#2010-11
6096 Commercial Road (Crystal Lake Auto Body Inc. /Foxx Motor Sports, Inc.
Project Review for Planning and Zoning Commission

Meeting Date:	March 3, 2010
Zoning Requests:	(i) Land Use Variation to allow retail sales in a "M" Manufacturing district (ii) Unified Development Ordinance variation from the required number of parking spaces to allow the site to be used in its existing condition.
Location:	6096 Commercial Road
Acreage:	≈ 25,219 sq. ft. (0.58 acres)
Existing Zoning:	"M" Manufacturing
Surrounding Properties:	North: "M" Manufacturing South: "M" Manufacturing East: "M" Manufacturing West: "M" Manufacturing
Staff Contact:	Latika Bhide 815.356.3615

Background:
The property in question is an existing non-conforming lot in the "M" Manufacturing district with a lot area of approximately 25,219 sq. ft. This property was part of the 1991 involuntary annexation of the Teckler Triangle Industrial Park. Following annexation, the property owners applied for and were granted a rezoned to the "M" district with variations granted from the lot width and lot area requirements.

Land Use Analysis:
The petitioner, Crystal Lake Auto Body, Inc. /Foxx Motor Sports, Inc., will be operating an auto body store at this location. Auto body stores are classified as "Automotive Repair, Major" per the Unified Development Ordinance (UDO) and are principal permitted uses in the "M" district. Along with the auto body store, the petitioners are requesting a use variation to allow indoor sale of motor vehicles.

The Manufacturing district is characterized in the UDO as, "the primary heavy industrial district, serving uses that are visually obtrusive, generate nuisances such as noise and odors, or have excessive exterior operations or storage of equipment and materials." This district is characterized by large-scale buildings, exterior storage of materials, and/or exposed equipment. Landscape buffers, architectural and design controls are required to mitigate impacts on the City's visual character. In general, this district is intended to provide for heavy industrial uses with high nuisance potential. Retail sales are not permitted as principal uses in the "M" district.

Outdoor Storage:

The petitioner has indicated that motor vehicles for sale will be stored indoors and that outdoor storage of motor vehicles for the auto body portion of the business will occur in the fenced in area on the west side of the building. The guidelines for 'Outdoor sales, service, storage and display' that were adopted as part of the Unified Development Ordinance in 2009 state that "*vehicle repair and maintenance uses are exempt from the screening requirement for outdoor storage only for vehicles that are awaiting pick-up no longer than 7 calendar days after repairs are completed*." Any outdoor storage of vehicles that are in a state of disrepair must be in an area screened from view with solid wooden fencing or opaque landscaping.

<table>
<tr><td></td><td></td><td></td></tr>
<tr><td>Front of the building</td><td>West of the building</td><td>West of the building</td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>Rear of the building</td><td>Paved area in the rear</td><td>East of the building</td></tr>
</table>

Sewer and Water:

This property is not currently connected to City sewer or water. Both sewer and water mains are located in the Commercial Road right of way in front of this property. Motor vehicle waste is not

permitted to discharge into the septic system because of the potential for ground water contamination. A holding tank, in accordance with the Private Sewage Disposal Act and USEPA regulations, is permitted to be installed in lieu of a gas and oil interceptor. It is important that any stored vehicles awaiting repair do not emit any hazardous fluids into the storm sewer systems. Vehicles awaiting repair must be properly maintained or stored inside where a sanitary sewer could be available.

Parking:

Per the UDO, automobile repair places require 3 parking spaces for every service bay. Automobile dealers are required 1 parking space per 5,000 square-feet of outdoor display area + 2 spaces per service bay + 1 parking space per employee on the largest shift. The petitioner has not provided adequate information to determine how many parking spaces would be required. However, as the photograph below illustrates, there is currently no striped parking at this location. It is anticipated that the petitioner would like to utilize this site as-is, therefore a variation from the parking requirements will be necessary.



Findings of Fact:

USE VARIATION

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:

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

   ☐ *True* ☐ *False*

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

   ☐ *True* ☐ *False*

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

   ☐ *True* ☐ *False*

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

   ☐ *True* ☐ *False*

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

   ☐ *True* ☐ *False*

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.

UNIFIED DEVELOPMENT ORDINANCE VARIATION

The granting of a Variation rests upon the applicant proving practical difficulty or hardship caused by the Unified Development Ordinance requirements as they relate to the property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing. Before recommending any variation, the Planning and Zoning Commission and City Council shall first determine and record its findings that the evidence justifies the conclusions that:

1. 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.
   ☐ True ☐ False

2. Also, that the variation, if granted, will not alter the essential character of the locality.
   ☐ True ☐ False

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:

1. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;
   ☐ True ☐ False

2. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;
   ☐ True ☐ False

3. 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
   ☐ True ☐ False

4. 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.
   ☐ True ☐ False

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 hardship is found, staff suggests that the following as conditions of the approval of the Use Variation and Unified Development Ordinance variation at 6096 Commercial Road:

1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application, received 2-16-10
   B. Plat of Survey, RLS - received 2-16-10
   C. Floor Plans, Prudential- received 2-16-10

2) The use variation is granted only to this applicant at this specified location. An increase in the intensity of the use beyond what is indicated in the application is not permitted.

3) A variation is hereby granted from the parking requirements of the Unified Development Ordinance to allow the petitioner to use this site in its present state.

4) Outside Storage
   A) No collision (wrecked) vehicles or vehicles that are or potentially could leak fluids shall be stored outside.
   B) Vehicles awaiting repair (after being visually inspected to ascertain that no fluids could leak) must be stored in an area that has solid fencing. Repaired vehicles can be stored outside the fenced-in area up to 7 days for pick-up by owners.
   C) Industrial absorbent mats shall be placed on the storage spots for vehicle awaiting repairs and must be inspected and maintained on a recurring schedule.

5) The outdoor storage of cars shall not block any required means of egress doors and access to the public way.

6) The petitioner shall address all comments of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

City of Crystal Lake
Development Application

Office Use Only
File # 2010 - -11

RECEIVED
SEP 13 2010

Project Title: Crystal Lake Auto Body, Inc./Foxx Motor Sports, Inc

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
XX Variation
__ Other

Petitioner Information

Crystal Lake Auto Body, Inc.
Name: Foxx Motor Sports, Inc.

Address: 550 W. Woodstock St.

Crystal Lake, IL 60014

Phone: 815-444-7466

Fax:

E-mail:

Owner Information (if different)

Name: Dietrich and Birgit Bronst Trusts

Address: 7414 Meadow Lane

Cary, IL 60013

Phone: 847-639-0170

Fax:

E-mail:

Property Information

Project Description: Variation to allow for the indoor sale of motor vehicles and outside storage of motor vehicles in fenced in area on west sideeof building.

Project Address/Location: 6096 Commercial Road, Crystal Lake, IL

PIN Number(s): 19-08-276-022

Development Team

Please include address, phone, fax and e-mail

Developer: _____

Architect: _____

Attorney: James F. Bishop 550 W. Woodstock St. Crystal Lake, IL 60014

Engineer: _____

Landscape Architect: _____

Planner: _____

Surveyor: _____

Other: _____

Signatures

_____ 2/11/10

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.

DIETRICH BRONST, Dietrich Bronst 2/15/10

BIRGIT BRONST, Birgit Bronst 2/15/10

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.

Dietrich Brost is the sole beneficiary of the Dietrich Bronst Trust.
Birgit Bronst is the sole beneficiary of the Birgit Bronst Trust.

2010-11

February 5, 10, 2010)

PUBLIC NOTICE

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

IN THE MATTER OF THE APPLICATION OF Crystal Lake Auto Body, Inc. and Foxx Motor Sports, Inc.

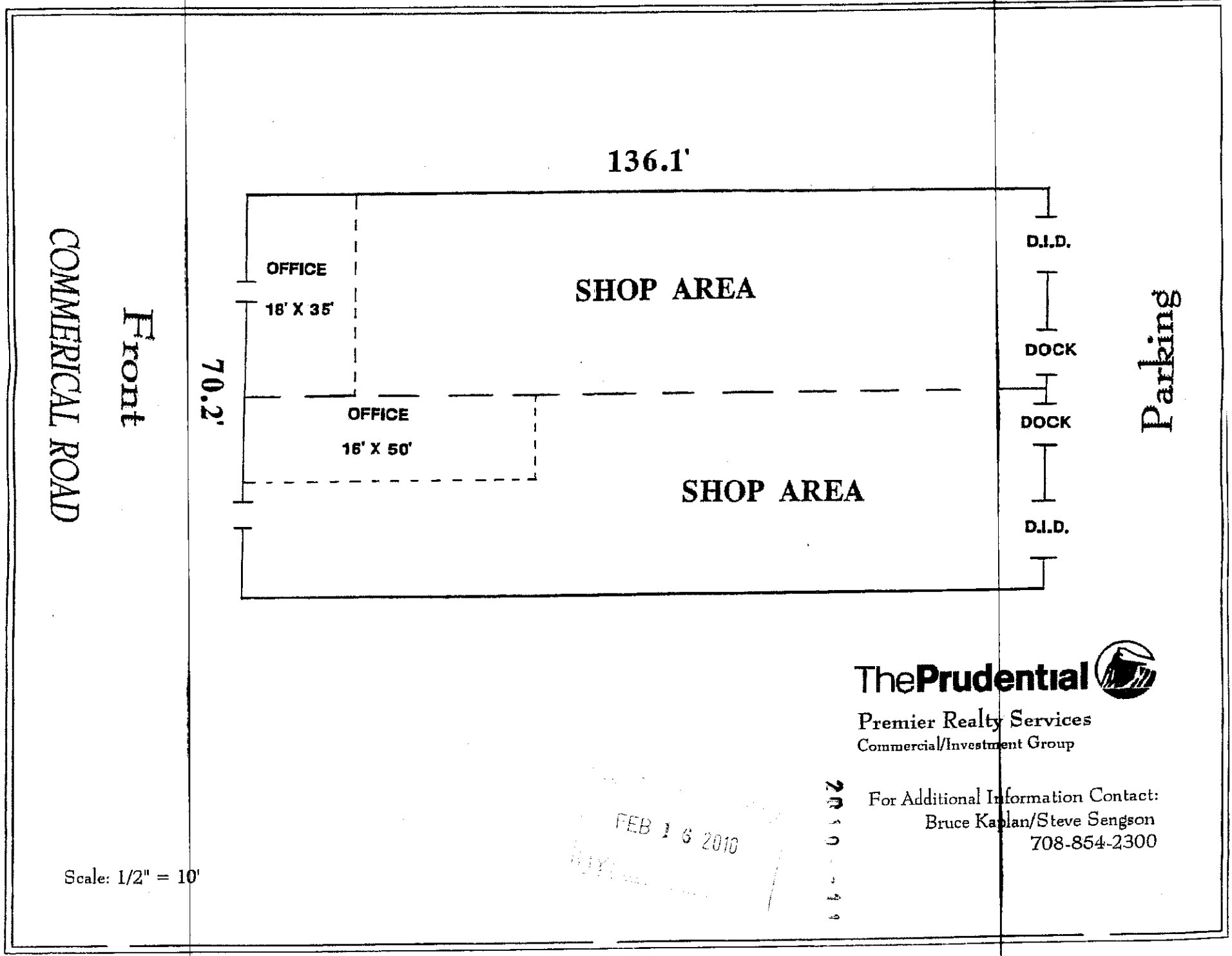
LEGAL NOTICE

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 Crystal Lake Auto Body, Inc. and Foxx Motor Sports, Inc. relating to the property located at 6096 Commercial Drive and identified by PIN 19-08-276-022.

This Application is filed for the purpose of requesting a use variation to permit the indoor display and sale of motor vehicles and the outdoor storage of vehicles pursuant to the requirements of the City of Crystal Lake Unified Development Ordinance pursuant to Article 2, Land Uses; as well as any other variations that may be necessary to allow the plans as presented. Plans for this project can be viewed at the City of Crystal Lake Planning and Economic Development Department at City Hall.

A public meeting before the Planning and Zoning Commission on the request will be held at 7:30 pm on Wednesday, March 3, 2010, at the Crystal Lake City Hall, 100 W. Woodstock St., 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
(Published in the Northwest Herald February 15, 2010)



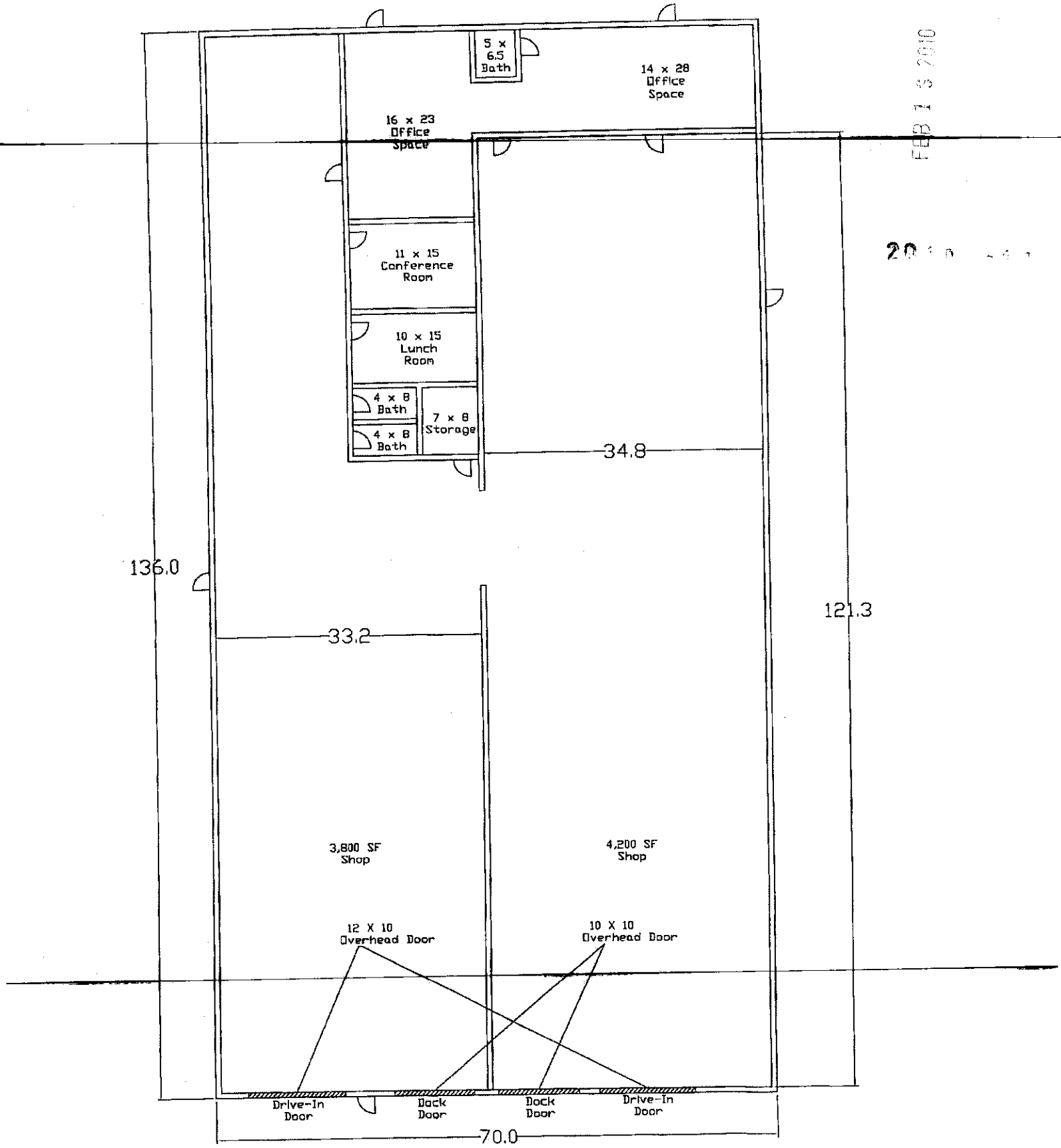
Scale: 1/2" = 10'

FEB 16 2010

ThePrudential
Premier Realty Services
Commercial/Investment Group

For Additional Information Contact:
Bruce Kaplan/Steve Sengson
708-854-2300

10,000 SF Industrial Building
6096 Commercial Rd.

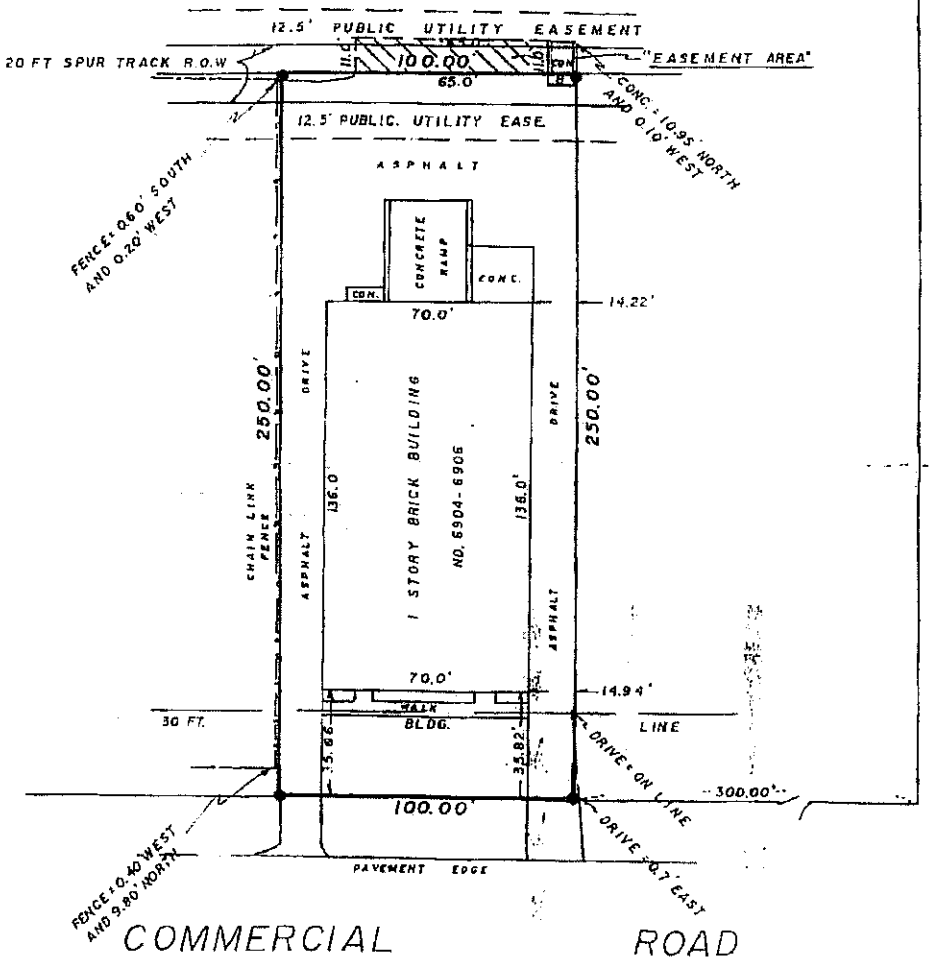


Plat of Survey

THE WEST 100 FEET OF THE EAST 400 FEET OF THE SOUTH 250 FEET IN BLOCK 3 IN PARKER'S CRYSTAL LAKE INDUSTRIAL CENTER, A SUBDIVISION OF PART OF SECTION 8, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1955 AS DOCUMENT NO. 292393, IN MCHENRY COUNTY, ILLINOIS.

EASEMENT AREA

BEGINNING AT THE SOUTHEAST CORNER OF GRANTOR'S REAL ESTATE; THENCE WEST ON THE SOUTH LINE OF GRANTOR'S PROPERTY APPROXIMATELY 8 FEET TO THE POINT OF BEGINNING; THENCE NORTH PARALLELL TO THE EAST LINE OF GRANTOR'S REAL ESTATE A DISTANCE OF 11.0 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF GRANTOR'S REAL ESTATE A DISTANCE OF 65.0 FEET; THENCE SOUTH PARALLEL TO THE EAST LINE OF GRANTOR'S REAL ESTATE A DISTANCE OF 11.0 FEET, THENCE EAST ALONG THE SOUTH LOT LINE OF GRANTOR'S PROPERTY A DISTANCE OF 65.0 FEET TO THE POINT OF BEGINNING



NOTE:
FOR BUILDING LINES AND EASEMENTS, REFER TO ABSTRACT OF TITLE FOR POSSIBLE ADDITIONAL EASEMENTS, COVENANTS, RESTRICTIONS OR OTHER ENCUMBRANCE UPON SUBJECT PROPERTY. REFER TO VILLAGE, CITY OR COUNTY CODES FOR FRONT, SIDE AND/OR REAR BUILDING SETBACK RESTRICTIONS

NOTE: ACCORDING TO FIRM MAP, COMMUNITY PANEL NO 17067 32-0350 C EFFECTIVE JAN. 3, 1983 THIS PROPERTY DOES NOT FALL WITHIN A FLOOD HAZARD AREA

Scale 1" = 40'
Iron stakes set -○-
Iron stakes found -●-
Distances are given in feet & decimals
~~DIMENSIONS OR ANGLES ARE NOT TO BE~~ ASSUMED FROM SCALING

ORDERED BY WAGGONER-ROBERTS

ORDER NO 970698

JULY 7, 19 97

STATE OF ILLINOIS, COUNTY OF McHENRY } SS

This is to certify that we have surveyed the above described property according to the Official Records, and the above plat correctly represents said survey.

RONALD LEIPAITZ 2016 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS MARENGO, IL

ILL. PROF. SURVEYOR NO. 2016

B L S LAND SURVEYORS
405 MENGE ROAD
MARENGO, IL 60152
(815) 943-5490

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find

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2010 - -11

american blueprint 188833