

IN THE MATTER OF THE APPLICATION OF)	
Amy Lienhard and April Howard, owners of record)	
FOR AN AMENDMENT OF THE UNIFIED)	#2022-009
DEVELOPMENT ORDINANCE OF McHENRY)	
COUNTY, ILLINOIS FOR A CONDITIONAL USE)	

WHEREAS, your Petitioner, **Amy Lienhard and April Howard**, as your Owners and Applicants, has filed a petition 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:

THE WEST THIRTY (30) ACRES OF THE NORTH HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN McHENRY COUNTY, ILLINOIS.

PIN # 13-31-100-002

13619 IL RT 176, Woodstock, Illinois, in Dorr Township

WHEREAS, the Petition 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 Landscape Business with Outdoor Storage.**

WHEREAS, the subject property consists of approximately **29.341 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 Landscape Business with Outdoor Storage, with the following conditions:**

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan prepared by R.B. Custom Designs Inc, dated 11/2/22. Said site plan shall be modified to delineate where processing of materials will occur. Notwithstanding the foregoing that the south border of the property shall have Arbor vitae as required on the east border of the property. Said Arbor vitae shall be installed in two rows planted six feet apart offset from the other row.

3. The property owner shall submit an application for a Stormwater Management Permit within four (4) months of approval by the County Board of this Conditional Use Permit.
4. The property owner shall submit applications for building permits for the existing bins and hoop structures within forty-five (45) days of approval of this Conditional Use Permit by the County Board.
5. The maximum height of bins and the materials contained within them shall not exceed six (6) feet in height.
6. Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.
7. Retail sales shall be prohibited on site.
8. All other federal, state, and local laws shall be met.
9. The hours of operation of the tub grinder shall be limited to weekdays from 7:00 AM to 4:00 PM, excluding holidays.
10. Reasonable containment for spills for fuel and/or solvents shall be constructed to comply with the standards to be decided by the Planning and Development Department to protect groundwater.

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 Landscape Business with Outdoor Storage, with the following conditions:*

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan prepared by R.B. Custom Designs Inc, dated 11/2/22. Said site plan shall be modified to delineate where processing of materials will occur. Notwithstanding the foregoing that the south border of the property shall have Arbor vitae as required on the east border of the property. Said Arbor vitae shall be installed in two rows planted six feet apart offset from the other row.
3. The property owner shall submit an application for a Stormwater Management Permit within four (4) months of approval by the County Board of this Conditional Use Permit.

4. The property owner shall submit applications for building permits for the existing bins and hoop structures within forty-five (45) days of approval of this Conditional Use Permit by the County Board.
5. The maximum height of bins and the materials contained within them shall not exceed six (6) feet in height.
6. Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.
7. Retail sales shall be prohibited on site.
8. All other federal, state, and local laws shall be met.
9. The hours of operation of the tub grinder shall be limited to weekdays from 7:00 AM to 4:00 PM, excluding holidays.
10. Reasonable containment for spills for fuel and/or solvents shall be constructed to comply with the standards to be decided by the Planning and Development Department to protect groundwater.

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: _____



McHenry County
Zoning Board of Appeals - Zoning Hearing
AGENDA

January 5, 2023, 1:30 PM

Conference Room A

Administration Building, 667 Ware Rd., Woodstock, IL 60098

Pages

1. CALL TO ORDER
2. ROLL CALL
3. NEW BUSINESS / PUBLIC HEARING
 - 3.1 2022-009 Leinhard/Eddie's Landscaping - Dorr TWP - A1-A1C 2
4. OLD BUSINESS
5. PUBLIC COMMENT

Topics unrelated to public hearing - 3-minute time limit per speaker
6. ANNOUNCEMENTS
7. ADJOURNMENT

2022-009

APPLICATION FOR ZONING PETITION, ADMINISTRATIVE VARIATION OR SITE PLAN REVIEW

OWNER INFORMATION: Name <u>Amy Lienhard</u> Address <u>13619 IL Route 176</u> City, St, Zip <u>Woodstock, IL 60098</u> Daytime Phone <u>815-509-2542</u> Email <u>eddie'slandscaping@gmail.com</u>	ATTORNEY or AGENT CONTACT INFORMATION (If Applicable): Name _____ Address _____ City, St, Zip _____ Phone _____ Email _____
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PETITIONER (If other than owner): Name _____ Address _____ City, St, Zip _____ Daytime Phone _____ Email _____	TRUSTEE/BENEFICIARY/OFFICERS/DIRECTORS/CONTRACT PURCHASER (please use separate page for additional information): Name _____ Address _____ City, St, Zip _____ Phone _____ Email _____
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PARCEL INFORMATION: Address <u>13619 IL Route 176</u> City <u>Woodstock</u> IL Zip <u>60098</u> Parcel/Tax Number <u>13-31-100-002</u> Number of Acres <u>29.34</u>	<div style="border: 2px solid blue; padding: 10px; text-align: center;"> <p>RECEIVED</p> <p>FEB 22 2022</p> <p>ZONING DIVISION</p> </div>
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Applying For: (Check all that apply)	<input type="checkbox"/> Reclassification	Current Zoning: _____ Requested Zoning: _____
	<input checked="" type="checkbox"/> Conditional Use & Site Plan Review	CUP Request: <u>Landscaping business with outdoor signs</u>
	<input type="checkbox"/> Variation, Administrative <input type="checkbox"/> Variation, Zoning	Variation Request: _____
	<input type="checkbox"/> Site Plan Review	Type: _____
	<input type="checkbox"/> Text Amendment	UDO Section(s): _____
<input type="checkbox"/> Appeal	Type: _____	

Please provide additional information on the back of this page.

MCHENRY COUNTY PLANNING AND DEVELOPMENT
2200 N. SEMINARY AVENUE, WOODSTOCK, IL 60098
815-334-4560

Office Use Only

Petition #/Permit #

2022-009

APPLICATION FOR ZONING PETITION, ADMINISTRATIVE VARIATION OR SITE PLAN REVIEW

OWNER INFORMATION:

Name

April Howard

Address

13619 FL Route 176

City, St, Zip

Woodstock FL 60098

Daytime Phone

815-569-2542

Email

eddie'slandscaping@gmail.com

ATTORNEY or AGENT CONTACT INFORMATION (If Applicable):

Name

Address

City, St, Zip

Phone

Email

PETITIONER (If other than owner):

Name

Address

City, St, Zip

Daytime Phone

Email

TRUSTEE/BENEFICIARY/OFFICERS/DIRECTORS/CONTRACT PURCHASER (please use separate page for additional information):

Name

Address

City, St, Zip

Phone

Email

PARCEL INFORMATION:

Address

City

Zip

Parcel/Tax Number

Number of Acres

RECEIVED

FEB 22 2022

ZONING DIVISION

Applying For: (Check all that apply)	<input type="checkbox"/> Reclassification	Current Zoning:	Requested Zoning:
	<input type="checkbox"/> Conditional Use & Site Plan Review	CUP Request:	
	<input type="checkbox"/> Variation, Administrative	Variation Request:	
	<input type="checkbox"/> Variation, Zoning	Type:	
	<input type="checkbox"/> Site Plan Review	UDO Section(s):	
	<input type="checkbox"/> Text Amendment	Type:	
	<input type="checkbox"/> Appeal		

Please provide additional information on the back of this page.

NARRATIVE: Please use this space to explain your request in detail.

Running a Nursery and Landscape
Trucks - used to transport materials to and from customers
Skid Loaders - transport pallets and nursery stock
Wheel Loaders
Outside Bins for Landscape Materials
Piles of Mulch, Firewood and topsoil
Woodchippers
Log grinders
Tractors for Nursery - haul materials and cultivate
Brick material, Stones and rocks
Gas and Diesel tanks - used for trucks +
Garbage Dumpster
Employees - 10
Hours: 7-6
open February to December
Employees - Plant trees, shrubs, Evergreens - repot plants
Sell Wholesale Nursery stock, Mulch, Firewood and yard materials
Office - to invoice, sales, and promotional material

CONSENT

I/We hereby authorize that the aforementioned petitioner, attorney, and agent may act and testify on my behalf as my agent in the matter of this zoning application regarding the property listed above that is the subject of this application.

VERIFICATION

I/We hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

Owner's Signature

Print Name

Signature

Print Name

SUBSCRIBED and SWORN to before me
this 16 day of December, 2021.

NOTARY PUBLIC

OFFICIAL SEAL
XOCHITL SALAZAR
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 01/29/2023

NARRATIVE: Please use this space to explain your request in detail.

Running a Nursery & Landscape
Trucks - used to transport materials to & from
Customers Skid Loaders - transport pallets and
Nursery Stock
Wheel Loaders
outside bins for landscape materials - Piles of mulch,
firewood and topsoil, wood chippers, Tub grinders
tractors for Nursery: haul materials and cultivate
Brick material - Stones and rocks
Gas and Diesel Tanks - used for trucks
Garbage Dumpster
of Employees = 10 7am - 6pm open Feb - Dec.
Employees - plant trees, shrubs, Evergreens - re-pot plants
sell wholesale Nursery Stock, mulch, firewood and
yard materials
office - send/prepare invoices, sales and
promotional material.

RECEIVED

FEB 22 2022

ZONING DIVISION

CONSENT

I/We hereby authorize that the aforementioned petitioner, attorney, and agent may act and testify on my behalf as my agent in the matter of this zoning application regarding the property listed above that is the subject of this application.

VERIFICATION

I/We hereby verify and attest to the truth and correctness of all facts, statements and information presented herein.

April Howard
Owner's Signature

April Howard
Print Name

[Signature]
Signature

April Howard
Print Name

SUBSCRIBED and SWORN to before me
this 18 day of February, 2022.

[Signature]
NOTARY PUBLIC



CONSENT TO ON-SITE INSPECTION

I/We are the owners of record of the real estate which is the subject of this petition. Petitioners of the described real estate do hereby freely and voluntarily consent to inspection of the site of the parcel in question for purposes of determining the appropriateness of the pending proposed zoning petition by the Zoning Enforcement Officer and/or designated representative, McHenry County Zoning Board of Appeals or where applicable, the McHenry County Hearing Officer, and hereby release such persons from any liability based in whole or in part on the inspection of the parcel in question. That in exchange for the above actions by the Petitioner(s), McHenry County agrees that the Zoning Enforcement Officer and/or designated representative, member of the Zoning Board of Appeals or, if applicable, the McHenry County Hearing Officer, will inspect the parcel in question prior to considering the evidence presented upon the above petition. In the case of Conditional Use applications, if approved by the McHenry County Board, the Zoning Enforcement Officer and/or designated representative many inspect the property periodically to ensure compliance with the adopting ordinance and any conditions therein.

ACCEPTANCE OF FEES FOR COURT REPORTING SERVICES

I/We, the petitioner(s), verify that I/we are aware of the contractual relationship between the County of McHenry and Court Reporting Service. Petitioner(s) agree to utilize the Court Reporting Services as contracted for by McHenry County and agree to directly reimburse said reporting service for all incurred transcript fees and associated costs for hearings before the McHenry County Zoning Board of Appeals or where applicable, the McHenry County Hearing Officer unless determined otherwise by McHenry County. The petitioner(s) further recognizes failure to fully reimburse said Court Reporting Service prior to the scheduled County Board Date will grant McHenry County the unconditional right to withhold the petition from McHenry County Board action. Petitioner(s) further understands that transcripts shall be retained by McHenry County as part of the permanent zoning application file.

ZONING APPLICATION INTERPRETATION

I/We understand that the McHenry County Department of Planning and Development Staff will review and evaluate this application per the text of the McHenry County Unified Development Ordinance, the Official Zoning Maps, and any relevant documentation provided by the applicant and otherwise available to the Department, and consult with other staff to create a summary petition and staff report.

ACCEPTANCE OF FEES FOR NOTIFICATION

I/We, the petitioner(s), authorize the McHenry County Department of Planning and Development Staff to produce the Legal Notice of Public Hearing to be published and mailed per the requirements of Chapter 16.16 (Zoning Application Process) of the McHenry County Code of Ordinances. I/We agree to reimburse the County for the cost of certified mailing and publication to the newspaper, prior to a vote by the McHenry County Board, in order to meet the notification requirements for a public hearing by Illinois State Statute.

April Howard
Owner's Signature
April Howard
Print Name

Amy Lieber
Signature
Amy Lieber
Print Name

SUBSCRIBED and SWORN to before me
this 18 day of February, 2022.

[Signature]
NOTARY PUBLIC



RECEIVED

FEB 22 2022

ZONING DIVISION

Approval Standards for Conditional Use
(McHenry County Unified Development Ordinance §16.20.040E)

This form must be completed for requests for conditional use. Yes and No answers are insufficient, please provide a minimum one or two sentence explanation.

1. Please describe how the conditional use meets all applicable standards of UDO §16.56 (Use Standards) and §16.60 (Site Development Standards)?

We have adjusted Site Plan to meet county requirements

2. Is the conditional use compatible with the existing or planned future development of the area?

yes

3. Is the conditional use detrimental to or endanger the public health, safety, morals, comfort or general welfare of the area?

No

4. Will the conditional use be injurious to the use and enjoyment of other property in the area?

No

5. Will the conditional use substantially diminish and impair property value in the area?

No

6. Are adequate utilities, access roads, drainage, and other necessary facilities provided?

yes

7. Has conditional use operation been designed to provide ingress and egress to minimize traffic congestion and hazard on the public streets?

yes

8. Will the conditional use conform to the applicable standards of the underlying zoning district?

yes

IN THE MATTER OF THE APPLICATION OF)
Amy Lienhard and April Howard, owners of record)
FOR AN AMENDMENT OF) LEGAL NOTICE OF PUBLIC HEARING
THE UNIFIED DEVELOPMENT ORDINANCE OF) #2022-009
McHENRY COUNTY, ILLINOIS FOR A **CONDITIONAL USE**)

Notice is hereby given in compliance with the McHenry County Unified Development Ordinance, that a public hearing will be held before the **McHenry County Zoning Board of Appeals**, in connection with this Ordinance, which would result in a **Conditional Use** for the following described real estate:

THE WEST THIRTY (30) ACRES OF THE NORTH HALF OF LOT 1 OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN MCHENRY COUNTY, ILLINOIS.

PIN # 13-31-100-002

The subject property is located **on Illinois Route 176 approximately one thousand three hundred and twenty-five (1325) feet East of Sunnyside Road, with a common address of 13619 IL RT 176, Woodstock, Illinois, in Dorr Township.**

The subject property is presently zoned **“A-1” Agriculture District** and consists of approximately **29.341 acres** with **“A-1” zoning to the North, South, East and West.**

The Petitioner is requesting **a Conditional Use of the subject property to allow for the operation of a LANDSCAPE BUSINESS with OUTDOOR STORAGE.**

The Petitioners, **AMY LIENHARD and APRIL HOWARD** presently reside at **13619 IL RT 176, Woodstock.**

A hearing on this Petition will be held on the 5th day of January, 2022 at 1:30 P.M. in room # A at the McHenry County Government Center/Ware Rd. Administration Building, 2200 N. Seminary Avenue, Woodstock, Illinois at which time and place any person desiring to be heard may be present.

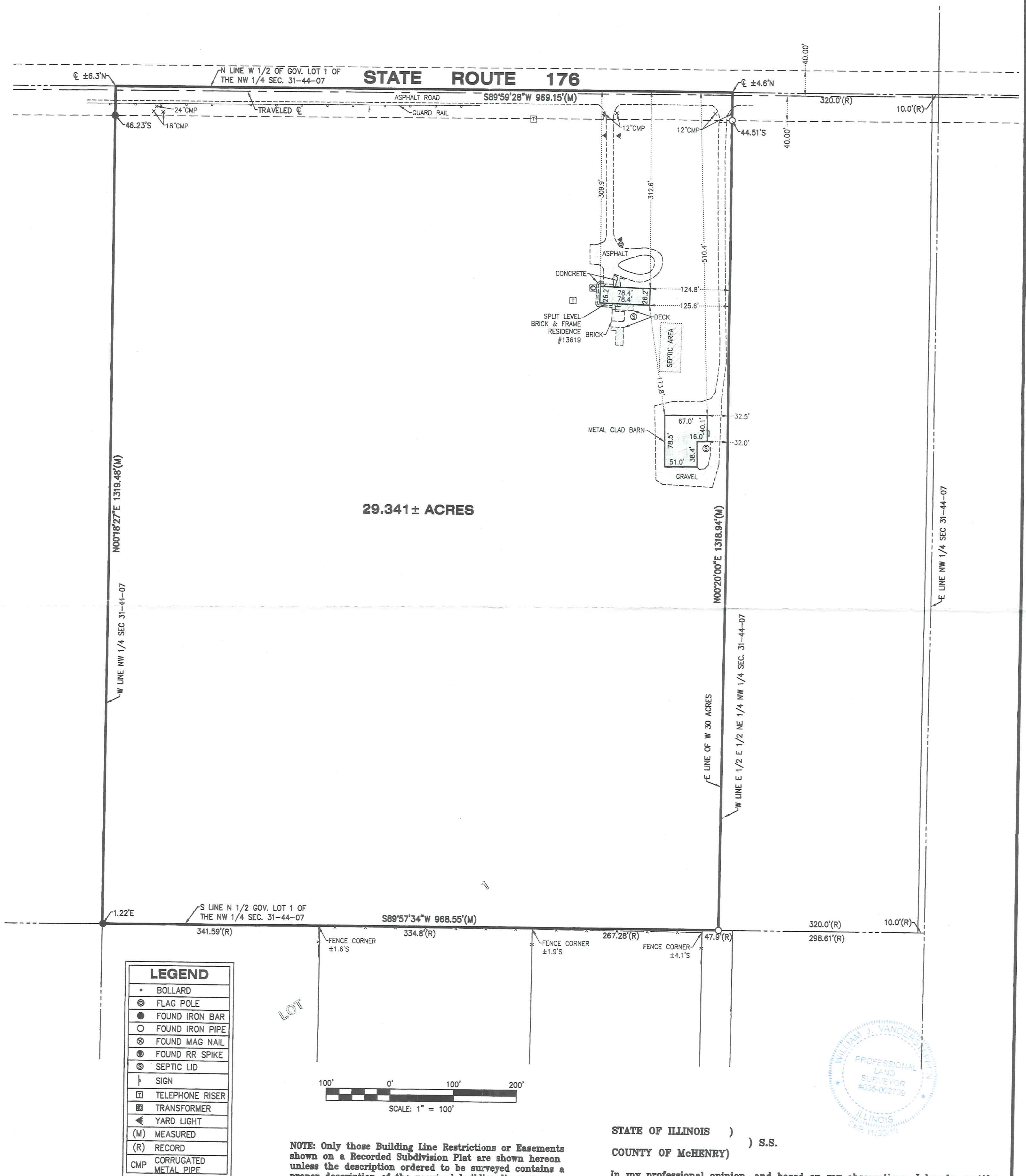
DATED THIS 6th DAY OF December, 2022.

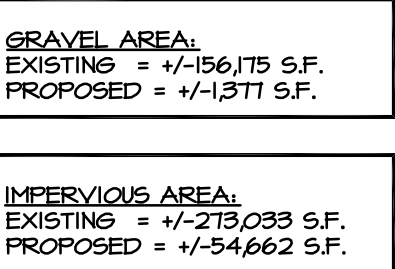
By: David Stone, Chairman
McHenry County Zoning Board of Appeals
2200 N. Seminary Avenue
Woodstock, IL 60098

Live audio streams of all Zoning Board of Appeals hearings can be accessed at the following link:
<http://mchenrycountyil.igm2.com/Citizens/Calendar.aspx> (click on the "Media" link alongside the hearing date you wish to listen to).

PLAT OF SURVEY

The West 30 acres of the North Half of Lot 1 of the Northwest Quarter of
Section 31, Township 44 North, Range 7 East of the Third Principal Meridian
in McHenry County, Illinois.





DATE:	11/2/22	Sheet
SCALE:	AS NOTED	
DWN. BY:	RJB	CSP=
CHKD BY:	RJB	
JOB NO:	202150	

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2022-009

PIN: 13-31-100-002

Address: 13619 Illinois Route 176, Woodstock, Illinois

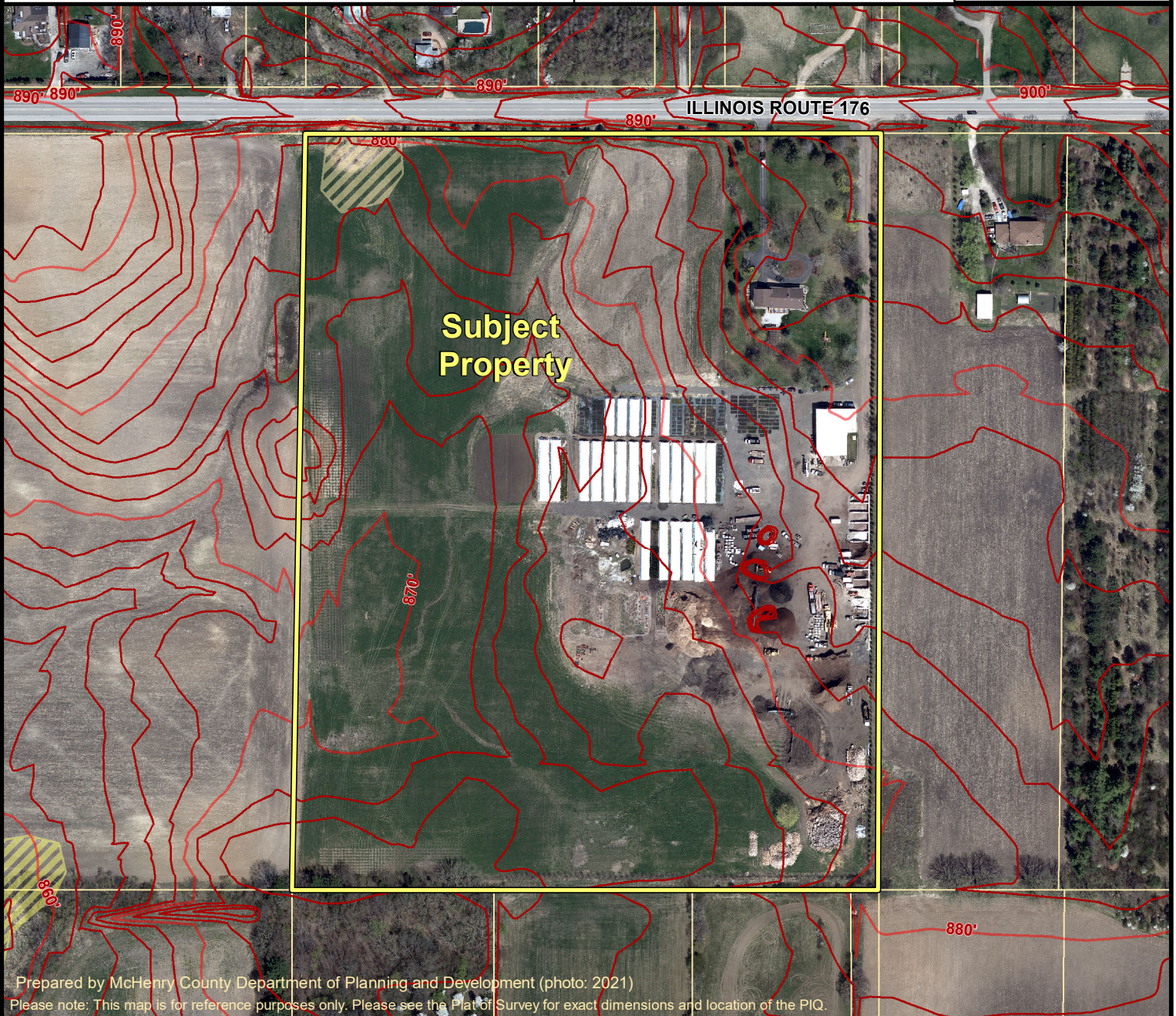
Location: The property consists of approximately 29.341 acres and is located on the south side of Illinois Route 176, approximately 1,325 feet east of Sunnyside Road, in Dorr Township.

Hearing: January 5, 2023

Applicant: Amy Lienhard and April Howard

Request: Conditional Use Permit allowing for the operation of a Landscape Business with Outdoor Storage in the A-1 Agriculture District.

Aerial Map



Elevation

(feet above sea level)

- 10-foot contours
- 2-foot contours

ADID Wetland Map 2005

- High Functional Value Wetland (hfw)
- 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
125 62.5 0 125 250
1 inch equals 250 feet



Staff Report for the McHenry County Zoning Board of Appeals

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 to allow for a Landscape Business with Outdoor Storage. The subject property consists of 29.341 acres and is zoned A-1 Agriculture. Staff notes that landscaping business has been evolving for several years with the landscaping component having been established by a previous owner. The bins for storing products such as mulch, soil, gravel, etc. appear to have been in use since at least 2021 at which time an RFS was issued for structures without a permit and for operating a landscaping business with outdoor storage without proper zoning.

According to the site plan, the subject property contains a single-family residence, a separate storage/office building, and fifty-five (55) greenhouses/hoop structures. There are two (2) driveways associated with this property – one is for the residence and there is a separate driveway along the eastern property line for the business. According to the narrative, the applicant operates a full-service landscaping business with this business occurring from 7:00 AM to 6:00 PM -from February through December with ten (10) employees. The rest of the year they provide snowplowing services.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The applicant must meet the Approval Standards for Conditional Use Permit, listed in County Code Section 16.20.040.E of the McHenry County Unified Development Ordinance (UDO).
- The applicant must meet the Principal Use Standards for a Landscape Business, listed in County Code Section 16.56.030.Z of the UDO.

STAFF ANALYSIS

Current Land Use & Zoning

All the properties which surround this property are all zoned A-1 Agriculture. Properties which are in proximity to this property are used either agriculturally and/or with single-family residences.

2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property, and the properties to the east and south, as Estate. The property to the west is designated for agricultural purposes. Properties to the north are designated as an Environmental Sensitive Area, primarily due to the Kishwaukee River Basin

2030 Comprehensive Plan & 2030 and Beyond Analysis

The proposed use of the property is consistent with the 2030 Comprehensive Plan and 2030 and Beyond due to the facts that there are minimal impacts to the agricultural, natural, and water resources on the site and that it furthers the economic policies of the plans. *(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 subject property is not located in a Sensitive Aquifer Recharge Area.

Big Idea #2 Let's build on our strengths

- No applicable text.

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)

- There are several landscape businesses, some with outdoor storage, along IL Route 176 between Marengo and IL Route 47. The conditional use permit for the operation of a landscape business with outdoor storage would allow for a commercial use consistent with other uses in the area.

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)

- The Conditional Use Permit would allow the proposed business to expand its operation on the subject property to include the outdoor storage component.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

"Maintain and protect the most productive agricultural lands, where appropriate, by discouraging nonagricultural growth in these areas." (p. 29)

- There is some crop production immediately to the west of the subject property. There are no agricultural activities occurring on the subject property, thus, allowing the landscape business with outdoor storage at this location will not adversely impact productive agricultural lands.

Greenways, Open Space & Natural Resources

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

- The McHenry-Lake County Soil and Water Conservation District's Natural Resources Inventory report/letter has been received. There are some hydric soils located on the subject property however they are not located in the areas being designated for development. Please refer to NRI L21-069-4391 for more information.

Water Resources

"...land use and development should be carefully examined and regulated within sensitive groundwater recharge areas to ensure that the water quality, quantity, and natural recharge functions of the area are safely maintained." (p.67)

- The subject property is not located in a Sensitive Aquifer Recharge Area (SARA).

Economic Development

Objective: "Work with municipalities, townships, and quasi-governmental entities to help retain existing businesses and industries and attract new industries." (p. 87)

- Granting the Conditional Use Permit will help to retain a trend toward landscape businesses located along the Route 176 corridor between Marengo and Woodstock.

Infrastructure

No applicable text.

STAFF ASSESSMENT

The requested Conditional Use Permit is not in conflict with the McHenry County 2030 Comprehensive Plan and 2030 and Beyond Plan as the property can be redeveloped for residential purposes in the future.

Staff offers the following conditions for consideration:

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan prepared by R.B. Custom Designs Inc, dated 11/2/22.

3. The property owner shall submit an application for a Stormwater Management Permit within four (4) months of approval by the County Board of this Conditional Use Permit.
4. The property owner shall submit applications for building permits for the existing bins and hoop structures within forty-five (45) days of approval of this Conditional Use Permit by the County Board.
5. The maximum height of bins and the materials contained within them shall not exceed six (6) feet in height.
6. Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.
7. Retail sales shall be prohibited on site.
8. All other federal, state, and local laws shall be met.

McHenry County Unified Development Ordinance Section 16.20.040.E

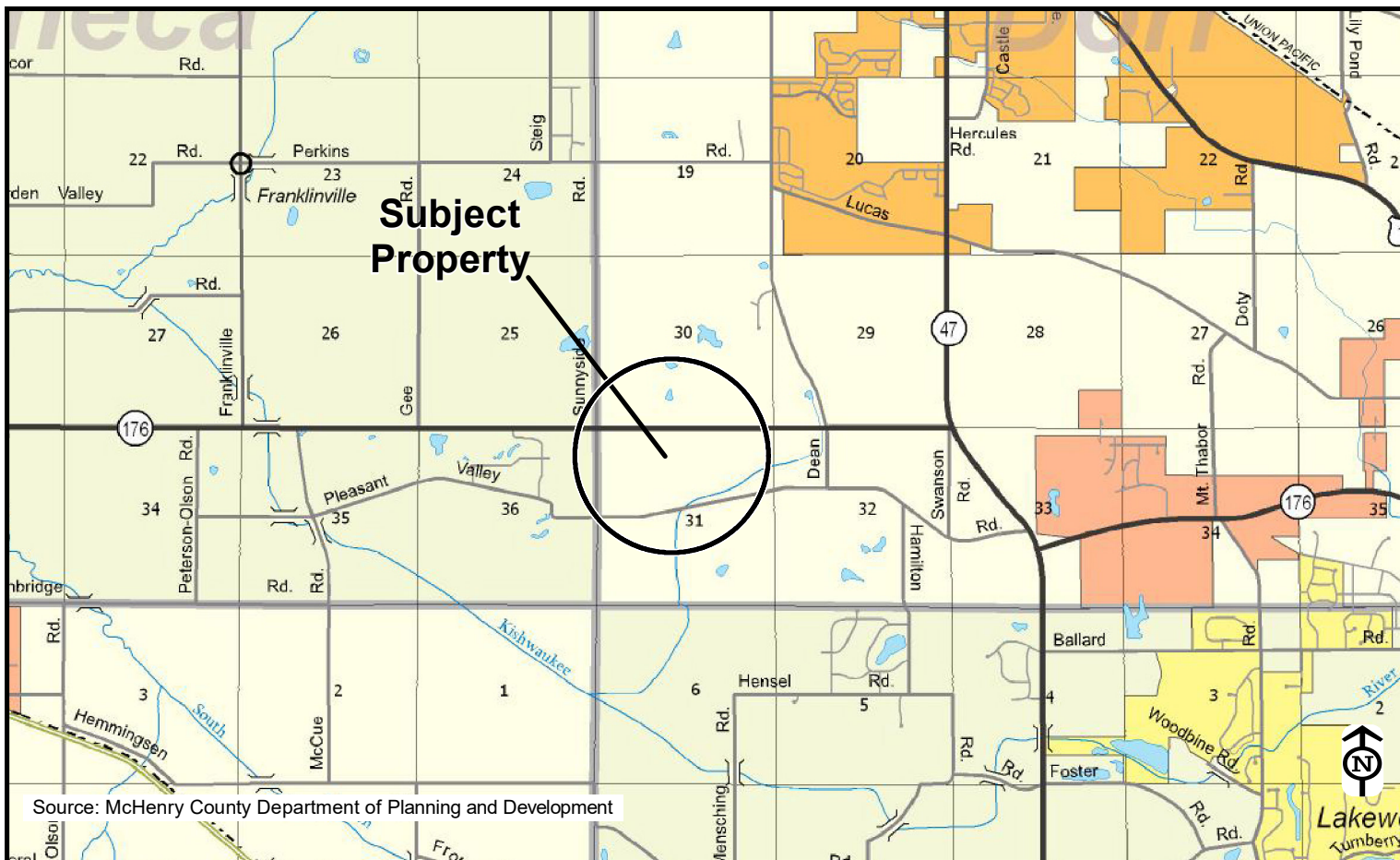
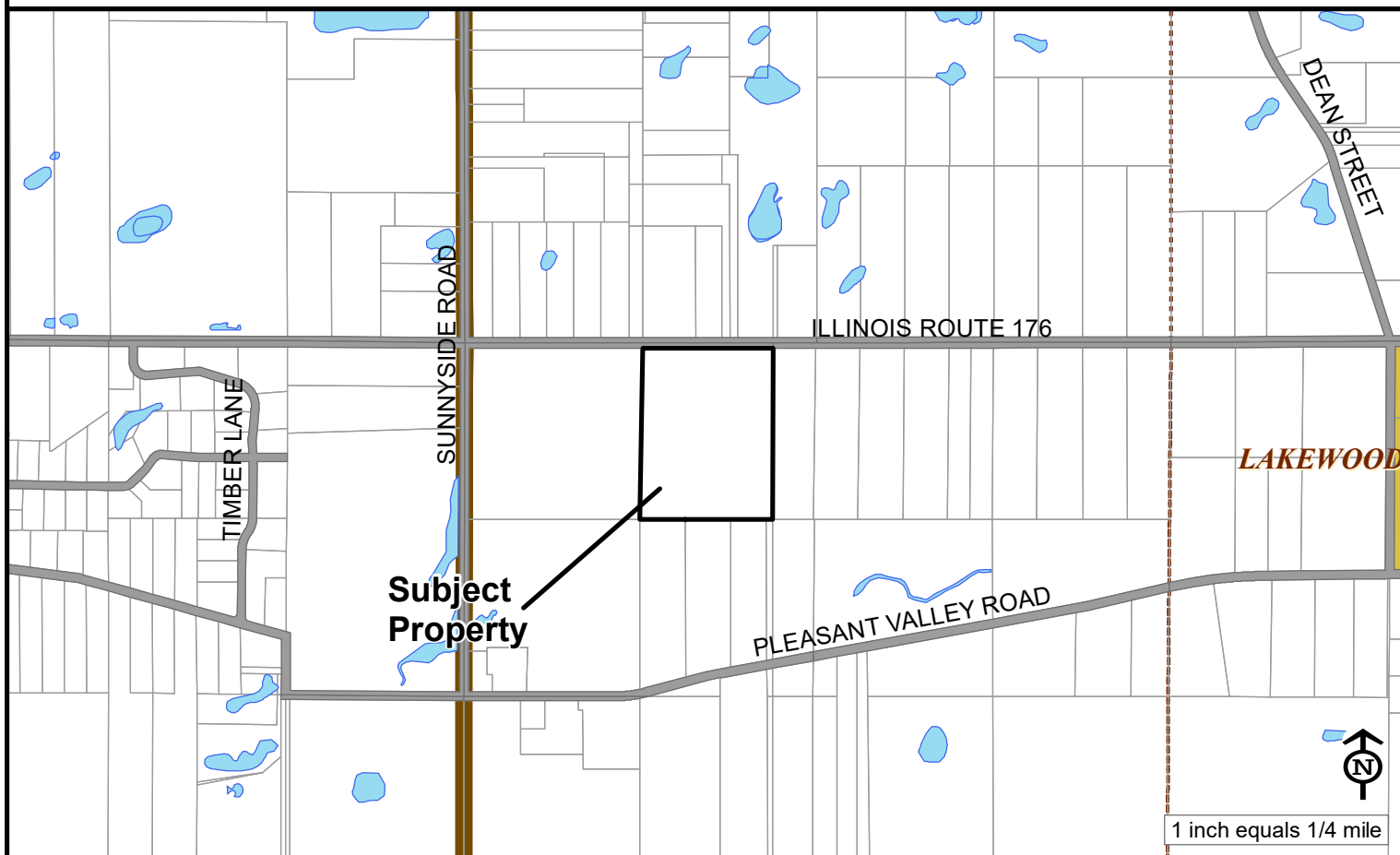
- E. *Approval Standards for Conditional Use Permits.* No conditional use permit may be granted unless the Zoning Board of Appeals and County Board makes specific written findings that the request meets each of the standards imposed by this section. These standards are as follows:
1. That the petitioner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

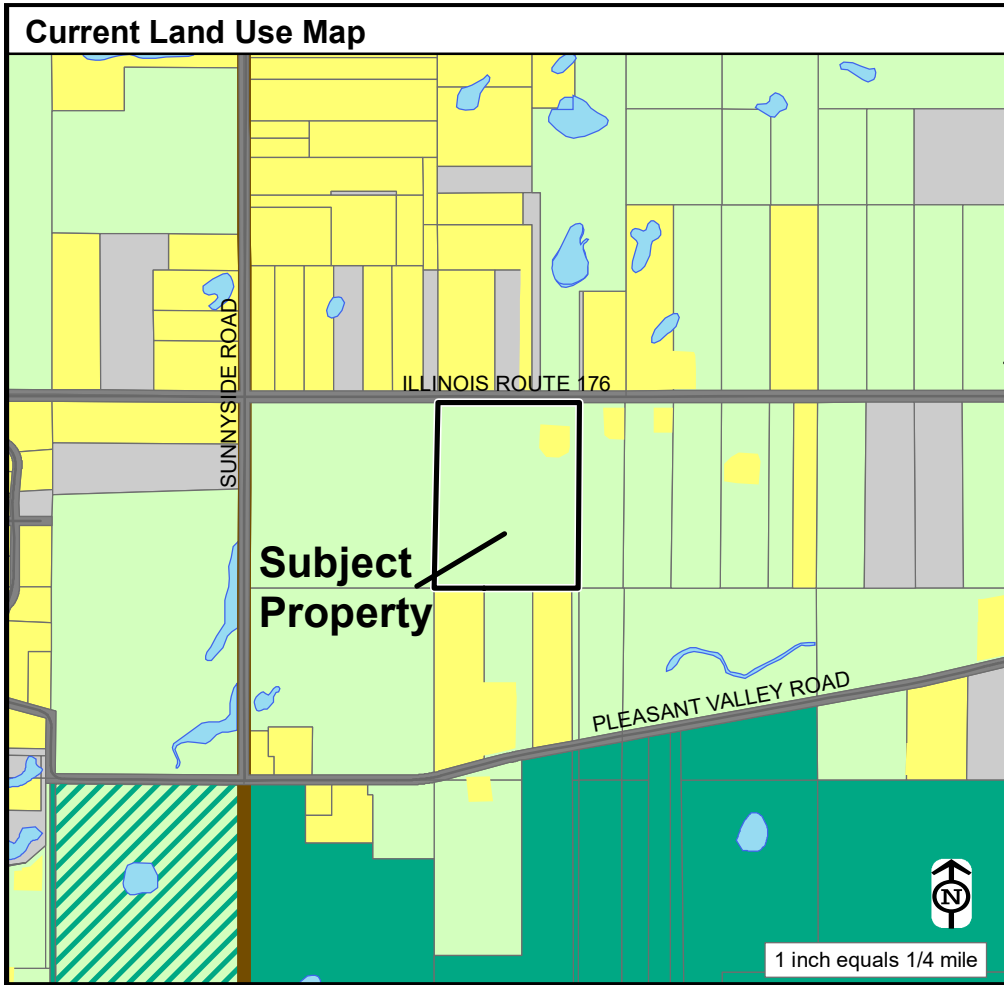
McHenry County Unified Development Ordinance Section 16.56.030.Z

Z. *Landscape Business.*

1. Storage areas shall be restricted to those areas so designated on the site plan.
2. All landscape business vehicles and equipment shall be stored entirely within an enclosed structure or in a permitted exterior storage area.
3. Preparation, assembly, and processing of materials shall occur wholly indoors or within the permitted exterior storage area only.
4. Storage shall be limited to vehicles, equipment, and materials owned or leased by the property owner or tenant.
5. All vehicles stored on-site must have current plate registration.
6. All structures utilized by the Landscape Business must meet all applicable building codes for the occupancy category.
7. Vehicle oil changes and maintenance shall occur only inside of an enclosed structure meeting all applicable building and plumbing codes.
8. On-site retail sales are prohibited, except as allowed by a Greenhouse/Nursery Business.
9. The collection and storage of landscape waste at the facility shall be limited to tree branches two (2) inches or greater in diameter, free of leaves, to be used as raw material to produce a legitimate product (i.e. firewood, mulch, wood chips), so long as it is processed in a reasonable amount of time, as determined by the Illinois Environmental Protection Agency Bureau of Land Permit Section.
10. A landscape business shall not store asphalt paving equipment or supplies.
11. Storage of pavement de-icing agents shall comply with § [16.56.050E](#). (De-Icing Agent Storage).
12. Employee parking shall be provided in accordance with [Chapter 16.64](#) (Off-Street Parking and Loading).
13. Employee bathrooms shall be provided in accordance with the McHenry County Public Health Ordinance and Illinois State Plumbing Code.
14. All storage areas, parking areas, and buildings shall comply with required setbacks for the zoning district.

Report prepared October 5, 2022 by Anna Kurtzman, Sr. Planner – McHenry County Department of Planning & Development



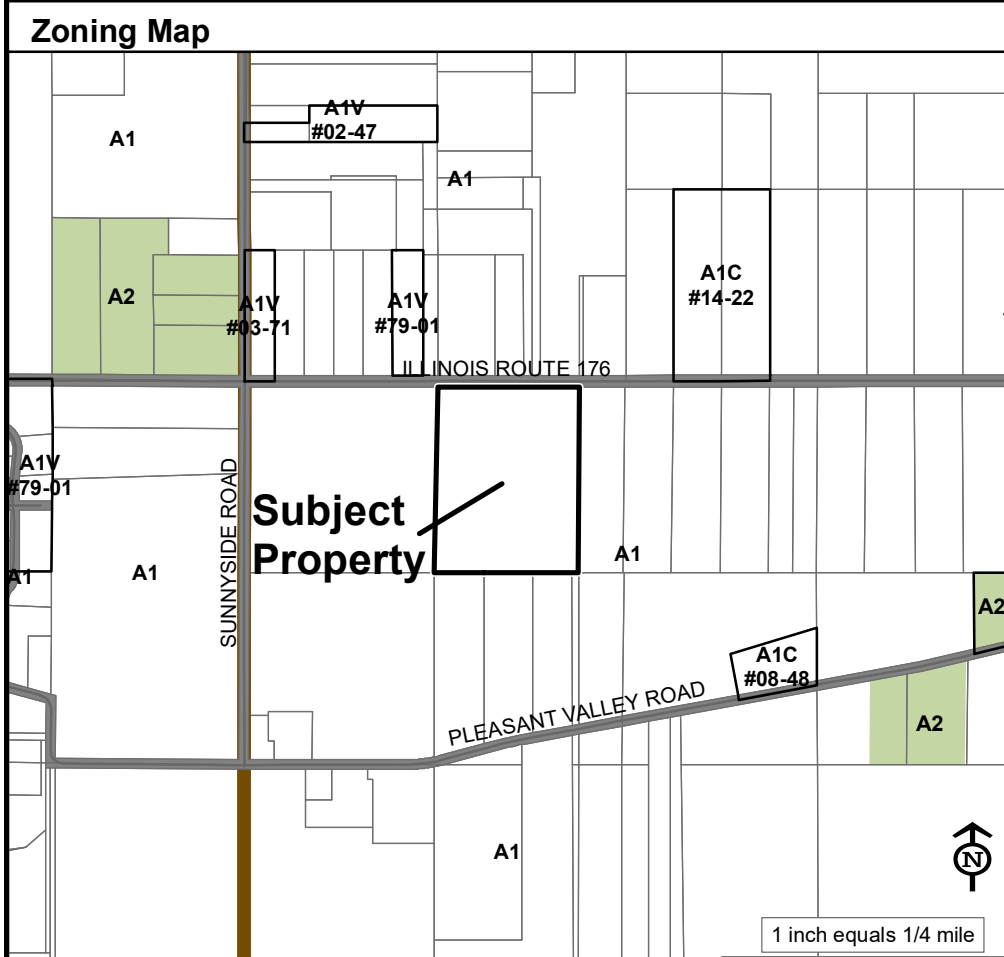


Current Land Use
Agriculture and Single-Family Residential

Adjacent Land Use(s)

North: *Single-Family Residential & Vacant*
 South: *Single-Family Residential & Agriculture*
 East: *Agriculture & Single-Family Residential*
 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



Current Zoning
A-1 Agriculture

Adjacent Zoning

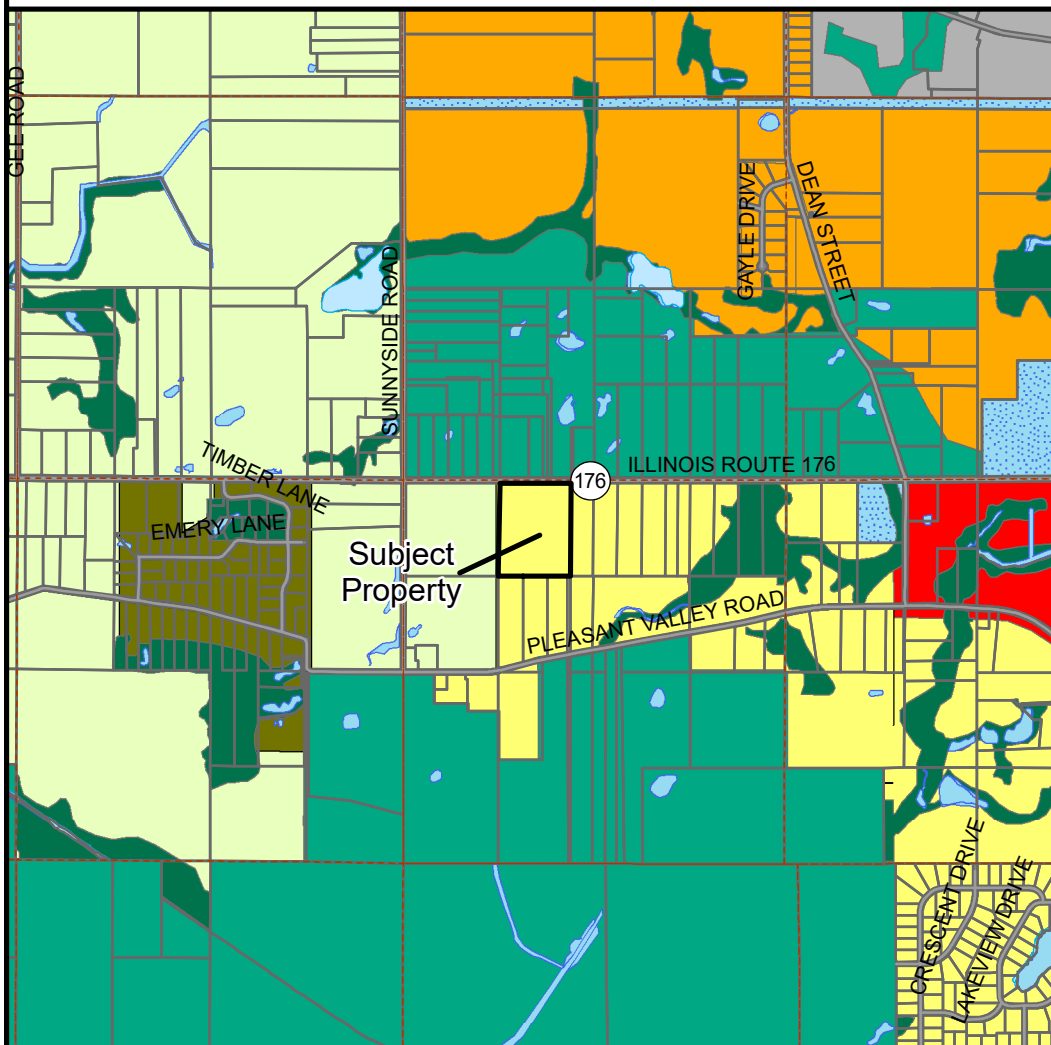
North: A-1 Agriculture
 South: A-1 Agriculture
 East: A-1 Agriculture
 West: A-1 Agriculture

- 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 Liquor 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

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 = 1/2 mile

Municipal / Township Plan Designations

Dorr Township: No Land Use Designation

Village of Lakewood: No Land Use Designation

City of Woodstock: No Land Use Designation

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

December 29, 2022
(Revised 12/29/22)

Amy Lienhard
13619 IL Route 176
Woodstock, IL 60098

Re: Parcel # 13-31-100-002
Common Location: 13619 IL Route 176, Woodstock, IL 60098
NRI# L21-069-4391
Zoning Change: A1 to Conditional Use

Dear Ms. Lienhard:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for Natural Resource Information Report on the Amy Lienhard property as applied for in Report #L21-069-4391. Due to minimal to no new proposed soil disturbance on the site, 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, but we would like to highlight a few resources on the property.

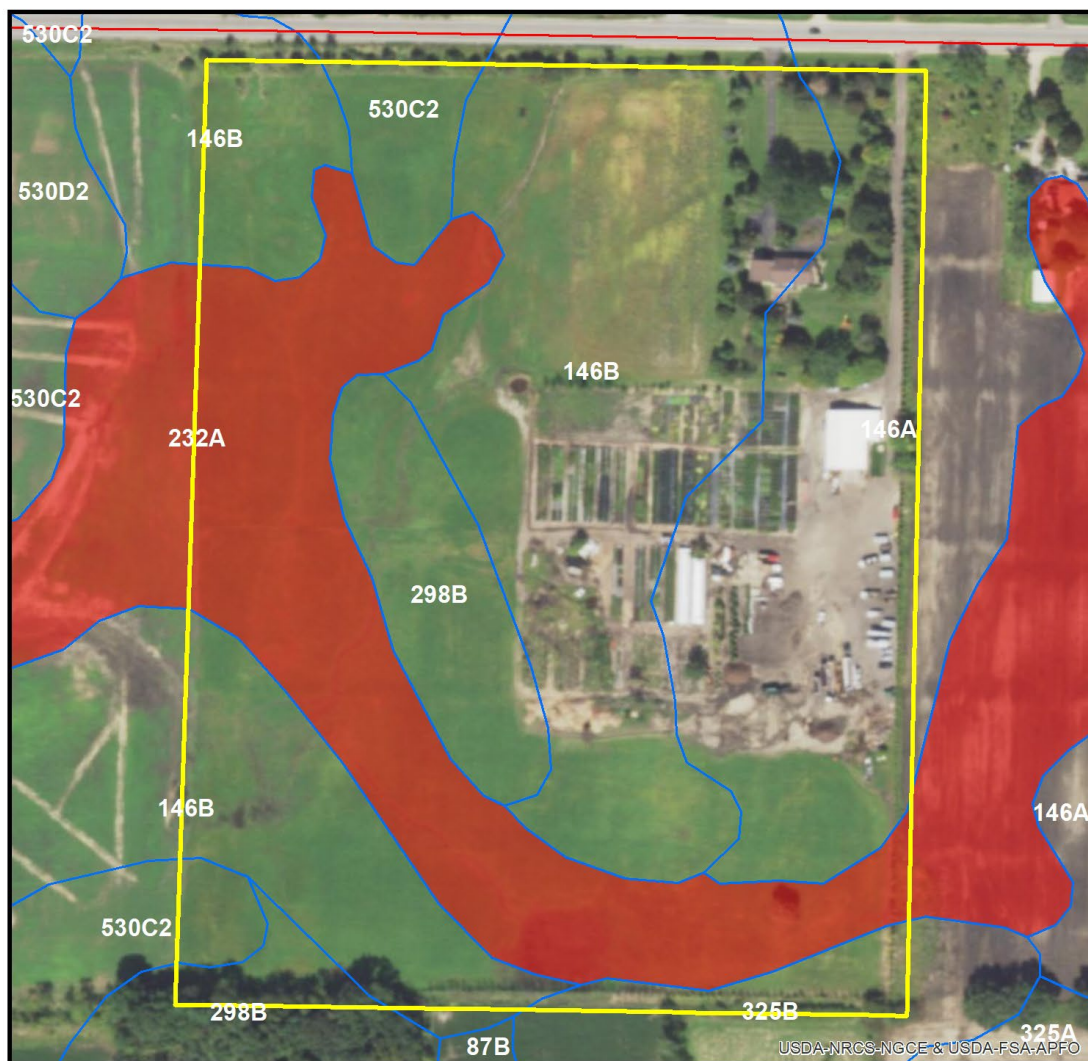
Office maps indicate the presence of hydric soils in multiple locations of the parcel (see attached Hydric Soil Locations Map). Our wetland inventory is for informational and planning purposes only. Any proposed drainage work, in wet areas, requires a certified wetland delineation. If drainage work is 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,

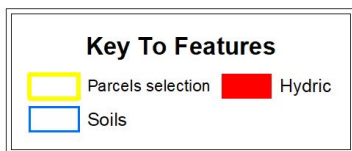
Ryan Bieber
Urban Conservation Specialist

Cc: Kim Scharlow, McHenry County Department of Planning and Development,
KBScharlow@mchenrycountyil.gov



0 70 140 280 420 560 Feet

Produced By: McHenry-Lake County Soil & Water Conservation District



Hydric Soils Map

Resources for the Future



MCHENRY COUNTY

STAFF PLAT REVIEW

MINUTES • APRIL 20, 2022

Public Meeting

Conference Room C

8:30 AM

667 Ware Rd., Woodstock, IL 60098

I. CALL TO ORDER

Meeting called to order at: 8:32 AM by Adam P Wallen.

PRESENT: Colletti (Remote), Wallen, Hanlon, Gardner, Beets (Remote), Levato

ABSENT:

April Ramoni, Zoning Coordinator was also present remotely.

II. PUBLIC COMMENT

III. DRAFT MINUTES FOR APPROVAL

1. Staff Plat Review - Public Meeting - Apr 6, 2022 8:30 AM

Motion by Ms. Hanlon, seconded by Mr. Levato. All members voted aye, motion passed.

RESULT:	ACCEPTED BY VOICE
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IV. SITE PLAN REVIEW

1. #2020-036 - Luna - Richmond Twp - A1C-A1C (renewal)

Renewal of Conditional Use Permit #10-11 to allow for a Landscape Business with Outdoor Storage.

The petitioners did show up for this meeting.

Mr. Levato told the Commissioners he had a septic permit for their building, but it has never been resolved. It may not even be connected. He asked Mr. Wallen if they had permits to install restrooms. Mr. Wallen stated as far as the site plan, it is all residential.

It was noted that Mr. Luna has a court date tomorrow because he failed to get the renewal for the conditional use.

Ms. Hanlon stated if their site plan were presented today, it would not be approved.

2. #2022-009 - Lienhard/Howard (Eddie's Landscaping) - Dorr Twp - A1-A1C

Conditional Use Permit to allow for a Landscape Business with Outdoor Storage.

Present on behalf of the Petition was Anne Armbruster and Eddie Villavicencio

Mr. Villavicencio explained they would like to have equipment for the tree service. They produce many wood chips and logs, and those areas take up a lot of space. They would like to have bins for storage, and they need room for that.

MCDOT - Ray Beets

Mr. Beets reviewed his written comments. He noted that Route 176 is a state road, and therefore, he has no comments.

STORMWATER - Joanna Colletti

Ms. Colletti reviewed her written comments. She stated the plat of survey dated April 14 2016, shows the existing house, septic area, and a metal barn with a gravel driveway around it. This does not match the aerial photo that we have, so that increases impervious surface to around 5 acres. A permit is required for that impervious surface, and all the improvements even if the conditional use is approved.

PLANNING/ZONING - Rene Hanlon

Ms. Hanlon reviewed her written comments. She stated if they are going to have illumination on the pole sign, it has to be internal to the structure. This will require a separate sign permit that is not part of the Conditional Use Permit.

Ms. Hanlon noted she cited the standards of the UDO for a landscape business in her comments. She advised the plaintiff review those before the hearing.

As to the location of the accessible parking stall, Ms. Hanlon deferred to the building division. The stall has to be paved with a hard surface and signed.

Ms. Hanlon pointed out this a conditional use permit, and the Zoning Board of Appeals, and the County Board can recommend and can approve standards beyond those minimum standards that are in the UDO.

BUILDING - Steve Gardner

Mr. Gardner stated because this is a renewal conditional use permit, he had no comments, but based on Ms. Hanlon's comments regarding the sign, they should follow the National Electric Code.

DEPARTMENT OF HEALTH - Jeff Levato

Mr. Levato reviewed his written comments. He stated an approved private sewage system and water well for the office use is required, and Mr. Levato noted he could not locate a septic system for the office. He mentioned it looks like an addition was put in 2007, but the Department had never received a septic permit.

The Department has not received any soils information or a preliminary septic design for review. Mr. Levato recommended they contact a qualified soil classifier and septic system designer.

The location of the onsite wastewater treatment systems and water wells must be indicated on the site plan.

There was a permit issued for irrigation, but an inspection was never conducted.

Mr. Levato asked if there are any floor drains Mr. Villavicencio answered he plans to put in a new building in the future, and that will have floor drains. Mr. Levato stated if they do have the drains, it will have to go to a special waste holding tank.

The site plan should verify the well is only for non potable, and does not serve the office.

Mr. Wallen explained when they start planning for the new building, they will have to have an architect for the construction plans, and the new building and existing building will be subject to a change of use.

Motion by Mr. Levato, seconded by Mr. Gardner to acknowledge receipt of the site plan and to have the applicant resubmit the site plan based on the comments made today.
All members voted aye, motion passed.

V. STATUS UPDATE

The second wave of the lottery for solar farms is coming up. We are anticipating around 8 of the solar farms that we awarded conditional uses will be coming through for construction this year.

VI. MEMBER COMMENTS

Ms. Hanlon told the Commission, they should get their comments to Kim Scharlow as soon as they can.

VII. ADJOURNMENT

Motion by Mr. Beets, seconded by Ms. Colletti to adjourn. All members voted aye, motion passed.

The meeting adjourned at 9:35 am.

MCHENRY COUNTY
ZONING BOARD OF APPEALS
MINUTES ● January 5, 2023

Zoning Hearing

Conference Room A

1:30 PM

667 Ware Rd, Woodstock, IL 60098

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2022-009

- 1. APPLICANT:** Amy Lienhard and April Howard
- 2. REQUEST:** Conditional Use Permit in the “A-1” Agriculture District to allow a Landscape Business with Outdoor Storage.
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** 13619 Illinois Route 176, Woodstock, Illinois
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** January 5, 2023, 1:30 PM
- 5. LOCATION OF HEARING AND VOTING MEETING:** Conference Room A, 667 Ware Road, Woodstock, Illinois
- 6. PRESENT AT HEARING:**
 - A. ZBA Members: Linnea Kooistra – Vice Chair, Charles Eldredge, Vicki Gartner, Robert Kosin, Kurt Schnable, Donald Smolinski, Thomas Jurs
 - B. Witness: Elidio Villaviencio, Ann Armbruster, Brian Miller, Ryan Gieseke, Nathaniel Farlow
 - C. Attorney:
 - D. Public: Anna Kurtzman – County Staff, Kim Scharlow – County Staff
- 7. ITEMS OF EVIDENCE:**

None
- 8. SUMMARY OF TESTIMONY AT HEARING:**

Vice-Chair Kooistra opened the meeting. Mr. Villaviencio discussed the nature of his business noting that it started by growing flowers and perennial and has progressed to now growing trees. As part of the business the company provides tree service and landscape, which provides materials which they turn into mulch to sell to

customers. Logs are collected throughout the year with mulching and log splitting for firewood occurring during the winter. Mulch is sold during the spring and firewood is sold during the winter.

During questioning by the Board Mr. Villaviencio explained that he has around fifteen (15) vehicles with another fifteen (15) trailers which are parked between the row of bins near the eastern property line. Mr. Villaviencio indicated that there are approximately fifteen (15) bins with the site plan showing up to forty (40) bins. These bins, constructed of concrete blocks, are eight (8) feet high, eight (8) feet wide and twenty (20) feet deep. Ms. Kurtzman noted that one of the proposed conditions would be to limit the height of these bins, and their contents, to six (6) feet in height. Mr. Villaviencio indicated that he could comply with that condition.

Mr. Villaviencio noted that the business has been in operation for about twenty-five (25) years and purchased this property a couple of years ago. The business completed its move to this location in 2022. He stated that they only do wholesale business with no retail and that they primarily serve the Woodstock area. Customers either place orders, which are prepared ahead of time for pick-up or his company will deliver to a job site. They do provide landscape installation, which primarily consists of plants, topsoil, mulch and some smaller landscaping stones. Mr. Villaviencio estimated that sixty percent (60%) of deliveries include installation.

Snow removal is offered during the winter. As a result, some deicing materials are stored on-site. This product is wrapped in plastic and stored on pallets which are stored on a paved surface.

Mr. Villaviencio explained the mulching process. Logs from job sites are brought to the property where they are stored until they are either split for firewood or ground into mulch. Product which is ground into mulch must be turned periodically so that the finished product has consistent coloring. The log and mulch piles are tall (according to the site plan they could be as high as 30 feet tall however Mr. Smolinski estimated that they are currently about forty (40) feet tall). Mr. Villaviencio clarified that generally there are three (3) large piles – one (1) for unprocessed logs, one (1) for product which is being mulched, and the third pile is for topsoil. Once orders are received the product is moved from the large piles to bins to await pick-up or delivery.

Mr. Villaviencio acknowledged that, based upon the time of year, he employs between eight (8) and twelve (12) people.

Mr. Smolinski remarked that when he was on-site the property was very muddy and that his vehicle nearly got bogged down. Mr. Villaviencio stated that if the conditional use permit was granted a hard surface would be provided around the office building, but the areas where the product is being stored would not be paved.

It was noted that there is a residence on the property and that one of the property owners lives there.

There are gasoline and diesel tanks on site. Mr. Villaviencio estimated that they each hold about 1,000 gallons of fuel. Questions were raised regarding containment if a spill were to occur. Mr. Villaviencio noted that a fire official had conducted an inspection and that the tanks are protected from rupture. The Board's concern regarding leakage seeping onto the ground was not adequately addressed during questioning.

A question was posed regarding when diesel trucks are turned on, whether they needed time to warm up before being driven. Mr. Villaviencio stated that they did not need time to be warmed up.

Mr. Villaviencio was asked if he had contacted his neighbors regarding his plans. He indicated that he had not, and that he was not aware of any complaints from any neighbors.

Upon questioning Mr. Villaviencio indicated that there was an RFS associated with the property regarding the outside storage. He stated that there had been a nursery, with the associated buildings, on the property when

he purchased it and was not aware that a CUP would be required for the outdoor storage of the vehicles. He also learned during the processing of the CUP that a septic system had been installed without a permit and that concern has since been resolved.

The Board also inquired about the type of sign which would be installed. Mr. Villaviencio indicated that it would likely be an eight (8) foot by four (4) foot illuminated sign, like Kolze's.

Ms. Kooistra reviewed with Mr. Villaviencio the standards for operating a Landscape Business. It was noted that development of the site must comply with the approved site plan. The submitted site plan limits the height of the mulch piles to no more than thirty (30) feet and that it appeared that this was already being exceeded. The second standard requires that business vehicles be located either in an enclosed space or in a permanent storage space. Mr. Villaviencio confirmed that the vehicles will be stored between the bins. The third standard states that "preparation, assembly and processing of materials shall occur wholly indoors, or within the permitted storage area only." Mr. Villaviencio showed on the site plan where processing would occur.

Ms. Kooistra read the next set of standards: "Storage shall be limited to vehicles, equipment and materials owned and leased by the property owner or tenant," and "All vehicles stored on site must have current plate registration." Mr. Villaviencio indicated that he owned all the vehicles and that they all have current plates.

Mr. Villaviencio responded affirmatively in response to the standard, "All structures utilized by the landscape business must meet all applicable building codes for the occupancy category."

Ms. Kooistra paraphrased the standard that vehicle maintenance should only occur within enclosed structures. Mr. Villaviencio stated that they currently do not conduct vehicle maintenance on-site, however, he hopes to do so in the future, which is the reason for the proposed new building. Ms. Kooistra reminded Mr. Villaviencio that if the building does not have floor drains that some special accommodation will be required to collect the fluids.

Mr. Villaviencio acknowledged that the conditional use permit would not allow retail sales unless done in conjunction with greenhouse nursery business.

Ms. Kooistra asked if Mr. Villaviencio was aware of the requirement limiting how long landscape waste material can be kept on site. Mr. Villaviencio acknowledged he was aware of this regulation, indicating that the materials are ground within weeks of receiving the material.

Mr. Villaviencio stated that there are no asphalt paving equipment or supplies kept on site. Ms. Kurtzman noted that a search on the internet had indicated that paving business was occurring at this location. Mr. Villaviencio explained that on-line maps often use the name associated with a phone to identify the location of a business. Apparently, someone has identified his business as "Eddie's Paving" which explains why the maps identify this location as a paving business. Mr. Villaviencio re-iterated that he does not do paving.

Mr. Villaviencio said that the storage of de-icing agents are kept on pallets, which are located on a paved surface between the bins. Mr. Eldredge and Ms. Kooistra noted that this does not meet the County's codes and that Mr. Villaviencio will need to comply with the County's standards. Mr. Villaviencio indicated that he would comply.

To determine compliance with the County's parking and loading requirements Ms. Kooistra asked Mr. Villaviencio to describe where employee parking would occur. The parking area will be located to the west of the new building. After some discussion, it was determined that the amount and location of employee parking

does meet the County's parking requirements. It was also determined that setbacks for parking, storage and buildings were being met.

It was determined that the standard to provide employee bathrooms had been met.

Upon completing her review of the standards for a landscape business Ms. Kooistra then proceeded to review the standards for granting a conditional use permit. The first of these standards includes a determination that the standards for the specific type of use had been, or will be, met. Ms. Kooistra asked that Mr. Villaviencio describe the existing uses in area and how his proposed business is compatible with those uses. Mr. Villaviencio indicated that there are several landscape businesses in the area, including: Lumberjack, Nilco, Aspen and Grandpa's Place.

The third standard requires that the establishment, maintenance or operation of the use not be detrimental to the public health, safety, morals, comfort or general welfare of the neighboring vicinity. Mr. Villaviencio expressed a willingness to work with people should there be any complaints. He also indicated that the proposed hours of operation would be from 7:00 am to 6:00 pm Monday through Saturday. He also indicated that there would be some work which would occur on the property on Sundays to water plants. In response to Ms. Kooistra's inquiry regarding when wood be processed, Mr. Villaviencio stated that wood would be cut into firewood during the winter. He also stated that trees have already been planted along the eastern and southern lot lines to help attenuate the noise levels.

Mr. Villaviencio stated that, due to the agricultural nature of the properties in the immediate vicinity, property values should not be adversely affected by his business.

There was a brief discussion regarding the amount of traffic expected to enter/exit the property in response to the standard to minimize traffic congestion and hazards on public streets. Based upon this discussion it was determined that that this standard could be met.

In response to question of whether this use would be in the interest of the public welfare, it was determined that this business primarily provides services to properties within the Woodstock area.

Mr. Miller expressed concerns regarding when tub grinding would operate, asking that the grinding not occur on holidays. Mr. Villaviencio indicated he could comply with that request. Mr. Miller also noted that since the operation of this business there has been a significant increase in the number of wood ticks.

Mr. Gieseke expressed concern regarding the amount and location of run-off which will occur onto his property (located to the west of the subject property). He noted that the low spot of the property is located to the north of where the pond is shown on the site plan.

Mr. Farlow implied that he did not agree with Mr. Villaviencio's statement regarding impacting property values. He asked how removing top soil from the subject property would not adversely impact property values for both the subject property and surrounding properties. Ms. Kooistra noted that the standard is that the conditional use would not substantially diminish and impair property value and that it does not require an increase in property values. Mr. Farlow also indicated that he felt that the large piles of materials exceeds the location and height noted on the site plan.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L21-069-4391

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

The consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Vice-Chair Kooistra opened the voting meeting immediately following the hearing. She began by reviewing the conditions proposed by staff.

Mr. Eldredge made a motion, seconded by Ms. Gartner to amend the second condition by adding the sentence, "Notwithstanding the foregoing that the south border of the property shall have arbor vitae as required on the east border of the property." During discussion of that motion Mr. Smolinski indicated that the existing arbor vitae on the east side of the property is very thin and does not provide adequate screening. Mr. Kosin suggested that a second line of arbor vitae be provided in such a manner as to be off-set from the first row of trees. Mr. Eldredge amended his motion to include that, with Ms. Gartner seconding that amendment. By a voice vote the motion carried.

Ms. Kooistra continued to read the rest of the conditions proposed by staff. Ms. Gartner made a motion to add a condition which would limit the hours of the tub grinder operation to occur only on weekdays until 4:00 pm. Ms. Kooistra and Mr. Smolinski both noted that the condition should also prohibit tub grinding from occurring on holidays. Mr. Eldredge seconded the motion. Ms. Kooistra read the proposed motion as, "Hours of operation of the tub grinder shall be limited to weekdays from 7:00 AM to 4:00 PM, excluding holidays." By a voice vote the motion carried.

Mr. Eldredge made another motion that there be reasonable containment for spills underneath any tanks for any kind of fuel. This motion was seconded by Ms. Gartner. Mr. Smolinski noted that there is no containment for spills which might occur on the ground. He indicated that such containment typically consists of a concrete barrier with a berm/lip around it to keep any spillage from reaching the ground. Mr. Villaviencio indicated that he would be agreeable to this condition. After discussion Ms. Kooistra read the proposed condition, "Reasonable containment for spills of any fuel and solvents shall be constructed in the standards to be decided by the building division for environmental purposes." By a voice vote the motion carried.

Mr. Eldredge made a motion to amend the second condition requiring that the site plan be amended to depict the location of the processing area. Ms. Gartner seconded the motion. Mr. Jurs expressed a concern that this condition might be too limiting as it would affix a location for processing, which might need to be adjusted periodically. Mr. Villaviencio noted on the site plan where he would be willing to have the processing area (generally between the large stockpiles and the hoop structures). By a voice vote the motion carried.

Mr. Eldredge made a motion, seconded by Mr. Smolinski, to accept the conditions as proposed. A roll call vote was taken. The motion carried 7-0. Mr. Jurs made a motion to approve the conditional use permit with Mr. Eldredge seconding the motion.

Mr. Jurs noted that he has known the applicant for many years and that the applicant is a very hard working person. Mr. Jurs also noted that the property consists of twenty-nine (29) acres which is more than enough for the proposed use.

Mr. Schnable indicated that the site plan is one of the most detailed that he has seen for a landscape business. He echoed Mr. Jurs' remarks regarding the proposed use is scaled appropriately for the proposed use.

Ms. Gartner stated that she thought Mr. Villaviencio was a good businessman as demonstrated by the success of the business. She asked that Mr. Villaviencio continue to communicate with his neighbors to address any potential concerns that they might have going forward.

Mr. Eldredge stated that he felt the standards for granting a conditional use permit had been met. He also indicated that the proposed conditions should be adequate to protect the water table and addressed the concerns expressed by the neighbors. He noted that Route 176 has already begun to develop commercially with similar uses and as such the proposed location for this business is appropriate.

Mr. Smolinski, Mr. Kosin and Ms. Kooistra all concurred with the previous statements.

Ms. Kooistra called for the vote. Upon taking a roll call vote motion passed 7-0.

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- There is a market for landscape businesses.
- There is more than adequate room on the property for the proposed use.
- There are other landscape businesses along Route 176.
- The standards for a conditional use permit have been met.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

None

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

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan prepared by R.B. Custom Designs Inc, dated 11/2/22. Said site plan shall be modified to delineate where processing of materials will occur. Notwithstanding the foregoing that the south border of the property shall have Arbor vitae as required on the east border of the property. Said Arbor vitae shall be installed in two rows planted six feet apart offset from the other row.
3. The property owner shall submit an application for a Stormwater Management Permit within four (4) months of approval by the County Board of this Conditional Use Permit.
4. The property owner shall submit applications for building permits for the existing bins and hoop structures within forty-five (45) days of approval of this Conditional Use Permit by the County Board.

5. The maximum height of bins and the materials contained within them shall not exceed six (6) feet in height.
6. Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.
7. Retail sales shall be prohibited on site.
8. All other federal, state, and local laws shall be met.
9. The hours of operation of the tub grinder shall be limited to weekdays from 7:00 AM to 4:00 PM, excluding holidays.
10. Reasonable containment for spills for fuel and/or solvents shall be constructed to comply with the standards to be decided by the Planning and Development Department to protect groundwater.

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.

Yeah. And it's just like, don't be deceptive. Don't try to tell us that you're going to have this here and that there, and be deceptive in that, whenever it's already wrong. I don't know what the timing of this, what the date is on this plan, but that pile has just been growing for a year. And then the other concerns is just-

Nathanial Farlow:

And then, I mean the other concern is just simply our environment. All those machines, all those trucks, are they leaking oil? Are they maintained? And-

PART 3 OF 4 ENDS [01:24:04]

Linnea Kooistra:

How close is your home to this property?

Nathanial Farlow:

My home is in a direct line, probably 300 yards. And then that noise that I'm hearing is through the trees. This May, Ryan here, he's going to have to figure something out because he is in the process of rehabilitate... He's turning a bean field into like, he's trying to make it nice for himself and his family to enjoy now that he's no longer going to farm it or whatever. And so that noise is directly shooting on him. And that's why I just say consider your neighbors and what you're doing. And the plans aren't... If this is my only time to comment, that's all I'm going to say is like what's going on with the [inaudible 01:25:10] if the plan's already twice as big? So thank you.

Linnea Kooistra:

All right. Do you have a closing statement at all, sir?

Elidio Villaviencio:

Well, the only thing that I can say is that I will do whatever you guys require, and I will do whatever the neighbors require, too. For the noise, I really completely understand. I would put more trees to block the noise and also not operate it on the holidays, what they want, and work with you guys and with them too.

Linnea Kooistra:

Okay. So again, acknowledging that the Soil Water Conservation District report has been received. I don't think they had any comments on this. Let's see. Oh, thank you. So they say due to minimal or no new soil disturbance on the site, the Soil and Water Conservation District finds that the impact to natural resources from the proposed use is minimal for the purposes of the NRI report. So a full NRI report will not be necessary, but we would like to highlight a few resources on the property. Office maps indicate the presence of hydric soils in multiple locations on the parcel. Our wetland inventory is for informational and planning purposes only. Any proposed drainage work in wet areas requires a certified wetland delineation. If drainage work is to incur, contact the Army Corps of Engineers and the McHenry County Planning and Development for permit information.

So we have seven members here today. So we will go ahead and close the hearing and then we will open the hearing back up for a voting meeting. So at this time, the hearing is closed. Now, I will open the business meeting for a voting meeting, and this is regarding petition number 2022-09, Lienhard Eddie's

Landscaping, and this is for a conditional use permit allowing for the operation of a landscape business with outdoor storage in the A1 agricultural district. Now in the packet that you've received, we have some proposed conditions from staff. I will go through those first. The staff offers the following conditions for consideration. The conditional use shall expire 10 years from the date of approval by the McHenry County Board. Any comments by members of the board? Okay, number two, the conditional use shall substantially conform to the site plan prepared by RB Custom Designs Incorporated, dated November 2nd, 2022.

Charles Eldredge:

I would like to propose an amendment to condition two. I would like to add the sentence: "Notwithstanding the foregoing that the south border of the property shall have Arbor vitae as required on the east border of the property."

Linnea Kooistra:

Does Charlie have a second to that?

Vicki Garner:

I'll second that.

Linnea Kooistra:

Okay.

Donald Smolinski:

Just a comment on it. So when I visited the site yesterday, the Arbor vitae on the east side of Bob, it is not okay. You can see through it to the home to the east. So I think that the Arbor vitae that you have there is insufficient for a screening at all.

Elidio Villavencio:

So you guys required to put it more close to each other? I can do that.

Donald Smolinski:

Yeah. They would have to... So that it's a full screening.

Elidio Villavencio:

Okay. We can do that.

Donald Smolinski:

It's not a full screening.

Elidio Villavencio:

Okay. So they have to be... Sorry, they have to plant like on six sides instead of line. So it will be able to cover the middle area.

Donald Smolinski:

That's what I...

Elidio Villaviencio:

Okay.

Donald Smolinski:

You're the expert on that.

Elidio Villaviencio:

Okay, I will do that.

Linnea Kooistra:

So Charlie?

Charles Eldredge:

How tall are they, would you say? And how far apart?

Donald Smolinski:

I'd say they're probably 10 to 12 feet tall.

Charles Eldredge:

They're tall?

Donald Smolinski:

Yes. But they're too widely spaced.

Charles Eldredge:

Well, they're-

Elidio Villaviencio:

Three feet tall, separation for growing that.

Vicki Garner:

Were those existing when you bought the property?

Elidio Villaviencio:

No. No. We had to put-

Vicki Garner:

You put them in?

Elidio Villaviencio:

We put it in.

Vicki Garner:

Okay. Obvious question.

Robert Kosin:

Two. I note the instructions and I too will search for clarity. It says six foot on center. If you were to do an offset in between, that would only add about another 160 trees and therefore they would grow into one another. The spacing then would be not that great, but you wouldn't have to insert them in between one but just at an offset. So you'd have your existing tree, you have your six foot center-

Charles Eldredge:

In other words, two rows. Two rows of six feet, offset-

Robert Kosin:

Offset-

Charles Eldredge:

... of an offset. Right. I will amend my amendment to that.

Vicki Garner:

And I'll second the amendment to the amendment.

Robert Kosin:

Thank you. [inaudible 01:31:29].

Linnea Kooistra:

So I think we followed a Robert Rules of order, sort of. So we have on the record what all this language is, but I think everybody on the board understands the purpose of this amendment, to this condition? Okay. I will just take a voice vote for consensus. All those in favor of this amendment to condition number two, please say "Aye."

Speakers Together:

Aye.

Linnea Kooistra:

Any opposed? Okay. The motion passes unanimously, so that will be changed. Okay. We'll move on to condition number three. The property owner shall submit an application for a stormwater management permit within four months of approval by the county board of this conditional use permit. Number four, the property owner shall submit applications for building permits for the existing bins and hoop structures within 45 days of approval of this conditional use permit by the county board. Number five, the maximum height of bins and the materials contained within them shall not exceed six feet in height. Number six, any storage of de-icing agents shall conform to the standards of section 16.56.050.E of the McHenry County Unified development code. Number seven, retail sales shall be prohibited on site. Number eight, all of the federal, state, and local laws shall be met.

Vicki Garner:

I'd like to propose a new condition.

Linnea Kooistra:

Okay, Ms. Garner, go ahead.

Vicki Garner:

I would propose, oh...

Linnea Kooistra:

This would be condition number nine.

Vicki Garner:

Let's see. I would propose that we limit the hours of the tub grinder operation, days and hours, to weekdays until 4:00 PM. Does that sound reasonable?

Elidio Villaviencio:

Yes, absolutely.

Donald Smolinski:

Excluding holidays.

Linnea Kooistra:

Excluding holidays.

Elidio Villaviencio:

Absolutely.

Charles Eldredge:

I'll second that.

Linnea Kooistra:

Okay. Motion has been made by Ms. Garner, seconded by Mr. Eldredge. Any discussion?

Kurt Schnable:

I have a quick item here. It shouldn't say "Excluding holidays", it should say "Including holidays".

Linnea Kooistra:

Yes, it should, you're right.

Kurt Schnable:

Excluding operating [inaudible 01:34:06]?

Charles Eldredge:

Yes.

Linnea Kooistra:

When you prohibit something you want to-

Kurt Schnable:

We generally-

Linnea Kooistra:

... include those holidays. Yes.

Charles Eldredge:

Not operating on a holiday.

Elidio Villaviencio:

Yes, I'm fine. Like I say, I mean, I'm sorry that we didn't have a complaint so we was running at the time that we can, but if somebody required that we change the time the same... We don't start early to make a noise for the chain saw, but we would do that.

Linnea Kooistra:

Okay. So I have here that hours of operation of the tub grinder shall be limited to weekdays from 7:00 AM to 4:00 PM, excluding holidays.

Kurt Schnable:

It was right the first time.

Linnea Kooistra:

Is that-

Kurt Schnable:

That's-

Linnea Kooistra:

That's adequate? Okay. All right. Any other discussion on that? Okay. All those in favor of this addition, please signify this, say "Aye".

Speakers Together:

Aye.

Linnea Kooistra:

Any opposed? Okay, that passes seven to zero. Any other proposed conditions?

Charles Eldredge:

Yes, Madam Chairman.

Linnea Kooistra:

Yes sir. Go ahead Mr. Eldredge.

Charles Eldredge:

I would like to have a condition that there be reasonable containment for spills underneath any tanks for any kind of fuel. What's there presently is adequate to prevent explosions or major fires, but I don't believe that it protects the groundwater adequately.

Vicki Garner:

I'll second that.

Linnea Kooistra:

The motion has been made by Mr. Eldredge, seconded by Ms. Garner, discussion.

Donald Smolinski:

Yes, I agree with that. And I did take a picture of it as well. There is no containment on it for leaks into the ground. I don't know what fire marshal signed off on that, but I can't believe the state fire marshal would ever allow that without containment. My containment is usually solid concrete that has a berm edge around it so that it could contain a complete spill of those tanks and that is not present there at all. So that's the reason for this condition. Is that something that you would be willing to consider?

Elidio Villavencio:

Absolutely. What we did is when they asked the marshal when they went, that they have to have all extinguishers, we have to protect the tanks all around.

Donald Smolinski:

Protected on the side, but not for leakage.

Linnea Kooistra:

I'm guessing they're probably double walled tanks?

Charles Eldredge:

Yes, I'm sure they are.

Elidio Villavencio:

Did we have to call another marshal?

Vicki Garner:

No.

Donald Smolinski:

Is it the permit from the state fire marshal for the local fire marshal?

Elidio Villaviencio:

Which house was this?

Linnea Kooistra:

It's local.

Donald Smolinski:

Local?

Linnea Kooistra:

Woodstock. Anna, do you have any insight into this?

Donald Smolinski:

It has to be from the state.

Anna Kurtzman:

I'm certain that our building division would be willing to work with you to ensure that that is adequately addressing the condition that's being proposed.

Linnea Kooistra:

So Mr. Eldredge, just to be clear, I mean would you want containment that meets the state fire marshal's...?

Charles Eldredge:

No, that meets environmental standards. This isn't a fire risk.

Linnea Kooistra:

Okay. So who's going to decide what's a reasonable container?

Charles Eldredge:

The building division.

Linnea Kooistra:

Okay, that's okay with you?

Anna Kurtzman:

I'll work with him on that.

Linnea Kooistra:

Okay. Yes, go ahead.

Robert Kosin:

I just wanted to amplify the concern of my colleague. We're talking about 2000 gallons, which is well over 20 cars on that end of it. And it's not so much that the tank could be pierced, but just the consequence of the handle being off and then slow leak over time, in an area of which the predominant usage is well water from that area, and 2000 gallons is-

Charles Eldredge:

Is a lot.

Robert Kosin:

... a tipping level. And one reason my jaw was down when you gave that testimony, but thank you for your candor.

Elidio Villaviencio:

Absolutely. I'd be able to do the concrete where be required to be able to be more safe for a spill.

Charles Eldredge:

And this is an area generally with a very high water table and so the ground water would be close to the surface.

Linnea Kooistra:

Okay. Any other discussion on this? Okay, I have the condition to read that reasonable containment for spills for the diesel and gasoline shall be constructed in the standards to be decided by the building division for environmental purposes.

Charles Eldredge:

Well any storage of any fuel or solvents.

Linnea Kooistra:

Okay, so we're going to say for spills for any fuel and solvents.

Charles Eldredge:

Yeah, I mean if they have a couple of drums of motor fuel, I want those protected too.

Linnea Kooistra:

Okay. Okay. All those in favor of this condition please signify by saying "Aye".

Speakers Together:

Aye.

Linnea Kooistra:

Any opposed? Okay, motion passes seven to zero. Any other conditions proposed? Anna?

Anna Kurtzman:

I'm just going to point out that during testimony, our eye contact here, I got the impression that you wanted to have a condition where the site plan show an area for processing.

Linnea Kooistra:

Yes.

Anna Kurtzman:

So do you want to amend number two there so that-

Charles Eldredge:

I will post that. Madam Chairman, with your permission?

Linnea Kooistra:

Yes. So you want to go back to number two and the site plan and that-

Charles Eldredge:

That an area for processing be delineated and the building department to find whatever limitations there should be on it.

Vicki Garner:

And I'll second that.

Linnea Kooistra:

Okay. A motion made by Mr. Eldredge, seconded by Ms. Garner. Any discussion on that?

Thomas Jurs:

I have a question regarding that.

Linnea Kooistra:

Sure.

Thomas Jurs:

If Eddie's got his cover entered and he's making mulch and this year he's here, you want an area on the site plan specifically for processing? He's got 29 acres there. Don't you think that pile's going to move occasionally from year to year?

Linnea Kooistra:

Well the standard in the ordinance is that he has to put that on the site plan where that's going to be, and it wasn't listed, so this-

Thomas Jurs:

... for a year or two? And he could move it over 500 feet for a year or two? Plans change. I mean, so if it's okay with him, are you okay with keeping that tub grinder in the same location forever and ever?

Elidio Villaviencio:

Well we have to think about the neighbors and it's what I want. Maybe I was grinding too close where the property is, I can move the processing and that's why I need to know what area to put it in, and I can fix that to not grind it too close to where they are. So don't make too much noise and put it in the middle. I can change a little bit, something like that.

Linnea Kooistra:

So are you saying you'd like to change where those areas are on your site plan?

Elidio Villaviencio:

We usually grind right here.

Linnea Kooistra:

Okay.

Elidio Villaviencio:

I can grind right here.

Vicki Garner:

Then we're close.

Elidio Villaviencio:

No, I can [inaudible 01:42:29] the same, this one. So chest pile, but instead of grinding right here in the middle, we grind right here and put the material right here.

Linnea Kooistra:

So would you like the area for processing and mulching to be in that area you're pointing to?

Elidio Villaviencio:

Because this square right here is for pile wood chips, but instead of having the wood chips, I can grind it and just change this one because right now we grind it right here.

Linnea Kooistra:

So those three bins would just be for storage?

Elidio Villaviencio:

For storage, sure. So, I can change the grinder and put it right here, so that we're far away because the properties are right here.

Linnea Kooistra:

Okay. So Anna, you have that duly noted?

Anna Kurtzman:

Yeah.

Linnea Kooistra:

Okay. So again it goes back to the condition that we need the area for processing and mulching to be delineated. And so the petitioner has shown us on the site plan where he would like that to be, to be more respectful of the neighbors. And is that suitable for you Mr. Eldredge?

Charles Eldredge:

Yes it is.

Linnea Kooistra:

Okay. Okay. All those in favor of this condition please say aye.

Speakers Together:

Aye.

Linnea Kooistra:

Any opposed? Okay, that passes also seven to zero. Thank you for that Anna. Any other proposed conditions? Okay, at this time I would take a vote, then, on the conditions, the total conditions.

Charles Eldredge:

I move the conditions as amended.

Linnea Kooistra:

Let me get up [inaudible 01:44:13].

Donald Smolinski:

I'll second it.

Linnea Kooistra:

Okay. The motion has been made by Mr. Eldredge to approve the conditions and seconded by Mr. Smolinski. Any discussion?

Charles Eldredge:

No.

Linnea Kooistra:

Okay. All right. We'll take a vote then, Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Garner?

Vicki Garner:

Yes.

Linnea Kooistra:

Ms. Kooistra, I vote Aye. Mr. Kosin?

Robert Kosin:

Aye.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Smolinski?

Donald Smolinski:

Yes.

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

Yes.

Linnea Kooistra:

Okay. The conditions are approved, seven to nothing. Okay, now I would entertain a motion for approval of this conditional use request.

Thomas Jurs:

So moved.

Charles Eldredge:

Second.

Linnea Kooistra:

Okay. The motion has been made by Mr. Jurs and seconded by Mr. Eldredge. Discussion Mr. Jurs?

Thomas Jurs:

I've been on this property multiple times. I've known Eddie for a long time. He's one of the hardest work men I've ever met in my life. The property is 29 acres. I think he's gotten more than enough land there for what he's doing and for probably the immediate future, I'm in favor of the whole thing. Thank you.

Linnea Kooistra:

Okay, Mr. Schnable?

Kurt Schnable:

Yes, I am in large part in agreement with that comment from Mr. Jurs. I'd also like to add I've looked at a few of these landscapes, CUPs over the years and yours is by far, some might say not completely accurate, that could be determined. But definitely from a planning standpoint, his plan is one of the most detailed I've ever seen for an operation like this. And to back up what Mr. Jurs just said, too, many operations are trying to operate something of your scale on a five acre lot. You're not trying to do that, so I think overall this would be a... I'll just say it's a conditional use. I am definitely in favor of and I would vote to approve.

Linnea Kooistra:

Ms. Garner?

Vicki Garner:

I'm in favor of this proposal. I believe that you're a good businessman. First of all, your business is thriving, apparently. I would encourage you to keep in touch with your neighbors and their needs so that they don't end up going to the planning department complaining about you. You'd rather head it off at the pass. And anything new that you plan on doing, you need to go to planning and development with. If you decide to put up another building or change your plan somehow, go to them first. That's very important so that you don't get-

Elidio Villaviencio:

Absolutely.

Vicki Garner:

... another RFS. Otherwise, I think that what you're doing is something that's needed in our area. I think you're doing a good job of it. I think that you're going to be very sensitive to your neighbors and I'm in favor.

Linnea Kooistra:

Mr. Eldredge?

Charles Eldredge:

Yes, I believe that all the standards for conditional use have been met. While, as I mentioned, the soils in this area are quite sensitive and the water table is very high, I think that there is enough land to do the

work, and a business on the scale that you have, even with growth on this site, reasonably protecting your neighbors from complaints with the conditions we put in. I think we have addressed the concerns that were raised here to the degree that we are capable of doing. So, I think that the corridor of which you form a part along 176, already has developed commercially to some extent for this type of business and that this is an appropriate business in this location. And for these reasons and others, I support what you're proposing and will vote yes.

Linnea Kooistra:

Mr. Smolinski?

Donald Smolinski:

I agree with the comments from my colleagues here. I just want to wish you the best of luck because you got a lot of work ahead of you here. A lot of work with some of the things that you're going to have to go through with the county. So I wish you the best in that and I will support the petition

Elidio Villaviencio:

Thank you.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Rather than what I am otherwise not known for, I'll be brief. To commend that I appreciate the comments of your neighbors and their candor and the atmosphere by which it was exchanged. And in that atmosphere, I too will support this petition.

Linnea Kooistra:

And I also believe that the restrictions that we put on your business regarding the size of the piles, the size of the bins, the hours of operation, all those are to help mitigate the impacts on your neighbors, to have the impacts on groundwater, all those sorts of things. So I think by the restrictions that we have on that, and as long as they're followed, I think you will have probably not any problems with your neighbors and the addition of the plantings as well. So I believe that this is a business that is in demand in this area. There are other ones along Route 176, this was mentioned by Mr. Eldredge. And I believe that you've done a great job in trying to address all these needs and you're very familiar with the fact that there's going to be a lot more things that you're going to have to do to be able to then operate this business, but you're making a real good faith effort and I commend you on that.

And so I will be voting in favor of the petition as well. So at this time I will take the vote. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Garner?

Vicki Garner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Smolinski?

Donald Smolinski:

Yes.

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

Yes.

Linnea Kooistra:

And I will vote yes as well, so this will go to the county board with a seven to zero vote approving this petition.

Do we have anything else to come before us today?

Anna Kurtzman:

No.

Linnea Kooistra:

Okay-

Thomas Jurs:

Motion to adjourn.

Linnea Kooistra:

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... So, at this time the meeting is closed.

PART 4 OF 4 ENDS [01:51:08]