



Posted: 9/14/16

AGENDA
PLANNING & ZONING COMMISSION
Monday, September 19, 2016
7:00 p.m.
Marengo City Hall

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** February 16, 2016 Planning and Zoning Minutes
4. **New Business**
 - a. **Public Hearing-** Review and Recommendation of Approval to Grant a Special Use Permit to 421 East Grant Highway.
4. **Adjournment**

City of Marengo
Planning & Zoning Commission Meeting
Council Chambers
132 E. Prairie Street
Marengo, IL 60152
February 16, 2016
7:00 P.M.

CALL TO ORDER

Commission Chairman Mike Bieniek called the Meeting of the Planning & Zoning Commission to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mr. Bieniek led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Commissioners Bieniek, Piwonka, Varney, Hunt, and Gieseke, Also present were City Administrator Gary Boden and City Clerk Constance Boxleitner. Absent this evening is Commission Member Mazuriewicz.

APPROVAL OF MINUTES

Commission member Varney made a motion, seconded by Commission member Gieseke to approve the **December 16, 2015** Planning and Zoning Minutes with the request from Commissioner Bieniek to change of the word shallowness to depth (page 3, second paragraph) The motion passed with aye votes from Commission members Bieniek, Piwonka, Gieseke, Varney, and Hunt.

NEW BUSINESS- PUBLIC HEARING

a. Review and Recommendation of Approval to Grant a Special Use Permit for Used Vehicle Sales at 950 Greenlee Street

Commission member Piwonka made a motion, seconded by Commission member Varney to open the Public hearing. The motion passed with a voice vote.

Commissioner Bieniek stated that there was public notification of the Public Hearing, and requested that the verification of mailings that were sent to property owners within 250 feet surrounding the area about this public hearing be submitted for record. Documents were presented to City Clerk Connie Boxleitner for the record.

Commissioner Bieniek swore in Terry McKenna, attorney representing the petitioner, and Nicholas Priegnitz, the owner of both the property at 950 Greenlee and the business Calibrated Power Solutions, Inc, that will be operating at the site.

Attorney McKenna and Mr. Priegnitz gave an overview of what is on the agenda this evening and explained the company operates a performance diesel shop that does mainly mail order tuning and

high performance diesel engine vehicle work. They will also acquire vehicles to retrofit them with their parts for demonstration and to sell. So there could be times where vehicles for sale would be on their lot. Their hours would be Monday through Friday, 9 a.m. to 5 p.m, with a possibility to make an appointment beyond those hours. They employ 17 employees, with the possibility of adding up to 3 more, if needed. The clientele is mainly online and mail order, so there is no expectations of being a typical use car lot, with lots of traffic. Mr. McKenna reviewed the survey of the property and explained they are wanting to potentially expand their parking lot by about 20 feet. Mr. Priegnitz stated that all vehicles would be on the paved parking lot. Mr. Priegnitz stated that there would most likely be only around 20 vehicles on the lot at a time, and that there would not be inoperable vehicles on the lot. Mr. Priegnitz stated currently there is lighting that is focused on the vehicles, and about a dozen cameras and additional camera angles would be added when more vehicles are introduced. He also stated that the lighting would not affect surrounding properties. Mr. Priegnitz stated that there should be no real increase of traffic on Greenlee Street do to his business. Mr. McKenna confirmed that all finding of facts have been met.

Commissioner Bieniek asked what type of trucks they would have on property. Mr. Priegnitz stated no commercial trucks, just normal use trucks, like Fords and Chevys, etc.

Commissioner Bieniek asked that adequate parking for the needs of 17 employees, up to 20 used cars for sale and the required visitor parking spaces be addressed. Administrator Boden and Commissioner Bieniek made the recommendation to limit the number of cars for sale on the lot at one given time to be no more than 20.

PUBLIC COMMENT

Commissioner Bieniek opened the floor for Public Comment. There was none.

Commission member Piwonka made a motion, seconded by Commission member Hunt to close the Public Comment. The motion passed with a voice vote.

DISCUSSION

Administrator Boden stated that the Commission would have to affirm as part of the motion, that the applicant has met all finding of facts. Commission member Bieniek stated that he would recommend that the limit of cars for sale on the lot would be no more than 20.

PLANNING AND ZONING ACTION

Commission member Hunt made a motion to recommend the approval to grant a special use permit for used vehicle sales at 950 Greenlee in accordance of the findings of facts as presented by the applicant, and that no more than 20 vehicles would be available for cars for sale at one given time. Commissioner Gieseke seconded. The motion passed with aye votes from Commissioners Bieniek, Piwonka, Gieseke, Varney, and Hunt.

CLOSE PUBLIC HEARING

Motion was made by Commissioner Varney and seconded by Commissioner Piwonka to close the public hearing. The motion passed with aye votes from Commissioners Bieniek, Varney, Piwonka, Hunt, and Gieseke.

ADJOURNMENT

Commissioner Hunt made a motion to close the meeting. The motion passed with a voice vote. The meeting adjourned at 7:22 p.m.

Respectfully submitted,

Anna Leyrer

Deputy City Clerk

DRAFT

TO: Planning Commission
C: Mayor and City Council
FROM: Gary Boden, City Administrator
DATE: September 14, 2016
RE: Special Use Permit for 421 East Grant Highway

This request is effectively a recertification of a use that was allowed before the zoning code was updated about 14 years ago. The property in question is an old two-story house that has a first floor converted into an insurance office.

The property is on the market, and the owner would like to continue to have the first used as a professional office. When the old special use permit was granted, it had to identify the specific use – insurance office – to be granted. Our current code (see attached) allows a variety of professional office uses via a special use permit. Otherwise, the building's configuration, and the previously designated parking lot for the facility remains unchanged.

REQUEST FOR SPECIAL USE APPLICATION

Instructions to applicant: A special use has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district but which may be made compatible with the intended overall development within a district. A special use permit is issued to regulate development of a special use. These may be public service uses which, although generally considered desirable or compatible with other uses in the zoning district, require special review. This review is performed by the Planning and Zoning Commission at a public hearing.

The Applicant should be able to show, by a site plan and documentary evidence that the proposed development will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

All information requested below- a site plan as described on the attached sheet and development schedule providing reasonable guarantees for the completion of the construction-must be provided before a hearing will be scheduled. Applicants are encouraged to visit the office of the City Administrator for any assistance needed in completing this application.

1. Applicant information:

Name PATRICK + KATHLEEN SHELTON Telephone # 8156686889
Address 535 E. GRANT HWY MARENGO, IL, 60152
Street City Zip Code

2. Property interest of applicant:

Owner () Contract purchaser
() Lessee () Other _____

3. Name of owner (if other than applicant):
(attach additional sheets if necessary)

Name _____ Telephone # _____
Address _____
Street City Zip Code

4. Location of property:

Street address 421 E GRANT HWY MARENGO, IL 60152
Legal description (lot, block and subdivision): DOC 98R025881 SUBLET 4
LOT 44 NW 1/4 SW 1/4 MSSRS PLAT
PIN 11-36-304-013

5. Present zoning classification of the area R3

6. Present use of property (if any uses or buildings on property are non-conforming, so state):

OFFICE USE PER SPECIAL USE PERMIT DATED 9/3/1986
2 APTS CURRENTLY IN BLDG AS WELL

Request for Special Use Continued

7. Special use request:

State exactly what is intended to be done with the property that requires a Special Use Permit.

WOULD LIKE TO CONTINUE USE AS A PROFESSIONAL OFFICE SPACE NOT LIMITED TO RESTRICTIONS IN CURRENT SPECIAL USE DATED 9/3/1986 - AS ALLOWED

8. I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true and accurate. IN R-3 PER CHAPTER 22, SECTION 10, PAGE 10 - RESIDENTIAL/AGRICULTURAL DISTRICTS

[Signature]
Signature of applicant

8/19/16
Date

Signature of owner (if different than applicant)

Date

DO NOT WRITE IN THIS SPACE- FOR OFFICE USE ONLY

Date of hearing 9-19-2016

PIN 11-36-304-013

Notice published on 9-2-2016

Zoning R3

Newspaper NW Herald

Fee paid 1,000- Check # 983

Action by Planning and Zoning Commission: _____ Date _____

Denied _____ Approved _____ Approved with modification by Commission _____

Comments: (indicate other actions such as continuance) _____

NOTICE OF PUBLIC HEARING TO SURROUNDING PROPERTY OWNERS

A request for a Special use Permit in the R3 Zoning District has been filed with the City of Marengo Planning and Zoning Commission by:

PATRICK + KATHLEEN SHELTON
(Name of applicant)

The property in question is located at:

421 E. GRANT HWY MARENGO, IL. 60152
(Address)

The request, if granted, will permit the applicant to use the property in the following manner:

CONTINUE USE AS A PROFESSIONAL OFFICE NOT RESTRICTED TO PATRICK SHELTON - INSURANCE

This notice is sent to you as an owner of property adjacent to or in the immediate vicinity of the property affected by this application.

The planning and Zoning Commission will hold a Public Hearing on this application on _____, (Date)

At _____, in the City of Marengo Council Chambers, 132 East Prairie Street, Marengo, Illinois, at (Time) which time you may express your views in person or by writing.

Written comments should be sent to the City Administrator, 132 East Prairie Street, Marengo Illinois 60152, prior to the Public Hearing.

This notice is sent to you, by the applicant, by order of the Chairman of the Planning and Zoning Commission.

Respectfully,

Patrick Shelton
Applicant

- a. No accessory building shall exceed 15 feet in height.
- b. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.

10.05 R-3 SINGLE FAMILY DISTRICT *Amended, 09-9-2, 04-5-5*

It is the purpose of this district to establish regulations for single family dwellings in established residential neighborhoods which are in transition. This district is not to be used in newly developed areas.

1. Dwelling standards:
 - a. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
 - b. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.
 - c. Two-family dwelling structures shall have a total floor area of not less than 700 square feet for each dwelling unit including utility rooms but excluding all other areas not used for eating and sleeping purposes.
2. Building allowance: Only one principal building shall be permitted on any one platted lot.
3. Accessory buildings:

- a. No accessory building shall exceed 15 feet in height.
 - b. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.
 - c. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
 - d. Use of any accessory structure as a dwelling is strictly prohibited.
 - e. Accessory building shall not cover more than 30 percent of the rear yard.
 - f. Accessory buildings are only allowed behind the building setback line.
4. Lot and building requirements:
- a. Minimum lot area shall be 7,500 square feet.
 - b. Minimum lot width shall be 60 feet at the established building line.
 - c. Minimum principal building setbacks shall be:
 - i. Front yard setback, 25 feet
 - ii. Corner side yard setback, 20 feet
 - iii. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
 - iv. Rear yard setback, 25 feet
 - v. Maximum principal structure height, 30 feet
 - vi. Maximum lot coverage, 30 percent

5. Permitted Uses:

Single family dwellings: a special use permit shall be required for all new construction that abuts a primary thoroughfare designated by a state or federal highway number.

Group homes, subject to the following:

- a. The group home houses no more than 8 persons plus staff;
- b. The group home is licensed or certified by the State of Illinois; and
- c. There is a minimum distance of 1,000 feet maintained between group homes.

Home occupations as provided in Section 5.11 herein.

Parks and recreational areas when publicly owned.

6. Special Uses:

Bed and breakfast establishments

Cemeteries

Churches, chapels, temples, synagogues

Convents, monastery and religious retreats

Conversion of single family dwelling into two-family dwelling only when the following conditions are met:

- a. When divided each dwelling unit shall have a minimum of 600 square feet in floor area including space used for utility rooms but excluding all other areas not used for living and/or sleeping purposes.
- b. On-site paved parking area shall be provided. Parking areas shall not be in the required yard setback areas with the exception of the driveway; there shall be a minimum of two parking spaces for each dwelling.

c. All other building and yard requirements for this district must be met.

Conversion of existing structures (not including newly constructed structures) into offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, music teachers, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices as determined by the Commission. These properties must meet the following conditions:

- a. Paved parking approved by the City Council.
- b. All parking shall be behind the front building line.
- c. Signage shall be approved by the City Council.
- d. The subject property shall abut a state designated highway.

Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

Group homes subject to Section 16.8 of this Zoning Code.
Hospitals and nursing homes

Museums

Planned developments

Public library

Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

Public utilities

Two-family dwellings.

7. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.06 **R-5 MULTIPLE FAMILY DISTRICT**

It is the purpose of this district to establish regulations for multiple family dwelling districts. These regulations establish limitations on the use and character of development so as to take advantage of, and to avoid conflict with, natural topography and existing development.

1. Dwelling Standards

- a. Every one story dwelling hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.
- b. Every dwelling of more than one story hereafter erected shall have a floor area, measured from the outside of the exterior walls of not less than 1,000 square feet on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating or sleeping purposes.
- c. Two-family dwelling structures shall have a total floor area of not less than 700 square feet for each dwelling unit including utility rooms but excluding all other areas not used for eating or sleeping purposes.
- d. Multiple family dwelling structures shall have a total floor area of not less than the following:
 - i. Efficiency apartments shall have a floor area of no less than 600 square feet per dwelling unit.

Athena - Public Property Search Viewer
McHenry County, Illinois

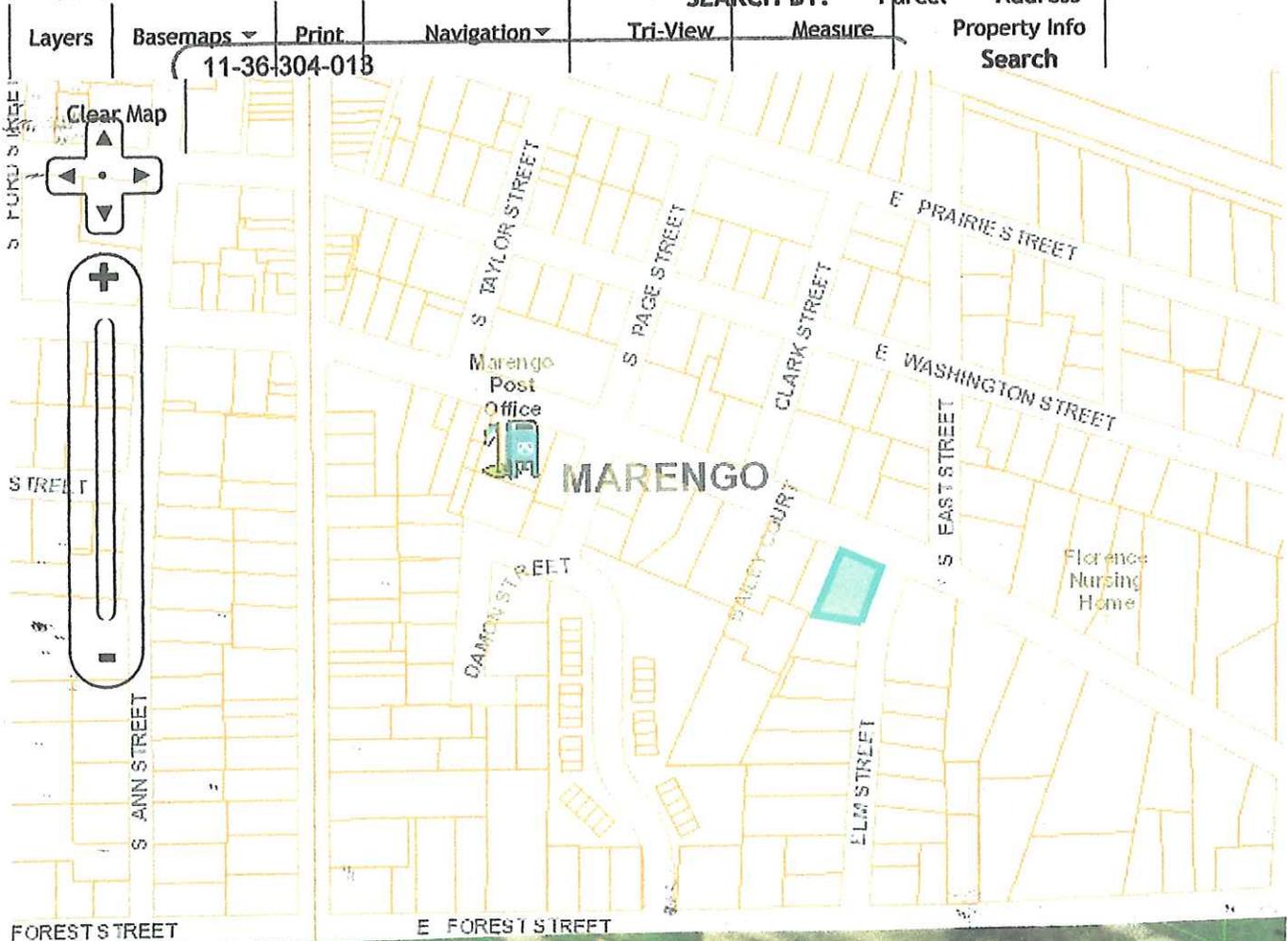
Questions or Comments?
Email: gis@co.mchenry.il.us
(mailto:gis@co.mchenry.il.us) |
Sources (sources/Athena Sources.pdf)

MAP SHOWING LOCATION OF 421E GRANT HWY,

SEARCH BY:

Parcel Address
Property Info
Search

11-36-304-018

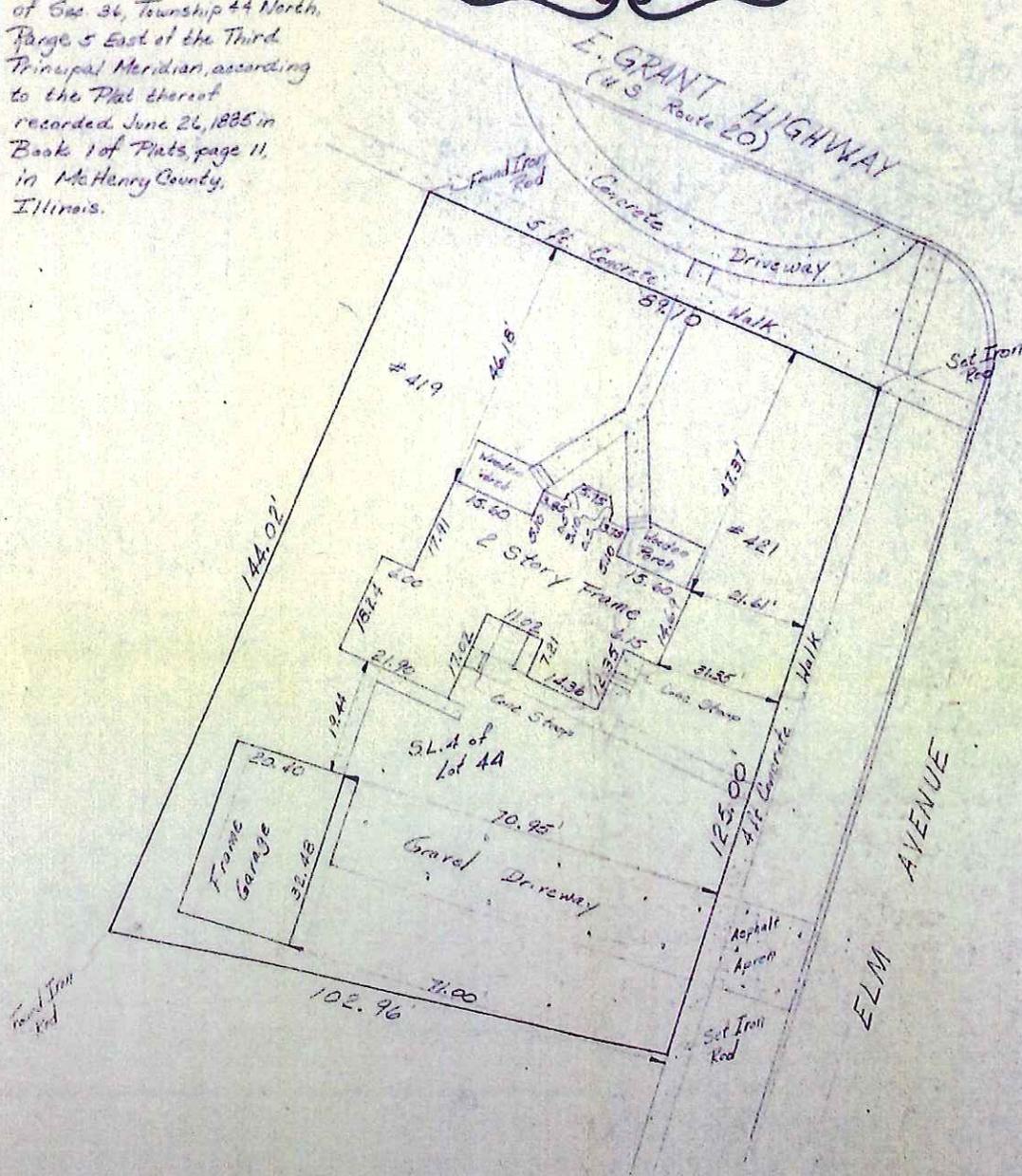


2014 AERIAL VIEW SHOWING PARKING AREA IN REAR

Plat of Survey

LEGAL DESCRIPTION

Sub-Lot 4 of Lot 44 in the Assessors Plat of Section 34, Township 44 North, Range 5 East of the Third Principal Meridian, being a part of the West Half of the Southwest Quarter of Sec 34, Township 44 North, Range 5 East of the Third Principal Meridian, according to the Plat thereof recorded June 26, 1885 in Book 1 of Plats, page 11, in McHenry County, Illinois.



STATE OF ILLINOIS } S.S.
 COUNTY OF MCHENRY }

I, JOHN JENNINGS, an Illinois Registered Land Surveyor do hereby certify that I have surveyed the above described property, and that the plat hereon drawn is a correct representation of said survey.

Scale: 1 inch equals 20 feet.
 Distances are shown in feet and decimal parts thereof.
 Ordered by: Home Center Realty
 Checked by: B.V.
 Compare all points before building; also check Legal Description with Deed.
 Order No. 77-220



Marengo, Illinois this 7th day of July, A.D. 1977
 Surveyed by: John Jennings
 Illinois Registered Land Surveyor No. 2231

EXISTING SPECIAL USE PERMIT — LEGAL DESCRIPTION OF PROPERTY

Wednesday, September 3, 1986

Honorable Mayor Baker
Marengo City Council
132 East Prairie

Honorable Mayor Baker,

I move that the Marengo Zoning Board of Appeals recommend the Marengo City Council that they act favorably on the petition by Patrick J. and Kathleen A. Shelton for the purpose of operating an insurance and related service business on the premises located at:

Sub-Lot 4 of Lot 44 in the Assessor's Plat of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, being a part of the West Half of the Southwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, according to the Plat thereof recorded June 26, 1885 in Book 1 of Plats, page 11, in McHenry County, Illinois.

Such business would be subject to the following restrictions:

- 1). Said business be limited to insurance and insurance related businesses.
- 2). Said business be limited to one (1) apartment consisting of four (4) rooms.
- 3). Said business be limited to no more than three (3) employees at any one time.
- 4). Said Special Use Permit be limited to Mr. Shelton solely and not to the property.
- 5). Said business be limited to operate at reasonable hours only.
- 6). Raised sign 3' x 5' asthetically blending into the property decor and landscaping. Total overall height of sign to be no more than 5' and shall be lighted no later than 10:00 p.m.
- 7). Sign set back shall be 20 feet from sidewalk on Rte. 20, and 15 feet from the sidewalk on Elm Street.

Motion by Mr. Butzow

Seconded by Mr. Chant

Voting as follows:

Aye: James E. Sweet Chairman
 Robert Hartman
 Donald Fescenmeyer
 Marie Meyers
 Ruth Jeisman

**BEFORE THE PLANNING AND ZONING
COMMISSION OF THE CITY OF MARENGO**

LEGAL NOTICE

Notice is hereby given that a public hearing will be held before the Planning and Zoning Commission of the City of Marengo on Monday, September 19, 2016, at 7:00 p.m. in the Marengo City Hall, 132 East Prairie Street, Marengo, Illinois, 60152 upon the application of Patrick J. and Kathleen Shelton for an Amendment of the Special Use Permit for the following legally described property:

Sub-Lot 4 of Lot 44 in the Assessor's Plat of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, being a part of the West Half of the Southwest Quarter of Section 36, Township 44 North, Range 5 East of the Third Principal Meridian, according to the Plat thereof recorded June 26, 1885 in Book 1 of Plats, page 11, in McHenry County, Illinois,

PIN 11-36-304-013

Commonly known as: 421 East Grant Highway, Marengo, Illinois 60152

The application is filed for the purpose of amending the existing special use permit limiting the business on the first floor to insurance related business and by expanding it to permit offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, music teachers, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants, and other professionals, as provided in Section 10.05 of the City of Marengo Zoning Code.

Members of the public are welcome to attend the public hearing and provide comments and/or testimony regarding the proposed amendment to the special use permit.

A copy of the application is available for public inspection in the City Hall, 132 East Prairie Street, Marengo, Illinois 60152, during regular business hours.

City Clerk Constance J. Boxleitner
City of Marengo