

IN THE MATTER OF THE APPLICATION OF)
MARIA ARREOLA AND SALVADOR GALLARDO, OWNERS)
FOR AN AMENDMENT OF THE UNIFIED DEVELOPMENT)
ORDINANCE OF McHENRY COUNTY, ILLINOIS FOR)
A RECLASSIFICATION)

2024-051

WHEREAS, your Petitioner, **Maria Arreola and Salvador Gallardo, owner of record**, has filed an application with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the **“E-5” Estate 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:

THE WEST 332.33 FEET OF THE EAST 664.65 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 43 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

PIN 17-27-100-004

More commonly known as **Church Road, Marengo, Illinois in Coral Township.**

WHEREAS, the Application requests **reclassification of the subject property from its present classification which is “E-5” Estate District to “B-3” General Business District.**

WHEREAS, the subject property consists of approximately **ten (10) 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 7 ayes and 0 nay the denial of the reclassification of the subject property from its present classification which is “E-5” Estate 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 “E-5” Estate 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 | OCTOBER 17, 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 - #2024-051

- 1. APPLICANT:** Maria Arreola and Salvador Gallardo
- 2. REQUEST:** E-5 Estate District to B-3 General Business District
- 3. LOCATION AND SIZE OF PROPERTY IN QUESTION:** The ten (10) acre parcel is on the north side of Church Road, approximately one thousand two hundred seventy (1,270) feet east of the intersection of Church Road and South Grant Highway, Marengo, Illinois in Coral Twp.
- 4. DATE AND TIME OF HEARING AND VOTING MEETING:** October 17, 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: Linnea Kooistra – Chair, Vicki Gartner– Vice Chair, Charles Eldredge, Robert Kosin, Kurt Schnable, Jessica Beverly, Mary Donner
 - B. Witness: Maria Arreola and Salvador Gallardo
 - C. Attorney: None
 - D. Public: Anna Kurtzman – County Staff, Kit GearhartSchinske – County Staff, John Hughes, William Hughes, Heather Case, Carmella Thiele, Dave Mogadanes, Jaime Leyva, Maria Giannoni, Nancy Wawrzyniak, Douglas Wawrzyniak, Jeff Schramuk, John Staab, Henry Sievert, Gary Kurkjian, Lloyd Stellmach, Bruce Wade, Lenny Cunzaw, Ellen Hadzima, Bob Hadzima, Theresa Retzer, Susan Reimann, Thom Palmer, Maureen Hall, Laurence Smit, Sara Mitchell, Laurie Cisneros, Natalie Schwartmer, Joe Jozwiak, Arthur McPhail, Matt Retzer
- 7. ITEMS OF EVIDENCE:**

Objector's Exhibit #1 - October 11, 2024 letter from Coral Township
Objector's Exhibit #2 – Undated letter with seventy-five (75) signatures

- 8. SUMMARY OF TESTIMONY AT HEARING:** Chair Kooistra opened the hearing. The board members introduced themselves. Ms. Kooistra introduced the application. Ms. Kooistra swore in the applicants, staff, and members of the public. Ms. Arreaola introduced their application and went over the map amendment standards.

Ms. Beverly, Mr. Kosin and Ms. Donner asked questions regarding how the applicant's business is conducted. Ms. Kooistra reminded the Board and the public that the request is for a rezoning and not a conditional use permit. Ms. Beverly asked the applicant if they purchased the property because they cannot afford currently zoned B-3 lots like the ones nearby. Mr. Gallardo stated that that is correct. Mr. Schnable asked what their plans are for the parcel if the zoning request is not granted. Mr. Gallardo stated that they will retain it as a future investment.

Mr. Eldredge stated that he did not have questions. He stated that the parcel was not unused as previously indicated by the applicants. It was designated as agricultural which is a recognized use in McHenry County.

Ms. Kooistra asked the applicant how far from a municipality the property is located. Mr. Gallardo stated that the property is about fifteen (15) miles from Marengo and ten (10) miles from Huntley. Mr. Schnable stated that Hampshire is about ten (10) miles from the parcel.

Member of the public, Mr. Modgans, asked the applicant how rezoning to B-3 would benefit the community along Church Road when there are already undeveloped B-3 lots along Illinois Route 20?

Other members of the public asked questions regarding the use of the property.

Ms. Kooistra asked Staff if they have any questions. Staff did not. Staff did remind the board and the public that the petition is for a rezoning. Staff gave their report. The subject property is currently zoned E-5 Estate, and the request is to have it rezoned to B-3 General Business. There is a mixture of zoning in the quarter mile around this property of estate classifications and some commercial along Route 20. The surrounding land uses are mixed, primarily agricultural with some single-family homes in the area. Staff stated that the only currently used commercial zone or used property is on Route 20, roughly a quarter mile south of Church Road. The future land use designation for this area is estate zoning. Staff stated that any and all uses that are permitted in the B-3 General Business can be established by anybody who owns the property or leases the property.

Ms. Kooistra stated that the board has received a letter of objection signed by thirty (30) people.

Mr. Eldredge asked if the nearest business use as opposed to business zoning is near the intersection of Harmony Road and Illinois Route 20. Staff stated that the map shows a commercial use in the southwest corner across from the subdivision, but did not recall how close that was to Harmony Road.

Mr. Eldredge asked if the frontage of that business use parcel is on Illinois Route 20. Staff stated that that is correct. Mr. Eldredge asked if the rest of the B-3 zoned parcels along Illinois Route 20 have been undeveloped for years. Staff stated that they have been. Mr. Eldredge asked Staff if Church Road is a township road and not a state or county road. Staff stated that it is a township road.

Ms. Beverly asked if the applicant had explored a conditional use permit prior to pursuing a rezoning. Staff stated that they had explored a conditional use under a B-1 Neighborhood Business or B-2 Neighborhood Business zoning, not under a B-3 zoning. Ms. Beverly asked Staff if the rezoning to B-3 is granted, then any use allowed in B-3 could occur. Staff stated that that is correct. Staff stated that two objection letters were received, one from Coral Township and a second one signed by Ms. Case and Mr. Joswiak. Ms. Kooistra entered them into the record. Ms. Kooistra asked Staff how the objection from the township affects the vote required to allow a rezoning. Staff stated that the objection from the township requires a three-quarters (3/4) vote from the county board to pass the rezoning request.

Ms. Kooistra opened the floor to public comment.

Ms. Cisneros read the Coral Township letter of objection into the record on behalf of Coral Township.

Members of the public expressed concern about the environmental issues, noise, increased traffic, safety and how a rezoning to B-3 would affect their property values.

Mr. McPhail and Ms. Theile stated that the B-3 request is not compatible with the neighborhood along Church Road and the area.

Mr. Staab stated that the applicants are requesting spot zoning which is not compatible with the area.

Ms. Arreola gave a closing statement.

Ms. Kooistra closed the testimony portion of the hearing.

9. SOIL AND WATER CONSERVATION DISTRICT REPORT:

For further information refer to report number: 24-072-4628.

10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:

This consultation was not required for this application.

11. SUMMARY OF VOTING MEETING DISCUSSION:

Chair Kooistra opened the voting meeting immediately following the hearing.

Mr. Eldredge motioned to accept the petition as submitted. Ms. Gartner seconded the motion. Mr. Eldredge stated that the request is for a map amendment from an E-5 to a B-3. He stated that he

opposes the petition because it is spot zoning. The commercial zoning existing on Route 20 was approved because it is adjacent to Route 20. He stated that Church Road is a farm road and is not suitable for commercial use. He stated that the outdoor storage requested is really an industrial use. He stated that this type of use should be adjacent to or in a municipality. The expected development in the Church Road area is for country development and estate homes.

Ms. Gartner stated that business zoning is inappropriate for the area.

Mr. Schanble stated that the standards for a map amendment and for reclassification from E-5 to B-3 have not been met.

Ms. Kooistra stated that the 2030 Land Use Plan promotes healthy growth and communities. The application goes against the goals of the 2030 Land Use Plan. It is not compatible with the area.

Motion Failed (0-7).

Mr. Eldredge motioned denial of the petition. Ms. Gartner seconded. Motion carried (7-0).

12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST: None

13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:

- The standards for map amendment and for reclassification from E-5 to B-3 have not been met.
- Business zoning is inappropriate for the area.
- The request is contrary to the 2030 Land Use Plan.
- The parcel in question is several miles from the nearest municipality.

14. MOTIONS: Mr. Eldredge motioned to accept the petition as submitted. Ms. Gartner seconded the motion. Motion failed (0-7).

Mr. Eldredge motioned to deny the petition. Ms. Gartner seconded the motion. Motion carried (7-0).

15. VOTE:

7 – AYES; 0 – NAYS; 0 - ABSTAIN

GOES TO COUNTY BOARD WITHOUT ZBA RECOMMENDATION FOR Approval of the map amendment from E-5 Estate District to B-3 General Business District:

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

CORAL TOWNSHIP
6550 OLSON ROAD
UNION, IL 60180

Linnea Kooistra, ZBA Chairman
McHenry County Zoning Board of Appeals
c/o Planning & Development
2200 N. Seminary Ave. Suite 208
Woodstock, IL 60098

RE: Petition #2024-051; Hearing date October 17, 2024

October 11, 2024

Dear Chairman Kooistra and ZBA members,

The Coral Township Board, the Coral Township Planning Commission and numerous residents oppose petition #2024-051 requesting a land use change from E-5 to B-3 for the following reasons:

1. This request is not consistent with the Coral Township Land Use Map and the County's Land Use Plan.
2. The proposed zoning change is not consistent with the zoning of nearby properties.
3. This change would most likely negatively impact adjacent property values, specifically Henning Estates located directly east of the property.
4. If approved, this land use change would establish an "entering wedge" of incompatible use and set a precedent for future planning.
5. This land use change, which would allow the petitioner to operate a dumpster rental facility would compromise the township road infrastructure which has weight limitations during the winter months.
6. Residents are also concerned regarding the amount of noise generated by this type of business.

For these reasons, we respectfully request the ZBA vote to deny this land use change of E-5 to B-3.

Sincerely,

Bill Damisch
Coral Township Supervisor

To Whom It May Concern:

We the residents and landowners of Church Road stand unified against the reclassification of the current E-5 zoning to B-3 zoning of the 10-acre (PIN 17-27-100-004) property located on Church Road. Specifically, the land located at "The West 332.33 feet of the east 664.65 feet of the southwest quarter of the northwest quarter of section 27, township 43 north, range 6 east of the third principal meridian, in McHenry County, Illinois."

We are homeowners and landowners of Church Road in Huntley. We selected these homes and properties specifically because they are located amid rolling countryside and farmland in a lovely residential community. The proposed rezoning would encroach on the quiet enjoyment of the existing residential property.

We submit the following objections to the petitioner's responses to the "Approval Standards for Map Amendments" form:

- The petitioner notes "The surrounding properties have evolved into a more commercially focused area." This is inaccurate. Our properties on Church Road are private residences and Church Road is a residential road.
- The petitioner intends to store 35 dumpsters with 3 trucks operating Monday through Saturday, 6AM to 5PM. They intend to surround the acre of land closest to Church Road with a "six-foot chain-link fence" around the area. In addition to the unsightliness and mismatched land use of dumpsters stored within 50 feet of the lot lines of existing long-standing private residences, additional noise from 3 heavy trucks hauling, loading, and offloading steel dumpsters banging around at 6AM, six days a week will have a direct impact on the quiet enjoyment of residents. The noise pollution from such a facility alone will devalue all surrounding properties.
- The petitioner claims the land has been unused since 1939. This land has been in agricultural use until 2023, producing corn and soybeans. This is hardly "idle and unused." Furthermore, wildlife, including sandhill cranes, wild turkeys, pheasants, and deer are abundant in the area.
- Developing a commercial site on Church Road will also have an impact on existing infrastructure including additional wear on Church Road with the operation of heavy trucks. We are also concerned about the increased risk of injury from commercial traffic as many of the neighborhood residents walk and cycle on this road daily.

Finally, we believe there are viable alternatives to this proposal that do not require any rezoning to land on Church Road, including an abundance of vacant commercial property available in McHenry County.

Please vote against this rezoning request. Please contact Joe Jozwiak (847) 471-1095 or Heather Case (612) 616-2691 with any questions on our comments.

Respectfully submitted, The Homeowners and Landowners of Church Road:



Heather C F Case, DVM
Tullebukk Farm
16837 Church Road
Huntley, IL



Joe Jozwiak, President
Hennings Estate HOA
10406 Oakdale Dr
Huntley, IL

Signed,

The Homeowners and Landowners of Church Road:

| | |
|--------------------------|---|
| <u>Patricia A Harris</u> | <u>10407 Clearwater Way Huntley, IL 60142</u> |
| <u>Patricia Pannoni</u> | <u>16312 Meriel Way Huntley IL 60142</u> |
| <u>Mario Pannoni</u> | <u>16312 Meriel Way Huntley 60142</u> |
| <u>Nancy M Wiggant</u> | <u>10305 Ellery Ln Huntley 60142</u> |
| <u>Douglas A Wiggant</u> | <u>10305 ELLERY LN Huntley IL 60142</u> |
| <u>Jana Loh</u> | <u>10315 OAKDALE DR Huntley IL 60142</u> |
| <u>Linda Turay</u> | <u>10402 Oakdale Dr Huntley IL 60142</u> |
| <u>ANDREW TURAY</u> | <u>10402 OAKDALE DR. Huntley IL 60142</u> |
| <u>Ron Nolder</u> | <u>10105 Clearwater Way Huntley</u> |
| <u>Richard Nolder</u> | <u>10105 Clearwater Way Huntley</u> |
| <u>Chay R Statts</u> | <u>10414 CLEARWATER WAY, Huntley</u> |
| <u>Yu Dollhuber</u> | <u>10113 CLEARWATER WAY Huntley</u> |
| <u>Karen Gollhardt</u> | <u>10113 Clearwater Way Huntley</u> |
| <u>Ellen Hadzima</u> | <u>10303 Clearwater Way Huntley</u> |
| <u>Edward R. Hadzima</u> | <u>10303 Clearwater Way Huntley</u> |
| <u>Robert L. Blayk</u> | <u>10320 Clearwater Way Huntley</u> |
| <u>Cheryl Jazer</u> | <u>10320 Clearwater Way Huntley, IL 60142</u> |
| <u>David Camp</u> | <u>16315 Meriel Way Huntley IL 60142</u> |
| <u>Meghan Blayk</u> | <u>16315 Meriel Way Huntley IL</u> |
| <u>Cheryl Smith</u> | <u>10202 Clearwater Way Huntley IL</u> |

Signed,

The Homeowners and Landowners of Church Road:

Bruce & Marianna Wode 10311 Clearwater Way, Huntley

~~_____~~

10319 CLEARWATER WAY Huntley

~~_____~~

10399 CLEARWATER WAY Huntley

Luis Cardenas

10406 ELLERY LN, Huntley

Lois Cardenas

10406 ELLERY LN, Huntley

Leo Cardenas

10406 ELLERY LN, HUNTLEY

AL (E.J.) MURPHY

16316 MERIEL WAY HUNTLEY

Alana Jo Murphy

16316 Meriel Way, Huntley

John Huber

16002 LERITA DR Huntley

William J. Hughes

16002 LERITA DRIVE, HUNTLEY

Ben Castello

16220 Meriel Way Huntley

D'Aun King

15917 Aspen Ct. Huntley, IL

Timothy F King

15917 ASPEN CT HUNTLEY

Signed,

The Homeowners and Landowners of Church Road:

Carmilla A. Thiala Carmello H. Thiala

James A. Naylor

P. A. Marti

PETE A. MARTI

Arthur Marti

ARTHUR MARTI

Steven A. Marti

STEVEN A. MARTI

John Giannini
John Giannini

Giuseppe Messa

Ilia

Signed,

The Homeowners and Landowners of Church Road:

Ma Hall 10119 Ridge Lane, Union

David P Hall 10119 Ridge Lane, Union

Sara Mitchell Sara Mitchell 10502 Fair Lane, Huntley

Scott Mitchell Scott Mitchell 10502 Fair Lane, Huntley

Ben Elmagri BRIAN MAGURA 15905 Cardinal Drive, Huntley

Alli DeKnap 16010 Rerita Dr., Huntley

Rich Blakely 10418 Fair Ln

Thomas E. Palmer 10517 Fair Ln.

Nancy Palmer Nancy Palmer 10517 Fair Ln.

Johannes Blakely 10418 Fair Ln.

Kathryn M Larson Kathryn M Larson 10510 FAIR LN

ROSS, BARZA 10510 FAIR LN

Phillip J. Bolas 10505 FAIR LN

Arthur J McPhail 10409 FAIR LN Huntley, IL 60142

Frances McPhail 10409 FAIR Lane Huntley IL 60142

ANITRA WILLIS 10012 FAIR LN. UNION IL

Gary Willis 10812 Fair Ln. Union IL 60180

Karen Martin 10440 Fair Ln Huntley, IL 60142

Rikki Westermeyer 10317 Ridge, Huntley

Troy Westmeyer 10317 Ridge, Huntley

Troy Bucar 10506 FAIR LANE

10506 FAIR LANE

Barbara J Glee 15817 Church Rd, Huntley

We understand the concerns expressed by the township and nearby residents. However, our operation plan will have a low impact on the community resulting in minimal traffic noise. Empty dumpster containers stored on site will not strain local roads. Our proposed use will enhance the developing commercial character of the area. Granting this rezoning request is a step forward for a more vibrant and diverse community. It will demonstrate the commitment from McHenry County to support local small businesses and make a productive use of the current vacant lot. We ask the board to consider the positive impact this project will have and the support of our efforts to benefit the community and local small businesses.

Linnea Kooistra:

At this time. We'll close the hearing portion of this meeting and everybody okay. Nobody needs a bathroom break. We can just go on to the voting portion. Okay. So we'll move on to the voting portion of the meeting. So at this time, I would entertain-

Charles Eldredge:

Madam Chairman, I move for the purposes of discussion approval of the petition.

Vicki Gartner:

I'll second.

Linnea Kooistra:

It's been moved by Mr. Eldredge, seconded by Ms. Gartner to approve this petition. Discussion Mr. Eldredge?

Charles Eldredge:

Yes. This is a request for a map amendment. Converting this presently a E5 10-acre parcel on Church Road in Coral Township to B3 general commercial. I'm going to oppose this petition for a variety of reasons. First, as the gentleman pointed out, I think it is clearly spot zoning. The commercial that is approved along Route 20 was approved specifically because it was at intersections on a state road. Church is a local collector. It is basically a farm road and a residential road. It is not designed for heavy traffic nor should trucks be going on it except the few exceptions of public safety vehicles and things like garbage trucks.

It doesn't matter that it's fairly close to the intersection. It doesn't matter if it's a quarter of a mile or 15 miles. The road is not suitable for heavy commercial use. And in fact, I would recommend to the county staff that in my view at least, this kind of outdoor storage is really an industrial use, not a general commercial use. And I would suggest that there be consideration given to eliminating it being a use of right in the B3 because other kinds of outdoor storage are fine. But I have been affiliated with construction companies for 60 years and I appreciate that the gentleman has regulations and tries to prevent inappropriate things from being put in his dumpsters, but he can't stop it. People will hide stuff in the middle of a dumpster and there will be residue even if you may try to prevent it. And I would much prefer that this kind of boxes be stored, paved somewhere where there are public utilities.

It is the policy of the county to encourage commercial use except for the occasional commercial use along a major arterial either in or adjacent to municipalities. And this is nowhere near a municipality. So not only is it spot zoning, but it is an inappropriate use in this area generally because this kind of use, except for occasional spots along major arterials, should be in a municipality or adjacent to a municipality. I believe that the county has a use for this kind of thing, but once again, it is not our job to speak to the specific use because once it is converted to B3, the dozens of uses that are permitted within B3 can be used either by these folks or by any subsequent purchaser of the property. And the B3 will be there

forever. Church in this area, the expected development of it, are country subdivisions and country estate homes, and in my view, the storage of commercial or industrial equipment, which these boxes are, is completely inappropriate adjacent to them. And for those reasons, I will be voting no.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

I think that you have a good business plan and I applaud you for your future plans to expand it into something else. But the fact is that it doesn't matter if you came here telling me you wanted to sell flowers on your property and sell them on the road. A business is a business. And once that's a business property, it's a business. I mean, if your business doesn't go and you sell this land, anything can come in. I mean, it could be any major business. It could be a shopping mall, it could be a gas station, it could be any kind of big business. A Target could come, well probably not on 10-acres, but if anything that large could come there, which is not conducive to this area, in my opinion.

I am going to vote against this and it has nothing to do with your business. I do wish you luck with it. I hope you do find a place to do this. I don't argue that it's possibly needed by the community, that it is a sound business plan as far as I can tell, but I don't think this is the place for it. And it has nothing to do with Church Road being the most beautiful road in the world. I think I live on that road, which is not Church Road. We all think we live on beautiful roads, but you have a beautiful house.

So it has nothing to do with any of that. I just feel that to put this business zoning in this particular area is just wrong for the area, not necessarily for the people, not necessarily for anything else, it's just it's not a zoning that I approve of at all for business there. I think it needs to stay E5. It may be developed, it may not. It looks to me it had been farmed at some point, which isn't exactly vacant or not functioning in any way. But I am just not in favor, I'm sorry.

Salvador Gallardo:

That's all right.

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Thank you Madam Chair. With the information that's been given, I came to the decision of my vote. First and foremost with the staff statement that there is an amount of undeveloped commercially and zoned property along Grant Highway, but that and alone does not bring us to my vote. The standards on the development ordinance to do a map amendment is actually a balancing test. And while I may have been searching to understand the use of the B3, nothing of the approval standards is offset by that balance between what is presently there, the nearby properties, and whether or not the public benefit would be promoted by a change in that existing use. It would be very simple and brief if I too could embrace spot zoning in some pejorative term. But regrettably, there are spots all over the county and I alone among my peers here, wrestle with it on a regular basis and appreciate the dialogue we have. And so with that no further delay, my vote will be against this application.

Linnea Kooistra:

Mr. Schnable.

Kurt Schnable:

I also agree that this does not only not meet one map amendment requirement. My opinion it doesn't meet several. I won't waste everyone's time with that. But I agree with everything that's been said and I will not support this particular petition.

Linnea Kooistra:

Ms. Beverly.

Jessica Beverly:

Thank you. I also agree with what's been said by my colleagues. I understand that this property is convenient and that this area is looking to be developed, but there are numerous areas throughout the county and municipalities that would be willing to work with you that would have far greater oversight than a county would over a B3 district. B3 is forever and we've had cases like this come up before and they've been denied at this level as well. So I will be opposing this petition.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

I read the staff report and their recommendations. I went out to the property to see what was going on and what's there. It has been eloquently, truly Mr. Kosin stated that unfortunately I'm going to have to vote against it. But you have a piece of property that you purchased already without any kind of a condition of getting your zoning first. So you can hope that as everything, as I said originally, starts to grow and becomes different in small increments, something like this may be available. And I don't see how it's going to hurt your business by saying no at this time. So I have to say no.

Linnea Kooistra:

And I would just like to go through a few comments on the land use plan. So the McHenry County 2030 and Beyond Plan, big idea is let's make our communities healthy, active, and green. And we do that by promoting development that is compact, continuous to or located within municipalities in order to preserve rural landscapes while providing greater mobility choices for all residents. And as the petitioner stated, I mean there's several miles from the nearest municipality. The nearest one seems to be Hampshire and that's about two miles away. And so this goes directly against that goal of the land use plan.

Again, as Mr. Eldredge stated, the nearest commercial development is south on 20. There's other rezonings for B3, but they haven't even been put into use because this is just too far to make it practical for a B3 zoning. It's not compatible with the residential zoning around it. And I agree with the other comments of my colleagues and so I just don't believe this is an appropriate change of use. So I'll be voting against this. So I will call for the vote. Again, the motion was to approve, so if you're opposed to this, you would vote nay. Mr. Eldredge?

Charles Eldredge:

No.

Linnea Kooistra:

Miss Gartner?

Vicki Gartner:

No.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

No.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

No.

Linnea Kooistra:

Ms. Beverly.

Jessica Beverly:

No.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

Nay.

Linnea Kooistra:

And I will vote nay. So now I would take a motion.

Charles Eldredge:

Madam Chairman, I move denial of the petition.

Vicki Gartner:

I'll second.

Linnea Kooistra:

Any further discussion? So a vote here would be Aye would be for denying. Mr. Eldredge?

Charles Eldredge:

Aye.

Linnea Kooistra:

Ms. Gardner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Aye.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Aye.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

Aye.

Linnea Kooistra:

And I will vote aye. This petition is denied by seven to zero hold. At this time the public hearing for this petitioning is closed. Do we have any other old business or announcements or anything?

Anna Kurtzman:

I gave the board packets for the next two meetings. The next meeting is on Halloween.

PART 4 OF 4 ENDS [01:31:53]

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-051

PIN: 17-27-100-004

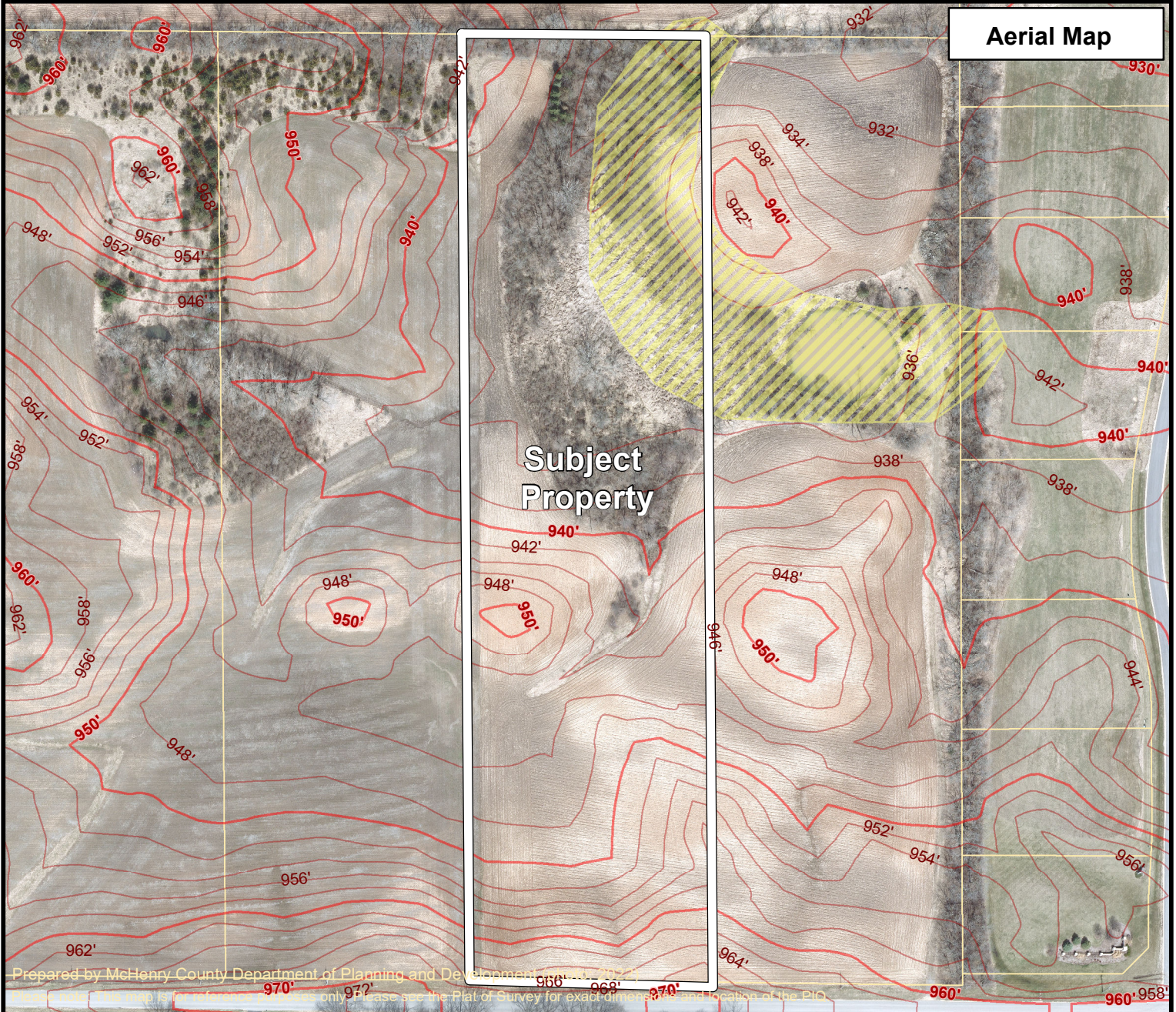
Address: Church Road, Marengo

Request: E-5 Estate District to B-3 General Business District.

Hearing: October 17, 2024

Applicant: Maria Arreola and Salvador Gallardo

Location: The ten (10) acre parcel is on the north side of Church Road, approximately one thousand two hundred seventy (1,270) feet east of the intersection of Church Road and South Grant Highway, Marengo, Illinois in Coral Twp.



Elevation

(feet above sea level)

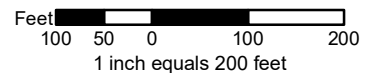
- 10-foot contours
- 2-foot contours

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



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 E-5 Estate District to B-3 General Business District on ten (10) acres of undeveloped land on the north side of Church Road, approximately one thousand, two hundred, seventy feet (1,270) east of US Route 20 (S Grant Hwy). In 2002, this property, along with thirty (30) other acres (total of forty (40) acres), was reclassified from A-1 Agriculture to E-5 Estate and subsequently was divided into four (4) ten (10) acre tracts.

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 E-5 Estate and is undeveloped.

Properties immediately to the north and south are zoned A-1 Agriculture and the properties to the immediate east and west are zoned E-5 Estate. The properties to the south have single-family residences on them. The properties to the east, north and west have been used to produce crops.

2030 Comprehensive Plan Future Land Use map

The proposed reclassification to B-3 General Business District is inconsistent with the future land use designation of **Estate**.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Plan provides mixed support regarding the reclassification to the B-3 General Business District. The plan supports economic growth however, there are potential impacts to the agricultural and water resources on the site. The Future Land Use Map depicts this area growing with Estate type zoning and therefore the request is inconsistent with the map. *(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 choices for all residents." (p.12)

- The nearest municipality, Hampshire, is about one and three-quarters (1.75) miles away from the subject property.

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)

- The predominate land use within a quarter mile of the subject property is a combination of agriculture and platted lots for residential development. The nearest legally established commercial use is almost a quarter mile south of the subject property, along Grant Highway. There are several undeveloped properties along Grant Hwy which are already zoned B-3 General Business.

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)

- The subject property is located about one and three-quarters (1.75 miles from the corporate limits of the Village of Hampshire.

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 applicant has indicated that they have an existing offsite service business located elsewhere in McHenry County. It is staff's understanding that the applicant wants to relocate that business to this location.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

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

- This property is not near a municipality nor is it near an established commercial use.

Agricultural Resources

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

- The subject property has been used for agricultural purposes for several years. The proposed reclassifications to B-3 would allow development of the site, thus removing the developed area from crop production.

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* was received. The report indicates the presence of hydric soils and some wetlands on the property. The wetland is in the northeast quadrant of the property, away from the road. Please refer to attached NRI Report #24-072-4628 for details.

Water Resources

Objective: *"Preserve, improve, and replenish the quality and quantity of existing groundwater resources."* (p. 63)

- The act of reclassification does not, in and of itself, impact water resources, however, the development afforded by said reclassification could impact these resources. The uses allowed by right under the B-3 General Business District classification are generally more intensive, and thus potentially have greater impact on the water systems than a single-family residence would (the predominant allowed use within the current E-5 Estate zoning classification).

Economic Development

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

- The reclassification of the subject property to B-3 General Business District will allow commercial development to occur in an area which previously did not allow commercial development.

Infrastructure

No applicable text.

Land Use

Objective: *"Encourage future development in the County to locate adjacent to existing infrastructure and maximize use and efficiency of existing facilities."* (p. 125)

- The subject property is located approximately one thousand, two hundred, seventy (1,270) feet from the intersection of S. Grant Hwy and Church Road.

STAFF ASSESSMENT

The applicant is seeking to reclassify the subject property from its present E-5 Estate District classification to B-3 General Business District on ten (10) acres, approximately one thousand, two hundred, seventy (1,270) feet east of the intersection of S Grant Hwy and Church Road. The nearest B-3 zoned property is located at the intersect of these two (2) roads, with the nearest commercially used property located about a quarter mile south along S Grant Hwy. There is a mixture of different types of zoning classifications within a quarter mile of the subject property – including, A-1 Agriculture, various Estate classifications, and B-3 General Business. The predominant uses in the area include agriculture and residential.

The B-3 classification is inconsistent with the Future Land Use Map designation of **Estate**. The text of the Comprehensive Plan and its companion document provide mixed guidance regarding the potential of reclassifying this property. There are some economic based policies which can be used to support the request. However, there are also policies which do not support the request – most notably, those associated with the proximity to municipalities and developed areas, as well as those designed to preserve the agricultural uses/culture of the area.

Given the Future Land Use designation of Estate and the amount of undeveloped, commercially zoned properties along Grant Hwy, staff is of the opinion that reclassifying this property to a B-3 General Business District is not warranted at this time.

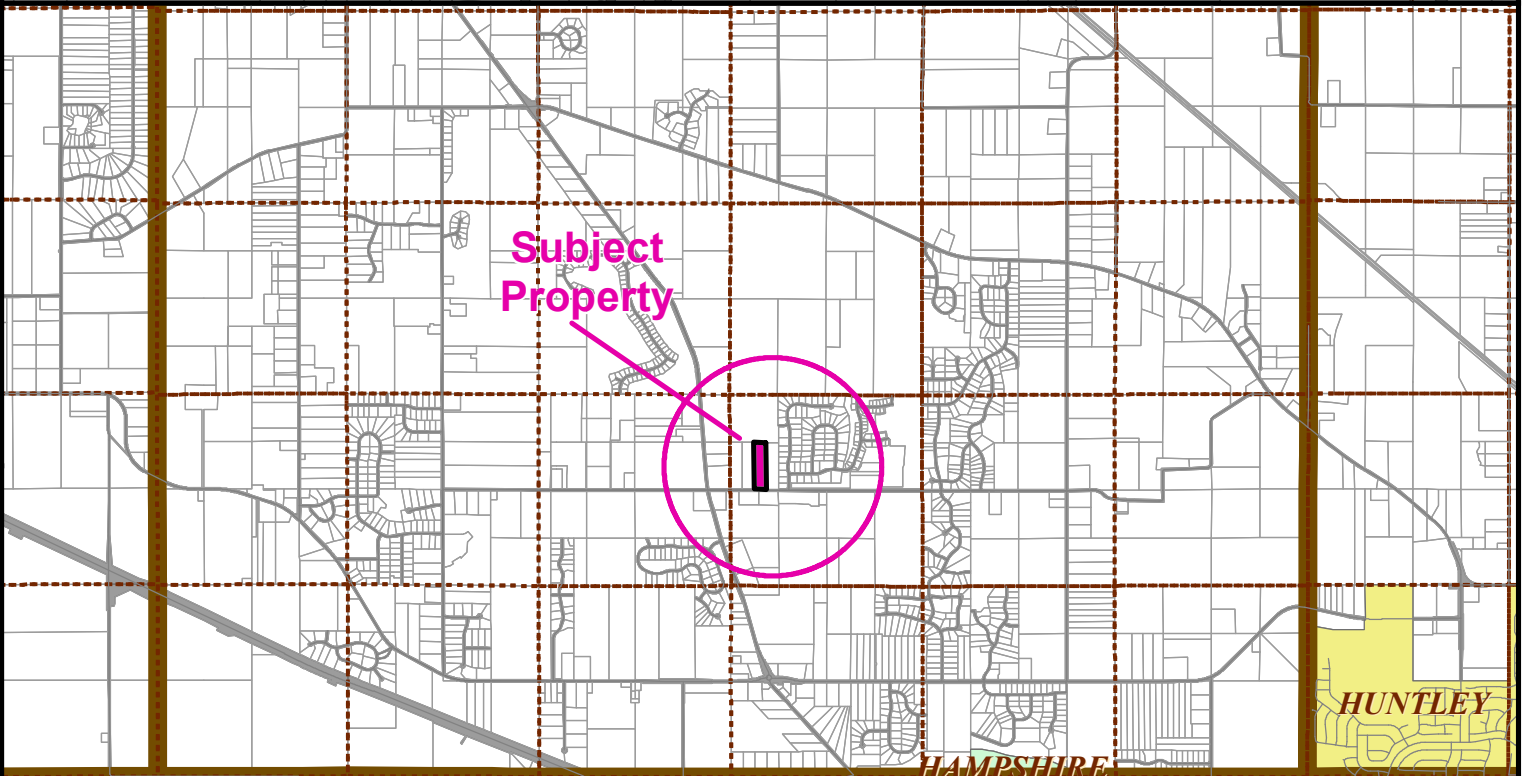
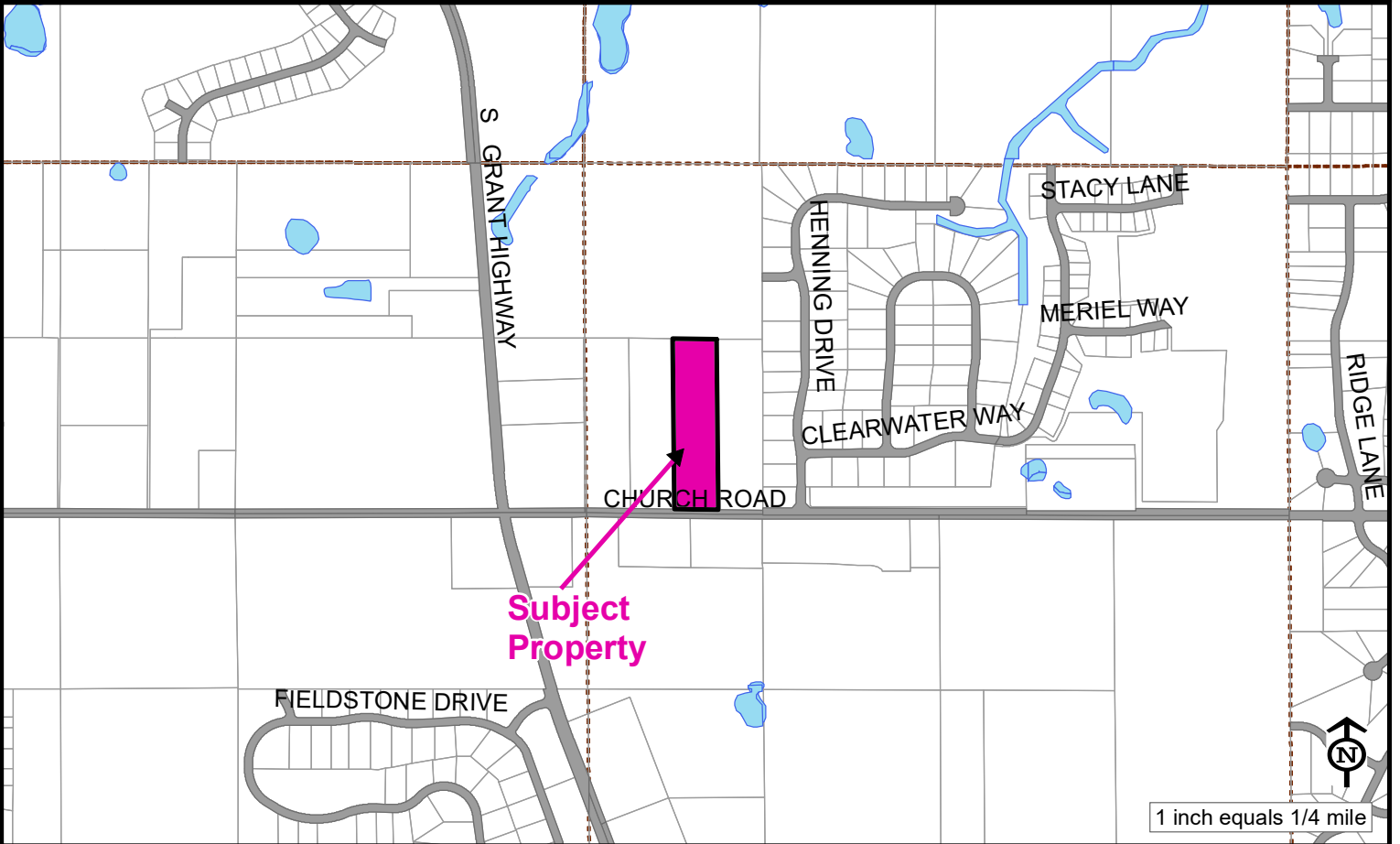
Report prepared the September 10, 2024, by Anna Kurtzman, Senior Planner - McHenry County Department of Planning & Development.

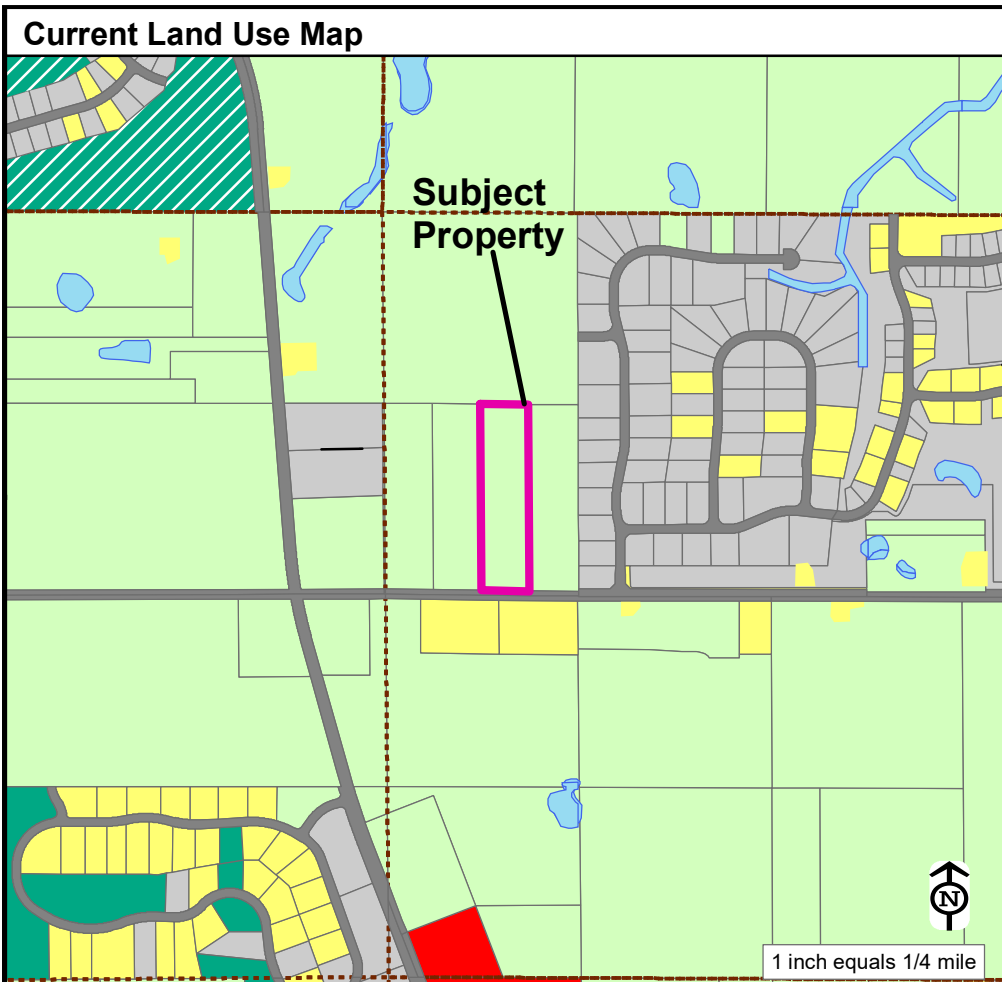
Section 16.20.010.E.1 of the McHenry County Unified Development Ordinance

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.*

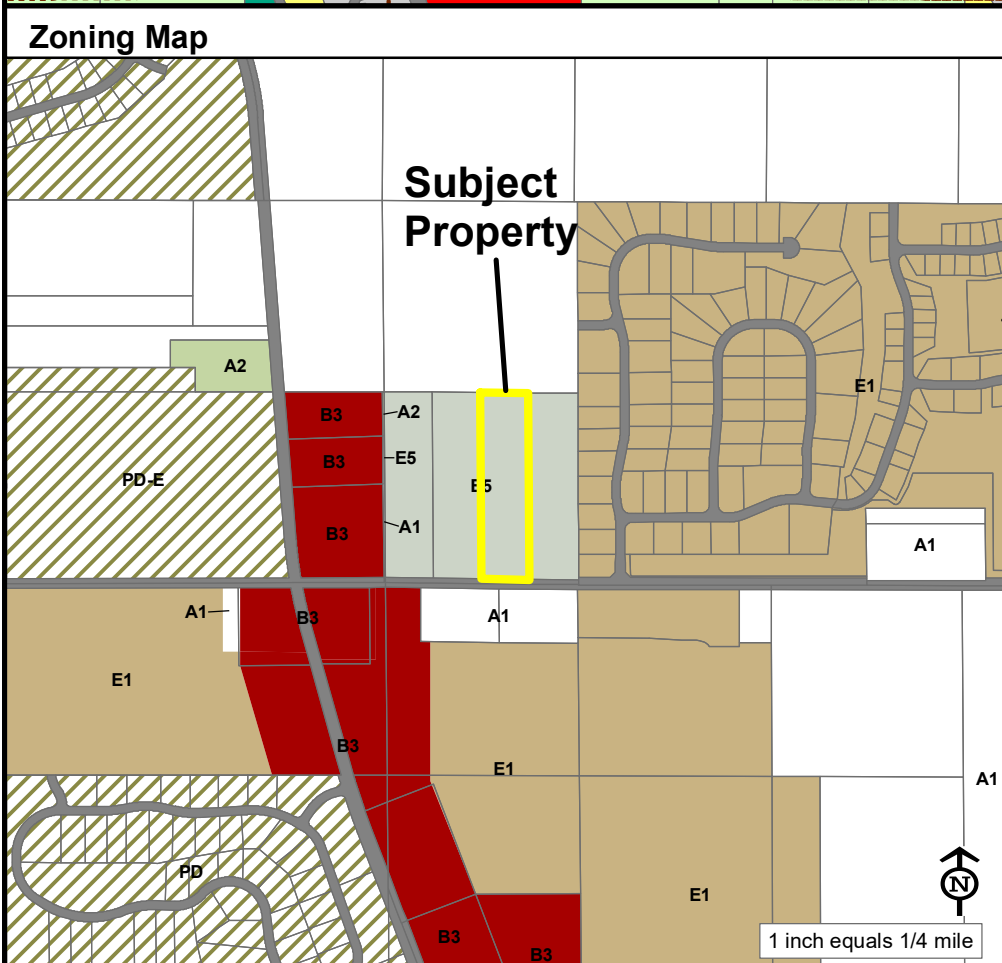
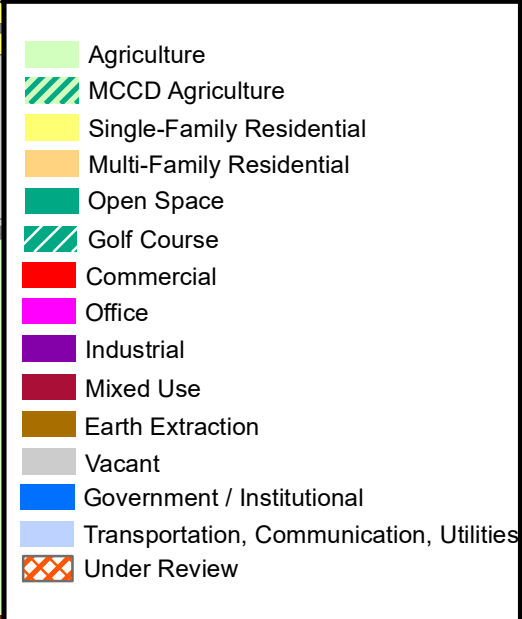
- a. The compatibility of the proposed zoning with the existing use and zoning of nearby property.
- b. The extent to which property values of the subject property are diminished by the existing zoning.
- c. The extent to which the public health, safety, and welfare of the public are promoted by the 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.





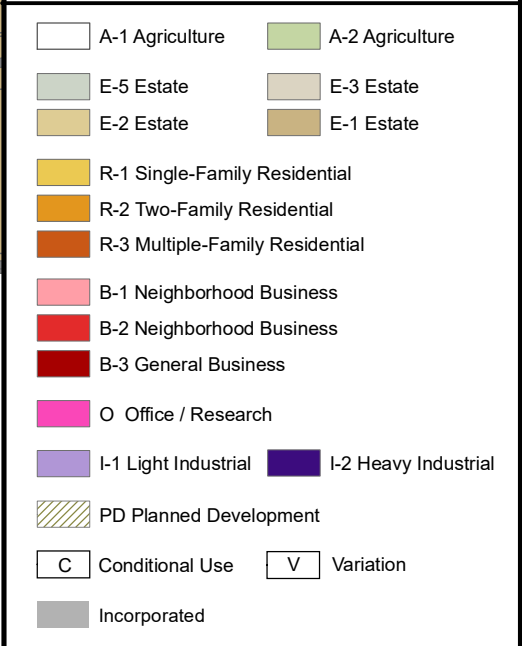
Current Land Use
Agriculture

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



Current Zoning
E-5 Estate

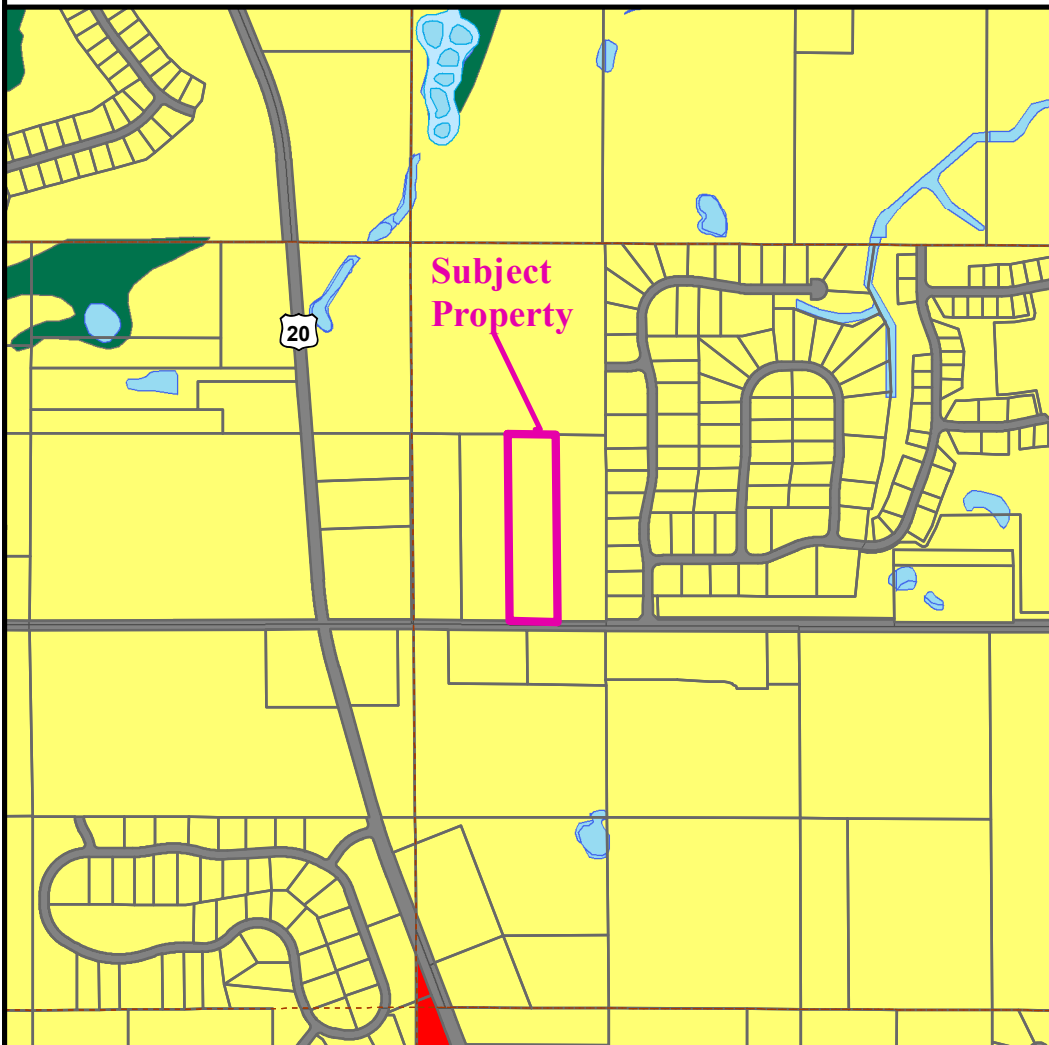
Adjacent Zoning
 North: A-1 Agriculture
 South: A-1 Agriculture
 East: E-5 Estate
 West: E-5 Estate



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 = 1/4 mile



Municipal / Township Plan Designations

Coral Township: Medium Density Residential (1 to 2.9 Acres)

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)



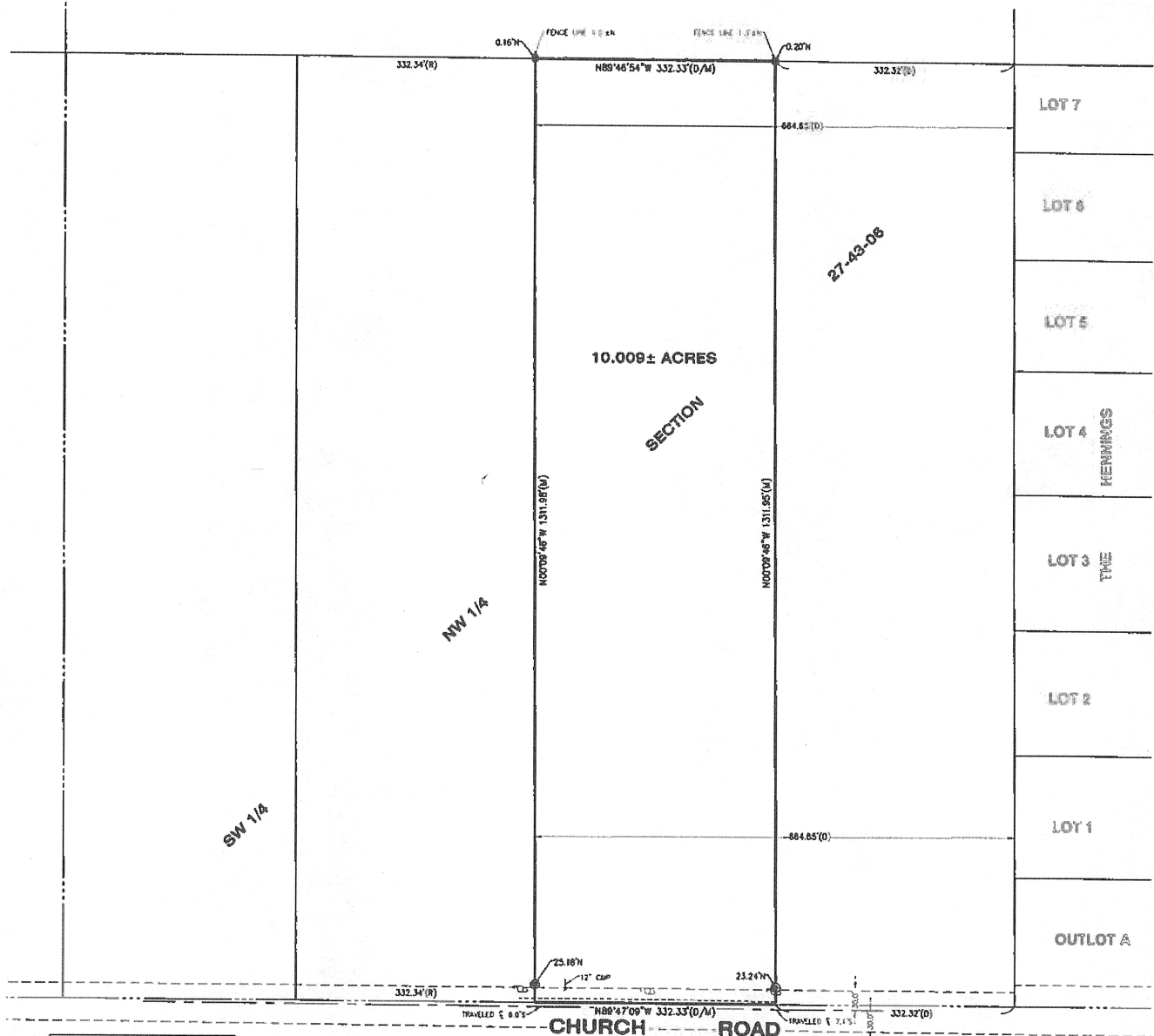
Sensitive Recharge Area



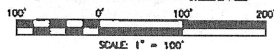
Vanderstappen
Land Surveying, Inc.
www.vanderstappen.com
1316 N. Madison St.
Woodstock, Illinois 60099
ph. 815-337-8310 fax 815-337-8314
"Always faithful to the property and"

PLAT OF SURVEY

The West 332.33 feet of the East 664.65 feet of the Southwest Quarter of the Northwest Quarter of Section 27, Township 43 North, Range 6 East of the Third Principal Meridian, in McHenry County, Illinois.



| LEGEND | |
|--------|-----------------|
| ● | FOUND IRON BAR |
| ○ | FOUND IRON PIPE |
| ⊙ | FOUND IRON NAIL |
| ⊞ | FOUND MONUMENT |
| ⊕ | FOUND RR SPIKE |
| ⊗ | SET CROSS |
| ⊙ | SET IRON BAR |
| ⊕ | UTILITY POLE |
| (D) | DEED |
| (M) | MEASURED |
| (R) | RECORD |



CLIENT: MCKENNA LAW P.C.
DRAWN BY: JPS CHECKED BY: APG
SCALE: 1"=100' SEC. 27 T. 43 R. 06 E.
BASIS OF BEARING: 1 EAST ZONE NAD83 (2011)
P.I.N.: 17-27-100-004
JOB NO.: 220101 I.D. MBV
FIELDWORK COMP.: 02/17/22 BY: PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL FEET.
PARTS THEREOF CORRECTED TO 66 F.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
* No distance should be assumed by scaling.
* No underground improvements have been located unless shown and noted.
* No representation as to ownership, use, or possession should be hereon implied.
* This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.
Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

STATE OF ILLINOIS)) S.S.
COUNTY OF McHENRY)

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.
Dated at Woodstock, McHenry County, Illinois 02/23 A.D., 2022.
Vanderstappen Land Surveying Inc.
Design Firm No. 164-002762

By: *Arthur P. Grumacker*
Illinois Professional Land Surveyor No. 3857



McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT

24-072-4628

September 27, 2024



This report has been prepared for:
Salvador Gallardo

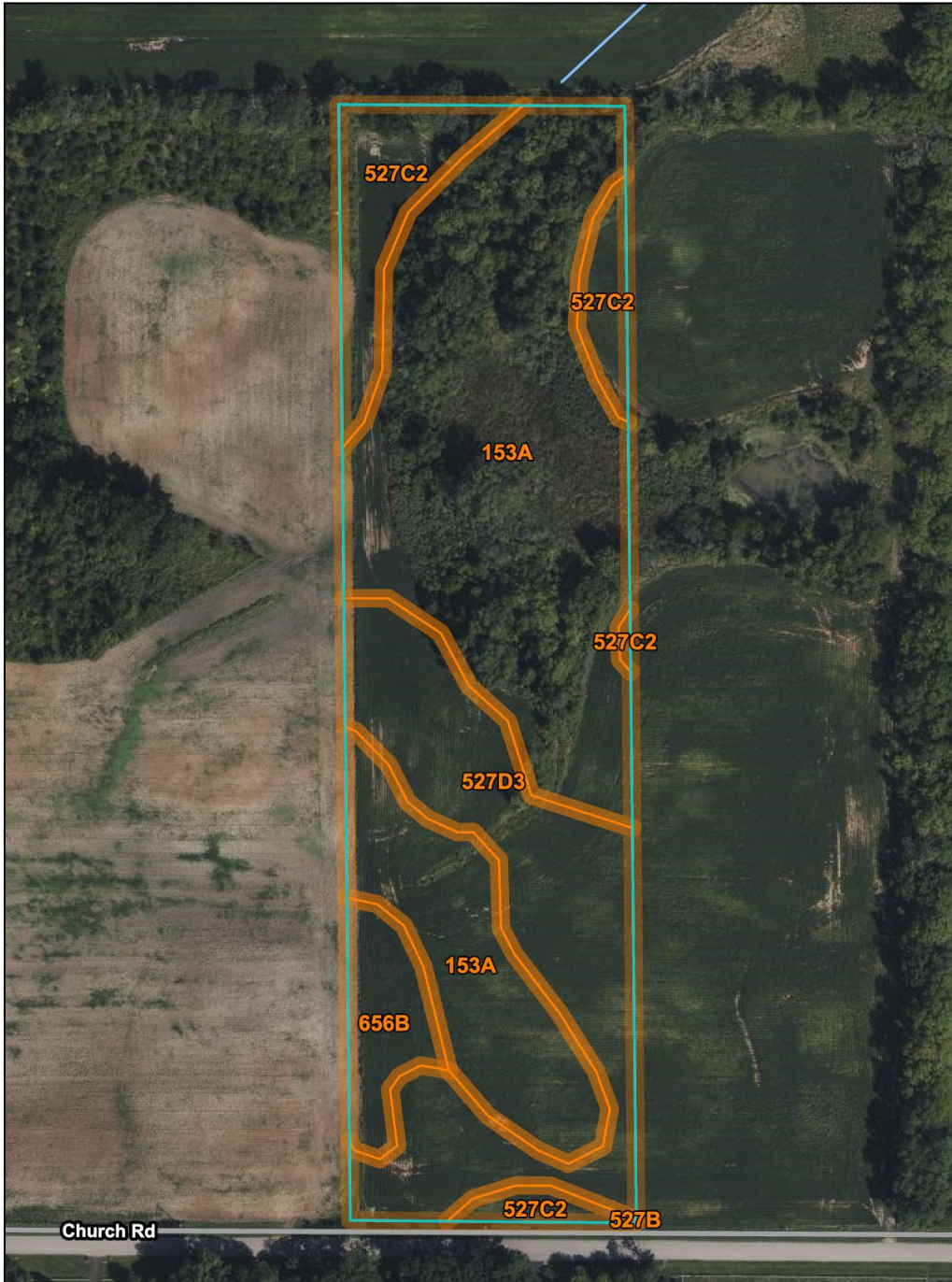
PREPARED BY:
McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION
DISTRICT
1648 S. EASTWOOD DR.
WOODSTOCK, IL 60098
PHONE: (815) 338-0444

www.mchenryswcd.org

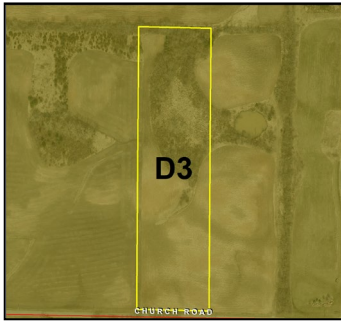
The McHenry-Lake County Soil & Water Conservation District
is an equal opportunity provider and employer.

EXECUTIVE SUMMARY OF NRI REPORT #24-072-4628

It is the opinion of the McHenry-Lake County Soil and Water Conservation District Board of Directors that this report as summarized on these pages are pertinent to the requested zoning change.



Groundwater Contamination Potential and Recharge Areas:

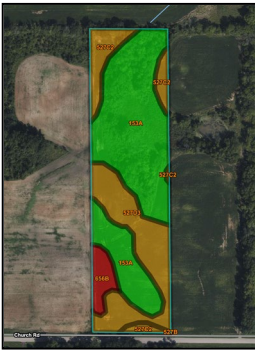


Aquifer Sensitivity Map (*This is the area beneath the soil profile down to bedrock)

The Geologic features map indicates the parcel is comprised of D3 geologic limitations. D3 has a moderately low aquifer contamination.

Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology).

The Sensitive Aquifer Recharge Map indicates the parcel is not within an area designated as Sensitive Aquifer Recharge.



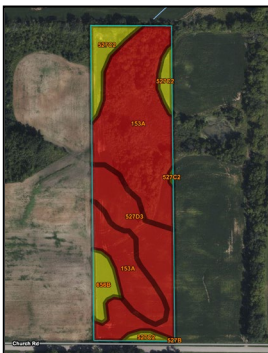
Soil Leachability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet).

The Soil Leachability Index indicates 0.5 acres or 5.2% of the parcel has a high leaching potentials (identified in red) for fertilizers (includes household use) identified.

Soil Permeability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet. Soil permeability is a reflection of the speed in which water (with or without pollutants) can move through the soil profile.)

The USDA-NRCS Soil Survey Map of the area indicates there are no highly permeable soils on the parcel that allow water to rapidly move through the soil profile.

Soil Limitations (This evaluates the parcel from the surface down to approximately 5 feet.):



Small Commercial Building Limitations

The NRCS Soils Survey indicates 8.1 acres or 83.4% of this parcel is composed of soils with a very limited limitation for small commercial buildings (red areas on map) due to ponding, depth to saturated zone and slope.

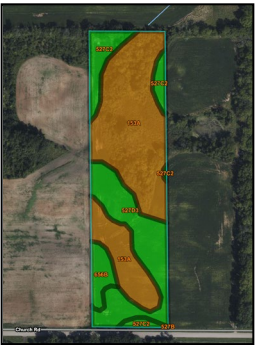
Erosion Ratings

The NRCS Soils Survey indicates 3.5 acres or 36.6% of the parcel contains Highly Erodible Soils. The McHenry-Lake SWCD has staff members certified in Sediment and Erosion Control and can aid the petitioner by reviewing erosion control plans and make recommendations.



Prime Farmland Soils

The Natural Resources Conservation Service (NRCS) Soil Survey indicates 1.6 acres or 16.6% of the parcel is comprised of prime farmland soils (identified in green) and 5.7 acres or 58.2% of the parcel is comprised of prime when drained soils (identified in blue).



Hydric Soils

The NRCS Soil Survey identifies 5.70 acres or 58.2% of the parcel as containing hydric soils (identified in orange).

Floodplain Information:

The Flood Insurance Rate Map

Indicates there is no 100-year floodplain present on this parcel.

Flood of Record Map (Hydrologic Atlas)

The Flood of Record Map for this area indicates there has been no previous flooding on the parcel.

Wetland Information:



USDA-NRCS Wetland Inventory

The NRCS Wetlands Inventory identifies 1.60 acres of the parcel as wetland (identified in green).



ADID Wetland Inventory

The ADID Wetland Study identifies 1.60 acres of wetland K1518 on the parcel.

*Information provided by the applicant indicate that the wetland areas will be avoided, as the development will occur within the southern 1 acre of the parcel.

Cultural Resources: None identified

Preserved or Recognized Ecological Sites: None identified.

Woodlands: None identified

Agricultural Areas: Office Maps indicate there are no State designated agricultural areas on the parcel in question.

Land Evaluation Site Assessment (LESA)

The Land Evaluation and Site Assessment system score for the parcel is a 214 out of 300 (LE – 84, SA – 130) indicating this parcel should **maintain the existing land use**.