City of McHenry
Planning and Zoning Commission Minutes
August 21, 2019

Chairman Strach called the August 21, 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: Gurda, Lehman, Strach, Sobotta, Thacker and Walsh. Absent: Doherty. Also in attendance were Director of Economic Development Martin and Economic Development Coordinator Wolf.

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

Approval of Minutes

Motion by Thacker seconded by Lehman to approve the July 17, 2019 Regular Meeting minutes of the Planning and Zoning Commission as presented:

Voting Aye: Lehman, Strach, Sobotta, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: Gurda.
Absent: Doherty.
Motion carried 5-0.

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

Chairman Strach called the Public Hearing to order at 7:30 p.m. regarding File No. Z-953 an application for a 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 for the property located at 4727 W. Crystal Lake Rd consisting of approximately 7.5 acres.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on July 26, 2019. Notices were mailed to all abutting property owners of record as required by ordinance. The subject property was posted. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

In attendance were Dennis and Theresa Harms, 4723 W. Crystal Lake Rd., McHenry, IL and Attorney Steve Cuda, 101 Van Buren St., Woodstock, IL 60098. Attorney Cuda stated he lives in McHenry and has known the Harms family for many years. The Harms are petitioning to be annexed into the City of McHenry and this hearing is addressing items in regard to that annexation. Mr. Dennis Harms verified information given on the land trust that the properties are held in. Attorney Cuda stated the property is currently in McHenry County. Mr. Harms gave
a brief overview of the business considerations and operations beginning in January through an entire year including growing, retail sales, field development, snow plowing and harvest festivals, pumpkin sales and Christmas tree sales. They also gave a brief overview of the items and times that outdoor storage is needed for the landscape business end of the Garden Center. Mr. Harms explained he has been in business since 1962 and is not proposing or expecting to add or change any operations or storage other than what is being done today. Mr. Harms stated he is contiguous to the City of McHenry. Mr. Harms stated it just appears to be a good time to annex and he feels they will get better cooperation and service in permits and other requests from the City of McHenry than the county at this time.

Director of Economic Development gave the Staff report stating the applicants currently operate Harms Farm and Garden Center on county-zoned property and are requesting a Zoning Map Amendment from E Estate to A-1 Agriculture upon annexation, which is a newly created zoning district in the City, and a Conditional Use Permit to allow Agritourism and a Landscape Business with Outdoor Storage. The subject property is zoned A-1 Agriculture currently in the County and operates as a garden center, farm stand, agritourism location and landscape and snowplowing business with outdoor storage.

In regard to the Zoning Map Amendment Director Martin stated 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, farm stand; garden center; and greenhouse/nursery business. Staff has no concerns with this request.

In regard to the Conditional Use Permit Director Martin stated the applicant is seeking a conditional use permit to allow agritourism as well as a landscape business with outdoor storage. These are activities 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 and 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.

Director Martin stated zoning map amendments “shall be made in accordance with and consistent with a comprehensive plan.” 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. The City’s Municipal
Code has an animal ordinance and any business regarding animals will be worked into the annexation agreement at the City Council level.

Director of Economic Development Martin stated Staff recommends approval of a Zoning Map Amendment from E Estate to A-1 Agriculture upon annexation to the City of McHenry 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; and Staff also recommends 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, and Staff finds the requirements in Table 31 (Conditional Use Permits) of the Zoning Ordinance have been met.

Chairman Strach invited questions and/or comments from the Commission. Commissioner Thacker inquired about the animals brought to the Farm in the fall and the Harms stated they are only brought in for 5 weeks or so, there are no animals on the farm year-round.

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

Mr. Mike Bartolone, 4809 Crystal Lake Rd., McHenry, IL asked what the impact on his property right next door to Harms Farm will be, since they purchased a lot right next to him, such as a privacy fence or barrier. Attorney Cuda stated the lot in question is the southern-most lot in the petition and has been used by the Harms for the past 26 years even though they did not own it. Attorney Cuda stated there is a 60’ right of way (Kelter Street) and there are no plans for a fence at this time because nothing is changing from the past 26 years. Mr. Bartolone questioned whether there would be any forced impact on them or their property. Chairman Strach stated the property use is contiguous and in the same use since 1980 and nothing is proposed to be changed or forced after the annexation.

Basia Herron, 4719 Crystal Lake Rd., McHenry, IL stated she lives on the north side of the property and asked if sewer and water hookup would be mandated on adjoining properties. Chairman Strach stated the annexation goes through City Council and adjoining properties are not being mandated to hookup to sewer and water or annex.

Chairman Strach closed the public comment portion of the hearing at 8:01 pm. There were no further questions or comments from the Commissioners.

Motion by Thacker seconded by Lehman to recommend to the City Council with regard to File No. Z-953, approval of an application for a Zoning Map Amendment from E Estate to A-1 Agriculture upon annexation to the City of McHenry 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.

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

Motion by Thacker seconded by Gurda to recommend to the City Council with regard to File No. Z-953, approval of an application for 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, and Staff finds the requirements in Table 31 (Conditional Use Permits) of the Zoning Ordinance have been met.

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

Chairman Strach closed the Public Hearing regarding File No. Z-953 at 7:55 pm.

Staff Report

Director Martin stated that the September 18, 2019 regularly scheduled meeting will be held at 7:30 p.m. and there will be a couple of cases heard.

Adjournment

Motion by Lehman seconded by Sobotta to adjourn the meeting at 7:56 p.m.

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

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Shawn Strach, Chairman
City of McHenry
Planning & Zoning Commission