City of McHenry
Planning and Zoning Commission Minutes
December 13, 2018

Chairman Strach called the December 13, 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 7:30 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.

Approval of Minutes
Motion by Sobotta, seconded by Thacker, to approve the November 14, 2018 Regular Meeting minutes of the Planning and Zoning Commission Meeting, as presented:

Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller.
Motion carried 6-0.

Public Hearing: Youth and Family Center of McHenry County
File No. Z-937
3430 W. Elm Street

Conditional Use Permit for Assembly Use
Chairman Strach called the Public Hearing to order at 7:34 p.m. regarding File No. Z-937 an application for a Conditional Use Permit for Assembly Use for the property located at 3430 W. Elm Street.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on November 22, 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 Guadalupe Ortiz, 2790 Porter Ridge Way, Woodstock, IL, 60098, Director - Youth and Family Center of McHenry County; and Darius Pfeifer, 3430 W. Elm St., McHenry, IL, 60050, property owner and board member, who were sworn in by Chairman Strach. Ms. Ortiz stated she is requesting assembly use for the Youth and Family Center.
Director Martin stated the Youth and Family Center of McHenry County, formerly Garden Quarter Neighborhood Resource Center, was located at the Garden Quarter Apartment Complex when it began in 2004. It then relocated to the Century Plaza Shopping Center on Elm Street but quickly grew out of that space. It is now operated out of 3430 W. Elm, immediately east of Green Street on the north side of Elm. It serves numerous youth from McHenry County, all-year round, in a variety of programming needs. Director Martin explained the definition of an assembly use.

Typically, assembly uses are conditional uses in all districts. This request is similar to Ignite Teen Center when it was proposed in 2017 at the Old Mill Building at 4105 W. Crystal Lake Road. The applicant for this request however does not consistently exceed 25 people. Twenty-five people are only typically in the building during after school programs.

The applicant offers a dynamic place for youth to go and receive assistance with academics; different types of interests they may have; health and wellness; participate in social activities; do service projects and much more. This is a place exactly requested by people - a place for our young people to gather, have fun, do activities, socialize, while supervised and be safe.

The proposed use is adjacent to the downtown area. Assembly uses are gathering places and require a conditional use permit. Director Martin opined the facility is a great service to our community.

The subject property is zoned C-4 therefore no off-street parking is required by ordinance. The applicant typically does not require a lot of off-street parking however they do have buses which come to the facility and it’s important the buses load and unload off of Court Street and respect the other businesses which also access the parking area off of Court Street. This is probably the biggest concern for the Youth and Family Center of McHenry County to remain cognizant especially due to the downtown activities.

Parking within downtown areas in any community is a challenge, however the proposed use will not create any more traffic, require any additional public services or facilities or require more parking than any other use which is permitted by right in the C-4 district. The proposed use is conducive to the neighborhood and a downtown setting and will enhance the downtown.

Director Martin read into record a comment from the neighboring hair salon regarding liability with children in the shared parking lot.

Director Martin stated he recommends approval of a conditional use permit to allow an assembly use at 3430 W. Elm Street, and Staff finds the requirements of Table 31 of the Zoning Ordinance have been met.

Chairman Strach stated he is an adjacent property owner and the Center has been a good business. He stated on Thursdays the parking lot is sometimes a problem along with on street parking, but other than that they have had no issues. Mr. Strach requested the Center possibly
consider changing their programming so that Thursday nights are not an issue with parking and the safety of the children.

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

Commissioner Sobotta inquired if staff monitored the bus drop offs. Ms. Ortiz responded there is always a staff member present and that the buses drop off on Court Street.

Commissioner Thacker asked if the parking needs for employees is a problem. Ms. Ortiz stated because of outside programming on Thursday nights, that parking is sometimes an issue and they will look into changing their programming schedule.

Commissioner Strach clarified the traffic/parking issues happen during student pick-ups by parents, not when the students are dropped off by the buses.

Commissioner Gurda stated his questions have been answered, however, he wanted to be certain there is no pick up or drop off on Route 120. Ms. Ortiz confirmed that is correct.

Commissioner Walsh asked why this location was chosen. Ms. Ortiz said they needed a more centralized and larger location and this location fit their needs after extensive property searches.

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 7:48 p.m.

Motion by Walsh, seconded by Gurda, to recommend to the City Council with regard to File No. Z-937 approval of an application for a Conditional Use Permit for Assembly Use for the property located at 3430 W. Elm St; be granted and finds the requirements in Table 31 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. 937 at 7:48 p.m.
Public Hearing: Elsayed Hassanein
File No. Z-940
414 South Crystal Lake Road
Map Amendment to RM-2 High-Density Multi-Family Residential, a Variance from the Off-Street Parking and Loading Requirements and a Use Variance to allow commercial land uses

Chairman Strach called the Public Hearing to order at 7:50 p.m. regarding File No. Z-940 an application for a Map Amendment to RM-2 High-Density Multi-Family Residential, a Variance from the Off-Street Parking and Loading Requirements and a Use Variance to allow commercial land uses for the property located at 414 S. Crystal Lake Rd.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on November 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 Andrew Sipes, Three Strands Properties, 816 Center Street, McHenry; Elsayed Hassanein, 10529 Louetta Lane, Orland Park, 60467; Haitham Ramadan, 8113 Pickens Dr., Orland Park, IL, 60462; and Raymond Clark, Architect, Ghafari Associates, LLC, 344 W. Willow, Chicago. Mr. Hassanein stated they are requesting a Zoning Map amendment to RM-2 High-Density Multi-Family Residential, a Variance from the Off-Street Parking and Loading Requirements and a Use Variance to allow commercial land uses for the subject property.

Director Martin stated the Planning and Zoning Commission considered an application submitted by the Chapel for a 25,000 square foot church a couple of years ago on this property. At that time the property was annexed, however the Chapel decided to rehabilitate an existing building at 1809 S. Illinois Route 31. He stated if this project moves forward there is an existing annexation agreement with the Chapel which would require amendment at the City Council level. Director Martin stated the project proposed consists of two phases. The first phase consists of a building proposed for an Independent senior living facility consisting of approximately 202,000 square feet and 175 living units and a 10,000 square foot commercial area. The second phase, to the east, consists of a 136,000 square-foot building which would house 125 dwelling units. This phase would be constructed in the future based on a new market study. Total number of parking spaces proposed is 600.

Staff worked with the applicant for numerous weeks on the application, however, Staff believes there are still several significant issues with the application which present obstacles in supporting the request as presented. Director Martin listed the issues that were presented in his Staff Report.

Director Martin stated he did ask for a review of the traffic study submitted and the review by H. R. Green matched his concerns. The aforementioned points are significant and greater detail is required, therefore this is reflected in the recommendation. The major points as presented deal
with traffic, primary land uses and internal site circulation. He stated the traffic study is very subjective.

Director Martin stated there is also an Inconsistency in the submitted plan and the market study.

Director Martin stated the parking requirements are also inconsistent and unclear due to lack of information for dwelling unit size and commercial use space. He stated recommendation for approval is hard, due to these substantial issues.

Director Martin stated that Staff is recommending denial of a Zoning Map Amendment to RM-2 High-Density Multi-Family Residential and that Staff finds the requirements in Tables 33 of the Zoning Ordinance have not been met; and

Staff recommends denial of a Variance from the Off-Street Parking and Loading Requirements to develop the property in accordance with the site plan submitted as part of the application packet, and Staff finds that the requirements in Table 32 of the Zoning Ordinance have not been met; and

Staff recommends denial of a Use Variance to allow commercial land uses on the subject property, and Staff finds the requirements in Table 32(A) Use Variances of the Zoning Ordinance have not been met.

Chairman Strach asked for clarification on recommendation of denial on the Zoning Map Amendment. Director Martin does not recommend approval of rezoning the property without knowing the intended use of the property.

Chairman Strach asked if the second recommendation of denial is due to not knowing how many of each type (one, two, or three bedroom) unit would be in each building. Director Martin clarified.

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

Commissioner Gurda stated he was not sure if there would be a need for a development of this size in McHenry.

Commissioner Thacker asked why the applicant continued with the hearing knowing Staff was recommending denial due to lack of detail because he has many questions as well. He further stated that although he’d like to pursue what is being proposed there are still too many questions. Commissioner Sobotta agreed with Commissioner Thacker.

Commissioner Doherty agreed and stated that he had hoped with the additional month for the hearing the applicant would have cleared up more of the questions. He also expressed concern regarding detention on the property, as well as lack of information on commercial usage.
Chairman Strach asked if the applicant could respond to any of the concerns or give more detail on unit numbers, sizes, density or on the commercial space.

Mr. Clark stated they are not seeking plan approval, engineering has not been undertaken because they’re in pre-concept design now and that they are seeking rezoning and density on the site, for now. Mr. Ramadan stated the commercial use will be mainly physician offices and supportive to the independent living facility and they feel they have met the parking requirements for their pre-conceptual plan. He further stated they do not own the land, but have a purchase agreement contingent upon approval. Mr. Ramadan stated that they did the traffic study twice, at Staff’s request, they did a market study and are here to ask for the zoning amendment. He stated the current plan is for 169 units for the independent living facility.

Chairman Strach stated it is hard to give approval on a conceptual layout when there are still so many unanswered questions. He does not feel able to make a denial or approval with such an open-ended conceptual plan.

Commissioner Thacker reiterated the fact that it would be hard to move forward without more detailed information but he would like to get that information to move forward.

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

Ben Korinek, 5112 Cambridge Dr., McHenry, McHenry Chapel Pastor, stated it would be great to sell the property especially since they have moved and it would help them to further the homeless shelter project they have coming up. They do understand the City’s concerns and hope that the applicant will work with the City to answer more of their questions and concerns.

Joseph Patrick (Pat) Stanek, 4917 Glenbrook Tr., McHenry, stated that when the Chapel purchased the property he had concerns about the clean-up of the property at the property line and he wanted to point out that the Chapel did not follow through to keep the tree line of the property maintained. Mr. Stanek asked about the rear yard setback and Director Martin stated that the rear yard setback is 25’ for both Mr. Stanek and the applicant. Mr. Stanek stated the 40’ height of the proposed building would be obtrusive only 30’ from the property line. Mr. Stanek stated he believes most of his neighbors did not even have a full realization of what is being proposed. He would like to request what the devaluation of their properties would be if this proposed building is built. Mr. Stanek feels the density being proposed on the property is excessive.

Aaron Butler, 4764 Oregon, McHenry, IL, stated his appreciation for the opportunity to be heard. Mr. Butler stated he also had many questions and concerns that were not answered in the application and is happy they have the opportunity to get the questions answered before making a decision. Mr. Butler does agree we need to take care of our elderly population as well as our youth in McHenry and he thinks a high quality facility of this type is important but expressed concern regarding project time frame. He hopes the conversation can continue and
encourages a partnership with the City and the community for further discussion of this type of project.

Chairman Strach closed the public comment portion of the hearing 8:23 p.m.

Commissioner Walsh stated he does not feel his questions could be answered based on the presented plans as submitted and the applicant’s responses.

Mr. Ramadan stated he wanted to give clarification on the traffic study. He stated it was originally done for the Chapel and the study is only deciding if there is a need for a right in/right out entrance based on their phase one plan. He stated the draft was submitted before it was finalized. He further stated he did not see the city engineer review until two weeks ago and does not believe that should determine approval or denial of the project. Mr. Ramadan also does not believe the commercial use will affect the traffic. He reiterated that everything is conceptual and they are only asking to know if the property can be approved for RM-2 usage.

Mr. Hassanein stated it is a big property and they would not get a loan without a market study and would make sure the study is strong before building the second phase. He spoke of the immensity of the investment and asked the commission to consider that in their decision.

Commissioner Gurda stated that the property setbacks do not seem to leave enough room for a tree buffer and would like to see a more residential look to a revised proposal with more space considerations.

Commissioner Thacker stated he would like to see the applicant work with Staff on better advancing the concept plan in order to gain approval.

Commissioners Sobotta and Doherty echoed previous Commissioner’s comments and encouraged further work between City Staff and the applicant.

Chairman Strach agreed and asked the applicant if they wanted to continue with a vote now or continue the hearing and allow them to work to continue to revise the plans in order to get Staff approval.

Mr. Clark stated the applicant is simply asking for rezoning not approval of the plan. He stated they would have to undertake the design and site plan approval in order to answer many of the questions presented and they are not at that point in their planning.

Director Martin stated he would not recommend approval of a Zoning Map Amendment based on the conceptual plan presented. Attorney Cahill stated if the zoning is changed without having a definite plan, the City would lose their control over what is built on the property. Chairman Strach agreed.
The applicant asked to proceed with the vote.

Motion by Walsh, seconded by Gurda, to recommend to the City Council with regard to File No. Z-940 denial of an application for a Zoning Map Amendment to RM-2 High-Density Multi-Family Residential, based on the finding that the requirements in Table 33 of the Zoning Map Amendments of Zoning Ordinance have not been met, specifically that there is not shown there is a need for high density multi-family in this area and no answers to how high density it will be and how it will impact traffic flow.

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

Motion by Thacker, seconded by Gurda, to recommend to the City Council with regard to File No. Z-940 denial of an application for a Variance from the Off-Street Parking and Loading Requirements finding the requirements of Table 32 of the Zoning Ordinance have not been met, including but not limited to there is not sufficient information provided indicating density of the units which would dictate parking and traffic flow.

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

Motion by Thacker, seconded by Doherty, to recommend to the City Council with regard to File No. Z-940 denial of an application for a Use Variance to allow commercial land uses for the subject property located at 414 S. Crystal Lake Rd finding the requirements of Table 32 (A) of the Zoning Ordinance have not been met, specifically petitioners did not show evidence of undue hardship that would justify a use variance.

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

Chairman Strach closed the Public Hearing regarding File No. 940 at 8:45 p.m.
Staff Report
Director Martin stated that on Monday, December 17, 2018 the Future Land Use and Existing Land Use Maps, and the Agriculture and Mixed Use Zoning Districts would be presented for approval to the City Council and the January 30, 2019 regularly scheduled meeting would be held at 7:30 p.m. in the City Council Chambers.

Adjournment
Motion by Sobotta, seconded by Thacker, to adjourn the meeting at 8:50 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 8:50 p.m.

Respectfully submitted,

[Signature]
Shawn Strach, Chairman
City of McHenry
Planning & Zoning Commission