PLANNING AND ZONING COMMISSION
SPECIAL MEETING
Marengo City Hall
132 E. Prairie Street

AGENDA
April 2, 2018
7:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Approval of Minutes: March 19, 2018 Meeting Minutes
6. New Business
   a. Public Hearing – Recommendation to the City Council regarding a Planned Unit Development special use permit application, with a variance from the Marengo Sign Ordinance, for a proposed commercial center located at 20009 – 20015 East Grant Highway
7. Adjournment
AGENDA SUPPLEMENT

TO: Planning and Zoning Commission

FROM: Joshua Blakemore, City Administrator

FOR: April 2, 2019 Special Planning and Zoning Commission Meeting

RE: Application for a Planned Unit Development Special Use: 20009 - 20015 East Grant Highway – Proposed Strip Center – Planned Development and Special Use for a 2 Acre Parcel Zoned B-2 General Business, Including a Commercial Strip Center with two Drive Through Facilities

The proposed eastern corridor commercial development, located at 20009 East Grant Highway, has petitioned for a Planned Unit Development (PUD). A PUD is being sought on the 1.98 acre parcel to allow for the development of a four unit commercial center and the future building of an additional use on the back portion of the lot.

A PUD is permitted in any zoning district and allows the City to consider exceptions to strict application of the Marengo Zoning Ordinance based on the unique characteristics of a particular use or location without the specific demonstration of a hardship as required for a zoning variance. This gives the City the ability and flexibility to consider a proposal that will provide an overall benefit to the community without adversely influencing or affecting the surrounding properties.

Issue Statement: The applicant is requesting a planned development special use permit and a variance from the Sign Ordinance. The underlying zoning for the property in question is B-2, General Business. The PIQ, commonly known as 20009 East Grant Highway is a 1.98 acre parcel. In 2017 a special use permit was approved for the property to allow for a drive through use as per the Marengo Zoning Ordinance (MZO). A PUD has been requested to accommodate the development of an 8,000 square foot, four unit commercial retail center and a future 8,400 square foot building on the back portion of the lot. A use for the building on the south side of the lot is yet to be determined. A variance is also being sought to allow for the requested sign. Attached please find a site plan from the petitioner for your reference. Recommendation would need to be contingent upon approval of final engineering and the PUD by IDOT. IDOT has to review and approve the site for ingress and egress and the proposed turn lane.

Utilities: Planned Developments are required to connect to the City’s utilities. The property would be connecting to City water and sewer as part of the development.

Neighboring Uses: The adjacent properties on the north, west, and east of the property in question are zoned B-2, general business. To the south of the property is A-1 McHenry County Agriculture. There have been no objections received regarding the application.

Variance Requested: As part of the Planned Development, the petitioner is requesting a variance to the Marengo sign ordinance which also requires review by the PZC. Per the Sign Ordinance, the surface area
of a monument sign (including the base) shall not exceed 100 square feet in area or seven feet in height. The sign requested is 12.5 feet wide and 107 inches (8.9 feet) tall. That puts the sign at 1.9 feet above the maximum allowed and at 111.5 square feet in area, which is the cause for the requested variance.

**Staff Recommendation:** The property has a previously approved special use for two drive through facilities. The retail center has plans in place for a Dunkin’ Donuts, a liquor and tap room, the Marengo Community Pharmacy, and a fourth unit with a to be determined occupant. There are no immediate plans for an occupant of the proposed second building on the south end of the lot. The building would need to be compliant with the plans as approved and the use would need to comply with the Zoning Ordinance or an amendment to the PUD could later be required. Given the proposed uses, and previously approved special use for the two drive through uses, staff recommends approval of the planned unit development as requested.

A public hearing regarding the petitioner’s application for a planned development special use permit with a variation for the property in question is requested for the April 2, 2018 Special Planning and Zoning Commission meeting. If, after concluding the public hearing, the PZC feels that PUD petition should be granted, then the adoption of the attached findings of fact and a recommendation that the City Council approve this proposed planned unit development.

**Motion to Recommend:** *Motion to adopt the attached finding of facts and recommend that the City Council approve a planned development special use permit and sign variation as requested.*

cc: Mayor & City Council
Findings of Fact
20009 East Grant Highway – Commercial Retail Center
Application for Special Use – Planned Unit Development

Based on the evidence and testimony provided during the public hearing for this application which commenced on April 2, 2018, the Planning and Zoning makes the following findings of fact in support of the application:

SPECIAL USES
Marengo Zoning Ordinance Section 15.03, “Standards for Special Uses,” states that the City Council may authorize a special use permit upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.

2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.

3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.

4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.

5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.

6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.

7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.

8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15 [of the Marengo Zoning Code].
PLANNED DEVELOPMENTS
Marengo Zoning Ordinance Section 16.08, “General Standards” states that a planned development shall conform to the following requirements:

1. The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located.

2. The yards and open spaces adjoining the boundaries of the project shall not be less than the yard requirements of the district in which it is located.

3. If a building is permitted to exceed the height limit of the district in which it is located, the yards and open spaces around such building shall be increased by an amount equal to the height that the building exceeds the height limit of the district measured in feet.

4. If more intensive uses are permitted than are required by the district regulations, there must be clear evidence that such uses are needed to service the project provided the Commission shall find:
   a. That the use permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;
   b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the development nor on the surrounding neighborhood;
   c. That not more than 15 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exceptions;
   d. That in a planned manufacturing development such additional uses allowed by exception shall conform with the performance standards of the district in which the development is located as set forth in Section 13 of this Zoning Code;
   e. That the use exceptions so allowed are recorded on the zoning district maps by appropriate symbols or by reference to documents on file with the Zoning Administrator;
   f. Where the planned development is to be located in a residential district, no use exceptions shall be allowed unless the size of the planned development exceeds 20 acres.

5. The amount of off-street parking must be adequate to serve the needs of the projects and the Commission and City Council may require more off-street parking than is otherwise required by this Zoning Code.

6. If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly improved, maintained and operated.

7. Underground Utilities. Underground utilities including telephone and electric systems are required within the limits of the planned development. Appurtenances to these systems which
can be effectively screened may be excepted from this requirement if the Commission finds that such exemption will not violate the intent or character of the development.

**VARIANCE**

Section 17.06 B of the Zoning ordinance provides the standards for variations. Based on the evidence presented at the June 20, 2017 Public Hearing regarding the above case, the Planning and Zoning Commission make the following findings:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

2. The condition upon which the petition for a variation is based are unique to the property for which the variation is sought, and would not be applicable, generally, to other property within the same zoning classification;

3. The purpose of the variation is not based exclusively upon a desire to increase the value of the property, the monetary gain to be realized from the property, or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Zoning Code;

4. The alleged difficulty or hardship is caused by the application of this Zoning Code and has not been created by any person presently having an interest in the property;

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

6. The proposed variation will not impair an adequate supply of light or air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood;

7. The granting of the variation requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings of the same zoning classification.
CITY OF MARENGO
REIMBURSEMENT OF FEES AGREEMENT

OWNER:

Name of Property Owner: St. V. Property LLC
Owners Address: 3600 Reserve Dr., St. Charles, IL 60175
Telephone Number: 773-344-4434

PETITIONER:

Name of Petitioner: Bennington Conservation Company
Petitioners Address: 821 S. Court Ave., Suite F, Marengo, IL 60152
Telephone Number: 815-582-2479 Cell Call

LOCATION OF PROPERTY:

General Location: 20699 S. 80015 E. Cr 800 S., Marengo, IL 60152

Total Acreage: 1.95 Acres

PIN: 17-06-100-039
Legal Description (attach as Exhibit A)

17-06-100-043
17-06-100-042
17-06-100-001

A. DEPOSIT: In the event it is necessary for the City to obtain professional services,
including, but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage
experts, or other consultants, in connection with any petitioner's request for the City to consider
otherwise take action upon any annexation, zoning change, subdivision development, planned
development (PUD) or other improvement or development upon real property, then the petitioner and
owner of the property shall be jointly and severally liable of the payment of such professional fees plus
five percent of the professional fees to cover the City's administrative expenses. At the time the
petitioner requests action from the City he will be required to deposit an amount with the City as listed in
Exhibit B of Chapter 20 of the Marengo Municipal Code as an initial deposit to be credited against fees
and costs incurred for the above described services.

B. INVOICES: The City shall send the petitioner regular invoices for the fees and costs
incurred thus far, and the petitioner shall reimburse the city within 30 days of said invoice. At all times
the petitioner shall maintain a balance equal to its deposit with the City.

C. WITHDRAWAL OF PETITION: A petitioner who withdraws a petition may apply in
writing to the City for a refund of the initial deposit. The City Council may, in its discretion, approve the
refund application less than actual fees and costs which the City has already incurred relative to the
petition.
D. PROFESSIONAL FEES: Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the City, whether or not related to real property, shall be reimbursed in accordance with Chapter 20 of the Marengo Municipal Code if, in the sole discretion of the City, a professional opinion is desired or necessary.

E. DEFAULT: Upon the failure of the owner or petitioner to reimburse the City in accordance with this subsection no action on any request made by the owner or petitioner will be undertaken by the City Council or by any other official, quasi-official or deliberative individual or body thereunder; and such request shall remain in abeyance until all outstanding fees are paid in full. Upon any failure to reimburse the City in accordance with Chapter 20 of the Marengo Municipal Code, the City may, in its discretion, elect to place a lien against any real property associated with the petitioner’s request. Interest in the amount of 1.5 percent per month shall accrue on all sums outstanding for 30 days or more. Such lien shall be in an amount equal to the outstanding amount owed to the City.

F. ASSIGNING AUTHORITY: The Mayor and City Council and the designated City staff members are hereby authorized to assign requests for professional services to the City staff or to consultants as the City Council deems appropriate.

G. IN-HOUSE STAFF: When any professional services contemplated by this Chapter 20 are rendered by the City staff, then in such case the party making the request shall reimburse the City for its cost incurred in providing said professional services. Said reimbursement shall be at the rate of $30 an hour.

H. REMEDIES: The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be construed to limit or waive the City’s right to proceed against any or all parties in a court of law of competent jurisdiction.

I. AGREEMENT: At the time the petitioner request action from the City, he will be required to enter into an agreement with the City that contains the parameters of Section 20.02 of the Marengo City Code.

J. REFUND: Any surplus funds in the account of the petitioner or owner after all costs are paid shall be returned after approval by the City Administrator or City Attorney, upon written request by the petitioner or owner.

K. HIGHER DEPOSIT: Nowithstanding any of the provisions in Section 20.02 of the Marengo City Code, the City, through its Mayor, City Council or Administrator, may require a higher deposit and a Reimbursement of Fees Agreement containing additional requirements of the petitioner for development proceedings or reviews after taken into account the following factors: i) scope of the development; ii) the acreage of the development; and iii) the anticipated expense of professional consultants including, but no limited to: engineers, land planners and attorneys, reasonably necessary to review the proposed development request. In addition, the City, through its Mayor, City Council, Administrator or Attorney, may negotiate other items relative to the review or development proceeding including, but not limited to, the use of specific consultants and/or Attorneys, rates and budgets.

By signing this Agreement the petitioner and/or owner acknowledge that each of them has read the foregoing paragraphs and each of them fully understands and agrees to comply with the terms set forth herein. Further, by signing, each signatory warrants that he/she/it possesses full authority to so sign.

The owner and/or petitioner agree that owner and petitioner shall be jointly and severally liable for payment of fees referred to in applicable sections of the ordinances of the City of Marengo, and as referred to hereinabove.
REIMBURSEMENT OF FEES AGREEMENT
ACKNOWLEDGMENT

City of Marengo:

By: __________________________

City Administrator

Date: _________________________

Petitioner:

Owner: _________________________

Date: 3/13/18
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IN THE MATTER OF THE APPLICATION
OF VIPUL PATEL AND SAM PATEL, OWNERS,
AND BRACKMANN CONSTRUCTION COMPANY,
CONTRACTOR, FOR AN AMENDMENT TO THE
EXISTING SPECIAL USE TO INCLUDE P. U. D.
APPROVAL, AND FOR VARIANCES TO THE
SIGNAGE AND PARKING REQUIREMENTS UNDER
THE ZONING ORDINANCE OF THE CITY OF
MARENGO, ILLINOIS

Notice is hereby given in compliance with the City of Marengo, Illinois Zoning Ordinance, that a public hearing will be held before the City of Marengo Planning and Zoning Commission, which would result in the amendment of the existing Special Use Permit to include P. U. D. approval for the property and for variances to the signage and parking requirements under the Zoning Ordinance of the City of Marengo, Illinois.

The property is commonly known as 20009 – 20015 East Grant Highway, Marengo, Illinois, and is legally described as follows:

PARCEL I

PARCEL II


PARCEL III

THAT PART OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 02 DEGREES 04 MINUTES 31 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 155.94 FEET; THENCE SOUTH 13 DEGREES 24 MINUTES 57 SECONDS WEST 281.75 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST 331.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 69 DEGREES 49 MINUTES 23 SECONDS EAST 85.41 FEET; THENCE SOUTH 33 DEGREES 04 MINUTES 52 SECONDS WEST 17.23 FEET; THENCE NORTH 58 DEGREES 11 MINUTES 04 SECONDS WEST 83.27 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

PARCEL IV

THAT PART OF LOT 2 BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE SOUTH 71 DEGREES 13 MINUTES 02 SECONDS EAST ALONG THE SOUTH LINE THEREOF AND THE SOUTH LINE OF THE LANDS DESCRIBED IN DOCUMENT NO. 2007R0020641, A DISTANCE OF 37.67 FEET; THENCE NORTH 59 DEGREES 34 MINUTES 55 SECONDS WEST ALONG THE NORTH LINE THE SAID LANDS DESCRIBED IN DOCUMENT NO. 2007R0020641, A DISTANCE OF 36.71 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 31 DEGREES 48 MINUTES 48 SECONDS WEST ALONG SAID WEST LINE 7.60 FEET TO THE PLACE OF BEGINNING, IN GRANT STREET SUBDIVISION, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND NORTHEAST QUARTER OF SECTION 1,
TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS
PLATTED AND RECORDED IN THE RECORDER’S OFFICE OF MCHEERY COUNTY,
ILLINOIS, ON NOVEMBER 21, 2006, AS DOCUMENT 2006R0088986, IN THE CITY OF
MARENGO, MCHEERY COUNTY, ILLINOIS.

PINS: 17-06-100-039, 17-06-104-003, 17-06-100-042, and 17-06-104-004.

Copies of the proposed site plan depicting the P. U. D. are available to view at City Hall.

A hearing on this Petition will be held on the 2nd day of April, 2018 at 7:00 p.m. in the
City of Marengo Council Chambers, 132 East Prairie Street, Marengo, Illinois, at which time and
place any person desiring to be heard may be present.
SWORN AFFIDAVIT

I, Corey Breckman
(Name)
of 838 Cardin Ct., Aurora, Il 60507
(Address)

hereby acknowledge that I have either hand delivered or sent by certified mail return receipt the attached notice for the Special Use on my property.

(Signature)

NOTARY SEAL

Anna M. Leyrer

"OFFICIAL SEAL"
ANNA M. LEYRER
Notary Public, State of Illinois
My Commission Expires January 10, 2021
Landscape Plan

Future Building (6,400 SF) and Site Expansion

Landscape Details
- Signage must comply with City of Macheso Tree Ordinance
- Red grass 1 gal
- Seasonal Holders
  - Low ground cover 18" in

Shrub Trees
- Type A - Ash, Linden, Maple, Coastal Oak
- Type B - Cercid Apple

Note: All shrub tree plantings must comply with City of Macheso Tree Planting Ordinances.
PLANNED DEVELOPMENT
FOR
RTE. 20 PARCEL
COMMERCIAL
DEVELOPMENT
MARENGO, ILLINOIS

PLANS PREPARED FOR:
BRACKMANN CONSTRUCTION COMPANY
821 E. GRANT HIGHWAY, SUITE F
MARENGO, ILLINOIS 60152