#2015-44 Crystal Spa–Special Use Permit
Project Review for Planning and Zoning Commission

Meeting Date:	August 5, 2015
Request:	A Special Use Permit to allow a massage establishment and a variation from Article 2-400(C)(65) to allow the business to be open at 10am.
Location:	386 W. Virginia Street
Acreage:	1,200 square feet
Existing Zoning:	B-2 (General Commercial)
Surrounding Properties:	North: R-3A (Two-Family Residential) South: B-2 (General Commercial) East: B-2 (General Commercial) West: B-2 (General Commercial)
Staff Contact:	Kathryn Cowlin (815.356.3798)

Background:

- Existing Use: The property is currently a commercial strip center. The subject unit is improved with a massage establishment.
- Background: The petitioner purchased J & H Massage from the previous owner. The business is now known as Crystal Spa. Crystal Spa offers foot massages, body massage and possibly skin care and nails in the future.
- 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, one of which is upon the sale of a massage establishment the new owners must obtain a new special use permit.

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 be open at 10am.
- 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 (General Commercial).

Business Description

- Crystal Spa purchased J & H Massage.
- Crystal Spa will offer foot and body massages.
- Additional future services may include manicures and pedicures and skin care.
- No changes were made to the building's interior.

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*

   Must be provided by request.

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*

   386 W. Virginia was granted a sign variation in 2014, Ordinance 7023, to allow the window signage to cover more than 25% of the total window or door area for any elevation to be permitted to allow 100% coverage.

7. No massage establishment shall be kept open for any purpose between the hours of 9:00 p.m. and 11:00 a.m.

   ☐ *Meets* ☒ *Does not meet*

   The petitioner is requesting permission to open at 10:00am.

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 be open a 10am, 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 (Gerber, received 07/10/15)
   B. Interior Layout Plan (received 07/16/15)
   C. State License (received 07/16/15)

2. The hours of operation for the massage establishment shall be 10am to 9pm.

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. No residential use is permitted within the massage establishment at any time.

7. Alcohol is not permitted to be served in a massage establishment at any time.

8. 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.

9. Upon the petitioner's sale, transfer or relocation of this massage establishment, this special use will be considered null and void.

10. At the time any new massage therapists are employed, the owner shall provide a copy of their massage license to the City.

11. The petitioner shall address all of the review comments and requirements of the Community Development, Fire and Police Departments.

2015 44

City of Crystal Lake
Development Application

Office Use Only
File # _____

Project Title: CRYSTAL SPA

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
- X Special Use Permit
- ___ Variation
- ___ Other

Petitioner Information

Name: TE YUAN GERBER
Address: 6120 CRAIN ST.
MORTON GROVE IL. 60053
*1ST 847-363-7784 FRED
Phone: 847-867-2438
Fax: N/A
E-mail: TESSICA227@HOTMAIL.COM

Owner Information (if different)

Name: MARILYN LITTLE
Address: 382 W. VIRGINIA ST.
CRYSTAL LAKE, IL 60014
Phone: 815/355-6799
Fax: 847/ 458-3319
E-mail: dlittle46@gmail.com

Property Information

Project Description: SPA FOOTMASSAGE CHAIR + BODY MASSAGE
PEDS SKIN CARE & NAILS HOURS OF OPERATION 10:00AM - 9:00PM

Project Address/Location: 382 W. VIRGINIA ST
CRYSTAL LAKE, IL. 60014

PIN Number(s): 19-05-154-013

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: _____

Attorney: _____

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

_____ 7/10/2015

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.

TE YUAN GERBER _____ 7/10/15

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.

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF Te Yuan Gerber

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 of the City of Crystal Lake upon the application of Te Yuan Gerber seeking a Special Use Permit and variations to allow a massage establishment at 386 W. Virginia Street, Crystal Lake, Illinois. PIN: 19-05-154-013

This application is filed for the purpose of seeking a Special Use Permit pursuant to Article 2-400(C)(65), and a variation from Article 2-400(C)(65)(g) to allow the business to be open from 10am to 9 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 5, 2015, 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 July 19, 2015.) NW 7031

City of Crystal Lake Illinois



nVicinity

ORDINANCE NO. 7023
FILE NO. 368

AN ORDINANCE GRANTING A SIGN VARIATION FOR
J & H MASSAGE, 386 VIRGINIA STREET

WHEREAS, pursuant to the terms of the request (File #2014-04-C) before the City of Crystal Lake, the Petitioner has requested a sign variation to allow the window signage to cover more than 25% of the total window or door area for any elevation permitted to allow 100% coverage for J & H Massage; and

WHEREAS, a hearing of the request was held before the City of Crystal Lake City Council in the manner and in the form as prescribed by Ordinance and Statute; and

WHEREAS, as a result of said hearing, the City Council made a motion to approve the sign variation as requested; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the sign variation be granted as requested,

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

SECTION I: That a sign variation be granted to allow the window signage to cover more than 25% of the total window or door area for any elevation permitted to allow 100% coverage for J & H Massage located at 386 Virginia Street (PIN: 19-05-154-013), Crystal Lake, Illinois with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application (J & H Massage, received 04/29/14)
   B. Pictures (Staff)

2. The petitioner shall comply with all of the requirements of the Community Development Department.

SECTION II: 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 Variations in accordance with the provisions of this Ordinance, as provided by law.

SECTION III: 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 6th day of May, 2014.

MAYOR

ATTEST:

CITY CLERK

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

2015 44

RECEIVED
JUL 16 2015
BY:

State of Illinois

Department of Financial and Professional Regulation

Division of Professional Regulation

LICENSE NO.
227.014831

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

EXPIRES:
12/31/2016

LICENSED
MASSAGE THERAPIST

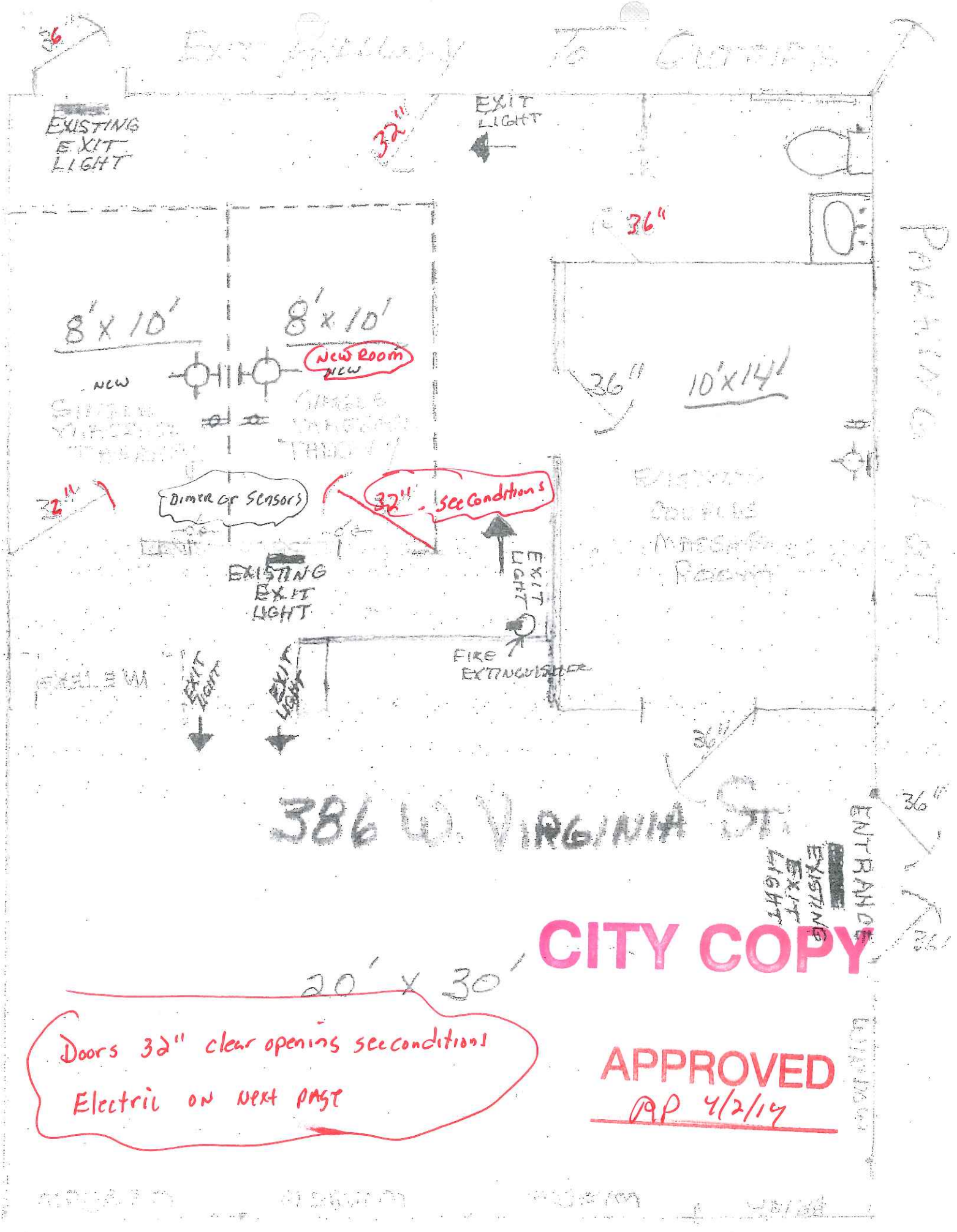
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6120 CRAIN ST
MORTON GROVE, IL 60053

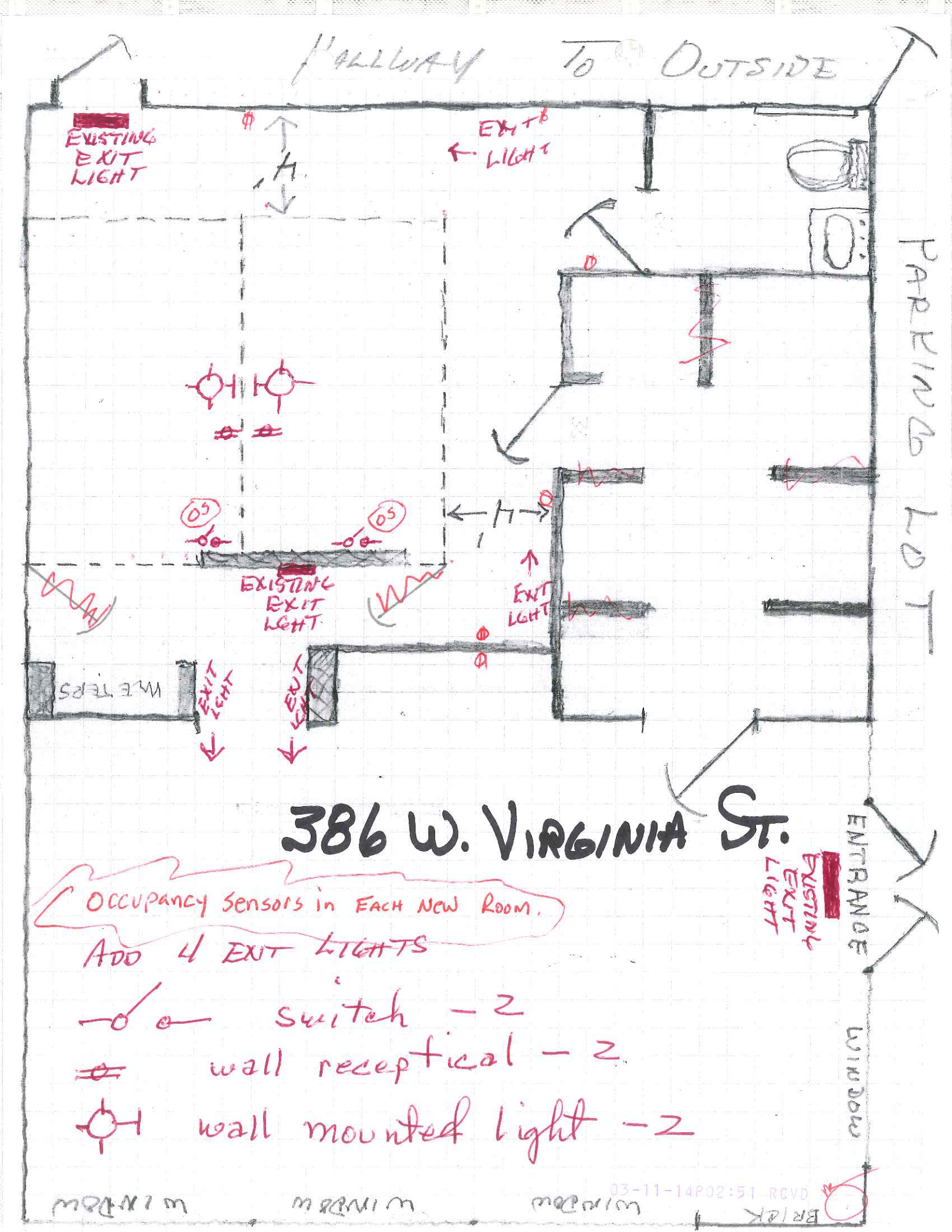
MANUEL FLORES
ACTING SECRETARY

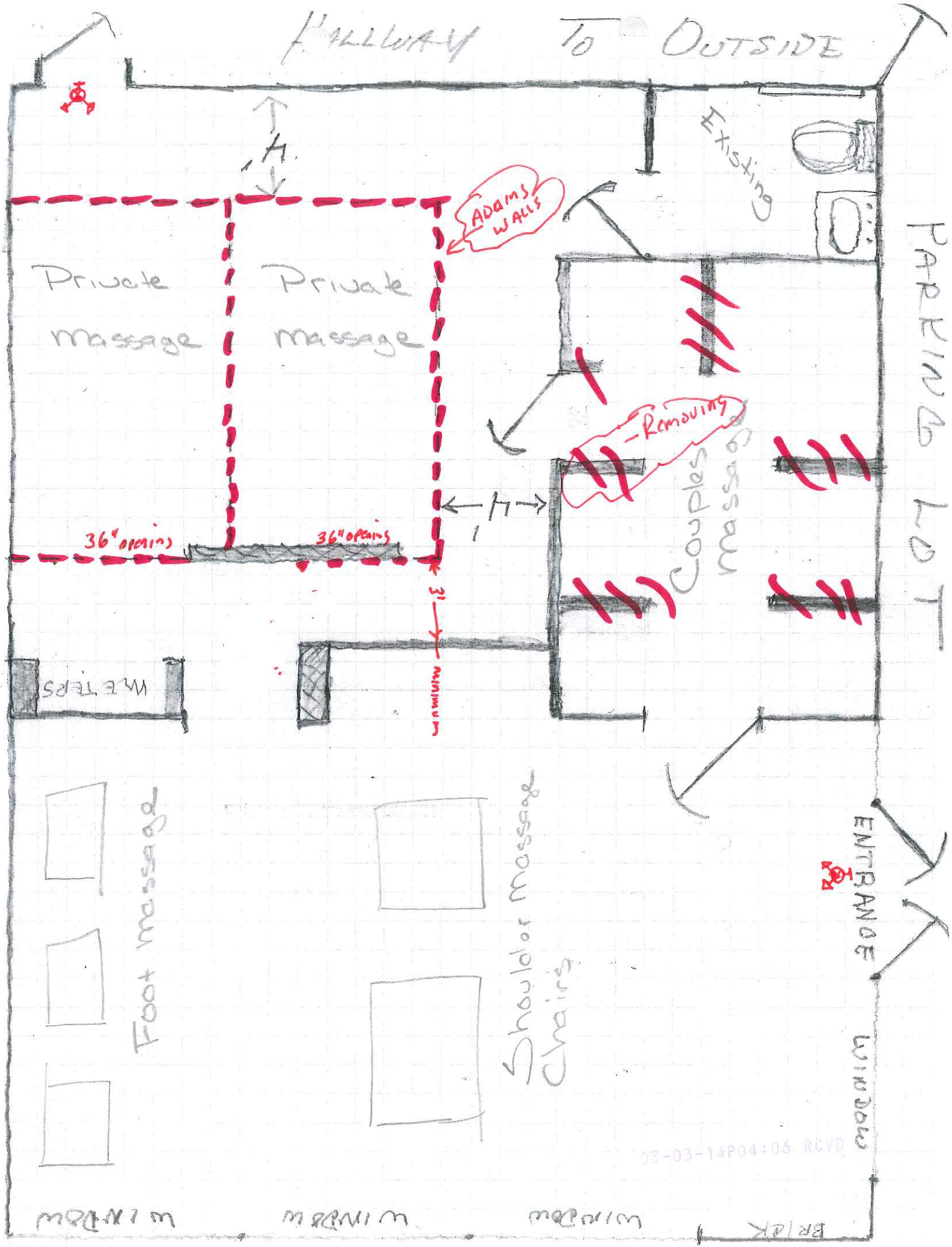
JAY STEWART
DIRECTOR

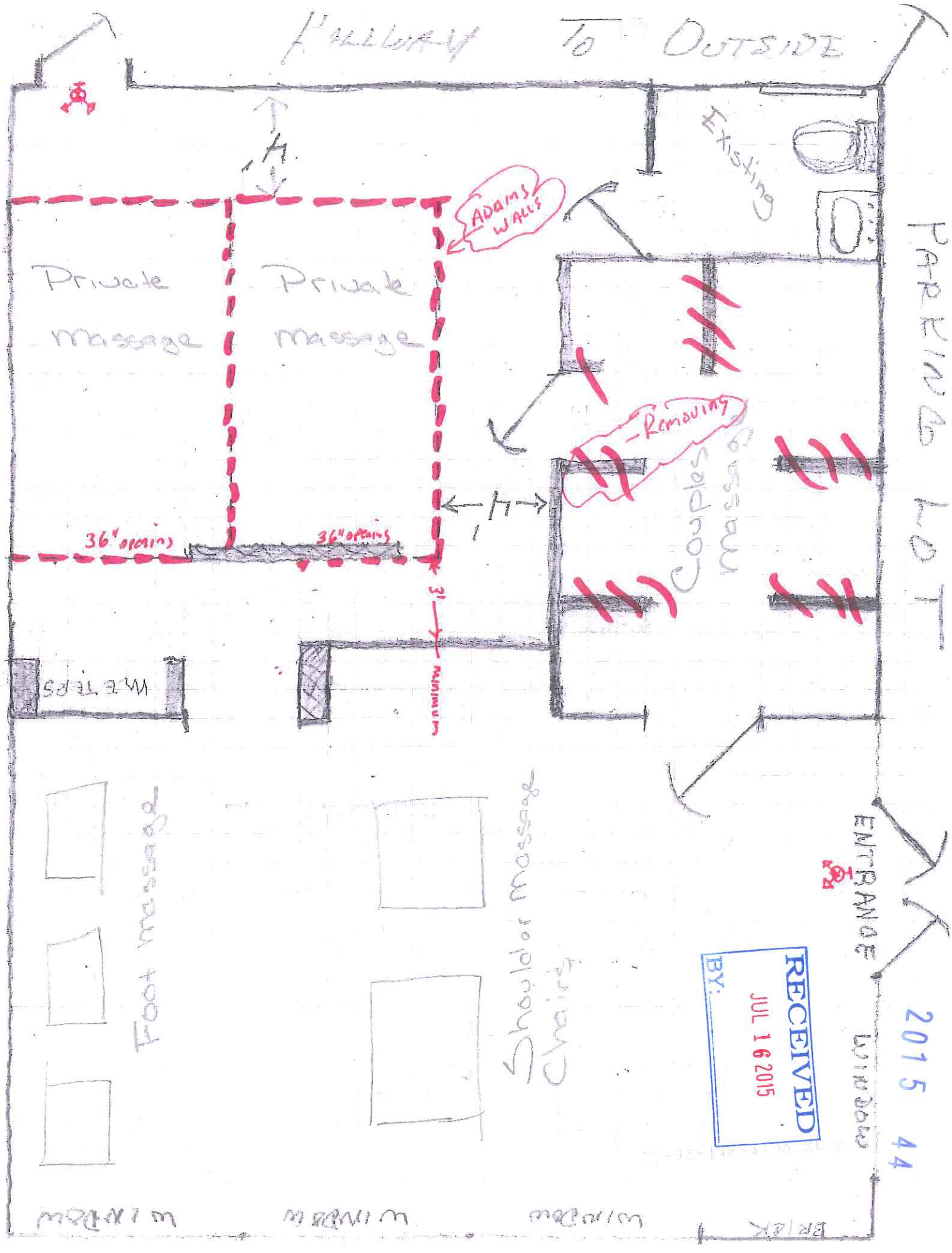
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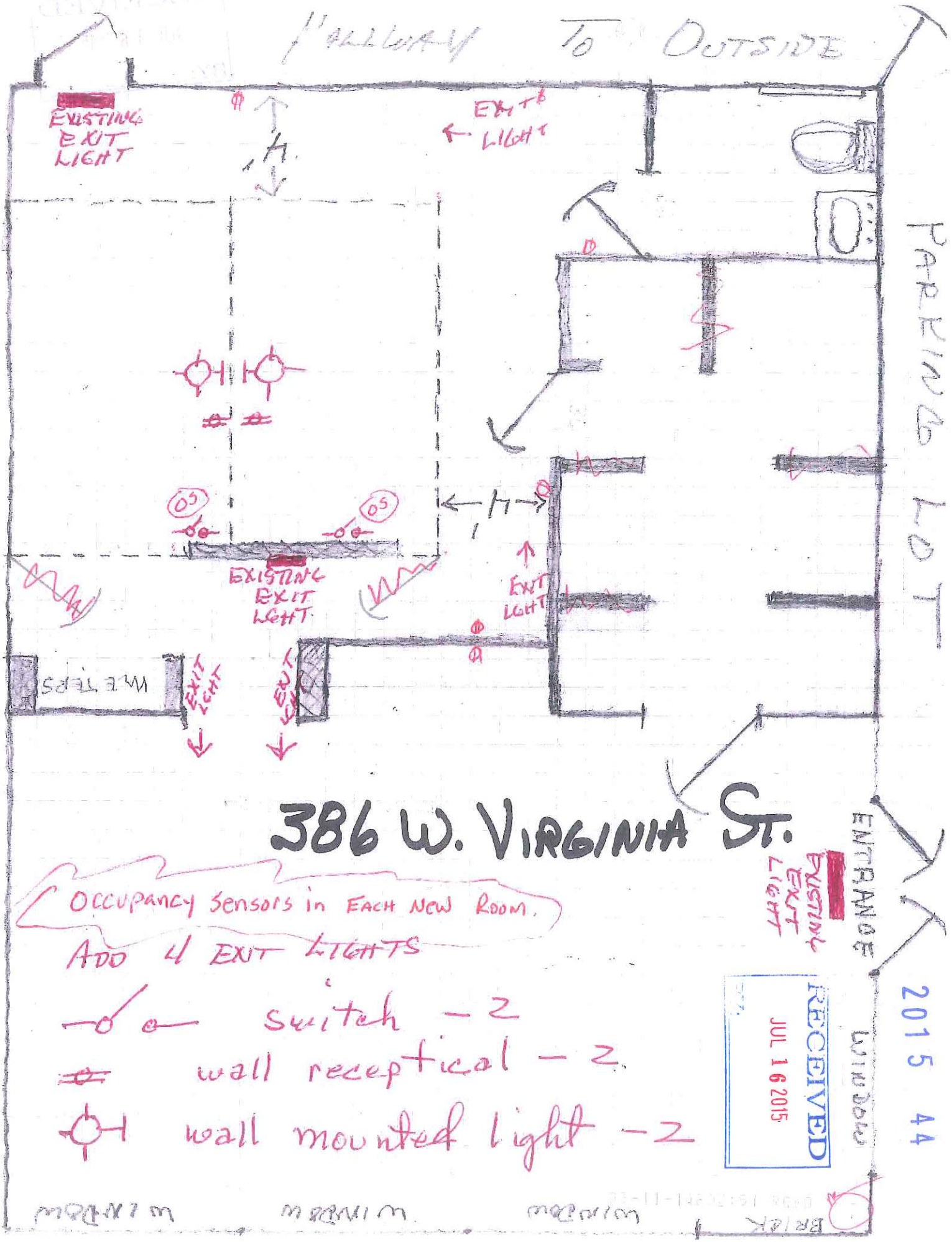
9224655


36"
EXISTING EXIT LIGHT
32"
EXIT LIGHT
36"
8' X 10'
8' X 10'
NEW
New Room
NEW
36"
10' X 14'
32"
Dimmer or Sensors
32" - See Conditions
EXISTING EXIT LIGHT
EXIT LIGHT
FIRE EXTINGUISHER
EXIT LIGHT
EXIT LIGHT
36"
386 W. VIRGINIA ST.
36"
EXISTING EXIT LIGHT
ENTRANCE
20' X 30'
Doors 32" clear openings see conditions
Electric on next page
CITY COPY
APPROVED
AP 4/2/14


HALLWAY TO OUTSIDE
EXISTING EXIT LIGHT
EXIT LIGHT
PARKING LOT
05
05
EXISTING EXIT LIGHT
EXIT LIGHT
EXIT LIGHT
EXIT LIGHT
386 W. VIRGINIA ST.
ENTRANCE
EXISTING EXIT LIGHT
WINDOW
OCCUPANCY SENSORS IN EACH NEW ROOM.
ADD 4 EXIT LIGHTS
switch - 2
wall receptical - 2
wall mounted light - 2
03-11-14P02:51 RCVD

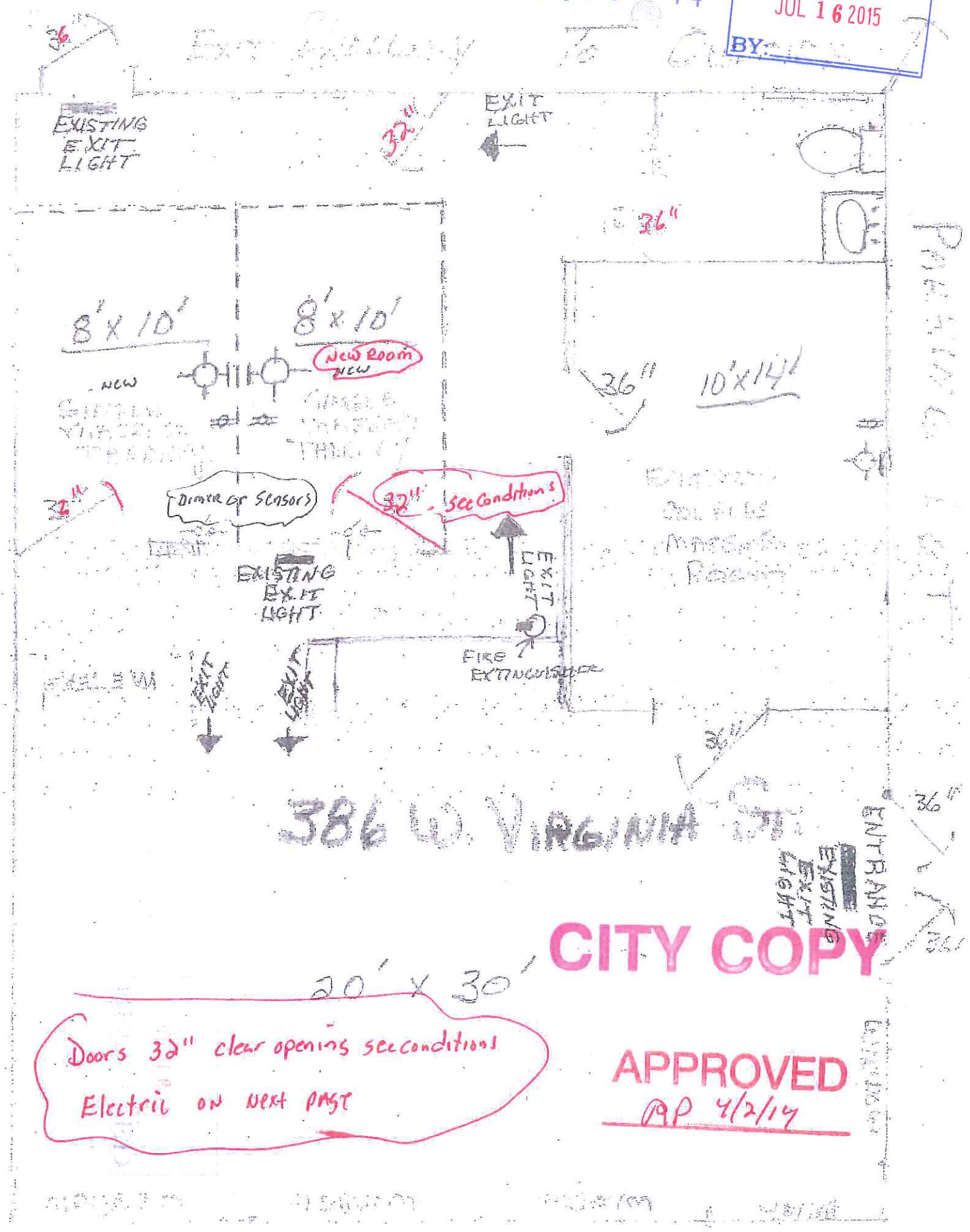

HALLWAY TO OUTSIDE
Existing
ADAMS WALLS
Private massage
Private massage
36" opening
36" opening
minimum
-Removing
Couples massage
PARKING LOT
WAITERS
Foot massage
Shoulder massage Chairs
ENTRANCE
WINDOW
03-03-14P04:06 RCVD


Hallway to Outside
Existing
Parking Lot
Adams walls
Private massage
Private massage
36" opening
36" opening
Removing
Couples massage
Waiting
Foot massage
Shoulder massage Chairs
Entrance
Window
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HALLWAY TO OUTSIDE
PARKING LOT
EXISTING EXIT LIGHT
EXIT LIGHT
EXISTING EXIT LIGHT
EXIT LIGHT
EXIT LIGHT
EXIT LIGHT
WOMEN
MEN
386 W. VIRGINIA ST.
ENTRANCE
EXISTING EXIT LIGHT
WINDOW
OCCUPANCY SENSORS IN EACH NEW ROOM.
ADD 4 EXIT LIGHTS
switch - 2
wall receptical - 2
wall mounted light - 2
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