

IN THE MATTER OF THE APPLICATION OF)
PRAIRIE ENTERPRISES LLC., APPLICANT)
 FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT) # 2024-007
 ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR)
A RECLASSIFICATION)

WHEREAS, your Petitioner, **Prairie Enterprises LLC, applicant**, and **Flowerwood Nursery LLC, owner of record** has filed an application with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the **“B-1” Neighborhood Business District to “B-3” General Business District** as it relates to the McHenry County Unified Development Ordinance, as it relates to the real property more fully described as:

That part of the Northwest Quarter of Section 31, Township 44 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at a point of intersection of the centerline of U.S. Route 14 and the East and West Quarter Section line, said point being 164.59 feet West of the center of said Section 31; thence South 89 degrees 36 minutes 54 seconds West along said East and West Quarter Section line, 1057.62 feet; thence North 00 degrees 00 minutes 32 seconds East, 26.31 feet to a point on the North right-of-way line of State Route 176 for a Place of Beginning; thence North 89 degrees 59 minutes 28 seconds West along said North right-of-way line, 535.54 feet; thence North 05 degrees 35 minutes 56 seconds West along the Westerly line of lands described in Document No.95R0050948 recorded November 17, 1995, in McHenry County, Illinois, 1252.26 feet to a point on the Southerly right-of-way line of U.S. Route 14; thence North 86 degrees 52 minutes 14 seconds East along said Southerly right-of-way line, 157.12 feet to a point of curvature; thence Southeasterly along the Southwesterly right-of-way line of said U.S. Route 14, being along a curve to the right having a radius of 1012.10 feet, for an arc distance of 892.03 feet (said curve having a chord bearing of South 67 degrees 52 minutes 49 seconds East and a chord distance of 863.43 feet) to the most Northerly corner of lands described in Document No. 92R0043212 as recorded August 1, 1992 in McHenry County, Illinois; thence South 53 degrees 00 minutes 43 seconds West along the Northwesterly line of said lands described in Document No. 92R0043212, for a distance of 216.03 feet to the most Westerly corner of said lands; thence South 40 degrees 28 minutes 35 seconds West, 194.72 feet; thence South 00 degrees 00 minutes 32 seconds West, 651.73 feet to the Place of Beginning, in McHenry County, Illinois.

Except that part of the Northwest Quarter of Section 31, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, described as follows: Commencing at the Southeast corner of the Northwest Quarter of said Section 31, as monumented and occupied; thence on an assumed bearing of South 89 degrees 21 minutes 12 seconds West of the South line of the Northwest Quarter of said Section 31, as monumented and occupied, a distance of 164.61 feet (164.59 feet, recorded) to the centerline of U.S. Route 14; thence continuing South 89 degrees

21 minutes 12 seconds West along the South line of the Northwest Quarter of said Section 31, as monumented and occupied, a distance of 1057.62 feet; thence North 00 degrees 15 minutes 10 seconds West, a distance of 26.44 feet (26.31 feet, recorded) to the North right-of-way line of Illinois Route 176 recorded December 1, 1939 as Document No. 143050, being also the Southeast corner of the Grantor; thence South 89 degrees 44 minutes 30 seconds West along said North right-of-way line of Illinois Route 176, being also the South line of the Grantor, a distance of 535.54 feet to the Southwest corner of the Grantor; thence North 05 degrees 50 minutes 30 seconds West along the West line of the Grantor, a distance of 1212.51 feet to the Place of Beginning; thence continuing North 05 degrees 50 minutes 30 seconds West along the West line of the Grantor, a distance of 39.68 feet to the South right-of-way line of U.S. Route 14, as monumented and occupied, being also the Northwest corner of the Grantor; thence North 86 degrees 38 minutes 02 seconds East along the said right-of-way line of U.S. Route 14, as monumented and occupied, being also the North line of the Grantor, a distance of 157.05 feet (157.12 feet, recorded) to a Point of Curvature; thence Southeasterly 891.66 feet (892.03 feet, recorded) along the Southwesterly right-of-way line of U.S. Route 14, as monumented and occupied, and recorded April 22, 1924 as Document No. 63235, being also the Northeasterly line of the Grantor, on a curve to the right having a radius of 1012.10 feet, the chord of said curve bears South 68 degrees 07 minutes 39 seconds East, 863.10 feet to the Northeast corner of the Grantor; thence South 52 degrees 44 minutes 39 seconds West along the Southeasterly line of the Grantor, a distance of 43.18 feet; thence Northwesterly 403.25 feet along a curve to the left having a radius of 1170.31 feet, the chord of said curve bears North 56 degrees 53 minutes 12 seconds West, 401.26 feet; thence South 20 degrees 22 minutes 10 seconds West, a distance of 15.02 feet; thence Northwesterly 538.49 feet along a curve to the left having a radius of 1155.31 feet, the chord of said curve bears North 80 degrees 04 minutes 24 seconds West, 533.63 feet; thence South 86 degrees 34 minutes 25 seconds West, a distance of 29.92 feet; thence North 03 degrees 25 minutes 35 seconds West, a distance of 5.00 feet; thence South 86 degrees 34 minutes 25 seconds West, a distance of 22.25 feet to the Place of Beginning.

PIN 14-31-151-004

More commonly known as ***Illinois Route 176, Crystal Lake, Illinois in Nunda Township.***

WHEREAS, the Application requests ***reclassification of the subject property from its present classification which is "B-1" Neighborhood Business District to "B-3" General Business District.***

WHEREAS, the subject property consists of approximately **17.268 acres** in which reclassification is contemplated.

WHEREAS, a hearing on said application 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 the exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did **recommend by a vote of 6 ayes and 0 nay the granting of the reclassification of the subject property from its present classification which is "B-1" Neighborhood Business District to "B-3" General Business District.**

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 requirements for reclassification of the subject property 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 **reclassification of the subject property from its present classification which is "B-1" Neighborhood Business District to "B-3" General Business District.**

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
MINUTES ● March 28, 2024

Zoning Hearing

County Board Conference Room

1:30 PM

667 Ware Rd, Woodstock, IL 60098

ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2024-007

- 1. APPLICANT:** Prairie Enterprises LLC
- 2. REQUEST:** B-1 Neighborhood Business District to B-3 General Business District
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The 17.268 acre tract is adjacent to the intersection of Ridgefield Rd & U.S. Hwy 14 and also abuts Illinois Route 176 approximately one thousand (1,000) feet west of U.S. Hwy 14, Crystal Lake, Illinois in Nunda Twp. The parcel identification number is 14-31-151-004.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** March 28, 2024, 1:30 PM
- 5. LOCATION OF HEARING AND VOTING MEETING:** County Board Conference Room, 667 Ware Road, Woodstock, Illinois
- 6. PRESENT AT HEARING:**
 - A. ZBA Members: Vicki Gartner – Vice Chair, Charles Eldredge, Robert Kosin, Kurt Schnable, Thomas Jurs, Mary Donner
 - B. Witness: Kyle Lindley, Manager of Prairie Enterprises LLC
 - C. Attorney: Terry McKenna
 - D. Public: Anna Kurtzman – County Staff, Kit GearhartSchinske – County Staff, Tim James, Jerry Lindley
- 7. ITEMS OF EVIDENCE:** Petitioner’s Exhibit 1 aerial photo
Letter from City of Crystal Lake

8. SUMMARY OF TESTIMONY AT HEARING: Vice – Chair Gartner opened the meeting. The board members introduced themselves. Mr. McKenna introduced himself, his client, and the project. Ms. Gartner asked if the petitioner would waive the reading of the petition. Mr. McKenna stated that they would. He asked Mr. Lindley if Prairie Enterprises LLC is the contract purchaser of the subject property. Mr. Lindley stated that this is correct. Mr. McKenna reviewed the Approval Standards for Map Amendment with Mr. Lindley. Mr. McKenna asked Mr. Lindley if Prairie Enterprises would purchase the property if the rezoning request were not granted. Mr. Lindley stated that they would not.

Ms. Donner asked the applicant how many storage units they intend to place on the property. Mr. Lindley stated that they are not sure at this time. Ms. Donner asked if all nursery stock will be removed. Mr. Lindley stated that will depend on the use of the property.

Mr. Eldredge asked Mr. McKenna to comment on the letter from the City of Crystal Lake. Mr. McKenna stated that the applicant has no wish to make an enemy of the City of Crystal Lake. He wants to be a good neighbor. Mr. McKenna stated that the applicant will comply with all permitting standards. He stated that the development of a self-storage facility does not require city water and sewer services.

Mr. Eldredge asked the applicant if they would use the parcel for multiple uses considering the approximately seventeen (17) acre size of the parcel. Mr. Lindley stated that much of the parcel could be used for a storage facility but left open the option of developing a portion of the property for other uses.

Ms. Gartner asked if the applicant intends to sit down with the City of Crystal Lake. Mr. Lindley stated that they have not previously spoken with the City of Crystal Lake. He stated that he had not read the letter. Mr. McKenna stated that he read the letter. Mr. McKenna stated that the site can be developed to comply with watershed standards noted in the letter. Mr. McKenna stated that law enforcement prefers the use of open fencing for security purposes. Mr. Lindley stated that the lighting for storage units would be downward facing and not extend past the property borders.

Mr. Kosin noted that the Letter from the City of Crystal Lake referenced a property owner which approached the City regarding possible annexation and development for self-storage units. He asked if Mr. Lindley was that property owner. Mr. McKenna stated that it was the property owner of the adjacent parcel that approached the City of Crystal Lake.

Mr. James asked how much of the site will be developed for self-storage. Mr. McKenna stated that the petition is not specific to self-storage, but the applicant is in the business of self-storage. He stated that if they were looking specifically for self-storage at this time, they could have applied for a conditional use permit. Mr. Lindley stated that he cannot guarantee future use, but the intended use is for self-storage and outdoor storage for boats and RV's.

Staff stated the request before the board is to rezone the parcel to "B-3" General Business District and reminded them that they should consider all uses which might be developed within this district and not focus on self-storage. Staff addressed the issue of forced annexation and explained how that can occur

and how unlikely this would occur with this property in the near future. Staff gave their report. The property is zoned "B-1" Neighborhood Business. The future land use is shown as mixed use. It is in keeping with the development plan of the area. Staff stated that "B-3" General Business District is in line with the 2030 Comprehensive Plan.

Mr. Kosin asked if the county has a land use agreement with the City of Crystal Lake. Staff stated that they do not. Mr. Kosin asked Staff if the permitted uses in the Unified Development Ordinance table would be a matter of right. Staff stated that is correct. Mr. Eldredge asked Staff if those uses that are permitted with a conditional use in a "B-3" General Business District would be allowed with a conditional use permit. Staff stated that they could come back through the process to request a conditional use permit.

Mr. James gave comment. He stated that he is the property owner to the east of the subject parcel. He stated that he went to the City of Crystal Lake and requested a self-storage facility. He also stated that he is concerned that the board is voting on rezoning without knowing exactly what the petitioner will put on the site.

Mr. Eldredge asked Mr. James if his parcel is currently part of the City of Crystal Lake. Mr. James stated that it is not but is currently in the process of annexing.

Ms. Gartner stated that the board had six (6) members at the time of the hearing. She asked the applicant if they would like the board to vote immediately or if they would like to schedule a vote with a full board of seven (7) members. Mr. McKenna stated that they would like to proceed with the vote today.

Ms. Gartner closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: L24-014-4570.

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

Consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Vice Chair Gartner opened the voting meeting immediately following the hearing.

Mr. Eldredge motioned for acceptance of the petition. Ms. Donner seconded the motion. Mr. Eldredge stated that he is very familiar with the site. The parcel has frontage on U.S. route 14 and IL Route 176. It is adjacent to but not in the City of Crystal Lake. He stated that it is an area that has been developing as a commercial area. He stated that the parcel is too large for a "B-1" Neighborhood Business designation. He stated that when the County makes a map amendment, they are giving the land rights to whatever is allowed in a "B-3" General Business District. He stated that the City of Crystal Lake objected to the use of self-storage, but they have not given any substantive objection. He

stated that "B-3" General Business District is compatible with surrounding uses. "B-1" Neighborhood Business is not compatible with surrounding uses.

Board members agreed with Mr. Eldredge.

Motion carried (6-0).

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:

- The property is currently zoned "B-1" Neighborhood Business.
- The future land use plan indicates mixed use.
- The proposed "B-3" General Business District is in line with the 2030 Comprehensive Plan.

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

- The City of Crystal Lake submitted an objection letter to the Zoning Board of Appeals.

14. MOTIONS:

Mr. Eldredge motioned for acceptance of the petition. Ms. Donner seconded the motion. Motion carried (6-0).

15. VOTE:

6 – AYES; 0 – NAYS; 0 – ABSTAIN

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the map amendment from B-1 Neighborhood Business to B-3 General Business.

Full Comments and complete application submittal for the above agenda items are available on the McHenry County Meeting Portal.



CITY OF
Crystal Lake
ILLINOIS

March 25, 2024

Linnea Kooistra, Chairwoman
McHenry County Zoning Board of Appeals
2200 N. Seminary Avenue
Woodstock, Illinois 60098

Dear Chairwoman Kooistra and Members of the McHenry County Zoning Board of Appeals:

This letter will serve as formal notification that at the March 19, 2024 regular City Council meeting, the Mayor and the City Council of the City of Crystal Lake reviewed the County Zoning request for a Reclassification from “B-1” Neighborhood Business District to “B-3” General Business District at Ridgfield Road and Route 14 (Parcel No. 14-31-151-004), Crystal Lake, Illinois, as petitioned by Prairie Enterprises LLC.

The Mayor and City Council adopted the enclosed Resolution protesting the rezoning of the subject property. The motion to object is based on the following reasons:

1. Development of this type should occur in the municipality where utilities and emergency services are available. Rural development, such as large lot residences, agritourism, farming, solar or wind farms are appropriate uses that can be developed under rural standards. Commercial and Industrial uses should be developed under municipal guidance, especially in areas surrounded with utility lines and emergency services.
2. As this is a permitted use in the County, it would not require further review of the site layout, architectural design, and landscaping and screening. The absence of such reviews fails to protect adjacent property owners by not requiring design standards, landscaping, and signage control. Also, this is in the City’s Watershed, which requires stringent water quality and water quantity protection. Storage creates significant impervious surface whereas the Watershed needs green space that has pre-treatment and infiltration opportunities to protect Crystal Lake.
3. This is a gateway into Crystal Lake. The City’s Planning and Zoning Commission recently expressed concerns with a self-storage facility at the adjacent property. Allowing storage at this location will create a precedent and storage will become the predominant use at this intersection. This is not consistent with the long-term planning for this area, moreover the adjacent property owner spoke at the meeting stating both properties should be treated the same. That owner is pursuing annexation and development consistent with the City’s guidance. Approval of this petition will interfere with the City’s annexation efforts.
4. The City’s 2030 Comprehensive Plan identifies this property as Commerce, and adjacent properties are identified as combination of Commerce, Parks and Open Space and Office. There are opportunities to

recruit commercial uses that will provide services to future residences. It can also play off the surrounding recreation uses. Storage is not the highest and best use for this site.

Additionally, the Mayor and City Council added to their motion to request conditions of approval be applied to the request if the County Board approves the request. The requested conditions of approval are:

1. A drain tile survey must be completed, and any drain tiles that are impacted must be reconnected.
2. The Crystal Lake Watershed requirements outlined in the McHenry County Stormwater Ordinance must be followed.
3. The site shall meet the Special Use Standards outlined in the City's Unified Development Ordinance Section 2-400 C. 54
 - a. General: No business activity other than the rental of storage units shall be conducted on the premises. The storage of hazardous, toxic or explosive substances, including, but not limited to hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or used oil is prohibited.
 - b. Site layout: Buildings shall be situated such that the doorways or access points are facing away from the yards abutting street right of way.
 - c. Screening: An eight-foot-tall solid screen consisting of a solid wooden fence in accordance with the provision of Section 4-700, Fences, walls and screening, or opaque landscape along the perimeters of the property in accordance with the provisions of Section 4-400 Landscape and screening standards, shall be provided.
 - d. Landscaping: Landscaping shall be provided within a minimum five-foot wide landscape beds along the foundations of the ends of the storage buildings in accordance with the provisions of Section 4-400 Landscaping and screening standards.
 - e. Security: Security lighting shall be provided to safely illuminate all areas of the facility. The use of photocell units and motion sensors is encouraged as a means of saving energy. If overnight security personnel will be staying at the facility, provide details regarding the location of the proposed residence. Appropriate utilities to service the unit shall be provided. No more than one overnight unit shall be provided per facility.

If you should have any questions or concerns regarding this matter, please feel free to contact us.

Sincerely,



Haig Haleblian, Mayor
City of Crystal Lake

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-007

PIN: 14-31-151-004

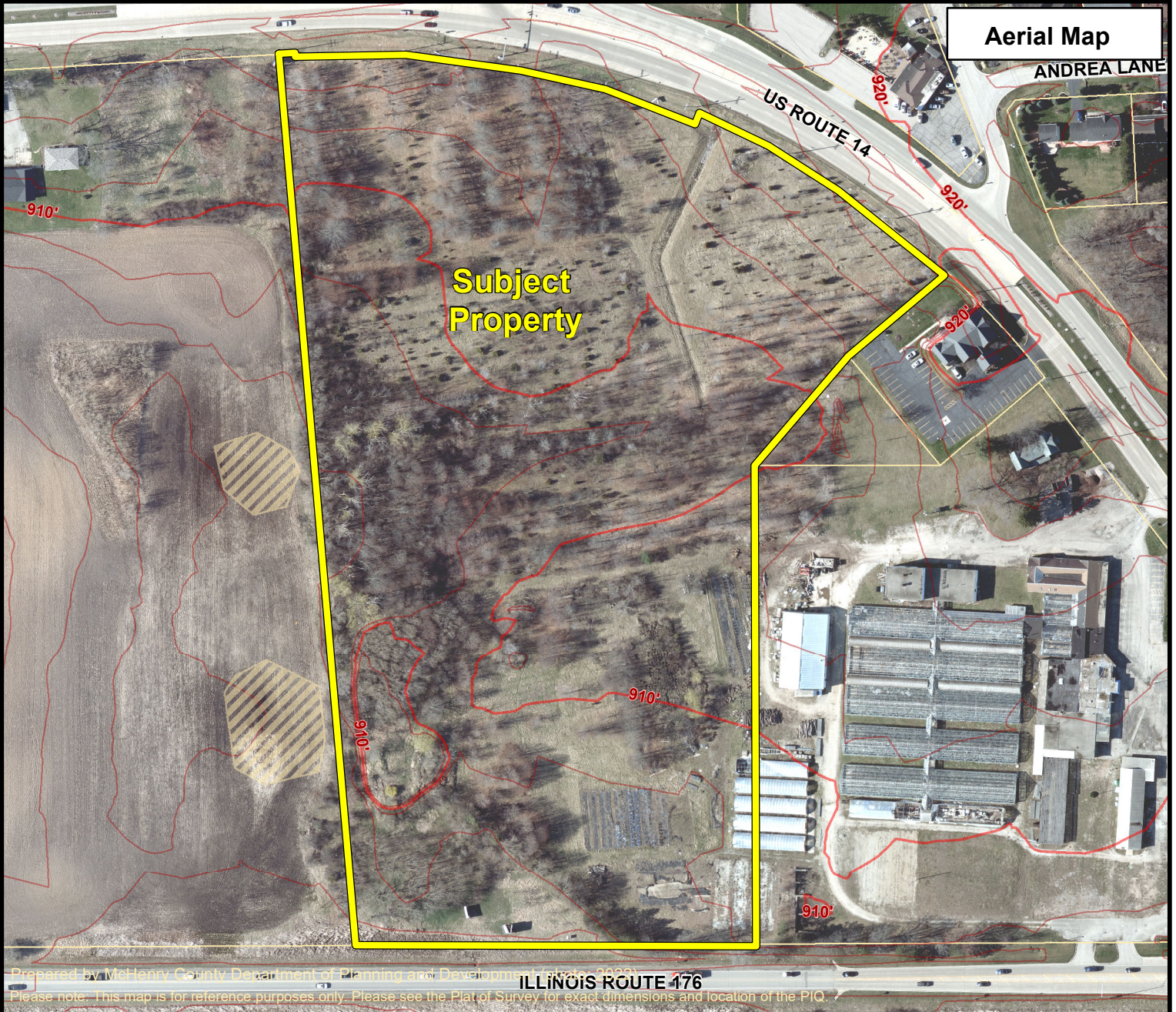
Address: Illinois Route 176, Crystal Lake

Applicant: Prairie Enterprises LLC

Request: B-1 Neighborhood Business District to B-3 General Business District

Hearing: March 28, 2024

Location: The 17.268 acre tract is adjacent to the intersection of Ridgefield Rd & U.S. Hwy 14 and also abuts Illinois Route 176 approximately one thousand (1,000) feet west of U.S. Hwy 14, Crystal Lake, Illinois in Nunda Twp.



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

100 50 0 100 200

1 inch equals 200 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 map amendment from the B-1 Neighborhood Business District to the B-3 General Business District on just over seventeen (17) acres of land. The subject property is located about one thousand (1,000) feet west of the intersection of US Route 14 and Illinois Route 176 and abuts both of these roads (US Route 14 is on the north side of the property and Illinois Route 176 is on the south side of the property).

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*.

STAFF ANALYSIS

Current Land Use & Zoning

The property is currently zoned B-1 Neighborhood Business District. The property is currently unused. The plat of survey shows a Quonset hut and an extensive overgrown gravel area in the southeastern quadrant.

2030 Comprehensive Plan Future Land Use map

The 2030 Comprehensive Plan Future Land Use map depicts this property as being developed with **Mixed Use**.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The text of the 2030 Comprehensive Plan and 2030 and Beyond Plan supports the reclassification to the B-3 General Business District. (*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 promoting development that is compact, contiguous to, or located within municipalities in order to preserve rural landscapes while providing greater mobility choice for all residents." (p.12)

- The subject parcel abuts the City of Crystal Lake to the south.

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." (pg 14)

- A review of the aerial maps found on the GIS system indicates that this property has largely remained undeveloped during the past forty (40) years. By the early 2000's the aerials reflect that the southeastern portion of the property had structures on it, presumably associated with the nursery business which was in operation on the property to the east.

Big Idea #3 Let's grow smarter

"We can make it happen by focusing development that is compact, contiguous to, or located within municipalities, and away from areas designated for agriculture and lacking infrastructure and services." (p. 16)

- As noted above, the subject property is adjacent to the City of Crystal Lake.

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 property is currently zoned B-1, which allows for neighborhood commercial type development. The applicant is seeking to reclassify the property to B-3. The B-3 zoning district is designed to accommodate commercial uses that cater to the needs of the population from the larger region.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

Objective: *"Promote increased density and compact contiguous development."* (p. 15)

- The area is a developing area with a mixture of uses within a quarter (1/4) mile of the subject property. The subject property abuts commercial developments to the north and east. There is commercial development adjacent to three (3) corners of the US Route 14 and the Illinois Route 176/W. Terra Cotta Avenue intersection, which is approximately one thousand (1,000) feet east of the subject property. There are residential developments further to the east and south. There is a regional park immediately to the south and southwest of the subject property

Agricultural Resources

- No applicable text.

Greenways, Open Space & Natural Resources

Objective: *"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 *Natural Resources Inventory* letter was received, and it indicates that a full report is not necessary. This letter notes that there are wetlands to the west of the subject property which the property owner will need to be aware of should any development occur near the western edge of the property. The letter also indicates the presence of hydric soils along the southern and western edges of the property. Please refer to attached NRI Letter # L24-014-4570 for more information.
- The entire property is located within the Sensitive Aquifer Recharge Area.
- The subject parcel is adjacent to Lippold Park owned by the Crystal Lake Park District.

Water Resources

- No applicable text.

Economic Development

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

- The Assessor's office determines the taxes on a property based upon the use of the property and not the zoning of the property. Without a specific use, staff is unable to determine if the property taxes associated with this rezoning classification would change.

Infrastructure

Objective: *"Encourage future development in the County to concentrate adjacent to existing infrastructure and maximize use and efficiency of existing facilities."* (p. 103)

- The subject property abuts two (2) significant roads (US Hwy 14 to the north and Illinois Route 176 to the south).
- The subject property might be able to access existing infrastructure/facilities from the City of Crystal Lake, which abuts the subject property on one (1) side and is within hundreds of feet near the northern corners of the subject property.

Future Land Use

Objective: *"Promote increased density and compact, contiguous development."* (p. 125)

- The City of Crystal Lake abuts the property to the south and is less than three hundred (300) feet from the northeast and northwest corners of the subject property.

STAFF ASSESSMENT

The applicant is requesting a map amendment from the B-1 Neighborhood Business District to the B-3 General Business District on a seventeen (17) acre parcel near the intersection of US Hwy 14 and Illinois Route 176. Structures which had been on the property in support of the adjacent nursery have been removed. As such, the property is presently unused.

The Future Land Use Map depicts this area as developing with a mixture of uses, which is consistent with the current development pattern of the area – which is a mixture of commercial, residential, recreational, and agriculture. The County’s 2030 Comprehensive Plan describes “Mixed Use” as including “existing and proposed areas for development of retail or office uses in combination with residential uses.” Therefore the applicant’s request to reclassify the property from B-1 Neighborhood Business District to B-3 General Business District is consistent with the County’s Comprehensive Plan.

Zoning for the unincorporated areas adjacent to the subject property consists of: B-1 Neighborhood Business District to the east and northwest; B-2 Neighborhood Business District to the north; and A-1 Agricultural District to the west. The following is from Section 16.36.010 of the Unified Development Ordinance which provides purpose statements for each of the County’s Zoning Districts. The following provides the statements associated with subsection C (Business Districts).

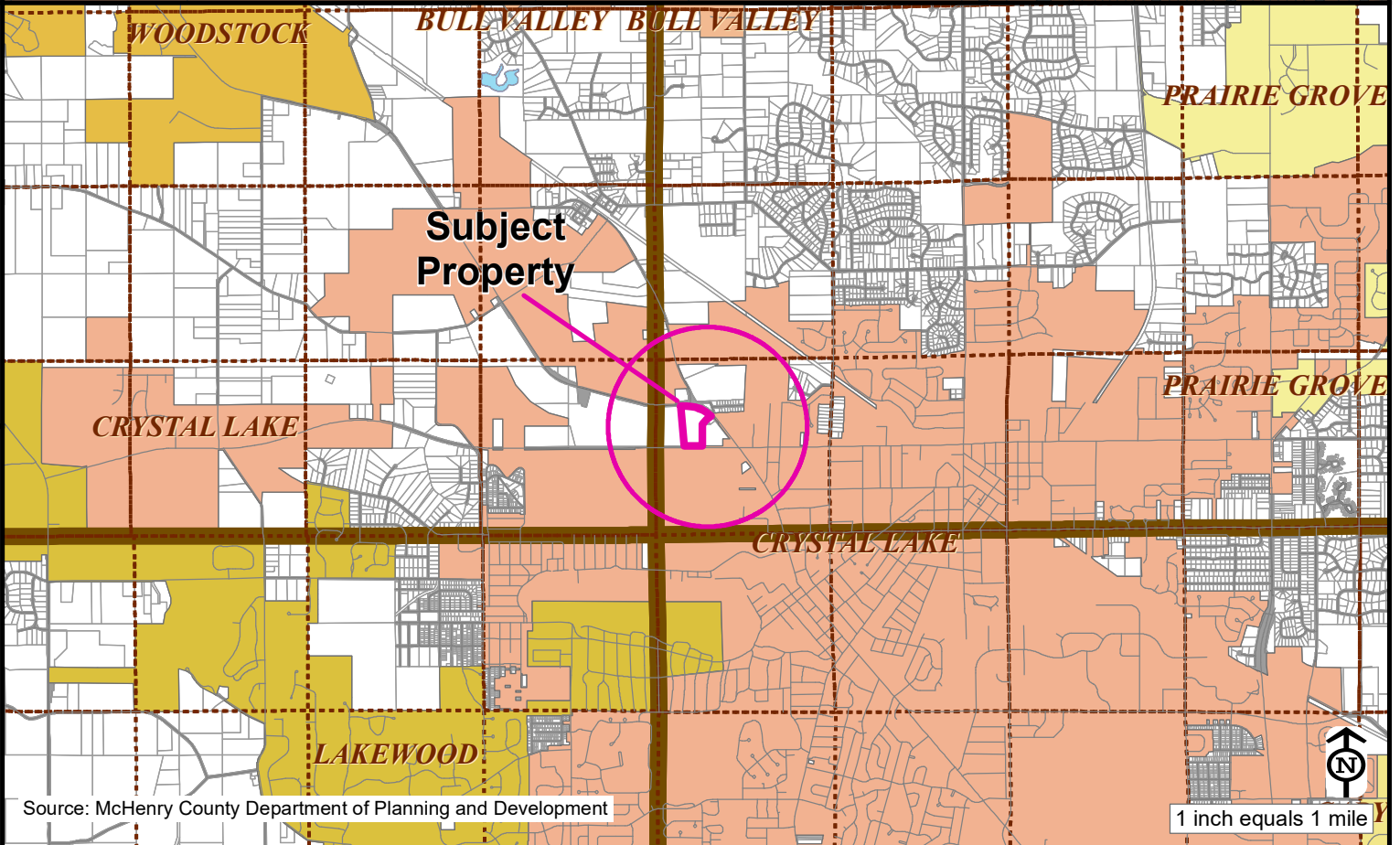
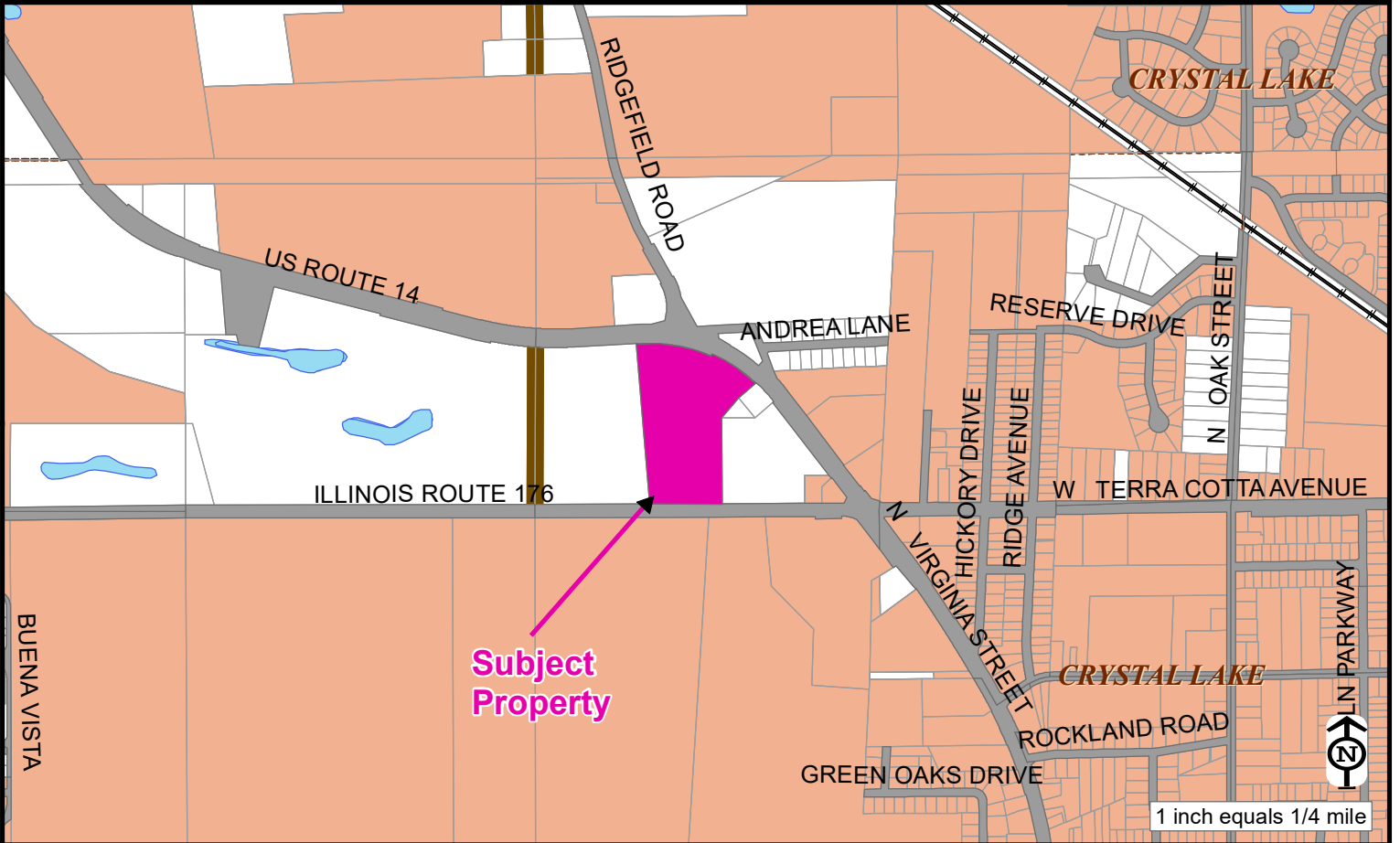
- 1. Purpose of the B-1 Neighborhood Business District. The intent of the B-1 Neighborhood Business District is to provide access to commercial uses for adjacent residential areas, satisfying the basic shopping or service needs of residents. Dwellings are permitted above or behind ground-floor commercial uses to allow for a mixed-use environment.*
- 2. Purpose of the B-2 Neighborhood Business District. The intent of the B-2 Neighborhood Business District is to provide access to commercial uses for adjacent residential areas, satisfying the basic shopping or service needs of residents, and to accommodate businesses that serve alcoholic beverages for consumption on-site, as well as package liquor sale. Dwellings are permitted above or behind ground-floor commercial uses to allow for a mixed-use environment.*
- 3. Purpose of the B-3 General Business District. The intent of the B-3 General Business District is to accommodate commercial uses that cater to the needs of the population from the larger region. The B-3 District allows more intense non-residential uses, which are often larger in scale and typically generate truck traffic. Dwellings are permitted above or behind ground-floor commercial uses to allow for a mixed-use environment.*

Report prepared the March 14, 2024, by Anna Kurtzman, Senior Planner - McHenry County Department of Planning & Development.

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.

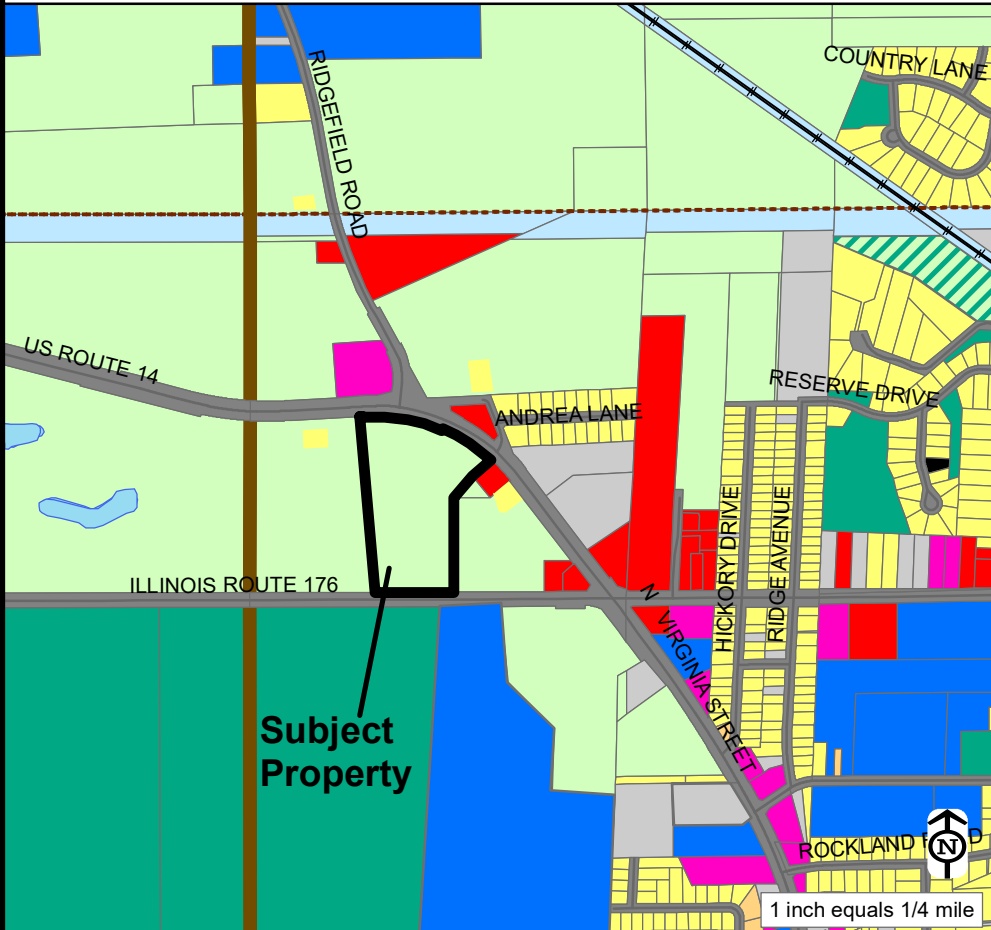
1. *Approval Standards for Map Amendments.*

- 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.



Source: McHenry County Department of Planning and Development

Current Land Use Map



Current Land Use

Agriculture

Adjacent Land Use(s)

North: *Office and Agriculture*

South: *Open Space and*

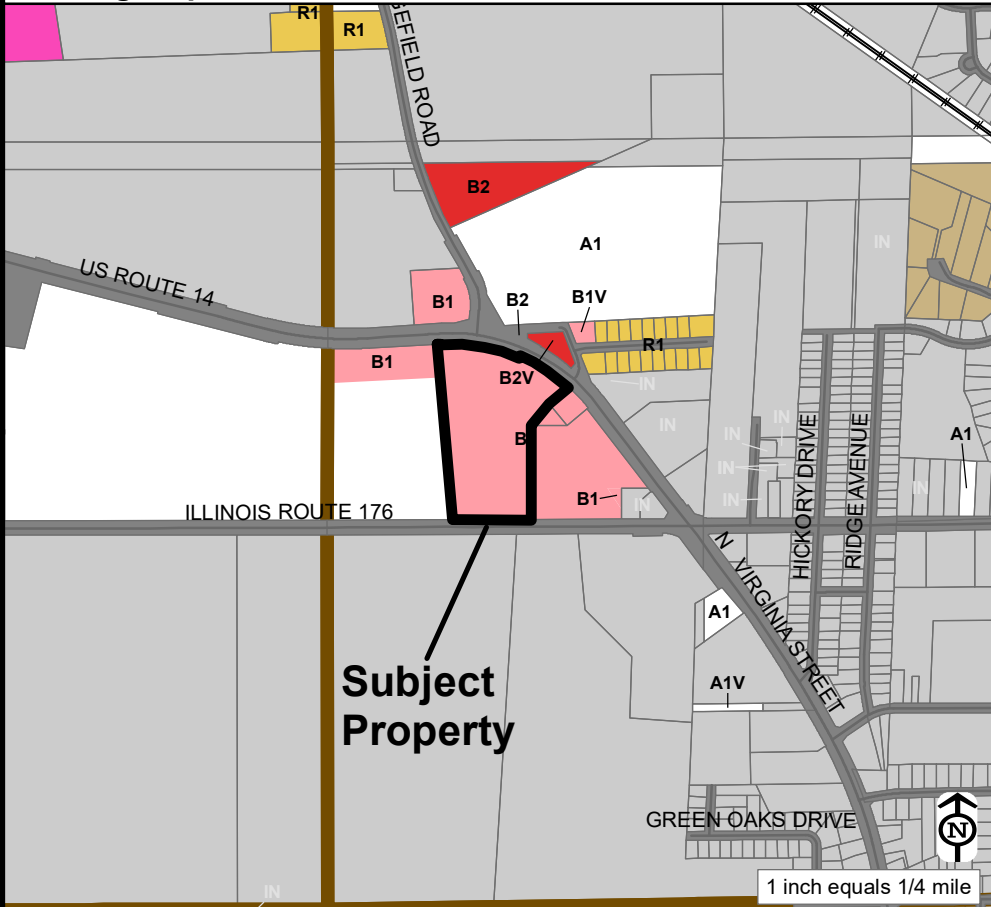
Governmental/Institutional

East: *Agriculture and Commercial*

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

B-1 Neighborhood Business

Adjacent Zoning

North: *B-1 & B-2 Neighborhood Business, A-1 Agriculture*

South: *Incorporated*

East: *B-1 Neighborhood Business*

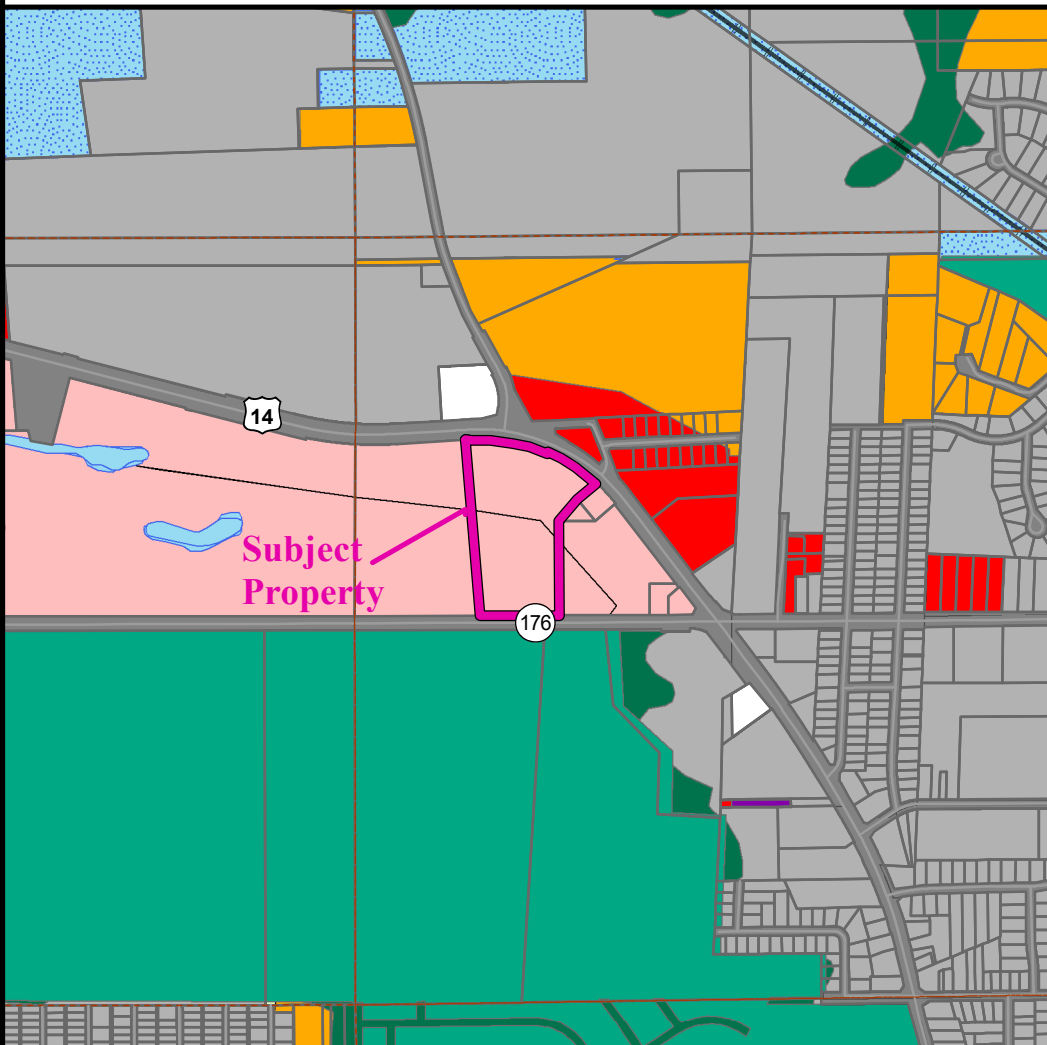
West: *B-1 Neighborhood Business, A-1 Ag*

- 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

Mixed Use



- 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 = 1/4 mile



Municipal / Township Plan Designations

City of Crystal Lake: Commerce

Village of Lakewood: N/A

Nunda Township: Hydric Soils

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

MIXED USE – includes existing and proposed areas for development of retail or office uses in combination with residential uses.

Sensitive Aquifer Recharge Areas

The site is 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

February 2, 2024

Terrence J. McKenna
McKenna Law Group
30-B N Williams Street
Crystal Lake, IL 60014

Re: Parcel # 14-31-151-004
Common Location: Vacant Lot Near NW Corner of Rt. 14 & Rt. 47, Crystal Lake, IL 60014
NRI# L24-014-4570
Zoning Change: B1 to B3

Dear Mr. McKenna:

The McHenry-Lake County Soil and Water Conservation District has carefully reviewed your application for a Natural Resource Information Report on the Prairie Enterprises LLC property as applied for in Report #L24-014-4570. Due to the requested type of zoning change, 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.

Earthwork in or near a wetland requires a permit from the Army Corps of Engineers or the McHenry County Department of Planning & Development. The McHenry County ADID Wetland Inventory indicates the presence of farmed wetlands adjacent to the parcel to the west (see attached ADID Wetland Locations Map). The Natural Resource Conservation Service inventory also indicates the presence of farmed wetlands adjacent to the parcel to the west (see attached NRCS Wetland Locations Map). It is recommended that a jurisdictional wetland delineation be performed on this parcel before any additional construction occurs. Please contact the Army Corps of Engineers and McHenry County Department of Planning & Development for permit information.

Office maps also indicate the presence of hydric soils in southern area and along the western perimeter 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.

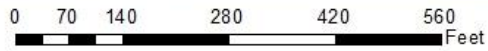
Sincerely,

Ryan Bieber

Ryan Bieber
Urban Conservation Specialist

Resources for the Future

ADID Wetland Locations



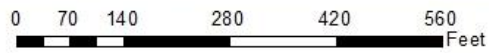
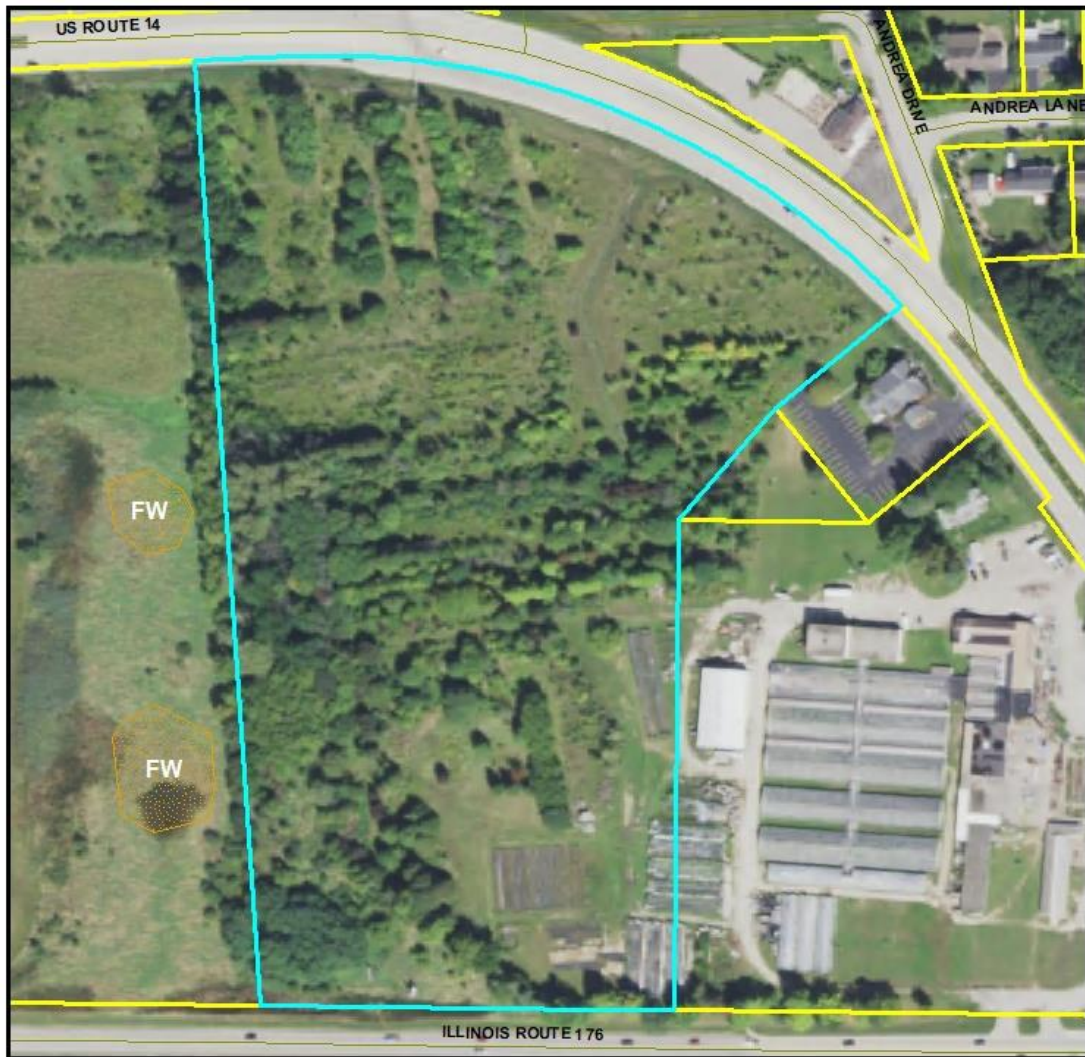
2019 Aerial Photograph
 Produced By: McHenry-Lake County Soil & Water Conservation District



Key To Features	
	farmed wetland
	high functional wetland
	high quality lake
	high quality wetland
	lake
	wetland

Resources for the Future

NRCS Wetland Locations



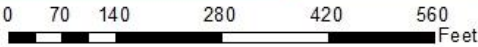
2019 Aerial Photograph
 Produced By: McHenry-Lake County Soil & Water Conservation District



Key To Features	
	Farmed Wetland
	Farmed Wetland Pasture
	Non-inventoried Hydric Soil
	Non-inventoried Soil With Hydric Inclusions
	Prior Converted
	Wetland

Resources for the Future

Hydric Soil Locations



2019 Aerial Photograph
Produced By: McHenry-Lake County Soil & Water Conservation District



Key To Features

 Hydric Soil

My question is, are you presently in Crystal Lake? And I think the answer is no. Presently, you aren't, but you are in the process of seeking to enter Crystal Lake.

Tim James:

Yes. Thank you. So that's my concern. And I'm concerned that you could reclassify this to B-3 but not know exactly what's going to go in there.

Vicki Gartner:

Okay. Your time is up and I'm going to give you two more seconds because you were interrupted.

Tim James:

Okay. Okay. So that's another concern of mine is that there should be some definition here as to what you're voting on. What is the use that's going to be in there. But my main concern is, like I said, I went to Crystal Lake for self storage. They said no.

Vicki Gartner:

Thank you.

Tim James:

Yeah. Thank you.

Vicki Gartner:

Okay. Mr. McKenna, do you have a closing statement?

Terry McKenna:

Yes, just briefly. Sorry. Our appeal is that the petition has demonstrated that the petition satisfies the conditions set forth in the UDO. The parcel is sandwiched between two major thoroughfares adjacent to the city of Crystal Lake. It's ideally suited for a B-3 zoning. There's ample access for this property to serve the needs of the greater McHenry County community as opposed to the needs of an adjacent residential area. It's in an area developing with mixed commercial uses and we would request that the Board recommend approval.

Vicki Gartner:

Okay. Thank you. We have six today. The Board is seven. You're allowed to continue if you wish to before we vote.

Terry McKenna:

And we need five.

Vicki Gartner:

Need five positive votes for it to move forward to the county board.

Terry McKenna:

So we can either have the six of them vote, and it would either be five for approval, or we would have to wait and then have until the seventh member could review the transcript and then the seventh would vote. So let's say, we'll proceed.

Kyle Lindley:

Yeah, definitely.

Terry McKenna:

We request that you proceed.

Vicki Gartner:

Okay, thank you. In that case, I'm going to close the hearing portion of this meeting and we're going to open the voting portion.

Charles Eldredge:

Madam Chairman, I move acceptance of the petition.

Mary Donner:

I'll second.

Thomas Jurs:

Okay, Mary.

Vicki Gartner:

Okay. Any comments, Mr. Eldredge?

Charles Eldredge:

Yes. This is a property I'm very familiar with. The previous president of Flowerwood was a friend of mine, was in fact chairman of the McHenry County Board who presided over my appointment to the 2030 Plan Commission and to this board, and has been a good friend for the better part of 30 years. And I was a customer of Flowerwood in the days that he was running it. So, I have subsequently driven by this site more times than I can count. I believe this has frontage on two very substantial roads, US 14 and Illinois 176. It is adjacent to but not in Crystal Lake. And it is an area that to my mind, has been becoming more and more likely to be used for a commercial purpose for the last 35 years, and now maybe right for development.

I have felt since I was first aware of the property that it was too large of parcel for what is intended in the B-1 zoning. And that commercial development of it, or a mixed use that might include multifamily residential, once again, is not appropriate in a B-1 sort of environment, belongs more in a B-3. I would like to note for the edification of the gentleman in the audience, that whenever we make a map amendment, we are giving the owner the right to do whatever is of right in that property. And that is a variety of uses, not the use that the person tells us he's going to. He can be lying in our faces or simply for business reasons, change his mind and very often does. So, if we are giving B-3, we are giving the right to anything that is permitted of right in B-3. I think that from an economic perspective that very likely holding some of this frontage for more intense use than storage may be in the petitioner's best interest, but that's his business, not mine.

I take into consideration the letter from the city of Crystal Lake, however, what they have said in the letter is they don't much like storage on this site. In my view, haven't given any real reason why we should deny the petition. They want to control the site, and I understand that. But I don't think that that should be a consideration in our mind. That is far more a political consideration, which is at the county board level, not at our level. In terms of zoning, I think that B-3 is entirely compatible with the surrounding uses, and I

think that B-1 frankly is not. And for those reasons and a variety of others, I'm going to support this condition.

Vicki Gartner:

Thank you. Ms. Donner?

Mary Donner:

If you drive through Crystal Lake, it's kind of hard to avoid seeing storage areas. You can't miss them off of 14. So some of this letter is, I'm in agreement with Mr. Eldridge, that we don't want it, you can't have it. It's too bad for you. And I also agree with your assessment. That's why I asked the questions at the beginning to make sure that everybody understood. Thank you.

Vicki Gartner:

Mr. Kosin?

Robert Kosin:

As always, I appreciate the history, and also, I have to say that I too frequent Flowerwood in its day. The tools that we have before us are limited. And while the argument is being made that the brush is too broad, many of sin or proposal was put forward to explain a gateway. And it is troublesome when there are so many gateways as to know which one is the front door or the back door. For those of us in far Eastern Algonquin Township to consider Payette and Virginia as much are gateway as 176 and 14. And yet in that area, it has taken on a large discussion as the prohibition of some trunk stop facility. And yet no similar concern has been expressed on this Western gateway. So with the tools we have before us and that these tools can be held accountable, if we are persuaded by how we would develop this property, I would be supporting this petition.

Vicki Gartner:

Thank you. Mr. Schnable?

Kurt Schnable:

Let me just say that listening to Mr. Eldredge's narrative and in complete agreement with every single word that he said.

Vicki Gartner:

Mr. Jurs.

Thomas Jurs:

If I would've given the chance to speak first, I would've given up the floor to Charlie Eldredge. He's a really, really tough act to follow. And the meetings when he's not here, I always miss his narrative, because he explains things so beautifully. So I concur with Mr. Charles Eldredge, and I agree with everything that he said, and I will support the petition.

Vicki Gartner:

Thank you. And I feel that this is the ideal place for a B-3 personally. I don't think that anything else would work in that particular piece of property. Whatever you decide to do with it, I think it's unfortunate

that the property next to it dove right into an annexation and wasn't able to do what you're thinking of doing. But that's a problem for Crystal Lake versus the county or whatever.

I do see this whole corridor as very commercial, and I think B-3 is the perfect fit for it. So, I am in agreement with it. And thank you, Mr. McKenna, for a good presentation, very persuasive. So I would approve as well. All right. Let me call the roll. Mr. Eldredge?

Charles Eldredge:

Yes.

Vicki Gartner:

[inaudible 00:53:45]. Okay. Mr. Kosin?

Robert Kosin:

Yes.

Vicki Gartner:

Mr. Schnable?

Kurt Schnable:

Yes.

Vicki Gartner:

Mr. Jurs?

Thomas Jurs:

Yes.

Vicki Gartner:

And Ms. Donner?

Mary Donner:

Yes.

Vicki Gartner:

And I will vote yes. So this goes to the county board with a 6 to 0 vote in favor.

Terry McKenna:

Thank you very much.

Kyle Lindley:

Thank you. Appreciate it.

Vicki Gartner:

And the meeting is adjourned.