

# Staff Report for the McHenry County Zoning Board of Appeals

**Application:** #2024-055

**PIN:** 07-23-176-003

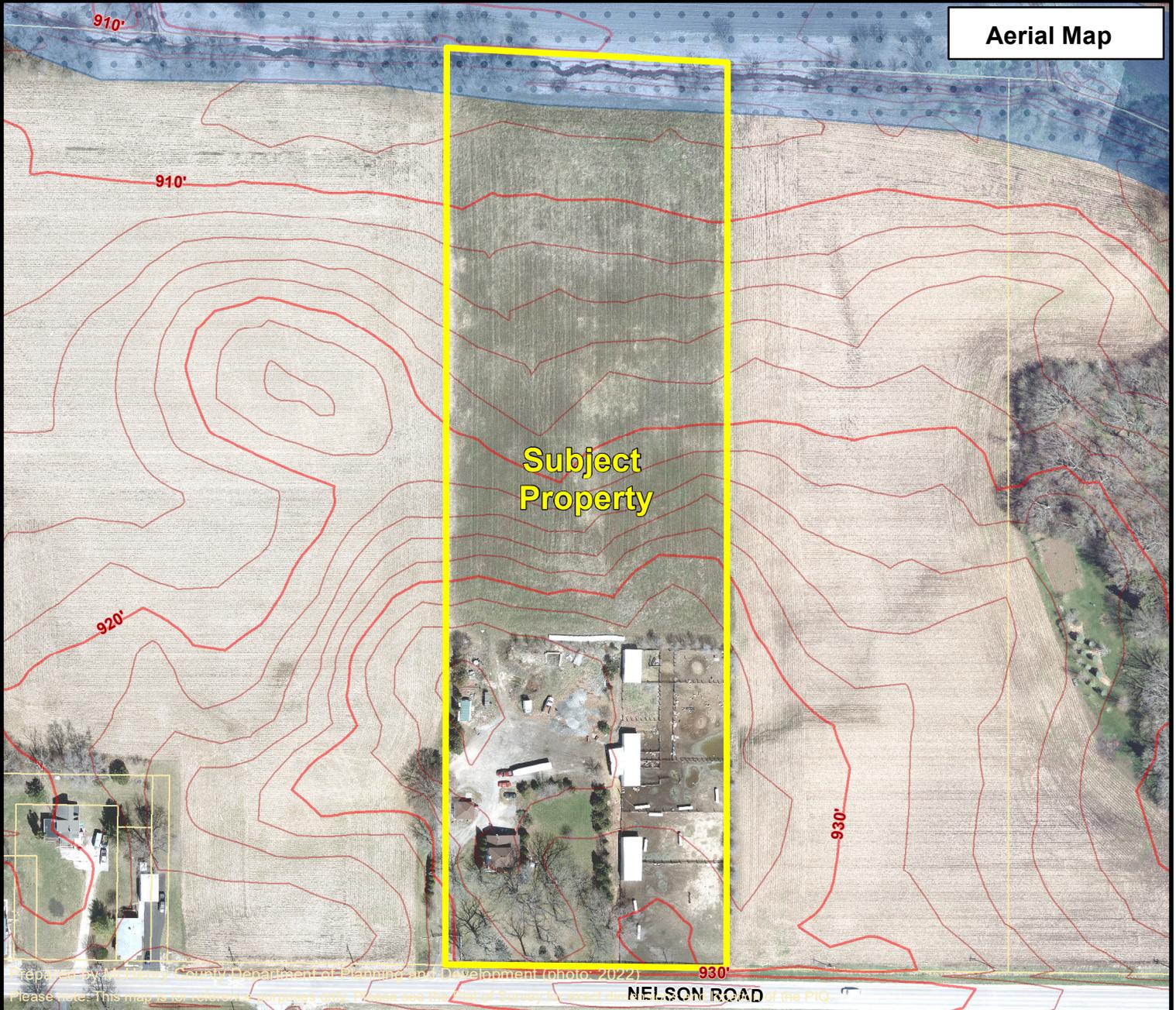
**Address:** 15712 Nelson Road, Woodstock

**Applicant:** Eduardo and Claudia Olague

**Hearing:** January 30, 2025

**Request:** A-1 Agriculture District to A-1 Agriculture District with Conditional Use Permit for Food Processing with Animal Slaughter

**Location:** The eight point two-eight (8.28) acres parcel is located on the north side of Nelson Road, about seven hundred sixty (760) feet west of Murray Road, in Hartland Township.



**Aerial Map**

**Subject Property**

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 of the PIO.

**NELSON ROAD**

**Elevation**

(feet above sea level)

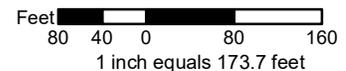
- 10-foot contours
- 2-foot contours

**ADID Wetland Map 2005**

- High Functional Value Wetland (hfvw)
- 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 Conditional Use Permit to allow Food Processing with Animal Slaughter. The subject property is just over eight (8) acres in size and is located on the north side of Nelson Road, roughly seven hundred sixty (760) feet west of Murray Road. The 2009 plat of survey indicates that there is a house and detached accessory structure on the subject property. There are two (2) building permits issued since 2009 for ag exempt structures, which are depicted on the 2022 aerial. The 2022 aerial also shows the presence of an undocumented detached accessory structure located in the area where the applicant wants to put the processing building.

## **MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE**

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

## **STAFF ANALYSIS**

### Current Land Use & Zoning

The subject property is presently zoned A-1 Agriculture. A Conditional Use Permit for a Landscape Business with outdoor storage was granted in 2010. That permit expired in 2021.

All of the surrounding properties are zoned A-1 Agriculture. Properties to the north, east and west are used agriculturally. The property to the south is used both for agricultural purposes and includes the County's nursing care facility. Properties to the southwest of the railroad tracks are also owned by the County. Properties to the east of the railroad tracks include a mixture of zoning and uses, including residential and non-residential uses.

### 2030 Comprehensive Plan Future Land Use Map

The 2030 Comprehensive Plan Future Land Use Map designates this property as **Agriculture**. The properties to the north, east and west of the subject property have this same designation. The property to the south is designated Government/Institutional.

### 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. *(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 City of Woodstock is located about one and a quarter (1.25) miles southeast from the subject property.
- The unincorporated community of Hartland is roughly three hundred (300) feet to the west of 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." (p.14)*

- The proposed use depends upon local livestock.

### 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 site is located over a mile from the City of Woodstock.

#### 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 had an animal slaughtering business elsewhere, however, due to fire damage and zoning requirements, they are unable to rebuild in that location. As such, they are seeking to re-establish the 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)*

- The subject property is within three hundred (300) feet of an unincorporated community (Hartland).

#### Agricultural Resources

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

- The proposed use is an agriculturally based business.

#### 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. This letter notes the presence of a floodplain and hydric soils on the property. These environmental features are located well north of the area being proposed for development. Please refer to NRI L24-080-4636 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 property is not located within the Sensitive Aquifer Recharge Area (SARA).

#### Economic Development

No applicable text.

#### Infrastructure

No applicable text.

#### Land Use

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

- The proposed re-use of this site is near to areas which are already developed.

### **STAFF ASSESSMENT**

The future land use map denotes that this area is to be used for agricultural purposes. It could be argued that food processing is an agricultural use. There are no environmental features which are on or near the area contemplated for development. The property is located within three (300) feet of unincorporated Hartland and just over a mile from the City of Woodstock.

Regarding the Conditional Use Permit, staff offers the following conditions for consideration:

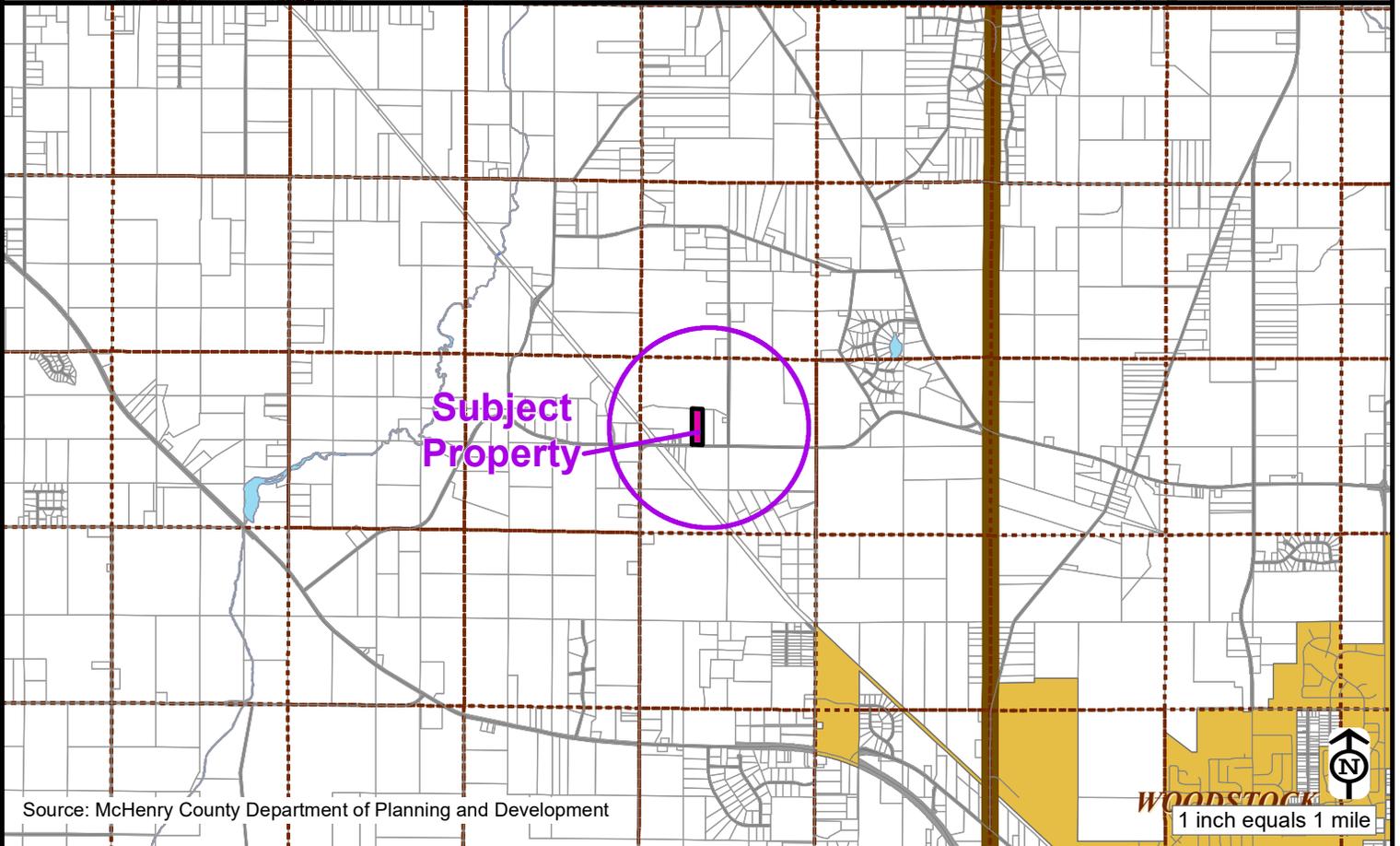
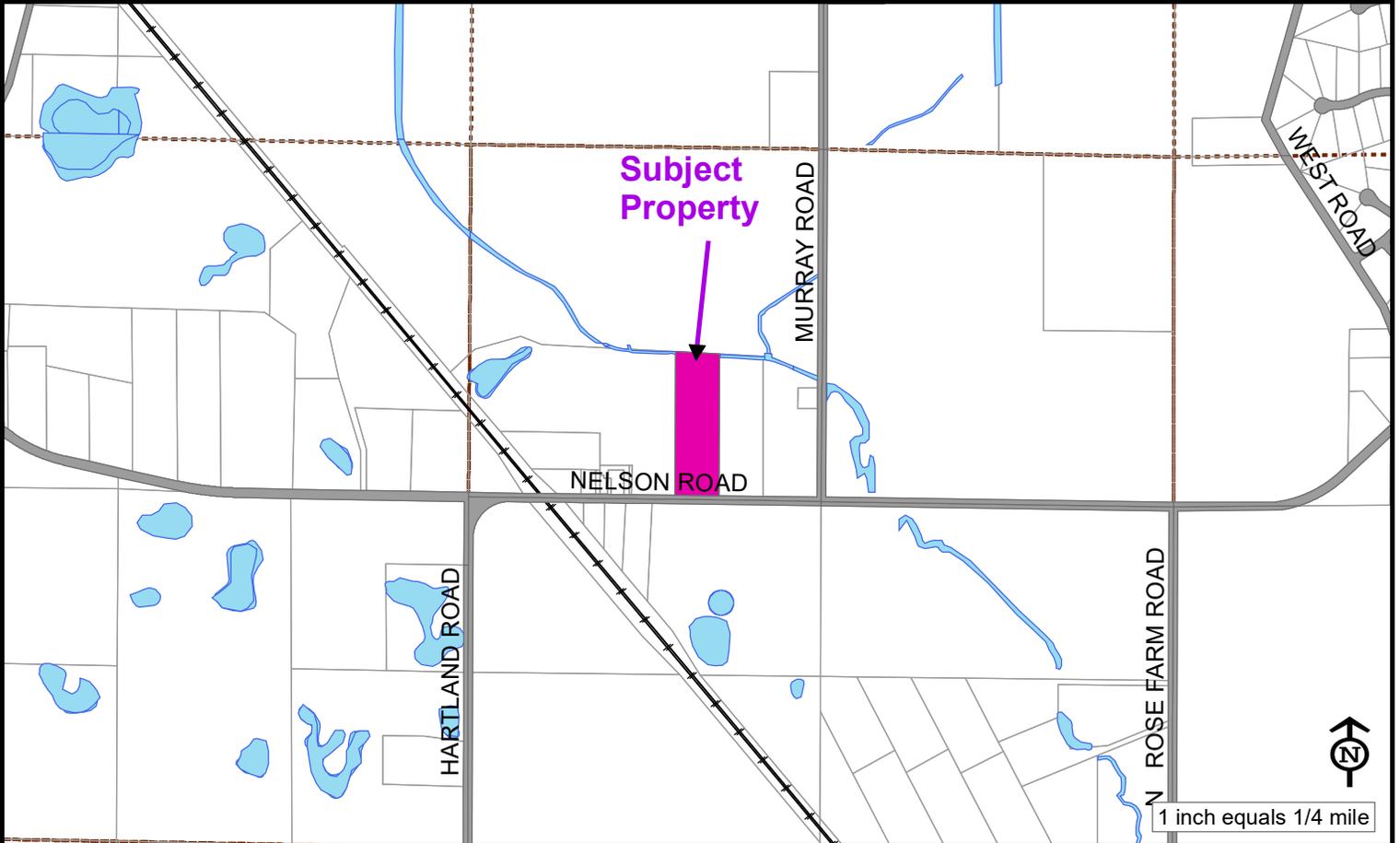
1. The Conditional Use shall expire ten (10) years from the date of approval by the McHenry County Board.

2. The Conditional Use shall substantially conform to the Official Site Plan prepared by Gillespie Design Group, dated November 26, 2024.
3. Within six (6) months of County Board approval, the applicant shall submit a County Highway Access Permit Application the County's Division of Transportation.
4. Within six (6) months of County Board approval, the applicant shall submit a plat of dedication to the County's Division of Transportation, dedicating frontage along Nelson Road to the County.
5. Within one (1) year of County Board approval, the applicant shall submit a building permit, including an application for stormwater management, to the County's Planning and Development Department.
6. All other federal, state, and local laws shall be met.

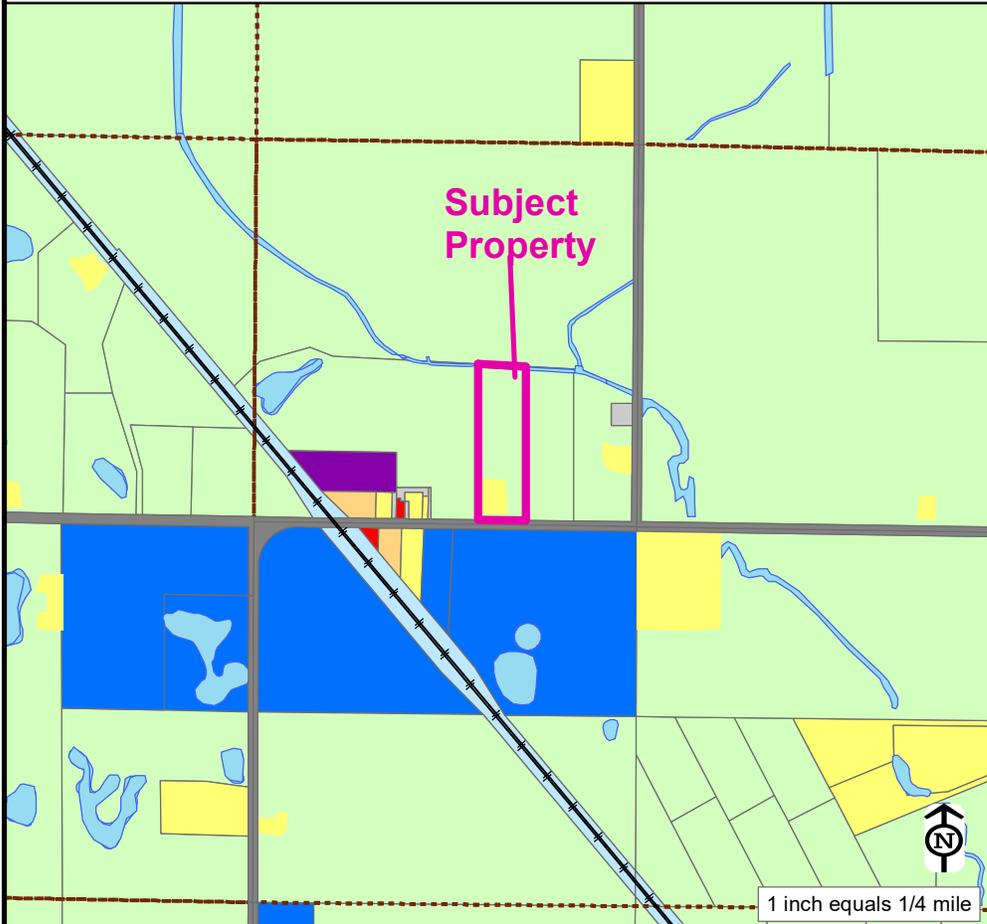
## McHenry County Unified Development Ordinance Section 16.20.040.E

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.



### Current Land Use Map



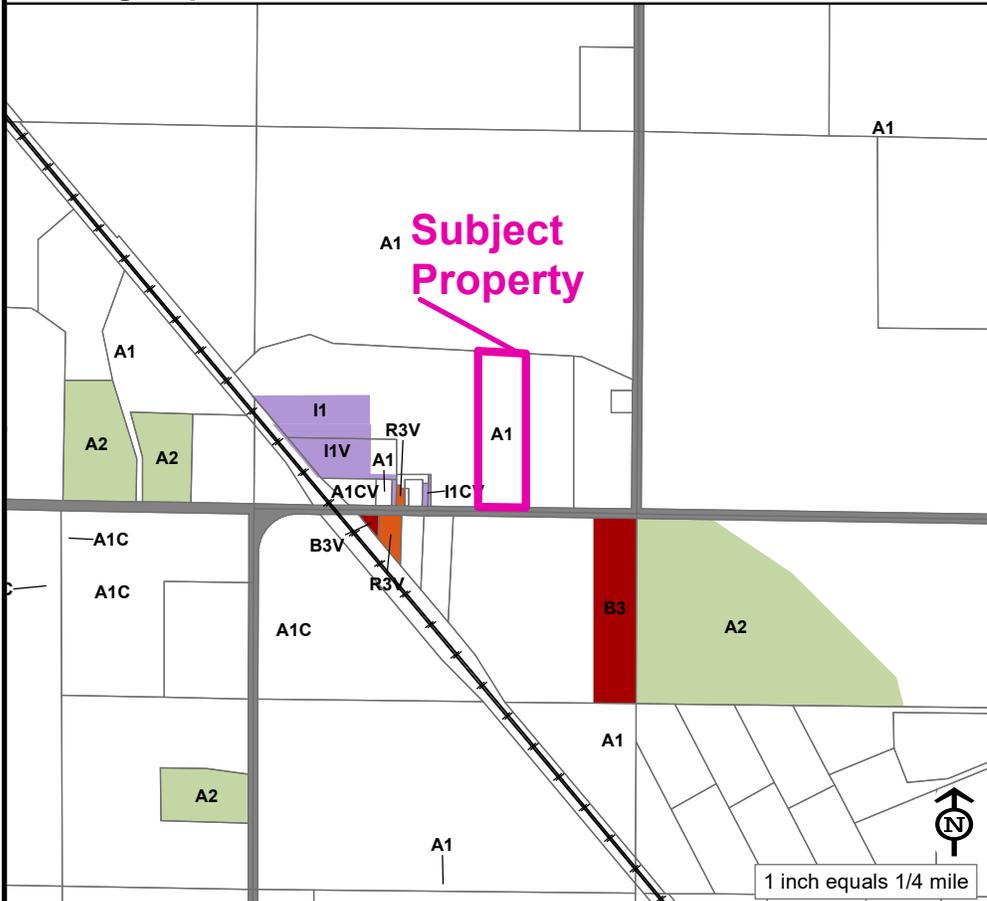
**Current Land Use**  
*Single-Family Residential and Agriculture*

**Adjacent Land Use(s)**

North: *Agriculture*  
 South: *Governmental/Institutional*  
 East: *Agriculture*  
 West: *Agriculture*

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

### Zoning Map



**Current Zoning**  
**A-1 Agriculture**

**Adjacent Zoning**

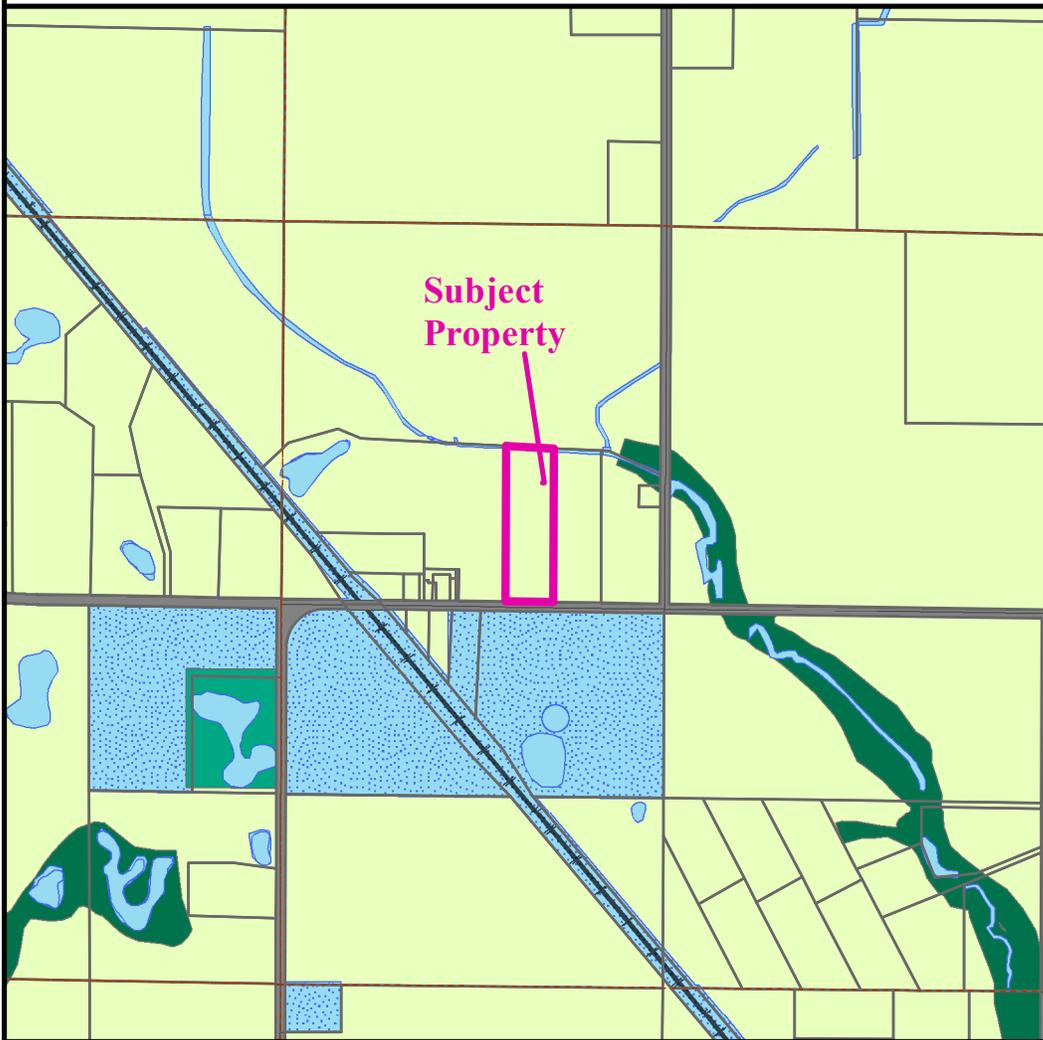
North: A-1 Agriculture  
 South: A-1 Agriculture  
 East: A-1 Agriculture  
 West: A-1 Agriculture

- 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

### Agriculture



- 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 Woodstock: Agriculture and Resource Conservation Corridor  
Hartland Township: Agriculture

### McHenry County 2030 Comprehensive Plan — Text Analysis Land Use

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

### Sensitive Aquifer Recharge Areas

The site is NOT located in a zone with elevated contamination potential.

### Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area