

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

4653

Received Date

**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): 12-06-400-013-0000
	Street Address (or common location if no address is assigned): 1N016 Peck Road, Geneva, IL 60134

2. Applicant Information:	Name Weiss Commercial Properties, LLC c/o Craig Weiss, Manager	Phone 630-432-4100
	Address 165 Easy Street Carol Stream, IL 60188	Fax 630-313-2780
		Email craigw@weisslawnandsnow.com

3. Owner of record information:	Name Weiss Commercial Properties, LLC c/o Craig Weiss, Manager	Phone 630-432-4100
	Address 165 Easy Street Carol Stream, IL 60188	Fax 630-313-2780
		Email craigw@weisslawnandsnow.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Agriculture

Current zoning of the property: F

Current use of the property: Residence, grain farming

Proposed zoning of the property: F-2 The existing residential structure is intended to be used for residential purposes for employees who would live on the Subject Property.

Proposed use of the property: Grain farming & production; Illinois Dept. of Agriculture licensed lawn treatment service

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

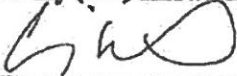
Structural and cosmetic improvements are planned to be made to some of the existing structures.

No new construction is currently planned.

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.



Record Owner

12/5/2024

Date

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.*

Weiss Commercial Properties LLC
Name of Development/Applicant

12/5/2024,
Date

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

The use is not being proposed to change. The existing use of the property is similar to surrounding uses. No structural changes to the farmstead/business and, therefore, the property would remain consistent with prior uses.

2. What are the zoning classifications of properties in the general area of the property in question?
RR, B1, R1, F

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

As the Applicant owns and operates a business with direct licensing through the Illinois Department of Agriculture, the use is consistent with the zoning district being requested.

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

The property to the east and south is fully developed. The property to the west and north is dedicated open space maintaining the farmstead use on the subject property.

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

The projected use is not inconsistent with the farming classification.

Findings of Fact Sheet – Special Use

Special Use Request

12/5/2024

Date

- *The Kene 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 existing and proposed use is consistent with the surrounding agricultural uses. No changes to the existing farmstead are contemplated. The Applicant's business maintains organic based fertilizer on site with other horticultural based material consistent with the F-2 zoning District and needs no outdoor storage. As it is an agricultural use, there is no detrimental effect to the public health, safety or 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 use is entirely consistent with the F-2 zoning classification. The aesthetic improvements and the exceptional care taken by the Owners to maintain the property will benefit the use, enjoyment and value of the property in the immediate vicinity.

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

The property to the east and south are fully developed. The property to the west and north are dedicated open space and farm land. Maintaining the agricultural use and the farmstead on the property operates as an appropriate transition from developed land to open space farm land and enhances the orderly development and improvement of the surrounding property.

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

A dedicated driveway and access road currently exist and provide seamless ingress and egress to the property without interfering with ingress or egress to any of the surrounding properties.

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

Adequate measures for ingress and egress existed at the time the Applicant acquired the property in the form of a specially designated access road and driveway and independent of the Keslinger Peck signaled intersection thus minimizing any traffic or congestion that could be attributable to the use of this property.

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

The existing and proposed use is intended for agriculturally related sales and services. Weiss Lawn Care is a locally owned and operated full service ground maintenance lawn care licensed lawn fertilizing applicator and operator uniquely meeting the intent and requirements of the F-2 District.

Weiss Commercial Properties, LLC

Rezoning from F-District Farming to F-2 District – Agricultural related sales, service, processing, research, warehouse and marketing with a Special Use for a landscaping business

Special Information: The petitioner is seeking a rezoning to bring his landscaping business on the property into conformance with the Zoning Ordinance. No new buildings will be constructed. Structural and cosmetic improvements will be made to some of the buildings. The existing home will be occupied by someone related to the business who will monitor the property.

Analysis: The Kane County 2040 Land Use Plan designates this area as Countryside Estate Residential. The areas indicated on the 2040 Land Use Map in this category are generally those which are characterized by rolling, moraine hills separated by wetlands or small creeks and with large areas of woodlands and other native vegetation. These areas are often adjacent to existing low-density residential areas, may already have a limited degree of scattered, estate-type development, and sometimes include land used for equestrian activities or serve as a low-density transition to important agricultural and green infrastructure resources.

The plan recommends establishing low-density criteria for future developments to preserve the character, wildlife base, and natural features of these areas. The density and lot size of each individual development should be determined by the physical characteristics previously stated, the trend and character of development in the surrounding area, soil suitability for septic systems, and significant open space and green infrastructure preservation. The gross density should not generally exceed an average of one dwelling unit per four acres of land. The residence and farm buildings are existing and are in conformance with the general characteristics of the Countryside Estate Land Use category. The proposed business use would be an adaptive re-use of a existing farm buildings which have been on the property for approximately 100 years. The Kane County 2040 Plan and the Kane County Historic Preservation Plan both encourage the adaptive use of farm buildings.

Comments received regarding this petition as of December 30, 2024:

1. From the Kane County Water Resources Department - STIPULATION: Impervious area has been added to the site. A Stormwater Permit will be required to bring the site into conformance with the Kane County Stormwater Ordinance. The site appears to be below the threshold for Stormwater Detention. All impervious area added since June 2019 will require a BMP to treat 1 inch of runoff. Detention will be triggered at 25,000 sq ft of impervious added cumulatively since 2002.

Staff recommended findings of fact:

1. The rezoning will bring the existing landscaping into conformance with the Zoning Ordinance.

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

Weiss Commercial Properties LLC

165 Easy Street
Carol Stream, IL 60188
(630) 432-4110
craigw@weisslawnandsnow.com

January 19, 2024

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

Keith Berkhout
Kane County Zoning Planner
Kane County Development Department
719 S. Batavia Avenue
Geneva, IL 60134

Re: Weiss Lawn Care and Weiss Services, Inc.
1N016 Peck Road, Geneva, IL
Our File No.: G34638

Dear Keith:

In response to your request for background information, I am providing a narrative explanation of what we do. We are a lawn treatment service licensed through the Illinois Department of Agriculture. We have been servicing the Chicago Western Suburbs and Kane County since 1994. We are a locally owned and operated service business. We have approximately forty-five employees, with five locations, two in Carol Stream, one in West Chicago, one in St. Charles, and then, of course, this one in Geneva. At any given time, we service about 19,000 homes around the Western Suburbs and are passionate about providing the very best lawn service, focused on organic-based fertilizer, excellent local customer service and experience, to our customers and communities. In addition, we maintain approximately nineteen acres of tillable farmland to help provide food and resources to our communities as well.

Attached to this narrative is the site plan identifying the use of each structure. Roughly eight pickup trucks operate out of this facility on a daily basis, mostly on the weekdays but occasionally on Saturdays and very rarely on Sundays. During the spring and fall for about a month we will have four or so small 12-foot trailers that will go out behind the pickup trucks to provide cultivation services to our customers. Our material list will be mostly comprised of our Organic Based Fertilizer which comes prebagged from our local supplier, very high-quality seed blends, and some weed control and pest control products.

Sincerely,

Craig Weiss

Berkhout, Keith

From: Dawn Jones <dawn@hmcpc.com>
Sent: Wednesday, September 18, 2024 1:43 PM
To: VanKerkhoff, Mark; Berkhout, Keith
Cc: Kate McCracken
Subject: EX: Weiss Lawn Care/Weiss Commercial Properties LLC: 12-06-400-013
Attachments: 9.6.23 Submittal.pdf; Ltr to Kane County.pdf

Dear Keith and Mark:

With respect to the third topic of discussion on Monday the 23rd, I am resubmitting the original submittal for my client, Weiss Commercial Properties LLC and Weiss Lawn Care, as it relates to their facility at 1N016 Peck Road, Geneva, Illinois. In addition, I am enclosing the narrative that was provided in January as well as the answer to a host of your questions. First, you had asked where Craig intends to keep the mechanical equipment. The mechanical equipment is kept in various buildings, including buildings 4, 5, 6, 7 and 8. Weiss Lawn Care does not do truck or vehicle maintenance on site. All vehicle maintenance and truck maintenance is done off site. There is intended to be no snow removal activity and, therefore, there are no snow removal trucks or equipment nor is snow removal part of the business plan to be run out of this property. They have no current plans to operate the property as a nursery. At one point you had an overhead photo that appeared to show outdoor storage of materials, however, the lawn care operation does not have outdoor storage. They do not store mulch, firewood or dirt that would be for sale or use of customers. If there is some temporary outdoor storage of materials, it is typically with respect to maintenance of the grounds. As you can see from just simply driving by, the property is kept in remarkably pristine condition and, therefore, the owners take great care in maintaining the property. Finally, you asked about signage. While my client is interested in the potential installation of a sign on the front gate, there are no current plans for any additional signage other than what currently exists at the property. I look forward to discussing this further with you and Craig Weiss on Monday.

Sincerely,
Kate L. McCracken

By: *Dawn L. Jones*
Assistant to Kate L. McCracken
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.
1001 East Main Street, Suite G
St. Charles, Illinois 60174-2203

MEMORANDUM

To: Keith Berkhout
From: Kate McCracken
Date: December 19, 2024
Re: 1N016 Peck Road, Geneva, IL

Pursuant to your request, I am supplementing the original Submittal made on behalf of our client, Weiss Commercial Properties LLC and Weiss Lawn Care, with respect to their facility at 1N016 Peck Road, Geneva, Illinois to be added to their file.

First, you had asked where the mechanical equipment is kept. The mechanical equipment is kept in various buildings, including buildings 4, 5, 6, 7 and 8. Weiss Lawn Care does not do truck or vehicle maintenance on site. All vehicle maintenance and truck maintenance is done off site. There will be no snow removal activity and, therefore, there are no snow removal trucks or equipment nor is the snow removal business located at this site.

My clients have no plans to operate the property as a nursery. At one point you had an overhead photo that appeared to show outdoor storage of materials, however, the lawn care operation does not have, need or use outdoor storage. They do not store mulch, firewood or dirt that would be for sale or use of customers. If there is some temporary outdoor storage of materials, it is typically with respect to maintenance of the grounds. As you can see from just simply driving by, the property is kept in remarkably pristine condition and, therefore, the owners take great care in maintaining the property. Finally, you asked about signage. While my client is interested in the potential installation of a sign on the front gate, there are no current plans for any additional signage other than what currently exists at the property.

As I have previously indicated, this property is uniquely appropriate for the F-2 zoning district. As the intent of this district is to provide an appropriate location for agriculturally related sales and services, my client's use is entirely consistent with this intent. The residential structure on the property is occupied by an individual closely related to the business who is able to oversee the operation on a 24-hour basis. As the business continues to be challenged by individuals driving into and through the facility without permission or authority, it is important to have an individual there who can properly monitor random unauthorized entries. Finally, a small parking area west of Building No. 5 has been added to accommodate the ingress and egress of the Weiss Lawn Care trucks and employee parking. It is not visible on the black and white version of the Site Plan as it is in the shadows. Please let me know what else we can provide.

Kate L. McCracken

LEGAL DESCRIPTION

For the premises commonly known as: 1N016 Peck Rd
Geneva, Illinois 60134

Legal Description:

PARCEL 1:

THE EASTERLY 754.0 FEET OF THE SOUTHERLY 400.0 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 6 TOWNSHIP 39 NORTH RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTHERLY OF THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD COMPANY (FORMERLY CHICAGO AND NORTHWESTERN RAILWAY COMPANY) IN THE CITY OF GENEVA AND IN GENEVA TOWNSHIP, KANE COUNTY, ILLINOIS, (EXCEPT PART DEEDED TO COUNTY OF KANE BY DEED DOCUMENT 1999K098763 DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 6, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 29 MINUTES 26 SECONDS EAST, A DISTANCE OF 42.66 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY, AND THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 29 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 400.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTHERLY 400.00 FEET OF THAT PART OF SAID SOUTHEAST 1/4 OF SECTION 6 LYING NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY; THENCE NORTH 84 DEGREES 03 MINUTES 39 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 112.41 FEET; THENCE SOUTH 10 DEGREES 45 MINUTES 10 SECONDS WEST, A DISTANCE OF 21.21 FEET; THENCE SOUTH 05 DEGREES 02 MINUTES 24 SECONDS WEST, A DISTANCE OF 377.10 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY; THENCE SOUTH 84 DEGREES 03 MINUTES 39 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 146.25 FEET TO THE POINT OF BEGINNING).

PARCEL 2:

PERMANENT EASEMENT: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6, THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 6, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 29 MINUTES 26 SECONDS EAST, A DISTANCE OF 442.66 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTHERLY 400.00 FEET OF THAT PART OF SAID SOUTHEAST QUARTER OF SECTION 6 LYING NORTHERLY OF THE RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY; THENCE NORTH 84 DEGREES 03 MINUTES 39 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 112.41 FEET TO THE POINT OF BEGINNING; THENCE NORTH 84 DEGREES 03 MINUTES 39 SECONDS WEST CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 50.18 FEET; THENCE NORTH 10 DEGREES 45 MINUTES 10 SECONDS EAST, A DISTANCE OF 80.91 FEET; THENCE NORTH 01 DEGREES 30 MINUTES 42 SECONDS EAST, A DISTANCE OF 288.65 FEET; THENCE SOUTH 88 DEGREES 29 MINUTES 18 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 01 DEGREES 30 MINUTES 42 SECONDS WEST, A DISTANCE OF 292.70 FEET; THENCE SOUTH 10 DEGREES 45 MINUTES 10 SECONDS WEST, A DISTANCE OF 80.74 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF GENEVA, KANE COUNTY, ILLINOIS.

This instrument was prepared by:

Alan Garrow
Nealis & Garrow, P.C.
2s889 Red Oak Drive
Elburn, IL 60119

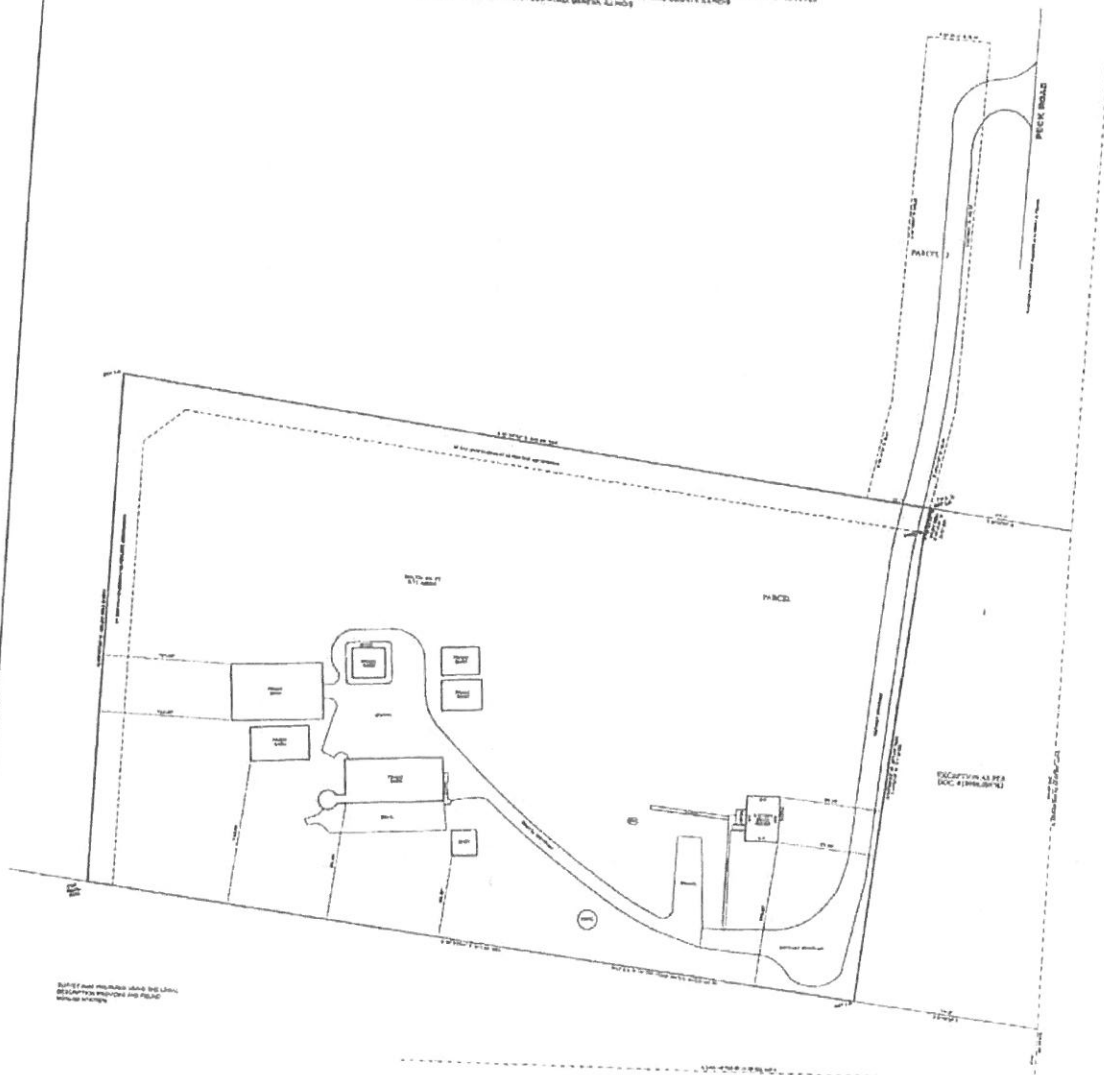
Send subsequent tax bills to:

Weiss Commercial Properties, LLC
1N016 Peck Rd
Geneva, IL 60134
165 EASY ST
CHAD STREHM, IL 60188

Mail recorded document to:

Weiss Commercial Properties, LLC
1N016 Peck Rd Geneva
Illinois 60134
JOHN NOSCHET
1001 E. MAIN ST. STE G
ST. CHARLES IL 60174

DALE FLOYD LAND SURVEYING L.L.C.
2505 NE 51st AVE SUITE 200
DENVER, CO 80221
PHONE 303-233-7777 FAX 303-233-7776
E MAIL: DFL@DLSURV.COM

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SECRET

Page 14

Page 15

Page 16

Page 17

Page 18

Page 19

Page 20

Page 21

Page 22

Page 23

Page 24

Page 25

Page 26

Page 27

Page 28

Page 29

Page 30

Page 31

Page 32

Page 33

Page 34

Page 35

Page 36

Page 37

Page 38

Page 39

Page 40

Page 41

Page 42

Page 43

Page 44

Page 45

Page 46

Page 47

Page 48

Page 49

Page 50

Page 51

Page 52

Page 53

Page 54

Page 55

Page 56

Page 57

Page 58

Page 59

Page 60

Page 61

Page 62

Page 63

Page 64

Page 65

Page 66

Page 67

Page 68

Page 69

Page 70

Page 71

Page 72

Page 73

Page 74

Page 75

Page 76

Page 77

Page 78

Page 79

Page 80

Page 81

Page 82

Page 83

Page 84

Page 85

Page 86

Page 87

Page 88

Page 89

Page 90

Page 91

Page 92

Page 93

Page 94

Page 95

Page 96

Page 97

Page 98

Page 99

Page 100

Page 101

Page 102

Page 103

Page 104

Page 105

Page 106

Page 107

Page 108

Page 109

Page 110

Page 111

Page 112

Page 113

Page 114

Page 115

Page 116

Page 117

Page 118

Page 119

Page 120

Page 121

Page 122

Page 123

Page 124

Page 125

Page 126

Page 127

Page 128

Page 129

Page 130

Page 131

Page 132

Page 133

Page 134

Page 135

Page 136

Page 137

Page 138

Page 139

Page 140

Page 141

Page 142

Page 143

Page 144

Page 145

Page 146

Page 147

Page 148

Page 149

Page 150

Page 151

Page 152

Page 153

Page 154

Page 155

Page 156

Page 157

Page 158

Page 159

Page 160

Page 161

Page 162

Page 163

Page 164

Page 165

Page 166

Page 167

Page 168

Page 169

Page 170

Page 171

Page 172

Page 173

Page 174

Page 175

Page 176

Page 177

Page 178

Page 179

Page 180

Page 181

Page 182

Page 183

Page 184

Page 185

Page 186

Page 187

Page 188

Page 189

Page 190

Page 191

Page 192

Page 193

Page 194

Page 195

Page 196

Page 197

Page 198

Page 199

Page 200

Page 201

Page 202

Page 203

Page 204

Page 205

Page 206

Page 207

Page 208

Page 209

Page 210

Page 211

Page 212

Page 213

Page 214

Page 215

Page 216

Page 217

Page 218

Page 219

Page 220

Page 221

Page 222

Page 223

Page 224

Page 225

Page 226

Page 227

Page 228

Page 229

Page 230

Page 231

Page 232

Page 233

Page 234

Page 235

Page 236

Page 237

Page 238

Page 239

Page 240

Page 241

Page 242

Page 243

Page 244

Page 245

Page 246

Page 247

Page 248

Page 249

Page 250

Page 251

Page 252

Page 253

Page 254

Page 255

Page 256

Page 257

Page 258

Page 259

Page 260

Page 261

Page 262

Page 263

Page 264

Page 265

Page 266

Page 267

Page 268

Page 269

Page 270

Page 271

Page 272

Page 273

Page 274

Page 275

Page 276

Page 277

Page 278

Page 279

Page 280

Page 281

Page 282

Page 283

Page 284

Page 285

Page 286

Page 287

Page 288

Page 289

Page 290

Page 291

Page 292

Page 293

Page 294

Page 295

Page 296

Page 297

Page 298

Page 299

Page 300

Page 301

Page 302

Page 303

Page 304

Page 305

Page 306

Page 307

Page 308

Page 309

Page 310

Page 311

Page 312

Page 313

Page 314

Page 315

Page 316

Page 317

Page 318

Page 319

Page 320

Page 321

Page 322

Page 323

Page 324

Page 325

Page 326

Page 327

Page 328

Page 329

Page 330

Page 331

Page 332

Page 333

Page 334

Page 335

Page 336

Page 337

Page 338

Page 339

Page 340

Page 341

Page 342

Page 343

Page 344

Page 345

Page 346

Page 347

Page 348

Page 349

Page 350

Page 351

Page 352

Page 353

Page 354

Page 355

Page 356

Page 357

Page 358

Page 359

Page 360

Page 361

Page 362

Page 363

Page 364

Page 365

Page 366

Page 367

Page 368

Page 369

Page 370

Page 371

Page 372

Page 373

Page 374

Page 375

Page 376

Page 377

Page 378

Page 379

Page 380

Page 381

Page 382

Page 383

Page 384

Page 385

Page 386

Page 387

Page 388

Page 389

Page 390

Page 391

Page 392

Page 393

Page 394

Page 395

Page 396

Page 397

Page 398

Page 399

Page 400

Page 401

Page 402

Page 403

Page 404

Page 405

Page 406

Page 407

Page 408

Page 409

Page 410

Page 411

Page 412

Page 413

Page 414

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Page 423

Page 424

Page 425

Page 426

Page 427

Page 428

Page 429

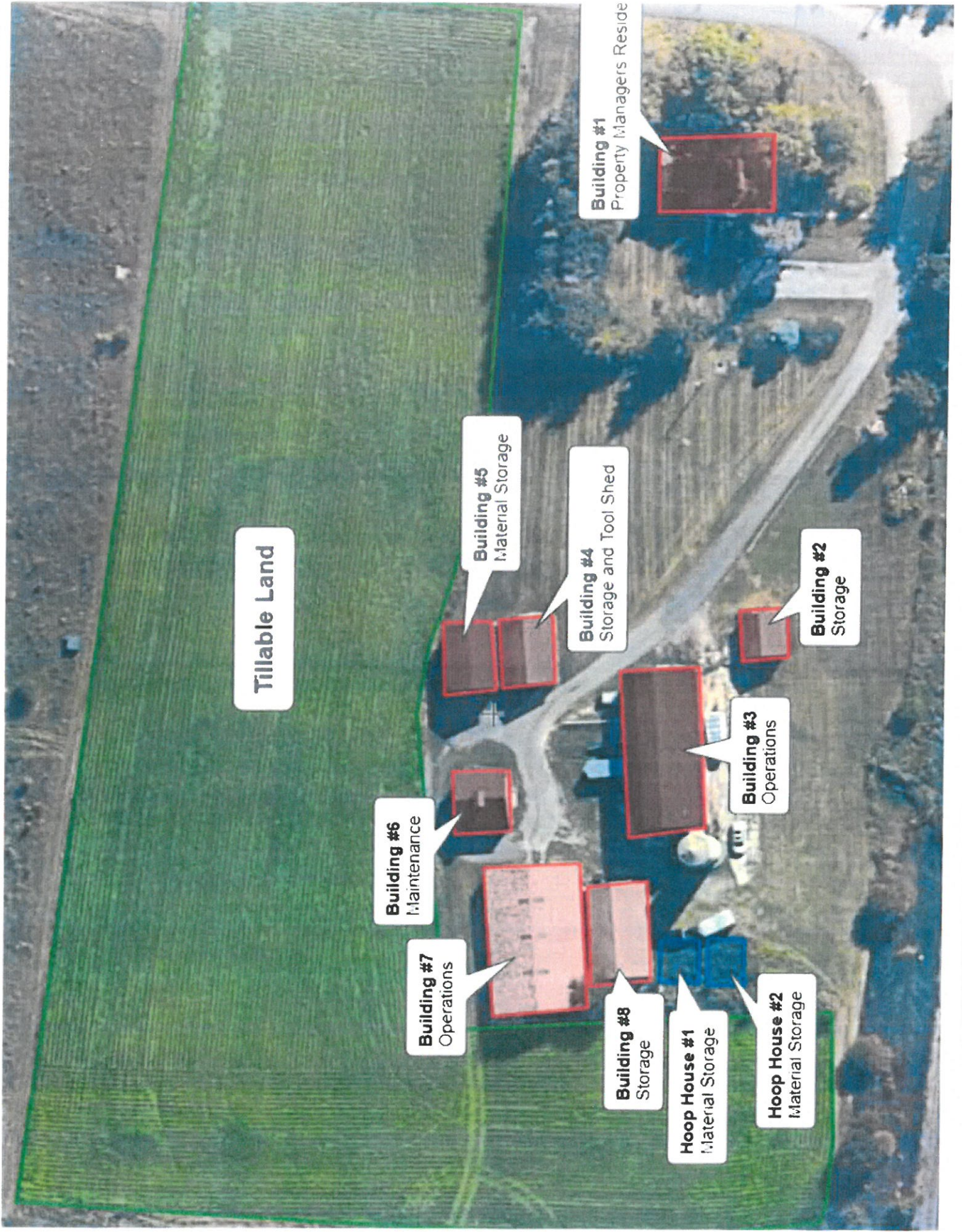
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Page 43

1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.

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Tillable Land

Building #1
Property Managers Residence

Building #5
Material Storage

Building #4
Storage and Tool Shed

Building #2
Storage

Building #3
Operations

Building #6
Maintenance

Building #7
Operations

Building #8
Storage

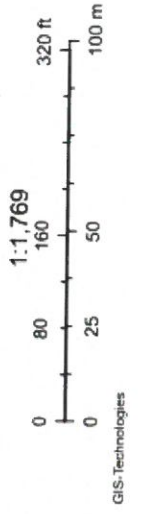
Hoop House #1
Material Storage

Hoop House #2
Material Storage

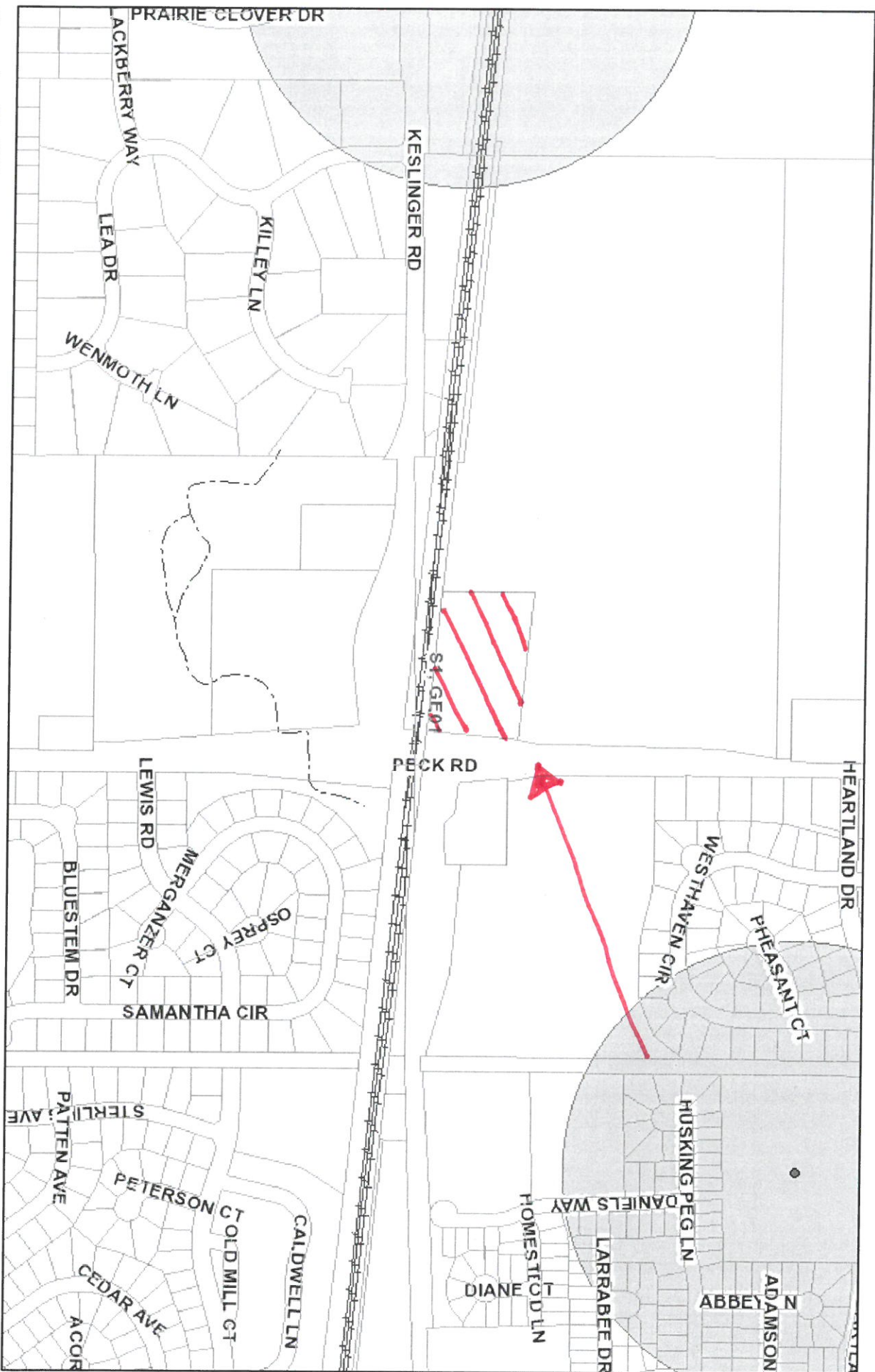
Map Title



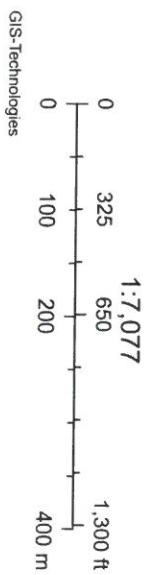
December 12, 2024



Map Title



December 12, 2024





January 10, 2025

Kane County Development Department

Keith Berkhout & Natalie Zine

719 S. Batavia Ave.

Geneva, IL 60134

Re: Natural Resources Inventory

Application: #25-004

Petitioner: Weiss Commercial Properties LLC

Craig Weiss

165 Easy St.

Carol Stream, IL 60188

Location Address: Parcel #12-06-400-013, located at 1 N. 016 Peck Rd. Geneva, IL 60134

Location: Geneva Township 39N Range 8E, Section 06, in Kane County

The application for a Natural Resources Inventory 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 Natural Resources Inventory is not required at this time for the proposed zoning change because **an NRI report under the number 22-033 was completed for this property in 2022. Also, there is no ground disturbance.** Therefore, no further action will be taken by the Soil and Water Conservation District Board. All NRI decisions are valid for **five** years for the stated purpose only. However, **if there are deviations from the submitted application or plan or increase of impervious surface, a full NRI report may be required, and an application may need to be resubmitted.**

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

Sincerely,

Emma Hunter

Emma Hunter

Resource Analyst