PLANNING AND ZONING COMMISSION
MEETING NOTICE

DATE:    Wednesday, August 21, 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:

        July 17, 2019 Regular Meeting

6. Z-953 Public Hearing – Zoning Map Amendment From E Estate to A-1 Agriculture upon
   Annexation and a Conditional Use Permit to allow Agritourism and a Landscape
   Business with Outdoor Storage (Harms Farm)

   Applicant: Dennis L. and Theresa M. Harms, 4723 W. Crystal Lake Road, McHenry, IL
   60050

   Requested Action: Zoning Map Amendment to A-1 Agriculture upon Annexation and a
   Conditional Use Permit to allow a Landscape Business with Outdoor Storage and
   Agritourism.

   Location of Subject Property: The Subject property is located at 4727 W. Crystal Lake
   Road and consists of approximately 7.6 acres.

7. Staff Report: Next Meeting Date: September 18, 2019 at 7:30 p.m.

8. 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.
City of McHenry
Planning and Zoning Commission Minutes
July 17, 2019

Chairman Strach called the July 17, 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 and Economic Development Coordinator Wolf.

There was nobody in attendance who wished to address the Commission with public comment.

Commissioner Strach stated the Public Hearing for Harms Farm, File Z-953 is postponed due to a change in the conditional use requirements.

Commissioner Gurda arrived at 7:33 p.m.

Approval of Minutes

Motion by Thacker seconded by Lehman to approve the June 19, 2019 Regular Meeting minutes and July 10, 2019 Special Meeting minutes of the Planning and Zoning Commission as presented:

Voting Aye: Doherty, Lehman, Strach, Sobotta, Thacker and Walsh.
Voting Nay: None.
Not Voting: Gurda.
Abstaining: None.
Absent: None.
Motion carried 6-0.

Public Hearing: Jessup Manufacturing
File No. Z-951
2905 Northside Avenue/a.k.a. 2905 W. Route 120
Zoning Map Amendment from C-5 Highway Commercial District to I-1 Industrial

Chairman Strach called the Public Hearing to order at 7:30 p.m. regarding File No. Z-951 an application for a zoning map amendment from C-5 Highway Commercial District to I-1 Industrial District for the property located at 2905 Northside Avenue/a.k.a. 2905 W Route 120.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on June 28, 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 was Attorney Tom Zanck representing Jessup Enterprises. Attorney Zanck distributed an ALTA survey depicting the Jessup property and the parcel which is the subject of this hearing. He stated with the continuing improvements Jessup is making it would be difficult
to develop this property under C-5 zoning. This lot will be cleaned up by the Petitioners and will be very beneficial for Jessup Manufacturing and to economic development in the City.

Director of Economic Development gave the Staff report stating the applicant currently operates Jessup Manufacturing and has purchased two lots at the southeast corner of Northside Avenue and Illinois Route 120 and wants to rezone those lots from C-5 Highway Commercial to I-1 Industrial.

The character of the area near the subject property consists of primarily highway commercial land uses generally to the west and north of the subject property. The property to the east is industrial in nature and the property to the south is residential.

The criteria for approval of a zoning map amendment were presented. Director Martin stated the trend of development along Illinois Route 120 (Elm Street) in this area is commercial and industrial land uses. The subject property provides a logical extension to the Jessup Manufacturing Plant and additional greenspace for the development/property. The view from the property will be better with the cleanup of this property and this zoning map amendment is consistent with the City’s Comprehensive Plan and Future Land Use Map and is reasonable and in the public interest.

Director of Economic Development Martin stated Staff recommends approval of a Zoning Map Amendment from C-5 Highway Commercial District to I-1 Industrial Park with no conditions placed on the requested zoning map amendment, and Staff finds that the requirements in Table 33 (Zoning Map Amendments) of the Zoning Ordinance have been met.

There were no questions by the Commissioners.

Chairman Strach opened the floor to questions and comments from the audience. There was nobody in attendance who wished to address the Commission. Chairman Strach closed the public comment portion of the hearing at 8:01 pm.

Commissioner Thacker stated this request appears to be a win-win for Jessup and the City.

Motion by Doherty seconded by Thacker to recommend to the City Council with regard to File No. Z-951, approval of an application for a Zoning Map Amendment from C-5 Highway Commercial District to I-1 Industrial Park with no conditions placed on the requested zoning map amendment, and Staff finds that the requirements in Tables 33 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-951 at 7:40 pm.
Public Hearing: Harms Farm  
File No. Z-953  
4727 W. Crystal Lake Road  
Zoning Map Amendment to A-1 Agriculture upon annexation and a Conditional Use Permit to allow a Landscape Business with Outdoor Storage

Due to a change in the conditional use requirements this hearing has been postponed until the August 21, 2019 Planning and Zoning meeting.

Staff Report

Director Martin stated that the August 21, 2019 regularly scheduled meeting will be held at 7:30 p.m.

Adjournment

Motion by Sobotta seconded by Thacker to adjourn the meeting at 8:45 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 8:45 p.m.

Respectfully submitted,

Shawn Strach, Chairman  
City of McHenry  
Planning & Zoning Commission
Applicant
Dennis L. and Theresa M. Harms
4723 W Crystal Lake Road
McHenry, IL 60050

Requested Action
Zoning Map Amendment from E Estate to A-1 Agriculture upon annexation and a Conditional Use Permit to allow Agritourism and a Landscape Business with Outdoor Storage

Site Information
Location and Size of Property
The subject property is located at 4727 W Crystal Lake Road and consists of approximately 7.6 acres.

Comprehensive Plan Designation
Low-Density Residential

Crystal Lake Road Sub-Area Plan
Office/Low-Density Residential

Existing Zoning and Land Use
The subject property is zoned A-1 Agriculture and operates as a garden center, farmstand, agritourism location and landscape and snowplowing business with outdoor storage.

Adjacent Zoning and Land Use
North: A-1 Agriculture (Unincorporated McHenry County), Single-Family Residence
South: A-1 (Unincorporated McHenry County), Single-Family Residence
East: RS-2 Medium Density Residential, Cold Springs Park
West: RS-3 Medium-High Density Residential, McHenry High School West Campus

Background
The applicant currently operates Harms Farm and Garden Center and wants to annex to the City of McHenry.
Staff Analysis

Zoning Map Amendment
The character of the area near the subject property consists of primarily residential land uses to the north, south and east of the subject property. The property to the west is McHenry West High School.

The applicant is not proposing to alter their business, which has been in existence for decades. The proposed zoning map amendment is consistent with the development trend and satisfies all the criteria outlined in Table 33. The subject property provides a logical extension to City boundaries and the A-1 zoning is compatible with adjacent zoning and the uses the applicant has on their site. The A-1 zoning permits by right: agriculture; agritourism, limited; dwellings, farmstand; garden center; and greenhouse/nursery business. Staff has no concerns with this request.

Conditional Use Permit
The applicant is seeking a conditional use permit to allow agritourism as well as a landscape business with outdoor storage. These activities are ones that the applicant currently conducts as part of their normal business operations on the subject property. The A-1 zoning district in the City of McHenry requires a conditional use permit for them however. Staff believes they are complimentary to the other business activities conducted on-site and does not see any issues with the agritourism, landscape business or the outdoor storage. This does not now and staff does not foresee any adverse impacts to adjacent property owners in the future. Agritourism is a large part of the applicant’s business operation and has been for numerous years, and staff believes the applicant will continue to refine this and other portions of their business operations to make them even better than they already are today.

CONSISTENCY POLICY

Zoning map amendments shall be made in accordance with and consistent with a comprehensive plan. When adopting or rejecting any zoning map amendment, the Planning and Zoning Commission shall recommend and the City Council shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan or document that is applicable, and explain why it considers the action taken to be reasonable and in the public interest.

This zoning map amendment is NOT consistent with the City’s Comprehensive Plan, Crystal Lake Road Sub-Area Plan and Future Land Use Map, however it is reasonable and in the public interest. The A-1 land use category is a newly adopted text amendment to the City’s zoning ordinance. By
way of reference the City's Comprehensive Plan was last amended in 2008 and the Crystal Lake Road Sub-Area Plan was completed in 2006. The A-1 zoning classification makes the most sense in this instance and fits the uses on the subject property and is therefore reasonable and in the public interest.

Staff Recommendation Prior to Public Hearing

Approval of a Zoning Map Amendment from E Estate to A-1 Agriculture upon annexation to the City of McHenry. *(No conditions may be placed on the requested zoning map amendment.)*

Staff finds that the requirements in Table 33 (Zoning Map Amendments) of the Zoning Ordinance have been met.

Approval of a Conditional Use Permit to allow Agritourism and a Landscape Business with Outdoor Storage with the condition the applicant enter into an annexation agreement with the City.

Staff finds the requirements in Table 31 (Conditional Use Permits) of the Zoning Ordinance have been met.

Attachments
- Location Map
- A-1 Agriculture Zoning District
- Application Packet
Location Map of Subject Property
CITY OF MCHENRY
MCHENRY COUNTY
STATE OF ILLINOIS

ORDINANCE NUMBER ORD-18-1918

An Ordinance Adopting a Text Amendment to the City of McHenry Zoning Ordinance adding a New Zoning District Classification called Agriculture District

Adopted by the
Mayor and City Council
Of the
City of McHenry
McHenry County
State of Illinois

December 17, 2018

Published in pamphlet form by authority of the Mayor and City Council of the City of McHenry, McHenry County, Illinois this 17th day of December, 2018.
ORDINANCE NO. 18-1918

AN ORDINANCE ADOPTING A TEXT AMENDMENT TO THE CITY OF MCHENRY, ILLINOIS
ZONING ORDINANCE ADDING A NEW ZONING DISTRICT CLASSIFICATION CALLED
AGRICULTURE DISTRICT

WHEREAS, the City of McHenry, McHenry County, Illinois, is a home rule municipality as
contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the
passage of this Ordinance constitutes an exercise of the City's home rule powers and functions
as granted in the Constitution of the State of Illinois; and

WHEREAS, a petition has been filed by the City of McHenry requesting a text
amendment to the City of McHenry Zoning Ordinance; and

WHEREAS, a public hearing on said petition was held before the Planning and Zoning
Commission on November 14, 2018, in the manner prescribed by ordinance and statute, and as
a result of said hearing, the Planning and Zoning Commission did recommend to the City
Council the granting of the requested zoning text amendment; and

WHEREAS, the City Council has considered the evidence and recommendation from the
Planning and Zoning Commission and finds that the approval of the zoning text amendment
currently requested and approved by this ordinance are consistent with the objectives of the
City of McHenry Zoning Ordinance to protect the public health, safety, morals and general
welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCHENRY,
MCHENRY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. That Chapter IV, Residential Districts is hereby amended by adding thereto
the following language:

"AA. A-1 Agriculture District

The intent of the A-1 Agriculture District is to permit agricultural uses and activities. Residences
are allowed on agricultural parcels within the City. The standards of the A-1 District promote
farming and protection of agricultural land uses from the encroachment of incompatible land
uses."
Permitted Uses

Agriculture
Animal Care Shelter
Conservation Area
Dwelling, Single-Family
Farmstand
Feed, Tack, Grain, and Seed Sales
Garden Center
Greenhouse/Landscape and Nursery Business-No Outdoor Storage
Park
Public Facility

Conditional Uses

Agricultural Implement Sales and Service
Agriculture Employee Housing
Agricultural Produce Processing
Agritourism (An agriculturally-based operation which draws visitors.)
Art Gallery
Arts Studio
Assembly Use
Athletic Facility, Outdoor
Bed and Breakfast
Campground
Cemetery/Cemetery, Pet
Club, Lodge
Country Club
Cultural Facility
Day Camp
Drive-in Theater
Dwelling Unit, Accessory
Farrier
Food Processing
Grain Elevator-Commercial
Golf Course/Driving Range-Commercial
Halfway House
Homeless/Domestic Violence Shelter
Horse Arena, Indoor/Outdoor
Horse Stables
Hotel
Kennel-Commercial
Landing Area-Restricted
Landing Area-Restricted-Personal Use
Landscape/Nursery Business with Outdoor Storage
Landscape Waste Composting Facility
Medical Cannabis Cultivation Center
Power Production
Public Safety Training Facility
Reception Facility
Resort
Sawmill
Solar Farm

Bulk and Setback Regulations

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SECTION 2: All Ordinances or parts thereof in conflict with the terms and provisions hereof are hereby repealed to the extent of such conflict.

SECTION 3: This Ordinance shall be published in pamphlet form by and under the authority of the corporate authorities of the City of McHenry, McHenry County, Illinois.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED THIS 17th DAY OF December, 2018

AYES: Alderman Condor, Aldermen Devine, Miller, Curry, Schaeffer, Santi

NAYS: 

ABSTAINED: 

[Signature]
ABSENT:  

NOT VOTING:  

APPROVED THIS 17th DAY OF December, 2018  

Wayne Jett  

ATTEST:  

Debra Meadows
FORM A

PUBLIC HEARING APPLICATION

Planning and Zoning Commission
City of McHenry

333 South Green Street • McHenry, IL 60050 • Tel: (815) 363-2170 • Fax: (815) 363-2173

1. Name of Applicant: Dennis L. and Theresa M. Harms
   Tel: 815-385-5385
   Address: 4723 W. Crystal Lake Road
   City: McHenry
   State: IL
   Zip: 60050

2. Name of Property Owner: Not Applicable
   Tel: 
   Address: 
   City: 
   State: 
   Zip: 

3. Name of Engineer: Not Applicable
   Tel: 
   Address: 
   City: 
   State: 
   Zip: 

4. Name of Attorney: Steven J. Cuda
   Tel: 815-338-1334
   Address: 101 Van Buren Street, Woodstock, IL 60098
   Fax: 815-338-5960

5. Common Address or Location of Property: 4727 W. Crystal Lake Road
   McHenry, IL 60050

6. Requested Action(s) (check all that apply)
   X Zoning Map Amendment (Rezoning)
   X Zoning Variance – Minor *
   X Conditional Use Permit
   X Zoning Text Amendment
   X Use Variance
   X Other

*Definition of Minor Variance: A variance granted to the fee owner, contract purchaser or option holder of a single-family detached or attached dwelling, or single-family detached or attached building lot for that dwelling or lot.
7. Current Use of Property: Garden Center with a farmstand, agri-tourism, and as a staging area for Petitioners' landscape, lawn care and snow removal business, with outdoor storage related to said uses.

8. Current Zoning Classification of Property, Including Variances or Conditional Uses

A-1 Agriculture District pursuant to McHenry County Unified Development Ordinance.

9. Current Zoning Classification and Land Use of Adjoining Properties

North: A-1 Agriculture and Residential (McHenry County)

South: A-1 Agriculture & Residential, unimproved Roadway and Residential! (McHenry County)

East: RS-2, Residential, Cold Springs Park (City of McHenry)

West: RS-3, Residential, McHenry West High School (City of McHenry)

10. Required Attachments (check all items submitted)

Please refer to the Public Hearing Requirements Checklist to determine the required attachments.

  1. Application Fee (amount) $ 
  2. Narrative Description of Request
  3. FORM A – Public Hearing Application
  4. FORM B – Zoning Map Amendment (Rezoning) Application
  5. FORM C – Conditional Use Application
  6. FORM D – Zoning Variance Application
  7. FORM E – Use Variance Application
  8. Proof of Ownership and/or Written Consent from Property Owner in the Form of an Affidavit
  9. Plat of Survey with Legal Description
  10. List of Owners of all Adjoining Properties
  11. Public Hearing Notice
  12. Sign (Provided by the City, to be posted by the Applicant)
  13. Site Plan
  14. Landscape Plan
  15. Architectural Rendering of Building Elevations
  16. Performance Standards Certification
  17. Traffic Analysis
  18. School Impact Analysis
11. Disclosure of Interest

The party signing the application shall be considered the Applicant. The Applicant must be the owner or trustee of record, trust beneficiary, lessee, contract purchaser, or option holder of the subject property or his or her agent or nominee.

Applicant is Not Owner
If the Applicant is not the owner of record of the subject property, the application shall disclose the legal capacity of the Applicant and the full name, address, and telephone number of the owner(s). In addition, an affidavit of the owners(s) shall be filed with the application stating that the Applicant has the authority from the owners(s) to make the application.

Applicant or Owner is Corporation or Partnership
If the Applicant, owner, contract purchaser, option holder, or any beneficiary of a land trust is a corporation or partnership, the application shall disclose the name and address of the corporation’s officers, directors, and registered agents, or the partnership’s general partners and those shareholders or limited partners owning in excess of five percent of the outstanding stock or interest in the corporation or interest shared by the limited partners.

Applicant or Owner is a land Trust
If the Applicant or owner is a land trust or other trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary shall be disclosed in the application.

12. Certification

I hereby certify that I am aware of all code requirements of the City of McHenry that relate to this property and that the proposed use or development described in this application shall comply with all such codes.

I hereby request that a public hearing to consider this application be held before the Planning and Zoning Commission, and thereafter that a recommendation be forwarded to the City Council for the adoption of an ordinance(s) granting the requested action(s), including any modifications to this application or conditions of approval recommended by the Zoning Board of Appeals or City Council.

Signature of Applicant(s)
Print Name and Designation of Applicant(s)

[Signatures]

Theresa M. Harms,
Individually and as sole
beneficiaries of First Midwest
Bank Trust 12742

[Signature]
Shirley B. Harms, as Trustee of
the Shirley B. Harms Trust
DENNIS L. HARMS and THERESA M. HARMS, sole beneficiaries of FIRST MIDWEST BANK, as Trustee under the provisions of a trust agreement dated the 21st day of October, 1992, known as Trust Number 12742.

4723 W. Crystal Lake Road, McHenry, Illinois 60050.

SHIRLEY B. HARMS, as Trustee of the Shirley B. Harms Trust.

4725 W. Crystal Lake Road, McHenry, Illinois 60050.
ZONING MAP AMENDMENT (REZONING)

Planning and Zoning Commission
City of McHenry

333 South Green Street • McHenry, IL 60050 • Tel: (815) 363-2170 • Fax: (815) 363-2173

Table 33 of the City of McHenry Zoning Ordinance provides that in recommending approval of a Zoning Map Amendment (Rezoning), the Planning and Zoning Commission shall transmit to the City Council written findings that all of the conditions listed below apply to the requested action.

Please respond to each of these conditions as it relates to your request.

1. Compatible with Use or Zoning of Environ
The proposed use(s) or the uses permitted under the proposed zoning classification are compatible with existing uses or existing zoning of property in the environs.

There are numerous different uses along Crystal Lake Road in the vicinity of Harms Farm and Garden Center, which is compatible with these uses.

2. Supported by Trend of Development
The trend of development in the general area since the original zoning of the affected property was established supports the proposed use(s) or zoning classification.

The trend of development along Crystal Lake Road in the area of Harms Farm and Garden Center is business related.

3. Consistent with Comprehensive Plan Objectives
The proposed use(s) or zoning classification is in harmony with the objectives of the Comprehensive Plan of the City as viewed in light of any changed conditions since the adoption of the Plan.

Crystal Lake Road is a major arterial street. The Comprehensive Plan acknowledges this and the proposed zoning will allow the current business to continue to operate at 4727 W. Crystal Lake Road.

4. Furthers Public Interest
The proposed use(s) or zoning classification promotes the public interest and not solely the interest of the applicant.

It is in the interest of the City of McHenry that the “unincorporated islands” become part of corporate McHenry. The application, if granted, will accomplish that goal.
CONDITIONAL USE PERMIT

Planning and Zoning Commission
City of McHenry

333 South Green Street  McHenry, IL 60050  Tel: (815) 363-2170  Fax: (815) 363-2173

Table 31 of the City of McHenry Zoning Ordinance provides that in recommending approval or conditional approval of a Conditional Use Permit, the Planning and Zoning Commission shall transmit to the City Council written findings that all of the conditions listed below apply to the requested action.

Please respond to each of these conditions as it relates to your request.

1. Traffic
Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

The proposed annexation and zoning of the subject property will not have any adverse impact on types of traffic or volumes since the properties' use already exists and there are no changes to said use.

2. Environmental Nuisance
Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district have been appropriately controlled.

There are no anticipated environmental nuisances since the properties have been used as a farm stand and garden center, with collateral uses, without any complaints from Applicants' neighbors.

3. Neighborhood Character
The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings and with permitted uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character existing in the area or normally associated with permitted uses in the district.

As stated above, the Applicants do not propose any new uses for their property. They have operated their farm stand and garden center at the present location for at least 45 years without complaint.
4. Public Services and Facilities
The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

The proposed use has not caused any undue burdens to date and none are expected in the future.

5. Public Safety and Health
The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

The farm stand, garden center, and collateral uses have operated safely and without incident since its inception. Since the use will not change, there will be no detrimental impact on the safety or health of Applicants' employees, patrons, visitors, or the general public.

6. Other Factors
The proposed use is in harmony with all other elements of compatibility pertinent to the Conditional Use and its particular location.

Harms Farm and Garden Center has served the general population of McHenry for half a century at its current location. If the application is granted, the only change will be that the business will be located within the corporate limits of the City of McHenry rather than in unincorporated McHenry County.
IN THE MATTER OF THE PETITION OF
FIRST MIDWEST BANK, as Trustee under
the provisions of a trust agreement dated the 21st day
of October, 1992, known as Trust Number 12742, and
DENNIS L. HARMS and THERESA M. HARMS, sole
beneficiaries of said Trust, and SHIRLEY B. HARMS,
as Trustee of the Shirley B. Harms Trust, FOR
AMENDMENT OF THE ZONING ORDINANCE OF
THE CITY OF Mchenry, Illinois AND FOR
A CONDITIONAL USE.

ZONING
PETITION NARRATIVE

Your Petitioners, FIRST MIDWEST BANK, as Trustee under the provisions of a trust agreement dated the 21st day of October, 1992, known as Trust Number 12742, and DENNIS L. HARMS and THERESA M. HARMS, sole beneficiaries of said Trust, and SHIRLEY B. HARMS, as Trustee of the Shirley B. Harms Trust, respectfully represent to the Planning and Zoning Commission of the City of McHenry as follows:

1. FIRST MIDWEST BANK, as Trustee under the provisions of a trust agreement dated 21st day of October, 1992, known as Trust Number 12742, and SHIRLEY B. HARMS, as Trustee of the Shirley B. Harms Trust, are the owners of record of the real estate which is more fully described as follows:

Lots 25, 26, 27 and 28 in Kelter Estate Subdivision, Unit No. 1 being a Subdivision of part of Section 34 Township 45 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded March 14, 1949 as Document No. 218953, In Book 10 of Plats, page 112, in McHenry County, Illinois.

(said parcel hereinafter referred to as the “subject property”).
The following parcel numbers have been assigned to the subject property:

Lot 25: 09-34-326-002
Lot 26: 09-34-326-003
Lot 27: 09-34-326-004
Lot 28: 09-34-326-005

2. DENNIS L. HARMS and THERESA M. HARMS, 4727 W. Crystal Lake Road, McHenry, Illinois 60050, are the sole beneficiaries of FIRST MIDWEST BANK Trust Number 12742. SHIRLEY B. HARMS, 4725 W. Crystal Lake Road, McHenry, Illinois 60050, is the sole beneficiary of the Shirley B. Harms Trust. (FIRST MIDWEST BANK Trust Number 12742, DENNIS L. HARMS and THERESA M. HARMS, and The Shirley B. Harms Trust and SHIRLEY B. HARMS, are collectively referred to as the "OWNERS" of the subject property). The First Midwest Bank Trust 12742 is the owner of record of Lots 26 through 28. The Shirley B. Harms Trust is the owner of record of Lot 25.

3. The subject property is located on the southeast side of Crystal Lake Road and north of unimproved Kelter Street, approximately one quarter mile south of the intersection of Front Royal Street and Crystal Lake Road. The subject property contains 7.6 acres, more or less. Its street address is 4725 and 4727 W. Crystal Lake Road, McHenry, Illinois, and the subject property is currently being used as a garden center with a farm stand, for agri-tourism, commonly referred to "Harms Farm and Garden Center," and as the staging area for OWNERS’ landscape, lawn care and snow removal business. It is improved with six buildings, ten quonset style structures and two frame sheds used by OWNERS for the business located thereon. The subject property is also improved with the OWNERS’ residence and one cell tower with supporting equipment.
4. The subject property is presently classified A-1 Agriculture District by the McHenry County Zoning Ordinance.

5. The property to the south and north of the subject property is zoned A-1 Agriculture District by the McHenry County Unified Development Ordinance. The property to the west is zoned RS-3 Medium High Density Residential and to the east is zoned RS-2 Medium Density Residential by the City of McHenry Zoning Ordinance.

6. Your Petitioners request that the subject property be annexed to the City of McHenry and that upon annexation it be zoned A-1 Agriculture District and that a Conditional Use be granted to allow OWNERS’ landscape, lawn care and snow removal business, with outdoor storage be conducted on the subject property.

7. The subject property is well located and well suited for utilization as to the permitted uses in the A-1 Agriculture District and such classification would be in conformity to the classification and uses of properties abutting the subject property.

8. A list of taxpayers abutting or adjoining the property owned by the Petitioners as shown on the rolls of the County Treasurer-Collector is attached to this Petition as Exhibit “A”. A Plat of survey of the subject property is also attached as Exhibit “B”.

9. An affidavit/certification of the beneficiaries of the land trust and personal trust which holds title to the subject property is attached to this Petition as Exhibit “C”.

WHEREFORE, your Petitioners pray that the Planning and Zoning Commission of the City of McHenry set a date, time and place for hearing on the contents of this Petition and that, as a result of the taking of testimony and viewing of exhibits presented thereat, the Planning and Zoning
Commission recommend to the Mayor and City Council that upon annexation, the subject property be classified as A-1 Agriculture District with a Conditional Use to allow a landscape, lawn care and snow removal business with outdoor storage under the City of McHenry Zoning Ordinance.

DATED this 20 day of June, 2009.

FIRST MIDWEST BANK, as Trustee under the provisions of a trust agreement dated the 21st day of October, 1992 known as Trust Number 12742 and not personally

By

AUTHORIZED SIGNER

Attest:

AUTHORIZED SIGNER

DENNIS L. HARMS, Beneficiary of said Trust 12742

THERESA M. HARMS, Beneficiary of said Trust 12742

SHIRLEY B. HARMS TRUST

By

Shirley B. Harms, Trustee

Steven J. Cuda
HAMER, SCHUH & CUDA
101 Van Buren Street
Woodstock, IL 60098
815-338-1334
BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MCHENRY, ILLINOIS

IN THE MATTER OF THE APPLICATION
OF FIRST MIDWEST BANK, as Trustee under
the provisions of a trust agreement dated the 21st
day of October, 1992 known as Trust
Number 12742, and DENNIS L. HARMS and
THERESA M. HARMS, sole beneficiaries of
said Trust, and SHIRLEY B. HARMS,
as Trustee of the Shirley B. Harms Trust, FOR
AMENDMENT OF THE ZONING ORDINANCE
OF THE CITY OF MCHENRY, ILLINOIS AND
FOR A CONDITIONAL USE.

NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held before the CITY OF
MCHENRY PLANNING and ZONING COMMISSION in connection with the Petition of FIRST
MIDWEST BANK, as Trustee under the provisions of a Trust Agreement dated the 21st day of
October, 1992 known as Trust Number 12742, DENNIS L. HARMS and THERESA M. HARMS,
sole beneficiaries of said Trust, and SHIRLEY B. HARMS, as Trustee of the Shirley B. Harms
Trust, for Amendment of the Zoning Ordinance of the City of McHenry, and for a Conditional Use
which would affect the following described real estate:

Lots 25, 26, 27 and 28 in Kelter Estate Subdivision, Unit No. 1, being a Subdivision
of part of Section 34, Township 45 North, Range 8 East of the Third Principal
Meridian, according to the Plat thereof recorded March 14, 1949 as Document No.
218953, In Book 10 of Plats, page 112 in McHenry County, Illinois.

(said real estate herinafter referred to as the “Subject Property”).

The address of the Subject Property is 4727 W. Crystal Lake Road, McHenry, Illinois, and
is commonly known as Harms Farm and Garden Center. It is located on the east side of Crystal Lake
Road and just north of unimproved Kelter Street, approximately one-quarter mile south of the
intersection of Front Royal Street and Crystal Lake Road and contains 7.6 acres, more or less. It is currently zoned A-1 Agriculture District by the McHenry County Unified Development Ordinance.

The Petition requests that the Subject Property be annexed to the City of McHenry and upon annexation it be classified as A-1 Agriculture District. Petitioners also request a conditional use be granted to allow Agritourism and Petitioners' current farm and garden center, landscape, lawn care, and snow removal business, with outdoor storage related thereto, to be conducted on the Subject Property.

The following parcel numbers had been assigned to the Subject Property:

Lot 25:    09-34-326-002
Lot 26:    09-34-326-003
Lot 27:    09-34-326-004
Lot 28:    09-34-326-005

DENNIS L. HARMS and THERESA M. HARMS, 4723 W. Crystal Lake Road, McHenry, Illinois, 60050, are the sole beneficiaries of FIRST MIDWEST BANK Trust 12742, which owns Lots 26, 27, and 28. SHIRLEY B. HARMS, 4725 W. Crystal Lake Road, McHenry, Illinois 60050 is the sole beneficiary and sole Trustee of the Shirley B. Harms Trust, which owns Lot 25.

A hearing on this Petition will be held on the 21st day of August, 2019, at 7:30 p.m. at the City of McHenry Municipal Center, 333 South Green Street, McHenry, Illinois, AT WHICH TIME AND PLACE any person desiring to be heard may be present.

CITY OF MCHENRY PLANNING AND ZONING COMMISSION

By: /s/ Shawn Strach
    Chairman

Steven J. Cuda
HAMER, SCHUH & CUDA
101 Van Buren Street
Woodstock, IL 60098
815-338-1334
# EXHIBIT A

**HARMS FARM AND GARDEN CENTER**
**LIST OF ADJOINING PROPERTY OWNERS**

<table>
<thead>
<tr>
<th>NAME</th>
<th>PROPERTY INDEX NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dennis L. and Theresa M. Harms</td>
<td>09-34-376-001</td>
</tr>
<tr>
<td>4723 W. Crystal Lake Road</td>
<td></td>
</tr>
<tr>
<td>McHenry, IL 60050</td>
<td></td>
</tr>
<tr>
<td>2. Home State Bank Trust 5760</td>
<td>09-34-178-006</td>
</tr>
<tr>
<td>4719 W. Crystal Lake Road</td>
<td></td>
</tr>
<tr>
<td>McHenry, IL 60050</td>
<td></td>
</tr>
<tr>
<td>3. Overlook Investment Group</td>
<td>09-34-326-006</td>
</tr>
<tr>
<td>1416 Techny Road</td>
<td></td>
</tr>
<tr>
<td>Northbrook, IL 60062</td>
<td></td>
</tr>
<tr>
<td>4. City of McHenry (Cold Springs Park)</td>
<td>09-34-401-005</td>
</tr>
<tr>
<td>333 S. Green Street</td>
<td></td>
</tr>
<tr>
<td>McHenry, IL 60050</td>
<td></td>
</tr>
<tr>
<td>5. Michael J. and Linda Bartolcne</td>
<td>09-34-327-001</td>
</tr>
<tr>
<td>4809 W. Crystal Lake Road</td>
<td></td>
</tr>
<tr>
<td>McHenry, IL 60050</td>
<td></td>
</tr>
<tr>
<td>6. CO BOARD OF SCHOOL TRS DIST 156</td>
<td>09-34-177-008</td>
</tr>
<tr>
<td>c/o McHenry Community High School District 156</td>
<td></td>
</tr>
<tr>
<td>4716 W. Crystal Lake Road</td>
<td></td>
</tr>
<tr>
<td>McHenry, IL 60050</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT B

PLAT OF SURVEY
STATE OF ILLINOIS  )
    )
COUNTY OF McHENRY  )

SS

TRUST AFFIDAVIT

The undersigned, being first duly sworn upon their oath, state as follows:

1. Dennis L. Harms and Theresa M. Harms, whose address is 4723 W. Crystal Lake Road, McHenry Illinois 60050, are the sole beneficiaries of First Midwest Bank Trust 12742.

2. First Midwest Bank Trust 12742 is the owner of record of Lots 26-28 of Kelter Estate Subdivision, according to the Plat thereof recorded March 14, 1949 as Document Number 218953, in Book 10 of Plats, Page 112, in McHenry County, Illinois

Further Affiants sayeth not.

[Signatures]
Dennis L. Harms
Theresa M. Harms

Subscribed to and sworn before me this 20th day of June, 2019.

[Stamp]
OFFICIAL SEAL
PAT A DICKER
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Nov 25, 2019

Notary Public

EXHIBIT C
STATE OF ILLINOIS       )
COUNTY OF McHENRY      )    SS

TRUST AFFIDAVIT

The undersigned, being first duly sworn upon her oath, states as follows:

1. Shirley B. Harms, whose address is 4725 W. Crystal Lake Road, McHenry Illinois 60050, is the sole beneficiary and sole Trustee of the Shirley B. Harms Trust.

2. The Shirley B. Harms Trust is the owner of Lot 25 of Kelter Estate Subdivision, according to the Plat thereof recorded March 14, 1949 as Document Number 218953, in Book 10 of Plats, Page 112, in McHenry County, Illinois.

Further Affian sayeth not.

[Signature]
Shirley B. Harms

Subscribed to and sworn before me this 20th day of June, 2019.

[Signature]
Notary Public

EXHIBIT C
RIDER ATTACHED TO AND MADE A PART OF
ZONING PETITION TO ANNEX PROPERTY TO THE CITY OF MCHENRY

This instrument is executed by FIRST MIDWEST BANK, not personally but solely as Trustee under Trust Number 12742 in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms, provisions, stipulations, covenants and conditions to be performed by FIRST MIDWEST BANK, are undertaken by it solely as Trustee, as aforesaid, and not individually, and all statements herein made are made on information and belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against FIRST MIDWEST BANK, by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.