Chairman Strach called the June 19, 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.

Chairman Strach opened the public portion of the meeting at 7:32 p.m. There was nobody in attendance who wished to address the Commission with public comment.

**Approval of Minutes**

Motion by Walsh seconded by Thacker to approve the May 15, 2019 Regular Meeting minutes of the Planning and Zoning Commission as presented:

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

**Public Hearing: City of McHenry**

File No. Z-950

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.

Chairman Strach called the Public Hearing to order at 7:34 p.m. regarding File No. Z-950 a request for text amendments to the City of McHenry Zoning Ordinance including: Article III. General District Regulations (H. Operations within Enclosed Buildings), which deals with outdoor seating. He noted that the wrong Z-File number (only) was on the original agenda.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on May 30, 2019. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

Director of Economic Development gave the Staff report stating 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. The outdoor seating regulations of the McHenry Zoning Ordinance were presented. Director Martin further stated several businesses have recently approached the City about outdoor seating and want to serve food and/or alcohol outside but 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 on the amendment without going through the conditional use process, which would save the businesses time and money and allow them to serve food and alcohol outside without seeking a conditional use permit. Director Martin stated Staff believes amending this ordinance is the best course of action and would be the same type of condition that is placed upon any other restaurant that serves food and/or alcohol outside while also making the process easier for future restaurants.

Director Martin stated the specific provisions that would need to be amended include:

g. Preparation and service of food outside is prohibited;

h. Service and consumption of alcohol outside is prohibited.

Director of Economic Development Martin stated it is Staff’s recommendation to delete the above provisions in Article III General District Regulations Section H. Operations within Enclosed Buildings Outdoor Seating, and replace them 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 doors approved by the City, and marked by signs stating “EMERGENCY EXIT ONLY.””

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

Commissioner Gurda asked for clarification on the requirements in regard to some of the restaurants in town. Discussion ensued particularly in regard to the enclosed outside seating areas.

Commissioner Sobotta suggested a change to the wording “secure, permanent nature” to perhaps “permanent or temporary nature” in the proposed text in order to make the ordinance a little more flexible.

Commissioner Doherty suggested allowing service of food but not alcohol at all outside seating establishments. Discussion ensued regarding that being the intent of the proposed wording and whether or not a barrier of a permanent nature is required. Commissioner Doherty also suggested adding “table umbrellas”, specifically, in item “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” as specifically needing to be secured. Discussion also ensued in regard to item “r. - outdoor seating on public property must be removed during hours that it is not being utilized” and whether or not outdoor seating actually needed to be removed when not in use.
Commissioner Strach asked for discussion on whether a barrier is required and whether it needs to be permanent or temporary and whether or not seating needed to be removed when not utilized.

Commissioner Thacker stated he would like to see the amendment be less prohibitive to businesses. Director Martin concurred he would like to see the ordinance be less prohibitive as well.

Discussion ensued regarding the least prohibitive, yet safe way to amend the recommendation while allowing the Building Commissioner authority to permit the final approval of the safety consideration of any outdoor seating area proposed.

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 8:01 pm.

Motion by Lehman seconded by Gurda to recommend to the City Council with regard to File No. Z-950, deletion of the following provisions in Article III General District Regulations Section H. Operations within Enclosed Buildings Outdoor Seating:

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

And replacing them with the following language, as amended:

“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 nature and shall facilitate access in the area only through the licensed premises or through an occupied host or hostess station.”

And to amend current item p. from:

- Tables, chairs and other related items utilized in conjunction with an outdoor seating area shall be appropriately secured in the case of high winds; to
- Tables, chairs, table umbrellas and other related items utilized in conjunction with an outdoor seating area shall be appropriately secured in the case of high winds.

And amend current item r. from:

- Outdoor seating on public property must be removed during hours that it is not being utilized; to
- Outdoor seating on public property must be removed during the off season when it is not being utilized.
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-950 at 8:10 pm.

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

Chairman Strach called the discussion to order at 8:12 p.m. regarding Various Amendments and Updates to the City of McHenry Comprehensive Plan and Development Policies and City of McHenry Future Land Use Map.

Director of Economic Development Martin presented a map prepared by HR Green depicting the most historic parts of Main and Green Streets and Riverside Drive. The shaded portion of the map presented was not necessarily historic but may be integral into fitting into the neighborhood. He proposed including 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. Director Martin asked for discussion to center on the general nature of the location of the shaded areas and the designs and whether the Commission believed they were appropriate. He also opined the map and guidelines give a general outline of what could be included in these “historic” areas, not naming them or regulating them as a historic district. He also offered if it is determined the shaded areas are too extensive staff will have the map revised.

Director Martin stated 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. He presented the Design Guidelines for Residential Teardowns and Infill Parcels.

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

Commissioner Doherty asked if zoning guidelines were going to be addressed by this historic area and was looking for clarification. Director Martin stated these are proposed as guidelines and they are not regulatory as a historic district would be. Chairman Strach gave an example of an Infill lot on Waukegan Road and how the Design Guidelines presented would provide guidelines so building design on the lot would be more in line with the character of the historic neighborhood rather than a modern or contemporary style.
Commissioner Doherty questioned whether commercial properties should be included. Discussion ensued, particularly regarding distinction between residential vs commercial properties or using location only rather than zoning distinctions.

Commissioner Strach opened discussion on the Design guidelines presented. Discussion ensued.

The recommendation of the commission is to direct Director Martin to amend the map ending the historic area on Main Street at the railroad tracks and to also amend the map continuing the historic area on Riverside Drive to Washington Street. All commissioners were directed to look over the design guidelines and bring the discussion back for direction on whether or not to utilize them at a future meeting.

Chairman Strach closed the discussion at 9:00 p.m.

Staff Report

Director Martin stated there will be a special meeting scheduled on July 11, 2019, at 7:30 p.m.; and the next regular meeting will still be held on July 17, 2019 at 7:30 p.m.

Adjournment

Motion by Thacker seconded by Lehman to adjourn the meeting at 9:00 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 9:00 p.m.

Respectfully submitted,

Shawn Strach, Chairman
Planning & Zoning Commission