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May 13, 2020

Mr. Keith Berkhout
Kane County Planning Department
719 S. Batavia Ave
Geneva, IL 60134

Via Email: berkhoutkeith@co.kane.il.us

RE: APPLICATION FOR ZONING MAP AMENDMENT AND/OR SPECIAL USE
ADDRESS: 9N983 DITTMAN ROAD / ELGIN, IL 60124
APPLICANT: Eric Zimmerman
PIN: 05-27-100-015-0000 & 05-22-300-010-0000

Dear Mr. Berkhout:

This letter is Petitioner's response to a letter you received dated November 12, 2019 from the Building & Zoning Officer of the Village of Campton Hills. For convenience and clarity, I have restated the comments from the letter, using the paragraph numbers of the letter and followed by the Owner's response using a different font:

1. Applicant states in response to Question 3, "*A use for a landscaping business is an existing allowed special use in the F-2 Farm District.*" According to Section 8.3 of the Kane County Zoning Ordinance, "Landscaping business" is not identified as an existing allowed special use in F-2.

Response: The owner is seeking a rezoning for most of the property from the current F-1 to F-2 to allow him to relocate his existing Kane County landscaping business to the property. The existing home would remain for residential use under the existing F-1 zoning. Section 8.3-2 of the F2 District states that the purpose and intent of this district is to provide for the proper location and regulation of agriculturally related sales, services, processing warehousing and marketing activities and other related uses that are dependent upon, or closely allied to, the agricultural industry. The special uses include Agriculturally related research and facilities and Horticultural services. The Kane County Staff and Kane County Board have historically determined that the requested use of a landscape business, which associated with a growing area for trees, scrubs and evergreens, is included within the purpose of the zoning and is a proper location for this use. Kane County has recently approved similar landscape business uses in the F-2 Farm District. 13.545 acres are designated for the growing area for use to grow shrubs, trees & evergreens which are only for use in the owner's landscape business. This location and property will not be used for retail sales and nothing will be sold on site nor will any customers visit the property.

2. Applicant states in response to Question 5, "*The property is designated Resource Management. The proposed use for the property is consistent with the Kane County 2040 Land Use Plan.*" Applicant does not, however, provide adequate information to support the claim.

Response: The applicant included in its application the portion of the Kane County Land Use Plan showing the property. However, regardless of the designation, with the substantial bulk of the property to continue to be used in agricultural planting, and as buffer along Bowes Creek, the proposed use continues to contribute to the green infrastructure of the area. It is a less intense use than the property on the other side of the Creek. No new buildings are being built. The proposed use for the property is consistent with the Kane County 2040 Land Use Plan. The Kane County Planning Department Staff Report to the Zoning Board of Appeals Staff recommended as Findings of Fact: "The rezoning will allow a landscaping business to be relocated to this property."

3. Applicant states in response to Question 7, that the use of the property as a landscaping business is compatible with the surrounding uses of an alpaca farm and a pheasant farm. It should be noted that an agricultural use is not presumed to be compatible with a landscaping business.

Response: The property consists of two parcels with a total of 15.51 acres, it is accessed directly onto Dittman Road. The Property is zoned F-1 Farm District. Parcel 1 of 1.965 acres will remain F-1 with the existing single-family home to be occupied by the Owner/Applicant. The Applicant is requesting zoning of Parcel 2, 13.545 acres from F-1 to F-2 with a special use to permit an owner operated landscaping business on the property. 13.5 acres of the Property will be used for tree nursery, material storage, equipment storage and natural trees, shrubs and evergreens. The use is consistent with the adjacent uses of Alpaca farm and Pheasant farm. The use will not increase traffic or noise in any significant way. It will have no significant negative impacts on the neighbors. It will not be necessary to provide additional utilities, access roads, or drainage.

4. Applicant states in response to Question 9, that the property has "adequate drainage," but does not provide a professional evaluation of the site, or evidence to support the claim. It should be noted for the purposes of considering the drainage question, that Bowes Creek runs along one side of the property line. **We respectfully request that consideration of stormwater best management practices be given high priority.**

Response: The Applicant ordered a Drain Tile Study from Huddleston McBride Land Drainage Company and submitted it to the Kane County Water Resources Department for review. Property drainage will be preserved. The Applicant is not constructing any new buildings or changing the grading. The propose use does not impact the existing drainage. The Applicant will comply with review and requests from the Kane County Department of Resources. The Department of Water Resources requested the following Stipulations for approval of the requested Zoning. The Owner has agreed to all of the Stipulations. The Owner submitted to Water Resources the drain tile exhibit, floodplain exhibit and floodplain Easement document. the Department of Water Resources has reviewed the documents and and stated that it is satisfied these documents meet the intent of the stipulations requested by Water Resources at the ZBA meeting regarding the Owner's petition.

STIPULATION: This site contains Floodplain and Floodway. Any disturbance within the Floodway will require permitting from Kane County, IDNR and USACE.

STIPULATION: Water Resources will require that an Easement be recorded over the Floodplain, with specific restrictions. A licensed professional engineer shall create an exhibit that demonstrates the boundary of the Floodplain on the site and notes all restricted activities within the Floodplain.

STIPULATION: There can be nothing placed in the floodplain that results in fill in the floodplain. Storage of any kind, including but not limited to materials such as mulch, dirt, gravel, sand or firewood, will not be permitted in the floodplain. This shall be clearly communicated in the Easement language.

STIPULATION: The Kane County stormwater ordinance, Section 9-142 Part A, outlines appropriate uses within the Floodway. No other activities outside of this list will be permitted in the Floodway.

STIPULATION: No Fencing is allowed anywhere within the Floodway. No planting or landscaping that are designed to act as a fence will be permitted in the Floodway.

STIPULATION: If trees are to be included as any of the planting on the property a drain tile study will be required. If the study indicates that there are drain tiles on the property, the applicant shall submit a plan to protect these tiles and if necessary, reroute new tile. If there are any areas upstream or downstream served by drain tiles on this site observations structures will be required for maintenance and monitoring purposes.

5. Applicant states in response to Question 10, that *"Dittman Road accommodates egress and ingress without compromising roadways or neighbors. The traffic pattern will not be impacted. The traffic generated is not significant and creates no traffic concerns."* The language is unclear. A description of the types of truck(s), equipment and business hours is not included. It should be noted that the Village of Campton Hills had recently resolved a complaint from several residents about a landscape business which was operating (within the Village of Campton Hills) from a property located at Dittman and Lenz, in an F-District, because of excessive heavy trucks and traffic on Dittman Road, particularly in the early morning hours. The landscape business on that site is now ceased.

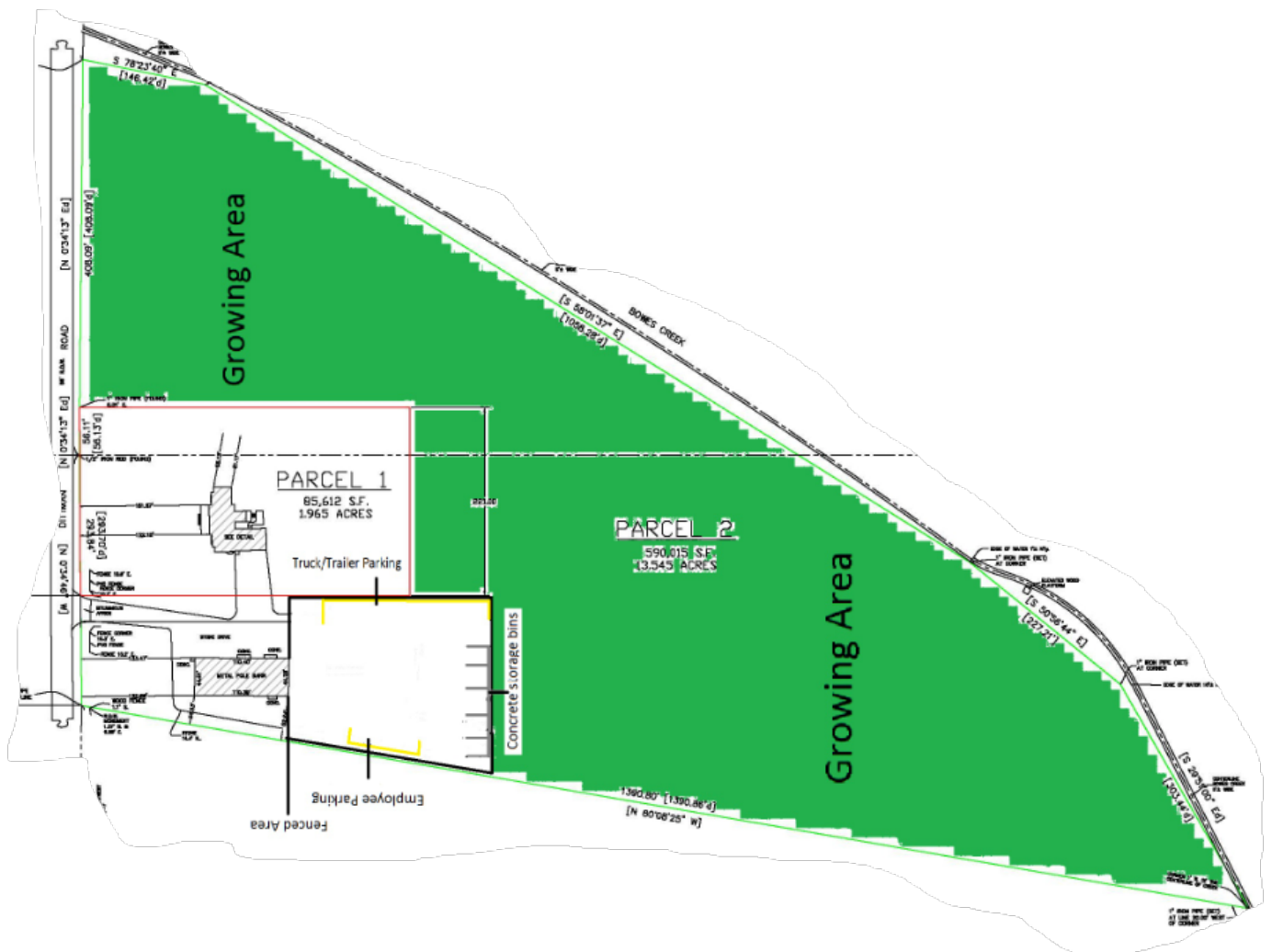
Response: The owner does not use "heavy trucks" in the business. The Application included a list of equipment used on site. Landscape Equipment which may be on site includes: (1) one-ton dump truck, (1) one-ton pick-up truck (4) 3/4 T. pickup trucks, (1) 1/2 Ton. pickup truck, (2) equipment trailers, (3) Utility Trailers, (1) Dump trailer, (12) commercial style lawn mowers riders/standers/walk behinds, (9) snow plows for trucks & skid steers, (2) skid steer loaders, (1) kubota compact tractor, and various hand powered equipment: string trimmers, power blowers, chain saws, hedge trimmers, plate compactors & concrete saws. At the request of KDOT the owner has agreed to dedicate a 60-foot half right-way to Kane County on Dittman Road for the property zoned F-2.

6. According to Applicant's business web page [www.zimmermanslandscaping.com], the business currently offers services for **hardscaping, maintenance and snow removal**, in addition to landscaping. Therefore, for the purposes of the subject application, the description of Applicant's business is either somewhat unclear or incomplete. Additional information is needed to properly ascertain the scope of the business, and to clarify whether or not Applicant intends to include services other than landscaping on the proposed site. Response: The supplemental letter to the Application described in detail the operation of the business.

Response: The existing pole barn shown on the site plan will be used to store/house equipment; trucks, trailers, lawn mowers, hand power equipment, wheelbarrows, shovels, rakes, etc. Employees will park in designated parking spots in the gravel area East of the pole building. Trucks & trailers will be parked in the designated gravel area as well as inside the pole building. Storage of Mulch, gravel, sand, aggregate will be stored in the gravel area east of the pole barn. these materials will be stored on a concrete slab with concrete blocks surrounding three sides of the concrete slab. The remainder of the property will be used to grow shrubs, trees & evergreens which are only for use in the owner's landscape business. This location and property will not be used for retail and nothing will be sold on site nor will any customers visit the property. The pole building will be utilized as an equipment/material storage facility for Zimmerman Landscaping. The company has 10 employees. Employees will be arriving at the pole building in the mornings load equipment & materials as needed for the daily tasks. During the day employees will be off site with minimal loading and employees limited time at the property. At the end of the day employees will arrive, unload equipment and park vehicles/trailers. The owner, Eric Zimmerman's sole residence is the residence onsite and employees will be fully supervised. There will be no impact on the adjacent Forest preserve as the property is leased to a local farmer for corn or soybeans crops at this time.

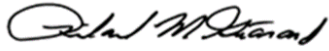
7. As mentioned previously, Bowes Creek runs along the property line. The potential for environmental impact ought to be considered if a landscape business were allowed. If landscape operations (in addition to a tree nursery, evergreens and shrubs as the application notes) involve fertilizers, pesticides or and/or other chemical treatments, it would be potentially harmful to the Fox River watershed - considering that Bowes Creek connects to Stony Creek, which connects to Otter Creek, which connects to Ferson Creek, which outlets at the Fox River. Likewise, if a snow removal operation were part of this business, the storage and/or use of road salt/melt mix could potentially be a pollutant to water and wildlife.

Response: Applicant submitted a site plan as part of his Application. Bowes Creek is well buffered by the growing area which comprises the bulk of the land. The property has been historically used for farming. The planting of trees, evergreens and shrubs will serve to reduce drainage problems rather than create them.



Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Guerard". The signature is written in a cursive style with a large initial "R" and "M".

Richard M. Guerard

SPECIAL FLOOD HAZARD AREA EASEMENT PLAT

OWNER'S CERTIFICATE

STATE OF _____

COUNTY OF _____

THIS IS TO CERTIFY THAT _____ HAS READ AND HEREBY CONSENTS TO THE GRANT OF EASEMENT AND THE PROVISIONS DESCRIBED HEREON.

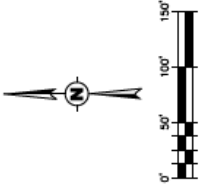
NOTARY CERTIFICATE

STATE OF _____

COUNTY OF _____

NOTARY PUBLIC _____

THAT _____ A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ HAVE REVIEWED AND DECLARED THE SUD INSTRUMENT FOR THE USES AND PURPOSES THEREIN SET FORTH, OPEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ 2008.



S.F.H.A. EASEMENT RESTRICTIONS

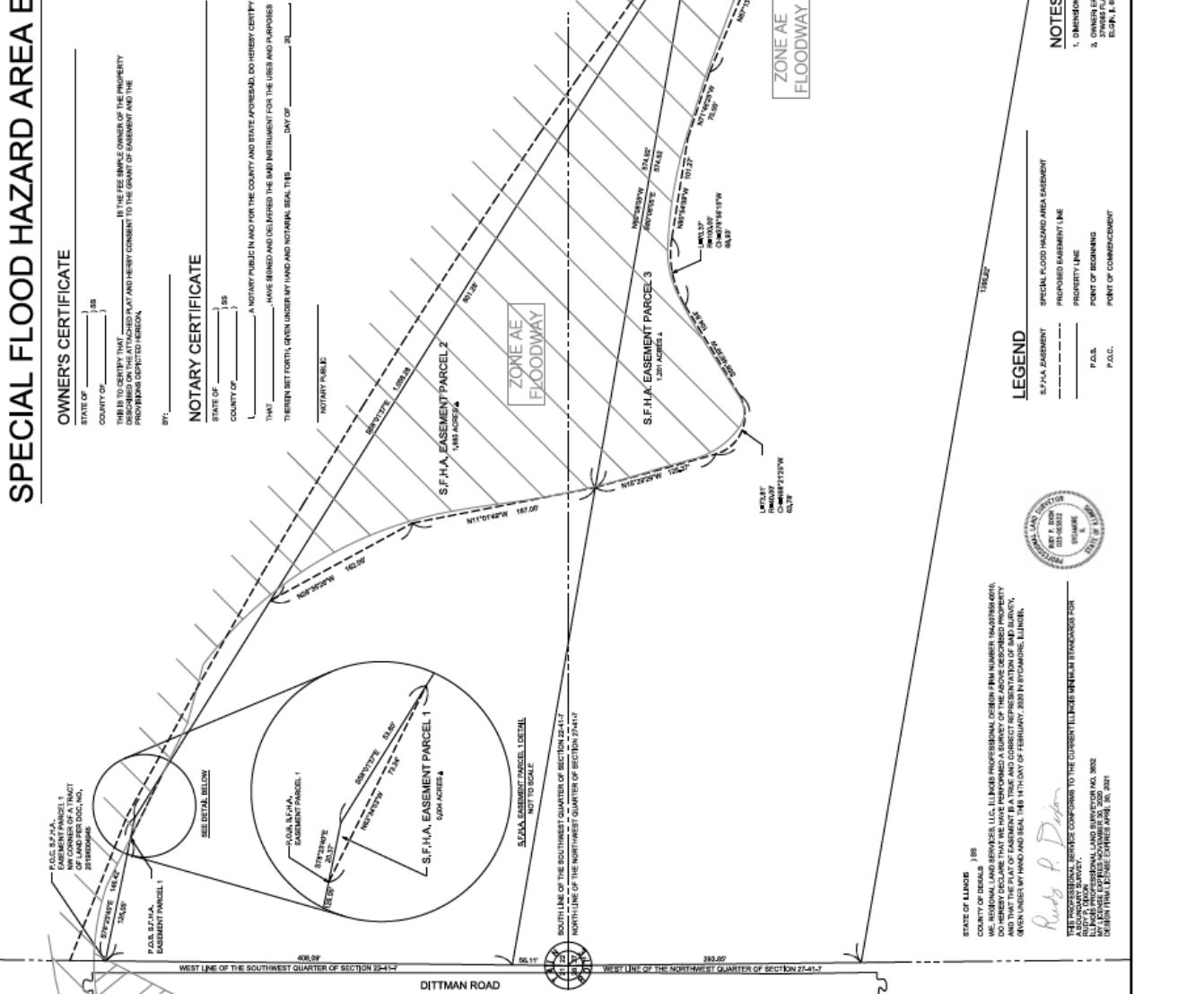
1. ANY STRUCTURE WITHIN THE FLOODPLAIN WILL REQUIRE PERMITTING FROM THE COUNTY ENGINEERING DEPARTMENT.
2. FLOODPLAIN EASEMENTS SHALL BE LIMITED TO UTILITIES SUCH AS WATER, SEWER, GAS, AND TELEPHONE LINES. ANY OTHER UTILITIES SHALL BE LIMITED TO THE FLOODPLAIN EASEMENT AREA.
3. FLOODPLAIN EASEMENTS SHALL BE LIMITED TO THE FLOODPLAIN EASEMENT AREA.
4. STORAGE AND DEPOSITION OF MATERIALS SHALL BE PERMITTED IN THE FLOODPLAIN.

S.F.H.A. EASEMENT LEGAL DESCRIPTION

PARCEL 1: PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 41 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED PER DOCUMENT NO. 2018000444 THENCE SOUTH 89 DEGREES 23 MINUTES 48 SECONDS EAST ALONG THE NORTH LINE SAID TRACT OF LAND, 1240 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 23 MINUTES 48 SECONDS EAST ALONG SAID NORTH LINE, 3240 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 48 SECONDS WEST 720 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF PLATO, KANE COUNTY, ILLINOIS.

PARCEL 2: PART OF THE SOUTHWEST QUARTER OF SECTION 22, AND PART OF THE NORTHWEST QUARTER OF SECTION 27, ALL IN TOWNSHIP 41 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED PER DOCUMENT NO. 2018000444 THENCE NORTH 89 DEGREES 23 MINUTES 48 SECONDS EAST ALONG THE NORTH LINE SAID TRACT OF LAND, 1240 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 23 MINUTES 48 SECONDS EAST ALONG SAID NORTH LINE, 3240 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 48 SECONDS WEST 720 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF PLATO, KANE COUNTY, ILLINOIS.

PARCEL 3: PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 41 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED PER DOCUMENT NO. 2018000444 THENCE SOUTH 89 DEGREES 23 MINUTES 48 SECONDS EAST ALONG THE NORTH LINE SAID TRACT OF LAND, 1240 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 23 MINUTES 48 SECONDS EAST ALONG SAID NORTH LINE, 3240 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 48 SECONDS WEST 720 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF PLATO, KANE COUNTY, ILLINOIS.



LEGEND

- S.F.H.A. EASEMENT
- SPECIAL FLOOD HAZARD AREA EASEMENT
- PROPOSED EASEMENT LINE
- PROPERTY LINE
- POINT OF BEGINNING
- POINT OF COMMENCEMENT



STATE OF ILLINOIS
COUNTY OF DEKALB
I, RYAN P. DEWITT, A PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I AM THE ENGINEER OF RECORD FOR THIS SURVEY AND THAT THE PLAT OF EASEMENT IS A TRUE AND CORRECT REPRESENTATION OF THE ABOVE DESCRIBED PROPERTY, INSTRUMENT HAVING BEEN MADE AND SEALED BY ME ON FEBRUARY 28, 2008 IN FREDERICK, ILLINOIS.

Ryan P. DeWitt
R. DEWITT, P.E.
101552
01/31/2012

THE PROFESSIONAL SERVICE CONCERNING THIS INSTRUMENT IS LIMITED TO THE CURRENT ILLINOIS REGISTRATION FOR RYAN P. DEWITT, P.E. LICENSE NO. 101552, EXPIRES 01/31/2012. ANY INSTRUMENTS PERFORMED BY ME AFTER MY REGISTRATION EXPIRES ARE NOT VALID.

NOTES:

1. DIMENSIONS IN FEET AND DECIMALS.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
3. SURVEYED IN ACCORDANCE WITH ILLINOIS SURVEYING ACT, CHAPTER 105.
4. EASEMENT IS FOR PERPETUITY.

PART OF THE SW 1/4 OF SEC. 22-41-7 &
PART OF THE NW 1/4 OF SEC. 27-41-7

NO.	DATE	REVISION DESCRIPTION
1	02/28/08	INITIAL SURVEY
2	03/03/08	REVISIONS TO PLAT
3	03/03/08	REVISIONS TO PLAT
4	03/03/08	REVISIONS TO PLAT

ENGINEER: Ryan P. DeWitt
1328 OAK SOLUTIONS, LLC
2115 W. 112TH STREET, SUITE 111
SYCAMORE, ILLINOIS 60178
PHONE: (618) 559-2260

REGIONAL LAND SERVICES
270 VIDA COURT
SYCAMORE, ILLINOIS 60178
PHONE: (618) 559-2260

PROJECT NO. 2018
DATE: 02/28/08
SHEET 1 OF 1
DRAWING NO. 1

EXISTING AGRICULTURAL DRAIN TILE INVESTIGATION PLAN

ZIMMERMAN LANDSCAPE PARCEL

PREPARED FOR ZIMMERMAN LANDSCAPE AND MAINTENANCE

Section no. 22, Plato Twp., Kane Co., IL

EXISTING SUBSURFACE AGRICULTURAL DRAIN TILE INVESTIGATION REPORT

ZIMMERMAN LANDSCAPE PARCEL

ZIMMERMAN LANDSCAPE AND MAINTENANCE

IDENTIFICATION CHART NO. 1

NO.	DESCRIPTION	DATE	BY
1	PROJECT START	12/22/19	THOMAS HULL
2	FIELD SURVEY	12/22/19	THOMAS HULL
3	REPORT PREPARED	12/22/19	THOMAS HULL

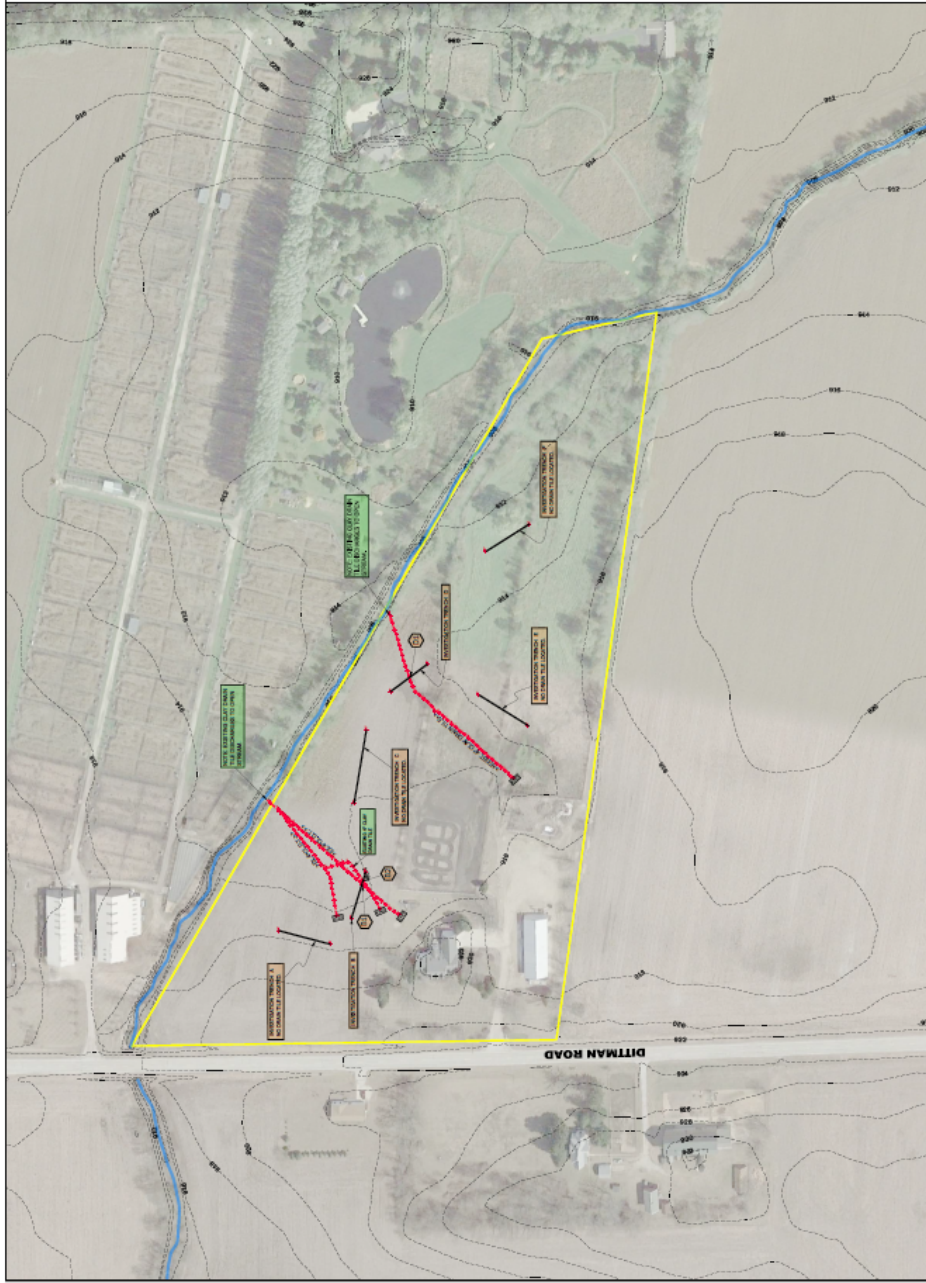


MAP LEGEND

EXISTING SUBSURFACE AGRICULTURAL DRAIN TILES (AS SHOWN ON AGRICULTURAL MAPS)
EXISTING SURFACE DRAIN TILES (AS SHOWN ON AGRICULTURAL MAPS)
EXISTING SURFACE DRAINAGE CANALS (AS SHOWN ON AGRICULTURAL MAPS)
EXISTING SURFACE DRAINAGE CANALS (AS SHOWN ON AGRICULTURAL MAPS)

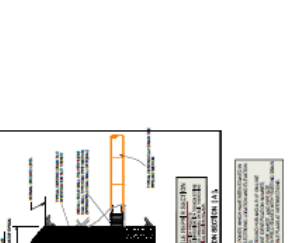
REPORT LEGEND

EXISTING SUBSURFACE AGRICULTURAL DRAIN TILES (AS SHOWN ON AGRICULTURAL MAPS)
EXISTING SURFACE DRAIN TILES (AS SHOWN ON AGRICULTURAL MAPS)
EXISTING SURFACE DRAINAGE CANALS (AS SHOWN ON AGRICULTURAL MAPS)
EXISTING SURFACE DRAINAGE CANALS (AS SHOWN ON AGRICULTURAL MAPS)



SPECIAL NOTES

1. ALL DRAIN TILES WERE MARKED AT THE SURFACE BY A 2" x 2" x 1/4" RED WOOD STUD WITH A 'D' AND '1' MARKING.
2. ALL DRAIN TILES WERE MARKED AT THE SURFACE BY A 2" x 2" x 1/4" RED WOOD STUD WITH A 'D' AND '1' MARKING.
3. ALL DRAIN TILES WERE MARKED AT THE SURFACE BY A 2" x 2" x 1/4" RED WOOD STUD WITH A 'D' AND '1' MARKING.



ZIMMERMAN LANDSCAPE AND MAINTENANCE
Eric Zimmerman - PROJECT MANAGER
37508 Flanagan Ct., High, IL, 60124

DATE: 12/22/19
PROJECT: HULL RESTORATION 12/22/19
DRAWN BY: TOM HULL
CHECKED BY: TOM HULL
DATE: 12/22/19

DATE: 12/22/19
PROJECT: HULL RESTORATION 12/22/19
DRAWN BY: TOM HULL
CHECKED BY: TOM HULL
DATE: 12/22/19

ZIMMERMAN LANDSCAPE PARCEL
HULL RESTORATION
PROFESSIONAL LAND SURVEYING
HULL RESTORATION, INC.
37508 FLANAGAN COURT, HIGH, ILLINOIS 60124
(630) 315-7575