

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

4612

<p><i>Received Date</i></p> <p>APR 13 2023</p> <p>Kane Co. Dev. Dept. Zoning Division</p>
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**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): Vacant Land (application for special use & removal of any exiting covenants) 05-01-426-023 39W390 Highland Avenue Elgin, Illinois 60124	Building (removal of any existing covenants) 05-01-426-022 39W180 Highland Avenue Elgin, Illinois 60124
	Street Address (or common location if no address is assigned): Vacant Land (application for special use & removal of any existing covenants) 39W390 Highland Avenue Elgin, Illinois 60124	Building (removal of any existing covenants) 39W180 Highland Avenue Elgin, Illinois 60124

2. Applicant Information:	Name Carl Kubiuk	Phone 847-409-8000
	Address 3 Auburn Lane Barrington, Illinois 60010	Fax
		Email crk63@sbcglobal.net

3. Owner of record information:	Name Vladimir Pakhnyuk Custom Color Ink & Coatings Inc.	Phone 630-479-9313
	Address 38W180 Highland Avenue Elgin, Illinois 60124	Fax 224-535-9167
		Email customcolorink@comcast.net

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Resource Management

Current zoning of the property: B3

Current use of the property: Vacant Land (previously used as dumping ground by prior owner Brady Brick)

Proposed zoning of the property: B3 with special use and removal of covenants dated 1976

Proposed use of the property: Warehouse storage and parking

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

See attached site plan

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion (Available in pdf form at www.kanedupageswcd.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.

[Signature]
Record Owner

4/12/23
Date

Carl Kuehler
Applicant or Authorized Agent

4/12/23
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.*

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 previous owner, Brady Brick, used the vacant land as a dumping ground for discarded brick and concrete. The current owner intends to clean up the property and build three new buildings with additional parking to expand the space for his businesses, Custom Color Ink and Coatings Inc. and Team Prime, which are currently located in the building next door.

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

The properties located in the general area of the vacant land are zoned B3 and include businesses similar to the owner’s current businesses located on the adjacent property, which he proposes to expand to the vacant land.

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

The vacant land is suitable for the existing B3 zoning and its currently permitted uses.

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

The trends of development in the general area of the vacant land appear to be related to manufacturing, distribution, automotive repair.

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

The owner does not propose to change the zoning of the property. The owner seeks to retain the B3 zoning with a special use permit.

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 owner proposes to remove hundreds of tons of brick and concrete left behind on the vacant land by Brady Brick and add three new buildings and parking to the property. The owner plans to keep the natural tree screening around the perimeter of the vacant land. The proposed use, maintenance, and operation of the property will be consistent with surrounding properties and will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

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

The majority of the surrounding properties include businesses similar to the business proposed to be operated on the owner's vacant land. The vacant land has mature trees around the perimeter of the property that provide screening.

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

The surrounding properties include well-established businesses. The owner's proposed plan for the expansion of his current businesses, including the addition of three buildings and parking, would be consistent with the development in the surrounding area and would not put a burden on any existing businesses.

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

Utilities and access roads are already existing and well-established.

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

There are two currently-existing points of ingress and egress, which will minimize traffic congestion. In addition, the proposed uses for the property (storage and parking) minimize any concerns regarding congestion.

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

The special use request is within the regulations for B3 zoning.

This document and the attached site plan are addendums to the original petition sent out for your review by our office on June 5, 2023.

Could you please clarify why that number of trucks are there now:

The truck numbers change daily; there is an inconsistent pattern of truck traffic due to the nature of the business. The trucks come in and go out as they are serviced and given the day and work load, the numbers vary from day to day and week to week. There could be 2-3 trucks one day and more or less on following days. Please note that the trucks that are there are for Team Prime Truck Repair and Service and not for Custom Color. The reason there may have been an influx of trucks is primarily due to the supply chain disruption in truck part availability, which basically prevents trucks from being serviced promptly as they are waiting for parts to arrive.

Do you intend to have truck parking as part of the Special Use?

There is no truck parking per se. The trucks are only parked at the facility awaiting service. As soon as they are serviced, they are gone.

Attached is a site plan from Scheflow Engineers showing present and future parking configuration. Please see attached drawing.

Again, on any given day, the truck numbers that are parked on the property are inconsistent due to the speed of service and availability of parts.

It would be imprudent to estimate the exact numbers of trucks parked on the property on any given day due to the nature of the business.

The numbers of trucks parked could vary from 6 to 20, but that is strictly an estimate because of the present supply chain difficulties in obtaining truck parts.

Please keep in mind that this is a Truck Repair facility, it is not a truck parking area and as such, there will be minimal traffic in the area. Yes, trucks will be coming and going at the rate of service, which is to be expected with this business.

As you are aware, there have been no complaints regarding excess truck traffic in the area, which indicates that the numbers are quite low.

If you have any further questions or need any further explanation regarding this issue, kindly let me know.

Best regards,

Carl Kubiuk

39W180 Highland LLC

Special Use request in the B-3 Business District to bring the properties into conformance with the Kane County Zoning Ordinance / Request to remove an existing Covenant requiring the property to be rezoned from B-3 Business District to F-Farming District once a prior business had vacated the property

Special Information: The petitioner is seeking a Special Use to bring the existing uses on the western parcel into conformance with the Kane County Zoning Ordinance. The petitioner has plans to redevelop the eastern parcel (at the northwest corner of Coombs Road and Highland Avenue). As part of this request the petitioner will be seeking to remove an existing Covenant on the property which required the property to be rezoned from B-3 District Business to F-District Farming once a prior business had vacated the property.

Analysis: The Kane County 2040 Land Use Plan designates most of this area as Resource Management. Under the 2040 Plan, Resource Management is a land use category that provides county growth opportunities while emphasizing wise management of land and water resources. The purpose of Resource Management is to provide opportunities for the implementation of Smart Growth development that respects the character and carrying capacity of the land.

Staff recommended findings of fact:

1. Approval of the Special Use would bring the existing uses into conformance with the Zoning Ordinance.
2. Removal of the covenant would allow the proposed site plan and uses to be developed.
3. The intensity of the uses and proposed development would be limited by the proposed site plan as part of the special use, if approved.

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

FILED FOR RECORD
KANE COUNTY, ILL.

1392458

1977 JAN 18 AM 11:00

Edna E. Fungelt
RECORDER OF DEEDS

COVENANT

WHEREAS, James Polly, Phillip Polly and Charles Polly, owners
of the following property:

That part of the Southeast Quarter of Section 1,
Township 41 North, Range 7 East of the Third Principal
Meridian described as follows: Commencing at the
Southeast corner of said Quarter; thence Northerly
along the East line of said Quarter 324.05 feet to the
center line of Highland Avenue for a point of beginning;
thence Northwesterly along said center line 1299.82
feet to the Southeasterly line extended Southwesterly
of James Rosborough's Plat of the Village of McQueen
recorded January 5, 1888 in Map Book 7 on page 34;
thence Northeasterly along said Southeasterly line
extended and said Southeasterly line 392.07 feet to
the Southwesterly line of the right of way of the Chicago,
Milwaukee, St. Paul and Pacific Railroad; thence
Southeasterly along said Southwesterly line 1049.73
feet to the East line of said Quarter; thence Southerly
along said East line 742.70 feet to the point of
beginning in Plato Township, Kane County, Illinois and
containing 14.222 acres, more or less.

have been granted a B-3 District Business Zoning under the Kane County
Zoning Ordinance, by the Kane County Board,

Now, THEREFORE, James Polly, Phillip Polly and Charles Polly,
as individuals for themselves, their heirs, executors and assigns, do
hereby covenant and agree with the Kane County Board, County of Kane,
State of Illinois, that said real estate shall be used only for the
extension of present facilities of an established business, known as
Valley Block and Supply Company, or the construction of warehouses for
rental purposes; and in the event the proposed use shall be discontinued,
the owner(s) shall petition the Kane County Zoning Board of Appeals
for Rezoning to F District, Farming.

FURTHER, this Covenant shall run with the land and shall
be binding upon the parties and all persons claiming thereunder, AND,
this Covenant shall run to the benefit of the County of Kane in the
State of Illinois, which may enforce its terms by an appropriate form

of action in law or equity, in any court of competent jurisdiction,
but nothing contained herein shall be construed to prohibit the Kane
County Board, County of Kane, from releasing said real estate from
the provisions thereof.

Dated at Elgin, Illinois, this 3rd day of September, 1976.

John J. Kelly
James J. Kelly
James J. Kelly

Unofficial

This instrument prepared by
Attorney Robert L. Corecki
116 1/2 West Main Street
St. Charles, Illinois 60174

Pd. 5.00
ch

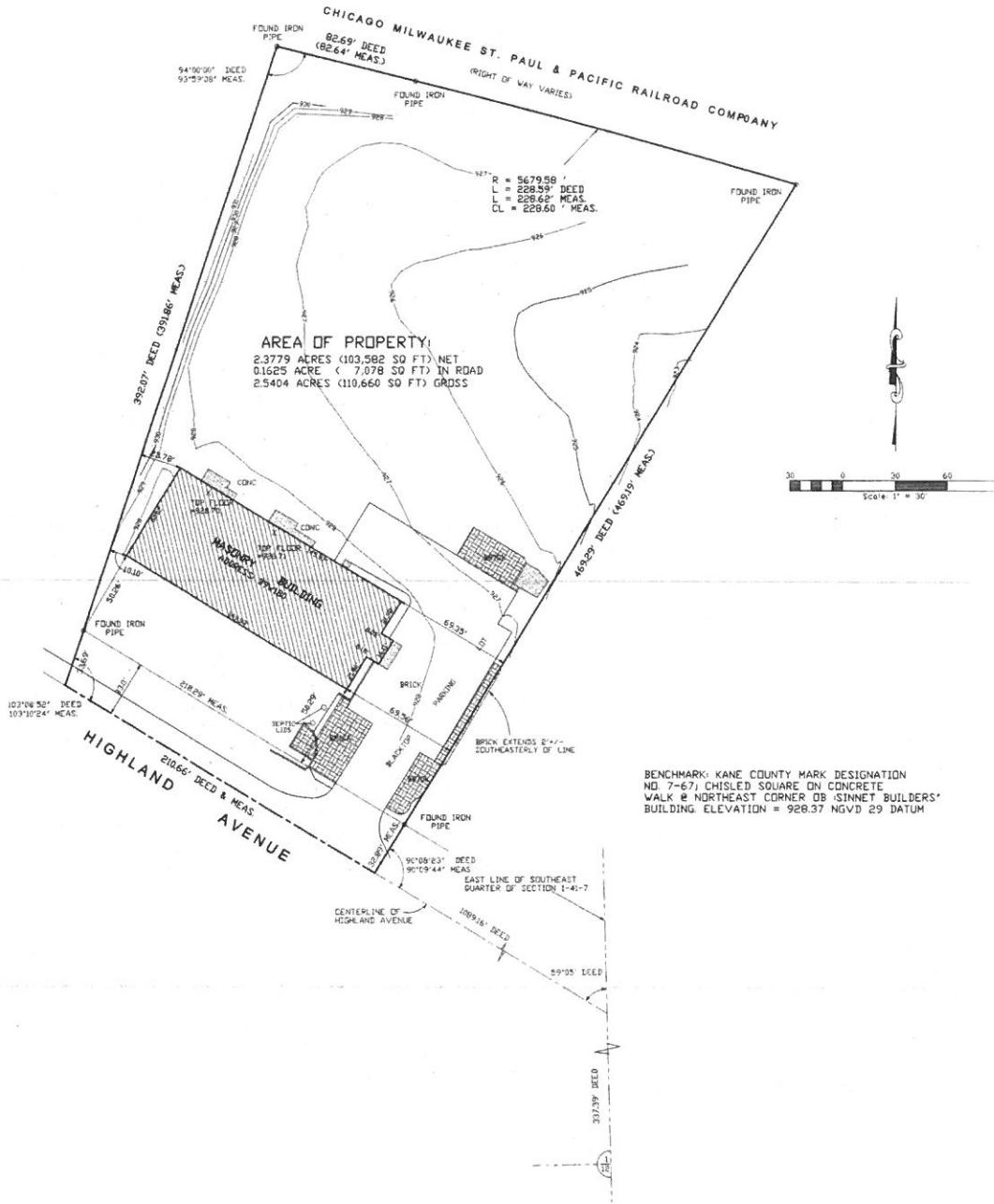
1392458

2

Alan J. Coulson, P.C. PROFESSIONAL LAND SURVEYORS PLAT OF SURVEY

PROPERTY DESCRIBED AS FOLLOWS:

That part of the Southeast Quarter of section 1, Township 41 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast corner of said Quarter; thence Northerly along the East line of said Quarter 337.39 feet to the centerline of Highland Avenue; thence Northwesterly along said centerline forming an angle of 59 degrees 05 minutes 00 seconds from the prolongation of the last described course (measured counterclockwise therefrom), 1089.16 feet for a point of beginning; thence Northeasterly along a line forming an angle of 90 degrees 08 minutes 23 seconds from the last described course (measured counterclockwise therefrom), 469.29 feet to the Southerly right of way line of the Chicago, Milwaukee St. Paul and Pacific Railroad Company; thence Westerly along said Southerly line being on a curve to the left having a radius of 5679.58 feet, 228.59 feet to a point of tangency therein; thence Westerly along said Southerly line 82.89 feet to the Northeast Corner of James Rosborough's Plat of the Village of McQueen recorded January 5, 1888 in Map Book 7, Page 34; thence Southwesterly along the Southeasterly line of said plat and its extension, forming an angle of 94 degrees 00 minutes 00 seconds from the last described course (measured clockwise therefrom), 392.07 feet to said centerline; thence Southeasterly along said centerline forming an angle of 103 degrees 08 minutes 52 seconds from the last described course (measured clockwise therefrom), 210.66 feet to the point of beginning, in Plato Township, Kane County, Illinois.



BENCHMARK: KANE COUNTY MARK DESIGNATION NO. 7-671 CHISLED SQUARE ON CONCRETE WALK @ NORTHEAST CORNER OF 'SINNET BUILDERS' BUILDING ELEVATION = 928.37 NGVD 29 DATUM

Book: 11630
 Ordinal: S4201W
 Page: 05-014
 Date: 08/14/13
 Job: C&B7DB&E
 City: PLAZO

STATE OF ILLINOIS }
 COUNTY OF KANE } # 68713, 2013

I hereby certify that I have surveyed the property described in the above caption according to the official record, and that the above plat is a true and correct representation of said survey.

[Signature]
 Charles J. Hill, Professional Land Surveyor No. 35-2700
 My License expires 11/30/16

Any discrepancy in measurement should be promptly reported to the surveyor for explanation or correction.

WE DO NOT CERTIFY AS TO THE LOCATION OF UNDERGROUND UTILITIES OR UNDERGROUND IMPROVEMENTS.

FIELD WORK COMPLETED: SEPT 19, 2013

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL.

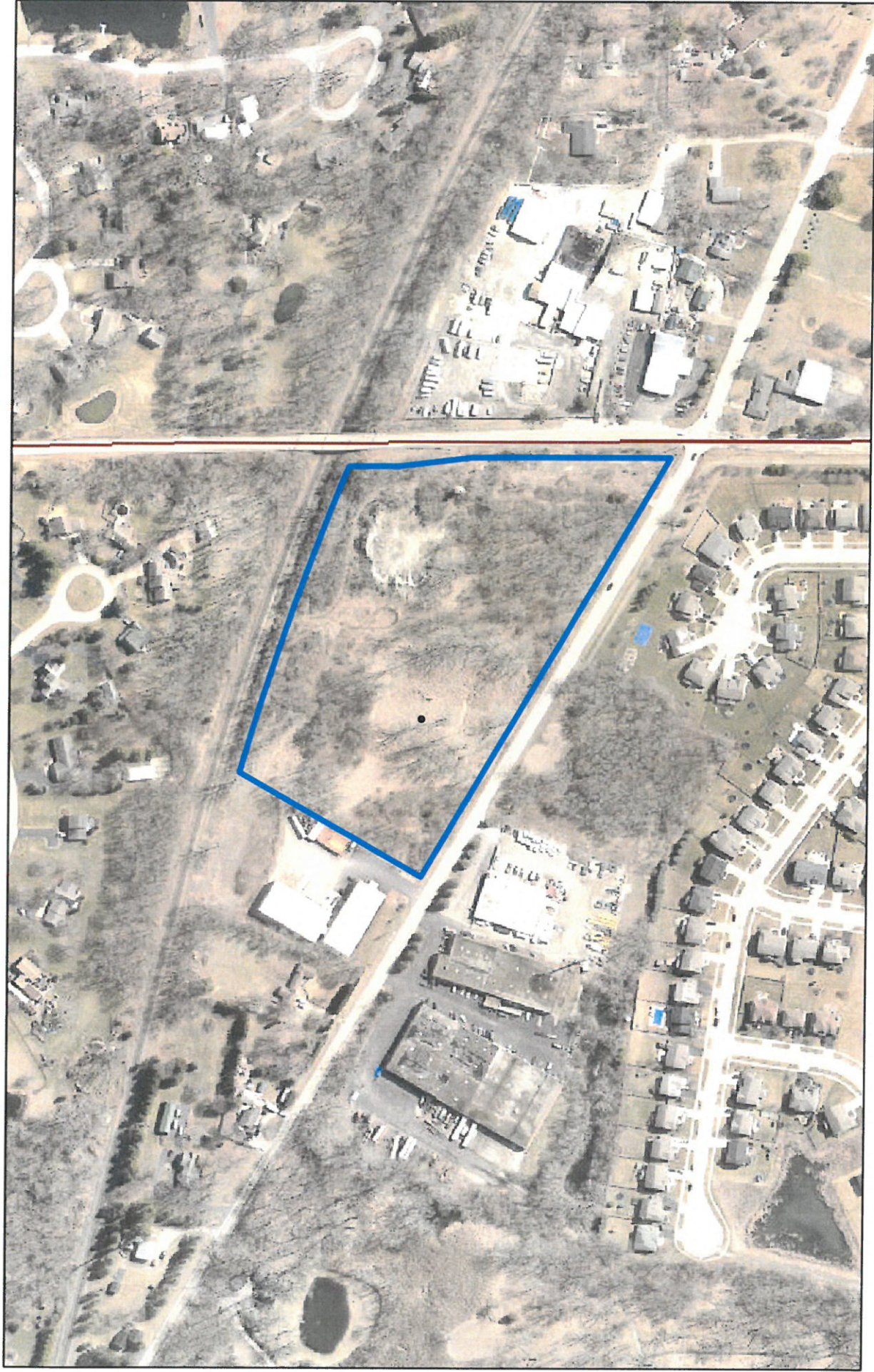
This professional service conforms to the current Illinois minimum standards for a boundary survey.

Professional Design Firm Land Surveying Corporation, License No. 184-802883

Compare the description on this plat with deed. Refer to deed for easements and building lines.

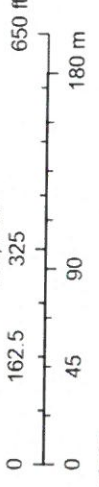
Alan J. Coulson, P.C.
 PROFESSIONAL LAND SURVEYORS
 286 W. Main St., West Dundee, Illinois 60118
 Phone: (847) 428-2911 Fax: (847) 428-8074

Map Title



April 28, 2023

1:3,476



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.

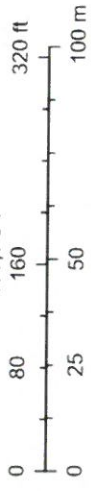
GIS-Technologies
Kane County Illinois

Map Title



April 28, 2023

1:1,781



GIS:Technologies

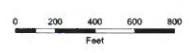
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GIS:Technologies
Kane County, Illinois

ZONING MAPS
of
KANE COUNTY, ILLINOIS
MAP NO. PL-01
MAP SCALE
0 100 200 300 400 500
FEET



TION 1
TOWNSHIP



Area	Project

PL-01 ZONING

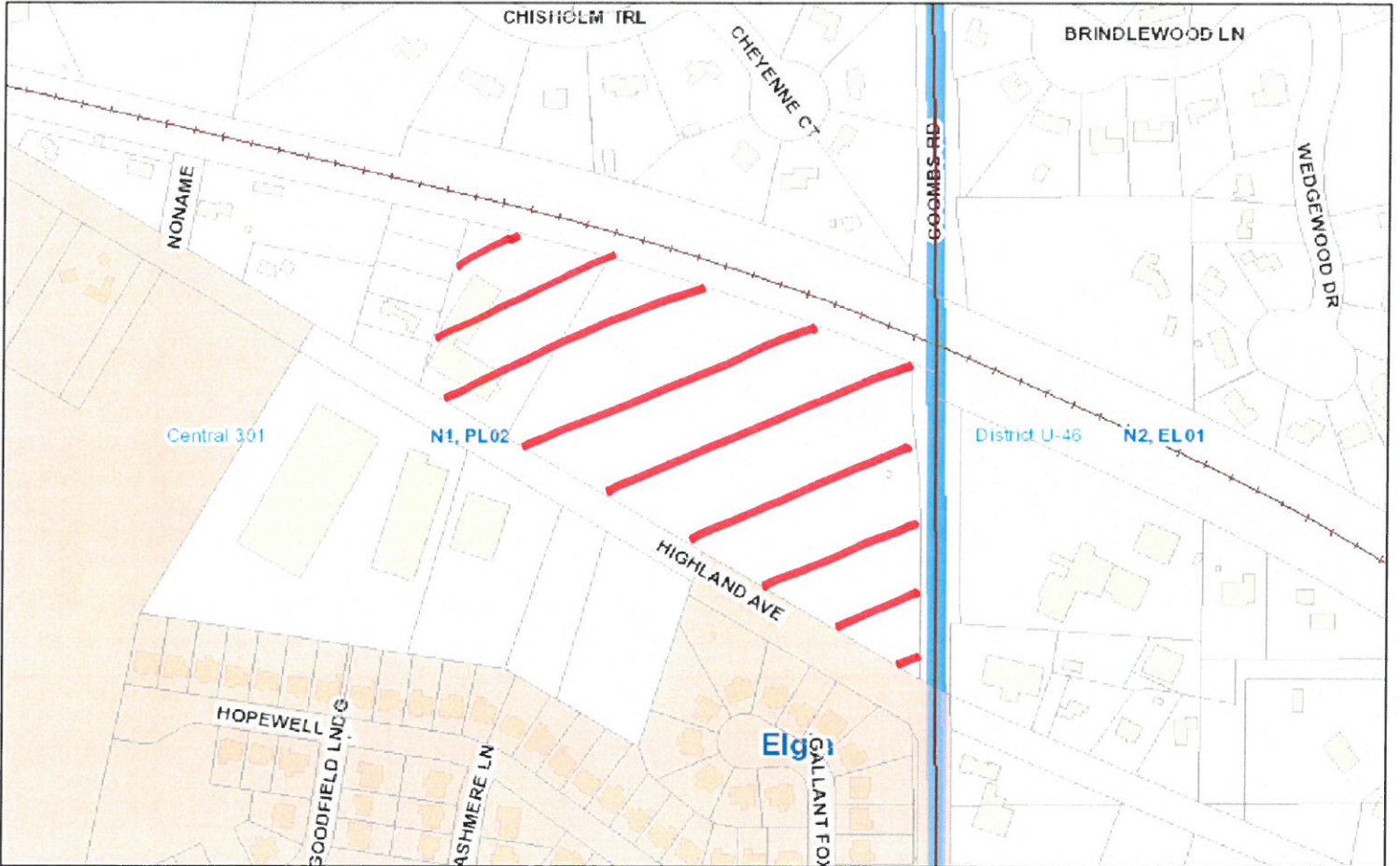
Kane County, Illinois
Building and Zoning Division
Mark D. Vankerhoff, AIA
Zoning Enforcing Officer

Kane County
Government Center
719 S. Batavia Ave.
Bldg. A, 4th Floor
Geneva, IL 60134

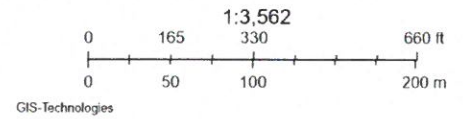
Phone: 630.232.3492

ZONING LEGEND		
RESIDENTIAL DISTRICT	F	[White Box]
	F-1	[Light Gray Box]
	F-2	[Diagonal Lines Box]
	E-1	[Light Green Box]
	E-2	[Medium Green Box]
	E-2A	[Yellow-Green Box]
	E-3	[Green Box]
	R-1	[Yellow Box]
	R-2	[Light Orange Box]
	R-3	[Orange Box]
	R-4	[Dark Orange Box]
	R-5	[Red-Orange Box]
	R-6	[Red Box]
	R-7	[Dark Red Box]
	R-8	[Brown Box]
	R-9	[Dark Brown Box]
BUSINESS DISTRICT	RB	[Light Blue Box]
	B-1	[Blue Box]
	B-2	[Dark Blue Box]
	B-3	[Teal Box]
	B-4	[Dark Teal Box]
	B-5	[Dark Green Box]
	B-6	[Green Box]
SPECIAL INDUSTRIAL DISTRICT	LI	[Pink Box]
	I	[Purple Box]
SPECIAL DISTRICT	PUD	[Orange Box]
AIRPORT DISTRICT	A-1	[Light Yellow Box]
	A-2	[Yellow Box]
OTHER	SU	[Diagonal Lines Box]
	Incorporated	[White Box]
	Forest Preserve	[Dark Green Box]

Map Title



April 28, 2023



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Kane County Illinois