

Staff Report for the McHenry County Zoning Board of Appeals

Application: #Z25-0017 (formally known as 2025-067)

Hearing: February 27, 2025

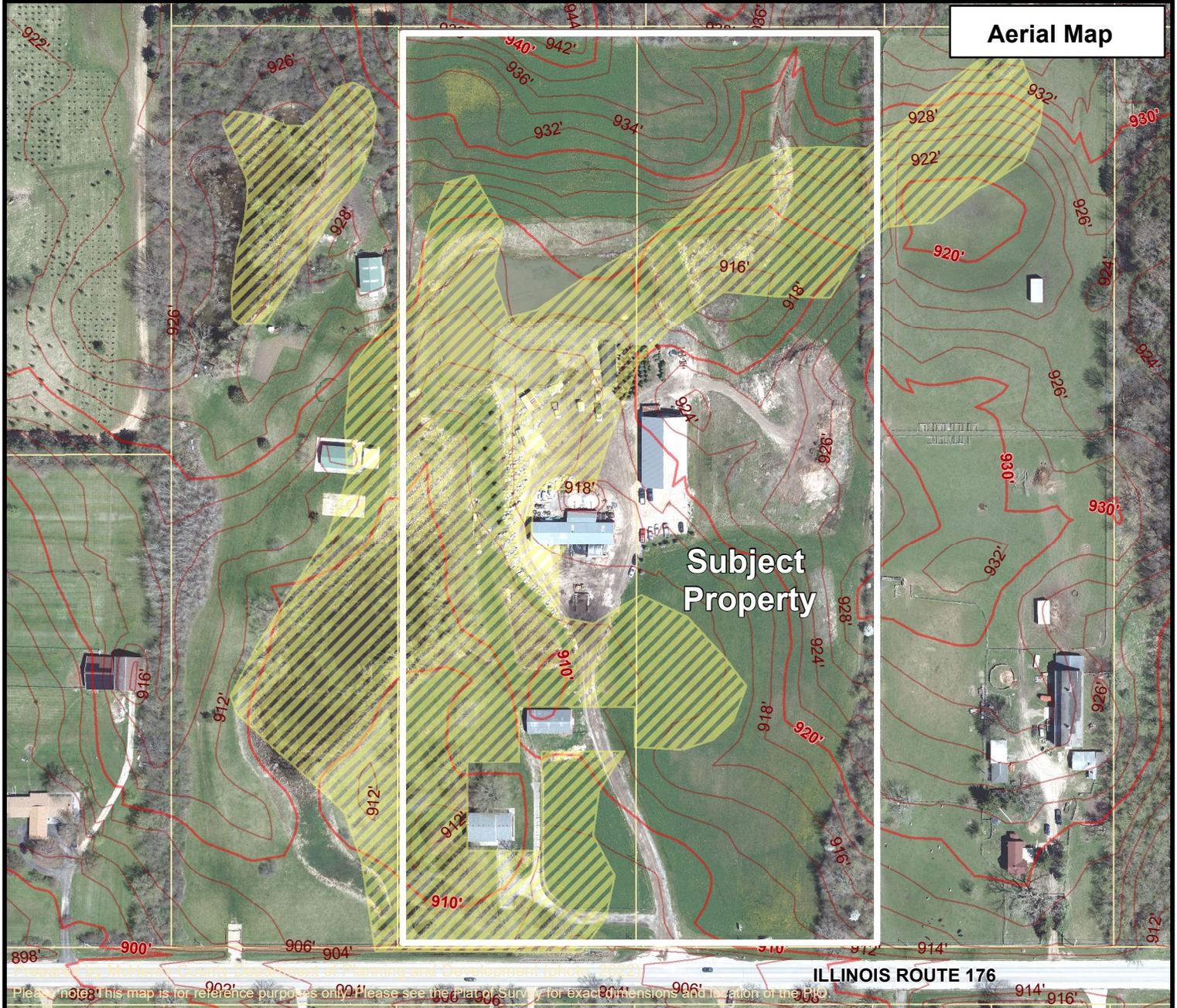
PIN: 13-30-400-010 & 13-30-400-011

Applicant: Johnson Hill Farms, LLC

Address: 13503 Route 176, Woodstock

Location: The twenty (20) acre parcel is on the north side of Illinois Route 176, approximately three thousand two hundred seventy (3,270) feet west of the intersection of Illinois Route 176 and Dean Street in Dorr Twp.

Request: A-1C to A-1C, Renewal of Conditional Use Permit 2014-022 allowing for a Landscape Business with Outdoor Storage and a future Garden Center



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 206 feet



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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 subject property consists of twenty (20) acres and is zoned A-1C Agriculture Business District with a Conditional Use Permit allowing for both a Landscape Business with Outdoor Storage and a Garden Center (CUP 2014-022). The plat of survey indicates that the landscape business has been established, however, the Garden Center has not been constructed yet. As such, technically, the request is for the renewal of the landscape business with outdoor storage and a new conditional use permit for the future Garden Center.

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.
- The applicant must meet the Principal Use Standards for a Greenhouse/Nursery Business (Section 16.56.030.U).

STAFF ANALYSIS

Current Land Use & Zoning

The subject property is surrounded by A-1 Agriculture zoned properties. Properties to the east and west, as well one to the south, have residential uses. The other properties surrounding the subject parcel have agricultural uses.

2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property, and the properties surrounding it on the north side of Illinois Route 176 as **Environmentally Sensitive Area**. Properties to the south of Illinois Route 176 are designated as Estate.

2030 Comprehensive Plan & 2030 and Beyond Analysis

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

McHenry County 2030 and Beyond, Adopted October 18, 2016

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

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

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

Big Idea #2 Let's build on our strengths

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

- The conditional use permit for the operation of a landscape business with outdoor storage, as well as for the Garden Center, would allow for a commercial use consistent with other uses in the area.

Big Idea #3 Let's grow smarter

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

- Allowing the continued use of this business would continue to reduce the property tax burden on residences in the County.

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 continue its operation 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)

- There are no agricultural activities occurring on the subject property, thus, the landscape business with outdoor storage and the garden center will not adversely impact productive agricultural lands.

Greenways, Open Space & Natural Resources

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

- The McHenry-Lake County Soil and Water Conservation District's Natural Resources Inventory letter has been received. Due to no new proposed construction, the report indicates that impacts to the natural environment are minimal, however, the report does note the presence of wetlands and hydric soils on the property. Please refer to NRI L24-093-4649 for more information.

Water Resources

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

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

Economic Development

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

- Granting the Conditional Use Permit will help to retain an existing businesses located along Illinois Route 176 near Lakewood and Woodstock.

Infrastructure

No applicable text.

STAFF ASSESSMENT

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

Staff offers the following conditions for consideration:

1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.
2. The Conditional Use shall substantially conform to the attached Site Plan prepared by Civil Engineering and Land Surveying Services. However, nothing shall limit the construction of agricultural structures on the property.
3. The operation of the landscape business shall meet the standards of Section 16.56.030.Z of the Unified Development Ordinance.
4. Any storage of de-icing agents shall conform to the standards of Section 16.56.050.E of the McHenry County Unified Development Code.

5. The outdoor storage of any commercial vehicles and equipment and outdoor sales and displays shall meet the standards of Section 16.56.050K of the Unified Development Ordinance.
6. The storage of any chemical fertilizers, herbicides, or insecticides shall be limited to an inside enclosed structure.
7. If any structure, or part thereof, within the Conditional Use Permit area is used for the business and not for a strictly agricultural purpose, then said structure or portion thereof shall meet the applicable building codes and obtain all required permits for such a use.
8. All other federal, state, and local laws shall be met.

McHenry County Unified Development Ordinance Section 16.20.040.E

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

McHenry County Unified Development Ordinance Section 16.56.030.Z

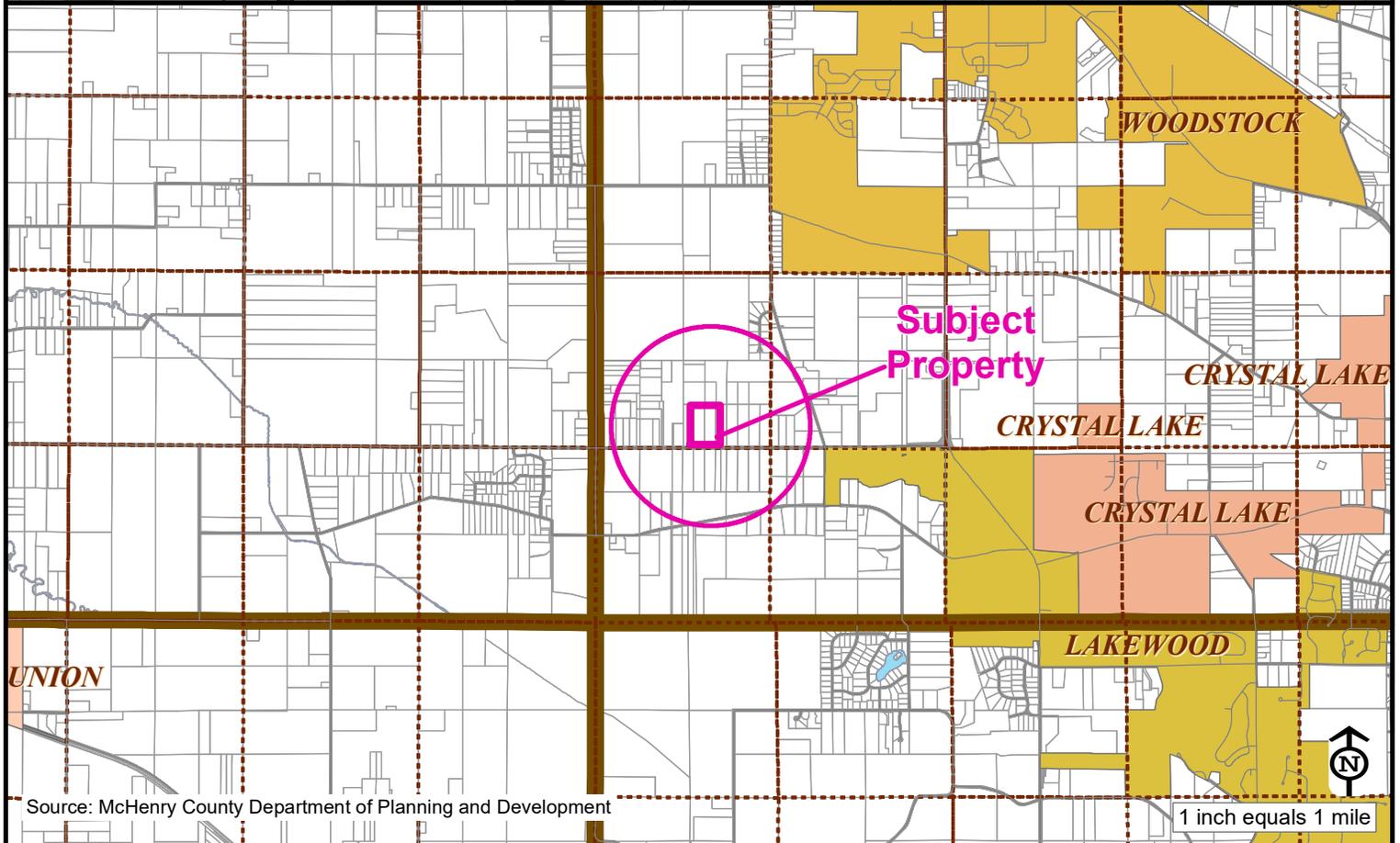
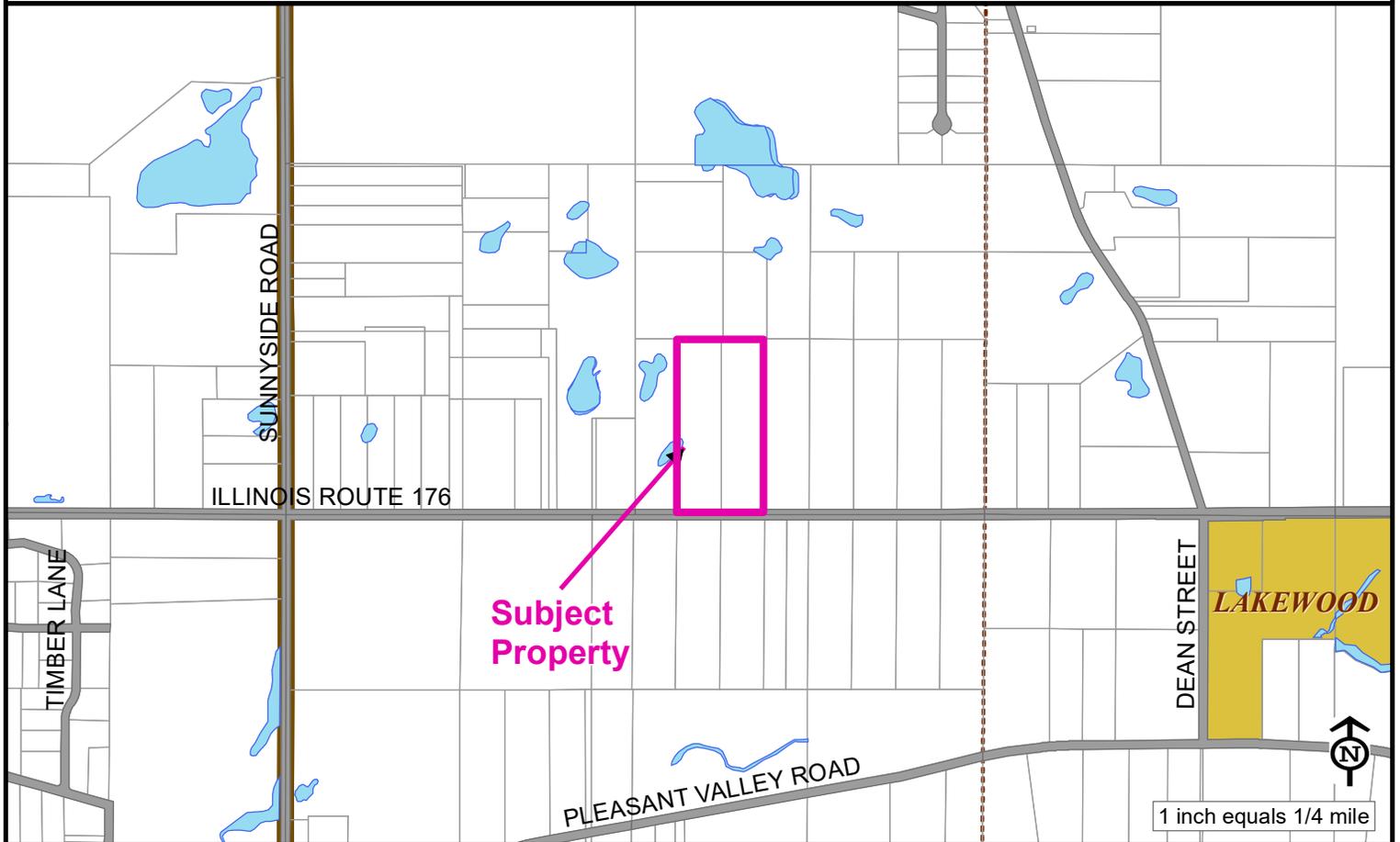
Z. *Landscape Business.*

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

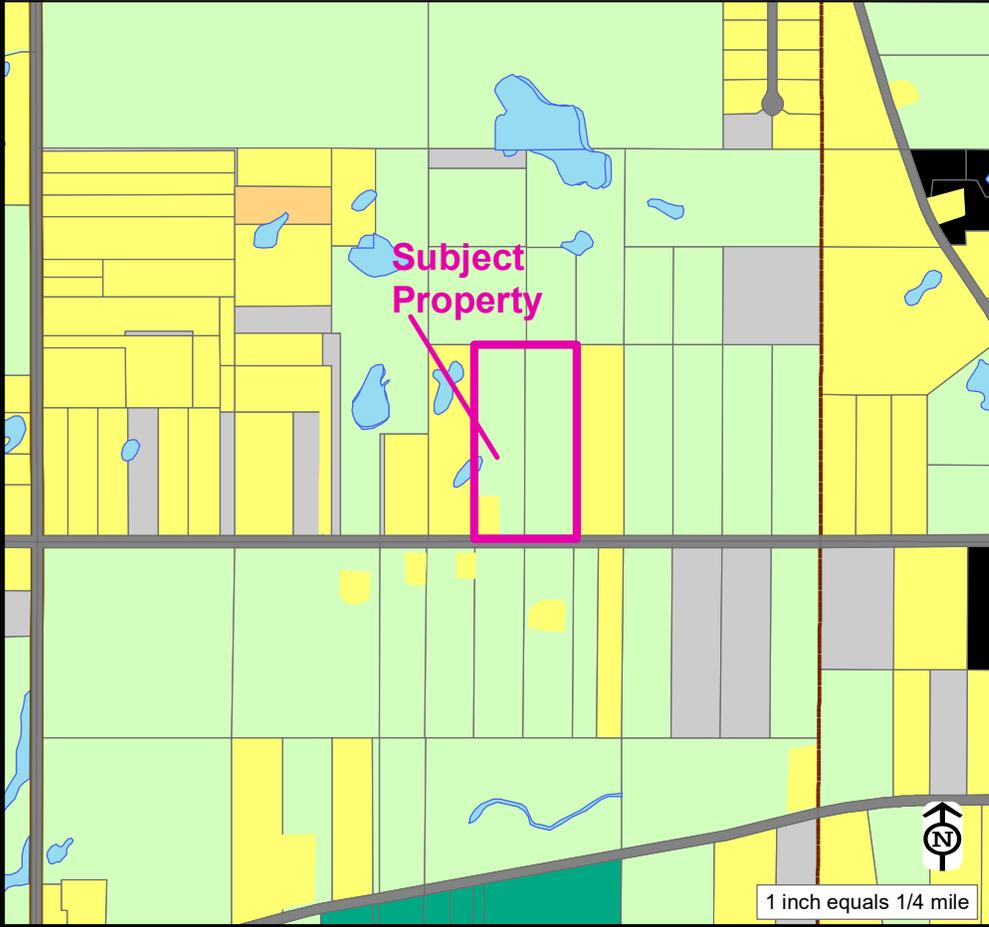
McHenry County Unified Development Ordinance Section 16.56.030.U

U. *Greenhouse/Nursery Business.*

1. All greenhouses and associated buildings shall meet building setback requirements for the zoning district in which they are located.
2. In the agricultural zoning districts, customer access shall be limited to Farmstands that meet the standards of subsection R. above (Farmstand), except that customers may access nursery areas and enter greenhouse structures as necessary for the selection of products.
3. In the commercial zoning districts, customer access shall be limited to Farmstands that meet the standards of subsection R. above (Farmstand), except that customers may access nursery areas and enter greenhouse structures as necessary for the selection of products. Additional retail and office structures may be utilized, provided they comply with all applicable building code requirements.
4. In the agricultural zoning districts, only products grown on-site are permitted to be sold on-site, except for necessary potting and packaging materials.
5. Products grown on-site need not be produced from seeds or grafts. However, detectable growth or maturing of the plants or ripening of the fruits or vegetables must occur. Merely storing potted or balled plants on the ground or in a greenhouse does not meet the requirements of this provision.
6. A greenhouse/nursery business may include the vehicles, equipment, and materials necessary for the delivery and installation of nursery or greenhouse stock on customer properties without requiring a conditional use permit. However a greenhouse/nursery business may not provide other landscape business services unless it obtains a conditional use permit, if required, and meets the use standards for a landscape business.



Current Land Use Map



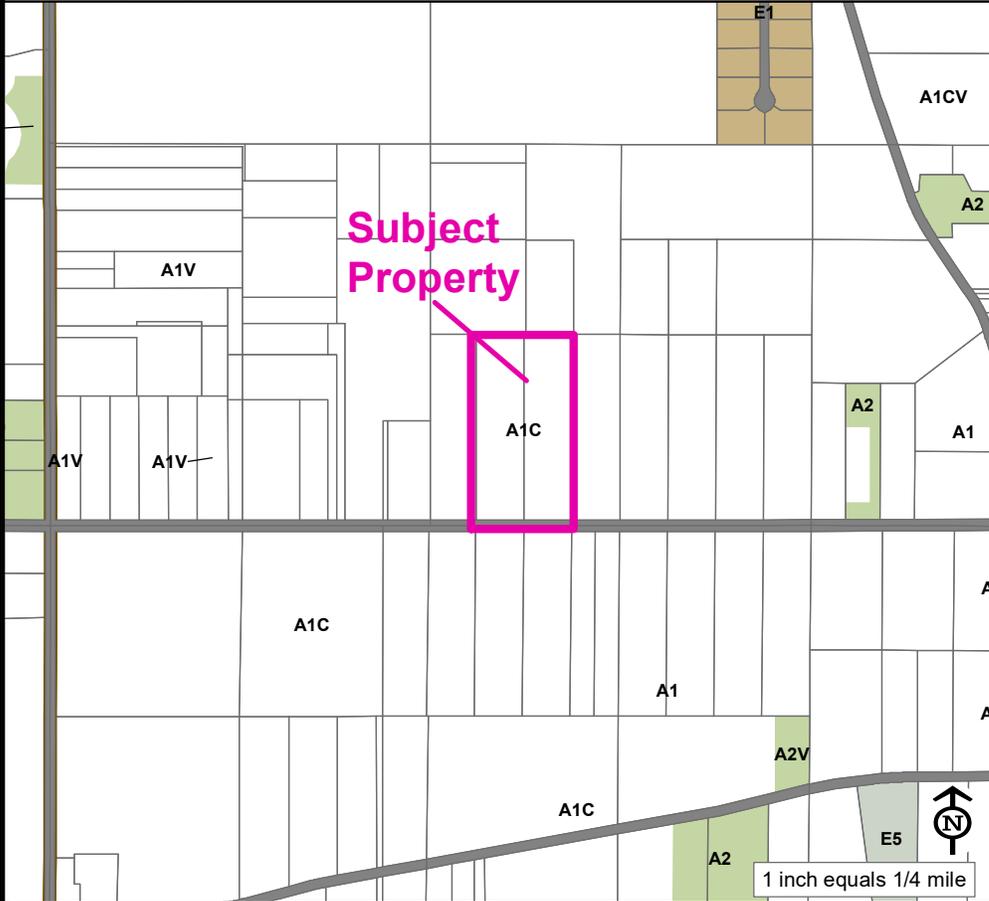
Current Land Use
Agriculture and Single-Family Residential

Adjacent Land Use(s)

North: *Agriculture*
 South: *Agriculture & SF Residential*
 East: *Single-Family Residential*
 West: *Single-Family Residential*

- 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-1C Agriculture

Adjacent Zoning

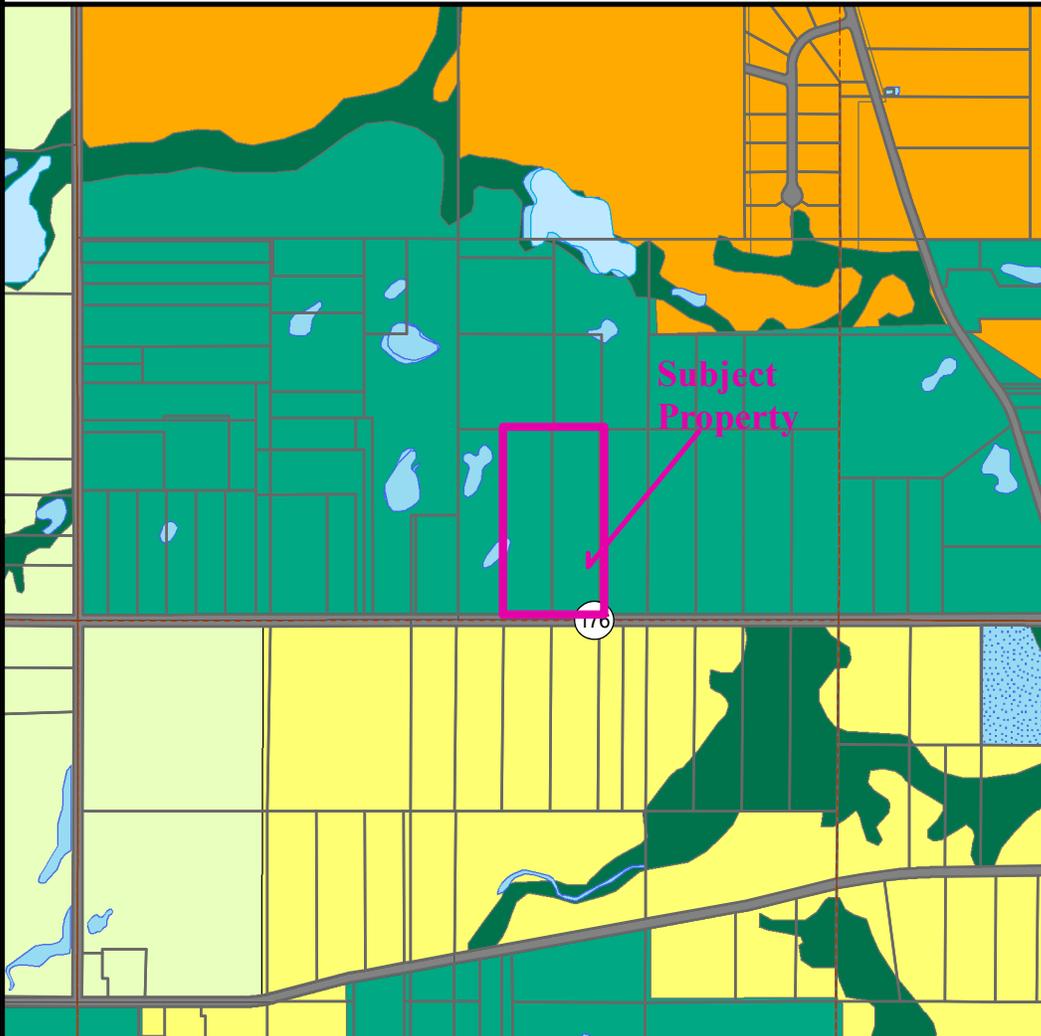
North: A-1 Agriculture
 South: A-1 Agriculture
 East: A-1 Agriculture
 West: A-1 Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Neighborhood Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

McHenry County 2030 Comprehensive Plan Future Land Use Map

Future Land Use Map Designation

Open Space



- 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

<u>Dorr Township:</u>	N/A
<u>Woodstock:</u>	Agriculture
<u>Lakewood:</u>	N/A

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..

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area