

PLANNING AND DEVELOPMENT COMMITTEE
McHenry County Government Center – Administration Building
667 Ware Road – Conference Room A
Woodstock, IL 60098

MINUTES OF THURSDAY, JULY 21, 2011

Co-Chairman Donner called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Mary Donner, Co-Chairman; Randy Donley; Sue Draffkorn; Marc Munaretto and Ersel Schuster. Tina Hill arrived at 8:35 a.m. and Jim Heisler was absent. Also in attendance: Dennis Sandquist, Matt Hansel, Darrell Moore, Maryanne Wanaski and Cassandra McKinney, Planning and Development; Mary McCann, Diane Evertsen and Kathleen Bergan Schmidt, County Board; Walter Dittrich, Transportation Department; Les Pollock and Nick Davis from Camiros, Ltd., Larry Thomas from Baxter and Woodman; and interested public.

	Tina Hill, Chairman	
Randy Donley		Mary L. Donner
Sue Draffkorn		Jim Heisler
Marc Munaretto		Ersel Schuster

MINUTE APPROVAL:

Committee members reviewed the Planning and Development Committee minutes of July 7, 2011. Mr. Munaretto made a motion, seconded by Mr. Donley, to approve the minutes. The minutes were approved with a unanimous voice vote of all eyes.

PUBLIC COMMENT: None.

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS:

UDO Technical Review Memorandum: Representatives from Camiros, Ltd. and Baxter and Woodman joined committee members and provided a presentation concerning Part II-Districts and Standards which outlined their findings of their technical review of the McHenry County ordinances that will be consolidated into a new McHenry County Unified Development Ordinance (UDO). Today's presentation focused mainly on zoning districts, site development standards, and site improvement standards.

Concerning zoning districts, there is a need for additional dimensional standards. They suggest uncoupling the yards from the building line so there is an established set-back line. Currently yards are measured from the structure wall, not overhangs. They suggest adding impervious surface controls to the district regulations.

They suggest creating a clear definition for "agriculture" districts. They are working with their legal consultant to define "agriculture" and to clarify which activities and structures may qualify as exempt within agriculture districts. They suggest maintaining A-1 and reserve it for agriculture, but try to limit or eliminate non-agricultural uses. Common uses in A-1 such as landscaping businesses need to be addressed.

Mr. Pollock mentioned that they suggest revising the A-2 District which has grown in its function. One suggestion is to eliminate A-2 and remove it as a zoning category. There may be some utility for this zoning category and another option would be to strengthen the standards for A-2 which would be to clearly have standards that define what land is unsuitable for agriculture.

Creating Rural Mixed-Use Districts (R-MU) would allow agricultural, commercial and residential uses. This would provide a place for more intensive uses such as landscaping businesses, commercial storage and agri-businesses. There would be a two-fold benefit to this: (1) a "home" for these types of uses where they can predictably locate which may be split into permitted and conditional uses; and (2) district standards would include a full range of buffering, screening, access and other development standards which would create a more compatible environment with neighboring districts and uses.

There is a need to identify what agriculture-related businesses are and to distinguish between permanent and temporary businesses. There needs to be standards in place that mitigate or minimize impact to adjacent uses. Examples of

agriculture-related businesses are farmstands, u-pick opportunities, horse shows, and seasonal events such as pumpkin patches and corn mazes. Some may be appropriate for R-MU Districts.

With reference to residential districts, they suggest refining certain residential yard and bulk standards. Currently the required front yard and averaging provisions are confusing. Based on the variability in the County, they suggest a series of options for front yards including setting a minimum dimension, averaging, and historically platted front yard dimension. The County has many smaller residential lots (50' lot width). The current 10' side yard may be excessive and they may want to consider changing the standard and move to a standard that requires 10% of the lot area rather than imposing 10' on either side of the building.

There are special provisions needed for residences along waterfronts which are lots fronting on the water, not fronting on the street. Summer homes that are now being used as permanent residences along the Fox River and Wonder Lake need to be reviewed and it is suggested that a specific district be created for them that will address the set-back and frontage conditions. Currently they do not align with the current district requirements and it creates significant areas of nonconformities. Owners may be required to obtain variances for improvements.

Concerning non-residential districts, they suggest retaining the B-2 District which maintains control over bars and liquor stores. They suggest consolidating B-1 and B-3 Districts into one single district. A key control within business districts is a limitation on the square footage of businesses. They suggest allowing for mixed-use development and business districts should allow dwellings above the ground floor which would require a change in the ordinance.

With respect to special purpose districts, they suggest reviewing the overlay district for the sensitive aquifer recharge area (SARA) map and make sure that the prohibited uses are correct; establish stricter maximum impervious surface requirements for these areas to protect the aquifer that is underneath it; establish site plan review standards for areas located in SARA; make it subject to on-site verification that a development is within SARA; and possibly have the overlay district mapped via ordinance rather than rezoning. Concerning the special purpose district for natural resources and open space, they recommend being clear about the kinds of uses that are allowed within the open space district and require a zoning process if use changes are desired within these districts.

Articles 15, 16, 17 and 18 concern general standards which include site development standards, off-street parking and loading, landscape and screening, and signs. They suggest consolidating the general provisions for development into one location for ease of reference. They suggest including a full range of exterior lighting standards based on the International Dark-Sky Association model and make the lighting standards countywide.

They suggest updating the definition of accessory structures in terms of size, height and location controls. It is suggested that the sustainable regulations be removed from the current location in the UDO and include them as accessory structures in the UDO. Also suggested is the creation of a permitted encroachment table. Currently any type of encroachment requires a variation. They would like to revise it to require permissions for architectural features or accessory structures in order to be located in a required yard. This creates flexibilities in the siting of structures and encourages good building design.

Concerning parking standards, they suggest reviewing all of the standards including off-street parking and loading components. Matters to discuss are permitted locations of off-street spaces; parking lot design (surfacing, lighting, curbing and marking); minimum parking space measurements; accessible parking set asides; required stacking spaces for drive-through facilities; parking flexibilities; required number of off-street spaces per use; storage of commercial and recreational vehicles in residential districts; storage of junked or wrecked vehicles; location and design of off-street loading; and bicycle parking. They suggest making parking more "sustainable" which may include requiring permission for semi-pervious paving; allow unpaved areas (overflow lots for rural businesses); and include parking maximums. They can add certain parking flexibilities including shared parking, land-banked parking, and car-sharing permissions to the UDO. They suggest specifying the amount and design of loading spaces including the number of required spaces based on floor area; exemptions for smaller businesses; required maximum number of spaces; and include loading space design standards. Required bike parking in some new parking lots may be required which may be appropriate in areas near incorporated municipalities which would require design and siting requirements.

They suggest a set of site landscape standards for all aspects of development including parking lot interiors and perimeters; buffer yards between incompatible districts and uses; landscape yards for multi-family, commercial and industrial areas; and screening requirements (refuse containers, loading areas, drive-thrus and outdoors sales, display

and storage). They suggest including basic landscape design standards and bring existing sites into compliance when building additions or expansions are undertaken and when existing parking lots are expanded by a certain amount.

Concerning subdivision standards, they suggest having the requirements for subdivision and conservation design consolidated into one section. They would like to eliminate definitive terms such as “encourage”, “discourage”, and “minimize”. A suggestion was made to replace the stormwater management requirements with cross-reference to the Stormwater Management Ordinance (SMO). There needs to be a process for exceptions to subdivision requirements and the exceptions would apply only to subdivision regulations, not zoning regulations.

Right-of-way requirements need to be evaluated, updated and coordinated. They recommend that township highway commissioners be advisors during the drafting of roadway standards for county-wide applications. It needs to be determined if cul-de-sacs should be allowed, prohibited, prohibited except in certain defined and limited circumstances, and if retained what will be the diameter of width to allow fire vehicle access. It needs to be determined when sidewalks should be required and consider requiring all developments to provide sidewalks. It is suggested that roadway standards should require new subdivisions to connect to existing developments.

Right-of-way requirements need to be evaluated, updated and coordinated. They need to clarify maintenance responsibilities for roadways; clarify roadway dedications prior to new subdivisions, particularly when adjacent to state routes, and determine if private roadways should be prohibited.

Concerning Conservation Design (CD), clarification is needed when a CD is triggered as a requirement. It can be clarified through general reorganization and they may illustrate the calculation of cumulative triggers through examples. The Water Resources Action Plan (WRAP) recommends that high priority recharge areas be added as a trigger. They may require an inventory of high priority recharge areas on the site and within 200 feet of the boundary of the site. They suggest strengthening the design standards within the CD regulations. The CD ordinance is a cluster ordinance. Conservation Design ordinances typically require clustering of sites and includes standards for a maximum number of sites in a cluster, spacing between clusters, and siting of clusters and connections between them. They suggest prohibiting encroachments into natural areas. If flexibility is desired, they suggest requiring standards for evaluating necessity and require replacement for loss of such areas. They suggest strengthening the design standards within the CD regulations including a requirement for the maintenance of scenic views from roadways, increase buffer widths, require parking spaces above minimum requirements be paved with a permeable surface, and generally align roadway standards for subdivisions and the CD.

Revising the density regulations is suggested. They suggest reducing the number of dwelling units that could be constructed and allow a straightforward density calculation. They suggest considering eliminating density bonuses because typically CDs do not include density bonuses.

Mr. Sandquist stated that the consultants are making recommendations for consideration by the board on items related to property and neighborhood character which are outside of the scope of the current ordinance. New topics presented today include outdoor storage, including RVs and boats, along with parking requirements.

Ms. Schmidt questioned what will happen with existing private roads. Ms. Pollock mentioned that there are two issues concerning private roads as follows: (1) regularize the right-of-way and design requirements, and (2) attempt to ensure that the roads will be maintained in the future. The County needs to develop a policy as to whether it will accept private roads over time. A minimum condition to consider is if a private road is built, it must meet the County's minimum standards. If there are currently private roads that are sub-standard, a policy needs to be created as to whether or not the County chooses to accept the roads and under what conditions, otherwise they will remain private.

Mr. Munaretto questioned if Camiros has a backup Special Service Area (SSA) to mitigate the County's or Township's responsibility concerning private roads. Mr. Pollock mentioned that it depends on the ability to create a SSA. Mr. Sandquist mentioned that it is written into the revised Conservation Design Ordinance. Mr. Munaretto stated that there is only a tax levy if the organization fails to fulfill its mission and actually do the work, collect the money, and pay for the improvements. There is a mechanism in the Conservation Design Ordinance that mandates the creation of a backup SSA in the eventuality.

Concerning rural subdivisions, Ms. Schuster mentioned that she feels the developer has an obligation to have subdivisions be brought up to standards as much as possible. If they do not address road issues up front and make developers build roads to the County's standards, they are asking for problems in the future. Mr. Sandquist mentioned that in the Subdivision Ordinance, private roads are prohibited, but the Conservation Design Ordinance does allow private roads. The Conservation Subdivision Ordinance also requires that a back-up SSA be created up front. He suggests a meeting with the Township Highway Commissioners to form Countywide standards that everyone agrees upon. Mr. Thomas mentioned that if they are going to make private roads public, they have to be set up so the Township Commissioners are willing to accept them. If they will require alternate pavement in conservation areas, it will have to be an alternate pavement that Township Commissioners are willing to maintain in the future. Mr. Sandquist mentioned that Camiros representatives will meet with Township Commissioners to produce a set of standards the Commissioners support.

Mr. Munaretto mentioned that he is thrilled that they are looking at the possibility of creating sub-sets in their agricultural zoning for mixed use and for matters they currently call conditional uses. Concerning the residential zoning classification, he questioned if Camiros is proposing new residential zoning classifications, or if they are adhering to the ones they already have in the zoning ordinance. Mr. Pollock stated that they are adhering to what is in the ordinance, but there is one that is different which is the waterfront zoning classification. Mr. Munaretto feels there should be a zoning classification that deals with waterfront residences because they are out of conformity with the remainder of the ordinances.

Mr. Munaretto mentioned that the other unique component of residential zoning in McHenry County is equine estates. He questioned if it was desirable for them to have an equine estate zoning classification for property that is unique and may not be a part of the existing zoning classifications. Mr. Pollock stated that the A-2 classification is used many times for equine functions. They may want to create a district to address this issue. This may solve some issues that confront the County with items having to do with horses. Mr. Munaretto stated that if they create an equine estate zoning district, they will have the ability to define what it is and what it can do. Mr. Sandquist suggested that this be a part of the technical report.

Mr. Donley feels they still need the mixed use zoning because he feels facilities such as restaurants and banquet halls fit into commercial zoning. He feels a corn maze is a commercial business, but it is on agriculture (AG) property. He feels they need a mixed use for certain activities on farms. He cannot find AG defined anywhere and he feels AG is growing crops on a farm. He would like AG clearly defined in the UDO. Ms. Schmidt mentioned that the USDA defines AG as producing food and fiber and an equine estate is not growing food or producing fiber. Mr. Sandquist mentioned that they will conduct a detailed review of state statute and come up with the definition of what AG is and what should be allowed by right in an AG district.

Mr. Donley mentioned that the local tourist industry has a very short season and corn mazes are allowed temporary uses. He feels corn mazes are not operating on a temporary basis, but rather they are operating seasonally. He feels they are planned seasonal businesses and should not be allowed a temporary use. Ms. McCann questioned how golf courses are zoned since they are seasonal businesses. Mr. Moore mentioned that a golf course is zoned A-1 because it is open space, but the club house needs to have a conditional use for the business and many times it is zoned B-2.

Mr. Sandquist mentioned that the Camiros representatives will be giving this same presentation to the ZBA this afternoon. They will obtain comments from the ZBA and then staff will review all the comments (from the ZBA and P&D Committee) with Camiros and come up with changes to the Technical Memo. This will be presented publically on August 16 immediately preceding the County Board meeting and then Camiros will make a presentation at the August 16, 2011 County Board meeting. Following that meeting, they will begin drafting the UDO.

NEW BUSINESS:

EPA Brownfields Assessment Grant Application: Mr. Sandquist and Mr. Moore joined committee members stating that the EPA has assessment grants for brownfields which are areas that may be contaminated by a hazardous substance, pollutant or contaminant. They have an opportunity to apply for the grant and as a part of the grant structure, it is within the EPA rules that they can have a consultant do the application, manage the grant, and perform the study. This project would be to hire a consultant to examine properties in McHenry County that potentially exhibit characteristics that suggest some level of contamination that may require remediation. It was the consensus of the committee to grant them permission to apply for the grant.

REPORTS TO COMMITTEE:

Chicago Metropolitan Agency for Planning: None.

Community Development Block Grant (CDBG) Commission: Ms. Wanaski joined committee members and mentioned that the CDBG meets monthly and there is no need for them to meet this often because many times there is no business to conduct and it is difficult to gather a quorum. There has been discussion regarding restructuring the Commission to continue with funding recommendations and HUD action plans. Another basis for restructuring is the potential conflicts of interest as members are seated. Currently there are many executive directors of funding recipients or applicants that sit on the Commission and are voting members. Commission memberships expire on July 31, 2011 and this would be a good time for the restructuring of the Commission. There are currently 17 members on the Commission. Committee members gave their consensus to recommend the restructuring of the CDBG Commission as discussed. Ms. Wanaski mentioned that the grant money for the CDBG has been received. They had allocated \$1.2 million, they received \$1.18 million, and the difference will come from administration dollars. Concerning their next five-year consolidation plan, which will be 2014 to 2019 and will be started in 2013, they will ask to change their calendar year to a fiscal year starting in May. Members were informed that the Corporation for Affordable Homes of McHenry County (CAHMCO) closed their offices on May 31. Home State Bank has frozen Federal HUD funds because CAHMCO owes the bank money. A property located in Harvard, Illinois had sustained water damage and the insurance company paid a \$24,000+ claim to CAHMCO. CAHMCO deposited the money into their Home State Bank account before their funds were frozen. The contractors have been paid by the County for their work and the \$24,000 is to repay the County. Ms. Wanaski is working with the bank to unfreeze the \$24,000.

Historic Preservation Commission: None.

Housing Commission: Ms. Draffkorn mentioned that they will be holding another educational seminar in September concerning fair housing.

MISCELLANEOUS: Ms. Donley questioned whether or not the Planning and Development Department answers every complaint they receive from citizens and the answer was yes. Many times the P&D Department receives unsigned written complaints concerning possible zoning violations which the department also investigates.

EXECUTIVE SESSION:

ADJOURNMENT: Noting no further business, Ms. Draffkorn made a motion, seconded by Ms. Donner, to adjourn the meeting at 10:32 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

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