

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2023-021

PIN: Part of 07-04-200-007

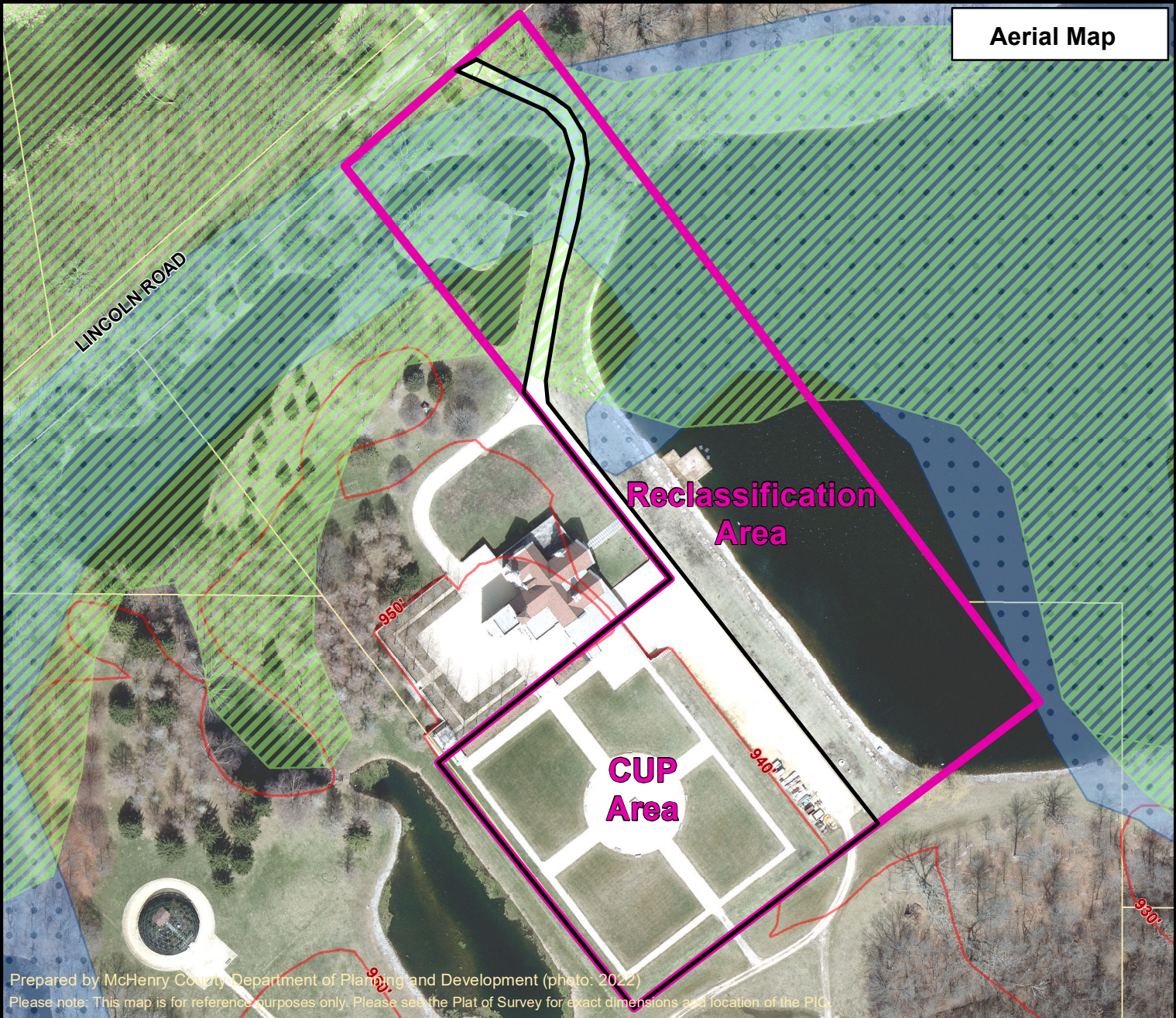
Address: 17519 Lincoln Road, Harvard

Applicant: Henri and June Giugni

Request: A-2 Agriculture District to A-1 Agriculture District on 6.467 acres and Conditional Use Permit to allow a Reception Facility and Arts Studio on 2.673 acres

Hearing: June 27, 2024

Location: The subject property is located on the East side of Lincoln Road, approximately two-thirds (2/3) of a mile from the intersection of Lincoln Road and Irish Lane, in Hartland Township.



Aerial Map

Prepared by McHenry County Department of Planning and Development (photo: 2022)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIC.

Elevation

(feet above sea level)

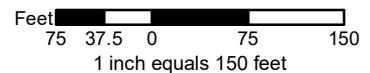
- 10-foot contours
- 2-foot contours

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



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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 reclassification from A-2 Agriculture District to A-1 Agriculture District and a Conditional Use Permit to allow for a Reception Facility and an Arts Studio. The tract subject to the reclassification consists of just under six and a half (6.5) acres (depicted in pink on the aerial photograph). The proposed Conditional Use Permit area consists of approximately two point seven (2.7) acres and is outlined on the aerial photograph in black.

Four (4) plats of survey have been provided with the application. Exhibit "B" depicts the overall parcel. Exhibit "C" shows the reclassification area. Exhibit "E" reflects the Conditional Use Permit Area. And, the applicant is, through Exhibit "D," showing how the new A-1 area will be combined with other parcels to create a forty-nine (49) acre zoning parcel.

The plats of survey associated with the reclassification/CUP areas (Exhibits "C" and "E") depict a gravel driveway which terminates into a gravel parking area, gravel walking paths, a stone path along the edge of the lake and a concrete dock extending onto the lake (the stone path and dock are not within the Conditional Use Permit Area).

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The Applicant must meet the Approval Standards for Map Amendment, listed in §16.20.010.E.1 of the *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).

STAFF ANALYSIS

Current Land Use & Zoning

All properties which are adjacent to the subject property are zoned A-1 Agriculture and A-2 Agriculture. Properties, other than land owned by the applicant, which are adjacent to the property in question, are either undeveloped or used for agricultural purposes.

2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property, and the properties to the surrounding properties, as Agricultural and/or Environmentally Sensitive Area.

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 northern portion of the property is within the Sensitive Aquifer Recharge Area, outside of the area where the reception facility/art studio is proposed to be located.

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)

- The proposed reclassification would maintain open spaces and the potential for agricultural uses. The proposed CUPs could allow for recreational opportunities while still maintaining the open spaces of the area.

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 conditional use permit for the operation of a reception facility and art studio would allow for commercial uses which could potentially help reduce the property tax burden on residential properties.

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 uses to be legally established on the subject property.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

"To preserve the most productive farmland as a source for viable agricultural activities that will enhance the County's economy and contribute to its rural character." (p. 29)

- There are no agricultural activities currently occurring on the subject property. The proposed CUPs will not adversely affect the potential of using the property for agricultural purposes in the future.

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 letter has been received. They determined that there are high quality wetlands, hydric soils and floodplains on the subject property. However, they determined that any proposed development will have minimal impacts on these areas. Please refer to NRI L23-038-4498 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 northern portion of the property is located within the Sensitive Aquifer Recharge Area (SARA). Other than the existing driveway, the proposed CUP area is outside of the SARA area.

Economic Development

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

- Granting the Conditional Use Permit could potentially help increase the commercial/industrial tax base for the County.

Infrastructure

No applicable text.

STAFF ASSESSMENT

The requested Conditional Use Permit is not in conflict with the McHenry County 2030 Future Land Use map, which designates this area as developing with Agricultural uses. The proposed use furthers the economic policies of the 2030 Comprehensive Plan, as well as it's companion document, 2030 and Beyond.

Regarding the Conditional Use Permit, 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 listed as Exhibit "E" stamped received May 13, 2024.
3. Temporary portable restrooms must be removed after each event.
4. All other federal, state, and local laws shall be met.

Section 16.20.010.E.1 of the McHenry County Unified Development Ordinance

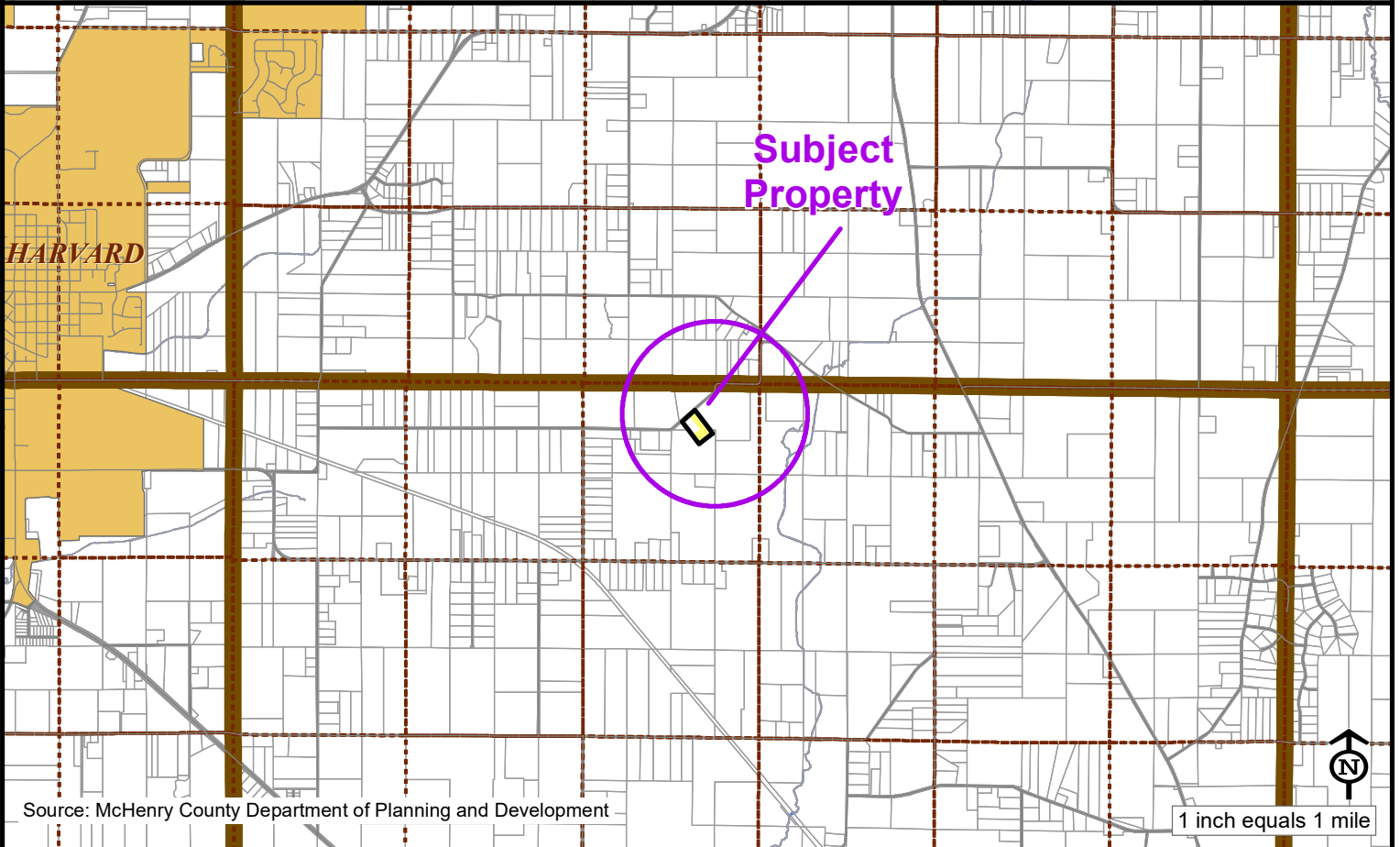
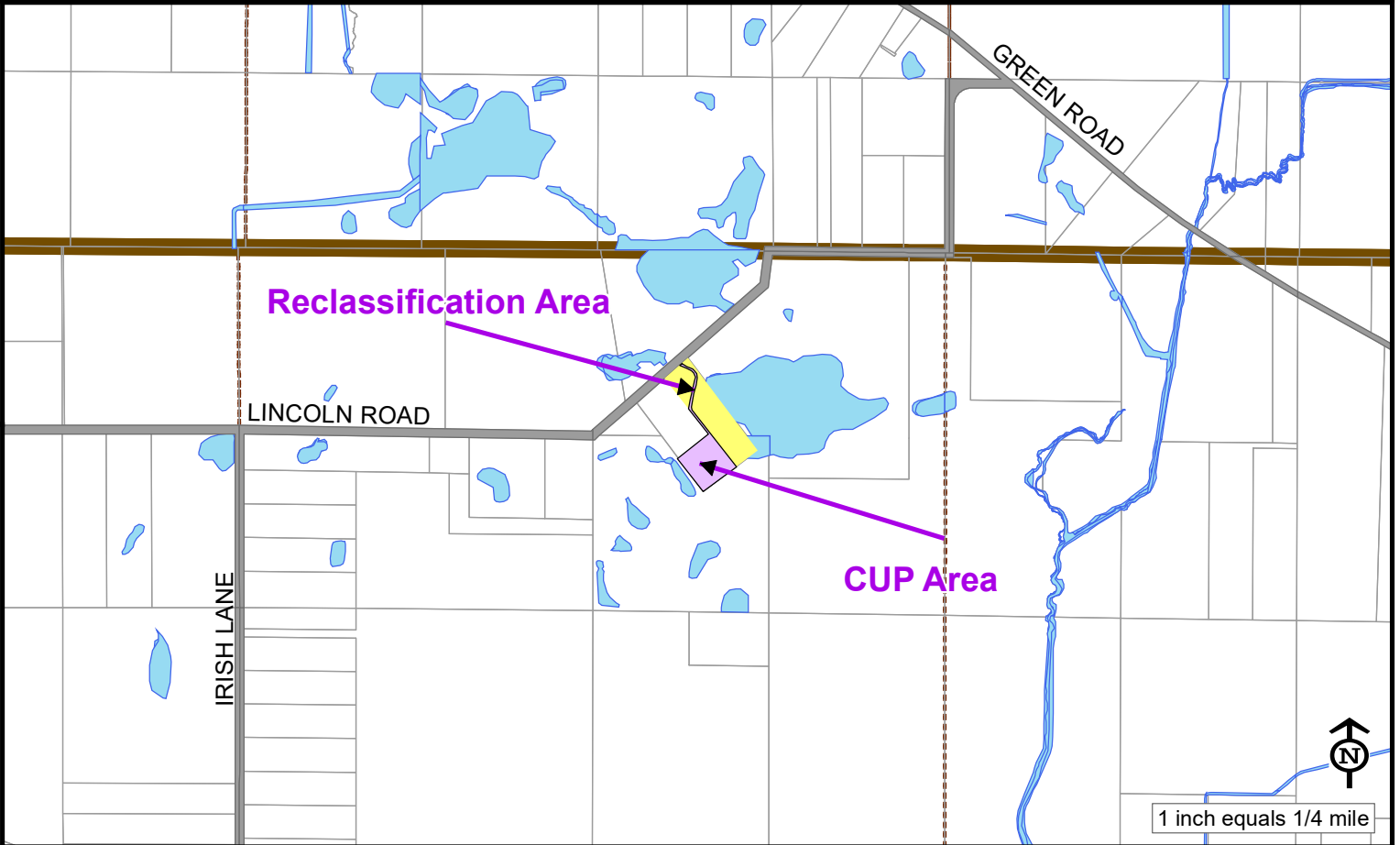
Approval Standards for Zoning Amendments. The Zoning Board of Appeals recommendation and the County Board decision shall consider the following standards. However, the Zoning Board of Appeals' recommendation and the County Board's decision on any zoning text or map amendment is not controlled by any one factor under the following standards, but rather the approval of amendments is based on a balancing of the factors under each standard.

1. *Approval Standards for Map Amendments.*

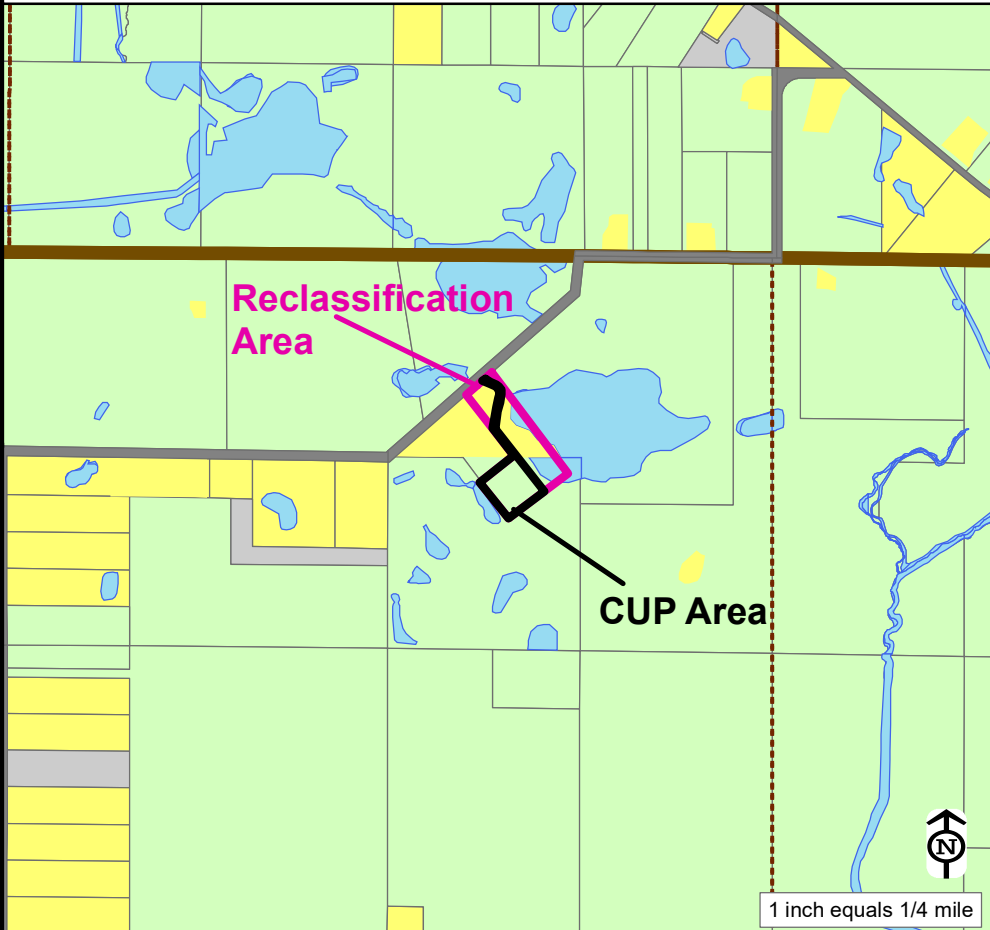
- a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
- b. The extent to which property values of the subject property are diminished by the existing zoning.
- c. The extent to which the public health, safety, and welfare of the public are promoted by the existing zoning.
- d. The relative gain to the public, as compared to the hardship imposed upon the applicant, if the proposed zoning is denied.
- e. The suitability of the property for the purposes for which it is presently zoned.
- f. The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.
- g. The community need for the proposed use.
- h. The consistency of the proposed amendment with the adopted comprehensive plan and the appropriateness of the comprehensive plan to the subject property.

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.



Current Land Use Map

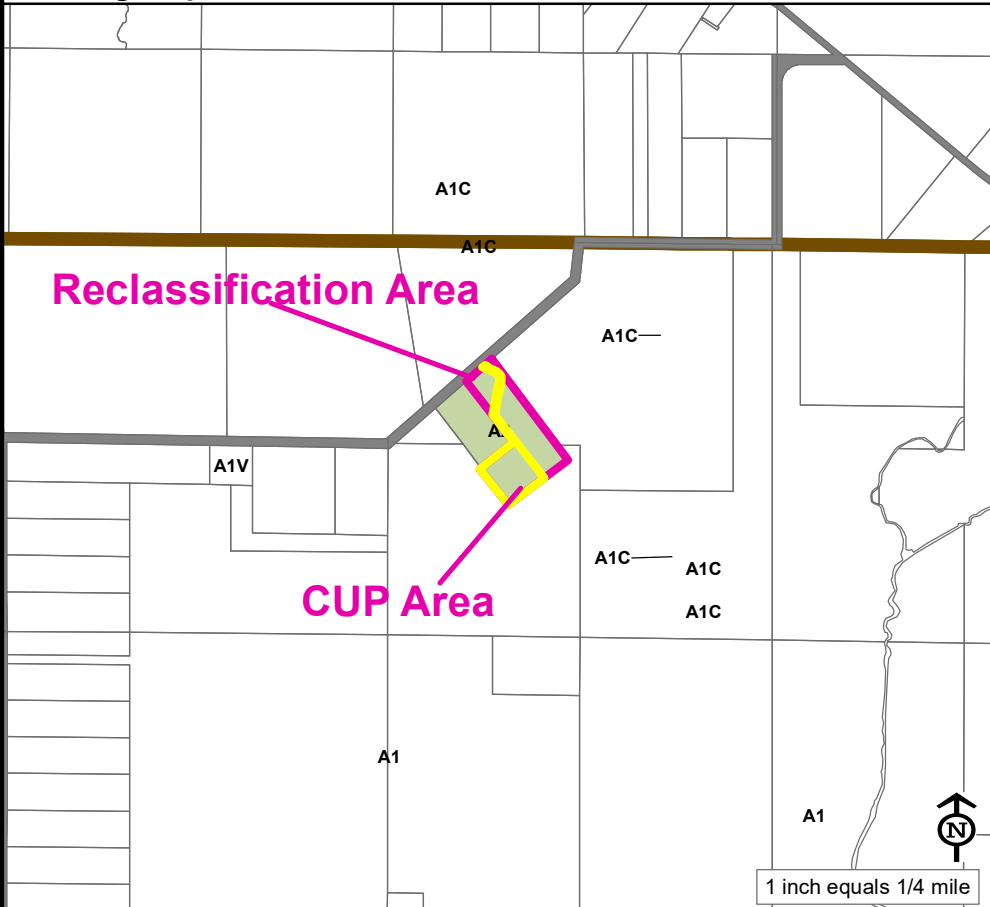


Current Land Use
 Agriculture and Single-Family Residential

Adjacent Land Use(s)
 North: Agriculture & Single-Family Residential
 South: Agriculture
 East: 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

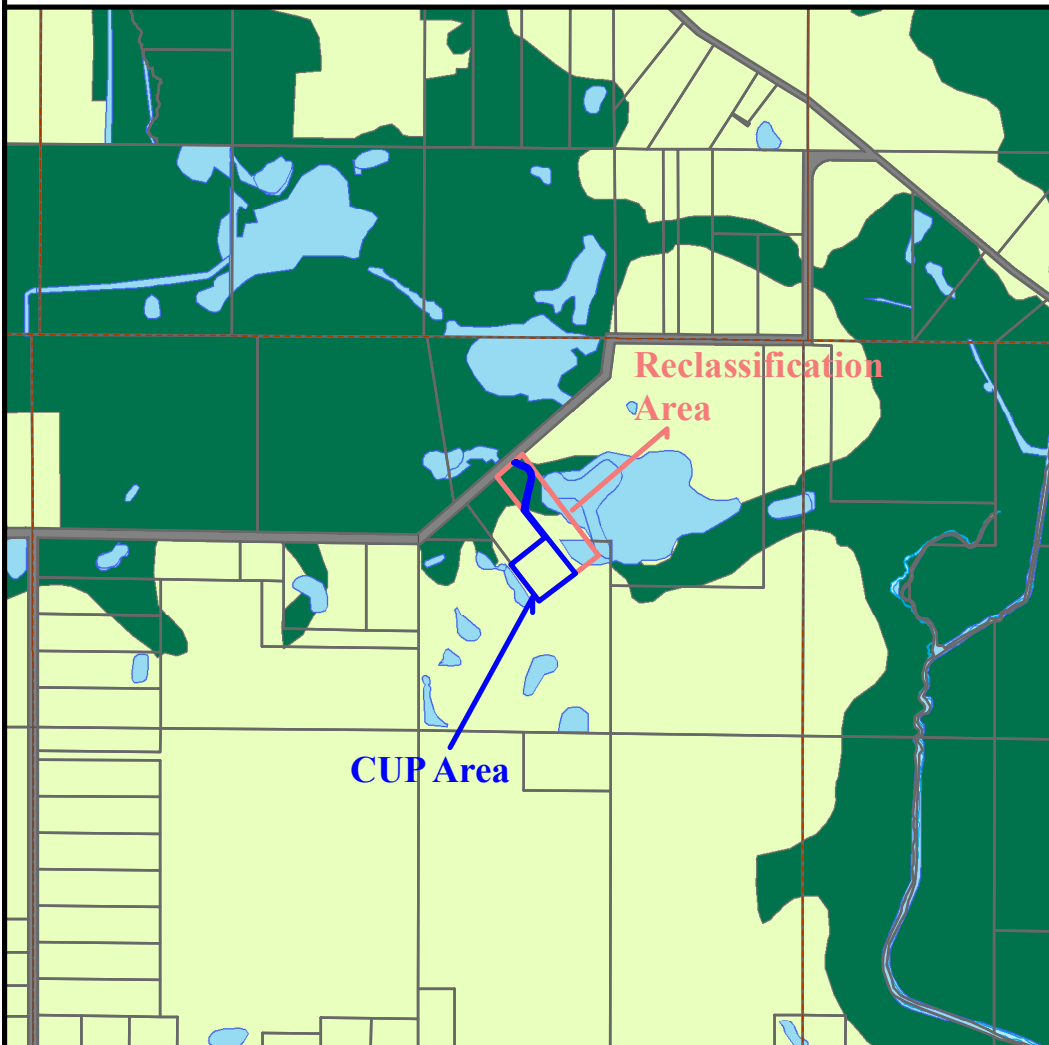


Current Zoning
 A-2 Agriculture

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 Neighborhood 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 Agricultural and Environmentally Sensitive Area

- Agricultural
 - Open Space
 - Environmentally Sensitive Area
 - Estate
 - Isolated Estate
 - Residential
 - Isolated Residential
 - Retail
 - Mixed Use
 - Office, Research, Industrial
 - Gov't, Institutional, Utilities
 - R TOD Existing Rail Station
 - R TOD Future Rail Station
 - X Active Earth Extraction Site
 - Municipality
- Scale: 1 inch = 1/4 mile



Municipal / Township Plan Designations

Hartland Township: Single-Family Residential and Agriculture

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

AGRICULTURAL – represents existing agricultural acres, including cropland, pastureland, farm yards, and farmsteads, that should remain in agricultural use through the 2030 planning horizon. Development in the Agricultural District should be strictly limited to agriculture, agricultural residences, and agricultural support uses. (p. 134)

Sensitive Aquifer Recharge Areas

A portion of the site is located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area