City of McHenry
Planning and Zoning Commission Minutes
February 14, 2018

Chairman Strach called the February 14, 2018 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, Miller, Sobotta, Strach, Thacker and Walsh. Absent: Meyer. Also in attendance were: Director of Economic Development Martin, City Attorney Cahill, Economic Development Coordinator Wolf and Economic Development Assistant Conaway.

Approval of Minutes

Motion by Miller, seconded by Doherty, to approve the December 14, 2017 regular meeting minutes of the Planning and Zoning Commission Meeting as presented:

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

Public Hearing: Derek Zeunert (Crimson Peak Tattoo)
File No. Z-919
3929 Main Street
Use Variance to Allow a Tattoo Parlor on the Subject Property.

Chairman Strach called the Public Hearing to order at 7:35 p.m. regarding File No Z-919, an application for a Use Variance to allow a tattoo parlor at 3929 Main Street as submitted by Derek Zeunert (Crimson Peak Tattoo), 2412 W Fairview Lane, McHenry, IL 60051.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on 01/25/18. Notices were mailed to all abutting property owners of record as required by ordinance. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

In attendance were Derek Zeunert and Sky Christensen, both of 2412 W Fairview Lane, McHenry, IL 60050 who were sworn in by Chairman Strach. Mr. Zeunert provided a summary of the request before the Commission at this Hearing stating he has lived in McHenry his whole life, wants to do what he does best and give McHenry a new business filling and remodeling an empty storefront.
Director Martin provided the Commission with the Staff Report regarding this matter stating in 2013 an applicant was granted a temporary use permit by the City Council to conduct tattooing and body piercing at 3932 Main Street until December 31, 2013, and subsequently sought a use variance to allow the use permanently. A tattoo parlor and body-piercing establishment is not currently a permitted or conditional use in any zoning district so a use variance is required. The business closed and their use variance expired. A tattoo establishment was also approved in 2013 at 1210 N. Green Street.

The applicant for the property at 3929 Main Street is an artist and has included samples of his work. He will also sell paintings, prints and clothing. Main Street is an area of transition and is need of business. Director Martin stated the following vacancies exist and that this is not an exhaustive list: the subject property (2-story mixed-use building), 3932 Main, 3925 Main, the unit directly to the east of 3929 Main and the landlords are struggling to rent these spaces out. The only way to improve the location and desirability of this area is to fill these spaces and generate more activity.

Director Martin stated another tattoo establishment/art studio pursued the building at 3940 Main Street however; the Use Variance was not approved by the City Council. Concerns expressed at the meeting included: covering windows and being aesthetically-pleasing; signage; preference to be out of the downtown area and number of tattoo parlors already in the City. This establishment was currently approved at 3405 W. Elm.

Director Martin stated staff recommends approval of a use variance to allow a tattoo parlor on the subject property subject to the conditions presented and Staff finds all requirements in Table 32(A) of the zoning ordinance have been met.

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

Commissioner Thacker inquired whether the business would be open 7 days a week since they operate “by appointment only”. Mr. Zeunert responded yes he expects to be open 5 days per week at least 11 a.m. – 6 p.m. There will be no street traffic. Tattoos are by appointment only but he will be open to the public.

Commissioner Walsh inquired what the timeline might be to start remodeling. Mr. Zeunert responded he would get it moving as fast as possible. He has professionals available to start once he is approved, everything is in line, and he expects to be finished before two months.

Commissioner Miller questioned why two workstations are shown on the plan when Mr. Zeunert is the only tattoo artist. Mr. Zuenert stated it is designed for future growth.

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 at 7:43 p.m.

Motion by Sobotta, seconded by Miller, to recommend to the City Council with regard to File No. Z-919, approval of a use variance to allow a tattoo parlor on the property located at 3929 Main Street as presented by applicant Derek Zeunert, with the following conditions:

- The use variance shall expire and become null and void if the tattoo use ceases for a period of six consecutive months;
- There shall be no coverings, other than the exception below, of any kind placed over, on and/or adhered to the windows unless approved by staff;
- Any signage/window art shall be consistent with the applicant’s proposed business name “Crimson Peak” and/or the artwork, consistent with that submitted as part of the applicant’s public hearing application;
- The applicant shall not conduct any tattooing without proof of current State of Illinois/McHenry County Health Department of Health Licensure for Tattooing.

Be granted, and Staff finds all requirements in Table 32(A) of the zoning ordinance have been met.

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

Chairman Strach closed the Public Hearing regarding File No. Z-919 at 7:44 p.m.

Public Hearing: Yousef Dabbagh
File No. Z-920
4719 W. Elm Street
Conditional Use Permit to Allow an Open Sales Lot

Chairman Strach called the Public Hearing to order at 7:45 p.m. regarding File No Z-920 an application for Conditional Use Permit to allow an open sales lot on the subject property as submitted by Yousef Dabbagh for the property located at 4719 W. Elm St, McHenry, IL.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on 01/30/18. 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 Yousef Dabbagh and his wife, Hiba Dabbagh both of 2438 Fen View Circle, Island Lake, IL 60042 who were sworn in by Chairman Strach. Mr. Dabbagh provided a summary of the request before the Commission at this Hearing stating he was applying to open a used vehicle sales lot in the City of McHenry for specialty vehicles, hybrid and special service vehicles, further stating he has been in the business for 20 years. Mr. Dabbagh thinks this would be a good business for McHenry.

Director Martin provided the Commission with the Staff Report regarding this matter stating the applicant is requesting a Conditional Use Permit to allow an open sales lot on the subject property. The property formerly had a building, which was razed in 2013. The applicant is proposing to utilize a modular building with plans to construct a permanent building within two years pending approval. The property is a through lot, with an alley to the south, Elm Street to the north and Meadow lane to the east therefore he will be required to maintain a 30-foot building setback from the alley, Meadow Lane and Elm Street. Director Martin stated that it is located on West Rt. 120 in the Corridor Enhancement Area, which focuses on redevelopment. Pictures of the modular building were presented.

Drawings of the applicant’s proposed open sales lot were presented. Cars would be located on the majority of the lot and customer and employee parking is proposed at the southern end of the lot. The applicant will be required to install a 15-foot residential screening strip to the south, parking lot lighting, and a parking screening strip if customer parking abuts a public right-of-way. Additionally, mechanical equipment will need to be screened.

Director of Economic Development Martin stated staff recommends approval of a Conditional Use Permit to allow an open sales lot with conditions as presented and Staff finds all requirements in Table 31 of the zoning ordinance have been satisfied.

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

Commissioner Walsh inquired what Mr. Dabbagh’s definition of special service vehicle was. Mr. Dabbagh stated they are previous police vehicles, which he purchases from the government - sedans and SUVs. Commissioner Walsh asked if he would need charging stations for green cars. Mr. Dabbagh replied that the vehicles use gas.

Commissioner Thacker asked if it is Mr. Dabbagh’s intention to purchase the property. Mr. Dabbagh responded yes and stated that he would be utilizing a temporary modular building in the beginning. Mr. Dabbagh also stated he will work with the City’s building department before constructing the temporary modular building and the permanent structure when they are built to be sure he complies with all building codes necessary.

Commissioner Miller questioned the sketch of the parking lot. Mr. Dabbagh stated the black lines are for the 12-15 cars, which will be for sale, and the blue lines are for customer parking. Commissioner Miller asked if there was going to be any service to the cars at the location. Mr.
Dabbagh said no but added that in the future he might open a small service department to be able to service the vehicles for sale.

Commissioner Sobotta inquired about the signage. Mr. Dabbagh answered he will have a sign. Chairman Strach offered that there is a state code that Mr. Dabbagh will have to work with. Mr. Dabbagh stated that he would work with the City and State on signage.

Commissioner Doherty inquired about the surface and drainage. Mr. Dabbagh stated that he plans to resurface the lot and markings. Mr. Dabbagh stated the drainage had been done. Commissioner Walsh questioned if he was going to buy large vehicles from the government. Mr. Dabbagh said no. Commissioner Doherty asked if he would offer any other for sale. Mr. Dabbagh responded that he would not.

Commissioner Miller inquired since Mr. Dabbagh has 20 years' experience if he had any other sales lots in operation now. Mr. Dabbagh responded he did not.

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 at 7:56 p.m.

Motion by Walsh, seconded by Sobotta, to recommend to the City Council with regard to File No. Z-920, approval of an application for a Conditional Use Permit to allow an open sales lot on the property located at 4719 Elm Street as presented by applicant Yousef Dabbagh, subject to the following conditions:

- All requirements of the zoning ordinance (lighting, landscaping, setbacks, etc.) and building code are met, with respect to the modular building, prior to receipt of full Certificate of Occupancy for a temporary building;
- Applicant must file building permit application for a new building and repave entire lot within two years of City Council approval, contemporaneously with the construction of the new building.

Be granted, and that Table 31, of the Zoning Ordinance, has been met.

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

Chairman Strach closed the Public Hearing regarding File No. Z-920 at 7:58 p.m.
Public Hearing: Rick Miller (Phoenix Towing)  
File No. Z-921  
3014 W Illinois Route 120  
Conditional Use Permit to Allow the Outdoor Storage of Vehicles  
In Conjunction with a Towing Business

Chairman Strach called the Public Hearing to order at 7:59 p.m. regarding File No Z-921 an application for a conditional use permit to allow the outdoor storage of vehicles in conjunction with a towing as submitted by Rick Miller for the property located at 3014 W Illinois Route 120.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on 01/30/18. 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 Rick Miller, 7603 S Oak Road, Wonder Lake, IL 60097 who was sworn in by Chairman Strach. Mr. Miller provided a summary of the request before the Commission at this Hearing stating he would like to expand his company from Wonder Lake and Woodstock to McHenry and needs the conditional use in order to be on contract with the Police Department.

Director Martin provided the Commission with the Staff Report regarding this matter stating a preliminary walk through have been done for life safety requirements. The subject property was previously approved for outside storage in 1996. At that time an ordinance was presented, however the conditional use limited the storage of vehicles to the northeast corner of the building; maximum of two vehicles overnight and the duration of the conditional use permit was concurrent with the tenancy with Bull’s Eye Windshield Repair. Additionally, in 2005, a conditional use permit was applied for and went to Planning to Zoning, however did not proceed to City Council for final consideration.

In the City’s Zoning Ordinance, a conditional use permit is required in the C-5 zoning district for outside storage associated with any permitted or conditional use allowed in the district. Director Martin stated the conditional use would be specifically for storage of vehicles, either impounded or retrieved from an accident scene. The proposed location of the outdoor storage is behind the building to the north and is not likely to visually detract from the surrounding area. Director Martin stated that cars should not be seen from the street. The storage area abuts residential to the north and the VFW property.

Director Martin further stated there is an existing fence, which needs to be repaired, and there is a gap in the fence on the north side, which needs to be closed. The fence is cyclone and should be solid, opaque, with slats, or landscaping or a combination; otherwise, the building is in decent shape.
Director Martin stated staff recommends approval of a Conditional Use Permit to allow the outdoor storage of vehicles in conjunction with a towing business on the subject property subject to the conditions as presented and Staff finds all requirements in Table 31 of the zoning ordinance have been satisfied.

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

Commissioner Sobotta inquired about vehicle repairs. Mr. Miller stated there would be none.

Commissioner Miller inquired how many vehicles would be housed at the property. Mr. Miller responded no more than 10. Commissioner Miller inquired if Mr. Miller had issue with fixing the fence. Mr. Miller stated no, and offered that he already purchased the materials. Commissioner Miller asked about other security in place and if he had dogs. Mr. Miller said the yard is locked and secured with cameras and there are no guard dogs on the property.

Commissioner Thacker inquired about vehicle residency on the property. Mr. Miller responded vehicles typically are housed there for 48 hours.

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 at 8:04 p.m.

Motion by Miller, seconded by Thacker, to recommend to the City Council with regard to File No. Z-921, approval of an application for Conditional Use Permit to allow the outdoor storage of vehicles in conjunction with a towing business on the property located at 3014 W Route 120 as presented by applicant Rick Miller, subject to the following conditions:

1. The property shall be cleared of any miscellaneous debris within 30 days of City Council approval and;

2. There shall be no storage of anything other than vehicles which are directly-tied to the business on the property and;

3. The outdoor storage area shall remain inaccessible to the general public and maintained so grass/weeds are not growing and vehicles stored in an orderly manner.

4. All inoperable vehicles, as well as vehicles which may potentially leak automobile fluids, shall be stored inside only.

5. The fence shall be fitted with slats on all sides so the storage yard is not visible to the general public, within 30 days of City Council approval.

6. The fence shall be repaired, so it’s completely erect and upright and completely enclosed so there are no gaps, within 30 days of City Council approval.
Be granted, and that Table 31, of the Zoning Ordinance, has been met.

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

Motion carried 6-0.

Chairman Strach closed the Public Hearing regarding File No. Z-921 at 8:05 p.m.

Public Hearing: Meyer Material Company LLC
File No. Z-922
7003 W. Illinois Route 120 and 7204 N. Illinois Route 120
Conditional Use Permit for the Operation of a Commercial Sand and Gravel Business on the North and South Sides of Illinois Route 120 and Variance from Chapter XIII, Section A (4) to Exceed the 10 year Limitation for an Extraction Operation on the South Side of Illinois Route 120

Chairman Strach called the Public Hearing to order at 8:06 p.m. regarding File No Z-922 an application for a Conditional Use Permit for the operation of a commercial sand and gravel business on the north and south sides of Illinois Route 120 and a Variance from Chapter XIII, Section A (4) to exceed the 10 year limitation for an extraction operation on the south side of Illinois Route 120 as submitted by Meyer Material Company, LLC for the property located at 7003 W Route 120 and 7204 W Route 120.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on 01/29/18. 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 Attorney Tom Zanck and Randi Wille, Regional Manager of Land & Environment for Lafarge, 1300 S IL Route 31, South Elgin, IL 60177, on behalf of the applicant, who was sworn in by Chairman Strach.

Chairman Strach read a letter from Maria Rabenda into record and presented it to the commissioners and applicant.

Chairman Strach instructed commissioners that parcel A on the maps in their packets is not part of this matter tonight. Parcels B, C, D, and E are under discussion at this hearing. Chairman
Strach also reminded the commissioners that Table 31 in the Zoning Ordinance for a Conditional Use and Table 32 for the Variance should be used when determining how to vote.

Attorney Zanck directed questions about the letter from Maria Rabenda to Mr. Wille. Mr. Wille answered that today was the first that he had seen the letter. Attorney Zanck asked if Mr. Wille had looked for her property on Google Maps from 2005. Mr. Wille stated that there was farmland immediately behind her property but that clearly mining was going on in 2005. Attorney Zanck asked if complaints were routed through Mr. Wille. Mr. Wille answered that he does receive the complaints. Attorney Zanck offered that Parcel A is not part of the hearing. Mr. Wille stated zoning is industrial with Ready Mix Concrete & Asphalt plant on that parcel and hours for industrial use are 5 a.m. - 7 p.m. He further offered that Meyer owns the plant and leases it to Curran Contracting.

Randi Willie provided a summary of the request before the Commission at this Hearing stating his petition is to continue doing what has been done on this property since 1988 along with subsequent mining operations and sand and gravel and reclaiming the slopes over time. Mr. Wille opined that the rate of mining is slower than in the past and he opined that the rate would not increase in the future. Mr. Wille stated that Meyer wants to finish the plan to continue to mine by Burning Tree, Wooded Creek and Glacial Ridge subdivisions and return the land to single-family residences.

Attorney Zanck distributed a Conditional Use Renewal packet, which included a history of the plant, and property and Mr. Wille summarized the packet, which contains past and current photos of the property. Mr. Wille offered a brief ownership, permit and ordinance history of Meyer Material. Mr. Wille stated the hours of operation as they relate to the city ordinances that are in place. He outlined the stripping, mineral extraction, conveying, processing activities and setback zones. Mr. Wille presented the property restoration plan and pointed out photos of the finished appearance of the property bringing it back to agricultural. He stated that he has been in contact with some the residents in regards to restoration. Mr. Wille addressed the current action items and challenges of Meyer Material including continued extraction, resurfacing of the haul road, providing information to neighbors and managing dust and noise. He shared the statements from the IDNR Mine inspection. Mr. Wille presented the petition of renewal.

Attorney Zanck distributed and presented Example 1 - the Reclamation Report and Example 2 – Report to City of McHenry and explained their importance. Attorney Zanck presented the 2002 Secor International Inc. dust report (Example 2) and asked Mr. Wille if the pit surrounded Valley View School. Mr. Wille answered yes. Attorney Zanck stated that the report showed Meyer Material to comply with the City of McHenry and the State of Illinois. He questioned Mr. Wille if this was the same operation today as in 2002. Mr. Wille answered yes.

Director Martin provided the Commission with the Staff Report regarding this matter stating the applicant is currently petitioning the City for renewal of their existing conditional use permit to
continue operating a commercial extraction business on the north and south sides of Illinois Route 120. North of 120 is primarily used for the mining of sand and gravel. The raw materials are then transported to the southern parcel for processing into aggregate material. As per the Zoning Ordinance of the City, this requires a conditional use permit however; these conditional use permits are only good for 10 years. The applicant is also requesting a variance from the provision of the Zoning Ordinance, which puts a 10-year time operation limitation on any extraction business for the south side, which expires in May 2018 to allow the north, and south sides to expire simultaneously in 2032. The north side agreement expires in October 2022.

The subject property consists of three parcels, totaling approximately 156 acres on the north side and several parcels totaling over 1,000 acres on the south side. While these properties are governed by annexation agreements, which will be considered by the City Council, they are regulated primarily by the zoning ordinance Chapter XIII. Surface Mining.

Directory Martin stated that initially, in 1988, 409 acres were annexed into the City of McHenry and zoned RS-1 with an A-M Overlay and granted a conditional use permit for a commercial mining business. Meyer Material annexed approximately an additional 117 acres of property into the City of McHenry in 1998 to expand their operation. That property was zoned RS-1 with an A-M Overlay and granted a conditional use permit for a commercial mining business, granted a variance to extend the operation to 2018 and is located at the southeast corner of Route 120 and Ridge Road. Also in 1998, a variance was granted to the original 1988 property to all the operation through May 4, 2018. This conditional use permit needs to be extended in addition to the one on the north side.

The City established the A-M Agricultural and Mining Overlay District to capitalize on the natural resources that currently exist within McHenry County and to subsequently permit businesses such as Meyer Material/Lafarge to operate these earthen extraction businesses. The City established the overlay district due to the fact that the areas suitable for mining operations would also be suitable for development once the mining operations were completed.

The subject property has an underlying zoning of RS-1, with additional regulations placed upon it over and above those imposed by the residential district regulations to govern the mining operations. In this instance, the City's Comprehensive Plan has designated this entire area as low-density residential land use, with the intention that in the future, a rural residential subdivision would be developed within the City’s limits.

Directory Martin stated that the City Council discussed this topic at their November 6, 2017 and February 5, 2018 meetings. Concerns expressed by the Council at those meetings included: noise from the crushers; ensuring the City maintained the proper reclamation bonding; making sure all wash plant processing was done inside in an enclosure; backup alarms on the vehicles; impact on shallow aquifers of residents; having copies of audits from monies received by City from aggregate material mined; ensuring proper hours of operation were followed and making sure the City had current reclamation, topographical, aerial and reclamation maps. Director Martin
offered that the City does receive revenue. Director Martin stated that Mr. Wille is working on making sure that the aforementioned reports are presented to the City.

Director Martin stated Table 31 of the City’s Zoning Ordinance governs conditional use permits. The character of the area in close proximity to the site on Route 120 is of rural agricultural farming, mining operations and low-density single-family residential land uses. The subject property has been mined for decades with minimal disturbances of a major nature.

Director Martin stated that while there have been some issues, due to the fact that the south side abuts residential, primarily with noise and dust, Meyer Material Company and their parent company have been extremely responsive to residents. Director Martin stated he has been here for 15 years and he has seen Randi Willie specifically address numerous neighborhood concerns. To address noise, in the latest annexation agreement a wash plant enclosure was required. Director Martin further stated that Allen Miller was also very responsive to complaints when he was at Meyer, dealing with noise and dust.

Additionally, Meyer provides a valuable service to the City of McHenry and surrounding cities, a commodity that is needed for our economy, provides job and the City receives revenue from the operation. Director Martin stated that they donate time and have been very active in the community. The mining business provides valuable resources to the surrounding region and will continue to do so. The City is fortunate to have these natural resources made available.

In addition, the City Council will be negotiating, through an annexation agreement extension, on several fronts with the applicant to not only maintain the rural atmosphere of this area but to work with the City in providing tangible benefits to the residents of McHenry. Staff feels that at this time, this is an appropriate land use and zoning of the property. Director Martin stated that this is a continuation of what has been going on for many years, nothing is changing. The applicant needs to comply with the City’s ordinances with regards to storm water detention and storm water release rates.

The City’s Surface Mining Regulations of the Zoning Ordinance place considerable limitations on the operation of extraction businesses and the applicant will need to comply with state and federal regulations as well. After the mining operations are ceased, the site must be reclaimed, within certain time restrictions, by the applicant in accordance with the requirements of the Zoning Ordinance.

The noise impacts of the proposed operation will be greatly reduced in that the processing area for the raw materials is located on the south side of Route 120 in the existing mine, which is 50 feet below the existing ground surface. However, the noise generated from back-up alarms on truck and earth-moving equipment is a concern. The use of silent back-up alarms should be required for equipment used north of Route 120 which has all been addressed in the past and staff believes should continue to be a priority.
Table 32 of the Zoning Ordinance governs Variances. The limitation placed in the Zoning Ordinance on an extraction operation is 10 years. If the applicant wishes to exceed the 10-year time limitation, a variance can be applied for or at the end of the 10-year time limit; the conditional use permit can be extended for the south side—for approximately four years. Staff does not see any major concerns with this request as long as the processing remains on the south side of Route 120.

Director Martin stated staff recommends approval of a conditional use permit to allow a mining operation on the subject property subject to the conditions as presented and Staff finds all requirements in Table 31 of the zoning ordinance have been satisfied; and Staff recommends approval of the proposed variance to the 10 year time limitation imposed by the Zoning Ordinance with regards to mining on the south side. Approval of the variance shall be subject to the same conditions identified for consideration of the Conditional Use Permit presented and all the requirements in Table 32 of the zoning ordinance have been satisfied.

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

Commissioner Walsh referred to Page 12 of the Conditional Use Renewal “Provide information to neighbors as needed” and asked how often Meyer did this. Mr. Wille stated that in the past, a letter and flyers were distributed to the Burning Tree subdivision. Mr. Wille stated he did knock on doors and did speak to one woman who told him the noise was not from the plant but the ATVs running up and down the area. Commissioner Walsh asked how often the feedback is offered to Mr. Wille. Mr. Wille answered that the feedback has been limited over the last few years and that most feedback has been from Ryan Schwalenberg from the City. He further added that a past complaint about the dust during high winds were addressed and new procedures were put into place to limit the dust. Commissioner Walsh inquired if the IDNR and IEPA had any complaints about Meyer would had come through Mr. Wille. Mr. Wille answered they do come from IDNR and IEPA but added that he had not received a complaint from either.

Commissioner Thacker inquired to the timeframe for end use. Mr. Wille opined that by 2032, all the minerals will be gone and the land will be returned to single-family use. Director Martin added that there is a proposed 60-acre lake with houses surrounding it. Commissioner Thacker inquired about the timing of past mining. Mr. Wille opined that there has been some stagnancy in use of the pit and was unsure when the north side mining had stopped. He opined that operation would last for 5-6 years dependent upon supply and demand. Commissioner Thacker further inquired about the 2003 studies on Valley View and inquired what the biggest complaint was then. Mr. Wille said it was noise and opined that it mostly seems to be from the asphalt plant, which is being run by Curran Contracting.

Commissioner Sobotta repeated the question regarding the biggest complaint since 2002. Mr. Wille replied it was noise and opined that the noise was from the asphalt operations because of time of day. Commissioner Sobotta asked on average how many complaints Meyer Material
receives. Mr. Wille replied that in 2017 there were three, he was unsure if he had any last year (2016).

Commissioner Doherty inquired about placement of the crushers. Mr. Wille responded that the crushers would remain on the south side and they would convey the material from the north. He opined that in 2 years they would pull away from the homeowners. He further opined that the heavy equipment would not be moving. Commissioner Doherty inquired about dirt storage near Burning Tree subdivision. Mr. Wille stated that topsoil is on the outside perimeter. Commissioner Doherty asked if there is a continuous berm. Mr. Wille stated the berm still runs along Burning Tree subdivision, he offered pictures of where they just put a berm on the south of Glacial Ridge and opined that next year they will move the berm in advance of mining, ultimately the spoils will be hauled to Woods Creek and Burning Tree areas. Commissioner Doherty questioned if it is all surface mining. Mr. Wille responded yes and offered that Meyer had done testing for future boring.

Commissioner Walsh asked for clarification on the asphalt/noise complaints and opined that the noise was coming from Curran Contracting who is running the plant. Mr. Wille answered correct.

Commissioner Miller questioned what percent of material have been removed from the mine to date. Mr. Wille stated 65-70% since 1975 or before, he opined that the rate of removal is slower now due to changes in the industry. He offered that Meyer is now a mining company and not handling only concrete like in the past but now focus on the demand for aggregate materials. Commissioner Miller questioned whether all reclaimed land for Parcel B will look as demonstrated in the photo Parcel E, as Meyer retreats and strips the field. Mr. Wille replied yes. Commissioner Miller questioned about reclamation of Parcel D and B. Mr. Wille offered Parcel D is the asphalt plant; Parcels B & C will be reclaimed when complete.

Chairman Strach opened the floor to questions and comments from the audience. The following were sworn in by Chairman Strach prior to their addressing the Commission:

Jackie Matthiesen, 6712 Burning Tree Circle, McHenry, IL. Ms. Matthiesen stated her wish is that the quarry, known as Meyer Material, not be given an extension. She stated her concern is the integrity of Valley View School because of her grandkids go there and her daughter is a teacher. She stated that Valley View is an island surrounded by the gravel pit. She opined that the property might be made less secure with continued mining. She is not in favor of an extension and opined that no amount of additional revenue to the City is worth safety to the children.

Nicholas Finia, 6805 Burning Tree Circle, McHenry, IL. Mr. Finia stated he would request application not be approved because 12 years ago he and his wife purchased their property with the condition for purchase being that the operation was to cease May 2018 and if this is approved that will not be happening. He stated concerns of significant dust, air polluted with diesel fumes and pool accumulation of dirt and sand. He stated that the noise pollution was very loud and opined it was from the heavy-duty – diesel – hauling, part crusher and belt equipment. He stated
that the crew forgets to turn off the crusher and Mr. Wille did look into this but it continues to happen. He stated that the back-up sound on Saturdays starts at 6 a.m. and that living with it is different than testing the noise for an hour. Mr. Finia offered for Mr. Wille to come stay at his home to see what they live, every day. He suggested on windy days that they not operate or if they do, they should spray to subside dust. He opined that Meyer needs to be a good neighbor. He opined that Meyer should compensate them because of diminished property value. He stated that a business could be a good neighbor if they use common sense.

Susan Christensen, 6326 Chickaloon Drive, McHenry, IL. Mrs. Christensen stated her one concern is the lack of outreach to neighbors. She built 10 year ago knowing the mining was to end in 2018. She is concerned that her investment is not being maintained. She opined the amount of time is excessive.

Jim Christensen, 6326 Chickaloon Drive, McHenry, IL. Mr. Christensen stated that he would like to address the time element. He stated that the early morning noise is offensive. He offered that contractors have a later start time, which is strictly enforced for homeowners. He questioned if the deep digging would affect his water well. He suggested mufflers for the machinery to help with the noise.

Mary Nader, 1213 Matanuska, McHenry, IL. Mrs. Nader stated she would like to echo all discussion about all the noise. She stated that there are rules in the subdivision about power tools and wondered why the crusher was running at 5 a.m. She further opined that the Reclamation Plan from 1987, which she received from Director Martin, is antiquated. She opined the bonds were not satisfactory. She opined that the City is not being a good neighbor and has failed the residents. She stated there has been no communication from Meyer Material since 1986 when they bought their home or since they built in 1995. She further opined they should have five years to finish.

Terry Nader, 1213 Matanuska, McHenry, IL. Mr. Nader stated that the Reclamation Plan is already 30 years old and that the mining has been going on for 70 years. His concern is about noise but opined that the reclamation should be most important to the City. Mr. Nader stated that he is an attorney who knows that companies go bankrupt and then the cost falls on others. He wonders why there are no engineering studies to show the cost to the City if the reclamation expense become the City’s burden. He opined that if Meyer should default, the City needs to have security.

Mario Arteaga, 2502 E. Wonder Lake Rd., Wonder Lake, IL. Mr. Ortega lives on the lot closest to the north side of Meyer Material at East Wonder Lake Road and Ridge Road. He opined that the mining operation is toxic. He stated that he is living on farmland, which is beautiful now and opined that the mining will make that an eyesore. He believes that Meyer Material is not a good steward of the land. He stated that the 2002 Environmental Impact Study was old. He urges the City to deny the request. He also opined that the trucks are a traffic hazard during entry and exit.
Scott Curry, 5802 Amherst Court, McHenry, IL. Alderman Curry stated that he is the council member for this area and that he knows that the gravel pit has been there before the residents. He stated that there are 40 years of issues and he gives no credence to the length of time the pit has been in business. He stated that since he was elected in 2015, he had twenty-one complaints, which he stated probably were not transmitted to Mr. Wille because the City does not bring it further if there is not a violation. He also stated that he does not separate the asphalt plant from Meyer because they work together. Chairman Strach interjected that the Commission is not talking about Parcel A. Alderman Curry spoke on the annexation agreement concerns, the noise, and continual work and that there was no end in sight, 6 days per week, every week. He opined that the reclamation is outdated and willfully inadequate. He opined we could approach by extending south by 4 years and see how it goes.

Kenneth Reese, 6829 Burning Tree Circle, McHenry, IL. Mr. Reese asked about the original agreement end time. Director Martin stated there were several agreements because it kept being extended. Mr. Wille answered that there was added acreage/120 acres additional and that is why time has been extended.

Mr. Wille gave IDNR surface mining regulations setback features and stated Meyer is bonded by the State as well as the City. They also use a buffer even larger than what is required with strict regulations imposed. Mr. Wille addressed the concerns of Mr. Arteaga regarding the truck traffic and flow. Mr. Wille stated that the drivers are not their employees but are customers and that the drivers must meet all requirements requested. Mr. Arteaga spoke again and said that there was a lack of signage at the entrance. He opined that there are no safety precautions in place. He further opined that there is a lot of wildlife that will be disturbed if the north is mined.

Commissioner Doherty discussed the City’s protection for reclamation and asked Director Martin if $300,000 bond is adequate. Director Martin responded he was unsure. Mr. Wille said that some of the requirements have been met and the State has released some bonds. Chairman Strach asked if all of the reclamation that should have been done, has been done. Mr. Wille stated that yes; it is Meyer’s goal to release the bonds. Director Martin opined that there is leeway to increase the amount if needed. Commissioner Doherty mentioned that Commissioner Miller asked about the rough percent of mining reserves left. Mr. Wille opined that the forecast for 14 years is accurate for the demand.

Commissioner Sobotta asked for clarification of the ordinance that was in the packet. Chairman Strach stated to clarify that the reclamation process is in the City’s mining ordinance. Mr. Wille clarified that the IEPA permits Meyer for water pollution control and the IDNR regulates Meyer for the land disturbance. Commissioner Sobotta questioned the exemptions that cover surface mining. Commissioner Sobotta opined that Meyer could go beyond the bare minimum of state requirements on noise. Director Martin stated the muffled alarms requirement is for both sides. Chairman Strach added part of this condition is the north side originally had the mufflers but now should be on the south side as well. Commissioner Sobotta opined Meyer Material should match hours with those of construction hours if they want to be a better neighbor.
Commissioner Miller discussed her concerns including the noise, Reclamation Plan, and communication and opined that as they move north the prevailing winds will cause the noise to increase for Wood Creek and Glacial Ridge. She asked what else Meyer could do to help those residents. Commissioner Miller opined this needs to be an ongoing conversation. She agrees with the Reclamation Plan and that the City needs to have Meyer held accountable. Commissioner Miller questioned how complaints could be better handled. Director Martin stated they could call the City. Commissioner Miller suggested that communication become better; she opined that a call from Mr. Wille would probably alleviate many of the concerns. Chairman Strach produced a stack of complaints dating back to 2008 that he received from Director Martin and the City Police Department. He noted there were not many noise complaints and urged residents to call the City for tracking purposes. He stated the City needs to be able to track those calls.

Commission Thacker asked Mr. Wille about the purchase during the first 10 years, did Meyer think they would be mined within that timeframe or did Meyer expect to come back and ask for an extension. Mr. Wille answered that he was not sure because he was not part of the original purchase. Director Martin stated back in 2002 part of the time the plant was not running and mining so it was out of Meyer’s control. He opined that it is not an easy answer as to whether they bought knowing they needed more time. Chairman Strach offered that in 2008, the economy crashed and he opined that the business changed. Director Martin opined that Meyer is more diverse now. Commissioner Thacker asked in regards to the conditional use permit, could it be 5 years. Director Martin stated that the ordinance could not exceed 10 years.

Commissioner Walsh echoed Commissioner Miller’s concerns about communication and opined the process may be broken and that the residents do not know where to go. For the record, Commissioner Walsh would like to know where to go if he had a complaint. Director Martin reiterated that the City would take a complaint; the City does act as mediator for properties within the city limits. He stated the City has the capability to record those concerns. He addressed that there may need to be some things discussed before the City Council meeting. Chairman Strach stated to address Alderman Curry’s calls and concerns, he opined that complaints may not have gone through the proper channels and may not have gotten to Meyer so it is hard to hold the petitioner accountable. He stated that we need to start the process; the City needs to be able to track the process. Commissioner Miller opined that as a resident, it matters knowing that your complaint has been heard would help open the communication. Commissioner Sobotta opined that we need to talk about the hours of the noise. Discussion ensued.

Chairman Strach closed the public comment portion of the hearing at 9:43 p.m.

Motion by Miller, seconded by Doherty, to recommend to the City Council with regard to File No. Z-922, an application for a Conditional Use Permit for the operation of a commercial sand and gravel business on the north and south sides of Illinois Route 120 for the property located at 7003
W Route 120 and 7204 W Route 120 as presented by applicant Meyer Material, LLC, subject to the following conditions:

1. Muffled/reduced noise back-up alarms shall be used on the trucks and earth moving equipment, north and south of Route 120, on the subject property.
2. Applicant shall enter into an amended annexation agreement with the City for the properties on the north and south sides of Illinois Route 120.
3. All processing of raw material shall be done at the existing mining facility on the south side of Route 120.
4. That there are no substantial or recurring violations of the City of McHenry, State of Illinois or Federal mining, environmental and reclamation laws and regulations.

Be granted, and that Table 31, of the Zoning Ordinance, has been met.

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

Motion carried 6-0.

Commissioner Miller asked for clarification on the variance. Director Martin clarified. Commissioner Thacker questioned if Meyer had to come back for the north side. Director Martin answered that was the previous vote. Commissioner Thacker stated that he wanted to change his vote. Attorney Cahill instructed on how to motion for reconsider.

Motion to reconsider by Thacker, seconded by Walsh, to recommend to the City Council with regard to File No. Z-922, an application for a Conditional Use Permit for the operation of a commercial sand and gravel business on the north and south sides of Illinois Route 120 for the property located at 7003 W Route 120 and 7204 W Route 120, as presented by applicant Meyer Material, LLC, subject to the following conditions:

1. Muffled/reduced noise back-up alarms shall be used on the trucks and earth moving equipment, north and south of Route 120, on the subject property.
2. Applicant shall enter into an amended annexation agreement with the City for the properties on the north and south sides of Illinois Route 120.
3. All processing of raw material shall be done at the existing mining facility on the south side of Route 120.
4. That there are no substantial or recurring violations of the City of McHenry, State of Illinois or Federal mining, environmental and reclamation laws and regulations.

Be granted, and that Table 31, of the Zoning Ordinance, has been met.
Voting Aye: Doherty, Sobotta, Thacker, and Walsh
Voting Nay: Strach, and Miller.
Not Voting: None.
Abstaining: None.
Absent: Meyer.

Motion carried 4-2.

Chairman Strach asked if everyone was clear on the Motion.

Motion by Thacker, seconded by Walsh, to recommend to the City Council with regard to File No. Z-922, an application for a Conditional Use Permit for the operation of a commercial sand and gravel business on the north and south sides of Illinois Route for the property located at 7003 W Route 120 and 7204 W Route 120, as presented by applicant Meyer Material, LLC, subject to the following conditions:

1. Muffled/reduced noise back-up alarms shall be used on the trucks and earth moving equipment, north and south of Route 120, on the subject property.

2. Applicant shall enter into an amended annexation agreement with the City for the properties on the north and south sides of Illinois Route 120.

3. All processing of raw material shall be done at the existing mining facility on the south side of Route 120.

4. That there are no substantial or recurring violations of the City of McHenry, State of Illinois or Federal mining, environmental and reclamation laws and regulations.

Be granted, and that Table 31, of the Zoning Ordinance, has been met.

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

Motion carried 5-1.

Commissioner Thacker explained that he voted no because the length of time for the mining operation with the extension is getting to be too long.
Motion by Miller, seconded by Walsh, to recommend to the City Council with regard to File No. Z-922, an application for approval of the proposed variance to the 10 year time limitation imposed by the Zoning Ordinance with regards to mining on the south side on the property located at 7003 W. Illinois Route 120 as presented by applicant Meyer Material, LLC, subject to the following conditions:

1. Muffled/reduced noise back-up alarms shall be used on the trucks and earth moving equipment, north and south of Route 120, on the subject property.
2. Applicant shall enter into an amended annexation agreement with the City for the properties on the north and south sides of Illinois Route 120.
3. All processing of raw material shall be done at the existing mining facility on the south side of Route 120.
4. That there are no substantial or recurring violations of the City of McHenry, State of Illinois or Federal mining, environmental and reclamation laws and regulations.

Be granted, and that Table 32, of the Zoning Ordinance, has been met.

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

Motion carried 5-1.

Commissioner Thacker stated he has the same reasons as the prior hearing for Meyer Material for voting nay.

Chairman Strach closed the Public Hearing regarding File No. Z-922 at 10:34 p.m.

Staff Report
Director Martin initiated discussion on a special meeting to review the Comprehensive Plan. A special meeting will be scheduled Wednesday, March 7, 2018 at 7:00 p.m. for that discussion only. Director Martin stated the Economic Development Department is getting very busy.

Adjournment
Motion by Sobotta, seconded by Doherty, to adjourn the meeting at 10:33 p.m.

Voting Aye: Doherty, Miller, Sobotta, Strach, Thacker, and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Meyer.
Motion carried 6-0.
The meeting was adjourned at 10:33 p.m.

Respectfully submitted,

[Signature]
Tina Conaway, Economic Development Asst.
City of McHenry