

**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

4597

SPECIAL USE APPLICATION:

Received Date: ( / / )

*To request a special use for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.*

**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):** 06-16-327-001; 06-16-327-002  
**Street Address:** 11N323 Brookside Dr. Elgin Il 60123

2. **Applicant Information:**

**Name:** Solis Enterprise LLC.; Franco Pelagio  
**Address:** 902 S. Randall Road C#251; St. Charles, Il 60174  
**Phone:** mobile (630) 774-0277; office (630)587-1212  
**Email:** [franco@pelagioandsons.com](mailto:franco@pelagioandsons.com)

3. **Owner of Record Information:**

**Name:** Solis Enterprise LLC., c/o Franco Pelagio, Ralph Pelagio  
**Address:** 902 S Randall Road C#251; St. Charles, Il 60174  
**Phone:** Franco Pelagio (630)774-0277, Ralph Pelagio (630)918-5371  
**Fax:** n/a  
**Email:** Franco Pelagio: [franco@pelagioandsons.com](mailto:franco@pelagioandsons.com) ;  
Ralph Pelagio: [ralph@pelagioandsons.com](mailto:ralph@pelagioandsons.com)

4. **Zoning and Use Information:**

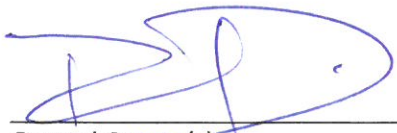
**2040 Plan Land Use Designation of the property:** Commerce/Employment  
**Current zoning of the property:** B3 District – Business  
**Current use of the property:** Pelagio and Sons - concrete contractor  
**Proposed Zoning/Special Use:** B3 District – Business, with a Special Use Permit to permit outdoor storage of vehicles and equipment.  
**Proposed Improvements:** In connection with the Special Use Permit, Applicant does not propose any improvements or construction at this time.

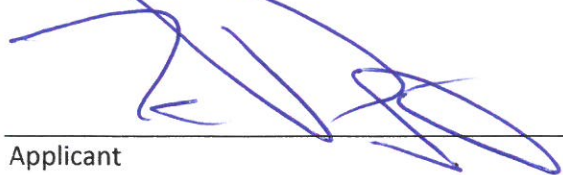
**Attachment Checklist**

1. Plat of Survey prepared by an Illinois Registered Land Surveyor
2. Legal Description
3. Completed Land Use Opinion Application
4. Endangered Species Consultation Agency Action Report to be filed with the IDNR.
5. List of record owners of all property within 250 feet of the subject property.
6. Trust Disclosure (If applicable)
7. Findings Fact Sheet
8. Application Fee

**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.**

FRANCO PELAGIOLLO 5/25/22  
Record Owner(s) Date

 5/25/22  
Record Owner(s) Date

  
Applicant Date

David Reimer

Special Use in the B-3 Business District to allow outdoor storage of vehicles and equipment

**Special Information:** The northern lot was rezoned to B-3 District Business in 1964 and the southern lot was rezoned to B-3 District Business in 1967. The petitioner is seeking a Special Use to bring the property into conformance with the Zoning Ordinance for their proposed concrete construction business. The petitioner is not proposing any improvements or construction at this time.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Urban Neighborhoods/Mixed Use Infill. The purpose of Urban Neighborhoods/Mixed Use Infill is to protect and improve existing residential neighborhoods and identify opportunities for the creation of additional livable, sustainable, and healthy neighborhoods and communities. Existing neighborhoods should be preserved and enhanced through housing rehabilitation, enforcement of property maintenance and zoning ordinances, improvements to infrastructure, increased mobility options and access to parks and recreation

**Staff recommended findings of fact:**

1. The Special Use will bring the property into conformance for the proposed use.

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

**SOLIS ENTERPRISE LLC**  
**902. S. Randall Rd. C#251,**  
**St. Charles Illinois 60174**  
**Tel. 630-587-1212 Fax. 630-587-1211**

Kane County Development Department  
Zoning Division, Kane County Government Center  
719 S. Batavia Avenue, Geneva Il, 60134  
(630)444-1236

Re: Request for Special Use  
Property Address: 11N323 Brookside Dr, Elgin Il, 60123  
Parcel Numbers: 06-16-327-001; 06-16-327-002

**LEGAL DESCRIPTION**

LOTS 16 AND 17 IN BLOCK 1 IN THE WALTER G. MCINTOSH AND COMPANY'S  
FOX RIVER FARMS, IN THE TOWNSHIP OF ELGIN, KANE COUNTY, ILLINOIS.

## 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.*

Solis Enterprise LLC INC.

May 25, 2022

*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 proposed special use for outdoor storage seeks to utilize the property “as-is”, consistent with the property’s existing and historical uses for outdoor storage. The uses within the general area of the property include the following.

North: City of Elgin Open Land and Park.

East: F-1 District parcel and residence owned by the applicant’s principle.

South: B-3 Special Use. Currently is outside storage and truck parking with retail sales.

West: City of Elgin Hawthorne Hill Nature Center.

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

The properties immediately adjacent to the property are zoned as follows:

North: City of Elgin Open Land

East: F-1

South: B-3 Special Use

West: City of Elgin Open Land (Elgin)

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

The property is ideally suited to the proposed use. The property itself is hidden in an off-the-beaten-path location and the outdoor storage component of the property is largely shielded on the North and West side by Open Land Forest. It is the Applicant’s position that the outdoor storage use is already a permitted use under the B3 - District. However, to the extent it is permitted only as a special use, the property is uniquely suited for the intended use.

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

The most recent trend of development (10-15 years) in the area is B-3 Special. The property immediately to the North and West is owned by the City of Elgin.

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

The property is identified in the 2040 Plan as Commerce/Employment. This category encompasses the former categories which included Crossroad Commercial, Office/Research and Industrial, Light Industrial and Warehousing. The current and intended use as an outdoor storage location is in keeping with the 2040 plans designation.

## **FINDINGS OF FACT SHEET – SPECIAL USE**

- *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 it's 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:*

Solis Enterprise LLC

May 25, 2002

*Applicant*

*Date*

**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.**

Illinois law provides that the identification of a use as a "special use" within a zoning category constitutes a "local legislative determination that the use, as such, is neither inconsistent with the public's health, safety, morals or general welfare, nor out of harmony with the town's general zoning plan"

The existing uses for outdoor storage neither detrimental nor dangerous to the public health, safety, morals, comfort 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 special use application will limit the outdoor storage use to the B3 parcel which is the subject of the application and will therefore use the property in the same manner as the past owner used it for.

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

The special use will not impede the normal, orderly development and improvement of the surrounding property because there is no intention to modify the site and it in no way impacts traffic or other concerns in relation to the adjacent properties. The proposed use is no different from the current use at the site, therefore the impact on other properties will not change.

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

Adequate utilities, access roads, drainage and other necessary facilities already exist at the property and will not be modified.

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

Adequate means of ingress and egress already exist, and no changes are envisioned.

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

The site will be used in the same fashion as it is currently being used and traffic patterns will be consistent with the current occupant.

**SOLIS ENTERPRISE LLC**  
**902. S. Randall Rd. C#251,**  
**St. Charles Illinois 60174**  
**Tel. 630-587-1212 Fax. 630-587-1211**

Kane County Development Department  
Zoning Division, Kane County Government Center  
719 S. Batavia Avenue, Geneva Il, 60134  
(630)444-1236

Re: Request for Special Use for use of a concrete contractor  
Property Address: 11N323 Brookside Dr, Elgin Il, 60123  
Parcel Numbers: 06-16-327-001; 06-16-327-002

This letter is to provide supplementary information regarding the property located at 11N323 Brookside Dr in support of our application for a Special Use Permit.

We the applicant, Solis Enterprise LLC., have recently purchased the property from Mr. David Lee Reimer. Mr. Reimer was the previous owner of the property since 1970 and was operating an excavation company at this location. Reimer Excavating Co utilized the property to house all equipment, machinery and materials for his company both inside the warehouse and outside on the property. I have attached for you photographic evidence that shows what Mr. Reimer stored on the property.

Solis Enterprise LLC has purchased the property with the intentions to use it for the same purpose that Mr. Reimer has for several decades. We believe that the existing usage of the property which includes outdoor storage of vehicles and equipment, that are not for sale nor rent, are permitted uses in the B3 District. In order to provide further clarity, we have outlined our intentions.

- The existing steel building that is shown on the site plan will remain and be used to store/house our equipment which includes trucks, trailers, skid steers, hand power equipment, and manual construction tools.
- Large trucks and trailers will be parked in a designated gravel area south of the building along with designated parking for employees.
- Materials such as rebar, gravel, sand, dirt and aggregate will each be stored on a gravel base within 3 concrete block walls. This will be in the gravel area south of the pole building.
- Additional concrete equipment that may be parked on site includes one-ton dump trucks, one-ton pick-up trucks, semi dump trucks, equipment trailers, utility trailers, dump trailer, skid steer, excavators, loader, compact tractor, shipping containers and snowplows.

The pole building will be utilized as an equipment/material storage facility for Pelagio and Sons Construction. The company has 10 employees some of which will arrive at the pole building in the mornings to load equipment and materials as needed for daily tasks. During the day employees will be offsite with minimal loading and limited time at the property. At the end of the day employees will arrive, unload equipment and park the vehicles.

At no time will the property be used for any retail purposes, nor will any customers be visiting the property.

The property was purchased with the plans to operate a concrete construction company in the same manor that Mr. Reimer operated his excavation company. Given all the information that we have provided in addition to the fact that the intended use of the property will remain the same as it has been for years, we are requesting that Kane County grant us the Special Use Permit.

Sincerely,

Franco Pelagio  
Managing Partner

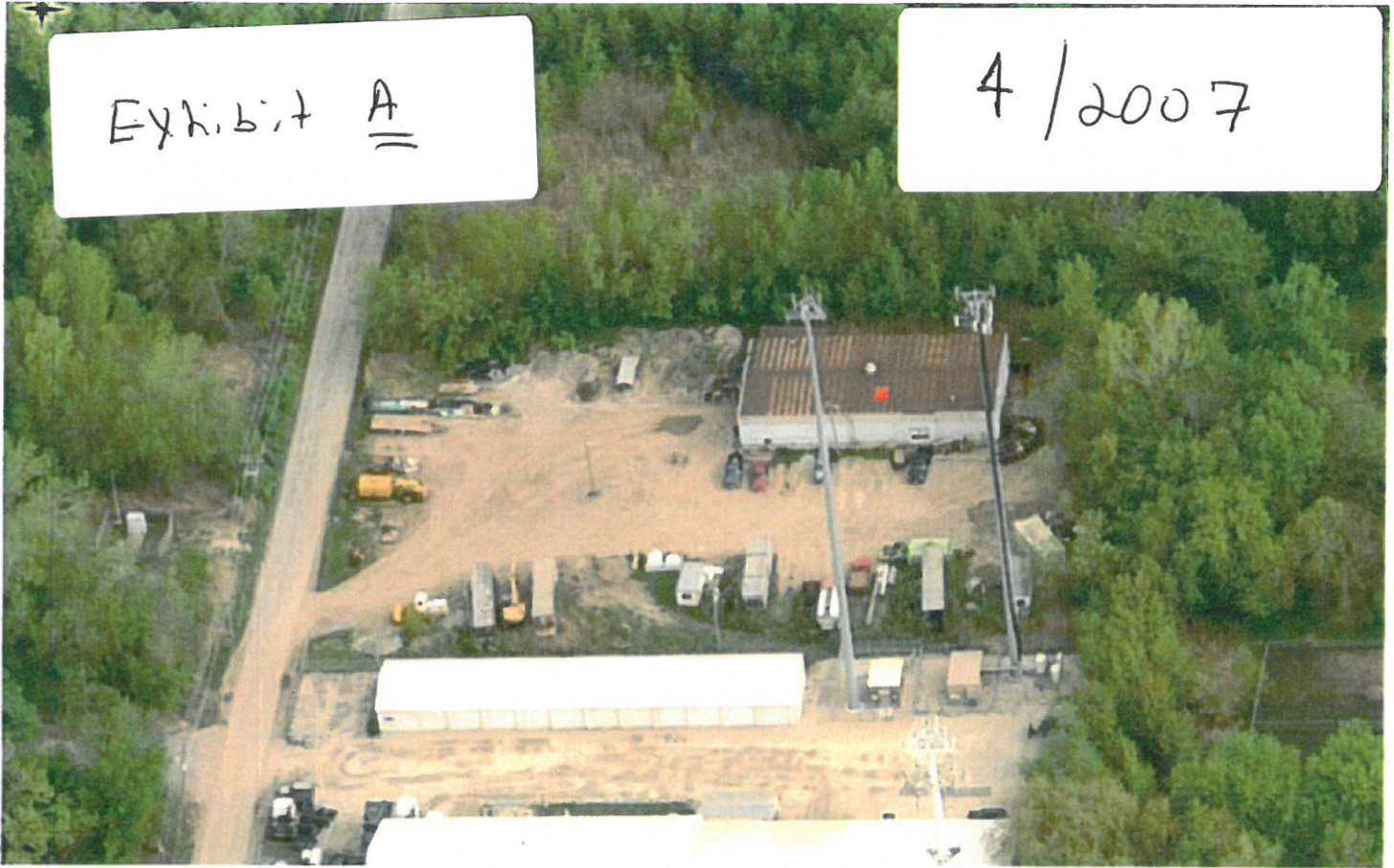




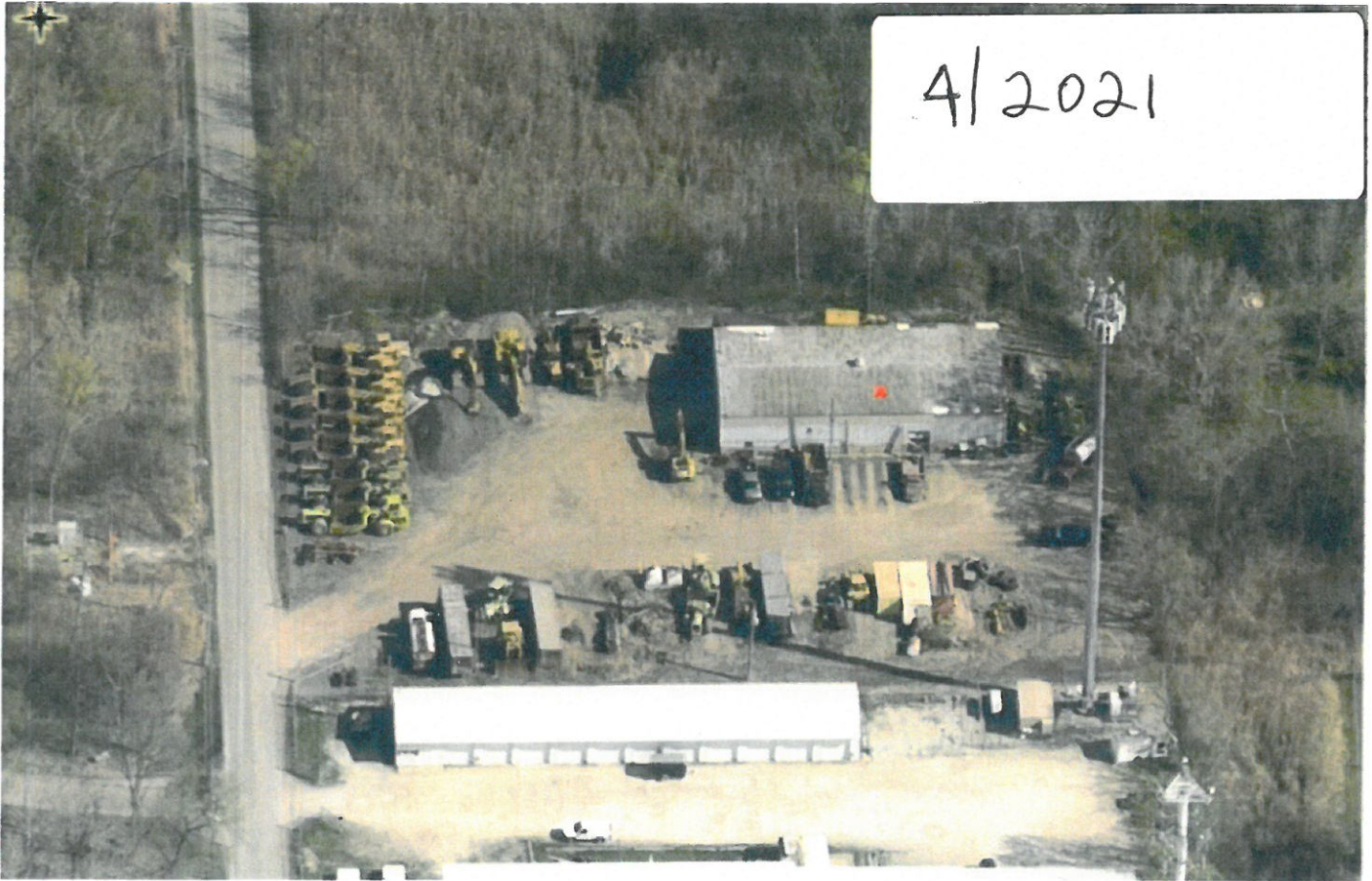
*Previous Company*

Exhibit A

4/2007

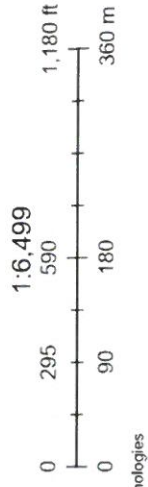
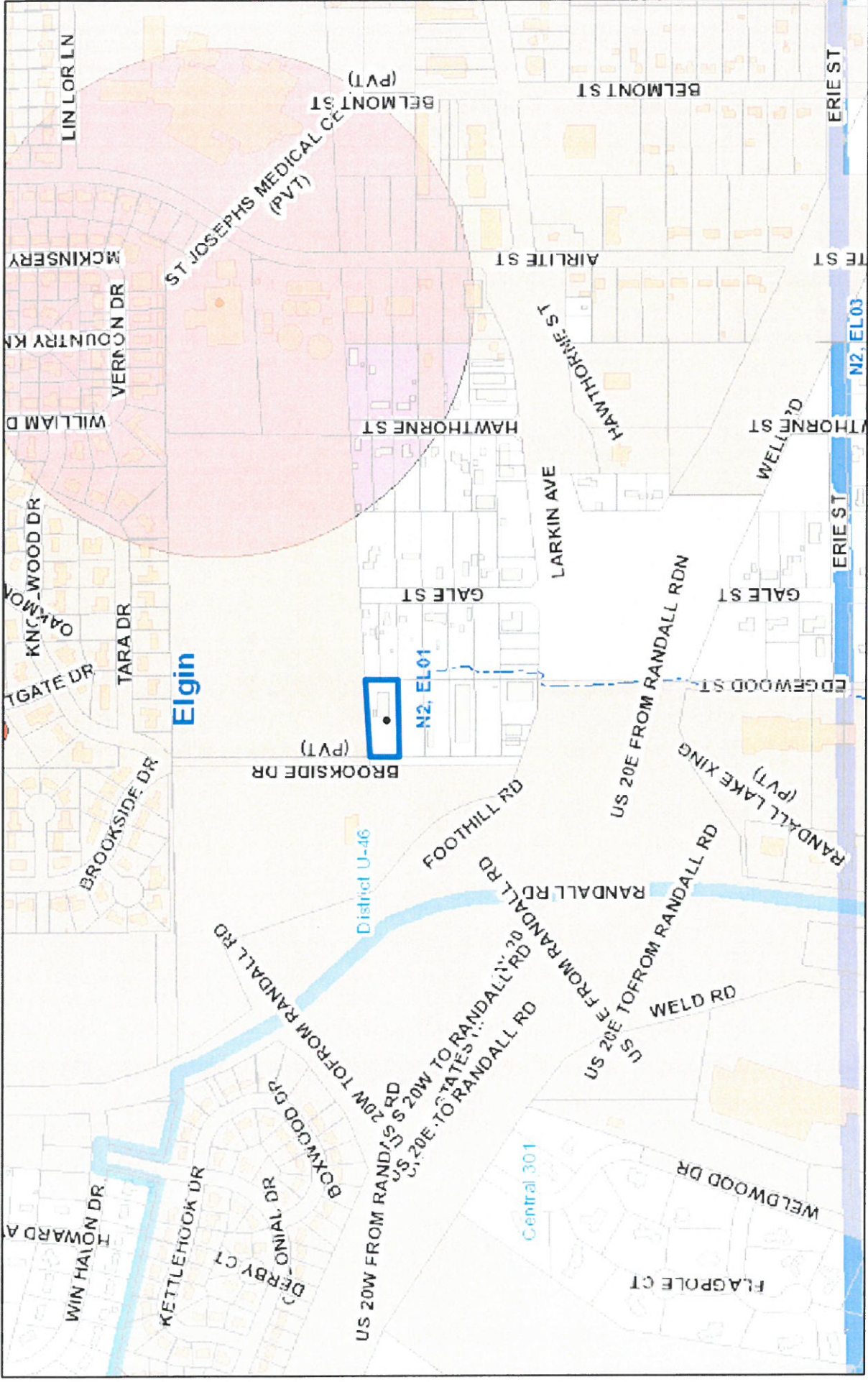


4/2021





# Map Title



June 10, 2022

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

*Applicant:* Franco Pelagio  
*Contact:* Franco Pelagio  
*Address:* 902 S Randall Rd  
C#251  
St. Charles, IL 60174

*IDNR Project Number:* 2213565  
*Date:* 05/24/2022

*Project:* 11N323 Brookside Drive  
*Address:* 11N323 Brookside Drive, Elgin

*Description:* property is currently zoned as B3 - district. New owner is applying for a special use permit to have the property remain B3 and allow outdoor storage of vehicles.

### 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:*

41N, 8E, 16



#### **IL Department of Natural Resources**

##### **Contact**

Kyle Burkwald  
217-785-5500  
Division of Ecosystems & Environment

#### **Government Jurisdiction**

Kane County Development Department  
Zoning Division  
719 S. 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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