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

Chairman Strach called the March 14, 2018 regularly scheduled meeting of the City of McHenry Planning and Zoning Commission to order at 7:31 p.m. In attendance were the following: Doherty, Meyer, Sobotta, Strach, and Walsh. Absent: Miller and Thacker. 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 Sobotta, seconded by Doherty, to approve the February 14, 2018 regular meeting minutes of the Planning and Zoning Commission Meeting as presented:

Voting Aye: Doherty, Sobotta, Strach, and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: Meyer.
Absent: Miller and Thacker.
Motion carried 4-0.

There was nobody in attendance who wished to address the Commission with public comment.

Public Hearing: McHenry Elementary District 15 (Landmark School)
File No. Z-924
3614 W Waukegan Road
A Conditional Use Permit to Allow an Assembly Use (Educational Institution)

Chairman Strach read into record an email from the petitioner, Nichole Satera, McHenry Elementary School District 15, withdrawing application for a Conditional Use Permit to Allow an Assembly Use (Educational Institution), Minor Interior Alterations and an Elevator in Order to Provide Handicapped Accessibility to all Three Floors of the School for Landmark School, 3614 Waukegan, McHenry, IL 60050.

Public Hearing: Viking Enterprise, LLC (Rex Towing)
File No. Z-925
4910 W. Elm Street
A Conditional Use Permit to Allow the Outdoor Storage of Vehicles

Chairman Strach called the Public Hearing to order at 7:34 p.m. regarding File No Z-925 an application for a Conditional Use Permit to allow the outdoor storage of vehicles in conjunction with a towing and limousine business as submitted by Viking Enterprise, LLC for the property located at 4910 W. Elm Street.
Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on February 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 was Martin Robb, 3109 Christopher Court, Johnsburg, IL and Dennis Norton, 3203 Christopher Court, Johnsburg, IL who were sworn in by Chairman Strach.

Mr. Robb provided a summary of the request before the Commission at this Hearing stating that he and his partner, Mr. Norton recently purchased the property at 4910 W. Elm Street. He stated they intended to operate McHenry Limousine Service from 4910 W Elm address and simultaneously Rex Auto Towing came up for sale so they decided to operate both businesses from the subject address. Mr. Robb explained with both the limousine and towing business, they would need outdoor storage for more than a 24-hour period for the limousines and for the vehicles that are towed into the business due to their contract with various police departments. He opined that some of the limousines and towed vehicles might need to sit for longer than a 24-hour period.

Director of Economic Development Martin provided the Commission with the Staff Report regarding this matter stating the applicant is requesting a conditional use permit to allow the outside storage of towed/impounded vehicles west of the existing building, in conjunction with their limousine and towing operation.

The subject property was previously approved for outside storage and a subsequent ordinance to allow the installation of an overhead door, however the first conditional use limited the storage of vehicles to not more than 23 hours/day and technically having outside storage requires permission 24 hours a day. Director Martin stated the applicant is coming before the commission to request permission for outside storage for more than a 24-hour period so they are in compliance.

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 that Rex Towing tows for the McHenry Police Department whose ordinance is very strict and must be adhered to. As previously stated the conditional use would be specifically for storage of vehicles, either impounded or retrieved from an accident scene, as well as from the applicant’s limousine business.

The proposed location of the outdoor storage is behind the fenced area to the west of the building and inside the building, neither of which are readily visible to the public. They are also not likely to visually detract from the surrounding area, and the applicant has been running this type of business for some time from this location. Director Martin opined that the property is
well maintained. This request is merely to clarify and clean-up a technicality in the existing conditional use permit ordinance. There is an existing fence, and the building is in decent shape.

Director Martin stated Staff is recommending Approval of a conditional use permit to allow the outdoor storage of vehicles directly related to the business operations on the subject property only subject to the conditions as presented.

Director Martin stated that junk cars are not in sight. Staff finds the applicant is in substantial conformance with the criteria outlined in Table 31 for Conditional Use Permits in the Zoning Ordinance.

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

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 7:41 p.m.

Motion by Doherty seconded by Meyer, to recommend to the City Council with regard to File No. Z-925, an application for a Conditional Use Permit to allow the outdoor storage of vehicles in conjunction with a towing and limousine businesses on the property located at 4910 W Elm Street, McHenry, IL 60050 as presented by applicant Viking Enterprise, LLC, subject to the following conditions:

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

2. 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.

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

4. All stored vehicles shall remain inside the building or within the fenced-in area.

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

Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller and Thacker.

Motion carried 5-0.

Chairman Strach closed the Public Hearing regarding File No. Z-925 at 7:41 p.m.
Public Hearing: Cornersite, LLC  
File No. Z-923  
4305 W Elm Street  
Conditional Use Permit to Allow a Drive-In Establishment and Outside Seating and Parking  
Variance from the Off-Street Parking and Loading Requirements  

Chairman Strach called the Public Hearing to order at 7:43 p.m. regarding File No Z-923, an application for a Conditional Use Permit to allow a drive-in establishment and outside seating and Parking Variance from the Off-Street Parking and Loading Requirements at 4305 W Elm Street as submitted by David Schwartz, Cornersite, LLC, 3190 Doolittle Drive, Northbrook, IL 60035.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on February 26, 2018. 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 was David Schwartz, Cornersite, LLC, 3190 Doolittle Drive, Northbrook, IL 60062 who was sworn in by Chairman Strach. Mr. Schwartz provided a summary of the request before the Commission at this Hearing stating he is requesting a special use permit for a drive through as well as a conditional use permit for outside seating to remodel the existing Twisted Burger into a Starbucks Coffee Shop. Mr. Schwartz stated that he has been a commercial strip center developer for four to five years and has done five Starbucks. He stated that Starbucks has been trying to get on this end of Route 120 for 4 years. Mr. Schwartz further stated that he had a contract on the property next to the subject property but it was not viable for his purpose because of the flood plain. Mr. Schwartz stated Twisted Burger was willing to vacate their contract early and therefore he was able to come up with a plan that meets Starbuck’s national criteria. He further stated Starbucks intends to rebuild the entire inside of the building and will redo the outside of the building including a new roof, electrical/water service and parking lot.

Director of Economic Development Martin provided the Commission with the Staff Report regarding this matter stating the applicant has a contract to purchase the Twisted Burger building at 4305 W Elm, remodel and perform exterior and interior alterations and an addition to accommodate a drive-thru for a second Starbucks facility in the City of McHenry at this location. In February 2015, a drive-thru was proposed at the Starbucks on north Richmond Road, which was originally constructed in approximately 2003. The applicant has submitted an application for a conditional use permit for a drive-thru facility, outdoor seating and a parking variance. Director Martin stated however in examining the application more closely staff has determined a parking variance is not required because the initial square footage measurements were gross square footage and not net; net square footage is the correct measurement for required parking spots.
Starbucks has been open for many years on north Richmond Road and recently did a major renovation, which has been a huge success. They are now seeking a second facility south of town. Director Martin presented the supplement showing the drive-in establishment guidelines the City Council adopted as a policy document for drive-in facilities. The proposed drive-thru would be located on the east and north sides of the building. Director Martin opined that this lot does have a lot of flood plain/flood way and Mr. Schwartz is proposing to use the existing building and not raising the site substantially. He stated Starbucks would only make minor adjustments to the drive through pad on the east side of the building. Director Martin stated that this site has been challenging because of the flood plain/flood way and initial grade issues.

Director Martin stated there is a bypass lane south and east of the drive-thru lane. Director Martin stated that the applicant has also submitted a traffic, parking and queuing study. Staff believes the plan presents an accurate representation of a well-designed circulation plan for a drive-thru restaurant for this location and recommends approval with conditions as presented. Director Martin opined Starbucks is designed very well and based on the traffic study; most traffic will be going to the east but added that a left turn out of the property is not ideal. He stated that staff is confident with the traffic study which Starbucks has provided.

Director of Economic Development Martin stated staff recommends approval of a Conditional Use Permit to allow a drive-in establishment and outside seating on the subject property with conditions as presented and Staff finds that the requirements in Tables 31 (Conditional Use Permit) have been met.

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

Commissioner Meyer asked where the patio for outdoor seating would be. Mr. Schwartz stated to the left at the entry and confirmed that it will be comparable to the existing property.

Commissioner Doherty asked if there was curbing around the perimeter. Mr. Schwartz stated that there is not but that Starbucks will be adding curbing for the drive through lane and the drive out on the north side of the building.

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 7:52 p.m.

Commissioner Sobotta inquired if Starbucks had considered a separate in and out lane. Mr. Schwartz responded that they had but stated that IDOT is tricky to work with so they thought it was best to use the existing layout. Director Martin stated several options were considered including using the light but were ruled out because of expense and feasibility. Commissioner Sobotta opined that there might be difficulty in entering and exiting. Mr. Schwartz replied that he is comfortable with the plan because of the traffic study. He opined that the drive through is
far enough away so that there will not be stacking onto Rte. 120. Mr. Schwartz further opined that the entrance/exit is far enough from the traffic light to make a left turn. He stated the gap study showed that there were 10 times more gaps than they thought.

Commissioner Doherty asked if the radius of the drive through had been thoroughly checked. Mr. Schwartz responded yes but offered that they may need to tweak the plan and opined that there is room east of the drive through where there is landscaping that can be cut into if needed. Mr. Schwartz stated that the plan is not fully engineered but opined that it would be substantially in accordance.

Motion by Sobotta, seconded by Walsh, to recommend to the City Council with regard to File No. Z-923 approval of a Conditional Use Permit to allow a drive-in establishment and outside seating on the subject property with the following conditions:

- Site is developed in substantial conformance with the site plan and building elevations prepared by Ware Malcomb and consisting of four sheets and the landscape plan prepared by Dowden Landscape Design dated 2.16.18 and consisting of one sheet prior to a full certificate of occupancy;
- Drive-thru “escape area” depicted on-site along with all arrows depicted on landscape plan shall be painted on the pavement on-site prior to a full certificate of occupancy;
- The nine bullet points on page four of the traffic study, done by Gewalt Hamilton and dated February 8, 2018, shall be incorporated into the applicant’s design and project prior to a full certificate of occupancy;
- Dumpster enclosure shall be contained within a newly screened enclosure prior to a full certificate of occupancy.

be granted, and Staff finds all requirements in Table 31(A) of the zoning ordinance have been met.

Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller and Thacker.
Motion carried 5-0.

Chairman Strach closed the Public Hearing regarding File No. Z-923 at 7:52 p.m.

Staff Report
Director Martin stated the next meeting will be a special meeting to discuss the Comprehensive Plan held on April 4, 2018 at 7:00 p.m. in the Municipal Center Classroom. Director Martin also stated that the April 11, 2018 regularly scheduled meeting at 7:30 p.m. will still be held in the
Council Chambers although there is a Committee of the Whole meeting on that date. It is expected to have two or three hearings.

Adjournment
Motion by Sobotta, seconded by Doherty, to adjourn the meeting at 7:54 p.m.

Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller and Thacker.

Motion carried 5-0. The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Tina Conaway, Economic Development Asst.
City of McHenry