

Staff Report for the McHenry County Zoning Board of Appeals

Application: #Z25-0031

PIN: 05-29-476-004, 05-29-476-006 & 05-29-476-013

Address: 7233 State Park Road, Spring Grove

Request: B-2 Neighborhood Business District and B-2V Neighborhood Business District with Variance to R-3 Multifamily Residence District

Hearing: May 8, 2025

Applicant: Jose Gaona

Location: The property is just under four (4) acres and is located at the northwest corner of State Park Road and Country Club Hills Drive, in Burton 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

Feet 30 15 0 30 60
1 inch equals 75 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 applicant is requesting a map amendment from the B-2 Neighborhood Business District and B-2V Neighborhood Business District with a variance to R-3 Multi-Family Residence District on roughly four (4) acres of land at the northwest corner of State Park Road and Country Club Hills Drive. The variance was granted in 1972 when the property was rezoned to B-1. This variance allowed a B-2 use of a restaurant selling or serving alcoholic liquors. From County records it appears that, over time, the main floor (and possibly the basement) has had a social club, a bar and other commercial uses. The second floor has had residential units.

According to the plat of survey, the subject property contains: a two (2) story brick and frame building, two (2) cell towers, and a couple of detached accessory structures.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The Applicant must meet the Approval Standards for Map Amendment, listed in §16.20.010.E.1 of the *McHenry County Unified Development Ordinance*.

STAFF ANALYSIS

Current Land Use & Zoning

The property is currently zoned B-2 Neighborhood Business District and B-2V Neighborhood Business District and, as described above, has had several different uses. Properties to the east are located within Lake County. Properties to the south are located within the Village of Fox Lake. The property to the west is zoned A-1 Agriculture and has a single-family residence on it. The properties to the north are zoned R-1 Single-Family Residential and are vacant.

2030 Comprehensive Plan Future Land Use map

The proposed reclassification is consistent with the future land use designation of **Retail**.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Plan support the reclassification to the R-1 Residential District. There is minimal impact 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 choices for all residents." (p.12)

- The subject property is adjacent to the Village of Fox Lake.

Big Idea #2 Let's build on our strengths

"We can make it happen by preserving our wide array of housing choices and lot sizes – from rural to urban." (p. 14)

- The proposed reclassification would allow the existing building to be converted to allow multi-residential units. Within the R-3 Multi-Family Residence District, the Unified Development Ordinance allows four (4) dwelling units for the first two (2) acres and then allows one (1) dwelling unit for each quarter (0.25) acre thereafter. The subject parcel is three and nine-tenths (3.9) acres. Thus, this property could potentially have as much as fifteen (15) dwelling units if the request is granted.

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 previously noted, the subject property is adjacent to the Village of Fox Lake.

Big Idea #4 Let's expand our economy

No applicable text.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

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

- The subject property abuts the Village of Fox Lake.

Agricultural Resources

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

- The subject property is within an urbanizing area where there has been little to no agricultural activity in decades.

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 letter indicates that a full report isn't necessary as a minimal amount of disturbance is contemplated. The letter indicates that there are no wetlands, floodplains or hydric soils located on this parcel. Please refer to the attached NRI Letter #L25-011-4672 for details.

Water Resources

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

- Staff anticipates that there would be minimum disturbance to the site to accommodate the proposed multi-family uses.

Economic Development

No applicable text.

Infrastructure

No applicable text.

STAFF ASSESSMENT

The applicant is requesting a map amendment from the B-2 Neighborhood Business District and B-2 Neighborhood Business District with a Variance to R-3 Multi-Family Residential District on three and nine-tenths (3.9) acres. Within a half (0.5) mile of the subject property there are townhomes (within the Village of Fox Lake), and single-family residences on smaller parcels (zoned R-1 within the County). The Fox Lake Vista subdivision (to the northeast of the subject property) is an older subdivision with four thousand four hundred (4,400) square feet in size (with a density of around nine (9) dwelling units per acre).

The reclassification is inconsistent with the future land use map designations of **Retail**. However, it can be considered consistent with the recommendations provided in the 2030 and Beyond Plan and the 2030 Comprehensive Plan text.

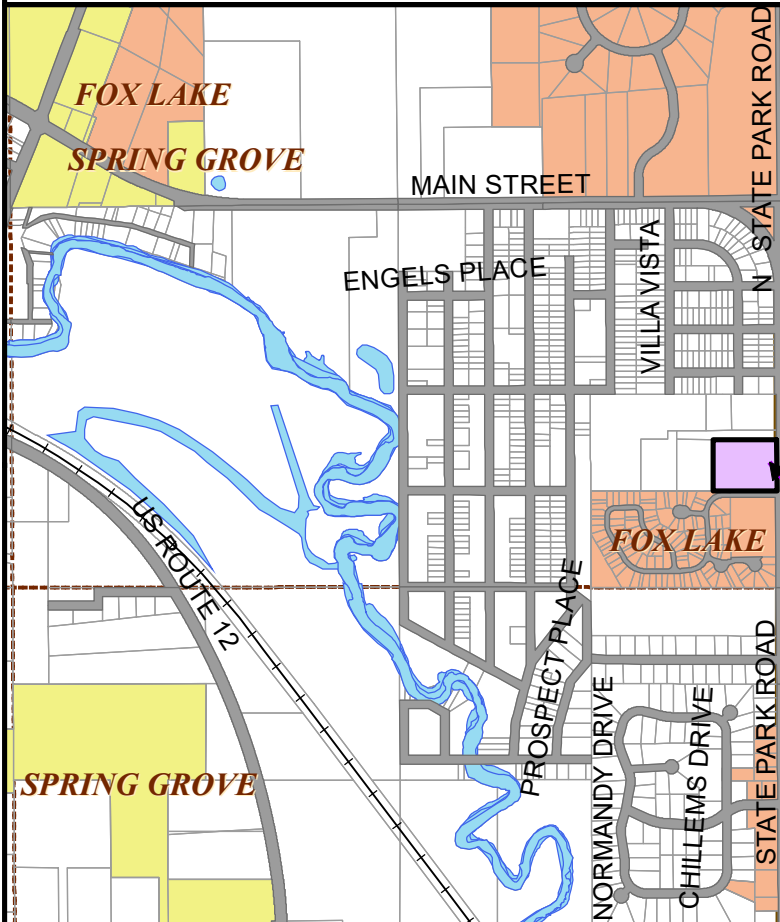
The subject property is in a sensitive aquifer recharge area (SARA). No wetlands, floodplains or hydric soils have been identified on this parcel.

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.

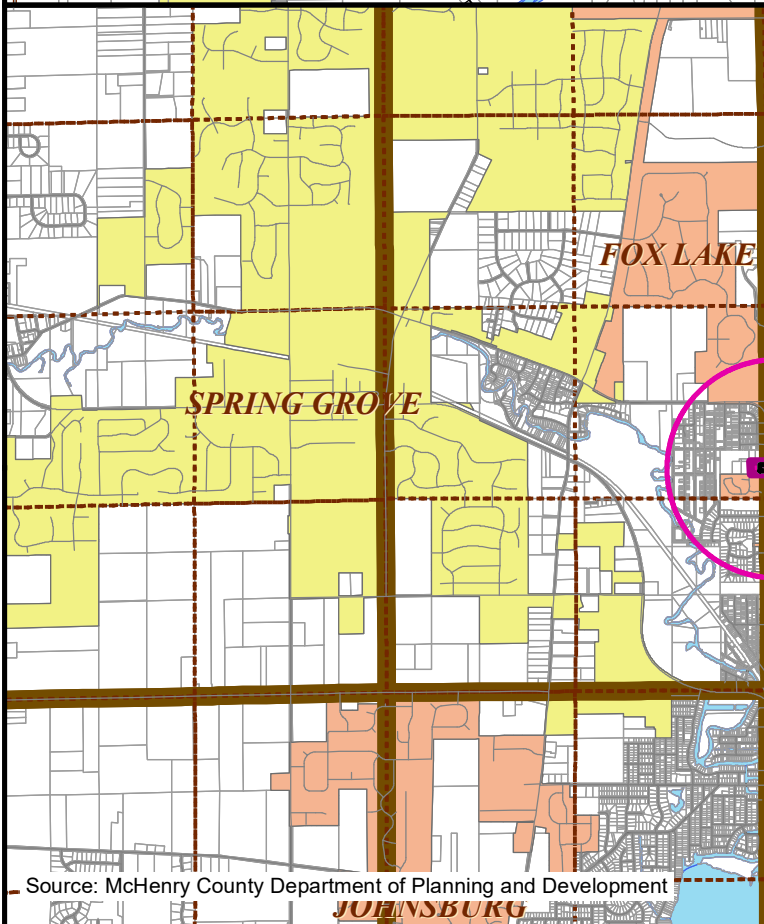


L A K E C O U N T Y

Subject Property



1 inch equals 1/4 mile



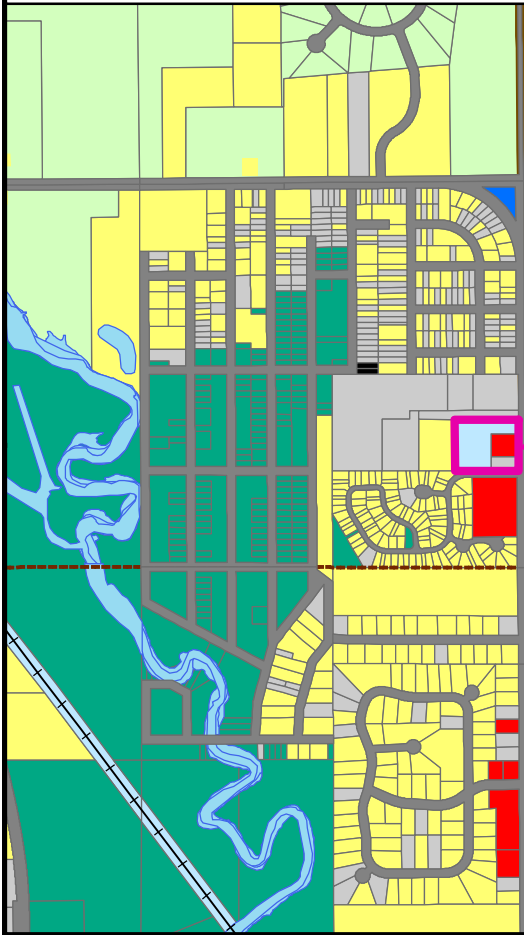
L A K E C O U N T Y

Subject Property



1 inch equals 1 mile

Current Land Use Map



Subject Property

LAKE COUNTY



1 inch equals 1/4 mile

Current Land Use

Commercial, Vacant &
Transportation, Communication, Utilities

Adjacent Land Use(s)

North: Vacant

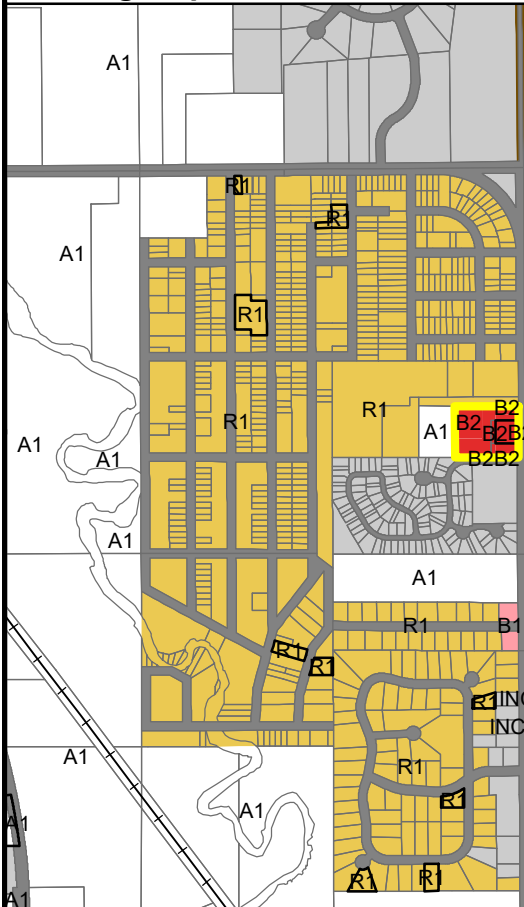
South: Commercial & Single-Family Residential

East: Lake County

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



Subject Property

LAKE COUNTY



1 inch equals 1/4 mile

Current Zoning

B-2 and B2V Neighborhood Business
with Variance

Adjacent Zoning

North: R-1 Single-Family Residential

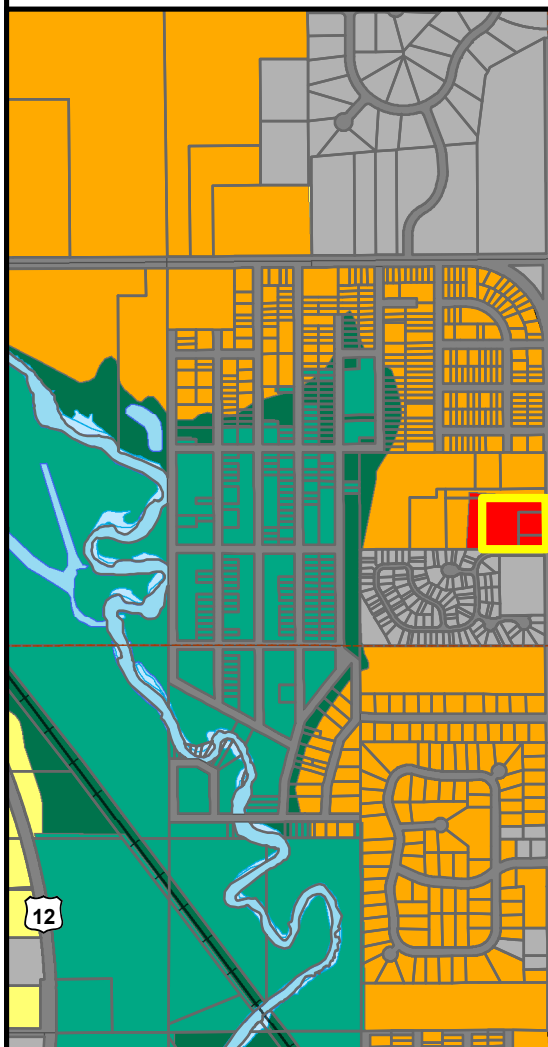
South: Village of Fox Lake

East: Lake County

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



Subject Property

L A K E C O U N T Y

Future Land Use Map Designation

Retail

- 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>Burton Township:</u>	N/A
<u>Fox Lake:</u>	Commercial (B-2 through B-3)
<u>Spring Grove:</u>	Medium Density Residential

McHenry County 2030 Comprehensive Plan — Text Analysis Land Use

RETAIL – includes existing and proposed areas intended to accommodate all types of commercial businesses that sell goods and provide services to the public. These areas are generally designated at nodes around major street intersections. (p. 135)

Sensitive Aquifer Recharge Areas

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

Sensitive Aquifer Recharge Areas (SARA)



Sensitive Recharge Area