

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2023-019

PIN: 16-14-300-004 and 16-14-300-010

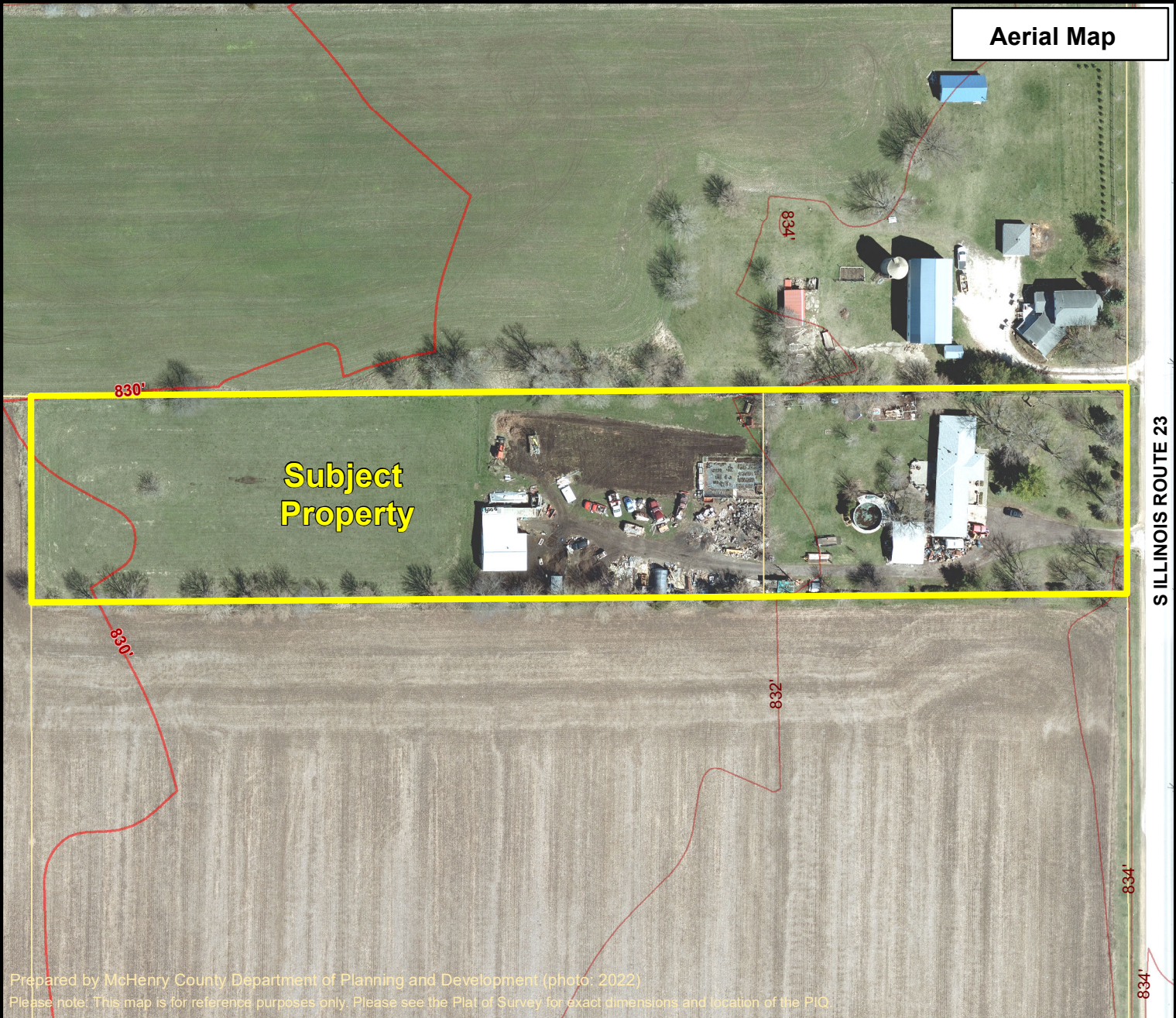
Address: 8605 S IL Route 23, Marengo

Applicant: Urbano Solis

Request: A-1 Agriculture District to A-1C Agriculture District with Conditional Use Permit for Landscape Business with Outdoor Storage

Hearing: February 20, 2025

Location: The 3.7 acre tract is located on the west side of South Illinois Route 23, about one (1) mile south of West Coral Road, in Riley Township.



Aerial Map

Prepared by McHenry County Department of Planning and Development (photo: 2022)
 Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIO.

Elevation

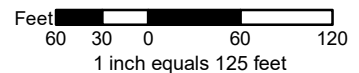
- (feet above sea level)
- 10-foot contours
- 2-foot contours

ADID Wetland Map 2005

- High Functional Value Wetland (hfw)
- High Quality Wetland (hqw)
- Wetland (w)
- Farmed Wetland (fw)

FEMA Flood Hazard Areas

- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway



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STAFF COMMENTS

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

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Conditional Use Permit to allow for a Landscape Business with Outdoor Storage. The subject property consists of three point seven (3.7) acres and is zoned A-1 Agriculture District. According to the 2006 plat of survey, the property is improved with a single-family residence and two (2) detached accessory.

This application was filed in 2023 in response to a violation regarding outdoor storage of materials associated with a landscaping business.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

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

STAFF ANALYSIS

Current Land Use & Zoning

Properties to the north and east are zoned A-1 Agriculture and A-2 Agriculture. Properties to the east are zoned A-1C Agriculture with conditional uses for earth extraction. Properties to the west and south are incorporated into the City of Marengo. The property to the north is used residentially and agriculturally. The properties to the south and west are used for row crop production. There is an active gravel mine to the east of the subject property.

2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property, and the surrounding properties, as **Office, Research and Industrial**.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The proposed use of the property is consistent with the 2030 Comprehensive Plan and 2030 and Beyond due to the facts that there are minimal impacts to the agricultural, natural, and water resources on the site and that it furthers the economic policies of the plans. *(See comments below)*

McHenry County 2030 and Beyond, Adopted October 18, 2016

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

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

- The entire property is within the Sensitive Aquifer Recharge Area.

Big Idea #2 Let's build on our strengths

"We can make it happen by recognizing the economic and social importance of our agricultural industry." (p.15)

- Landscape businesses have been recognized by McHenry County as part of the agricultural industry.

Big Idea #3 Let's grow smarter

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

- The conditional use permit for the operation of a landscape business with outdoor storage would allow for a commercial use which could help reduce the property tax burden on residential properties.

Big Idea #4 Let's expand our economy

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

- The Conditional Use Permit would allow the proposed business to be legally established on the subject property.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

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

- The subject property currently is not used for agricultural purposes.

Greenways, Open Space & Natural Resources

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

- The McHenry-Lake County Soil and Water Conservation District's Natural Resources Inventory report/letter has been received. They determined that there are no wetlands, hydric soils or floodplains on the subject property. Please refer to NRI L23-034-4494 for more information.

Water Resources

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

- The entire property is located within the Sensitive Aquifer Recharge Area (SARA).

Economic Development

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

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

Infrastructure

No applicable text.

STAFF ASSESSMENT

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

During the Staff Plat Review Committee meetings, staff from the County's Environmental Health Division requested that conditions associated with the restroom facilities be added to the Conditional Use Permit. The requested conditions are reflected below.

As noted earlier, there is an outstanding Request for Enforcement (RFE) associated with this property for conducting a landscape business with outdoor storage without a Conditional Use Permit.

Staff offer the following conditions for consideration:

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the Site Plan stamped received December 18, 2024.

3. Apply for a Highway Access Permit from the Illinois Department of Transportation within three (3) months of County Board approval of this Conditional Use Permit.
4. The property owner shall apply for a Health Review conducted by the County's Environmental Health Division if employees are hired and/or if a restroom is added to the barn.
5. Employees may not use the restrooms located within the house.
6. All other federal, state, and local laws shall be met.

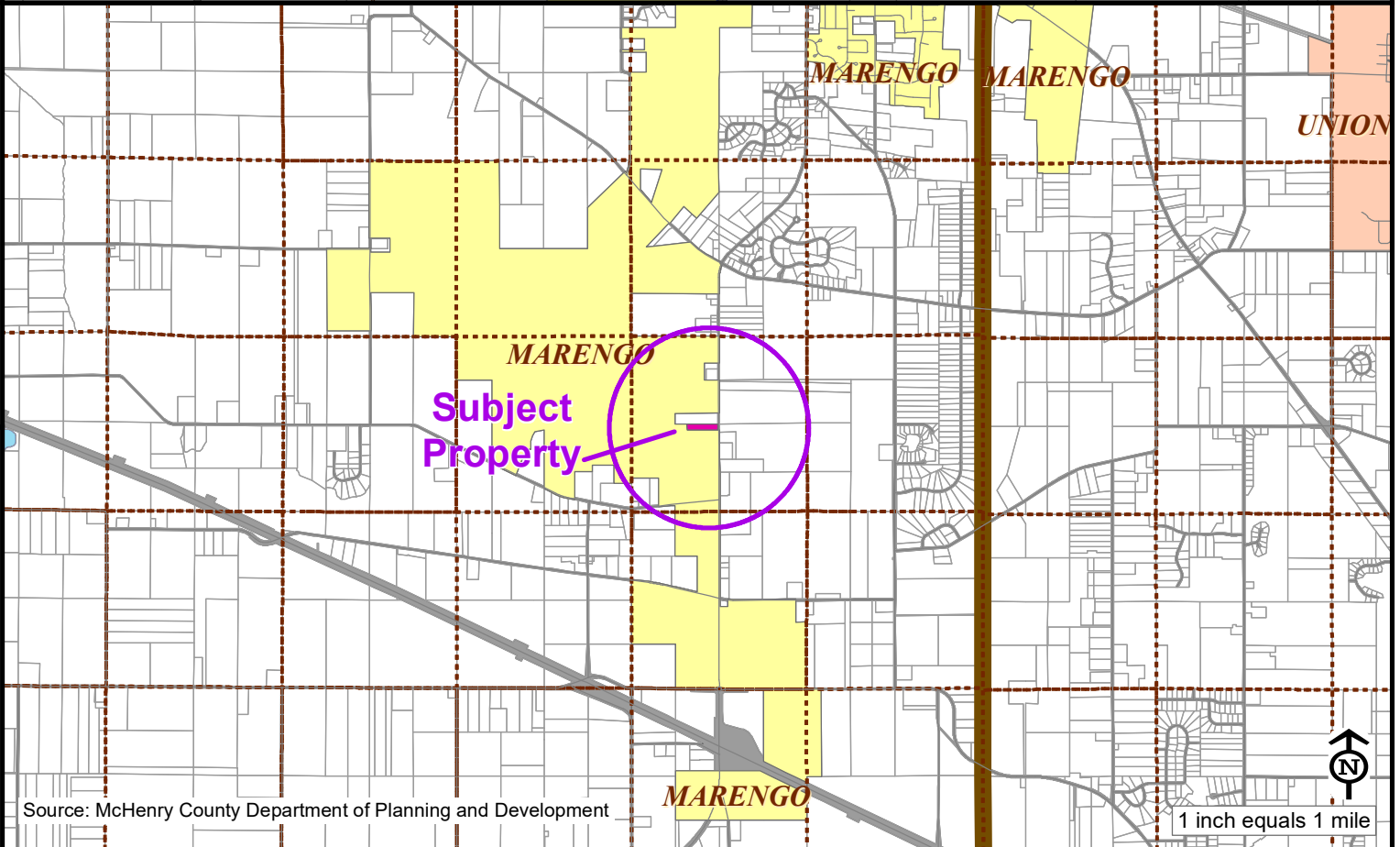
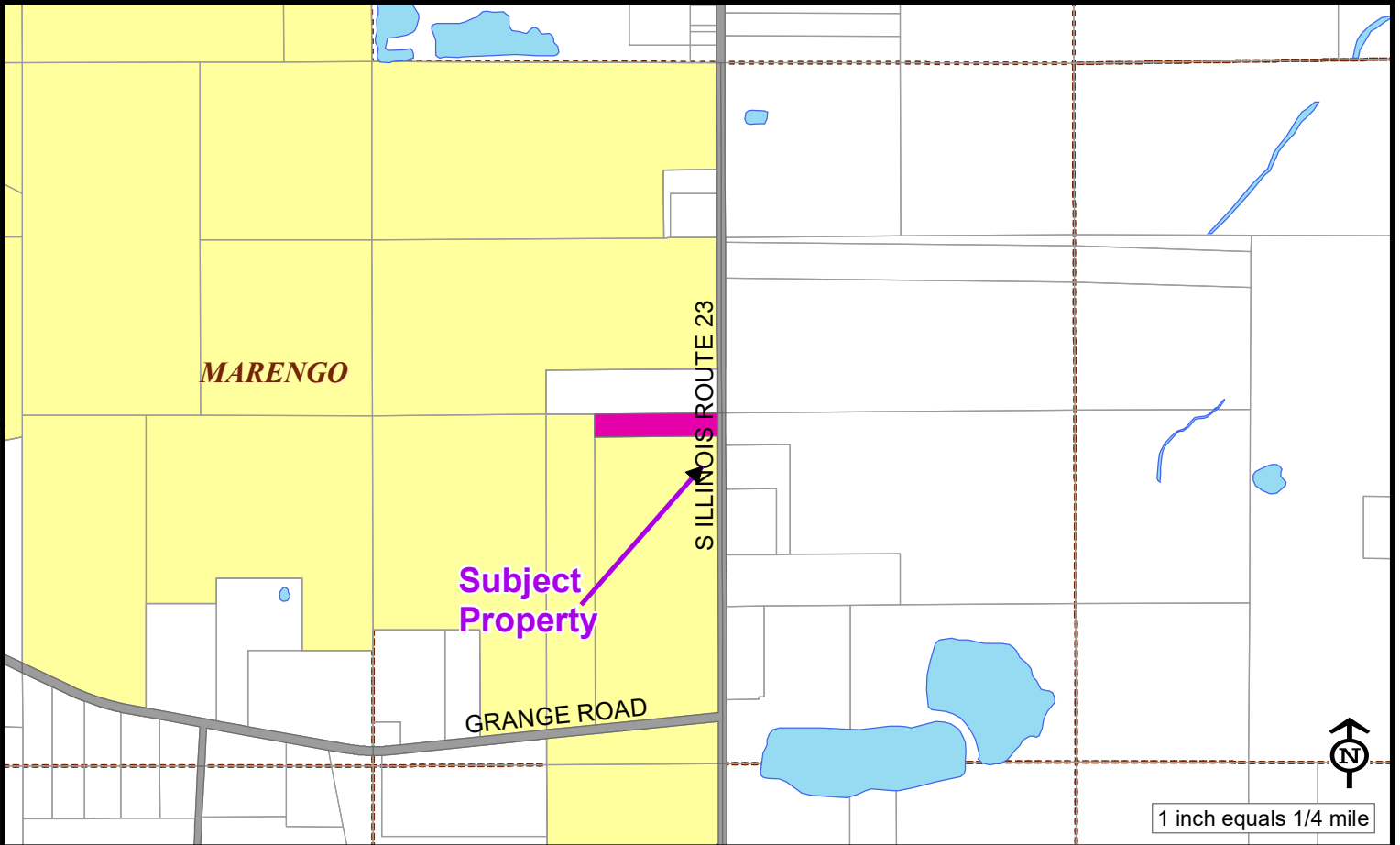
McHenry County Unified Development Ordinance Section 16.20.040.E

- E. *Approval Standards for Conditional Use Permits.* No conditional use permit may be granted unless the Zoning Board of Appeals and County Board makes specific written findings that the request meets each of the standards imposed by this section. These standards are as follows:
1. That the petitioner has demonstrated the ability to meet any applicable standards contained in [Chapters 16.56](#) (Use Standards) and [16.60](#) (Site Development Standards).
 2. That the site shall be so situated that the proposed use is compatible with the existing or planned future development of the area.
 3. That the establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
 4. That the conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 5. That the conditional use shall not substantially diminish and impair property value within the neighborhood.
 6. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on public streets.
 8. That the conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located.
 9. That the conditional use is reasonably in the interest of the public welfare.
 10. That adequate measures will be taken to provide protection to groundwater recharge and groundwater quality.

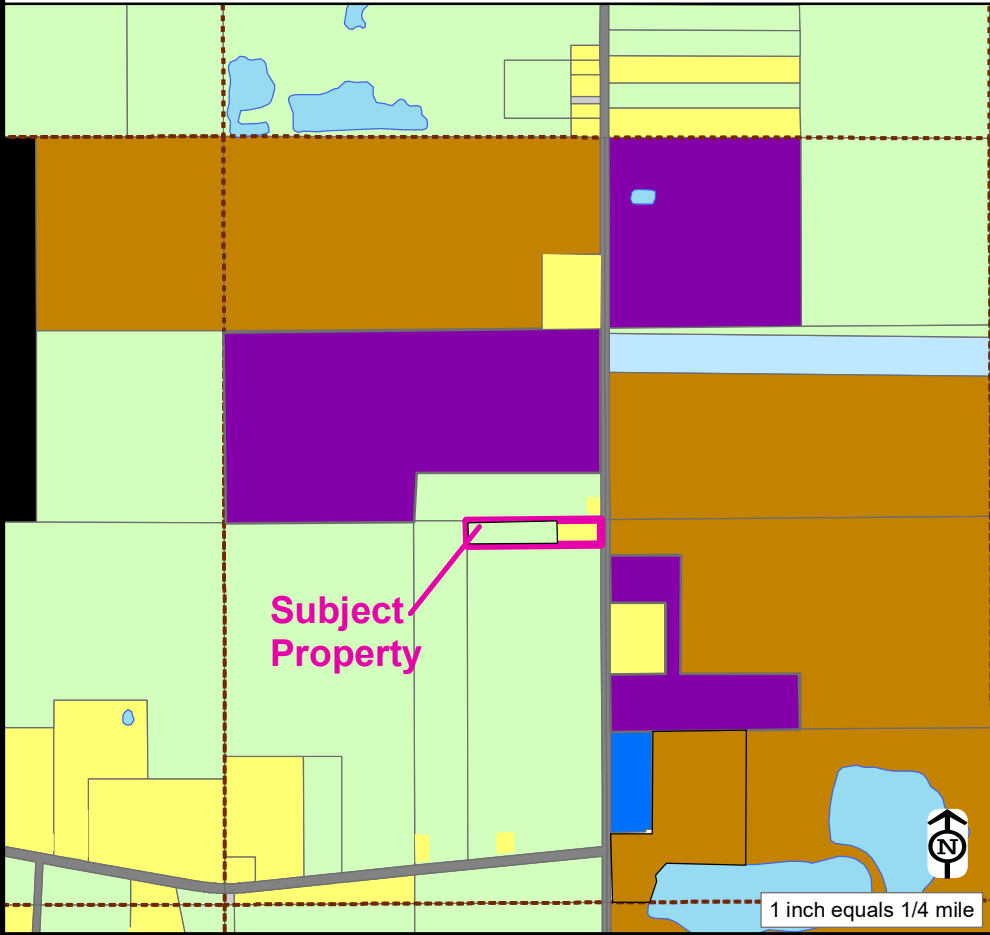
McHenry County Unified Development Ordinance Section 16.56.030.Z

Z. *Landscape Business.*

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



Current Land Use Map



Current Land Use

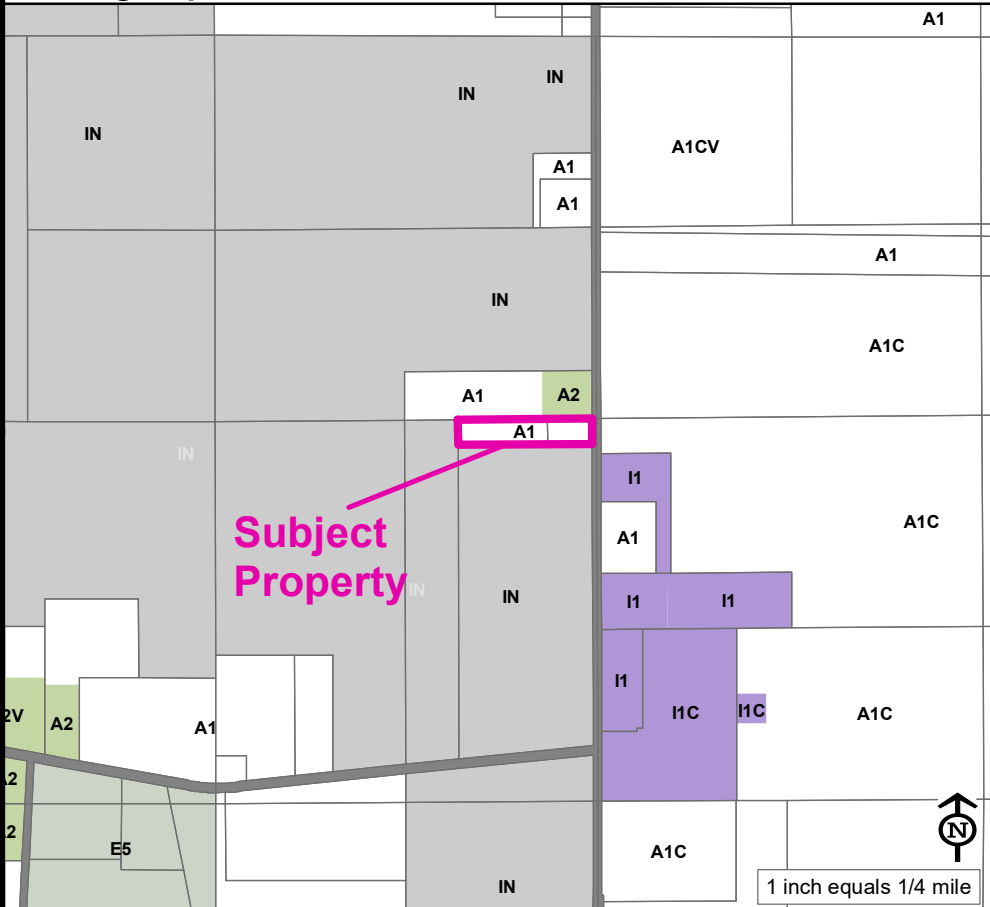
Agriculture & Single-Family Residential

Adjacent Land Use(s)

North: *Agriculture*
 South: *Agriculture*
 East: *Earth Extraction*
Agriculture
 West:

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

Zoning Map



Current Zoning

A-1 Agriculture

Adjacent Zoning

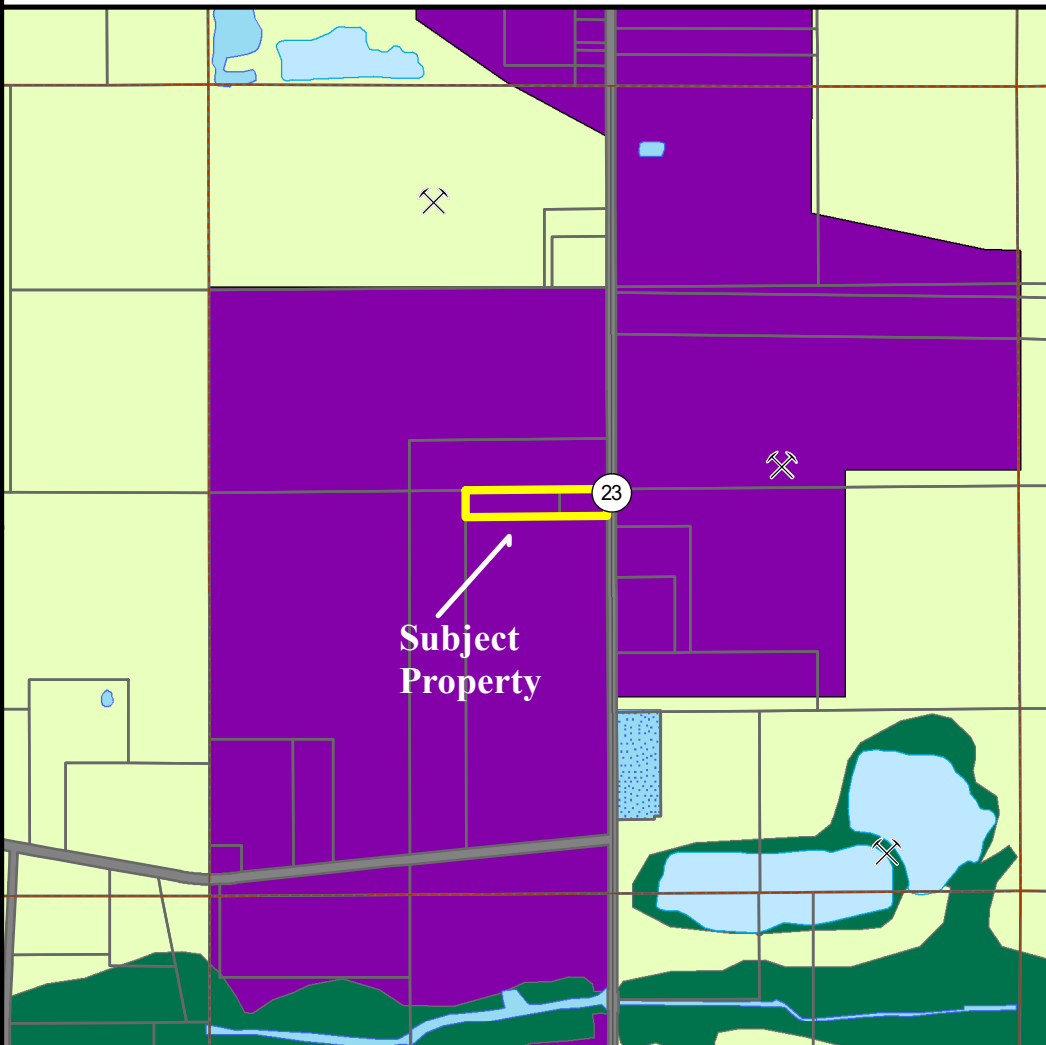
North: *A-1 and A-2 Agriculture*
 South: *Incorporated*
 East: *A-1C Agriculture*
 West: *Incorporated*

- 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

Office, Research, Industrial



- 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 Marengo: Light Industrial
Riley Township: Commercial

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

OFFICE/RESEARCH/INDUSTRIAL includes existing and proposed areas for office, research, industrial, warehousing, and wholesale trade uses. (p. 135)

Sensitive Aquifer Recharge Areas

The site is located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area