

APPLICATION FOR ZONING MAP AMENDMENT AND/OR SPECIAL USE

4611

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): <p style="text-align: center; font-size: 1.2em;">12-08-200-062</p> |
| | Street Address (or common location if no address is assigned): <p style="font-size: 1.1em;">37W391 KESLINGER RD GENEVA IL 60134</p> |

| | | |
|----------------------------------|--|--|
| 2. Applicant Information: | Name JOLANTA AND SEBASTIAN BARWIOLEK | Phone 630 788 9599 |
| | Address ONOGO N MILL CREEK DR | Fax 331 248 8176 |
| | GENEVA IL 60134 | Email JOLANTABARWIOLEK1980@gmail.com |

| | | |
|--|--|------------------------------|
| 3. Owner of record information: | Name PAUL EMA AND ANDREA EMA | Phone 630 363 6180 |
| | Address 2823 CALDWELL LN | Fax |
| | GENEVA IL 60134 | Email |



JUN 09 2023

Kane Co. Dev. Dept.
Zoning Division

Zoning and Use Information:

Commercial / Employment

2040 Plan Land Use Designation of the property: proposed use is consistent with the 2040 Plan Land Use

Current zoning of the property: B-3 - BUSINESS

Current use of the property: Vacant business building

Proposed zoning of the property: SPECIAL USE FOR AUTO SALES

Proposed use of the property: AUTO SALES

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

None at this time. Proposed future expanded parking for the growth of the business.

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) N/A
- 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.

Paul [Signature] / Andrea [Signature]
Record Owner

June 6, 2023
Date

Isobela [Signature]
Applicant or Authorized Agent

6-7-2023
Date

Paul Ema, et ux

Special Use request in the B-3 Business District for an open air lot for car sales

Special Information: The property is zoned B-3 District Business and is in a row of established business zoned properties. The petitioner is seeking a Special Use to repurpose the property to allow for outdoor car sales.

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.

Staff recommended findings of fact:

1. Approval of the Special Use would allow outdoor car sales at the property.

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

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.

Luxury Imports, Inc.
Name of Development/Applicant

June 7, 2023
Date

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

Our proposed use is similar in the fact it would be for commerce and potential employment opportunities for the community. The current property is a vacant business and we would be moving our existing business from its current location a few doors down.

2. What are the zoning classifications of properties in the general area of the property in question?
All area properties are either zoned B3-Business or SU-Special Use and are operating as commerce entities.

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

While the property is currently zoned B3-Business, a SU-Special Use designation is required for the Applicant's Internet automotive sales business. As a result, members of the public will need access to the property to review and purchase automotive vehicles. The business is by-appointment only and has been operating near the property in question for over nine years.

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

No trend of development known. The area has had long standing commerce entities including the Applicant that has been at its current location for over nine years.

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

The proposed use is consistent with the Kane County 2040 Land Use Plan.

Findings of Fact Sheet – Special Use

Special Use Request

06/07/2023

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.
Because the business is an existing one at 37W415 Keslinger Rd (adjacent to the property), it is mostly internet auto sales and by appointment, thus it will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The operations will continue to be contained within the building.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.
The special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity because the operations will mainly be within the building, and also the other properties withing immediate vicinity are operating commercial businesses as well.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.
No impact businesses already established in the area.

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

Already existing.

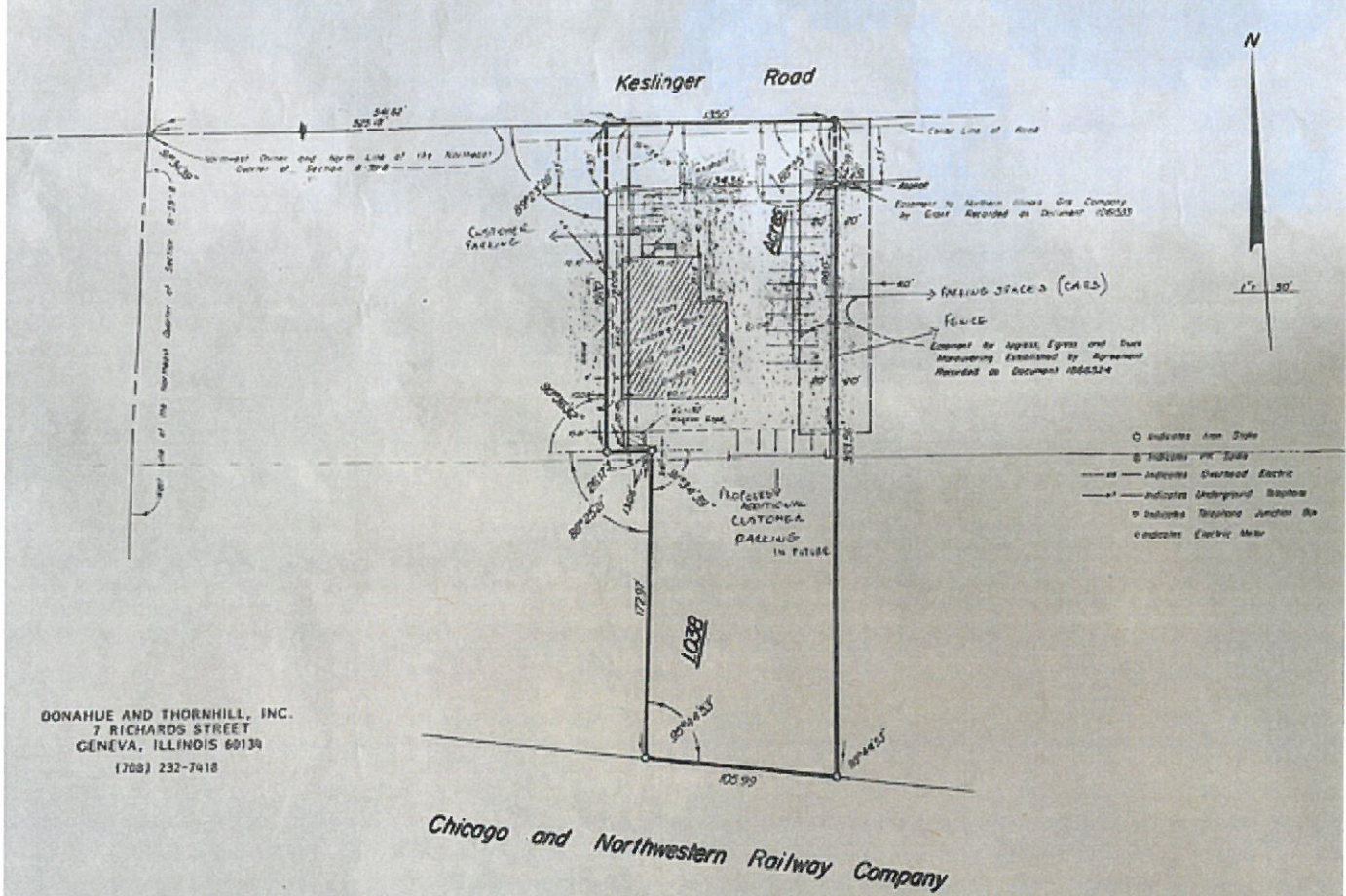
10. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain:

Yes, because our business is internet and by appointment traffic will be limited.

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

Yes, allowing auto sales

Plot of Survey of
Part of the Northeast Quarter of Section 8-39-8
Geneva Township Kane County Illinois



DONAHUE AND THORNHILL, INC.
 7 RICHARDS STREET
 GENEVA, ILLINOIS 60134
 (708) 232-7418

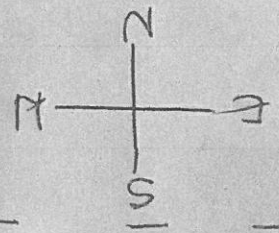
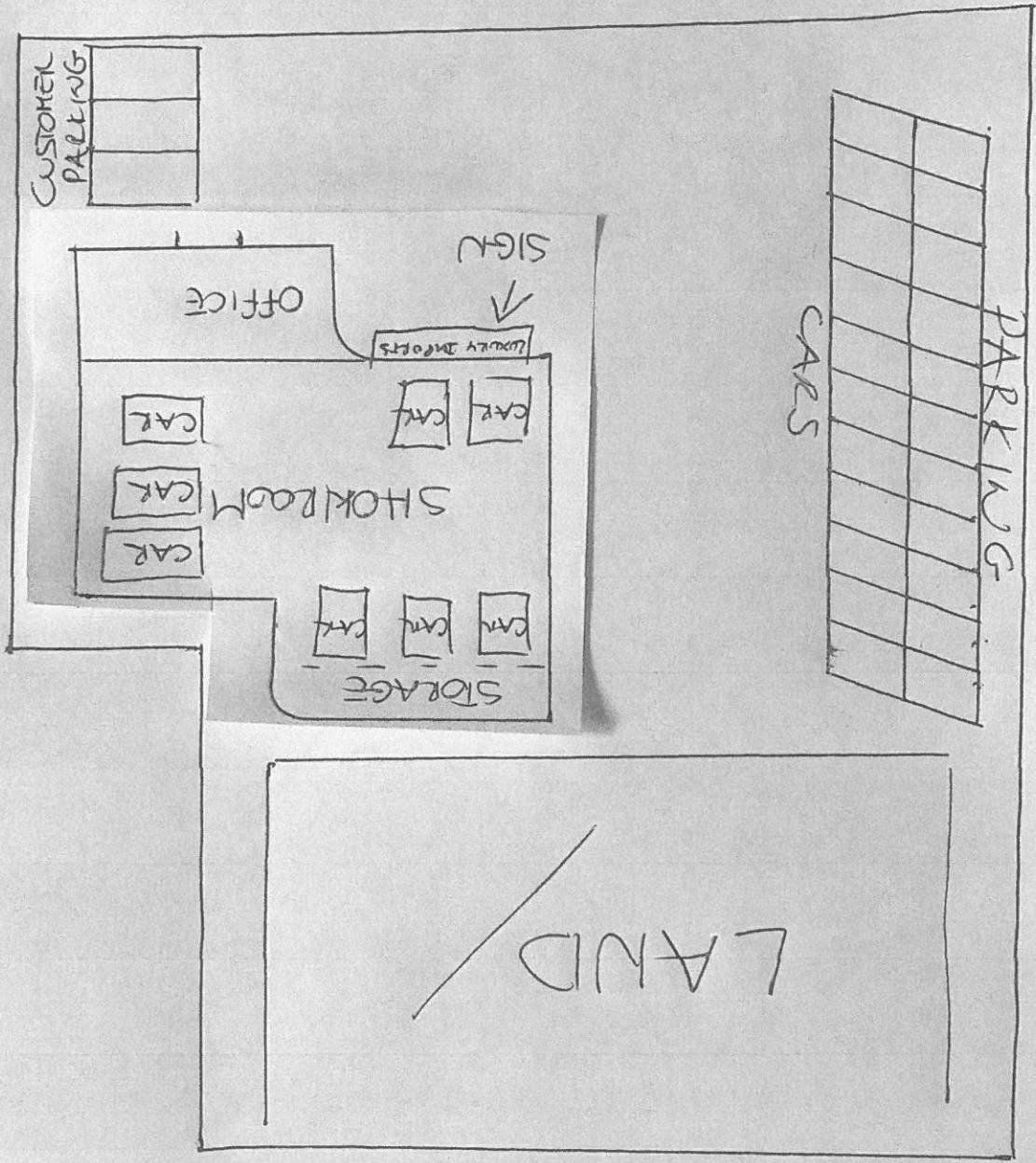
Chicago and Northwestern Railway Company

State of Illinois) ss This is to certify that I, John A. Thornhill, Jr., an Illinois Professional Land Surveyor of Donahue and Thornhill, Inc., have surveyed
 County of Kane) and located the improvements on that part of the Northeast Quarter of Section 8, Township 39 North, Range 8 East of the Third
 Principal Meridian described as follows: Commencing at the northwest corner of said Northeast Quarter; thence easterly along the north
 line of said Northeast Quarter 541.52 feet; thence southerly parallel with the west line of said Northeast Quarter 197.05 feet; thence easterly parallel with
 said north line 13.05 feet for a point of beginning; thence westerly parallel with said north line 26.17 feet; thence northerly 197.0 feet to a point on said
 north line that is 525.18 feet easterly of said northwest corner; thence easterly along said north line 135.0 feet; thence southerly parallel with said west line
 383.56 feet to the northerly right of way line of the Chicago and Northwestern Railway Company; thence westerly along said northerly right of way line
 105.99 feet to a line drawn parallel with said west line from the point of beginning; thence northerly along said parallel line 172.97 feet to the point of begin-
 ning, in Geneva Township, Kane County, Illinois and containing 1.038 acres as shown by the plat hereon drawn which is a correct representation of said
 survey and location. All distances are given in feet and decimal parts thereof.

Dated at Geneva, Illinois, March 9, 1933

Illinois Professional Land Surveyor No. 1740

37N 391 KESUNGER RD



UNION PACIFIC





CURRENT

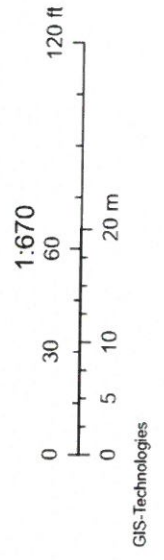


PROPOSED

Map Title

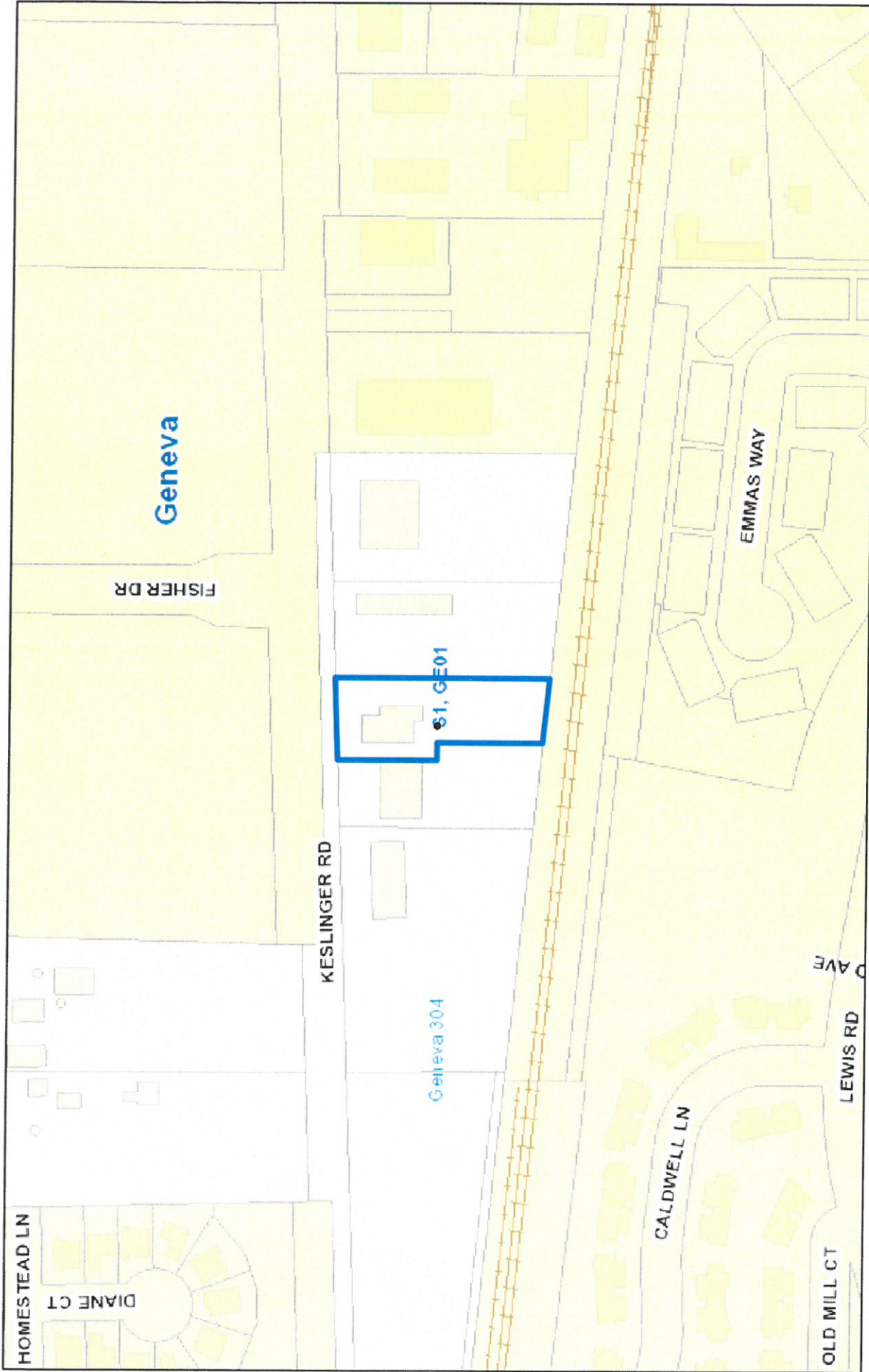


June 9, 2023



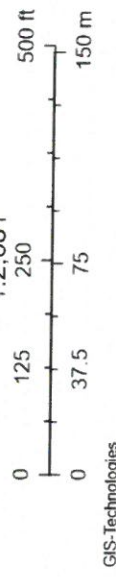
These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required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

Map Title



June 9, 2023

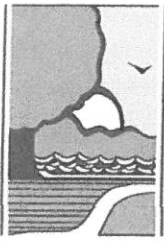
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GIS-Technologies

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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

Natalie Phelps Finnie, Director

June 05, 2023

JOLANTA BARWIOLEK
JOLANTA BARWIOLEK
0N060 N MILL CREEK DR
GENEVA, IL 60134

RE: 37W391 KESLINGER RD
Project Number(s): 2316183
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.

Bradley Hayes
Division of Ecosystems and Environment
217-785-5500



6/5/2023

Kane County Development Department

Keith Berkhout

719 S Batavia Avenue

Geneva, IL 60134

Re: Land Use Opinion

Application #23-038

Petitioner: Jolanta and Sebastian Barwiolek

Location Address: Site 37W391 Keslinger Road, Geneva, IL in Kane County

The application for a Land Use Opinion was sent to the Kane-DuPage Soil & Water Conservation District (KDSWCD) in compliance with Section 22.02a of the Illinois Soil and Water Conservation District Act.

According to the information received, a Land Use Opinion is NOT REQUIRED at this time for 37W391 Keslinger Road, Geneva, Illinois.

If you have any questions concerning this letter, please contact the KDSWCD office at the address or phone below.

Sincerely,

Susan Rankin

Office Administrator