IN THE MATTER OF THE APPLICATION OF ***JESSICA RODARTE AND RAMON BERNAL,* OWNERS OF RECORD,** FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR A ***CONDITIONAL USE AND VARIATIONS***	)))))	# 2022-019

WHEREAS, your Applicants, ***Jessica Rodarte and Ramon Bernal*,** as your Owner, has filed an application with the McHenry County Zoning Board of Appeals requesting the issuance of a Conditional Use as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORHTWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINICPAL MERIDIAN; THENCE NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER 716.0 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, ALONG SAID NORTH LINE 207.5 FEET; THENCE SOUTH 01 DEGREES 16 MINUTES 20 SECONDS WEST 1226.93 FEET TO A POINT ON THE CENTER LINE OF A PUBLIC HIGHWAY; THENCE NORTH 31 DEGREES 18 MINUTES 27 SECONDS WEST ALONG SAID CENTER LINE 4.50 FEET, THENCE NORTH 37 DEGREES 04 MINUTES 42 SECONDS WEST ALONG SAID CENTER LINE 165.0 FEET; THENCE NORTH 42 DEGREES 15 MINUTES 58 SECONDS WEST ALONG SAID CENTER LINE 107.19 FEET; THENCE NORTH 45 DEGREES 46 MINUTES 36 SECONDS WEST ALONG SAID CENTER LINE 103.82 FEET; THENCE NORTH 49 DEGREES 01 MINUTES 39 SECONDS WEST ALONG SAID CENTER LINE 166.11 FEET; THENCE NORTH 27 DEGREES 10 MINUTES 39 SECONDS EAST 427.56 FEET TO A POINT 716.0 FEET EAST OF THE WEST LINE OF AFORESAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 30 AS MEASURED ALONG THE NORTH LINE THEREOF, THENCE NORTH 0 DEGREES 13 MINUTES WEST AND PARALLEL WITH SAID WEST LINE 450.0 FEET TO THE PLACE OF BEGINNING, (EXCEPTING THEREFROM THAT PART DEDICATED FOR PUBLIC HIGHWAY AS SHOWN ON DOCUMENT 1948R0208153) IN MCHENRY COUNTY, ILLINOIS.

PIN # 18-30-400-016

13520 Marengo Road, Huntley, Illinois, in Grafton Township.

WHEREAS, the Application requests no reclassification of the subject property from its present classification which is ***"A-1" Agriculture***, but a Conditional Use be granted ***to allow for a Reception Facility*** *and two (2) variances be granted* ***to reduce the side setback from 30 feet to 10 feet along the western lot line and 10 feet to 9 feet along the eastern property line.***

WHEREAS, the subject property consists of approximately ***5.71 acres*** in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Zoning Board of Appeals of McHenry County ***did recommend by a vote of 7 ayes and 0 nays the granting of a Conditional Use to allow for a Reception Facility, with two (2) variances reducing the side setback from 30 feet to 10 feet along the western lot line and 10 feet to 9 feet along the eastern property line. Said Conditional Use shall be subject to the following conditions:***

1. **The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.**
2. **The applicant shall apply for a Highway Access Permit within three (3) months of County Board approval of this Conditional Use Permit.**
3. **The applicant shall apply for a Stormwater Management Permit & building permit for conversion of existing buildings within nine (9) months of County Board approval of this Conditional Use Permit.**
4. **All live music shall be performed inside the facility and the outdoor amplification of sound, whether live or electronic, shall end by 8:00 PM any day of the week.**
5. **Hours of operation for all events shall end by midnight on Fridays and Saturdays and by 11:00 PM any other day of the week.**
6. **Before construction associated with the CUP begins, an eight (8) foot high privacy fence shall be erected along the three hundred ninety-one (391) feet of the western lot line from the southwestern corner of the property, said length being reflected on the attached plat of survey.**
7. **The maximum number of people associated with any event shall be the lesser of two hundred fifty (250) people or the maximum number allowed by the McHenry County Department of Health.**
8. **Construction and operation of the facility shall conform to the site plan attached hereto.**
9. **The interior of the facility shall be insulated with sound attenuating material.**
10. **All other federal, state, and local laws shall be met.**

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

WHEREAS, the McHenry County Board has determined that the standards for a Conditional Use Permit as set forth in the McHenry County Unified Development Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Unified Development Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow the ***issuance of a Conditional Use to allow for a Reception Facility, with two (2) variances reducing the side setback from 30 feet to 10 feet along the western lot line and 10 feet to 9 feet along the eastern property line. Said Conditional Use shall be subject to the following conditions:***

1. **The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.**
2. **The applicant shall apply for a Highway Access Permit within three (3) months of County Board approval of this Conditional Use Permit.**
3. **The applicant shall apply for a Stormwater Management Permit & building permit for conversion of existing buildings within nine (9) months of County Board approval of this Conditional Use Permit.**
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7. **The maximum number of people associated with any event shall be the lesser of two hundred fifty (250) people or the maximum number allowed by the McHenry County Department of Health.**
8. **Construction and operation of the facility shall conform to the site plan attached hereto.**
9. **The interior of the facility shall be insulated with sound attenuating material.**
10. **All other federal, state, and local laws shall be met.**

If any part, sentence, clause, or provision of this ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this _____day of _____, 20_____.

_____
Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

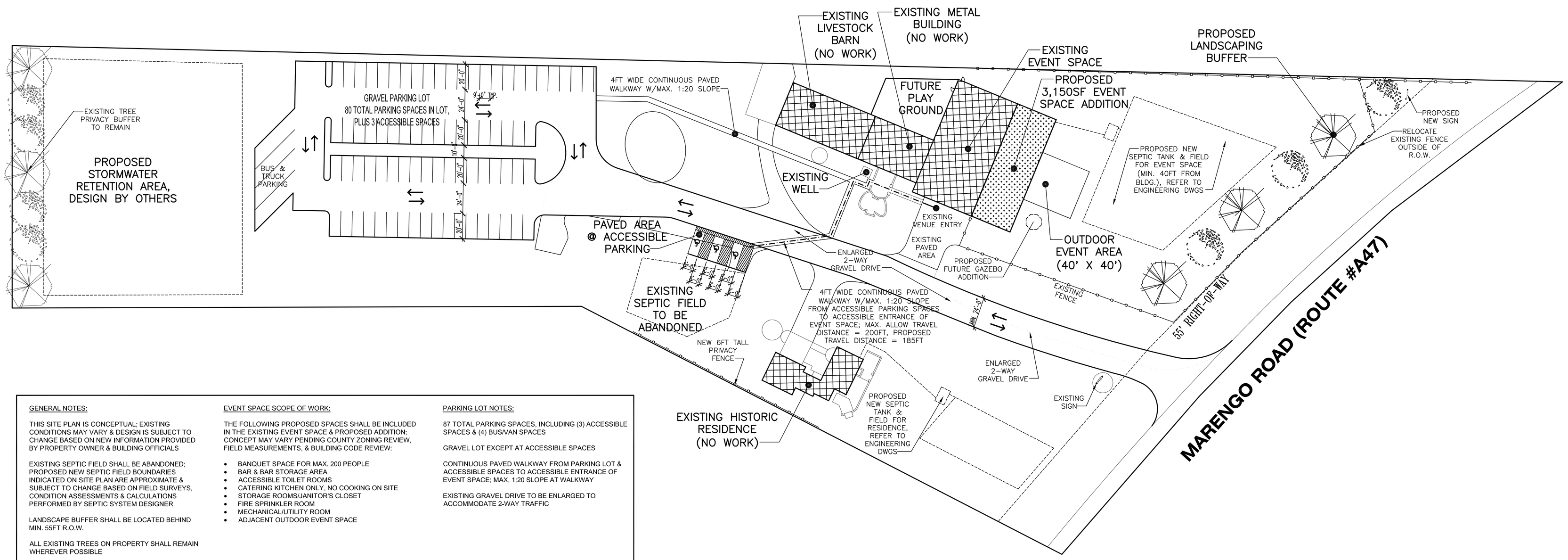
_____
County Clerk

NUMBER VOTING AYE: _____

NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____



GENERAL NOTES:

THIS SITE PLAN IS CONCEPTUAL; EXISTING CONDITIONS MAY VARY & DESIGN IS SUBJECT TO CHANGE BASED ON NEW INFORMATION PROVIDED BY PROPERTY OWNER & BUILDING OFFICIALS

EXISTING SEPTIC FIELD SHALL BE ABANDONED; PROPOSED NEW SEPTIC FIELD BOUNDARIES INDICATED ON SITE PLAN ARE APPROXIMATE & SUBJECT TO CHANGE BASED ON FIELD SURVEYS, CONDITION ASSESSMENTS & CALCULATIONS PERFORMED BY SEPTIC SYSTEM DESIGNER

LANDSCAPE BUFFER SHALL BE LOCATED BEHIND MIN. 55FT R.O.W.

ALL EXISTING TREES ON PROPERTY SHALL REMAIN WHEREVER POSSIBLE

EVENT SPACE SCOPE OF WORK:

THE FOLLOWING PROPOSED SPACES SHALL BE INCLUDED IN THE EXISTING EVENT SPACE & PROPOSED ADDITION; CONCEPT MAY VARY PENDING COUNTY ZONING REVIEW, FIELD MEASUREMENTS, & BUILDING CODE REVIEW:

- BANQUET SPACE FOR MAX. 200 PEOPLE
- BAR & BAR STORAGE AREA
- ACCESSIBLE TOILET ROOMS
- CATERING KITCHEN ONLY, NO COOKING ON SITE
- STORAGE ROOMS/JANITOR'S CLOSET
- FIRE SPRINKLER ROOM
- MECHANICAL/UTILITY ROOM
- ADJACENT OUTDOOR EVENT SPACE

PARKING LOT NOTES:

87 TOTAL PARKING SPACES, INCLUDING (3) ACCESSIBLE SPACES & (4) BUS/VAN SPACES

GRAVEL LOT EXCEPT AT ACCESSIBLE SPACES

CONTINUOUS PAVED WALKWAY FROM PARKING LOT & ACCESSIBLE SPACES TO ACCESSIBLE ENTRANCE OF EVENT SPACE; MAX. 1:20 SLOPE AT WALKWAY

EXISTING GRAVEL DRIVE TO BE ENLARGED TO ACCOMMODATE 2-WAY TRAFFIC

1C A001 SITE PLAN 1"=40'-0"

2D A001 EXISTING SIGN NTS

3D A001 PROPOSED SIGN LOGO NTS

PRELIMINARY NOT FOR CONSTRUCTION OR PERMIT SUBMITTAL

DESIGN STAGE

	1	2	3	4	5
PRELIMINARY DESIGN	8-8-22 DJM				
PRELIMINARY DESIGN		8-26-22 DJM			
DESIGN DEVELOPMENT			10-18-22 DJM		
PRELIM. FOR BID					
FINAL FOR BID					
RELEASE FOR PERMIT					
REVISION					

RANCHO CAMINO REAL
13520 MARENGO ROAD
HUNTLEY, ILLINOIS 60142

PRELIMINARY

SITE PLAN

Architects & Planners, Inc.
Telephone: 815-788-9200
2600 Belmont Road at Rt. 176, Crystal Lake, IL 60014
98 W. Main St. Lake Geneva, WI 53147
40 Crystal St. Cary, IL 60013
1700 E. Racine Ave. Waukesha, WI 53186

Job Number: 22122

Sheet Number: A001

File Name: 22122001

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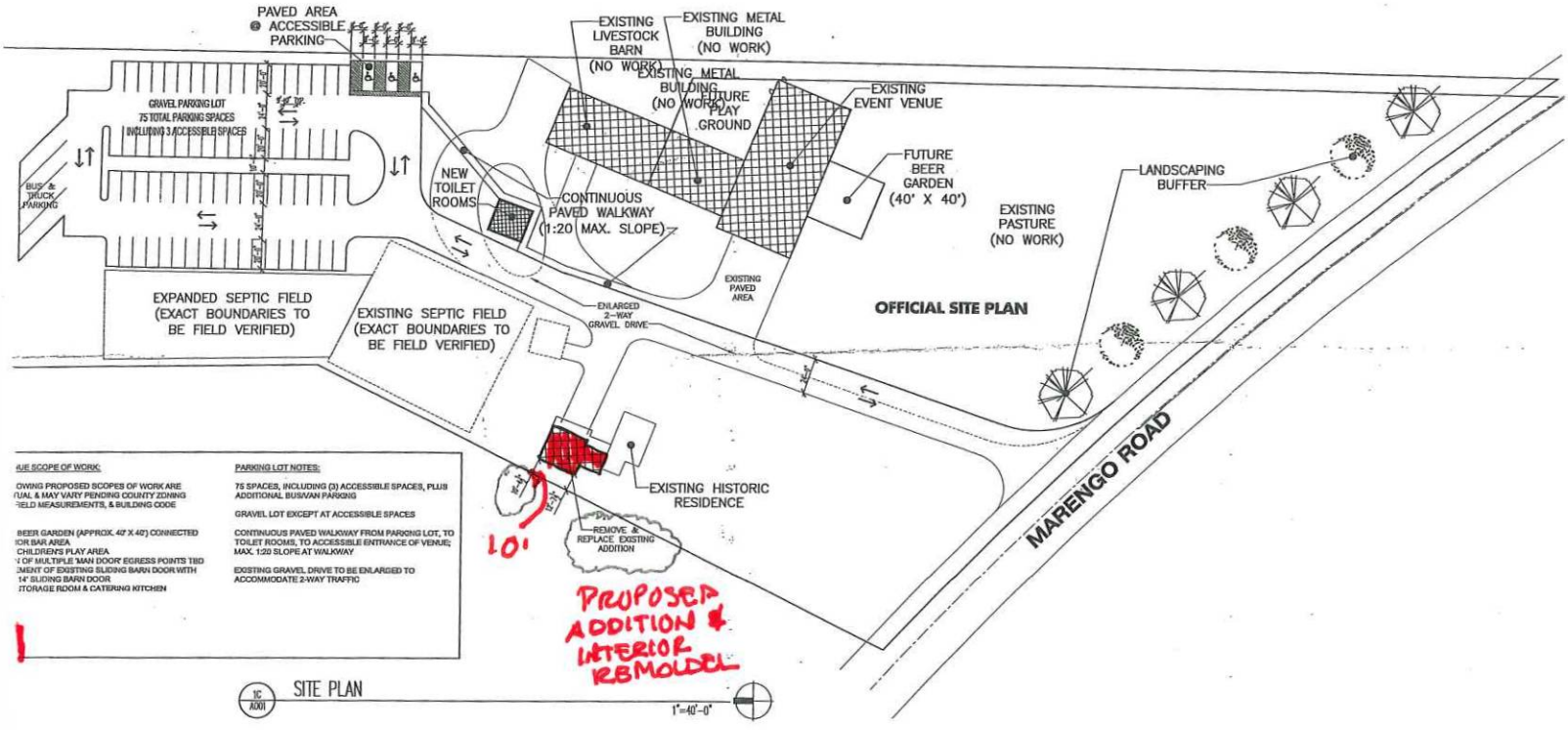
A.L.A Architects & Planners, Inc.



AUE SCOPE OF WORK:

OWING PROPOSED SCOPES OF WORK ARE
IUAL & MAY VARY PENDING COUNTY ZONING
IELD MEASUREMENTS, & BUILDING CODE

BEER GARDEN (APPROX. 40' X 40') CONNECTED
IOR BAR AREA
CHILDREN'S PLAY AREA
OF MULTIPLE 'MAN DOOR' EGRESS POINTS TBD
MENT OF EXISTING SLIDING BARN DOOR WITH
14' SLIDING BARN DOOR
STORAGE ROOM & CATERING KITCHEN

PARKING LOT NOTES:

75 SPACES, INCLUDING (3) ACCESSIBLE SPACES, PLUS ADDITIONAL BUS/VAN PARKING

GRAVEL LOT EXCEPT AT ACCESSIBLE SPACES

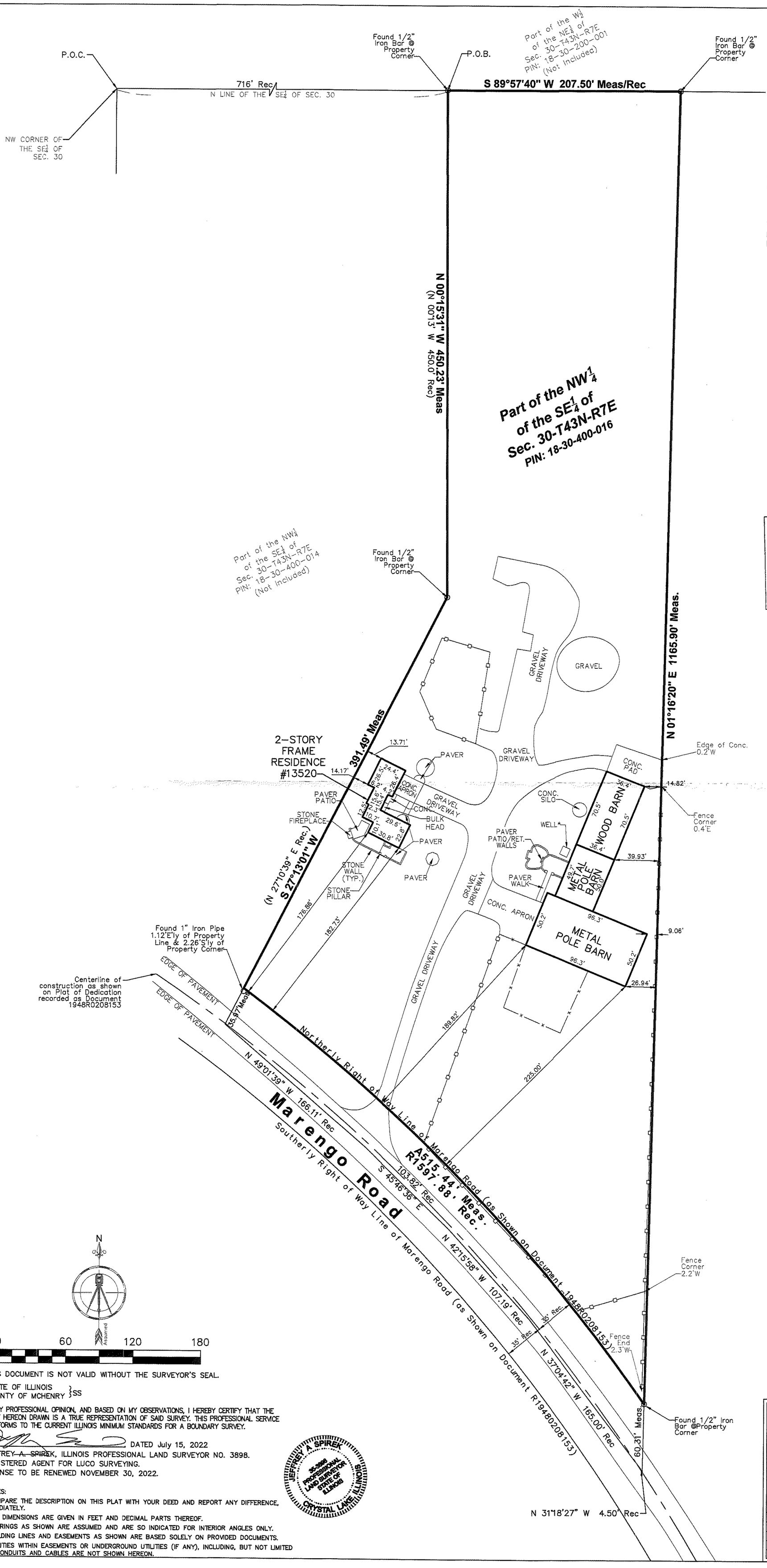
CONTINUOUS PAVED WALKWAY FROM PARKING LOT, TO TOILET ROOMS, TO ACCESSIBLE ENTRANCE OF VENUE; MAX. 1:20 SLOPE AT WALKWAY

EXISTING GRAVEL DRIVE TO BE ENLARGED TO ACCOMMODATE 2-WAY TRAFFIC

Plat of Survey

LEGAL DESCRIPTION: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER 716.0 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST, ALONG SAID NORTH LINE 207.5 FEET; THENCE SOUTH 01 DEGREES 16 MINUTES 20 SECONDS WEST 1226.93 FEET TO A POINT ON THE CENTER LINE OF A PUBLIC HIGHWAY; THENCE NORTH 31 DEGREES 18 MINUTES 27 SECONDS WEST ALONG SAID CENTER LINE 4.50 FEET, THENCE NORTH 37 DEGREES 04 MINUTES 42 SECONDS WEST ALONG SAID CENTER LINE 165.0 FEET; THENCE NORTH 42 DEGREES 15 MINUTES 58 SECONDS WEST ALONG SAID CENTER LINE 107.19 FEET; THENCE NORTH 45 DEGREES 46 MINUTES 36 SECONDS WEST ALONG SAID CENTER LINE 103.82 FEET; THENCE NORTH 49 DEGREES 01 MINUTES 39 SECONDS WEST ALONG SAID CENTER LINE 166.11 FEET; THENCE NORTH 27 DEGREES 10 MINUTES 39 SECONDS EAST 427.56 FEET TO A POINT 716.0 FEET EAST OF THE WEST LINE OF AFORESAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 30 AS MEASURED ALONG THE NORTH LINE THEREOF, THENCE NORTH 0 DEGREES 13 MINUTES WEST AND PARALLEL WITH SAID WEST LINE 450.0 FEET TO THE PLACE OF BEGINNING, (EXCEPTING THEREFROM THAT PART DEDICATED FOR PUBLIC HIGHWAY AS SHOWN ON DOCUMENT 1948R0208153) IN MCHENRY COUNTY, ILLINOIS.

PARCEL AREA: 248,819 Sq. Feet
5.71 Acres



NOTE: The well was covered at the time of fieldwork. The owner has indicated via email that this is the well that serves the existing residence.

RECEIVED
JUL 19 2022
ZONING DIVISION

RECEIVED
JUL 19 2022
ZONING DIVISION

S DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

TE OF ILLINOIS
NTY OF MCHENRY } SS

Y PROFESSIONAL OPINION, AND BASED ON MY OBSERVATIONS, I HEREBY CERTIFY THAT THE HEREON DRAWN IS A TRUE REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE ORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED July 15, 2022

REY A. SPIREK, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3898.
STERED AGENT FOR LUCO SURVEYING.
NSE TO BE RENEWED NOVEMBER 30, 2022.

JEFFREY A. SPIREK 35-3898 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS CRYSTAL LAKE, ILLINOIS

S:
IPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED AND REPORT ANY DIFFERENCE, DIATELY.
DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
RINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.
DING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON PROVIDED DOCUMENTS.
ITIES WITHIN EASEMENTS OR UNDERGROUND UTILITIES (IF ANY), INCLUDING, BUT NOT LIMITED ONDUITS AND CABLES ARE NOT SHOWN HEREON.

LEGEND

●	SET IRON BAR
○	FOUND IRON PIPE/BAR/DISC
×	FOUND "X"
⊗	FOUND PK NAIL
	STORM MANHOLE

ABBREVIATIONS

PUE	PUBLIC UTILITY EASEMENT
MUE	MUNICIPAL UTILITY EASEMENT
VUE	VILLAGE UTILITY EASEMENT
DE	DRAINAGE EASEMENT
BSL	BUILDING SETBACK LINE
PC	POINT OF CURVATURE

FENCES

WOOD
CL/METAL/WIRE
PLASTIC/VINYL

LUCO SURVEYING
PROFESSIONAL DESIGN FIRM NO. 184.007972
54 Lou Street, Crystal Lake, IL 60014
A Division of Polaris Surveying, Inc.
Ph: (815) 526-3974 Fax: (815) 526-3984
E-mail: admin@lucosurveying.com

Common Address: 13520 Marengo Road, Huntley, IL
PIN: 18-30-400-016
Job Number: 22-67346 Drafted By: CER
Client: Rodarte Reference:
Field Work Completion: 06/07/2022

Revision:	Description:	Date:
1	Revised per New Roadway Documents	07-15-22

Staff Report for the McHenry County Zoning Board of Appeals

Petition: **# 2022-019**

PIN: 18-30-400-016

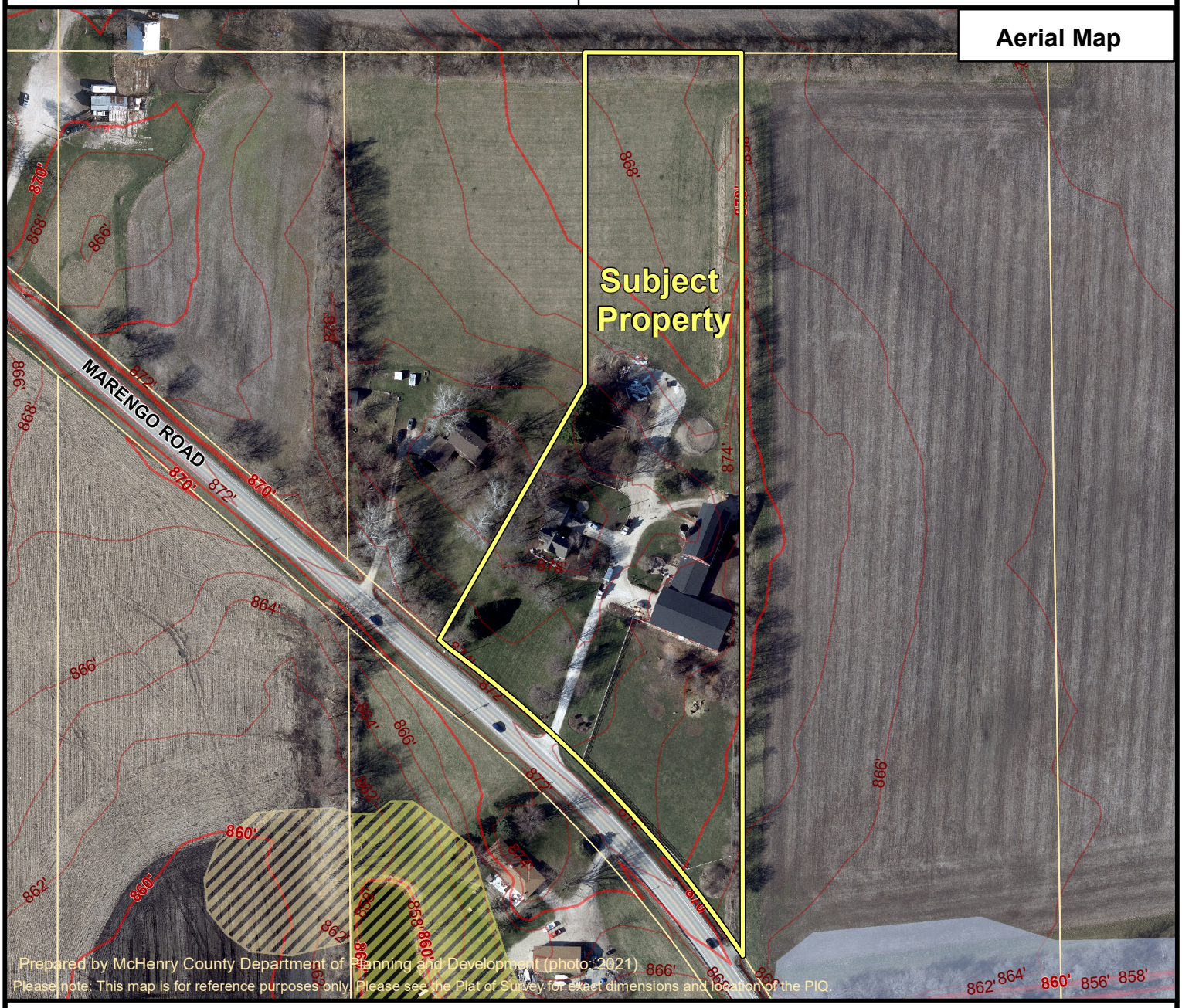
Address: 13520 Marengo Road, Huntley, Illinois

Location: The property consists of approximately 5.71 acres and is located northeast of Marengo Road, roughly 1,500 feet north of the intersection of Marengo Road and Main Street, in Grafton Township.

Hearing: **December 8, 2022**

Applicant: Jessica Rodarte and Ramon Bernal Perez

Request: Conditional Use Permit to allow for a Reception Facility on the subject property and Variations to reduce side setback from 30 feet to 10 feet along the west property line, and 10 feet to 9 feet along the east lot line.



Elevation
(feet above sea level)
- 10-foot contours
- 2-foot contours

ADID Wetland Map 2005
- High Functional Value Wetland (hfww)
- High Quality Wetland (hqw)
- Wetland (w)
- Farmed Wetland (fw)

FEMA Flood Hazard Areas
- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway

Feet
100 50 0 100 200
1 inch equals 196.7 feet

STAFF COMMENTS

The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Conditional Use Permit for a Reception Facility on a five point seventy-one (5.71) acre parcel on the northeast side of Marengo Road, roughly one thousand and five hundred (1,500) feet north of the intersection of Marengo Road and Main Street in Grafton Township. The property is zoned A-1 Agriculture District. Along with the request for a Conditional Use, the applicant is also seeking two (2) variances. The first variance is to reduce the interior side setback for a detached accessory building from the required ten (10) feet to nine (9) feet for an existing barn near the eastern lot line. The second variance request is to reduce the interior side setback for a principle building from the required thirty (30) feet to thirteen (13) feet to accommodate an expansion of the house located near the western lot line.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The Applicant must meet the Approval Standards for a Conditional Use Permit, listed in County Code Section 16.20.040.E, along with the Approval Standards for a Zoning Variance for each of the requested variances. These standards are attached for your reference.

STAFF ANALYSIS

Current Land Use & Zoning

The subject property, along with all adjacent properties, are zoned A-1 Agriculture District. The subject property, along with the properties to the immediate west and south are currently used for single-family residences. The properties immediately to the north and east are used for crop production.

2030 Comprehensive Plan Future Land Use Map

The 2030 Future Land Use map designates this property as **Estate**. Allowing this property to provide a Reception Facility is inconsistent with this designation.

2030 Comprehensive Plan & 2030 and Beyond Analysis

Staff has reviewed the 2030 Comprehensive Plan and 2030 and Beyond as they pertain to this particular application and offer the following comments. *(See comments below)*

McHenry County 2030 and Beyond, Adopted October 18, 2016

Big Idea #1 Let's make our communities healthy, active, and green

"We can make it happen by preserving our groundwater aquifers, lakes, rivers, streams, and their natural functions." (p. 11)

- The proposed reception facility will no additional impact to groundwater. The site is not located in a Sensitive Aquifer Recharge Area.

Big Idea #2 Let's build on our strengths

"We can make it happen by preserving our open space and agricultural landscapes, which provide recreational opportunities, including ecotourism, and sustain our rural lifestyle and agricultural industry." (p. 14)

"We can make it happen by preserving our cultural and agricultural heritage while fostering new opportunities for the appreciation of arts, culture, and history." (p.16)

- The proposed reception facility will have minimal impact on existing and surrounding agricultural uses. The proposed reception facility is consistent with promoting rural character due to its location and use of the existing barn.

Big Idea #3 Let's grow smarter

"We can make it happen by supporting business development and commercial uses to reduce the property tax burden on residential homeowners." (p. 17)

- The applicant is proposing a reception facility which will create a change in the assessor's classification of the property. The use will also generate a trickle-down effect on the economy as goods and services are brought to this site.

Big Idea #4 Let's expand our economy

"We can make it happen by facilitating new business and the expansion of existing businesses." (p. 21)

"We can make it happen by growing our rural economy through agritourism, ecotourism, specialty crops, and being open to innovative commercial enterprises." (p. 21)

- If approved, this use will be a new business within the County. The use, while not directly agriculturally related, will be using the agricultural character of the property and in the area as a draw to this location. It also has the potential of attracting tourism dollars to the county and be a benefit to local hotels, restaurants, and businesses.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

"Work with municipalities to promote historic preservation and adaptive reuse of structures throughout the County."… (p. 24)

- The proposed reception facility will be located within the existing barn which promotes the county's rural character and would be an adaptive reuse of that structure.

Agricultural Resources

No applicable text

Greenways, Open Space & Natural Resources

"Promote land uses that […] minimize the impact on land, water, energy, and other natural resources"… (p. 43)

- The request meets this objective as there is minimal external improvements which would impact the environment. Please refer to NRI Letter #L22-021-4412 for more information.

Water Resources

"Protect and preserve Sensitive Aquifer Recharge Areas as a priority of the 2030 Plan. The SARA map shall be utilized as a determining factor in any proposed land use change." (p. 63)

- The subject property is not located in a sensitive aquifer recharge area.

Economic Development

"Increase the commercial/industrial tax base to be at least 35% of the countrywide total tax base." (p. 87)

"Preserve, develop, and promote multi-faceted cultural tourism resources, such as historical resources, agritourism, and local and regional attractions or points-of-interest." (p. 98)

- If approved, this use would provide a slight increase in the countywide commercial/industrial tax base.
- The proposed reception facility within a repurposed barn has the potential for attracting tourism dollars to the county and benefit local hotels, restaurants, and businesses.

Infrastructure

No applicable text

STAFF ASSESSMENT

The Staff Plat Review Committee last reviewed this proposal on November 16, 2022, where they recommended moving the site plan to the ZBA for consideration. Remaining comments are all related to obtaining various permits after the conditional use permit has been approved and before operating as a reception facility. These permits are listed below under the proposed conditions. The site plan has been developed with all review Division's comments, including McDOT policy of providing adequate Right-of-Way when there is a change in use.

The Comprehensive Plan does not directly address reception facilities. The Future Land Use map shows this area developing residentially with Estate size lots, which would focus development on elements of rural residential living. As identified above, there are policies within the text of the Comprehensive Planning documents which can be used to support a reception facility.

Staff recommends approval of the request for a conditional use permit for a reception facility subject to the following conditions:

1. The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.
2. Apply for a Highway Access Permit within three (3) months of County Board approval of this Conditional Use Permit.
3. Apply for a Stormwater Management Permit & building permit for conversion of existing buildings within nine (9) months of County Board approval of this Conditional Use Permit.
4. All other federal, state, and local laws shall be met.

Report prepared November 30, 2022 by Anna Kurtzman, Sr. Planner – McHenry County Department of Planning & Development

Approval Standards for Conditional Use Permits

(Section 16.20.040 E of the Unified Development Ordinance)

E. *Approval Standards for Conditional Use Permits.* No conditional use permit may be granted unless the Zoning Board of Appeals and County Board makes specific written findings that the request meets each of the standards imposed by this section. These standards are as follows:

1. That the petitioner has demonstrated the ability to meet any applicable standards contained in Chapters 16.56 (Use Standards) and 16.60 (Site Development Standards).

2. That the site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.

3. That the establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.

4. That the conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

5. That the conditional use shall not substantially diminish and impair property value within the neighborhood.

6. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on public streets.

8. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

9. That the conditional use is reasonably in the interest of the public welfare.

10. That adequate measures will be taken to provide protection to groundwater recharge and groundwater quality.

Approval Standards for Zoning Variations

(Section 16.20.020 F of the Unified Development Ordinance)

F. *Approval Standards for Zoning Variations*. No zoning variation from the provisions of this Ordinance may be granted unless the Zoning Board of Appeals or Hearing Officer and County Board makes specific findings that the request meets each of the standards imposed by this section. These standards are as follows:

1. The particular 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 was carried out.

2.]he conditions upon which the application for a variation are based are unique to the property for which the variation is sought and are not generally applicable to other property within the same zoning district.

3. The purpose of the variation is not based exclusively upon a desire to increase the monetary gain realized from the property.

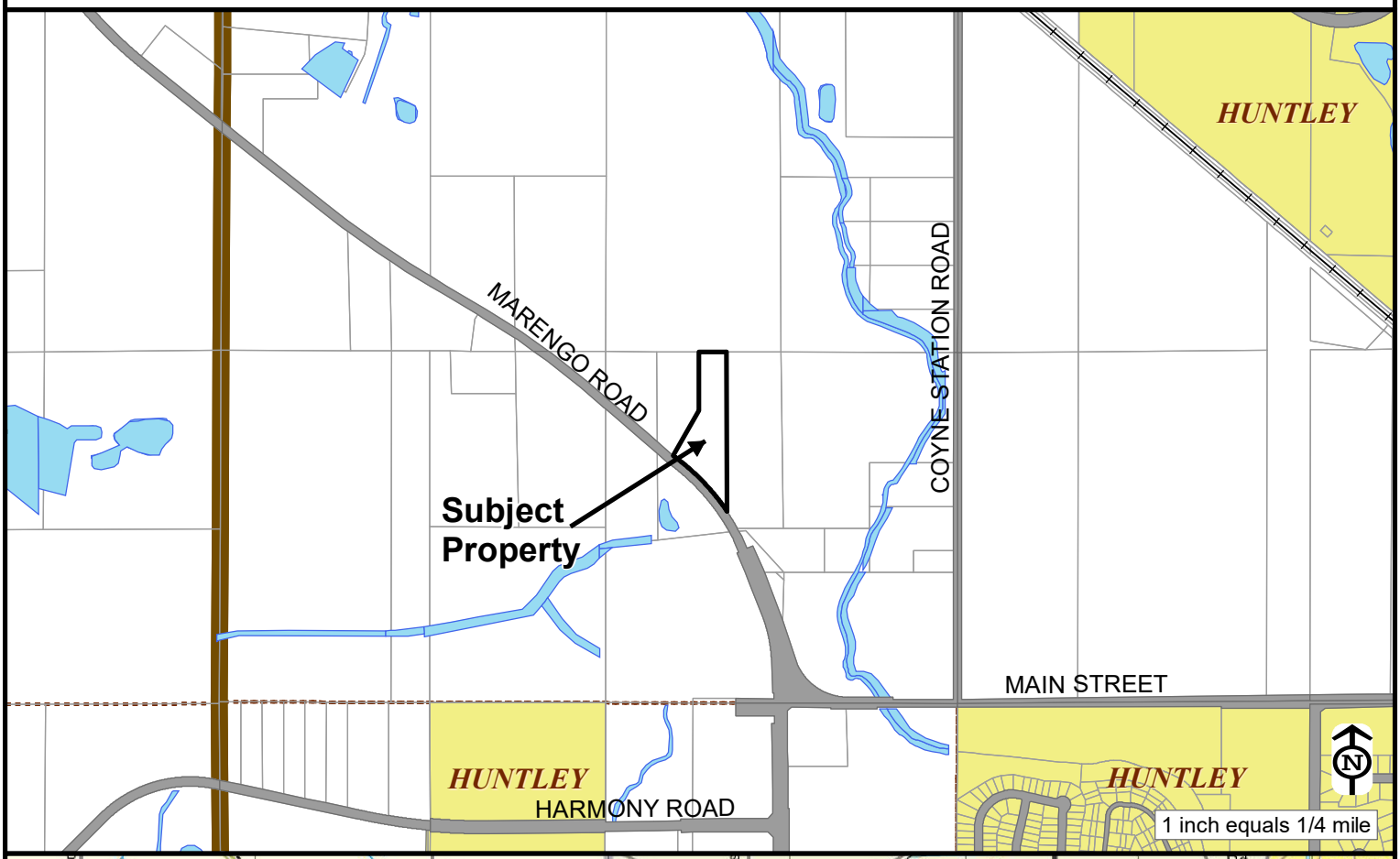
4. The alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.

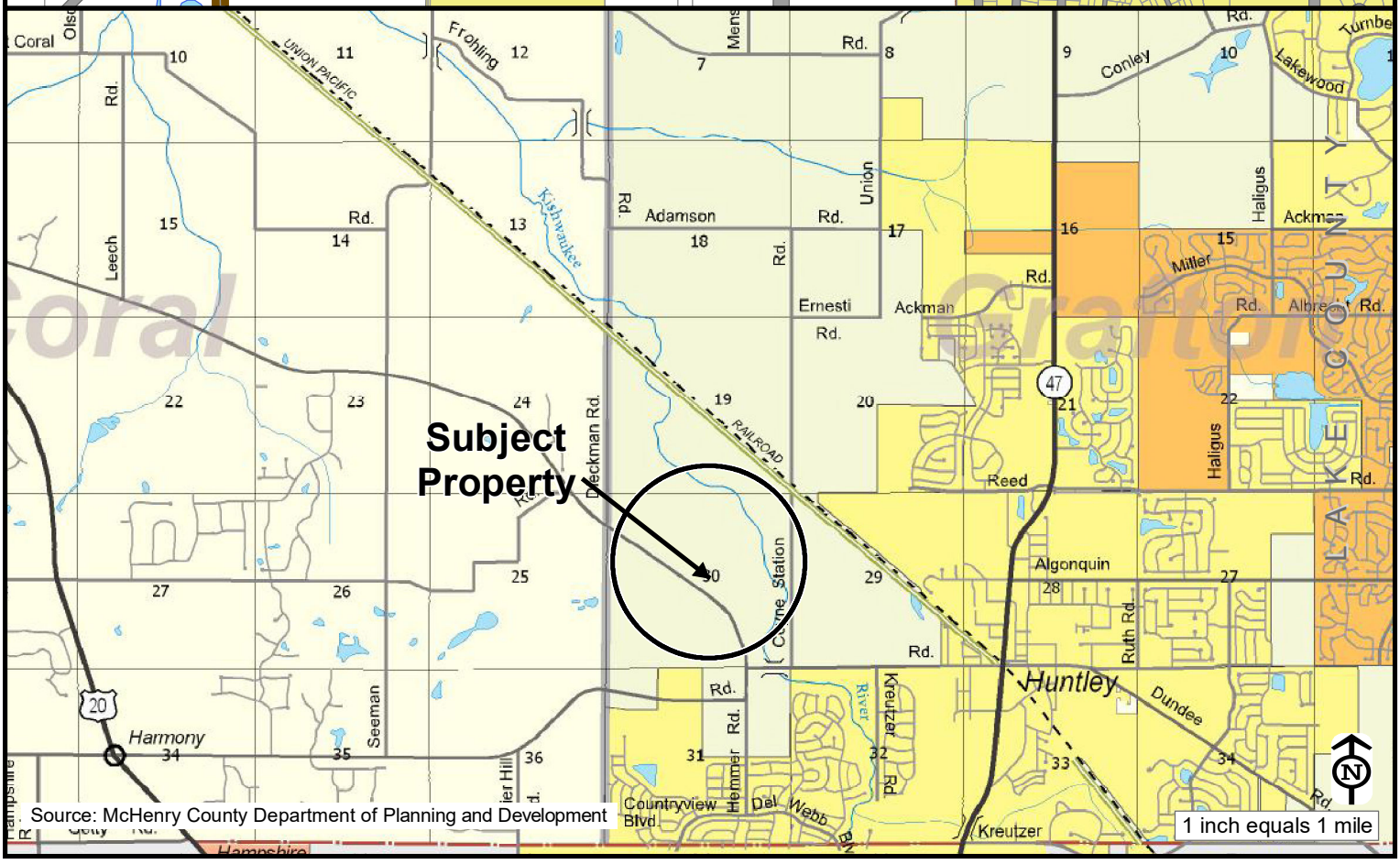
5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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

7. That the granting of the variation requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land or structure of the same zoning district.

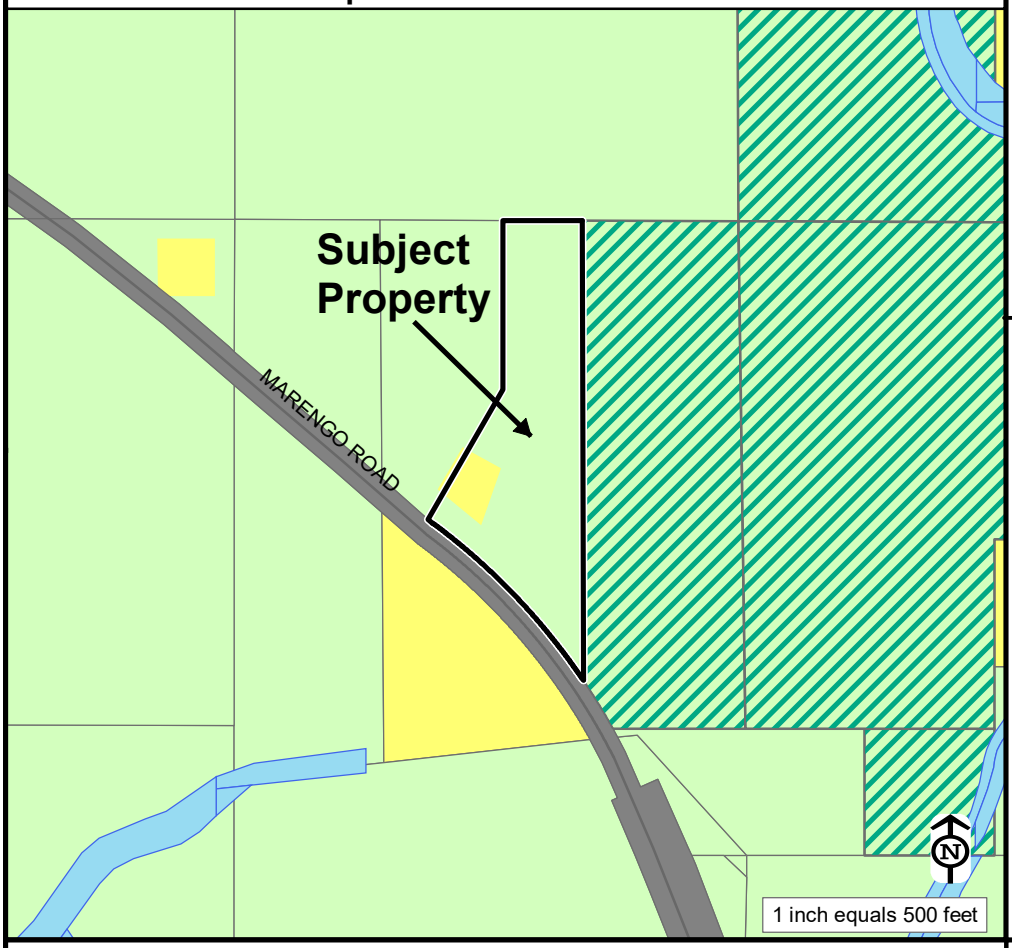
Location Map **13520 Marengo Road, Huntley, Illinois** **Grafton Township**





Source: McHenry County Department of Planning and Development

Current Land Use Map



Current Land Use

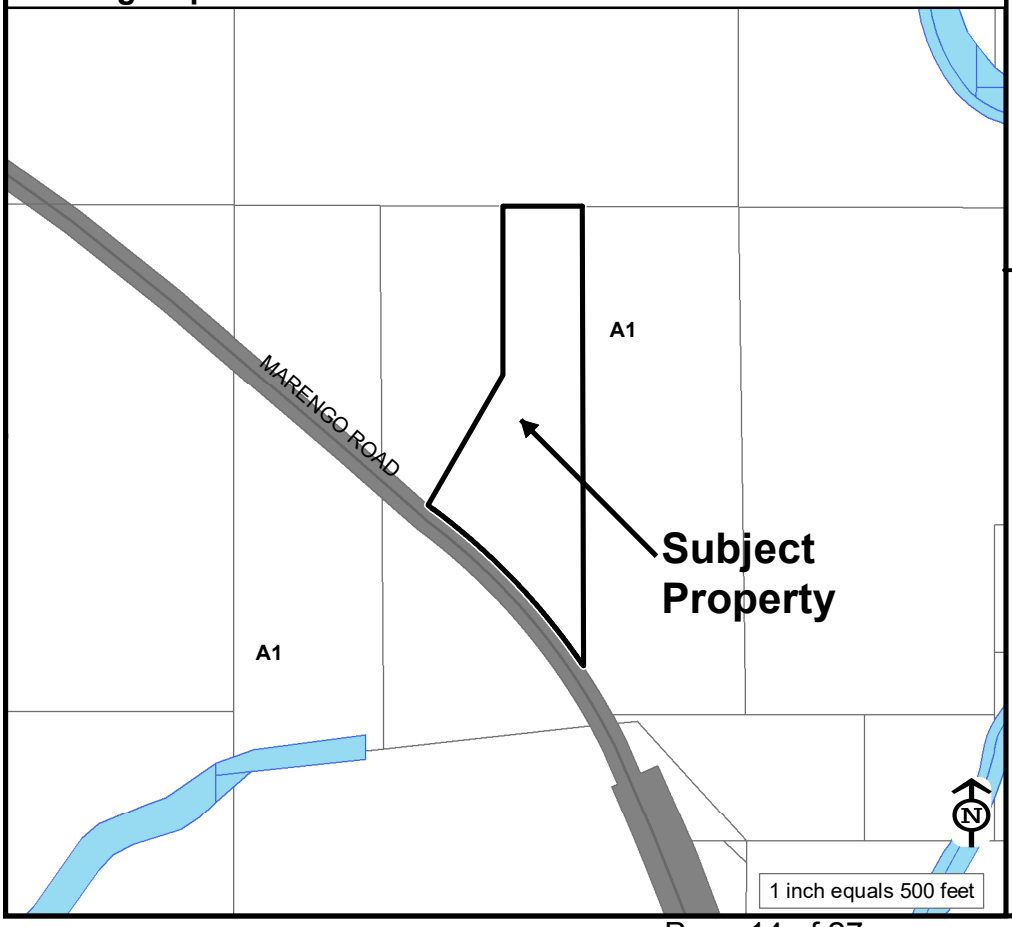
Agriculture and Single-Family Residential

Land Use Adjacent to the PIQ

North:	*Agriculture*
South:	*Single-Family Residential*
East:	*MCCD Agriculture*
West:	*Agriculture*

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities
- Under Review

Zoning Map



Current Zoning

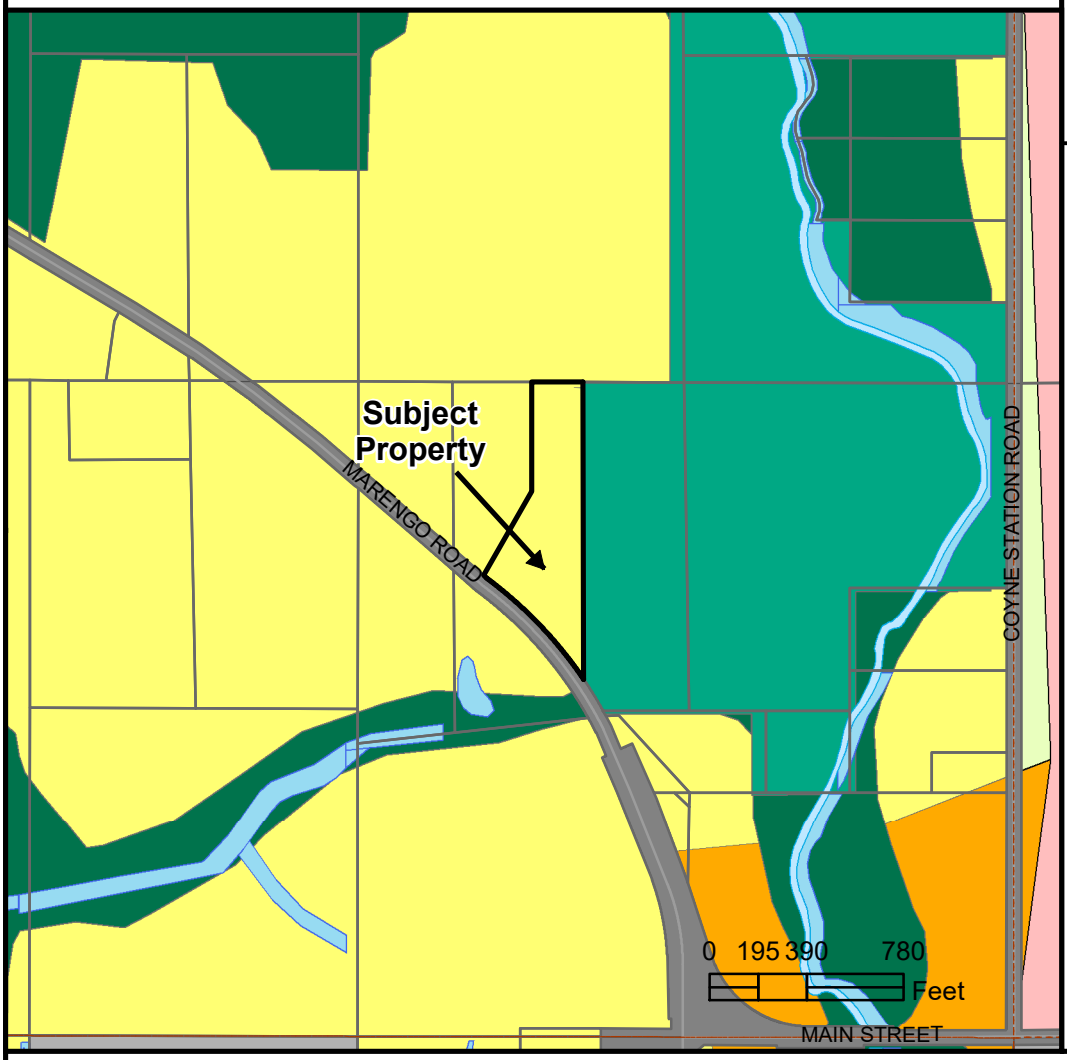
Agriculture

Adjacent Zoning

North:	Agriculture
South:	Agriculture
East:	Agriculture
West:	Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquour Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated
- Legacy Neighborhood

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

ESTATE

- Agricultural
- Open Space
- Environmentally Sensitive Area
- Estate
- Isolated Estate
- Residential
- Isolated Residential
- Retail
- Mixed Use
- Office, Research, Industrial
- Gov't, Institutional, Utilities
- TOD Existing Rail Station
- TOD Future Rail Station
- Active Earth Extraction Site
- Municipality

Scale: 1 inch = 1/8 mile

N

Municipal/Township Plan Designations

Grafton Township: Agriculture

Huntley: Rural Residential

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

Estate includes existing and proposed areas for single-family residential uses at gross densities of one to five acres per dwelling unit. Estate land use is generally designated in areas that are not projected to have access to public sewer and water. Where appropriate, conservation design is encouraged in order to cluster lots and maintain open space within estate developments. Increased estate densities are encouraged where appropriate; however, estate development in close proximity to a municipality should take into consideration that municipality's densities (p. 134).

Sensitive Aquifer Recharge Areas

The site IS NOT located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)

Sensitive Recharge Area

McHENRY-LAKE COUNTY
SOIL & WATER
CONSERVATION DISTRICT

1648 S. Eastwood Dr. Woodstock, Illinois 60098 (815) 338-0444 ext. 3 www.mchenryswcd.org

RECEIVED
APR 19 2022
ZONING DIVISION

April 19, 2022

Jessica Rodarte
13520 Marengo Road
Huntley, IL 60142

Re:	Parcel #18-30-400-016
Common Location:	13520 Marengo Road, Huntley, IL 60142
NRI#	L22-021-4412
Zoning Change:	Conditional Use

Dear Ms. Rodarte:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Jessica Rodarte property as applied for in Report #22-021-4412. Due to no new proposed soil disturbance, the SWCD finds that impact to natural resources from the proposed use is minimal for the purposes of the NRI report. A full Natural Resource Information Report will not be necessary.

No floodplains, wetlands, or hydric soils were found on the site from office maps. However, any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is to occur, please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

This letter fulfills your requirement to notify the SWCD of land use changes as per the Illinois Compiled State Statutes, Chapter 70, Par. 405/1 et seq. Illinois Revised Statutes, Ch. 5, Par 106 et seq. and the McHenry County Stormwater Ordinance. If you have any questions concerning this letter, feel free to call our office.

Sincerely,

Ryan Bieber

Ryan Bieber
Urban Conservation Specialist

cc. Kim Charlow, McHenry County Department of Planning and Development, KBScharlow@mchenrycountyil.gov

Resources for the Future

MCHENRY COUNTY

ZONING BOARD OF APPEALS

MINUTES ● December 8, 2022

Zoning Hearing | **Conference Room A/B** | **1:30 PM**

667 Ware Rd, Woodstock, IL 60098

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2022-019

1. **APPLICANT:** Jessica Rodarte and Ramon Bernal Perez

2. **REQUEST:** Conditional Use Permit in the "A-1" Agriculture District to allow a Reception Facility.

3. **LOCATION AND SIZE OF PROPERTY IN QUESTION:** 13520 Marengo Road, Huntley, Illinois

4. **DATE AND TIME OF HEARING AND VOTING MEETING:** December 8, 2022, 1:30 PM

5. **LOCATION OF HEARING AND VOTING MEETING:** Conference Room A/B, 667 Ware Road, Woodstock, Illinois

6. **PRESENT AT HEARING:**
   A. ZBA Members: David Stone – Chair, Jessica Beverly, Charles Eldredge, Vicki Gartner, Robert Kosin, Kurt Schnable, Donald Smolinski

   B. Witness: Jessica Rodarte, Ramon Bernal Perez, Susan Andrews, Joseph Raclwaski

   C. Attorney:

   D. Public: Anna Kurtzman – County Staff, Kim Scharlow – County Staff, Lillian Bernal, Nico Bernal

7. **ITEMS OF EVIDENCE:**
   None

8. **SUMMARY OF TESTIMONY AT HEARING:**

Chair Stone opened the meeting. Ms. Rodarte introduced her family's proposal to have a reception facility located on the historic property (this property was the home of the founder of Grafton Township). The bulk of the receptions will be held within the dairy barn with some periods where outside amplified music and speaking will occur. The barn will be open during events so people can observe the rural landscape and the farm animals.

The number of guests that will attend will be capped at two hundred (200) with up to fifty (50) people available to run the event (caterers, parking attendants, etc.). The proposed hours of operation would be Fridays from 4:30 PM to midnight, Saturdays from 2:30 PM to 1:00 AM, and Sundays from 2:30 PM to 11:00 PM, from the last two weekends in May to the last weekend in October.

Proposed improvements to the property would be:

- to increase the width of the driveway to twenty-four (24) feet to accommodate two-way traffic,
- provide a 3,150 sq ft addition to the barn to accommodate a catering kitchen (no food to be prepared on-site), restrooms, and accessory rooms for storage, mechanicals, etc.,
- areas will be set aside as an outdoor event space and an outdoor play area for children,
- a gravel parking lot that will accommodate over eighty (80) parking spaces and an area for oversized buses and vans,
- a six (6) foot high privacy fence along a portion of the western property line as denoted on the site plan
- provisions for sanitary sewage that is separate from the house will also need to be provided.

In addition to the Conditional Use Permit, two (2) variances are also being sought. The northeast corner of the existing dairy barn is located nine (9) feet from the eastern lot line (as an accessory structure today's standards requires this to be ten (10) feet from the lot line) and the existing house is located ten (10) feet from the western lot line (today's regulations requires a principal building in the A-1 Agriculture District to be located at least thirty (30) feet from a side lot line).

Mr. Jurs noted that he passes by this property on a regular basis and has observed functions occurring there. He stated that they appeared to be lovely and well run. He reconfirmed the historic nature of the property and it was determined that the McHenry County Historical Society has recognized it and provided a plague.

Mr. Schnable sought clarification regarding information provided in the packet as it appeared there were two (2) site plans. It was determined that the plan on page four (4) of the packet was submitted regarding the improvements associated with the Conditional Use Permit. The plan on page five (5) relates to the variance being sought in for improvements to the residence. To clarify the record, it was determined that these two (2) pages combined will constitute the official site plan.

Mr. Schnable also asked for clarification regarding the construction of the barn. The applicant responded that it will be a metal barn with large overhead doors which will be open during events.

Mr. Eldredge verified that the Staff Plat Review Committee had reviewed and approved the proposed site plan and narrative. He then asked the application to state for the record that the written narrative and responses to the standards for both the conditional use permit and variances were correct. The applicant responded affirmatively.

Mr. Smolinski questioned if eighty (80) parking spaces were enough to accommodate two hundred fifty (250) people. Ms. Rodarte stated that it should be adequate as the eighty (80) spots are largely for the two hundred (200) guests. Most of the other fifty (50) people will be people assigned to work the event and will arrive in buses/vans provided by their employers. She also indicated that there is additional room on the property for additional parking should it be needed. As the parking will be gravel and thus not delineated Mr. Smolinski wanted to know how people would know where to park. Ms. Rodarte responded that they would have parking attendants to assist with this.

Mr. Smolinksi also asked where bands would perform. Ms. Rodarte indicated that they could perform either inside or outside of the barn although they would be located inside the barn most of the time. She stated that pianists or mariachi bands might perform outside during a ceremony. Mr. Smolinski wanted to know if the applicant had considered measures to reduce noise. The applicant indicated that if they needed to make accommodations then they would do so. Mr. Smoliniski noted that neighbors were present and asked if they were supportive of the proposal. Ms. Andrews stated that she was not in support while Mr. Raclwaski stated he did favor the project.

Mr. Kosin requested the definition of a reception facility and wanted to know if there were any unique performance standards for this type of facility. The definition was read aloud and Ms. Kurtzman confirmed that there are no specific performance standards for a reception facility.

Mr. Kosin reviewed the application packet and noted that the number of guests varied from two hundred (200) to three hundred (300). As such, he requested clarification of the maximum number of guests who would attend these events. Ms. Rodarte reiterated that the maximum would be two hundred (200) guests.

He also noted that the narrative stated that the subject property was surrounded by the McHenry County Conservation District (MCCD) however graphics in the report only showed the MCCD lands to be located to the east of the subject property. Mr. Kosin sought clarification on this at which point Ms. Rodarte indicated that barn faces and is "surrounded" by the land owned by the MCCD. She noted that the family home is located towards the western end of the property and that there is a residential property to the west of her family's home.

Mr. Eldredge confirmed with Ms. Rodarte that the house on the subject property is her family's principal residence. He also asked if the family home would be used in conducting any of the receptions. Ms. Rodarte indicated that the house would not be used as part of the CUP. Mr. Eldredge had questions pertaining to the addition to the house. It was determined that the proposed improvements would be vertical, expanding the second floor to extend across the first floor and that no further encroachment to the side property line would occur. It was also reiterated that this space would be personal family use only and would not be part of the conditional use permit.

Chair Stone indicated that events could occur in two (2) areas – inside and outside. He wanted to know what would happen if it rained, where would the people who were outside go? Ms. Rodarte replied that the barn has ample space to accommodate the total two hundred (200) guests.

Ms. Andrews, the western property owner, spoke and described how the existing events disturb her family's enjoyment of their property and asked that the application be rejected. In addition to concerns related to noise she also questioned the location of the septic system's location in relationship to her property and well. She indicated that the location of the retention basin and parking would destroy her family's hay field.

Chair Stone asked staff if there are standard decibel levels. Ms. Kurtzman indicated that the Unified Development Ordinance does not have these types of standards and that the Sherriff's office handles noise complaints.

Mr. Schnable sought clarification regarding Requests for Service (RFS) as they pertain to this property. Ms. Kurtzman stated that the Planning and Development Department had only one RFS on this property. This RFS is related to operating a reception facility without a proper zoning permit. He then inquired about how many

Temporary Use Permits might be granted. Staff indicated that three (3) such permits for Entertainment Events could be issued per calendar year.

Chair Stone asked if there was a way to mitigate the noise disturbances by limiting when noise can occur. Ms. Rodarte reiterated her proposed hours. She offered to enclose the building and insulate it. She also noted that there is a six (6) foot high fence shown on the site plan which would also help reduce noise reaching the neighbor.

Mr. Stone asked Ms. Andrews if sound was the only concern. She indicated that this was her primary concern but that she was also concerned with privacy. Ms. Rodarte responded that her family had planted trees along the property line to address that concern however they died. As a result, she is now proposing to erect the six (6) foot high fence.

Mr. Kosin asked staff if the applicant's proposed hours were consistent with hours of operation for other similar reception facilities. Ms. Kurtzman replied yes.

Mr. Kosin asked Ms. Rodarte if she was working with the historical society regarding the proposed improvements. Ms. Rodarte responded affirmatively.

Considering the proximity of the neighbor's well to the proposed septic system Ms. Beverly asked if the Health Department had evaluated and approved the location of the proposed septic field. Ms. Kurtzman noted that the exact location of the septic system will be determined at the time a septic permit is issued however the Health Department had participated in the review of the site plan and as such she believed that County's standards can be met.

Ms. Andrews indicated confusion, essentially asking if a variance for the house is needed if the improvements are not encroaching closer to her lot line. Mr. Eldredge explained that improvements to an existing non-conforming building cannot occur unless a variance is granted. He noted that the house was built prior to our current codes and as such does not meet today's setback requirements. Because the improvements are occurring on the second story the footprint of the building isn't changing thus the variance being sought wouldn't have the house any closer to the lot line than its current location.

Mr. Raclwaski expressed general support of the proposal, however, he too had a concern regarding noise as well as lights from the venue flashing at his house. He noted that he could plant trees along his property line to mitigate the concerns associated with the lights. Mr. Raclwaski stated that Marengo Road curves in this area which can cause difficulty with seeing vehicles as they enter/exit the property. He inquired about reducing the speed there but was informed that the ZBA cannot effect that change.

In response to the traffic concern Mr. Jurs suggested that the applicant could place temporary signs along their frontage during events advising drivers of "event in progress." Ms. Rodarte responded that she has hired a traffic engineer to work on this concern. Ms. Kurtzman clarified that, in order for MCDOT to do a through evaluation and issue any permits, the ultimate use of the property would first need to be established, which was the purpose of this particular meeting. Establishing the use of the property is paramount before any permit may be issued, whether from MCDOT, Stormwater Management, or the Health Department.

After the conclusion of testimony Chair Stone asked if the applicant and the neighbors thought they could reach an acceptable compromise regarding noise if they were allowed a few minutes to discuss. All parties agreed to take a ten (10) break to allow the applicant and neighbors to discuss their concerns.

At the conclusion of the break Ms. Kurtzman reported that the parties had agreed to three conditions:

- Hours of operation would cease as of 11:00 PM on Sundays and Midnight on Fridays and Saturdays and that outdoor amplified music or speech would be prohibited beyond 8:00 PM on Fridays, Saturdays and Sundays.

- The fence shown on the site plan along the western lot line would be installed prior to any construction associated with the rest of the Conditional Use (this does not apply to any construction associated with the residence).

- The event barn would be insulated to attenuate for sound.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L22-021-4412

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Chair Stone opened the voting meeting immediately following the hearing. Mr. Stone read the four (4) staff recommended conditions. Mr. Eldredge proposed six (6) additional conditions. One of these conditions called for an eight (8) foot high fence extend across the entire western lot lines. Mr. Kosin requested a modification of this condition to have this fence placed along the 391 feet as noted on the plat of survey. Mr. Eldredge agreed to this modification. Mr. Eldredge made a motion, seconded by Mr. Schnable to recommend approval of these ten (10) conditions. This motion carried unanimously.

Mr. Eldredge made a motion, seconded by Mr. Schnable, to recommend approval of the requested conditional use permit for a reception facility with the ten (10) conditions.

Mr. Stone requested discussion of the motion. Mr. Eldredge started that he thought this was an attractive site for this type of facility with relatively few residents in the immediate vicinity. He acknowledged Ms. Andrews' concerns and indicated that he thought that the proposed conditions would attenuate most of the concerns. He indicated that there is a need for this type of business, basing this statement upon the number of similar venues throughout the County.

Mr. Schnable concurred with Mr. Eldredge's statements. He noted that developing this type of agritourism business is often more difficult than applicant's initially think but he is hoping that this facility does occur and that it will be successful.

Ms. Beverly stated that this is a great plan for this property and that there is a need for this type of venue to be centrally located in the County. She noted that Huntley has hotels and other businesses which will benefit from this facility, all of which will be good for the County's tax base.

The remaining board members indicated that they are in support of the application. Mr. Kosin, Mr. Smolinski and Mr. Stone commended the applicant and the neighbors for working together to come to a compromise.

Mr. Eldredge made a motion, seconded by Mr. Schnable, to recommend approval of the requested conditional use permit for a reception facility subject to ten (10) conditions. This motion passed unanimously.

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- There is a market for rural reception facilities.
- There are relatively few residents in the immediate vicinity.
- Increase in tax base.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

None

14. MOTION: A motion was made by Mr. Eldredge, seconded by Mr. Schnable, to recommend approval of the following ten (10) conditions.

1. The Conditional Use Permit shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The applicant shall apply for a Highway Access Permit within three (3) months of County Board approval of this Conditional Use Permit.
3. The applicant shall apply for a Stormwater Management Permit & building permit for conversion of existing buildings within nine (9) months of County Board approval of this Conditional Use Permit.
4. All live music shall be performed inside the facility and the outdoor amplification of sound, whether live or electronic, shall end by 8:00 PM any day of the week.
5. Hours of operation for all events shall end by midnight on Fridays and Saturdays and by 11:00 PM any other day of the week.
6. Before construction associated with the CUP begins, an eight (8) foot high privacy fence shall be erected along the three hundred ninety-one (391) feet of the western lot line from the southwestern corner of the property, said length being reflected on the attached plat of survey.
7. The maximum number of people associated with any event shall be the lesser of two hundred fifty (250) people or the maximum number allowed by the McHenry County Department of Health.
8. Construction and operation of the facility shall conform to the site plan attached hereto.
9. The interior of the facility shall be insulated with sound attenuating material.
10. All other federal, state, and local laws shall be met.

This motion passed unanimously. A second motion was made by Mr. Eldredge, seconded by Mr. Schnable, to recommend approval of the requested conditional use permit for a reception facility subject to ten (10) conditions.

15. VOTE:

7 – AYES; 0 – NAYS; 0 - ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL.

Full Comments for the above agenda items are included in the audio recording of this meeting, which can be found on the McHenry County Meeting Portal.

Okay. So, Mr. Kosin's asked me to clarify the Saturday times. Saturday, the event would end at midnight. Outdoor amplified music would cease at 8:00 PM.

Robert Kosin:

Thank you, Mr. Chairman.

David Stone:

Okay. So, now the board feels like we're complete with the information that we need. Is there anything further that you wanted to add, either clarify with what was just read or anything else?

Jessica Rodarte:

I mean, I think we agree with this. I mean, it's a good compromise. I mean, we have to respect our neighbors as well and we understand that it's their privacy. So, yes, we're willing to be able to work with the hours and figuring out a way to insulate the barn for the noise.

David Stone:

Okay. Well, that sounds great to me. So, we're going to close the testimony portion of the meeting and we're going to open a voting meeting and we're going to start with conditions. Let me just have a little sidebar with Mr. Eldredge. Do you want me to read these and then we can change them then?

Charles Eldredge:

Those aren't for conditions. Conditions are here on-

Anna Kurtzman:

On page 10.

Charles Eldredge:

Yeah, page 10 to 27. There. And I have number of suggestions.

David Stone:

I understand that.

Anna Kurtzman:

I might need your notes out.

David Stone:

If Kosin doesn't get in on this I'll be amazed.

Number one, the condition of use permit shall expire 10 years from the date of approval by the McHenry County board.

Number two, apply for highway access permit within three months of county board's approval of this conditional use permit. I guess that would be the petitioner shall apply.

That would be intermittent, yeah.

Anna Kurtzman:

Yeah.

David Stone:

Number three, petitioner shall apply for a stormwater management permit and building permit for conversion of existing building within nine months of county board approval of the conditional use permit.

Number four is all federal, state and local laws shall be met. Are there any motions?

Charles Eldredge:

Yes, Mr. Chair, if I may.

David Stone:

Proceed.

Charles Eldredge:

I would like to propose a condition that the music

David Stone:

microphone on

Charles Eldredge:

Oh, I'm sorry. I'd like to propose a condition that all live music be performed inside the facility, that outside amplification of the music cease at 8:00 PM any day of the week.

David Stone:

Let's, let's put some numbers on these. The first one would

Charles Eldredge:

Be number, let's make it a new number four, because usually the place, the present number four is always the last one.

David Stone:

Okay.

Charles Eldredge:

So, a new number four is that all live music shall be performed inside the facility and that outside amplification of music, whether live or electronic, shall end at 8:00 PM any day of the week.

David Stone:

That would be number five.

Charles Eldredge:

Yes. A new number six is that the hours of operation, all events shall end at midnight Friday and Saturday and no later than 11:00 PM any other day of the week.

Kurt Schnable:

Mr. Eldredge?

Charles Eldredge:

Yes sir.

Kurt Schnable:

Would that not be item number five in light of the fact that number four was the live music 8:00 PM.

Charles Eldredge:

Yes. That would be number five. Should, should we vote on these individually or wait until I get through all of them?

Kurt Schnable:

I believe you said it was line item six, that's why I just make sure.

Charles Eldredge:

Oh, I apologize. New line item five. Yeah. Should we, Dave, do you want me to go through these all or should we vote on them one at a time?

David Stone:

Well, are we done with them?

Charles Eldredge:

No,

David Stone:

Let's get done with them and then,

Charles Eldredge:

Okay. I would, that before construction takes place, the facility or any events take place that an eight foot privacy fence be erected from, on the western border of the property from the front of the property to the end of parking. That would be on the north end of the prop. The part of the north end of the property where the parking lot is. That the number of people permitted for any event shall be the lesser of the number of people, the safe occupancy, as determined by the Department of Health for the facility or 250 people. In other words, if the Department of Health determines that fewer than 250 people may safely occupy the building, then that's the maximum. But if they determine that it's a larger number than 250, 250 is still the number of people next. Is that their construction

David Stone:

And what number?

Charles Eldredge:

I believe I'm at eight.

David Stone:

Okay.

Charles Eldredge:

Nine is that construction and operation of the facility shall conform to the site plan and 10 is that the interior of the venue facility shall be insulated with sound attenuating material. And that's all I have. I defer now to Mr. Kosin, if he has additional warnings.

Mr. Kosin:

Mr. Chairman, I have no disagreement with the list, just in terms of the qualifications, in terms of length of the fence on the west line. I'm wondering if Mr. Eldredge would consider limiting it to the 391 feet, which would adjoin the improved portion of it as opposed to go to the most northern limits of the lot line. Given that there would be over a 700 / 800 foot length fence.

Charles Eldredge:

Yes. I'll, I'll agree.

David Stone:

To what number?

Jessica Beverly:

Number Six.

Mr. Kosin:

Thank you. That's number six. And again, that information was taken from the submitted plat of survey in the application.

David Stone:

I'm just turning to the applicants. Does this seem to be correct?

Ramon Bernal:

So, the fence height we had proposed was six foot, so it's going to go to eight foot. Just want to clarify.

Charles Eldredge:

Yes.

Ramon Bernal:

Okay.

David Stone:

Okay. One little item. The paperwork that we have has your last name as Perez.

Ramon Bernal:
I'm sorry.

David Stone:
Paperwork we have has your last name as Perez. Is it something different than that?

Ramon Bernal:
No, it's Bernal.

David Stone:
Burnal.

Ramon Bernal:
Burnal / Perez. My maiden is Perez, but for some reason my, I've always used both of them.

David Stone:
Okay.

Jessica Rodarte:
That's how they do it in Mexico. They always use both last names, the dad's and the mom's.

David Stone:
I get it. Okay.

Jessica Rodarte:
Yeah.

David Stone:
All right. Entertain a motion to prove the 10. Is it 10 of them?

Anna Kurtzman:
It's a total of 11.

Charles Eldredge:
11.

David Stone:
11 conditions.

Charles Eldredge:
I will so move.

David Stone:
Is there a second?

Kurt Schnable:
I will second.

David Stone:
Move by Eldredge. Second by Schnable that we approve the 11 conditions. All those. I'm going to do this by roll call. Following the rule now. Eldredge?

Charles Eldredge:
Yes.

David Stone:
Smolinski?

Donald Smolinski:
Yes.

David Stone:
Kosin?

Mr. Kosin:
Yes.

David Stone:
Oh, oh for crying out loud.

Kurt Schnable:
Schnable, Yes.

David Stone:
Schnable...Yes,
Beverly,

Jessica Beverly:
Yes.

David Stone:
And Jurs?

Thomas Jurs:

Yes.

David Stone:

Okay then the conditions are approved. Now I'll entertain a motion to approve the application for, wait a minute, we have to do the [inaudible 01:31:15] ,

Charles Eldredge:

Yes. I move adoption of the conditional use subject to the conditions and the variances as proposed.

David Stone:

Fair Second.

Kurt Schnable:

I second that.

David Stone:

Moved by Eldredge, seconded by Schnable. Some days this happens, that we approve the conditions with the variances as published. The question. Oh,

Charles Eldredge:

Discussion?

David Stone:

Yeah. With discussion? Starting with Elredge?

Charles Eldredge:

Yes. I believe that this is a very attractive site for this purpose. I think that we have had some considerable discussion about problems that the neighbor to the West has had. And I think that imposing requirements that we have done will attenuate most of them. The neighbor to the west has indicated that at least a number of them will help her view of the project. I think that the area is suitable for this kind of a thing because it is relatively out in the country with relatively few people around.

It has been made clear by the success of a number of other similar venues throughout the county that there is a market for this sort of thing. So, what is important in having them be both successful and good neighbors, is that the rules be adhered to. So, if the rules are adhered to, I think we've created a set of rules that will result in something that will be attractive in the community, financially successful and desirable for McHenry County. And therefore, with a strong urging to the petitioner that they make sure that they do in fact follow the rules, I will support the petition.

Kurt Schnable:

I'd like to say that I agree with Mr. Eldredge on what's been said. I would just like to make a comment for the adjoining neighbor who has been very upset with this whole process. I'd just like to remind the public as a whole, property owners in general in the county have certain rights when it comes to requesting a conditional use permit. This would not, in some ways it's not at all unlike, in the early days when we would have conditional uses come up with cell towers and everybody of course we opposed to

those, they don't want that joining their property. And in recent years we've had conditional uses for earth extraction, gravel pits that have wanted to expand and so forth. And of course that may not be desirable and to a certain neighbor, group of neighbors, unfortunately a landowner does have some ability to request that.

And we went through a year or so of construction of these large industrial, almost industrial scale solar farm projects that have been approved in many locations. This, I live next to a tree nursery. The ownership has changed. The nursery operation has gotten a lot larger. It's actually just across the county line at DeKalb. There's nothing that I can do about it as a neighbor. Certain things we have to expect. We live in a rural area that are beyond our control. But I do, just in summation, say that I'm very familiar with the property. I know the cars typically go 65, 70 miles an hour down the Marengo road. So, I understand the concerns from the other neighbor. That's not going to change anytime soon. I could give my narrative on four lane highways, not going to happen there for quite some time, if in our lifetime.

Be that as it may. I think overall that there are a lot of pluses available here. These types of facilities we've given CUPs to. In the past, people that want to build out dairy barns and so on and so forth, typically they encounter more roadblocks than they expect to when they're in the planning stage. So, I'm sure whatever you do, for the time you jump through all the rules and hoops, it won't be as easy as you might think. But however, in the end we're hoping that this will provide a benefit of some kind of a agri-tourism type thing. Like you would have at an Apple orchard, for example, on route 176 or a conditional use for a landscaping company where they're bringing in heavy trucks and so on and so forth, employees, et cetera. So, in light of all of those facts, I'm very much inclined to support the petition. I will do so this time.

David Stone:

Mrs. Beverly

Jessica Beverly:

Thank you. I think this sounds like a really great plan for this property. There is definitely a need for event venue spaces like this in the county that's centrally located in Huntley. Huntley has hotels and things like that to offer the public. I think it's great for our tax base and I support the petition.

David Stone:

Mr. Jurs,

Thomas Jurs:

I'm in supporter of the project.

David Stone:

Mr. Kosin.

Mr. Kosin:

Thank you Mr. Chairman. There's an expression somewhat sanitized that the process of governing is never very pretty. And yet I believe we have seen an excellent example of McHenry County doing its utmost to balance the iinterests that are before us. I'm sure that the applicant has been before events in which each person at the table said theirs was the event they would otherwise make or break it. This

application brings many wonderful things to that part and I have learned much more about the history and I wish them all success by beginning to say that I too support this petition.

David Stone:

I agree with everything that's been said so far.

Charles Eldredge:

Mr. Smolinski

Donald Smolinski:

Thank you.

David Stone:

Oh, I'm sorry. This guy was blocking me. Mr. Smolinski. I'm sorry.

Donald Smolinski:

Okay. I want to commend both the petitioner and the neighbor for coming to an acceptable compromise that will allow this to go forward. I hope that spirit of cooperation extends into the future as well. I hope it does. I think this will be an excellent addition of her receptionary in the area. I live close by. I live in Del Webb in Huntley, so I know where you're at. So, with that in mind, I will support the petition as well.

David Stone:

I agree with everything that's been said so far. I do commend the parties for getting out in the hallway and coming up with actually a lot more than I expected you to come up with. That was wonderful. So, good luck to you in your business. Good luck to you in your home. And that concludes the meeting.

Charles Eldredge:

No, we haven't taken the vote.

David Stone:

Oh, we haven't taken a vote.

Charles Eldredge:

No.

David Stone:

I'm anxious to get the heck out of here, I guess. Okay. Here's the vote. Beverly?

Jessica Beverly:

Yes.

David Stone:

Jurs.

Thomas Jurs:
Yes.

David Stone:
Stone?
Yes.
Smolinski?

Donald Smolinski:
Yes.

David Stone:
Schnable?

Kurt Schnable:
Yes.

David Stone:
Kosin?

Mr. Kosin:
Yes.

David Stone:
Eldredge?

Charles Eldredge:
Yes.

David Stone:
That's a 7 - 0 vote in favor of recommending approval of the application. That concludes the hearing.

PART 4 OF 4 ENDS [01:40:14]