

**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**

4448

<i>Received Date</i>
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## SPECIAL USE APPLICATION

**Instructions:**

*To request a special use 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 help you.**

<b>1. Property Information:</b>	<b>Parcel Number (s):</b> Part 08-19-400-004
	<b>Street Address (or common location if no address is assigned):</b> 4N250 Route 47 Maple Park, IL 60151

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

<b>3. Owner of record information:</b>	<b>Name</b> First American Bank, Trustee under Trust # 1-14-111, c/o Bruce Vajgert, Co-Beneficiary	<b>Phone</b> 630-494-3388
	<b>Address</b> 46W235 Beith Road Maple Park, IL 60151	<b>Fax</b>
		<b>Email</b> theypavem@aol.com

**Zoning and Use Information:**

**2040 Plan Land Use Designation of the property:**  
Agriculture

**Current zoning of the property:**  
F2 District-Special Use, Horticultural Services

**Current use of the property:**  
F2 District – Kane County Country Market

**Proposed special use of the property:**  
F2 District-Agricultural related sales, service, processing, research, warehouse and marketing;  
Special Uses: Horticultural Services—expanded to include sale of beer and wine beverages to patrons  
consuming locally grown and other food products.

**If the proposed Special Use/Map Amendment is approved, what improvements or construction is planned?**  
None is required that cannot be accommodated within existing buildings.

**Attachment Checklist**

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description = **Exhibit A**
- Completed Land Use Opinion application (Available in pdf form at [www.kanedupageswed.org/luo.pdf](http://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](http://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 contact:  
The Sidwell Co., 675 Sidwell Dr., St. Charles, IL (630) 549-1000
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)
- Site plan drawn to scale to demonstrate property can meet requirements of proposed zoning district (parking requirements, setbacks, landscaping, etc.) **Exhibit B**

**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.**

*B/V* 3-6-2018

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Record Owner: Bruce Vaigert, Co-Beneficiary of Trust Number 1-14-111 Date

*John A. Thornhill* 3-6-2018

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Applicant or Authorized Agent: John A. Thornhill, President, DPI Date



# Findings of Fact Sheet – Special Use

Vajgert Amended Special Use  
Special Use Request

March 6, 2018  
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:*

1. 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 Special Use (F2) to operate the Kane County Country Market has been in place since November, 2015. All agricultural and landscaping product receiving, storage, display and sales have been conducted on the subject property, appropriately screened off from public view by passersby on Route 47 as well as any neighbors. The popularity of the existing store as a destination has steadily increased and numerous patrons of the food service component of the operation have made requests that beer and wine be offered to complement the dining experience. An innocuous expansion of use taking place within the existing building should have no detrimental effect on surrounding properties.

2. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity. The expansion of the existing special use to offer beer and wine to patrons will not prevent anyone in the vicinity of the subject property from the full enjoyment and use of their property. Such sales will take place within an existing building during daytime hours, as described in the attached amended stipulation, with no deleterious effect on surrounding properties.

3. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property. The sale of beer and wine within an existing building is not related to the development of any adjoining properties. Surrounding properties (except the cemetery) will remain completely free to develop pursuant to prevailing land use regulations.

4. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain: All infrastructure is in place to accommodate the operation of the Kane County Country Market.

5. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain: The Illinois Department of Transportation, which has jurisdiction, has already approved the existing access constructed for use by the Kane County Country Market.

6. Will the special use conform to the regulations of the district in which it is located? Please explain: Yes. The Kane County Country Market is in the F2 District-Horticultural Services and was constructed in conformance to plans approved by Kane County in 2015.

# Stipulation

## Amended 3-9-2018

### KANE COUNTY COUNTRY MARKET

#### **Purpose**

Provides a friendly gathering place for all family members where a few minutes, or much of a day, can be enjoyed in activities ranging from selecting nursery stock, garden supplies, locally grown produce and condiments or, designing a garden or landscaping and even tending a garden plot.

#### **Infrastructure**

**Building:** At a distance, the two level rooflines appear as a traditional red barn with white accents. The front and back of the building have a 14' overhang creating a covered porch-like area. A stone knee wall encapsulates the entire building to bring out the barn feel; the inside mimics the outside, also with stone knee walls and siding. The building interior also boasts a fireplace and a waterfall for a serene country feel. There are shelving areas and wall mounts to preview a list of products: daily samplings of various salsas, sauces, dips, coffees, teas, olive oils, cheeses, wild game, spices, chocolate, candles and knick knacks, in addition to garden tools, potting soils and the like. Depending on the time of year, seasonal items such as Christmas ornaments and Easter decor, etc. are offered. Eating areas are provided for patrons; sandwiches and other light foods and snacks are sold. Meeting space is available for consultation on landscaping design matters with customers.

**Site:** Access to/from Route 47 is approved by IDOT. Traffic flow enclosed by B6-12 curb/gutter around building accommodates emergency equipment and provides access to rear of property and detention area. Customer vehicular parking (including 2 handicap spaces) is on pervious brick pavers to maintain a cobblestone effect. The store serves approximately 40-50 clients per weekday; traffic movements on the weekend are approximately 75. Onsite detention accommodates storm water management and provides option for irrigation of nursery stock. Potable water is provided by private water well; wastewater treatment by aerobic septic system. Areas for outside storage and display of gardening products including nursery stock, shrubs, fertilizers and compost exist as shown on Site Development Plan and Final Engineering. A wide array of seasonal flowers and plants, annuals, perennials and trees are sold from under a covered porch for easy viewing and away from the elements. The site will include one double-faced illuminated sign to be placed near the entrance from Route 47 and a mailbox as depicted on the Final Engineering; shrubs and other attractive vegetation are planted along Route 47 and the northern boundary of the parcel.

The porch has under-mounted porch lighting and lamps on the buildings

illuminate the parking lot.

**Business Plan, amended 3-9-2018**

Refreshments, including sandwiches, sodas or other soft drinks and beverages, are available during one's visit. Areas are available for consultation in landscape design and garden planning with Wi-fi service available. Tables are available for gatherings, to review gardening

plans in a leisurely atmosphere while the kids are enjoying a snack. A wide array of seasonal flowers and plants, annuals and perennials, and trees are provided. Many of these are under roof for easy viewing, out of the elements of Mother Nature. Retailing includes Christmas trees and firewood during the late fall and winter months. A farmers market for local growers will be operated during the growing season. Locally produced organic compost from local horse farms that has been ground to a finer consistency is stored, watered and also available.

Garden plots will be available in the back of the property for rental to "grow your own garden". The store is becoming a true gathering place to shop, and to enjoy taking some time out of one's busy day.

For several months customers in the food service area have inquired about having wine and beer available. A poll was taken during the past 3 Fridays asking for signatures of support for such products to be offered with dining, and during other social events (e.g. painting party). The indication was quite strong with over 100 patrons requesting that we pursue a liquor license to only serve beer and wine. Since we intend to maintain the family-oriented business, there is no desire to offer hard liquor, or video poker and any other form of gambling.

**Operating schedule, amended 3-9-2018**

Site construction began in the fall of 2015 and opened for the summer season of 2017.

The store employs eight people, five of which are full time. The present hours of operation will be adjusted to the following schedule:

7:00am to 7:00pm Monday through Thursday;

7:00am to 8:00pm on Friday;

8:00am to 6:00pm Saturday and Sunday.

The store has reduced hours during the winter months.

3-6-2018

April 25, 2018

First American Bank Trust #1-14-111/Bruce Vajgert  
Amendment to an existing F-2 for a Farmer's Market/Country Store

**Special Information:** The original rezoning for the F-2 was approved in the fall of 2015. Since the business opened the petitioners have received numerous requests from their customers for beer and wine to be served as part of their dining experience. In order to better serve their customers, the petitioners are also requesting an adjustment to their operating hours.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Agricultural. The Plan recognizes that not all land in this area is suitable for farming and that some land can be used for farmsteads and very low density residential uses.

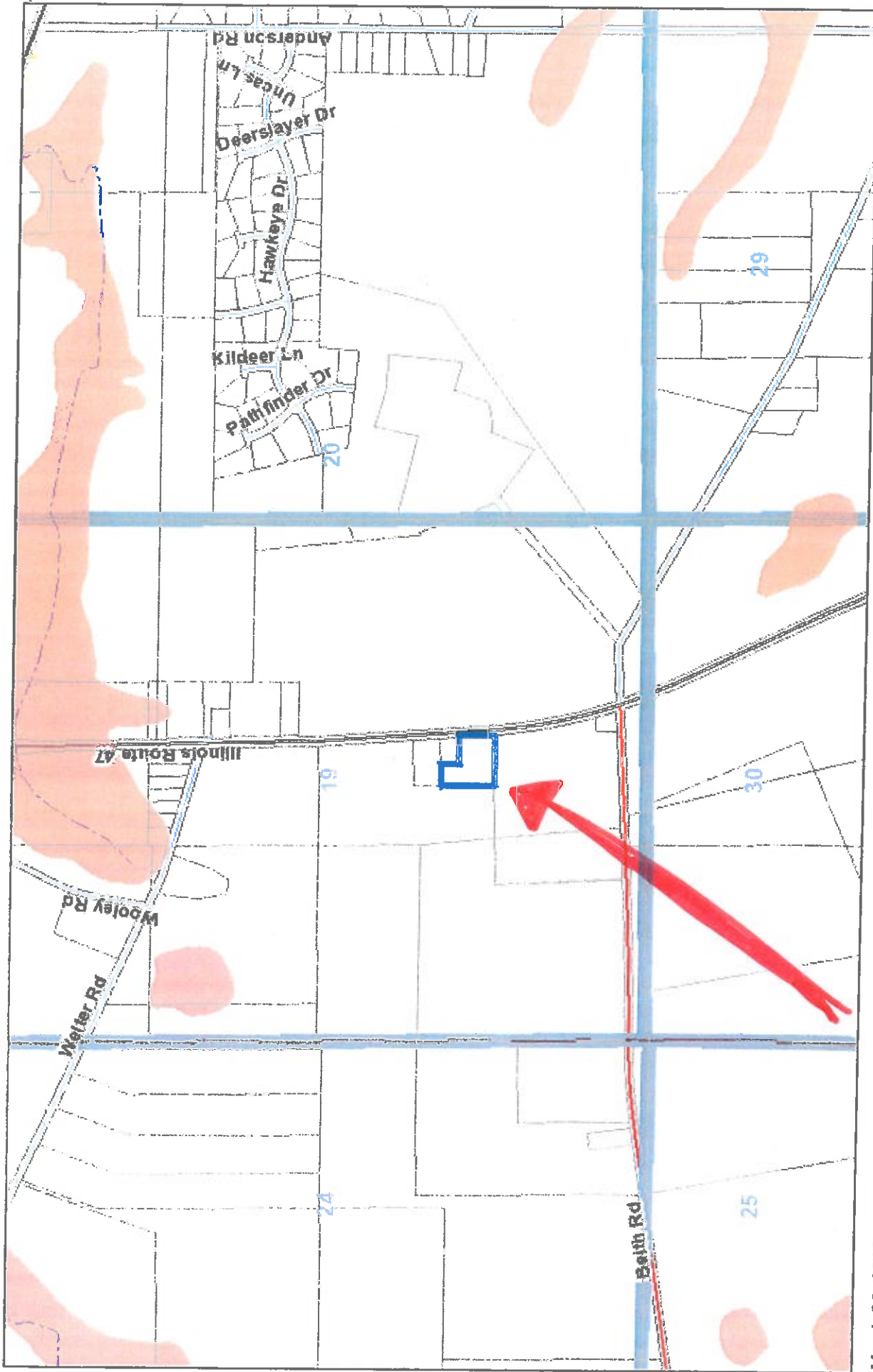
**Staff recommended Findings of Fact:**

1. The Amendment will help a Kane County business better serve its customers.

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

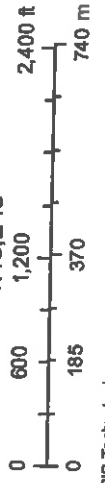


# Map Title



March 20, 2018

1:13,243



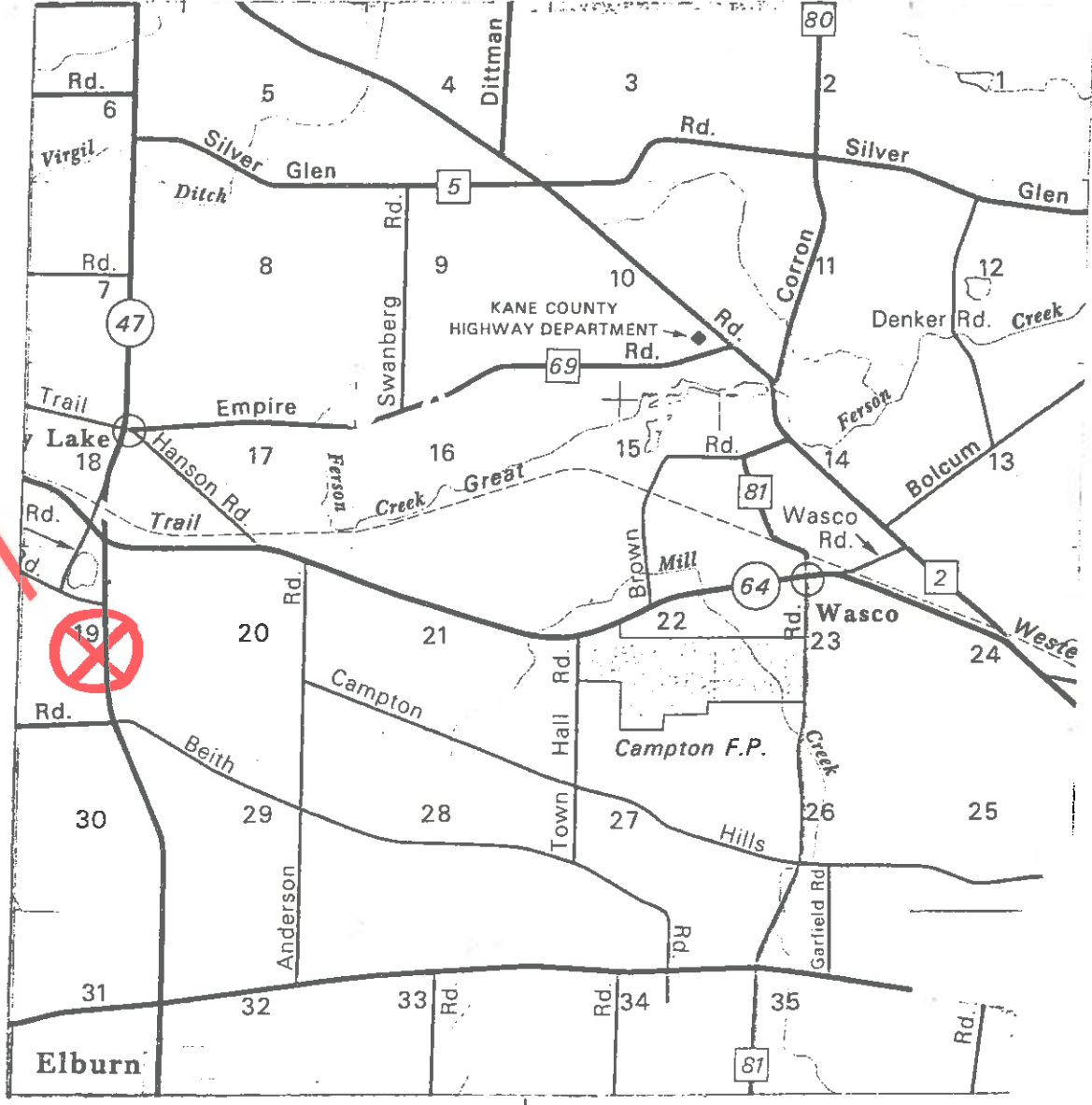
Source : GIS-Technologies  
GIS-Technologies

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CAMPTON twp.  
T.40N - R.7E

map 8



1" = MILE