

4555

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

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): Parts of 10-05-200-015 & 10-05-200-016
	Street Address (or common location if no address is assigned): 49W073 Illinois State Route No. 38 Maple Park, IL 60151

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

3. Owner of record:	Name A) Richard L. Zimmerman Trust: Tr # 1, Richard L. Zimmerman, Trustee B) Zachary Tentinger dba 49W073 LLC	Phone 630-715-7180
Contract Purchaser:	Address A) 17855 Illinois State Route No.23 DeKalb, IL 60115-8867 B) 49W420 Illinois State Route No. 38 Maple Park, IL 60151	Fax
	B)	Email zack@tentinger.co

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Agriculture

Current zoning of the property: F District-Farming and F1 District-Rural Residential

Current use of the property: Farming with residence and outbuildings

Proposed zoning of the property: F2 District under Section 8.3-2d, Special uses.

Proposed use of the property: Special Uses: Horticultural services, to accommodate Tentinger Landscapes, a nursery and landscaping business owned and operated by 49W073 LLC, all as described in attached stipulation.

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

The components normally associated with a nursery and landscaping business are contemplated: outdoor storage of nursery and landscaping supplies, materials and palletized stone and pavers, including bins for top soil, mulch, sand and gravel, storage of pre-dug, balled in burlap or otherwise containerized plants; indoor storage of most trucks, trailers and accessory equipment, all as shown on the attached Site Development Plan (Exhibit "D").

Attachment Checklist

- Plat of Survey prepared by an Illinois Professional Land Surveyor = **Exhibit B**
- Legal description = **Exhibit A**
- Completed Land Use Opinion application (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, 2315 Dean Street, Suite 100, St. Charles, IL 60175.
- Endangered Species Consultation Agency Action Report (available in pdf form at 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. See KC GIS Aerial Photo (**Exhibit C**).
- Trust or LLC Manager Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department) **\$1800.00**
- Site plan drawn to scale to demonstrate property can meet requirements of proposed zoning district (parking requirements, setbacks, landscaping, etc.) **Exhibit D**

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: 49W073 LLC, 49W420 Route 38, Maple Park, IL 60151

By: 
Zachary Tentinger, Manager

Date: 7/10/20

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

Date: 7/10/20

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.*

Tentinger Rezoning-F2 District—Horticultural services
Name of Development/Applicant

July 10, 2020
Date

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

There are already 3 similar F2 uses existing on properties within a mile of the subject property. The proposed use will not be inconsistent with existing uses in the area.

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

The F District-Farming classification predominates in the area except for 3 other F2-District classifications that exist on nearby properties within a mile of the subject property. Within the same area, there are a dozen or so scattered F1-zoned parcels, 2 of which occur within the subject property.

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

The proposed use of the existing infrastructure on the subject property is suitable but is not a permitted use in the F District. Since farming operations have ceased for several years, the buildings and other infrastructure existing on the subject property have been underutilized.

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

Except for occasional rezoning of scattered F1's and F2's on nearby properties during the past 15 years, there has been no perceptible development in the immediate area.

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

The proposed re-classification and use is compatible with the 2040 Plan since it will not take any significant amount of land out of production but retains the potential for growing nursery stock on the remainder of the property.

Findings of Fact Sheet – Special Use

Tentinger Special Use
Special Use Request

July 10, 2020
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 Special Use (F2) to operate a landscaping business is proposed on a 2.96-acre parcel along the south side of Illinois State Route No. 38, approximately 1½ miles east of Maple Park. Any necessary parking will be provided onsite together with driveways that will utilize the existing curb cut onto Route 38 where the sight distance for vehicles entering or leaving Route 38 is more than adequate for the proposed use. The existing water well and waste water treatment systems will continue to be used on the subject property. Since the hydrologically disturbed area has been scaled down from the former farming operations, storm water management will be minimal. The hours of operation, number and types of vehicles and equipment to be used and head count of personnel is set out in the attached stipulation. The proposed use is compatible with any other residential or agricultural use in the area and should not be detrimental to any adjoining properties.
 7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.
The proposed use will occur on the site of a former farming operation and, as described in the attached stipulation, will not prevent anyone in the vicinity of the subject property from the full enjoyment and use of their property. Such proposed activities will have no deleterious effect on surrounding properties.
 8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.
The presence of the proposed use is not related to the development of any adjoining properties. Surrounding properties will remain completely free to develop pursuant to prevailing land use regulations.
 9. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain:
Yes: any additional infrastructure required will be provided on property owned by the petitioner to accommodate the proposed use.
 10. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain:
Yes, as stated in #6 above.
 11. Will the special use conform to the regulations of the district in which it is located? Please explain:
Yes.

July 24, 2020

Richard Zimmerman Trust (Tentinger Landscapes)
Rezoning from F to F-2 to allow for a nursery and landscaping business

Special Information: The petitioner is requesting a rezoning to allow his nursery and landscaping business to be located to this property. A portion of the property will be used to store their vehicle fleet and equipment. Nursery stock will be raised on the northwestern portion of the property.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Agricultural. The Plan states that the Agricultural use category also provides for agribusinesses, farm support services, and other related uses that are dependent upon, or closely allied to, modern agricultural practices. Kane County recognizes that prime farmland can be best utilized as agricultural land when supported by a full range of agribusiness and farm services in the immediate area. In 2013, The Kane County Board adopted the “Growing for Kane” Program, which supports and encourages local food propagation, consumption, and the production of value added products.

Staff recommended Findings of Fact:

1. The rezoning will allow for an additional nursery and landscaping business in the area.

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

STIPULATION

Operating Plan of Tentinger Landscapes, Inc.

Tentinger Landscapes is a full-service landscape provider offering design, construction and maintenance to residential and commercial clients throughout the western suburbs of Chicago. We provide professional service and are experienced in all aspects of landscape design, construction, and maintenance. Our passion for landscape is apparent in the designs we craft and the properties we maintain. Our past successes have been recognized by long and rewarding customer relationships and referrals, which are the foundation and future of our company.

As of June 2016, Tentinger Landscapes (hereafter TL) employs 12 full time, seasonal employees from its shop location. Employee arrival to the shop location is 6:00 am and return time is typically 7:00 pm, Monday-Friday, including Saturdays during prime season. As of June 2016, TL owns and operates 8 trucks and 7 trailers. Typically, each of these 5 trucks will depart at different times following preparation for the day. Typical shop departure for trucks begins at 6:00am each operation day.

In addition to trucks and trailers, TL owns and operates three (3) skid steers currently, which when not in use on jobsites will be stored inside the existing machine shed or outside for material loading and unloading use. Other motorized equipment includes mowers, blowers, line trimmers, sod cutter, rototillers, chainsaws, brick saws, compaction equipment, and trimmers. Such equipment is stored daily inside enclosed trailers for safety and efficiency of use by each respective crew.

The only lighting on site shall be security lighting, installed in key locations to deter criminal activity or theft.

Nursery stock will be raised on the northwesterly portion of the property that will remain in the F District. It is anticipated that additional land adjacent to the subject property will be added to the nursery.

On Road Equipment as of 6/27/16

- (T1) 1997 Ford F250 (GVWR 8,000 lbs.)
- (T2) 2004 Ford F450 (GVWR 16,000 lbs.)
- (T3) 1999 Ford F450 (GVWR 16,000 lbs.)
- (T4) 2005 Ford F350 (GVWR 8,000 lbs.)
- (T5) 2007 Ford F350 (GVWR 12,000 lbs.)

(T6) 2000 Ford F450 (GVWR 16,000 lbs.)

(T7) 2008 Ford F350 (GVWR 12,000 lbs.)

(T8) 2002 Ford F450 (GVWR 16,000 lbs.)

Trailers as of 6/27/16

(TR1) 2006 Load Trail Dump Trailer (GVWR 10,400 lbs.)

(TR2) 2012 Cargo Mate Enclosed Trailer (GVWR 7,000 lbs.)

(TR3) 2001 Kiefer Equipment Trailer (GVWR 14,000 lbs.)

(TR4) 2015 Cargo Mate Enclosed Trailer (GVWR 7,000 lbs.)

(TR5) 2015 PJ Dump Trailer (GVWR 14,000 lbs.)

(TR6) 2016 Cargo Mate Enclosed Trailer (GVWR 7,000 lbs.)

(TR7) 2011 JB Enterprises Enclosed/Skidsteer Trailer (GVWR 14,000 lbs.)

Off Road Equipment as of 6/27/16

(SS1) 1998 Bobcat 873 skidsteer

(SS2) 2008 New Holland L185 skidsteer

(MS1) 2015 Vermeer s725tx MINI skidsteer

Planned Replacement Equipment Purchases

Ford F450 truck (to replace the current T2)

Ford F350 truck (replacement as needed)Equipment Trailer

PLAT AND CERTIFICATE OF SURVEY

PARCEL ONE

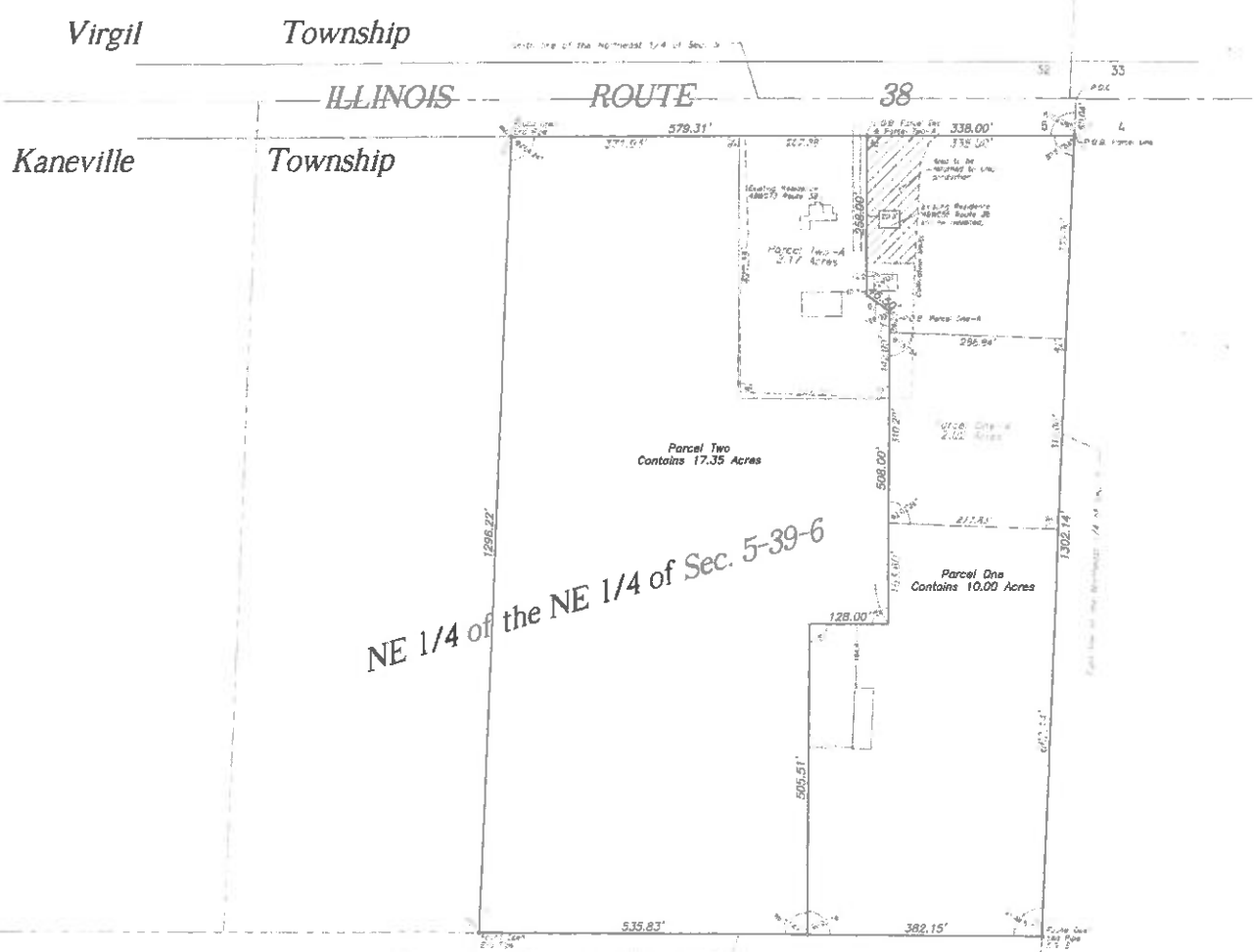
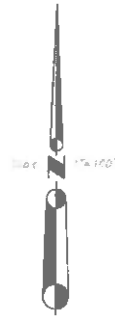
THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 80.04 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 38 FOR THE POINT OF BEGINNING, THENCE WESTERLY, AT AN ANGLE OF 82°02'10" MEASURED CLOCKWISE FROM SAID EAST LINE, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 338.00 FEET, THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 288.04 FEET, THENCE SOUTHWESTERLY, AT AN ANGLE OF 126°00'00" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 427.50 FEET, THENCE SOUTHERLY, AT AN ANGLE OF 126°00'00" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 508.00 FEET, THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 508.00 FEET, THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 535.83 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, THENCE EASTERLY, AT AN ANGLE OF 0°00'00" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID SOUTH LINE, 535.83 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, THENCE NORTHERLY, AT AN ANGLE OF 53°30'51" MEASURED CLOCKWISE FROM SAID SOUTH LINE, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 150.14 FEET TO THE POINT OF BEGINNING, ALL IN KANEVILLE TOWNSHIP, WANE COUNTY, ILLINOIS.

PARCEL TWO

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- Boundary of Parcel, as shown
- - - - - Boundary of other parcels
- Boundary of other parcels
- Boundary of other parcels
- Boundary of other parcels

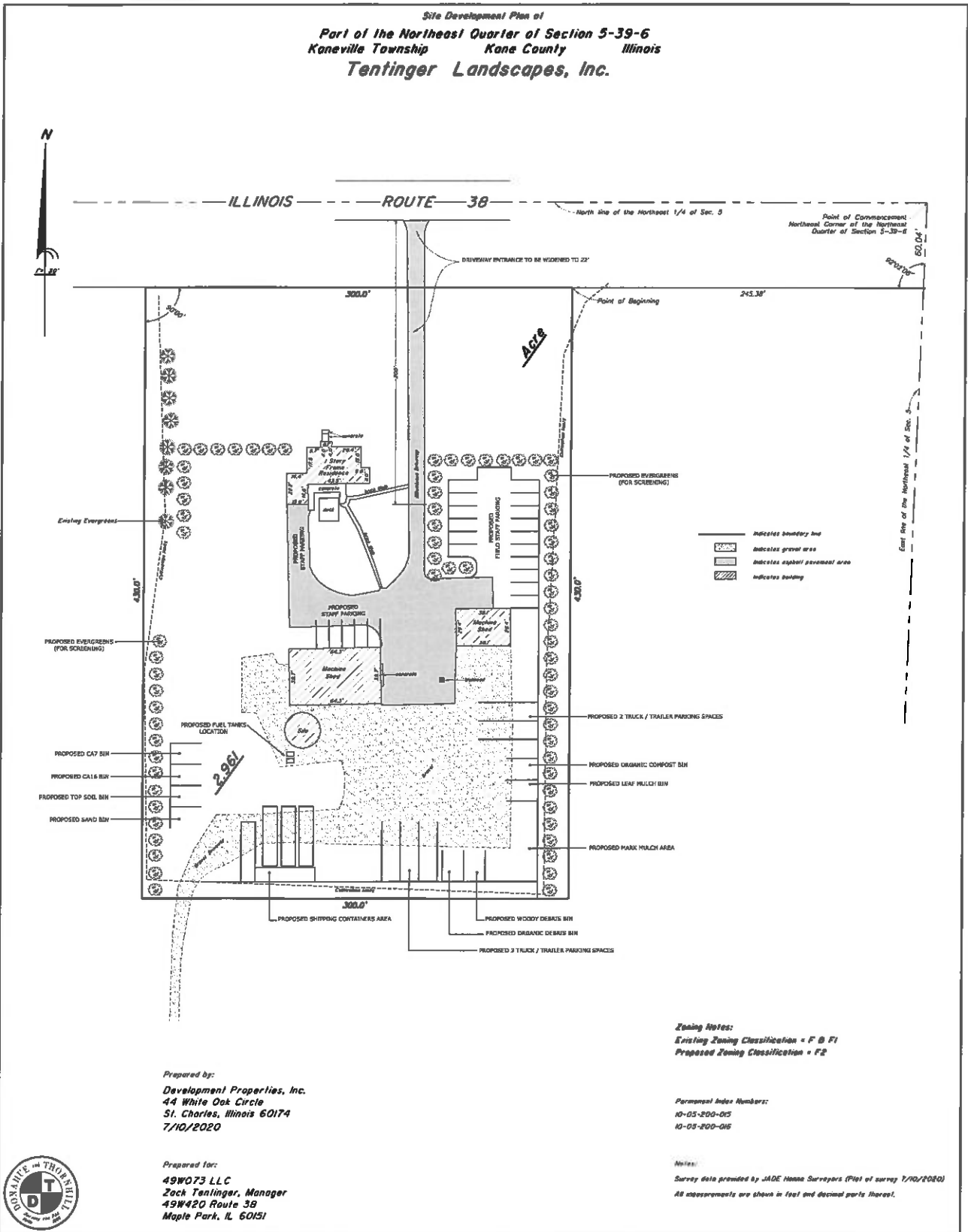
STATE OF ILLINOIS
 COUNTY OF WANE
 I, the undersigned, being a duly qualified and sworn Surveyor, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the above described land, and I believe that the same is correct and true.



David J. Zimmermann
 License No. 004710
 508 Pine Street
 Kaneville, Illinois 62451
 Tel. 618-756-1100
 Fax 618-756-1100

Exhibit "D"

Site Development Plan of
 Part of the Northeast Quarter of Section 5-39-6
 Kaneville Township Kane County Illinois
 Tentinger Landscapes, Inc.



Prepared by:
 Development Properties, Inc.
 44 White Oak Circle
 St. Charles, Illinois 60174
 7/10/2020

Prepared for:
 49W073 LLC
 Zack Tentinger, Manager
 49W420 Route 38
 Maple Park, IL 60151

Zoning Notes:
 Existing Zoning Classification = F B F1
 Proposed Zoning Classification = F2

Parcel Index Numbers:
 10-05-200-005
 10-05-200-016

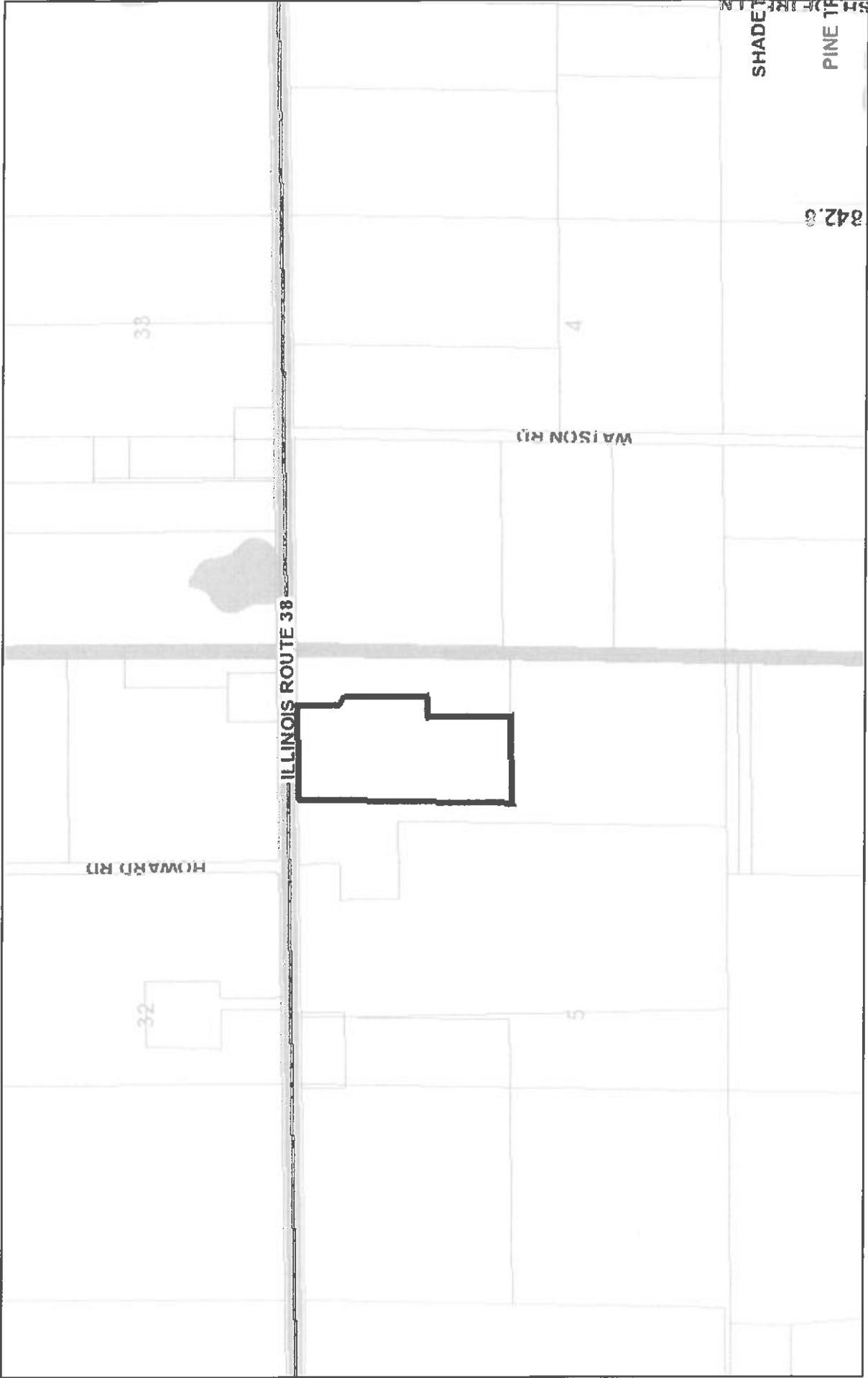
Notes:
 Survey data provided by J&D Hanna Surveyors (Plot of survey 7/10/2020)
 All measurements are shown in feet and decimal parts thereof.



Tentinger Landscapes, Inc.

58007

Map Title



July 24, 2020

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

Applicant: Development Properties, Inc.
Contact: John Thornhill
Address: 44 White Oak Circle
St. Charles, IL 60174

IDNR Project Number: 2100472
Date: 07/09/2020
Alternate Number: 2020-001

Project: 49W073 LLC/Tentinger Rezoning
Address: 49W073 Illinois State Route No. 38, Maple Park, IL

Description: Rezoning to allow landscaping company to operate on subject property.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation 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. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:
39N, 6E, 5



IL Department of Natural Resources
Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County Development Department
Keith Berkhout
719 Batavia Avenue
Geneva, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, 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, compliance with applicable statutes and regulations is required.

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1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

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Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

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