

KANE COUNTY DEVELOPMENT DEPARTMENT
 Zoning Division, Kane County Government Center
 719 S. Batavia Avenue
 Geneva, Illinois 60134
 Office (630) 444-1236 Fax: (630) 232-3411

4536

Received Date
NOV 04 2019
Kane Co. Dev. Dept. Zoning Division

**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): 06-07-300-009
	Street Address (or common location if no address is assigned): 38W654 US Highway 20, Elgin, IL 60123

2. Applicant Information:	Name S&H Paving, Inc.	Phone 847-884-0303
	Address 131 N. Pleasant Ave., Bloomingdale, IL 60108	Fax 847-884-7190
		Email adrianah@shpaving.com

3. Owner of record information:	Name 38W654 LLC	Phone 847-884-0303
	Address 131 N. Pleasant Ave., Bloomingdale, IL 60108	Fax 847-884-7190
		Email adrianah@shpaving.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Resource Management

Current zoning of the property: B-3

Current use of the property: Residential

Proposed zoning of the property: B3 with Special Use

Proposed use of the property: Paving Company office and storage of vehicles

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

Removal of several residential buildings and gravel placed on north end of parcel for vehicle parking per the attached Plat of Survey with the additional gravel area designated in Yellow

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion (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 <http://dnr.illinois.gov/ecopublic/>) to be filed with the Illinois Department of Natural Resources. (* This report may best be accessed with Internet Explorer on some computers, per the State)
- List of record owners of all property within 250 feet of the subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

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.

Maria P. [Signature] 11-01-2019
Record Owner Date

Maria P. [Signature] 11-01-2019
Applicant or Authorized Agent Date

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.*

S&H Paving, Inc.

11-1-19

Name of Development/Applicant

Date

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

The proposed use fits in well with existing development in the area

The surrounding property to the east is commercial/industrial; the property to the west is residential and commercial; ther properties to the south across Route 20 are a mix of residential and commercial.

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

The property is surrounded by B3 to the east and west, R1 to the south, and F to the north

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

The property is well suited to the operation of S&H Paving. There is ample room for truck storage and no materials will be stored on site. Given the industrial use to the east, this proposed use fits well. Storage of equipment is permitted as a special use.

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

This area is developing in a commercial nature as well as continuing to operate as industrial in some spots. There is only limited residential along Route 20.

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

The property continues its historical use as B3 in an area and the continued use along Route 20 is in line with the 2040 planof sustainable urban growth.

Findings of Fact Sheet – Special Use

Special Use Request

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.
The property will be used as the offices and equipment storage of S&H Paving. No materials will be kept on site and there will be no detriment to the public health, Safety, morals and comfort. During the winter, the operations cease.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

The use will be similar to other uses in the area and will not be injurious to the use, enjoyment and value of other property in the immediate vicinity. There are already similar uses in the area and there will be minimal traffic impact. The business has approximately 6 trucks and no significant plans to expand its business.

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

The proposed use will use existing physical facilities and will actually remove unused, out of code structures from the site. Surrounding properties are already developed and this use of existing structures will not impede the normal, orderly development and improvement of surrounding properties.

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

Yes, adequate facilities currently exist. No new facilities are necessary.

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

Yes. Existing ingress and egress will be used. No new measures are necessary.

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

Yes, this use, with the special use for storage of equipment will comply with the B-3 regulations.

The zoning district allows office uses as well as garage buildings for storage and servicing of vehicles

This use will comply with those types of uses.

January 8, 2020

38W654 LLC

Special Use in the B-3 Business District to allow trucks and equipment to be stored on-site

Special Information: The petitioners purchased this property for use for their paving company. There are several older “motor cottages” on the property, on which they intend to demolish 3 in order to put in a gravel parking lot on the northwest portion of the property. The vehicle fleet will consist of 2 dump trucks, 2 cube vans and 2 pickup trucks. The majority of the time only 4 trucks go in/out twice per day. They go out between 6 a.m-7 a.m and come back between 4 p.m-5 p.m (approximately). The remaining cottages will be used for storage. The main home at the entrance will be used for an office. During the winter months, from December to March, all operations will cease on the property. Occasionally vehicles may be driven out for mechanical maintenance.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Commerce/Employment. This new combined category reflects the need for non-residential land uses to be centers for commerce and to generate local employment opportunities. The suitability of various uses within this category for specific locations depend on the trend and character of the adjacent land uses, availability of infrastructure and the economic development needs of the local community.

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



ARIANO HARDY RITT
NYULI RICHMOND LYTLE & GOETTEL P.C.

Lisa M. Nyuli *
Scott G. Richmond
Aaron J. Lytle **
Karsten Goettel
Ryne J. Vitug

**Fellow of the American
Academy of Matrimonial Lawyers*

***Licensed in Illinois & Wisconsin*

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Facsimile (847) 695-2401
or
E-Mail: SGR@attorneys-illinois.com

Huntley Office
American Community Bank & Trust
10101 North Illinois Route 47
Suite 200
PO Box 857
Huntley, IL 60142

Ralph C. Hardy (*Of Counsel*)
Norbert C. Ritt (*Of Counsel*)
Susan W. Rogaliner (*Of Counsel*)
Frank V. Ariano (*Retired*)

November 1, 2019

Keith T. Berkhout
Zoning Planner
Kane County Department of Development and Community Services
719 S. Batavia Avenue
Geneva, Illinois 60134

RE: S&H Paving Special Use Application
38W654 US Highway 20, Elgin, IL 60124

Dear Mr. Berkhout:

I am pleased to submit to the County, the attached Application for Special Use for the above noted property. Enclosed please find the following documents:

1. Application for Special Use
2. Check for \$1,500.00
3. Copy of KDSWCD Land Use Opinion Application
4. IDNR EcoCAT report and termination of consultation letter dated 11/1/19
5. Survey
6. Survey delineating planned additional of gravel base for truck storage
7. List of record landowners within 250' of the subject property
8. Legal Description

S&H Paving is a small paving company located currently in Bloomingdale, Illinois which has been in existence since 1999. The company plans to locate its office on the subject property and store its vehicles on site. The company only operates between April and November each year performing paving services. It employees approximately 8 people, consisting of 6 drivers and 2 office personnel. The company plans to store 6 trucks on site and 6 trailers. There will be no storage of materials on site. The planned hours of operation will be 5:00 a.m. until 7:00 p.m. during these months. Please note that on the survey, the owner will be removing the two structures located on the west side of the property as well as the shed located on the northwest side of the property for code compliance.

RE: S&H Paving Special Use Application

November 1, 2019

Page 2

Kindly review the enclosed documents and should you need anything further, please feel free to contact me. I look forward to working with you on this Special Use Application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott G. Richmond", with a large, stylized flourish at the end.

Scott G. Richmond, Esq.

SGR/os

Enc.

cc: Maria Hernandez

Berkhout, Keith

From: Scott Richmond <sgr@attorneys-illinois.com>
Sent: Wednesday, November 20, 2019 11:46 AM
To: Berkhout, Keith
Subject: EX: RE: From Kane County Zoning
Attachments: Staff Report - SGR Rev. v.1 11.20.19.docx

Keith,

Here is a revised report. Please note that I changed the title. The Miller Trust no longer owns the property. It is owned by 38W654 LLC.

S&H Paving does not intend to erect any signage on the property. The only lighting will be motion sensor lighting on some of the buildings. No commercial lighting will be erected. Finally, due to the very limited traffic (4 vehicles per day with a one trip out and one return trip) during the months of April-November, a right-in, right-out only is not warranted. Moreover, other adjoining businesses are not subject to this limitation and therefore, S&H Paving should not be either. Given the hours they will be leaving and returning (early morning and early evening), there should not be a substantial impact on traffic.

As noted in the revised report, the cottages will be used for storage and the main house will be used as an office. S&H plans to remove the other cottages to make way for an expanded driveway in the spring.

If you need anything else, please let me know. Thank you.

Scott G. Richmond, Esq.

2000 McDonald Road, Suite 200
South Elgin, IL 60177
Phone: (847) 695-2400
Fax: (847) 695-2401
E-Mail: sgr@attorneys-illinois.com
Website: www.attorneys-illinois.com



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Berkhout, Keith

From: adrianah@shpaving.com
Sent: Tuesday, November 19, 2019 10:59 AM
To: Berkhout, Keith
Subject: EX: Re: From Kane County Zoning

Importance: High

Good morning Keith,

1. We have 2 dump trucks, 2 cube vans and 2 pick up trucks.
2. Majority of the time only 4 trucks go in/out twice per day. They go out between 6 a.m-7 a.m and come back between 4 p.m- 5 p.m (approximately)

Sincerely,

Adriana Hernandez
Office Manager
S&H Paving, Inc.
P.O. Box 68473
Schaumburg, Illinois 60168
847-884-0303
847-884-7190 fax

On 2019-11-18 15:03, Berkhout, Keith wrote:

Some questions have been asked of your petition, could you please provide the following information:

1. Could you please describe the kind of trucks that will be stored on the property ?
2. How many vehicle trips would generated from the property per day (and what times, approximately?)

Thank you!

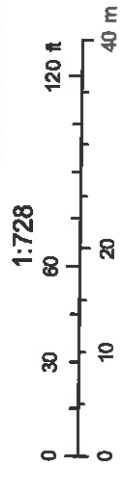
Keith T. Berkhout
Zoning Planner

Kane County Department of Development and Community Services
719 S. Batavia Avenue
Geneva, Illinois 60134
630-232-3495
berkhoutkeith@co.kane.il.us

Map Title



November 4, 2019



These layers do not represent a survey. No Accuracy is assumed for the data delineated here in, 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.

GIS-Technologies
Kane County Illinois



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

November 01, 2019

Scott Richmond
S&H Paving, Inc.
131 N. Pleasant Ave.
Bloomington, IL 60108

RE: S&H Paving, Inc. Special Use
Project Number(s): 2003947
County: Kane

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Adam Rawe
Division of Ecosystems and Environment
217-785-5500

Applicant: S&H Paving, Inc.
Contact: Scott Richmond
Address: 131 N. Pleasant Ave.
Bloomington, IL 60108

IDNR Project Number: 2003947
Date: 10/31/2019

Project: S&H Paving, Inc. Special Use
Address: 38W654 US Highway 20, Elgin

Description: Special use in B-3 zoning district for storage and maintenance of equipment and vehicles for paving company

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Common Moorhen (*Gallinula chloropus*)
Yellow-Headed Blackbird (*Xanthocephalus xanthocephalus*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:
41N, 8E, 7



IL Department of Natural Resources
Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County Development Department
Mark VanKerkhoff
719 S. Batavia Ave.
Batavia, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

Berkhout, Keith

From: McGraw, Keith
Sent: Monday, November 18, 2019 1:35 PM
To: Berkhout, Keith; Rickert, Tom
Cc: Nika, Kurt
Subject: RE: Zoning petition for review from Kane County - Miller

Keith

In regard to the above mentioned, and attached request for change from B-3 to B-3 with special use, KDOT has no comment.

As always, should you have any comments, or need anything further, please don't hesitate to reach out.

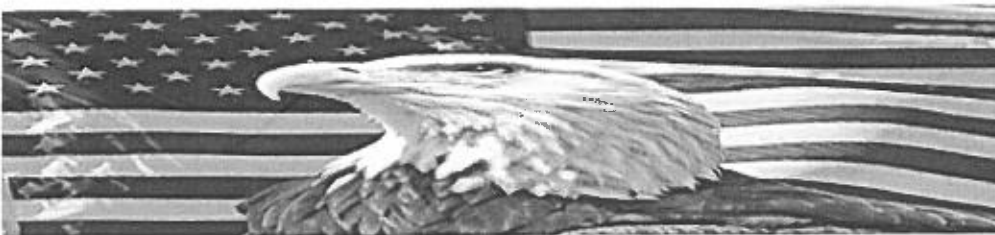
Thank you,

Keith McGraw
Kane County Division of Transportation – Permitting Section

From: Berkhout, Keith <BerkhoutKeith@co.kane.il.us>
Sent: Monday, November 4, 2019 12:44 PM
To: Schoedel, Carl <schoedelcarl@co.kane.il.us>
Cc: Nika, Kurt <nikakurt@co.kane.il.us>; McGraw, Keith <McGrawKeith@co.kane.il.us>
Subject: Zoning petition for review from Kane County - Miller

Keith T. Berkhout
Zoning Planner

Kane County Department of Development and Community Services
719 S. Batavia Avenue
Geneva, Illinois 60134
630-232-3495
berkhoutkeith@co.kane.il.us



Berkhout, Keith

From: Rauscher, Erin
Sent: Monday, November 4, 2019 2:16 PM
To: Berkhout, Keith
Subject: RE: Zoning petition for review from Kane County - Miller

Health department comments:

Any septic systems for the homes to be torn done need to be properly abandoned per code, and other wells found on the property in place of the park space would need to be abandoned properly per code.

From: Berkhout, Keith <BerkhoutKeith@co.kane.il.us>
Sent: Monday, November 04, 2019 12:46 PM
To: VanKerkhoff, Mark <vankerkhoffmark@co.kane.il.us>
Cc: Wollnik, Jodie <WollnikJodie@co.kane.il.us>; Rauscher, Erin <RauscherErin@co.kane.il.us>
Subject: Zoning petition for review from Kane County - Miller

Keith T. Berkhout
Zoning Planner

Kane County Department of Development and Community Services
719 S. Batavia Avenue
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630-232-3495
berkhoutkeith@co.kane.il.us

