

4643

KANE COUNTY DEVELOPMENT DEPARTMENT

Zoning Division, Kane County Government Center
719 Batavia Avenue
Geneva, Illinois 60134
Office (630) 444-1236 Fax: (630) 232-3411

AMENDED 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 help you.

1. Property Information:

Parcel Number(s): 13-23-400-013
Street Address: 7S880 Camp Dean Rd.

2. Applicant Information:

Name: CVM Property Management, LLC
Address: c/o Patrick M. Griffin; Griffin Williams McMahon & Walsh, LLP,
21 N. 4th St., Geneva, IL 60134.
Phone: 630-524-2566.
Fax: 630-262-0644.
Email: pgriffin@gmwlaw.com

3. Owner of Record Information:

Name: CVM Property Management, LLC
Address: c/o Chad Ford; 1005 Summerhill Dr., Aurora, IL 60506
Phone: 630-308-9785
Fax: n/a.
Email: Chad Ford: chadfordsr-c@sbcglobal.net

4. Zoning and Use Information:

2040 Plan Land Use Designation: F
Current Zoning: F
Current Use: Contractor Yard / Snow Removal Business
Proposed Zoning / Special Use: B3 District – Business, with a Special Use Permit to permit existing business and outdoor storage of vehicles and equipment.
Planned Improvements: In connection with the Special Use Permit, Applicant also proposes the following:
a. The existing gravel areas will be re-graded to provide for parking stalls.

- b. The detention facilities will be expanded and connected to the existing outflow.
- c. A 4' high landscape berm and plantings will be added to the Camp Dean Road frontage of the property.
- d. A fence of appropriate height (in consultation with Rich Harvest Farms) will be constructed along the north side of the property.

No other new improvements or construction are presently planned.

Attachment Checklist

- 1. Final Site Plan and Subdivision Exhibit
- 2. Legal Description
- 3. Completed Land Use Opinion
- 4. EcoCAT / IDNR Closure Letter
- 5. Certification of Notice to and List of Adjacent Property Owners
- 6. Historical Aerial Photos
- 7. Tebrugge Engineering Soil Boring Report
- 8. KLOA Traffic Study
- 9. Findings of Fact Sheet Worksheets for Zoning and Special Use
- 10. 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.

/s/ Chad Ford, Manager
CVM Property Management, LLC, Owner and Applicant

7-12-24
Date

/s/ Patrick M. Griffin
Patrick M. Griffin, Attorney for Applicant

7-12-24
Date

CVM Property Management, LLC
Rezoning from F-Farming District to B-3 District Business with a Special Use

Special Information: This property once had a large greenhouse operation covering most of the site. Over the years the non-permitted uses were brought onto the parcel, including vehicle storage, in violation of the Zoning Ordinance. The earthwork done without permit also has been a concern to the Kane County Water Resources Department. The petitioners are seeking a rezoning and special use to bring the storage yard use into conformance with the Zoning Ordinance and are working to correct any stormwater violations. The petitioners did seek annexation into the Village of Big Rock.

Analysis: The Kane County 2040 Land Use Plan designates this area Proposed Open Space. This category includes areas recommended for both public and private open space and green infrastructure uses. The provision of additional open space and green infrastructure has historically been and continues to be a major priority of the County's planning program. The areas indicated could become either major additions to existing public open space and green infrastructure or remain private and still serve as linear connections between large areas of open space. The Kane County Regional Planning Commission recommended against the rezoning request at their September 4, 2024 meeting. (See attached memo)

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

FINDINGS OF FACT SHEET – REZONING

- *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.*

CVM Property Management, LLC
Applicant

7-12-24
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 use for the existing business and outdoor storage is very similar to the landscape contractor yard immediately adjacent to the property on the south. The property is surrounded by farmland and forest preserve property to the north and west. Rich Harvest Farms is located to the east across Camp Dean Road and they have maintenance facilities near this location just to the south. The proposed use is consistent with the surrounding uses.

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

The zoning classifications in the general area of the property include Forest Preserve property to the west; F District Farming and F-1 District Rural Residential to the east and south; and E-1 SU to the north in incorporated Sugar Grove.

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

The property is not well-suited for its existing F District Farming designation, as the property’s historic use as an expanded contractor’s yard has rendered much of the property unsuitable for farming due to the existing structures and gravel yards. Soil borings establish that the soil in portion of the property intended for outdoor storage consists of clay and gravel.

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

This area along Camp Dean Road has not seen any meaningful development in the last several decades. The existence of the Forest Preserve to the west, Rich Harvest Farms to the east and an essentially dead-end road to the south suggest that future significant development is unlikely.

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

The Kane County 2040 Land Use Plan identifies the property as Agriculture. However, as indicated in the cover letter herewith, Applicant seeks an amendment to the Kane County

2040 Plan as part of this application and such an amendment is proper in light of the fact that this property is not productive farmland and the Applicant has taken appropriate steps to ensure the proposed use will not: (i) impair the drainage of surface or subsurface water; (ii) be injurious to the use and enjoyment of other properties or diminish their value; or (iii) interfere with normal agricultural practices on adjoining lands.

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 its report of the findings of fact, 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 proposed uses including the existing business and contractor yard and the additional outdoor storage will generate minimal trips as compared to the immediately adjacent landscape business. Applicant has provided a traffic study from KLOA traffic consultants to confirm the minimal impact. Applicant's plan also provides for proper stormwater detention facilities connected to an outflow.

7. Explain how the special use will not be injurious to the use, enjoyment and value of the other property in the immediate vicinity.

The proposed uses will generate minimal traffic and other than the more intensive use immediately to the south, the site is essentially surrounded on three sides by either Forest Preserve Property, farmland or Rich Harvest Farms and its nearby maintenance facility. The applicant has agreed to adopt appropriate Special Use conditions as noted in the Project Narrative to buffer the adjacent property and otherwise minimize any impact.

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

There is no anticipated additional development in the immediate vicinity of the property. If the farmland property to the north were to develop, the proposed uses on this site would not prevent such development. The proposed uses would similarly not impede further improvements to the adjacent properties.

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

The KLOA traffic study confirms that the existing Camp Dean Road is adequate to handle the minimum traffic to be generated by the proposed special use. Adequate utilities are already available to the site and applicant intends to construct additional stormwater improvements as provided on the plan.

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

The existing gravel entry drive is of adequate width and construction to allow a proper turning radius for the vehicles that will be entering and exiting the site. There will be

limited daily traffic generated by the site as the contractors usually arrive once in the morning and return once in the afternoon. The outdoor storage will generate limited trips by those who periodically pick up or drop off their vehicles.

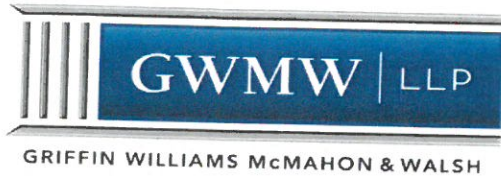
11. Will the special use conform to the regulations of the district in which it is located? Please explain.

Yes, the proposed uses are either permitted uses or permitted special uses within the County's B-3 District – Business zoning designation, which allows for the outdoor storage of vehicles and equipment.

LEGAL DESCRIPTION

PARCEL TWO:
THAT PART OF THE SOUTH 15 CHAINS OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST ¼ OF SECTION 23; THENCE SOUTH 89 DEGREES 16 MINUTES 37 SECONDS WEST, 225.01 FEET; THENCE SOUTH 89 DEGREES 16 MINUTES 14 SECONDS WEST, 615.56 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 10 MINUTES 32 SECONDS WEST, 467.30 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 06 SECONDS EAST, 195.96 FEET; THENCE NORTH 0 DEGREES 10 MINUTES 32 SECONDS WEST, 198.53 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 06 SECONDS EAST 597.0 FEET; THENCE NORTH 0 DEGREES 20 MINUTES 22 SECONDS WEST, 324.15 FEET; THENCE SOUTH 89 DEGREES 16 MINUTES 06 SECONDS WEST, 1284.0 FEET; THENCE SOUTH 0 DEGREES 0 MINUTES 0 SECONDS WEST, 990.0 FEET; THENCE NORTH 89 DEGREES 16 MINUTES 14 SECONDS EAST, 495.0 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF BIG ROCK, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 7S882 CAMP DEAN ROAD, BIG ROCK, ILLINOIS.



JUL 12 2024

Kane Co. Dev. Dept.
Zoning Division

ATTORNEYS AND
COUNSELORS AT LAW

Patrick M. Griffin
Direct: (630) 524-2566
pgriffin@gwmwlaw.com

July 12, 2024

**Via Email: BerkhoutKeith@kanecountvil.gov
and Hand Delivery**

Keith Berkhout
Kane County Department of Development and Community Services
719 S. Batavia Avenue
Geneva, Illinois 60134

**Re: CVM Property Management LLC
AMENDED Rezoning and Special Use Application
7S880 Camp Dean Rd. (PIN: 13-23-400-013)**

Dear Keith:

Please find enclosed herewith our Amended Application for Rezoning and Special Use, inclusive of all attachments and our replacement application fee.

As requested, I've also provided below a Project Narrative and brief Comprehensive Plan analysis to assist the County in reviewing and evaluating the Application.

Project Narrative

Applicant owns the 18 acres identified as "Parcel Two" on the Site Plan attached as **Exhibit A**. As you are aware, this site was the subject of a previous application in 2022 that was withdrawn to allow the Applicant to retain counsel and address certain concerns with the site and the prior application.

Chad Ford currently operates Chad Ford's Snow Removal and Concrete, LLC out of a small square section of the property as identified on the Site Plan (the portion of the red "Lot One" located east of the green access drive).

The Applicant proposes to rezone the entire 18 acres to B-3 with a Special Use: (1) to allow the existing snow removal and concrete business to remain on Lot One; (2) to expand that businesses' contractor yard to include the Lot Three area at the southwest corner of the property; and (3) to permit the outdoor storage of 3rd party vehicles, campers and trailers on Lot Two and a portion of Lot One along the northernmost portion of the property as identified on the Site Plan. In the future, Applicant also contemplates subdividing the property into 3 lots as reflected in the Site Plan.

Description of Lots

Lot One is the 7.18 acres identified in red and includes the existing business and contractor's yard, the proposed second phase of the 3rd party outdoor storage at the northwest corner of the property, the westerly detention area and a portion of the access road.

Lot Two is the 5.52 acres identified in green in the northeast portion of the property and includes the proposed first phase of the 3rd party outdoor storage, as well as a portion of the access road.

Lot Three is the 5.30 acres identified in burgundy at the southwest portion of the property and includes the proposed expanded contractor's yard.

With respect to the existing use and expanded contractor's yard, Applicant proposes to maintain his current business with the ability to expand into the expansion area which is currently utilized by another contractor as an overflow yard. Applicant expects that to continue after the rezoning.

With respect to the 3rd party outdoor storage, Applicant intends to use it consistent with the parameters provided in the proposed Special Use Conditions, including:

1. Maximum Storage. Maximum of 360 storage spots per the KLOA traffic study included with the application.
2. Secured Entry. Entry will be gated and require code access.
3. 3rd Party Storage Restrictions. No inoperable vehicles, salvage, shipping containers or the like will be permitted for 3rd Party users. Only the existing storage trailers used in conjunction with Applicant's existing contractor yard will be permitted.
4. Camp Dean Frontage. Camp Dean Road frontage will include landscape berm and appropriate landscape plantings to provide screening from Camp Dean Road and the RHF property to the east.
5. North Property Line. While the north property line has an existing dense hedge line, Applicant will supplement that with fencing of appropriate height to screen the storage lot from the North.
6. Interface with Significant RHF Events. When provided notice of significant RHF events or tournaments, Applicant will implement a notification system to users to restrict hours during those events and to advise that users should approach and exit the site from the west on Granart Rd. during those events.
7. Stormwater. Applicant's engineering will comply with applicable County stormwater requirements.

Comprehensive Plan Amendment

Applicant's requested rezoning also requires an amendment to the County's Comprehensive Plan as the Plan currently designates the property for agricultural use. For properties so designated, the

Plan recommends that site conditions should be adequately suited for the intended use and that, among other things, the proposed use should not: (i) impair the drainage of surface or subsurface water; (ii) be injurious to the use and enjoyment of other properties or diminish their value; or (iii) interfere with normal agricultural practices on adjoining lands.

Since the prior submission more than 2 years ago, Applicant has worked to ensure that this non-productive land meets these criteria. Initially, the Applicant obtained soil borings from the site to establish that the site is not and cannot reasonably be converted to productive agricultural use. Much of the site consists of existing structures and an existing contractor's yard and the soil borings establish that the north portion of the lot that is intended to be used for outdoor storage consists of clay and gravel well beneath the asphalt grindings that were added by Applicant.

The Applicant has also worked with the Water Resources Department to ensure that proper detention and a viable outflow exist and have otherwise worked to ensure proper stormwater management measures have been taken to comply with the County's requirements.

The Applicant has also worked with the adjoining landowner to the north and east (Rich Harvest Farms) which had previously objected to the Application to establish a suitable set of Special Use conditions (see above) so as to protect the adjacent landowner's property values.

Finally, the Applicant also obtained a traffic study from KLOA traffic consultants to address the concerns previously expressed by both the Village of Sugar Grove and Rich Harvest Farms and has similarly incorporated various special use conditions to address those concerns.

Ultimately, because the property is not productive farmland – and is not otherwise converting or eliminating productive farmland through the intended use – amending the Plan to Commerce/Employment (or another suitable designation) is appropriate for this site.

We look forward to working through this process with the County.

Very truly yours,

GRIFFIN WILLIAMS MCMAHON & WALSH LLP

Patrick M. Griffin

Patrick M. Griffin

Applicant: CVM Property Management, LLC
Contact: Chad Ford
Address: 1005 Summerhill Drive
Aurora, IL 60506

IDNR Project Number: 2211303
Date: 03/28/2022

Project: Camp Dean Road ReZoning Site Plan
Address: 7S880 Camp Dean Rd, Big Rock

Description: Provide outside storage for vehicles and landscape materials. Provide space for a honey bee business with hives.

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Spike (*Elliptio dilatata*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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

County: Kane

Township, Range, Section:
38N, 6E, 23



IL Department of Natural Resources
Contact
Kyle Burkwald
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County Department of Development & Community
Keith Berkhout
719 S Batavia Ave
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.

Terms of Use

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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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