City of McHenry
Planning and Zoning Commission Minutes
August 15, 2018

Chairman Strach called the August 15, 2018 regularly scheduled meeting of the City of McHenry Planning and Zoning Commission to order at 7:29 p.m. In attendance were the following: Gurda, Miller, Sobotta, Strach, and Thacker. Absent: Doherty, and Walsh. Also in attendance were: Director of Economic Development Martin, Economic Development Coordinator Wolf and Economic Development Assistant Conaway.

There was nobody in attendance who wished to address the Commission with public comment. Chairman Strach closed the public comment portion of the meeting at 7:30 p.m.

Approval of Minutes
Motion by Sobotta, seconded by Gurda, to approve the July 18, 2018 special meeting minutes of the Planning and Zoning Commission Meeting as presented:

Voting Aye: Gurda, Sobotta, and Strach.
Voting Nay: None.
Not Voting: None.
Abstaining: Miller and Thacker.
Absent: Doherty and Walsh.
Motion carried 3-0.

Public Hearing: Troy Bersch
File No. Z-935
Bull Valley Road and Ridgeview Road
Zoning Map Amendment request from I-1 Industrial to O-1 Local Office and a Conditional Use Permit to Allow for an Institutional Use/Skilled Nursing Home Facility at the Northeast Corner of Bull Valley and Ridgeview Roads

Chairman Strach stated a new meeting on this case is scheduled for Wednesday, September 19, 2018 at 7:30 p.m. due to a publication error on the original Public Hearing Notice, he stated that this case will be renoticed.

Public Hearing: Patricia Bockhorst
File No. Z-934
1503 Ramble Road
Variance to Allow a Six-Foot Protrusion in the Corner Side Yard

Chairman Strach called the Public Hearing to order at 7:34 p.m. regarding File No. Z-934 an application for a variance to allow a six-foot protrusion in the corner side yard for the property located at 1503 Ramble Road.
Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on July 24, 2018. 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 Patricia Bockhorst and Marty Crandall, both of 1503 Ramble Road, McHenry, IL who were sworn in by Chairman Strach. Ms. Bockhorst stated she would like to request a garage addition. Mr. Crandall added to request a variance.

Director of Economic Development Martin stated that the applicant would like to construct a 12’ X 22’ attached garage with an approximately 264 square foot addition to the west of the current garage. Director of Economic Development Martin stated a 15-foot corner side yard building setback is required in the RS-2 zoning district.

Director of Economic Development Martin stated the garage would be approximately 9’ from the corner side yard property line off of Home Avenue. A Variance is required because of the existing garage due to a protrusion of the current garage, about 2.5’, as well as the proposed garage addition which would be 6’ inside the corner side yard setback.

Staff believes the proposed garage addition will not detract or adversely impact neighboring properties and is appropriately located on the lot. This applicant’s driveway comes off of Home Avenue and there’s a deck to the north with the existing garage to the east. Director of Economic Development Martin stated the applicant is proposing to do minor drainage improvements, similar to a French drain, to the low area where water is ponding to the south east.

Table 32, approval criteria for variances, states special circumstances that do not apply generally to other properties in the same zoning district. This situation may apply to other properties in this zoning district. It however certainly does not apply to many. Further, the variance will not alter the local character and is consistent with the zoning ordinance and comprehensive plan. Director of Economic Development Martin stated that applicant does have a hardship as the garage already protrudes, he opined that they have a large lot for the area and stated that staff does not have any concerns.

Director of Economic Development Martins stated staff recommends approval of a Variance to allow a six-foot protrusion in the corner side yard.

Chairman Strach invited questions and/or comments from the Commission. Commissioner Miller inquired if they were planning to eliminate either of the wood decks? Mr. Crandall stated they would be removing the smaller deck because that is where the service door would be.

Commissioner Thacker asked for clarification on the drainage plan. Mr. Crandall stated the house is called the “flood house” and that with the monsoon rains last year, eighty percent of the property was under water. He stated that the water does recede except to the west but that
most of water sits between his and the neighbor’s property. Mr. Crandall stated that they would like to put in a French drain from the corner of the properties to drain the ponding. He stated they will grade from the north to the west because of where all utilities come in.

Commissioner Gurda thanked the applicants for making the improvements to the neighborhood, he inquired if there is a door on the front of the garage. Mr. Crandall stated that they are not sure if they will put in a single or double car door on the backside. He stated that when he spoke with the City’s Community Development Department they helped him to reconfigure the driveway area. Mr. Crandall stated that the west side of the garage would have an apron and service door.

Chairman Strach asked for confirmation that there would not be a roll up door on Ramble Road. Mr. Crandall stated there would not, the roll up would be on Home Avenue.

There was nobody in attendance who wished to address the Commission regarding this matter. Chairman Strach closed the public comment portion of the hearing 7:43 p.m.

Motion by Miller, seconded by Thacker, to recommend to the City Council with regard to File No. Z-934 approval of an application for a Variance to allow a six-foot protrusion in the corner side yard for the property located at 1503 Ramble Road, as presented:

Staff finds the requirements set forth in Table 32 have been met.

Voting Aye: Gurda, Miller, Sobotta, Strach, and Thacker.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Doherty, and Walsh.
Motion carried 5-0
Chairman Strach closed the Public Hearing regarding File No. Z-934 at 7:43 p.m.

Public Hearing: VFW
File No. Z-936
3002 W. Illinois Route 120

Conditional Use Permit to Allow a Recreational Institution, Outdoor Amusement, Restaurant Serving Alcohol, Live Entertainment and Dancing and Outdoor Seating/with Alcohol and Food

Chairman Strach called the Public Hearing to order at 7:44 p.m. regarding File No. Z-936 an application for a Conditional Use Permit to allow a recreational institution, outdoor amusement, restaurant serving alcohol, live entertainment and dancing and outdoor seating/with alcohol and food for the subject property located at 3002 W. Illinois 120.
Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on July 29, 2018. 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 Ben Keefe, 929 Bayview, Round Lake Beach and Lucian Lange, 1325 Wiley Rd, Suite 166, Schaumburg. Mr. Keefe stated that the VFW would like to make improvements by adding an outdoor seating/beer garden area and make some exterior improvements to the building. Chairman Strach stated for the applicant that they are requesting a conditional use permit to allow a recreational institution, outdoor amusement, restaurant serving alcohol, live entertainment and dancing and outdoor seating/with alcohol and food for the subject property located at 3002 W. Illinois 120, east of the Fox River and north of Route 120 consisting of approximately 14.3 acres.

Director of Economic Development Martin stated the applicant, VFW, received approval of a zoning map amendment to C-5 and a conditional use permit to allow the following uses on the property at 3002 W Illinois Route 120: recreational institution (ball fields), outdoor amusement establishment, restaurant serving alcoholic beverages with live entertainment and dancing. He further stated this occurred in 1996 with the East of the Fox River annexation.

Director of Economic Development Martin stated the VFW would be required to obtain an additional conditional use permit to allow a recreation institution, outdoor amusement, restaurant serving alcohol, live entertainment and dancing and outdoor seating/with alcohol and food as depicted on the plan drawings. He noted they have included a covered patio which extends directly into their building at the far southern end and will be enclosed by a perimeter wall/fence not four walls.

He stated that the VFW is host to numerous baseball games and events and that they have a full bar and serve food. Director of Economic Development Martin stated they currently do not serve food or alcohol outside and that this is not the intent, they want people to have ability to drink/eat outside within a specific area, he further stated staff would recommend all the rules of outdoor seating in the zoning ordinance be followed if this request is approved, with a few exceptions outlined in the recommendation. People may bring it outside but must remain within the outside seating area delineated on the plan-with the alcohol.

Director of Economic Development Martin stated staff would also recommend that the main access to and from the outdoor seating area be from the inside bar area and not from the parking lot. He opined that the outdoor seating area will definitely be an enhancement to the property and draw more people to the site. He stated that with the outdoor seating regulations and time restriction and other rules and regulations staff believes the requirements of Table 31 for Conditional Use Permits has been met.
Director of Economic Development Martin does not believe this will adversely impact the neighboring residential properties as it is located on the south side of the building and the residential is to the north and west. He further stated staff supports the request as presented with the recommendations included in the staff report.

Director of Economic Development Martin stated Staff is recommending approval of a Conditional Use Permit to allow a recreational institution, outdoor amusement, restaurant serving alcohol, live entertainment and dancing and outdoor seating/with alcohol and food at 3002 W Illinois Route 120 with the following conditions:

- Primary access to/from the outdoor seating area be from the interior of the VFW building;
- All alcohol consumed outside must remain within the outside seating area delineated on the plan.
- Regulations in the Outdoor Seating section of the zoning ordinance be followed, with the exception of the following: “No service of food outside,” and “No service of alcohol outside,” Director of Economic Development Martin stated he does not want to limit the VFW if they would like to have an outdoor event. “Outdoor seating must be located on a hard surface such as asphalt concrete, brick or wood.”
- Outdoor seating is developed in substantial conformance with the Preliminary Floor Plan prepared by Reitan Architects LLC and dated 6/28/18.

Director of Economic Development Martin inquired if the 10:00 p.m. close time, outlined in the regulations, is acceptable to the VFW. Mr. Keefe responded that would not be an issue and stated they would obtain a special permit to expand the time if needed for special events.

Chairman Strach invited questions and/or comments from the Commission. Commission Sobotta inquired if the addition would affect parking. Director of Economic Development Martin opined that the additional impact would not be significant. He stated that the VFW is planning to add parking. Chairman Strach inquired about the current number of parking spots. Mr. Keefe stated he did not know the number but stated that they are in the planning stages to add a significant amount of parking and opined that would be completed before the addition.

Commissioner Thacker inquired if the entrance to the new patio at the far south is for emergency use only. Mr. Keefe answered affirmatively and stated they were looking into having an alarmed gate and that it would be posted as an emergency exit only.

Commissioner Miller inquired about the surface under the picnic tables and the fencing materials. Mr. Keefe stated that under the tables would either be concrete or brick and that there would be brick pillars with wrought iron fencing between the pillars. Commissioner Miller offered her congratulations on the success of the VFW and she stated she did have concern regarding the limited parking area and inquired about the parking plan. Mr. Keefe restated the hope that the parking lot area would be completed before the addition and stated the expansion
would be to the east. Commissioner Miller inquired if the beer garden would have outside alcohol sales. Mr. Keefe stated the intent is not to have any alcohol service outside but further stated they may have outdoor sales for special events.

Chairman Strach opened the floor to questions and comments from the audience.

Mr. Calvin Hill, 3009 Maryville Drive, McHenry inquired about the difference between this use permit and the original one. Director of Economic Development Martin stated they are the same except for the outdoor seating with alcohol and food. Mr. Hill opined that the parking for events is limited but that does not seem to be an issue. He stated his question about the timing of events had been answered.

Chairman Strach closed the public comment portion of the hearing at 7:59 p.m.

Chairman Strach opened the questions to the commission. Commissioner Miller inquired if the gate to the patio seating could be open for families to enter especially for the small children to sit and eat during games. Mr. Keefe stated there may be limited access with a staff person there. Director of Economic Development Martin stated he is not opposed to this but would like it to be staffed as a safety precaution.

Motion by Miller, seconded by Sobotta, to recommend to the City Council with regard to File No. Z-936 approval of a Conditional Use Permit to allow a recreational institution, outdoor amusement, restaurant serving alcohol, live entertainment and dancing and outdoor seating/with alcohol and food at 3002 W Illinois Route 120 with the following conditions:

- Primary access to/from the outdoor seating area be from the interior of the VFW building;
- All alcohol consumed outside must remain within the outside seating area delineated on the plan.
- Regulations in the Outdoor Seating section of the zoning ordinance be followed, with the exception of the following: “No service of alcohol outside,” and “Outdoor seating must be located on a hard surface such as asphalt concrete, brick or wood.”
- Outdoor seating is developed in substantial conformance with the Preliminary Floor Plan prepared by Reitan Architects LLC and dated 6/28/18.

Staff finds the requirements set forth in Table 31 have been met.

Voting Aye: Gurda, Miller, Sobotta, Strach, and Thacker.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Doherty, and Walsh.
Motion carried 5-0.
Chairman Strach closed the Public Hearing regarding File No. Z-936 at 8:01 p.m.

**Staff Report**

Director Martin stated that the September 19, 2018 regularly scheduled meeting would be held at 7:30 p.m. in the Council Chambers. He further stated the Public Hearing for File No. Z-935, Bull Valley Road and Ridgeview Road would be on the agenda and he expects two more cases.

**Adjournment**

Motion by Sobotta, seconded by Gurda, to adjourn the meeting at 8:02 p.m.

**Voting Aye:** Gurda, Miller, Sobotta, Strach, and Thacker.

**Voting Nay:** None.

**Not Voting:** None.

**Abstaining:** None.

**Absent:** Doherty, and Walsh.

Motion carried 5-0.

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Shawn Strach, Chairman
City of McHenry
Planning & Zoning Commission