500 Temporary Use Criteria
 B. Review Criteria for Temporary Uses

7. Mobile Vendors must comply with the following standards:

- a. Mobile vendors shall be regulated by the issuance of a temporary use permit (TUP).
- b. The TUP will be issued for a period of 1 year with an effective date of May first and an expiration date of April 30.
- c. A total of six TUP’s will be issued for mobile vendors. Three will be for food vendors and three will be for non-food vendors
- d. A mobile vendor will be defined as anyone who “offers for sale and immediate delivery any food, goods or merchandise from any motorized vehicle or any trailer, cart or other container attached to or intended to be attached to any motorized vehicle (NOTE: Mobile Vendor does not include those vendors licensed pursuant to Chapter 504 of the City of Crystal Lake Municipal Code)
- e. Mobile vendors shall not be permitted to operate within the City of Crystal Lake without having first received a TUP issued by the Director of Community Development. The TUP will be issued by the Director of Community Development,
- f. Any mobile vendor selling food items must provide evidence or a current permit issued by the McHenry County Health Department as a condition of the issuance of a TUP and such permit must be maintained as current during the term of the TUP.
- g. Mobile Vendors may operate in any district other than residential districts.
- h. The Fire Rescue Department must inspect any vehicle used by a Mobile Vendor for the sale of food.
- i. The Mobile Vendor must dispose of all waste.
- j. The Mobile Vendor must provide evidence of insurance.
- k. Mobile Vendors must comply with all noise regulations of the City.

- l. Mobile Vendors may not provide seating or tables for customers of the Mobile Vendor.**
- m. No signage other than such signage that is painted or permanently affixed to the vehicle.**
- n. No amplified sound or music may emanate from the Mobile Vendor’s vehicle.**
- o. A Mobile Vendor can only operate upon private property with the permission of the owner.**
- p. Mobile Vendors cannot engage in sales upon any public streets or other public property.**
- q. Mobile Vendors cannot operate upon any single lot within the City for a period or more than eight hours during any 24 hour period.**

3. Article 4 Development and Design Standards, Street Standards

Article 4-100 D 2. Sidewalks

e. Accessibility

- (i) All sidewalks shall be constructed in such a manner so as to provide access to the sidewalk at the curblineline for handicapped persons by means of an inclined ramp. ~~the grade of which shall be determined and approved by the City Engineer.~~ **All grades must meet the latest guidelines and standards of the American with Disabilities Act.**

Table 4-100 D3: Summary of Sidewalk Design Standards

Table 4-100 D3: Summary of Sidewalk Design Standards			
			Code Section
Sidewalk Width	Standard:	Min. 5 feet	4-100 D-2 a (i)
	Matching Existing:	Min. 4 feet	4-100 D-2 a (ii)
	Carriage Walks:	Min. 6 feet	4-100 D-2 a (iii)
Sidewalk Thickness	In Public ROW:	Min. 4 inches	4-100 D-2 b (i)
	Thru Residential Drives:	Min. 6 inches	4-100 D-2 b (ii)
	Thru Non-Residential Drives:	Min. 8 inches	4-100 D-2 b (iii)
Sidewalk Pavement Design	Well compacted subgrade		Appendix
	Compacted CA-6 Gravel (Grade 8 or 9) – Min. 2 inches		Appendix
	Six-bag cement mix per cubic yard of concrete (Class SI Concrete)		Appendix
	A curing compound shall be applied to all finished surfaces.		Appendix
Minimum Pitch	¼ inch per foot of width		Appendix
	¼ inch to ½ inch per foot of length (along curbline)		
Tooled Joints	Contraction	5-foot centers	Shall not exceed 1/3 the thickness of the finished walk
	Expansion	1/2 inch full-depth every 50 feet.	Where the walk abuts an existing walk, a curb, driveway, approach, building
Cold Weather Pours	Air Temp: 35°F and rising		Appendix
Cold Weather Protection	25° F. through 32° F	Two layers of polyethylene	
	Below 25° F	12 inches of straw covered with two layers of polyethylene	

4. Article 4 Development and Design Standards, Street Standards

Article 4-200 Off-street Parking and Loading

3. Surfacing

All off-street parking and loading areas shall meet the standards listed in Article III, Land Development, Chapter 570: PARKING LOT, DRIVEWAY AND SIDEWALK

CONSTRUCTION of the City Code. **Parking shall occur only on off-street parking areas.**

In certain areas, where permeable soils are present and allow proper drainage, the City Engineer or his/her assigned designee may permit the use of permeable paving materials, including, but not limited to porous concrete, permeable interlocking concrete pavers, concrete grid pavers, and porous asphalt. Compacted gravel will not be considered as permeable pavement and gravel parking lots shall be permitted only upon the approval of a variation.

5. Alternate Uses

Article 9-200 SPECIFIC STANDARDS AND OTHER REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT APPROVAL

B. Amendments

C. Variations and Simplified Residential Variations

D. Special Use Permits

E. Planned Unit Development

F. Watershed Planned Unit Development

G. Sign Variations

H. Alternate Uses

~~I.~~ I. Appeals and Stays of Proceedings

~~J.~~ J. Withdrawal of Application and Repeated Application

~~K.~~ K. Notice

~~L.~~ L. Permits

~~M.~~ M. Fees

~~N.~~ N. Penalties

~~O.~~ O. Separability

H. Alternate Uses

1. Alternate Uses are:

- a. **Intended to allow flexibility in the use of land or structures in the “M-L” or “M” districts in the City when such uses meet appropriate conditions and performance standards that protect public health, safety and welfare.;**
- b. **Alternate uses that address a current need or demand but are intended for a limited time period of not more than three years, unless an extension of such time period is approved;**
- c. **Judged to be presently acceptable by the City Council, but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or special use allowed within the district; or**

- d. **Reflective of anticipated long range change to an area and which are in compliance with the Comprehensive Plan provided that said uses maintain harmony and compatibility with surrounding uses and are in keeping with the architectural character and design standards of existing uses and development.**

- 2. **Specific uses are not spelled out as Alternate Uses in Article 2, Land Use. The Zoning Administrator, upon the applicant’s request, can make the initial determination, based on the standards for Alternate Uses, whether a specific use, not permitted in the zoning district is eligible to seek an Alternate Use Permit.**

- 3. **Alternate uses may only be authorized pursuant to an Alternate Use Permit, the consideration of which shall be reviewed according to the standards and procedures for a special use permit as established by Article 9, Administration of this Ordinance, as well as the standards set forth in this Section. Depending upon the specific use requested, an Alternate Use Permit may contain specific conditions relating to such use, including provisions that limit the time during which an Alternate Use may continue to operate, the location or locations where the Alternate Use may be permitted, and such other limitations or conditions to carry out the purposes of this Ordinance.**

- 4. **Standards for Alternate Uses**
No Alternate Use Permit may be granted unless the City Council determines that the use will comply with the following:
 - a. **The general performance standards in Article 2, Land Use will be met;**
 - b. **The use will not delay or otherwise inhibit anticipated development or redevelopment of the site;**
 - c. **The use will not be in conflict with any provisions of the UDO or City Code on an ongoing basis;**
 - d. **The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;**
 - e. **The property on which the use will be located is currently in compliance with all applicable Ordinance standards;**
 - f. **The use will not impose additional unreasonable costs on the public; and**
 - g. **The owner will provide an appropriate financial surety to cover the cost of removing the Alternate Use and any structures serving the Alternate Use upon the expiration of, and to the extent required under the terms of, the Alternate Use Permit.**
 - h. **The use otherwise conforms to the comprehensive plans and zoning regulations as regards to performance standards and other requirements;**
 - i. **The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and,**
 - j. **The applicant will agree in writing to any conditions City may attach to the approval of an Alternate Use Permit to mitigate anticipated adverse impacts associated with the use, to ensure compliance with the standards of the approval, to protect the value of the property, and to achieve the goals and objectives of the Comprehensive Plan.**

5. Effect of Permit

- a. **An Alternate Use will be authorized only for the location specified in the application and set forth in the Alternate Use Permit.**
- b. **The issuance of an Alternate Use Permit does not confer on the property any vested right.**

6. Termination

- a. **An Alternate Use Permit expires and the Alternate Use must terminate at the earlier of:**
 - i **any expiration date in the Alternate Use Permit;**
 - ii **the occurrence of any event identified in the Alternate Use Permit for the termination of the use;**
 - iii **revocation of the Alternate Use Permit; or**
 - iv **an amendment of the UDO that no longer allows the Alternate Use.**
- b. **An Alternate Use Permit expires one year after approval if the proposed use has not commenced or a building permit for a structure to support the interim use has not been issued.**
- c. **An Alternate Use Permit expires if the alternate use ceases operation for a continuous period of at least three months, irrespective of intent.**

7. Revocation or Modification

The City Council may direct staff to review an Alternate Use Permit periodically and may revoke a permit upon violation of any condition of the permit, any law of the United States or the State of Illinois, or any city ordinance. If it is discovered after approval of the Alternate Use Permit that the city's decision was based at least in part on false, misleading, or fraudulent information, the City Council may revoke the permit, modify the conditions or impose additional conditions to ensure compliance with this section.

8. Separation requirements between principal and accessory structures

Section 4-600 Accessory Structures and Uses

B. General Standards

7. Are not located within 5 feet of a principal structure, unless the minimum fire-resistance rating requirements per the International Residential Code (IRC) **(which requires a fire rating of 20 minutes for that wall of the accessory structure parallel to the principal structure)** are complied with.

9. Trash Enclosures

Section 4-700 Fences, Walls and Screening

C. Required Fences

~~2. Refuse containers and Facilities~~

~~Residential Properties: Garbage disposal equipment for residential properties shall not be permitted to be stored in the front and corner side yard.~~

10. Definitions

ARTICLE 10, DEFINITIONS

LAND USE, MOBILE VENDOR: A mobile vendor defined as anyone who offers for sale and immediate delivery any food, goods or merchandise from any motorized vehicle or any trailer, cart or other container attached to or intended to be attached to any motorized vehicle. **NOTE:** Mobile Vendor does not include those vendors licensed pursuant to Chapter 504 of the City of Crystal Lake Municipal Code.

LAND USE, MASSAGE ESTABLISHMENT: Any establishment that provides massage as the primary means of business, employs at least one licensed massage therapist, and does not offer illicit sexual services under the guise of therapeutic massage. This shall include any establishment having a fixed place of business where any person, firm, association, partnership, or corporation engages in, carries on or permits to be engaged in, carried on any of the activities mentioned in the definition of massage, including but not limited to what are commonly known and referred to as spas, suntan spas, parlors, bathhouses and massage parlors. A massage business shall not include any accredited educational facility that teaches massage therapy or masseuse techniques, nor shall it include any licensed health care facilities, or establishment of duly licensed doctors. This will not apply to salons, recreational facilities, or physical therapy offices which may offer massages as an accessory use to more dominant uses on the premises. A massage establishment may employ only persons that have a State license issued by the Illinois Department of Professional Regulation pursuant to the Illinois Massage Licensing Act, 225 Illinois Compiled Statues 57/1 et seq., as it may be amended from time to time, to engage in the practice of massage.

LAND USE, MASSAGE: Massage means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating any external parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or similar preparations commonly used in said practice.

LAND USE, MASSAGE THERAPIST: Massage Therapist means any person who, for consideration or gratuity whatsoever, engages in the practice of massage as defined herein.

LAND USE, SPA OR DAY SPA: A commercial establishment which offers patrons multiple services such as: personal hygiene, grooming, relaxation therapy, hydro therapy and licensed massage therapy. The establishment may also offer incidental light nourishment or refreshment for patrons. Establishments which offer massage therapy must conform to the other provisions governing the same in this Ordinance.

11. Driveway Spacing

APPENDIX, Section A-400 Access Management Manual

C. Required Spacing

Where the application of this subsection would preclude a driveway on a lot which was platted as of the effective date of this Ordinance, one (1) driveway shall be permitted. Such driveways shall be spaced as far from an existing driveway or intersection as possible without creating turning conflicts or other traffic hazards. **The City Engineer at his/her discretion may waive the required spacing requirement for non-conforming lots.** Illinois Department of Transportation (IDOT) Strategic Regional Arterial (SRA) requirements for minimum spacing between full-access drives may supersede the drive spacing standards in the table above for major arterials.

12. Sidewalk Design

APPENDIX, Section A-800 Sidewalk Design and Construction

2. Sidewalk Design

The finish grade of the sidewalk shall ~~be established by the City Engineer~~ **meet the latest guidelines and standards of the American with Disabilities Act.** ~~However,~~ General criteria includes a minimum pitch to the street of 1/4 inch per foot of width, and the grade of the finished walk shall have sufficient fall from the edge of the walk to the curblineline to provide sufficient drainage which shall be 1/4 inch to 1/2 inch per foot.

13. Other changes

With the recent consolidation of the Planning and Economic Development and the Planning and Engineering Departments into the Community Development Department, references throughout the UDO to the Planning and Economic Development Director and the Director of Engineering and Building must be updated to reflect Director of Community Development. An itemized list of the changes will be available at the meeting.

Recommendation:

If the PZC's direction is to approve these changes, the abovementioned changes to the UDO are recommended.

PUBLIC NOTICE

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

IN THE MATTER OF THE PETITION OF TECKLER BLVD DEVELOPMENT SITE, LLC PETITIONER AND OWNER FOR THE APPROVAL A SPECIAL USE PERMIT WITH BULK VARIATIONS TO ALLOW A CLIMATE CONTROLLED STORAGE FACILITY IN AN M MANUFACTURING DISTRICT UNDER THE ORDINANCES OF CRYSTAL LAKE

2014-13

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 of the City of Crystal Lake upon the application of Teckler Blvd Development, LLC Petitioner and Owner, for the property commonly known as the Southeast corner of Teckler and Official Road, Crystal Lake, Illinois. The land contains the former site of Black Dot Graphics and includes buildings and parking spaces in its current condition. The Petitioner is seeking to create a two phase commercial storage operation. The first phase will see the construction of a new 40,000 square foot climate controlled storage building, the retrofitting of a 5,880 square foot existing warehouse building and the fencing in of parking lots to allow for 15,125 feet of drive up storage. The second phase would see the addition of a 20,790 square foot interior climate controlled storage facility and an additional 20,790 feet of drive up storage.

The Property index numbers are
19 08 228 001, 19 08 228 002,
19 08 228 003, 19 08 228 004,
19 08 228 005, 19 08 228 006,
19 08 228 007, 19 08 228 008,
19 08 228 012, 19 08 228 013

The petitioner is requesting the special use permit for commercial storage under the Unified Development Ordinance and the following variances: to reduce the distance between the entrance of to the property on Official Rd and the intersection from 60 feet to 40 feet a variation of 20 feet; to reduce the rear yard setback from 20 feet to 10 feet a variation of 10 feet; an increase in the impervious surface coverage from the allowed 70% to allow 75% (this is 10% less than the existing 85% surface coverage existing on the site); finally to allow see through fencing of the parking areas instead of the required solid screen. This request includes any additional variations or permits necessary to allow the creation of the storage facility as submitted.

A public hearing before the Planning and Zoning Commission regarding this request will be held at 7:30 p.m. on April 2, 2014 at the Crystal Lake City Hall, 100 West Woodstock Street, Crystal Lake at which time and place any person determining to be heard may be present.

Thomas Hayden, Chair
Planning and Zoning Commission,
City of Crystal Lake

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