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KANE COUNTY DEVELOPMENT DEPARTMENT
Subdivision and Zoning Division, Kane County Government Center
719 Batavia Avenue
Geneva, Illinois 60134
Office (630) 232-3492 Fax (630) 232-3411

Received Date

**APPLICATION FOR ZONING MAP AMENDMENT
AND/OR SPECIAL USE**

Instructions:

To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

When the application is complete, we will begin the review process.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): Part of 15-10-276-003 & 15-11-151-002
	Street Address (or common location if no address is assigned): 1655 Mitchell Road Aurora, IL 60504

2. Applicant Information:	Name Development Properties, Inc. John A. Thornhill, President	Phone 630-584-3303
	Address 44 White Oak Circle, St. Charles, IL 60174-4165	Fax 630-584-3303
		Email JATLDC@sbcglobal.net

3. Owner of record information:	Name Salvador M. Tovar	Phone 630-430-2594
	Address 1655 Mitchell Road Aurora, IL 60504	Fax
		Email agtovar@comcast.net

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Urban Neighborhoods/Mixed use infill

Current zoning of the property: F District-Farming

Current use of the property: Farming with one residence

Proposed zoning of the property: Interim Special Use for 5 years pursuant to Section 8.1-2cc.

Proposed use of the property: Operation of landscaping business as described in attached stipulation and depicted on Site Development Plan (Exhibit "D") provided pursuant to Section 8.1-2ee.

If the proposed Interim Special Use is approved, what improvements or construction is planned? (An accurate site plan may be required)

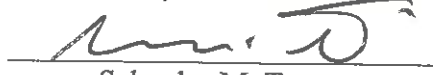
Additional driveway, parking, materiel storage bins, security lighting, storm water management basin, and similar infrastructure; existing buildings will enclose smaller equipment for secure storage and maintenance. Entire site will be enclosed with decorative wooden fencing and further screened by shrubs and trees, all as shown on Site Development Plan (Exhibit "D") pursuant to Section 8.1-2ee.

Attachment Checklist

- Plat of Survey prepared by an Illinois Professional Land Surveyor = **Exhibit "B"**
- Legal description = **Exhibit "A"**
- Completed Land Use Opinion application, First page, (Available in pdf form at www.kanedupageswed.org/luo.pdf), as required by state law, mailed to: The Kane-Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at www.dnr.state.il.us/orep/nrrc/aar.htm) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- Aerial (air photo) with property clearly highlighted. See KC GIS Aerial Photo (**Exhibit "C"**).
- Trust or LLC Manager Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department) **\$1500.00**
- Site plan drawn to scale to demonstrate property can meet requirements of proposed zoning district (parking requirements, setbacks, landscaping, etc.) **Exhibit "D"**

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Record Owner: Salvador M. Tovar, 1655 Mitchell Road, Aurora, IL 60504


Salvador M. Tovar

6-16-19
Date

Applicant or Authorized Agent:


John A. Thornhill, President, DPI

6-16-19
Date

August 5, 2019

Salvador Tovar
Interim Special Use in the F-Farming District for a landscaping business

Special Information: The petitioners are seeking a five-year interim special use to allow a landscaping business to be operated from the property. The petitioners will be planting their nursery stock, comprised of trees and shrubs, on the eastern portion of the property.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Urban Neighborhoods/Mixed Use Infill. The purpose of this designation is to protect and improve existing residential neighborhoods and identify opportunities for the creation of additional livable, sustainable and healthy neighborhoods and communities.

Staff recommended Findings of Fact:

Attachments: Location Map
 Township Map
 Petitioner's finding of fact sheet

EXHIBIT "A"

Tovar Interim Special Use

That part of the Northeast Quarter of Section 10, Township 38 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the northwest corner of Outlot "A" in Marywood North Estates, according to the plat of subdivision thereof recorded as Document 2006K010451; thence easterly along the north line of said subdivision 175.28 feet to the northeast corner of Lot 1 in said subdivision; thence northeasterly along the continuation of the easterly line of said Lot 1, being a curve to the left having a radius of 217.0 feet that is tangent to a line forming an angle of 79°22'21" with said north line, measured counter-clockwise therefrom, 9.46 feet; thence northerly tangent to the last described curve at the last described point 100.0 feet; thence northerly along a curve to the left having a radius of 1342.26 feet tangent to the last described course 186.72 feet to the north line of premises conveyed to Salvador Tovar by Document 2019K007716; thence westerly along the north line of said Tovar premises 200.66 feet to a line drawn parallel with the center line of Mitchell Road from the point of beginning; thence southerly along said parallel line 294.05 feet to the point of beginning, in Aurora Township, Kane County, Illinois and containing 1.293 acres.

Findings of Fact Sheet – Map Amendment and/or Special Use

- *The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)*
- *You should “make your case” by explaining specifically how your proposed rezoning relates to each of the following factors.*

Tovar Interim Special Use/DPI
Name of Development/Applicant

June 14, 2019
Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?

The petitioner’s property is surrounded by various mixed land uses including manufacturing to the west, residential to the south and east, and farming to the north. The subject property is on the east side of Mitchell Road and adjoins the City of Aurora on the west, south and east. The proposed use will not be inconsistent with the variety of uses already in the area.

2. What are the zoning classifications of properties in the general area of the property in question?

Kane County F District-Farming classification predominates to the north and east but with actual residential use to the east; City of Aurora M-1 District is to the west and RI District is to the south and east.

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

The subject property consists of a dwelling and large garage building, which were part of a larger agricultural operation. But with changing land uses in the area, the potential for a row crop or similar farming enterprise is greatly diminished. Therefore, with the underlying F District classification in place, the buildings on the subject property are proposed to be used for a landscaping business with nursery stock to be grown on the remainder of the petitioner’s property.

4. What is the trend of development, if any, in the general area of the property in question?

Since the subject property is on the east side of Mitchell Road and adjoins the City of Aurora on the west, south and east sides, development will be driven by the City of Aurora. Mitchell Road is a busy north-south collector road which connects to Indian Trail, Sullivan Road, and the soon to be completed Corporate Boulevard which terminates on Farnsworth Avenue just yards from the I-88 tollway interchange.

5. How does the projected use of the property, relate to the Kane County 2040 Plan?

The proposed Interim Special Use is compatible with the 2040 Plan, which advocates municipal influence on development and neighborhood enhancements, including connection to municipal services-which have already been made. The boundaries of the subject property have been configured to respect the Land Use Plan of the City of Aurora, which anticipates the northern extension of Donna Avenue, as infill to accommodate a part of additional city residential development.

Findings of Fact Sheet – Interim Special Use

Tovar Interim Special Use
Interim Special Use Request

June 14, 2019
Date

- *The Kane County Zoning Board is required to make findings of fact when considering a special use.*
 - *Special Uses shall be considered at a public hearing before the Zoning Board of Appeals. In its report of findings of facts, recommendations shall be made to the County Board following the public hearing. The Zoning Board **will not** recommend a special use **unless** the following items are addressed:*
6. Explain how the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- Operating a landscaping business as an Interim Special Use for 5 years pursuant to Section 8.1-2cc is proposed on the westerly 1.293-acre portion of a 4.7-acre parcel of land owned by the petitioner. The petitioner’s property is surrounded by various mixed land uses including manufacturing to the west, residential to the south and east, and farming to the north. The subject property is on the east side of Mitchell Road and adjoins the City of Aurora on the west, south and east. Mitchell Road is a busy north-south collector road which connects to Indian Trail, Sullivan Road, and the soon to be completed Corporate Boulevard which terminates on Farnsworth Avenue just yards from the I-88 tollway interchange. The boundaries of the subject property have been configured to respect the Land Use Plan of the City of Aurora which advocates the northern extension of Donna Avenue as a part of additional city residential development. The remaining property owned by the petitioner lying east of the subject property will be used for growing nursery stock for as long as that use remains viable. The proposed landscaping business will not in any way negatively impact the realization of the future land use plans for the area. The Site Development Plan (Exhibit “D” attached) depicts the subject property together with proposed improvements to be made, including screening by wooden fencing along all 4 sides as well as a tree line of deciduous and coniferous species appropriate for the area planted outside of the wooden fence. The headcount of personnel, hours of operation, and equipment anticipated to be utilized on the subject property is tabulated on the attached stipulation. The nearest residential uses are separated by existing buildings, that have been in place for many years, from proposed traffic movements on and off the subject property and will serve to further insulate such residential uses from any sound disturbance. The proposed use will have insignificant affect on existing traffic flows in the area. Adequate onsite parking will be provided together with driveways that will utilize the existing curb cut onto Mitchell Road. Storm water management will be achieved by best management practices including required grading for drainage swales and detention areas. Any security lighting will be directed away from existing residential uses. There will be no sales of goods of any kind on the property. By utilizing existing buildings and infrastructure on the subject property with minimal daily activity, the proposed Interim Special Use depicted on the Site Development Plan and described in the attached stipulation is compatible with the area and should have no detrimental effect on surrounding properties.
7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.
- The proposed use will be screened off from surrounding land uses and, as described in the attached stipulation, the level of onsite daytime activity is minimal and will not prevent anyone in the vicinity of the subject property from the full enjoyment and use of their property. Such proposed use will have little or no deleterious effect on surrounding properties.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

The proposed use is not related to the development of any adjoining properties; the boundaries of the subject property were configured to anticipate and accommodate expansion of adjacent City of Aurora development. Surrounding properties will remain completely free to develop pursuant to prevailing land use regulations.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain:

Yes; the subject property is already served by municipal sanitary sewer and water, and public electric and gas service. All additional required infrastructure will be provided on property owned by the petitioner to accommodate the proposed use as depicted on Exhibit "D" (Site Development Plan).

10. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain:

Yes, as stated in #1 above.

11. Will the special use conform to the regulations of the district in which it is located? Please explain:

Yes. The proposed use depends on the continuation of the F District-Farming classification.

Stipulation

Salvador Tovar- dba Evergreen Landscaping

The proposed landscaping operation will utilize the following:

5 Trucks:	1 International 4700 bucket T
1997 GMC 6500;	1 Vermeer chipper 1800;
2000 Ford F350;	2 Trailers;
2005 Ford F450;	2 Small Tractors (1 Dingo*/1 Skid Steer)
2008 Ford F250;	2 Mowers*;
2016 Chevy Silverado.	3 Snow Plows*, and;
	smaller tools* and equipment*

* to be stored inside trailers or existing frame garage building.

The hours of operation will be:

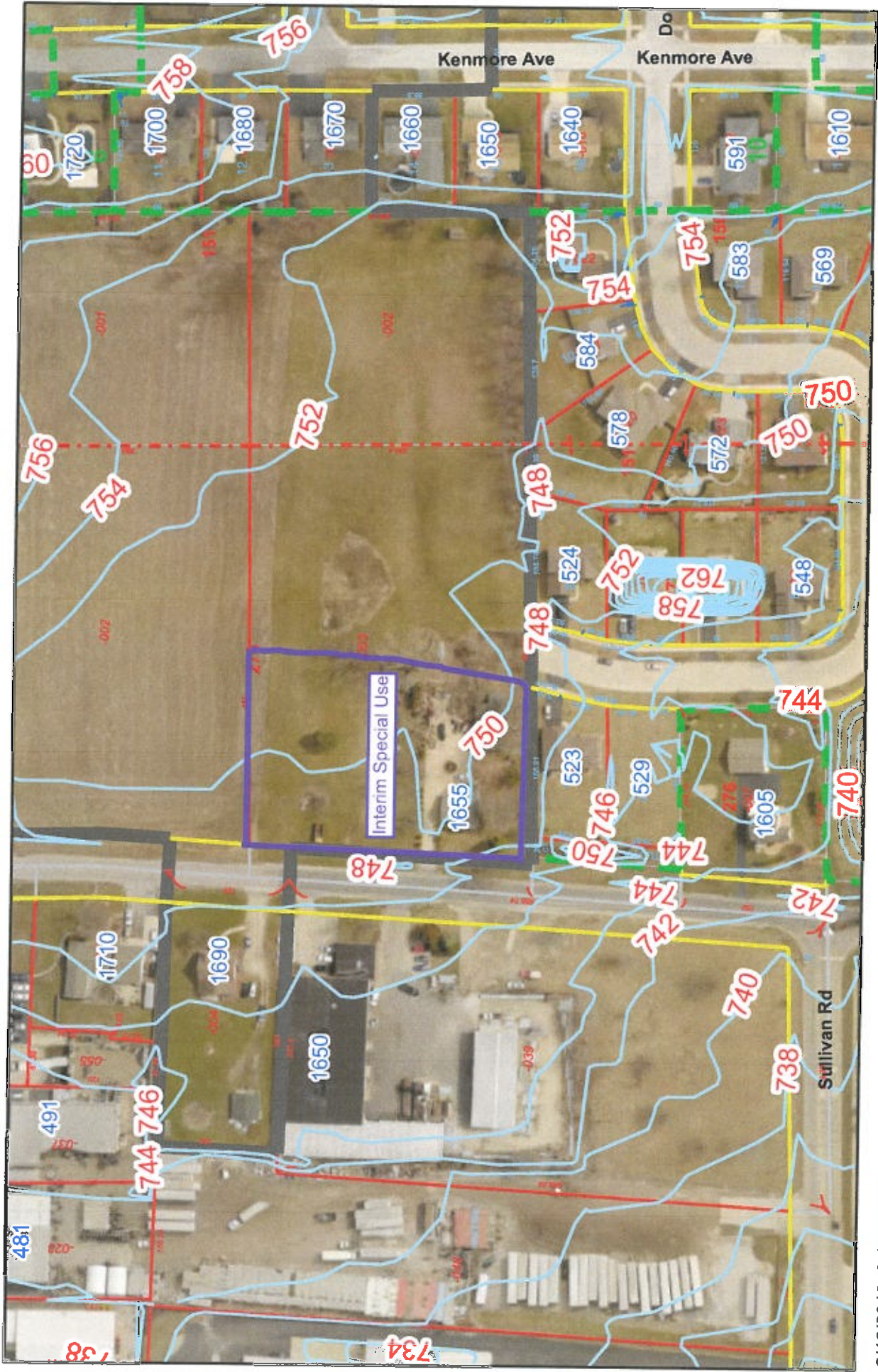
March - July = 7 am to 7 pm

August - November = 8 am to 5 pm

December - February = closed-off season except for snow plowing with 2 trucks, as needed.

During normal season approximately 10 people will work from the subject property and are usually on the premises only at the beginning and end of the day.

Exhibit "C" Aerial Photo



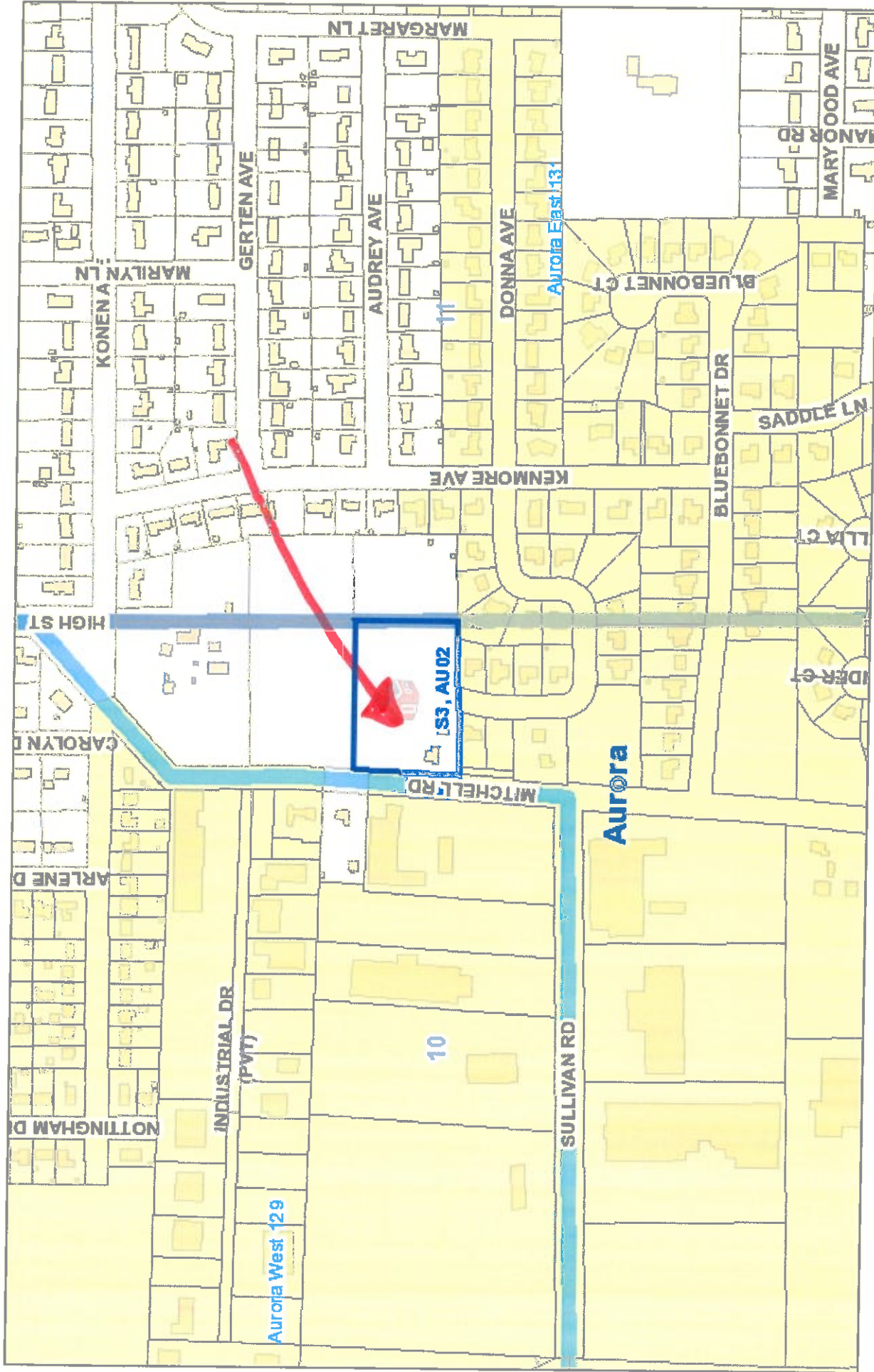
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- Topographic Cadastral Annotation
- Townships
- Road Names
- Parcel Blk Num 100
- Parcel Dim 100
- Parcel Num 100
- Sub Blk Num 100
- Sub Name 100
- Lot Dim Carto 100
- Parcel Dim Carto 100
- Parcel Blk Num 100
- Parcel Dim 100
- Parcel Num 100
- Sub Blk Num 100
- Sub Name 100
- Lot Dim Carto 100
- Parcel Dim Carto 100

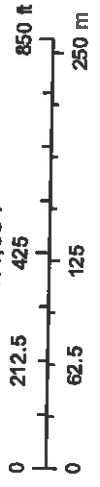
records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus

Map Title



July 3, 2019

1:4,551



GIS-Technologies

These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

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