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

Chairman Strach called the November 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, Gurda, Sobotta, Strach, Thacker and Walsh. Absent: Miller. 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. Chairman Strach closed the public comment portion of the meeting at 7:32 p.m.

Chairman Strach welcomed Alderman Devine to the meeting.

Approval of Minutes
Motion by Sobotta, seconded by Walsh, to approve the September 19, 2018 Regular Meeting minutes of the Planning and Zoning Commission Meeting, as presented:

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

Public Hearing: A. J. Shah
File No. Z-941
520 South Illinois Route 31
Conditional Use Permit to allow a tavern, outdoor seating with alcohol and smoking area, food trucks and outdoor entertainment at 522 South Illinois Route 31.

Chairman Strach called the Public Hearing to order at 7:35 p.m. regarding File No. Z-941 an application for a Conditional Use Permit to allow a tavern, outdoor seating with alcohol and smoking area, food trucks and outdoor entertainment for the property located at 522 South Illinois Route 31.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on October 31, 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 A. J. (Sam) Shah, 520 S. IL Route 31, McHenry, IL, and David Gillespie, Architect, Gillespie Design Group, 5307 Business Parkway, Suite 101, Ringwood, IL, who were sworn in by Chairman Strach. Mr. Gillespie stated Mr. Shah has an opportunity to revitalize a
prime vacant corner which was a former McDonald's into a bourbon bar and cigar bar with outdoor seating and entertainment. He stated that the property has many challenges but Mr. Shah believes that this is a beautiful opportunity to make a lively destination spot in McHenry with a whole new and improved façade.

Director Martin presented a staff report stating the subject property was annexed and developed as a McDonald’s restaurant in 1993 but is now vacant and is part of a larger shopping center. It was purchased by the applicant who intends to open an upscale whiskey/cigar bar. Smoking is not permitted inside due to state law but there would be smoking permitted outside.

The subject property is very difficult to improve with a viable land use. Due to deed restrictions placed upon by the seller, there is no food permitted to be cooked within the building for 20 years-from date of purchase. Director Martin stated the property has great visibility and the applicant is proposing two minor building additions, along with an outside patio seating area and a fire feature on the south side of the building.

Director Martin stated the applicant has a great deal of experience operating successful businesses, particularly involving alcohol. Although there is no food permitted to be cooked inside, the applicant will host food trucks and can have food brought into the building.

Staff recommends approval of a Conditional Use Permit to allow a tavern, outdoor seating with alcohol and smoking area, food trucks and outdoor entertainment on the subject property in substantial conformance with the site plan prepared by Gillespie Design Group dated 10/16/18, subject to conditions as presented. Director Martin noted there would be no closing-time restriction. Staff finds the requirements of Table 31, Conditional Use Permits, of the zoning ordinance have been met.

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

Commissioner Walsh inquired about hours of operation. Mr. Shah stated the hours would be 3:00 p.m. or 4:00 p.m. until Midnight.

Commissioner Thacker asked for clarification on how food trucks would be utilized and inquired if the establishment would be open 7 days a week. Mr. Shah stated that food trucks will only be used during special events and stated they would be open 7 days a week.

Commissioner Sobotta asked for clarification with regard to the food restriction. Mr. Shah stated that they cannot prepare food except for possibly bar pizza for 20 years but stated people can bring in carryout food or have food delivered. He further stated they will have menus available for people to place outside orders. Commissioner Sobotta inquired if outdoor seating would be enclosed or have an awning. Mr. Gillespie stated they were trying to keep the visibility to the business open and were not planning an awning at this time. Commissioner Sobotta inquired about the signage that would be used. Mr. Shah stated they are looking for something unique and different.
Commissioner Doherty inquired if the establishment would be open for sports events in afternoons or holidays. Mr. Shah stated that would be considered at a future date and dependent on employee schedules.

Commissioner Walsh inquired about the number of employees. Mr. Shah stated approximately five and further stated the number would vary with special events (public and private) and tasting events.

Chairman Strach opened the floor to questions and comments from the audience. There was nobody in attendance that wished to address the Commission regarding this matter. Chairman Strach closed the public comment portion of the hearing 7:50 p.m.

Chairman Strach welcomed Alderman Santi to the meeting.

Motion by Walsh, seconded by Gurda, to recommend to the City Council with regard to File No. Z-941 an application for Approval of a Conditional Use Permit to allow a tavern, outdoor seating with alcohol and smoking area, food trucks and outdoor entertainment on the subject property in substantial conformance with the site plan prepared by Gillespie Design Group dated 10/16/18, subject to the following conditions:

1. Applicant must comply with all regulations of the McHenry County Health Department;
2. A decorative-style fencing or enclosure shall be utilized to enclose the proposed outdoor patio;
3. A continuous hedge, parking screening strip shall be maintained along the south and west parking areas to screen the headlights from Charles Miller Road and Illinois Route 31 respectively.

Staff finds the requirements of Table 31, Conditional Use Permits, of the zoning ordinance have been met.

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

Chairman Strach closed the Public Hearing regarding File No. Z-941 at 7:51 p.m.
Public Hearing: City of McHenry
File No. Z-942
333 South Green Street

Approval of Various Text Amendments to the City Zoning Ordinance including Approval of an Agriculture Zoning District Ordinance Subject to Attorney Approval and a Mixed Use District Ordinance Subject to Attorney Approval and Existing Land Use Map prepared by HR Green Dated 11/30/17, Approval of Future Land Use Map prepared by HR Green dated 7/25/18 with a latest revision date of 8/9/18 and Approval of Consistency Policy to become part of Comprehensive Plan and Development Policies.

Chairman Strach called the Public Hearing to order at 7:52 p.m. regarding File No. Z-942 a request for Approval of Text Amendments to the Zoning Ordinance to add an Agriculture District and Mixed Use Zoning District and approval of the Existing and Future Land Use Maps and Consistency Policy to become part of Comprehensive Plan and Development Policies.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on October 21, 2018. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

Director Martin stated the Agriculture and Mixed Use zoning categories were created at commission request and the titles are self-explanatory and descriptions were reviewed. He noted that there is a revision to the commission’s recommendation of Agriculture (A1) to a one acre minimum lot size. Agriculture is a holding zone for future development rather than designated residential. Director Martin stated this gives the City leverage in rezoning and re-designating the property and that the property could still be farmed.

Director Martin stated the Mixed Use District (MU) is being proposed to allow retail commercial space at street level and other residential space above to encourage a pedestrian oriented environment, store front style and a mixed use designation. He further stated that this is the regulatory format for the Future Land Use Map.

Director Martin stated the Future Land Use Map presented is the culmination of many months work by the commission. He stated the new map has the Agriculture and Mixed Use Districts, the Historic Downtown Area, as well as the McHenry Loop using existing infrastructure around the city. He thanked Chairman Strach for proposing the loop plan. Director Martin gave summaries of the areas and explained the Consistency Policy. He also summarized the Existing Land Use Map which shows our present land uses and the Future Land Use Map including the proposed new zoning. He stated the boundary lines are indicated on the map as well. Director Martin stated:

- An Agricultural Land Use District is proposed;
- A Mixed-Use Zoning District is Proposed;
- The Commission is proposing guidelines for Main Street, Waukegan Road and Riverside Drive which would generally describe the desired architecture for the particular area;
• A “McHenry Loop” is proposed around the City-this is a bike/pedestrian path which will utilize mostly existing infrastructure and encourage people to visit the downtown areas and explore the City more in a non-vehicular manner;
• Much of the land which was designated as residential in the former map is now designated as Agriculture, which is being used as a holding zone. It is the Commission’s opinion there was too much residential designated on the former plan and the Agriculture designation provides more control for potential future development;
• The Commission wanted to have a checks and balance system for zoning map amendments and its Comprehensive Plan. In order to facilitate that they recommended the Consistency Policy be adopted.

Director Martin stated that the Existing Land Use Map is in the Comprehensive Plan but the plan was incomplete. The commission has updated the Existing Land Use Map to what currently exists.

Commissioner Strach stated the Consistency Policy is put into place to make sure any zoning map amendments are consistent with the Comprehensive Plan. Chairman Strach directed the Commission regarding the breakdown for the amendments stating there would be three separate votes. He directed the commissioners to ask questions, accordingly.

Chairman Strach stated the first order of business would be approval of various text amendments to the zoning ordinance.

Chairman Strach invited questions and/or comments from the Commission. There were no comments.

Chairman Strach opened the floor to questions and comments from the audience. There was nobody in attendance that wished to address the Commission regarding this matter. Chairman Strach closed the public comment portion of File Z-942 at 8:05 p.m.

Motion by Walsh, seconded by Doherty, to recommend to the City Council with regard to File No. Z-942 approval of an Agriculture Zoning District Ordinance, subject to attorney review and approval of a Mixed Use Zoning District Ordinance, subject to attorney review, be granted:

Voting Aye: Doherty, Gurda, Sobotta, Strach, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller.
Motion carried: 6-0.
Chairman Strach stated the next item for consideration is approval of the Existing Land Use Map prepared by HR Green dated 11/30/17 and approval of the Future Land Use Map prepared by HR Green dated 7/25/18 with a latest revision date of 8/9/18.

Chairman Strach invited questions and/or comments from the Commission. There were no comments.

Chairman Strach opened the floor to questions and comments from the audience. There was nobody in attendance that wished to address the Commission regarding this matter. Chairman Strach closed the public comment portion of File Z-942 at 8:07 p.m.

Motion by Walsh, seconded by Sobotta, to recommend to the City Council with regard to File No. Z-942 approval of the Existing Land Use Map prepared by HR Green dated 11/30/17 and approval the Future Land Use Map prepared by HR Green dated 7/25/18 with a latest revision date of 8/9/18, as amended at this meeting, be granted:

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

Chairman Strach stated the next item for consideration is approval of the Consistency Policy to become part of the City’s Comprehensive Plan and Development Policies.

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

Commissioner Walsh asked for an explanation of the Consistency Policy. Director Martin stated that when there is a zoning map amendment, rezoning recommendations to the City Council should be consistent with the Comprehensive Plan and if not there would need to be an explanation of reasoning for consideration.

Commissioner Doherty excused himself from the meeting at 8:10 p.m.

Chairman Strach stated the role of the Policy is to make zoning decisions if the Comprehensive Plan becomes dated, that changes are possible if it is in the public’s best interest. Director Martin stated it shall be the policy of the Commission to recommend to the City Council an amendment to the approved Future Land Use Map if any recommendation for a Zoning Map amendment is recommended by the Commission which is not consistent with the Map and accompanying Consistency Statement. He further stated that if a recommendation is made that is not consistent, then the Land Use Map should be updated. Director Martin stated the Zoning Map is a regulatory document and the Land Use Map is the policy document and they should be consistent.
Commissioner Doherty re-entered the meeting at 8:13 p.m.

Chairman Strach restated when the Comprehensive Plan starts to become outdated, as things shift, changes can be made in the public’s best interest. Director Martin noted that this would be reviewed annually, going forward. Discussion ensued.

Chairman Thacker inquired about timing of review and updates. Chairman Strach stated the maps would be reviewed annually. Director Martin stated the Comprehensive Plan would need to be updated in the future. Discussion of review ensued.

Commissioner Doherty pointed out an inconsistency at the Crystal Lake Road area of the Existing Land Use Map. Director Martin concurred and it was noted. Commissioner Doherty inquired if the fire station on IL Route 31 north, Shamrock Lane, should be included. Director Martin stated that area should be Agriculture zoning.

Chairman Strach opened the floor to questions and comments from the audience. There was nobody in attendance that wished to address the Commission regarding this matter. Chairman Strach closed the public portion of File Z-942 at 8:15 p.m.

Motion by Sobotta, seconded by Thacker, to recommend to the City Council with regard to File No. Z-942 approval of the Consistency Policy to become part of the City’s Comprehensive Plan and Development Policies, as amended at this meeting, be granted:

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

Chairman Strach closed the Public Hearing regarding File No. Z-942 at 8:25 p.m.

Approval of Annual Meeting Schedule
2019 Planning and Zoning Commission Meetings

<table>
<thead>
<tr>
<th>JANUARY - 7:30 P.M.</th>
<th>FEBRUARY - 7:30 P.M.</th>
<th>MARCH - 7:30 P.M.</th>
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<tr>
<td>30 Wednesday</td>
<td>20 Wednesday</td>
<td>20 Wednesday</td>
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<tr>
<td>APRIL - 7:30 P.M.</td>
<td>MAY - 7:30 P.M.</td>
<td>JUNE - 7:30 P.M.</td>
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<td>17 Wednesday</td>
<td>15 Wednesday</td>
<td>19 Wednesday</td>
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<tr>
<td>JULY - 7:30 P.M.</td>
<td>AUGUST - 7:30 P.M.</td>
<td>SEPTEMBER - 7:30 P.M.</td>
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<td>17 Wednesday</td>
<td>21 Wednesday</td>
<td>18 Wednesday</td>
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<td>OCTOBER - 7:30 P.M.</td>
<td>NOVEMBER - 7:30 P.M.</td>
<td>DECEMBER - 7:30 P.M.</td>
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<td>16 Wednesday</td>
<td>13 Wednesday</td>
<td>18 Wednesday</td>
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Motion by Sobotta, seconded by Doherty, to approve the 2019 regular meeting schedule of the Planning and Zoning Commission, as presented:

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

Staff Report
Director Martin stated that the next regularly scheduled meeting would be held on Thursday, December 13, 2018 at 7:30 p.m. in the Council Chambers. He stated there are presently two cases scheduled.

Adjournment
Motion by Sobotta, seconded by Doherty, to adjourn the meeting at 8:30 p.m.

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

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

[Signature]
Shawn Strach, Chairman
Planning & Zoning Commission