PLANNING AND ZONING COMMISSION
MEETING NOTICE

DATE: Wednesday, June 19, 2019
TIME: 7:30 p.m.
PLACE: McHenry Municipal Center (Council Chambers)
        333 South Green Street, McHenry, IL 60050

AGENDA

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Public Input – (five minutes total on non-agenda items only)

5. Consideration of Approval of Meeting Minutes: May 15, 2019 Regular Meeting

6. Z-947 Public Hearing – Text amendments to the City of McHenry Zoning Ordinance
   including: Article III. General District Regulations (H. Operations within Enclosed
   Buildings). This is the provision that deals with outdoor seating.

   Applicant: City of McHenry

   Requested Action: Consideration of a recommendation for text amendments to the
   City of McHenry Zoning Ordinance including: Article III. General District Regulations (H.
   Operations within Enclosed Buildings) dealing with outdoor seating.

7. Discussion of Various Amendments and Updates to the City of McHenry
   Comprehensive Plan and Development Policies and City of McHenry Future Land Use
   Map (Focus on Historical Areas)
   • Discuss proposed Main and Green Street and Riverside Drive Historical areas
   • Discuss Design Guidelines for Residential Teardowns and Infill Parcels

8. Staff Report: Next Meeting Date: July 17, 2019 at 7:30 p.m.

9. Adjourn

The City of McHenry is dedicated to providing the citizens, businesses and visitors of McHenry with the highest
quality of programs and services in a customer-oriented, efficient and fiscally responsible manner.
Chairman Strach called the May 15, 2019 regularly scheduled meeting of the City of McHenry Planning and Zoning Commission to order at 7:30 p.m. In attendance were the following: Doherty, Gurda, Lehman, Strach, Sobotta, Thacker and Walsh. Absent: None. Also in attendance were Director of Economic Development Martin, Economic Development Coordinator Wolf, and Attorney Kelly Cahill.

Chairman Strach welcomed Mike Lehman to the Commission. He then opened the public portion of the meeting at 7:33 p.m. There was nobody in attendance who wished to address the Commission with public comment.

Approval of Minutes

Motion by Sobotta seconded by Doherty to approve the April 17, 2019 Regular Meeting minutes of the Planning and Zoning Commission as presented:

Voting Aye: Doherty, Gurda, Strach, Sobotta, and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: Lehman, Thacker.
Absent: None.

Motion carried 5-0.

Public Hearing: Wolf’s Comprehensive Services
File No. Z-947
4314A W Elm Street

Conditional use permit to allow an indoor amusement establishment to operate a raffle which would benefit the McHenry County Youth Sports Association (MCYSA)

Chairman Strach called the Public Hearing to order at 7:34 p.m. regarding File No. Z-947 an application for a conditional use permit to allow an indoor amusement establishment to operate a raffle which would benefit the McHenry County Youth Sports Association (MCYSA) for the property located at 4314A W Elm Street.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on April 18, 2019. Notices were mailed to all abutting property owners of record as required by ordinance. The subject property was posted. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

In attendance were Thomas Lycos and Terra Lycos, 1 Gillingham Ct., Algonquin, IL 60102; and Timothy Lycos, 2391 Stanton Circle, Lake in the Hills, IL 60156 who were sworn in by Chairman Strach. Mr. Timothy Lycos stated they need a conditional use permit to hold a charitable raffle.
which they have been granted a raffle license for and are here to answer any questions needed to allow the raffle to operate at the subject property.

Director of Economic Development gave the Staff report stating the applicant is proposing to lease a space in the McHenry Market Place Shopping Center (Angelo’s) to operate a raffle that would benefit the McHenry Youth Sports Association (MCYSA). A Conditional Use Permit is required for an indoor amusement in order to conduct a raffle of this kind.

The unit which is proposed to be utilized has no direct frontage, other than an entrance door, to the parking lot like the other units therefore it is more difficult to lease. The unit has been vacant for ten years. Staff believes the proposed use will be a destination, similar to the VFW, and draw people to the center. Some may visit other stores some may not. The application states there will be approximately 75 players per session. While the shopping center is technically under-parked due to its age staff does not anticipate a parking problem. This center has plenty of parking available throughout the day.

Director Martin stated the original portion of the current McHenry Market Place Shopping Center was constructed 40-50 years ago and the parking regulations have changed and evolved over the life of the center. Staff is not concerned about the loss of parking and believes a number of factors over many years have contributed to the development of this shopping center which also affected parking requirements. Nonetheless the shopping center owner needs to remain cognizant about temporary land uses, such as Christmas tree lots and others, particularly in the winter, which take up parking spaces.

Director of Economic Development Martin stated Staff recommends approval of a conditional use permit to allow an indoor amusement, raffle, at 4314A W Elm Street and Staff finds the requirements of Table 31, Conditional Use Permits, of the zoning ordinance have been met.

Chairman Strach invited questions and/or comments from the Commission.

Commissioner Gurda inquired what the hours of operation for the raffle would be. Tom Lycos responded hours are expected to be 4:30 p.m. until 9 or 9:30 pm with the raffle occurring at 7:00 p.m. six days a week. They are planning to be closed on Mondays so as not to conflict with VFW or any other bingo games.

Commissioner Thacker asked for clarification as to whether they would only be holding one raffle a day and if food or beverage are expected to be served. Tom Lycos responded that the raffle is basically the same as bingo and no food or beverage will be served; however participants will be allowed to bring in food and/or non-alcoholic beverages.

Commissioner Doherty asked for further clarification on how the raffle is run. Tom Lycos explained it is Bingo games where participants buy a card and raffle balls are pulled. Anyone can win.

Chairman Strach opened the floor to questions and comments from the audience.
The following attendees were sworn in:

Stephanie Teta, 5206 Malibu Ct., McHenry stated she is a long term resident and bingo player. She opined a bingo friendly establishment in McHenry is really needed. She stopped going to the VFW because the Queen of Hearts drawing overcame the bingo games and area bingo participants would appreciate an organization running bingo who understand bingo, care about the participants and want to run a valuable and honest bingo. She stated the clientele is mostly older and friendly.

Timothy Justice, 1421 W Maude Ave., Arlington Heights (and business address is Little Caesar’s at 4320 W. Elm Street, McHenry) and his attorney, James J. Riebandt, DiMonte & Lizak LLC of Park Ridge. Attorney Riebandt stated Northwest Pizza Group operates a Little Caesars franchise which is located 6 doors away from this proposed site and Mr. Justice has operated that store for 12 years. He stated Mr. Justice’s lease with Heidner Properties prohibits adult activity in the center and they believe this type of gambling is an adult activity and violates the lease. He further stated they have no problem with McHenry County Youth Sports and support them and their efforts but are concerned about parking and the clientele that might participate. He added that Heidner properties has not responded to any of their calls or requests for a discussion and, while they’ve given concessions to Heidner Properties on other issues prior to this, they don’t wish to give concessions to them on this matter until all their issues and concerns are addressed. Mr. Justice stated he does not want to see the applicant spend money and continue with these proceedings only later to find out court proceedings for breaking prior lease agreements at the center with Heidner properties are underway and have them lose their lease. Mr. Justice explained several difficulties he has had with Heidner Properties and what caused him to retain an attorney to address his concerns. Attorney Riebandt stated they attended this hearing to state they will seek to enforce the rights of the tenant regarding no adult activity as is written in the lease. Mr. Justice stated he thinks they would be good neighbors but explained that adult activities can be construed differently today than when the lease and the City’s ordinances were written, but that gambling is an adult activity and the applicant could possibly add alcohol in their future operations.

Tim Lycos responded the applicants have no intention of ever serving alcoholic beverages as a part of their operations at this proposed site and participants can be age 18 and up, but he was confused if Mr. Justice had an issue with the Landlord, Heidner Properties, or with their raffle operation and whether or not it is an “adult” entertainment shop.

Attorney Cahill clarified that the lease issues stated by Mr. Justice and his attorney are a private issue and this use being focused on is not considered an adult use under the City’s code so in terms of zoning, the concerns stare not really a zoning consideration and they would be inappropriate to address at this hearing.

Attorney Riebandt stated their presence has nothing to do with Heidner but with Heidner’s violation of the lease in place that was contracted in 2007 in good faith. He further stated it is his opinion that gambling is an adult activity and will have a negative effect on their ability to do business, and Mr. Justice’s lease states adult activity is prohibited.
Commissioner Strach clarified that the lease Mr. Justice signed with Heidner has no purview to the commission and how they vote at this hearing, but is in fact a private matter. Mr. Justice stated if the property owner was present and would answer the questions in regard to the lease that have been repeatedly asked by both himself and his attorney, there would be no issue and he wouldn’t have been forced to address the issues at this hearing. Attorney Riebandt further stated they will be aggressive in enforcing the rights of the lease with Heidner and holding them to the lease terms and they do not want the applicant to have issues in the future.

Mr. Justice asked for clarification on what zoning regulation a bingo raffle falls under when money changes hands if it is not considered gambling by the City’s definition or code. Attorney Cahill stated it is considered an appropriate special use under the City’s code in that zoning district. Mr. Justice asked if Attorney Cahill was referring to the use of gambling. Attorney Cahill stated she was referring to the use of raffles.

Tom Lycos stated they believe the raffle will draw customers to Little Caesars rather than hinder their business. They will advertise for them and other local businesses as well.

Ms. Charlaine Tiffany, 4411 Home Ave., McHenry, asked if alcohol would be allowed or served at the facility. Tom Lycos responded there would not be alcohol. Ms. Tiffany stated a concern with the medical facility next door that the activities at this facility might cause excessive noise or disrupt patient treatment. Tom Lycos stated they do not anticipate any disruption of patient services. He stated that adults 18 years and up can enter his establishment but the demographic is 40 years plus and that population should not cause any noise or disruption of medical facility patients. Tom Lycos stated this type of raffle really has no similarity to video gambling establishments.

Tom Lycos stated they respect and recognize all of the concerns stated and clarified they have no intention of doing a queen of hearts type event but have every intention of being community friendly and a good neighbor.

Chairman Strach closed the public comment portion of the hearing at 8:01 pm.

Commissioner Doherty asked for clarification as to whether the request is for a one-time raffle use or a continual use for many years of raffle nights. Tom Lycos stated the request is for ongoing use six days a week. Commissioner Doherty inquired if the raffle is strictly for this one charity or would other charities be able to benefit from a raffle night and who determines the split of the proceeds of the raffle. Tom Lycos clarified that the license is for one charity (MCYSA) but since it is ongoing use the possibility of other charitable groups benefitting from a raffle exists but would require further discussion with MCYSA. He stated they (the applicant) and the charity keep track of the percentage split and the 501(c)(3) reporting. Wolf’s Comprehensive Services is not a 501(c)(3) organization, however, McHenry County Youth Sports Association (MCYSA) is.

Commissioner Lehman inquired if the applicant operates raffles at any other locations. Tom Lycos responded they did not.
Commissioner Walsh clarified that the medical facility hours are such that they would most likely not be open when the raffle facility is open so there should be no conflict.

Commissioner Gurda asked for confirmation that no food or alcohol service would occur at the facility. Tom Lycos responded they will not typically provide food, except for possibly during a holiday event, and will never allow or provide alcohol service, however participants can bring in their own food and non-alcoholic beverages.

Motion by Doherty seconded by Walsh to recommend to the City Council with regard to File No. Z-947 an application for a conditional use permit to allow an indoor amusement, raffle, for the property located at 4314A W Elm Street and Staff finds that the criteria in Table 31 of the zoning ordinance have been met.

Voting Aye: Doherty, Gurda, Lehman, Sobotta, Strach, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: None.
Motion carried 7-0

Chairman Strach closed the Public Hearing regarding File No. Z-947 at 8:08 pm.

Public Hearing: Gary E. Tonyan
File No. Z-948
1207 N Park Street

Variance from Table 20 to allow an accessory structure greater than 1,000 square feet in floor area; Variance from the required minimum rear yard building setback for an accessory structure; and a Variance from the required minimum setback from existing principal and accessory structures

Chairman Strach called the Public Hearing to order at 8:09 p.m. regarding File No. Z-948 an application for a Variance from Table 20 to allow an accessory structure greater than 1,000 square feet in floor area; Variance from the required minimum rear yard building setback for an accessory structure; and a Variance from the required minimum setback from existing principal and accessory structures and any other variances required for a garage addition for the property located at 1207 N Park Street.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on April 27, 2019. Notices were mailed to all abutting property owners of record as required by ordinance. The subject property was posted. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

In attendance were Gary Tonyan, 1207 Park Street, McHenry and Chuck Tonyan, 1621 Park St., McHenry, who were sworn in by Chairman Strach. Gary Tonyan stated he is requesting variances because he put an addition on his garage to pull his truck inside that needs variances.
Director of Economic Development gave the Staff report stating the applicant is seeking three variances to expand an existing detached garage to 1,150 square feet in order to park a work truck inside the garage. The variances include: a garage exceeding 1,000 square feet, a rear yard building setback variance and a variance between the principal structure and the accessory structure.

Director Martin stated the addition will bring the total square footage to 1,150 square feet and will be flush with the existing garage and not have any adverse impact on the neighborhood. The addition must be consistent in style in color as the home due to its size. Further the truck will no longer be parked outdoors. Staff supports the additional square footage.

The applicant also needs two additional variances, a rear yard setback variance and a variance from the distance from the existing home. Both of these variances are required regardless of what the applicant does and are not of any result of any action taken by the applicant. The rear setback variance is nonconforming currently at 3.5 feet and is required to be 12.5 feet and the setback from the home is nonconforming currently at 18 feet and is required to be 20 feet. By proposing an addition the applicant must address these nonconformities as well. Staff has no problem with these variances. The applicant is not making these nonconformities any more nonconforming.

Director of Economic Development Martin stated Staff recommends approval of a Variance from Table 20 to allow an accessory structure greater than 1,000 square feet (1,150 square feet) in floor area; a Variance from the required minimum rear yard building setback for an accessory structure from 12.5 feet to 3.5 feet; and a Variance from the required minimum setback from existing principal and accessory structures, from 20 feet to 18 feet; and Staff finds all requirements in Table 32 of the zoning ordinance have been met.

Chairman Strach invited questions and/or comments from the Commission.

Commissioner Walsh asked what the tolerance is by the City for variances on this type of request. Director Martin stated approval has been given for variances over 1000 square feet for accessory structures previously. The second two variances are existing and nothing can be done about them but they need to be addressed because of the garage addition. The commission has been lenient as long as the requests make sense and do not have an adverse impact on the neighborhood. Discussion ensued about this request actually improving the neighborhood aesthetics.

Chairman Strach opened the floor to questions and comments from the audience. There was nobody in attendance who wished to address the Commission regarding this matter.

Chairman Strach closed the public comment portion of the hearing 8:15 pm.

Motion by Doherty seconded by Lehman to recommend to the City Council with regard to File No. Z-948 an application for a Variance from Table 20 to allow an accessory structure greater than 1,000 square feet (1,150 square feet) in floor area; a Variance from the required minimum rear yard building setback for an accessory structure from 12.5 feet to 3.5 feet; and a Variance from the required minimum setback from existing principal and accessory structures, from 20 feet to 18 feet; and Staff finds that the criteria in Table 32 of the zoning ordinance have been met.
Voting Aye: Doherty, Gurda, Lehman, Sobotta, Strach, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: None.

Motion carried 7-0

Chairman Strach closed the Public Hearing regarding File No. Z-948 at 8:20 pm.

File No. Z-949
Preliminary and Final Plat: 1st Amendment to Heidner Properties Subdivision

Chairman Strach called the discussion to order at 8:20 p.m. regarding File No. Z-949 an application for a Preliminary and Final Plat of Subdivision 1st Amendment to Heidner Properties Subdivision submitted by Thornton LLC, 2600 James Thornton Way, Louisville, KY 40223.

Director Martin provided the Commission with the Staff Report regarding this matter stating the applicant subdivided the property approximately three years ago into two lots and is currently seeking to re-subdivide the property into three lots.

The preliminary and final plats are being combined due to the relative simplicity of the request and in accordance with the Subdivision Control and Development Ordinance.

The Final Plat of Subdivision for the subject property was presented. Director Martin stated the applicant is simply moving lot lines; Lot 2 remains the same and Lot 1 is being subdivided into two lots.

Staff has reviewed the plat and believes the final plat is in substantial conformance with all city ordinances relating to a final plat of subdivision and recommends the Planning and Zoning Commission approve the Final Plat of Subdivision 1st Amendment to Heidner Properties Subdivision with conditions as presented.

Chairman Strach invited questions and/or comments from the Commission.

Mr. Drew Zazofsky, 2600 James Thornton Way, Louisville, KY 40245, representing Thorntons, was sworn in by Commissioner Strach.

Commissioner Strach asked for clarification on the request to split the property into three lots now. Mr. Zazofsky stated Heidner was going to own the entire property and now Thorntons is going to lease just a portion of the property. This action will define Thornton’s leased premises. Heidner will own the strip center and the car wash that has already been submitted and Thorntons will lease the middle portion. The division is basically for tax purposes to create three separate titled lots.

There were no questions by the Commissioners.
Director Martin asked if Thorntons is ready to move forward with building the station. Mr. Zazofsky stated yes, they are working on final engineering plans and the bid process has started. It will be tough, but they are trying to do their best to get the fueling station in this year.

Commissioner Strach asked if state approval is needed for entrance and turn lanes. Mr. Zazofsky stated they already have verbal approval.

Commissioner Thacker asked if the entire property will possibly be completed by the end of the year or just the Thorntons. Mr. Zazofsky stated he is unsure about Heidner’s plans but Thorntons is ready to complete their portion of the property. Commissioner Strach asked if the layout/design will be similar to the plans for the pump station previously presented before the Commission. Mr. Zazofsky stated yes. Commissioner Strach stated this is basically just a change in the layout of the third lot.

Motion by Walsh, seconded by Gurda, to recommend to City Council that the Preliminary and Final Plat of Subdivision 1st Amendment to Heidner Properties Subdivision, be approved, subject to the following conditions, as presented:

1. Compliance with all revisions and comments pertaining to site engineering by Staff and City engineer.
2. Plat must be recorded within six months of City Council approval by ordinance and;
3. A stormwater permit, along with a stormwater pollution prevention plan, shall be submitted and approved by the city engineer and staff prior to construction or any site work being completed.

Voting Aye: Gurda, Lehman, Strach, Sobotta, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: Doherty.
Absent: None.

Motion carried 6-0

Chairman Strach closed the discussion regarding File No. Z-949 at 8:25 p.m.

Staff Report

Director Martin stated that the June 19, 2019 regularly scheduled meeting will be held at 7:30 p.m. if any cases come in. He welcomed Mike Lehman stating he will be an asset to the Commission.

Adjournment

Motion by Sobotta seconded by Gurda to adjourn the meeting at 8:30 p.m.
Voting Aye: Doherty, Gurda, Lehman, Strach, Sobotta, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: None.

Motion carried 7-0.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

______________________________
Shawn Strach, Chairman
City of McHenry
Planning & Zoning Commission
Applicant
City of McHenry
333 S Green Street
McHenry IL 60050

Requested Actions
Text amendments to the City of McHenry Zoning Ordinance including: Article III. General District Regulations (H. Operations within Enclosed Buildings). This is the provision that deals with outdoor seating.

Background
In 2015 the City adopted a comprehensive amendment to the zoning ordinance to allow businesses to offer outdoor seating. The City of McHenry often receives requests from local food service establishments regarding the opportunities for expanding their service area, as weather permits, by providing outdoor seating for patrons. According to Chapter III (General District Regulations), Paragraph H (Operations within Enclosed Buildings) of the McHenry Zoning Ordinance as long as a business follows these regulations they may offer outdoor seating.

Outdoor Seating (MC-15-1113)
a. Application form for an Outdoor Seating Permit shall be submitted which identifies business name, address, PIN, zoning designation, name/address/phone/fax/email of applicant and property owner.
b. A dimensioned site plan indicating the number and location of the tables (including :table measurements), chairs, trash receptacles and any other related elements.
c. A separate “Waiver of Liability” form signed by the business owner, and in the case of leased property, the property owner for outside seating on public property, or alternatively a “Waiver of Liability” provision shall be included on the Outdoor Seating Permit Application.
d. Once an Outdoor Seating Permit is issued, it shall remain active until such time as the requesting business ceases to exist. In other words, it does not have to be renewed annually. The Outdoor Seating Permit shall include a statement that authorizes the City to revoke the permit if any of the established conditions are not met.
e. Establishments with existing outdoor seating and/or with an existing conditional use permit which addresses outdoor seating, service of food and/or alcohol, outdoor preparation of food and/or live entertainment and/or dancing may be permitted to continue to exist however any changes proposed by any of those establishments in the future will require submittal of an Outdoor Seating Permit application as defined herein and all conditions included herein shall be met which may include a variance and/or amendment to an existing ordinance if applicable. (MC-15-1113).
f. Approved ingress and egress to and from a building must be maintained as required by the City currently adopted building code.
g. Preparation and service of food outside is prohibited.
h. Service and consumption of alcohol outside is prohibited.
i. Outdoor seating must be located on a hard surface such as asphalt, concrete, brick or wood.
j. Outdoor seating is prohibited within a required landscape island or area.
k. Outdoor seating located adjacent to a vehicular parking area or driving aisle shall be separated by a physical barrier (fence, gate, landscape planter, etc.).
l. A $25 permit fee shall be required for any establishment seeking an Outdoor Seating Permit in accordance with the recommended provisions included herein.
m. An inspection shall be required following Outdoor Seating Permit review and prior to use of outdoor seating.
n. Sidewalks shall not be reduced to a clear usable width of less than 48-inches.
o. Pedestrian and motor vehicle vision clearance must not be blocked at intersections, driveways, doors and signage. This includes the use of appurtenances (umbrellas, etc.).
p. Tables, chairs and other related items utilized in conjunction with an outdoor seating area shall be appropriately secured in the case of high winds.
q. Operation of outdoor seating area is only permitted when the business for which the Outdoor Seating Permit was issued is open but in no instance prior to 7:00 AM or after 10:00 PM. (MC-15-1113)
r. Outdoor seating on public property must be removed during hours that it is not being utilized.
s. The use of signage, pennants, banners, flags (other than American), lighting, electric amplification or noise-making devices is prohibited.
t. No electrical appliances or open flame devices shall be located or utilized within the outdoor seating area however the use of “infrared-style” heaters is permitted in accordance with any applicable testing organization (UL) or other listing and in accordance with the manufacturer’s specifications.
u. Outdoor seating on public property shall be immediately removed by the business owner any time the City Administrator or his/her designee, determines that a clear sidewalk is needed because of traffic, street cleaning, snow or ice removal, maintenance, utility work, crowd control, parade, emergency, or in the case of violation of any of the above conditions included in this section.

Staff Analysis
Recently however several businesses have approached the City about outdoor seating and want to serve food and/or alcohol outside and the only way to do this is to obtain a conditional use permit. In some cases these businesses simply want to put one to two tables outside. Staff believes this can be accomplished by requiring the same barrier that is normally required through the conditional use process without going through the conditional use process. This would save the businesses time and money and believes amending this ordinance is the best course of action.

The specific provisions that would need to be amended include:

- Preparation and service of food outside is prohibited;
- Service and consumption of alcohol outside is prohibited.

Staff would propose the following amendment:
• "The Building Commissioner may grant permission for the sale, dispensing, and consumption of alcoholic liquor and/or food in an outdoor area adjacent to the licensed building. Except as provided herein, the area for which permission is issued shall be subject to review by the Building Commissioner and shall be of a secure, permanent nature and shall facilitate access in the area only through the licensed premises or through an occupied host or hostess station. Additional exits with latchable gates may be required to facilitate emergency egress from the premises. Said additional exits shall be self-closing with latchable gates or doors approved by the City, and marked by signs stating "EMERGENCY EXIT ONLY.""

This would allow businesses to serve food and alcohol outside without seeking a conditional use permit. This is the same type of condition that is placed upon any other restaurant that serves food and/or alcohol outside so staff is simple trying to make the process easier for future restaurants.

Staff Recommendation Prior to Public Hearing
Delete the following provisions in Article III General District Regulations Section H. Operations within Enclosed Buildings Outdoor Seating

"Preparation and service of food outside is prohibited;
Service and consumption of alcohol outside is prohibited."

And replace with the following:

"The Building Commissioner may grant permission for the sale, dispensing, and consumption of alcoholic liquor and/or food in an outdoor area adjacent to the licensed building. Except as provided herein, the area for which permission is issued shall be subject to review by the Building Commissioner and shall be of a secure, permanent nature and shall facilitate access in the area only through the licensed premises or through an occupied host or hostess station. Additional exits with latchable gates may be required to facilitate emergency egress from the premises. Said additional exits shall be self-closing with latchable gates or coors approved by the City, and marked by signs stating "EMERGENCY EXIT ONLY.""
Applicant
City of McHenry
333 S Green Street
McHenry, IL 60050

OBJECTIVES FOR MEETING

- Discuss proposed Main and Green Street and Riverside Drive Historical areas
- Discuss Design Guidelines for Residential Teardowns and Infill Parcels

BACKGROUND

Staff worked with HR Green in having a map prepared depicting the most historic parts of Main and Green Streets and Riverside Drive. The shaded portion of the map is not necessarily historic but may be integral into fitting into the neighborhood. Also included with this proposal would be design guidelines if any of these properties were altered or if any of the lots were vacant to ensure they fit into the neighborhood after building or renovation work is done and finalized. The discussion at this meeting will center on the general nature of the location of the shaded areas and the designs if the Commission believed they were appropriate. The map is not perfect but gives a general outline of what could be included in these “historic” areas. If the Commission believes the shaded areas are too extensive staff will have the map revised.

STAFF RECOMMENDATION PRIOR TO PUBLIC HEARING: It is the goal to gain acceptance of the Commission of the general layout of the historic areas along Main and Green Streets and Riverside Drive and a consensus on utilizing the design guidelines.

ATTACHMENTS

- Proposed Map of Historic areas
- Design Guidelines for Residential Teardowns and Infill Parcels
This document was created by the City of McHenry Community Development Department.

For additional information please call

815.363.2170
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Introduction

The City of McHenry has a rich history of residential development dating back to the mid-1800’s. It’s location, wide range of employment opportunities, and unparalleled access to recreational opportunities make McHenry a desirable place to live, work and play.

The present city of McHenry was settled in 1836 with the first log cabin built on what was the L.C. Gates property, just west of the current Riverside Drive. In 1837, the Village of McHenry was the first town or village laid out in the newly created McHenry County and became the County Seat. McHenry was incorporated as a village in 1872. Fifty-one years later, in 1923, McHenry was incorporated as a City. McHenry flourished as a resort area because of the Fox River and took the title, “Gateway to the Chain of Lakes.” Its stability is owed to the farmers who settled here.

Housing opportunities abound in McHenry. Newer subdivisions are currently being constructed on vacant farm land and these new homes offer the space and amenities that today’s home buyers seek. However, this can place the City’s existing housing stock at a disadvantage, especially those homes located in the older downtown areas. As these older homes sell, the new owners may be tempted to renovate, remodel or rebuild. And while the City can benefit from these changes, it is important to ensure that this redevelopment will maintain and enhance the qualities that make McHenry a desirable place to live. New construction must blend with the existing character of the area. It must be compatible with the architectural design, scale and context of the existing residential properties which surround it. In order to accomplish these goals and take full advantage of the history of the area, City officials believe it is necessary to adopt these guidelines.

These Design Guidelines are intended to serve as a guide for property owners, architects, designers, developers and contractors intending to remove and reconstruct a residential property, or to develop vacant smaller pieces of property in established areas of the City. There are two types of sites on which these guidelines will apply. One is a teardown site. Teardown sites currently have a viable residence on them. However, the residence does not meet the space or amenity needs of the owner and is to be torn down and replaced with a new home. The second is a vacant or underutilized site. It may have been passed over in the natural course of development or its size or shape may be a constraint to development. This is a site that may have a building on it, but it has been vacant so long that it cannot be repaired, or it may be being used as a parking lot or storage area. For whatever reasons these parcels are currently underdeveloped, this booklet will assist with redevelopment.
Definitions

The following definitions will detail what properties are to be considered teardown sites or infill parcels:

**Teardown:** A teardown property is one that qualifies as an older, existing residence. The existing residential structure will be razed and removed from the site and a new residential building will be constructed in its place.

**Infill:** An infill site is vacant, underutilized or contains a building that has been unoccupied for an extended amount of time. The parcels boundaries shall have remained consistent for a minimum of 10 years. An infill site will need to meet as many of the current code requirements as possible without making the site unbuildable.

Design Guidelines

The following pages are design guidelines for teardown sites and infill parcels. These standards will provide the criteria by which City Boards, Commissions and Staff will evaluate development plans for consistency with the existing established areas of the City.

**Site Considerations**

When laying out a new home, the existing characteristics of the site and surrounding area should be considered. The new home should reflect the character of the site upon which it is located. Factors to consider include the context of nearby structures, existing mature trees and other vegetation, and topography.

- **Front Yard Setbacks**
  In general, the new home should maintain the front building line of existing adjacent homes (See Figure 1). Even if the dimension for "a" is less than the current required front setback for new construction, no variance will be needed, because the construction will fall under these guidelines and existing language in the Zoning Ordinance.

  When the front building line of adjacent structures is not the same, an average should be used (See Figure 2). This new setback dimension will not require a variance because it will fall under these guidelines and existing language in the Zoning Ordinance.

- **Side Yard Setbacks**
  Where there is a consistent side yard setback established on a block, a new home shall match the existing setback pattern (see Figure 3). As lot width increases, the side yard setback should increase proportionally to reduce mass and provide more appropriate separation from adjacent buildings. For example, if the majority of existing homes are on a 50' wide lot and a new home is proposed on a 100' wide lot, the required side yard setback should increase by two. (see Figure 4)
Design Guidelines

Site Considerations, Cont.

Figure 1. Front Yard Setback

New Structures Should Maintain the Front Building Line of Existing Adjacent Homes

Figure 2. Front Yard Setback

New Structures Should be Setback an Average of the Front Building Lines of Existing Adjacent Homes

Figure 3. Consistent Side Yard Setback

New Structures Should Maintain the Established Side Yard Setback of Existing Adjacent Homes

Figure 4. Increased Side Yard Setback

As lot width increases, the side yard setback should increase proportionally to reduce mass and provide more appropriate separation from adjacent buildings

Building Layout

When planning the layout of a new home on a teardown site or infill parcel, there are several factors to consider:

- The topography of the site should be taken into account when planning the layout of a new home. Design the home to take advantage of existing grade changes for lookout or walk-out features. The existing grade should not be significantly modified to accommodate a new home.
Design Guidelines

Site Considerations, Cont.

- Preservation of existing mature trees is strongly encouraged. Normally, a home can be configured in several different ways. Always choose the configuration that will preserve trees and have the least impact on the site (see Figure 5). Place windows to take advantage of the view provided by mature trees and vegetation. Also, refer to the requirements of the City’s Tree Preservation ordinance.
- Impervious surface should be kept to a minimum. Remember that the building will not be the only non-porous surface on the lot. A driveway and pathways are required and decks/patios and built-in pools are other items that are frequently added in the future.
- Consider all available options for garage and driveway placement. The different types of garages available to use are discussed later in this document. Again, choose the configuration that will preserve trees and have the least impact on the site.

![Poor Site Layout](image1) ![Good Site Layout](image2)

*Figure 5. Building Layout*

- **Utilities**
  Newly installed utility services and service revisions necessitated by new construction shall be underground.

- **Mechanical Equipment**
  Mechanical equipment or other utility hardware shall be screened from view by materials compatible with the building or with landscaping.
Design Guidelines

Building Scale and Massing
When designing a home, the scale (height and width) and mass of existing buildings along the street should be respected. The average height and width of nearby buildings can be used to determine a general set of proportions for a new residential building (See Figure 6). A new home need not always be the same height as its neighbors, but it should visually relate to the established roof line. Details such as sloping roofs, wider horizontal trim, and crafted wood trim at the end of gables can bring the scale of a new home down. Care should also be taken to create a residence with similar square footage or appear to have similar square footage to the existing residences (See Figure 7).

Figure 6. Building Proportions

Figure 7. New Home Having Appearance of Similar Square Footage to Existing Homes
Design Guidelines

Building Design

The design of a new home should be compatible with the style and character of its surroundings.

- Architectural style is not restricted, however, extremes of style, or attempts to recreate a style uncharacteristic with the neighborhood are discouraged.
- The entry of the home should serve as the focal point. Doors and windows should be similar in size, proportion and alignment based on the architectural style of the building, and to those on adjacent homes.
- The use of front porches is encouraged. Garage doors facing a street shall be minimized to the greatest extent possible through the use of increased setbacks or special design elements.
- A variety of roof lines shall be used. In general, gable, gambrel, or hip roofs are preferred. Flat roofs should be avoided.
- Details from adjacent buildings, such as the masonry work, cornice lines, window shapes and bulkheads should be reflected in the architecture.
- Construction materials such as brick, stone, wood siding and shingles are preferred. Materials such as aluminum siding, aluminum panels, mirrors or reflective glass, corrugated fiberglass and metal are not considered appropriate. Aluminum, steel, or vinyl cased wood windows may be used, but should have an appropriate finish and color consistent with the overall color scheme.
- All sides of a home should receive design consideration. Projecting bays, dormers, and wrap around porches provide good articulation. Expanses of blank wall can also be softened through the use of landscape treatments such as foundation plantings or trellises.

Figure 8 below illustrates several of the above items.

![Building Design Image]
Design Guidelines

Garages

A garage should be incorporated into the overall design of the new home. Garage doors that take up a large portion of the front façade should be avoided. There are several garage options available for new homes, including:

- Tandem Garage
- Front Loaded Garage
- Side Loaded Garage
- Detached Garage
- Attached Garage to the Rear
- Courtyard Style Garage

If a front loaded garage is used, it should be setback farther from the street than the main front wall, or incorporate design elements to reduce its visual impacts.

![Appropriate Garage Design](image1)

![Inappropriate Garage Design](image2)

Figure 9. Garage Examples

Front Yard Landscaping

Good landscaping provides the setting for a home and will help the new building fit into an existing neighborhood. A variety of plant material should be used when designing the landscaping, including trees, shrubs, groundcover and perennials. Hardscape materials including brick and stone should be used for driveways, walkways and paths to compliment the exterior of the building. Decorative fencing can add visual interest for a residence without first obtaining a permit.
Administrative Requirements

Administration

The City of McHenry has established these guidelines in order to preserve history and guide new development in residential areas. The following details the procedure new development should take to properly proceed through the City process.

♦ Contact the City to determine if the property would be subject to these guidelines.
♦ Review these guidelines to determine what the requirements will be to develop the property.
♦ Submit an application package containing,
  ◦ Application fee of $175.00
  ◦ Teardown or Infill Application
  ◦ Proof of Ownership
  ◦ Plat of Survey with legal description
  ◦ List of Owners of all abutting properties (certified mailed notices will be required to these property owners)
  ◦ Site Plan
  ◦ Landscape Plan
  ◦ Architectural renderings of the building elevations

Additional information that maybe required could be a; Tree Survey, Traffic Analysis or School Impact Analysis.

There is a 60-day waiting period to demolish a building. This time period allows City staff to submit the request to the Teardown Committee for review and action. After the Teardown Committee approves a request, the required documents can be submitted to the City for issuance of a building permit.

Prior to the demolition the Landmark Commission shall have an opportunity to access the structure for salvage items. These items may be placed into a museum for display or sold to raise funds for preservation activities in the City.
Resources

There are a multitude of resources available to assist you with the planning of your development or redevelopment project. A few are listed below:

City of McHenry Landmark Commission
Orey Loghen, Chairman
333 S. Green Street
McHenry, IL 60050
(815) 363-2170 www.ci.mchenry.il.us

McHenry Public Library
808 N. Front Street
McHenry, IL 60050
(815) 385-0039 www.mchenrylibrary.org

McHenry County Historical Society
6422 Main Street
P.O. Box 434
Union, IL 60080
(815) 923-2287 www.mchenryonline.org

Illinois Historic Preservation Agency
Preservation Services
#1 Old State Capitol Plaza
Springfield IL 62701-1507
(217) 785-4812 www.state.il.us/hpa

National Trust for Historic Preservation
1785 Massachusetts Ave, NW,
Washington, DC 20036
(202) 668-6219 www.nationaltrust.org and www.mainstreet.org

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 609
Old Post Office Building
Washington, DC 20004
(202) 606-3003 www.achp.gov

McHenry County Chamber of Commerce
1257 North Green Street
McHenry, IL 60050
(815) 385-4300 www.mchenrychamber.com

Websites
www.preservationdirectory.com
www.preserveamerica.gov

After you’ve planned out the details of your project, you’re ready to move to the next step — completing the work. If the work is rather simple, you may choose to do it yourself. For the more complicated tasks, it’s best to hire a professional. There are many reputable contractors who can complete the job on time and within budget. Unfortunately, others out to make a fast buck, resulting in poor quality, or unfinished work. The following tips will help in selecting a reputable contractor:

♦ Get more than one estimate and get them in writing.
♦ Ask the contractor for references and addresses for similar work. Drive by those sites and if possible, contact the property owner to discuss their experience with the contractor.
♦ Inspect the contract carefully to make sure it includes the contractor’s full name, address and phone number, a description of the work to be performed, starting and completion dates, total costs of work to be performed, and a schedule for the down payment, subsequent payments, and final payment.
♦ Never sign a contract with blank spaces or one you do not fully understand. If you are taking out a loan to finance the project, do not sign the contract until your lender approves your loan.
♦ Find out if the contractor has a warranty or guarantee on his or her work.
♦ Make sure the contractor has minimum amounts of insurance for property damage, bodily injury, and improper repair.
♦ Get lien waivers. This protects you from claims against you or your property in the event you contractor fails to pay his or her suppliers or sub-contractors.
♦ Don’t make final payment until you are satisfied and all subcontractors are paid.
Acknowledgements

These design guidelines have been developed from many sources. Of particular note is the National Trust for Historic Preservation’s Main Street program, who’s work is a model for all communities looking to maintain and enhance the vitality of their downtown areas. Also, thanks are extended to the many communities who have drafted and implemented their own design guidelines, many of which were refined and used in the preparation of this document.

DESIGN GUIDELINES FOR RESIDENTIAL TEARDOWNS AND INFILL PARCELS, CITY OF MCHENRY

City of McHenry
Community Development Department
333 S. Green St.
McHenry, IL 60050
Phone: 815-363-2170
Fax: 815-363-2173
Email: cmchenery.il.us

City of McHenry