

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

4590

Received Date

**AMENDED
 APPLICATION FOR ZONING MAP AMENDMENT
 AND/OR SPECIAL USE**

Application No. PLDZ2021-0001190

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): 15-25-300-013-0000
	Street Address (or common location if no address is assigned): 1419 5th Avenue Aurora, IL 60504

2. Applicant Information:	Name Beary Landscape Management, Inc.	Phone 815-838-4100
	Address 15001 W. 159th Street	Fax 815-838-3200
	Lockport, IL 60491	Email bbeary@bearylandscaping.com

3. Owner of record information:	Name Donald Blasing	Phone 847-809-7984
	Address 8915 Garner Road	Fax
	Fox River Grove, IL 60021	Email dblasing908@gmail.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property: urban neighborhoods/mixed use infill

Current zoning of the property: B-3, R-4, F

Current use of the property: residential, auto mechanic business, agricultural

Proposed zoning of the property: ⁽¹⁾ potentially adjust zoning boundaries and request special use on B-3 portion to bring that portion of property into conformance with zoning ordinance; *

Proposed use of the property: landscape maintenance staging (as to B-3 part only)

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

Install a bulk mulch bin. Have a 30 yard rolloff dumpster on site.

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.

Donald Blasing
by DL - Robt Huguette, agent (see attached) 1-10-22
Record Owner Date

Beary Landscape Management Inc.
by Robt Huguette, agent (see attached) 1-10-22
Applicant or Authorized Agent Date

- * (2) rezone R-4 portion to R-3 to reduce potential for intensification;
- (3) variance from Sec. 14.1.2(c) fence requirements in B-3 portion due to drainage concerns;
- (4) variance from Sec. 14.1.2(d) parking requirements to allow parking closer than 5 feet to lot line in B-3 portion

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.*

Beary Landscape Management, Inc.
Name of Development/Applicant

1/10/2022
Date

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

The existing use of the parcel is parking of vehicles. We intend to park landscape maintenance trucks and enclosed trailers on the B-3 portion of the site. Our vehicles are primarily pickup trucks and F350's. No semi trailers. So, there is no fundamental change in the use of the property proposed.

2. What are the zoning classifications of properties in the general area of the property in question?
R-2, F, R-4, City of Aurora

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

Requesting a Special Use to conform actual use to the proper zoning classification. The property has had its present use for many years. The soil conditions, elevations and existing pavement and driveways on the property make the continued use suitable. The Oakhurst Forest Preserve is nearby. No new construction is proposed at this time.

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

There is no measurable trend of development in this general area since the land uses for nearby properties has been established for years.

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

The projected use of the property fits the mixed use/infill elements of the 2040 Land Use Plan.

Findings of Fact Sheet – Special Use

1/10/2022

Special Use Request

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 proposed special use will not be detrimental. The special use designation conforms the formal zoning classification to existing uses. The special use pertains only to the B-3 zoning district, not the R-4 district in front (along 5th Avenue) or in the rear area of the larger parcel, currently zoned F.

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

The applicant will maintain the subject property in a first-class condition, visually pleasing. Landscaping will also be added. Operation will be quiet; no noxious odors will be emitted; vehicles will be orderly parked when not in use. The use, enjoyment and value of neighboring properties will not be disturbed. The proposed use will be an improvement over the existing use. The view of the planned mulch bin and dumpster will be screened out of the view of the surrounding areas.

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

The special use will not affect the normal, orderly development and improvement of the surrounding property in any manner. The special use reflects existing uses on the property.

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

The existing access road to 5th Avenue is adequate for the intended use of the property. Drainage is adequate and no new facilities are proposed. The applicant is aware of the need for drainage facility enhancements in the event of future development of the property.

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

The applicant will enter and return to the property to/from 5th Avenue using the existing driveway.
The applicant will stagger start times of the crews to limit the traffic on 5th Avenue daily. There
will be on-site management to supervise. No substantial increase in daily usage of the driveway
to 5th Avenue is expected.

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

Yes. The applicant will conform with the regulations of the district in place by Kane County.
There is no fundamental change in the actual existing use of the property proposed. No
changes to existing infrastructure is anticipated or required.

February 25, 2022

Donald Blasing, et ux

Requesting a reconfiguration of an R-4 District One Family Residential zoned portion of the property to R-3 District One Family Residential AND a reconfiguration of existing B-3 District Business portion of the property and for a Special Use for storage yards and buildings. The petitioner is also seeking variances from requirements (Section 14.1.2 (c) regarding screening and parking closer to lot line (Section 14.1.2 (d)

Special Information: The petitioner is seeking to purchase the property and will be locating his landscaping business on the middle portion of the property. The zoning districts on the property do not completely correspond to the current uses and the business portion does not have the Special Use required under the current standards of the Zoning Ordinance. Therefore, the petitioner is requesting the rezonings to bring the uses on the property into conformance with the Zoning Ordinance. Due to area drainage concerns it is recommended the petitioner not pursue screening of the parking lot per Section 14.1.2 (c) and is therefore requesting a variance. Also, due to the width of the property and the long established parking lot the petitioner is seeking a variance from the parking setback requirement from the property line under Section 14.1.2 (d)

Analysis: The Kane County 2040 Land Use Plan designates this area as Urban Neighborhood / Mixed Use Infill. The purpose of this designation is to protect and improve existing residential neighborhoods and identify opportunities for the creation of additional livable, sustainable, and healthy neighborhoods and communities.

Findings of Fact:

1. The reconfigurations through the rezonings will bring the existing and proposed uses into conformance with the Zoning Ordinance.

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

Re-Zoning Legal Descriptions
for
1419 5th Avenue, Aurora, Illinois

ORIGINAL PARCEL:

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS.

ZONING PARCEL ONE (R-4 to R-3):

THE SOUTH 182.00 FEET OF THE NORTH 215.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS.
CONTAINING 24,020 SQUARE FEET OR 0.55 ACRES.

ZONING PARCEL TWO R-4 and B-3 to B3 (With variances from requirements (Section 14.1.2 (c) and parking closer to lot line (Section 14.1.2 (d)):

THE SOUTH 165.00 FEET OF THE NORTH 380.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS.



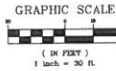
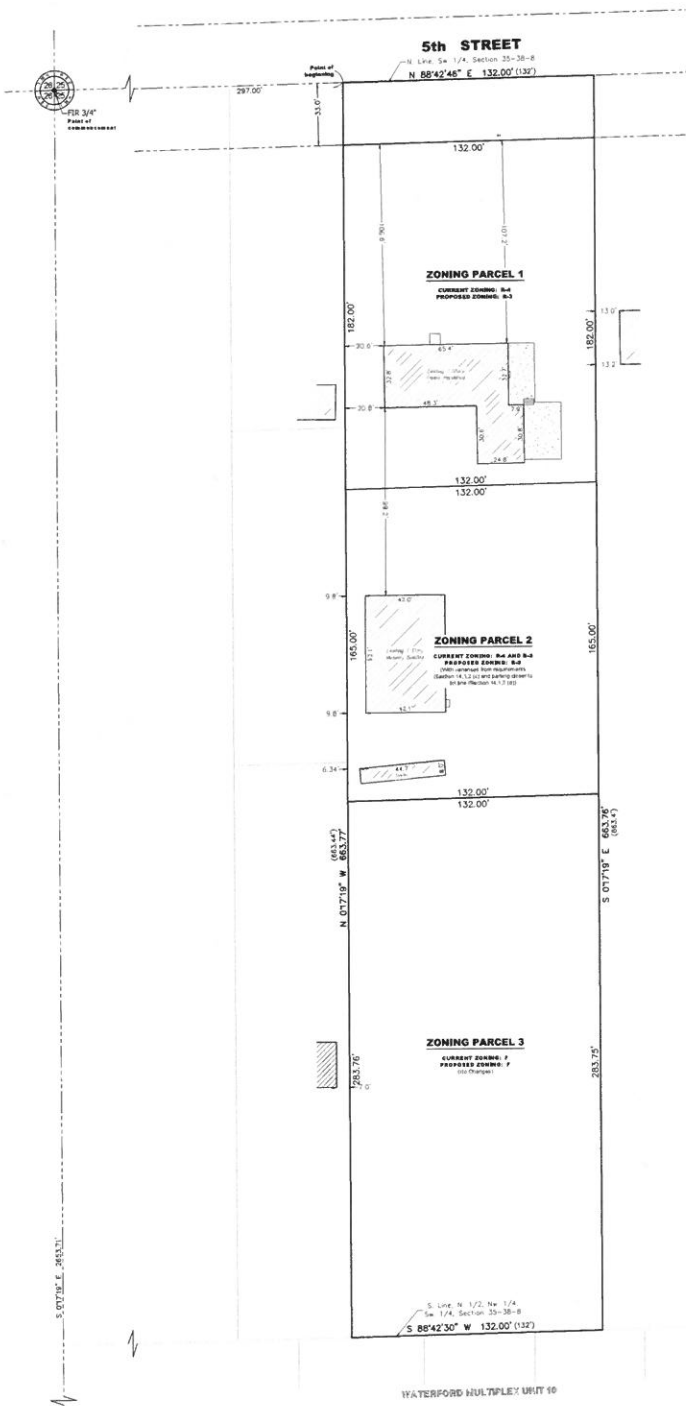
CONTAINING 21,776 SQUARE FEET OR 0.50 ACRES.

ZONING PARCEL THREE (F, No changes):

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING (EXCEPTING THE NORTH 380.00 FEET THEREOF), SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS.

CONTAINING 37,450 SQUARE FEET OR 0.86 ACRES.

RE-ZONING EXHIBIT



LEGAL DESCRIPTION OF PROPERTY

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS.

LEGAL DESCRIPTION OF ZONING PARCELS

ZONING PARCEL ONE (R-4 to R-3):
THE SOUTH 182.00 FEET OF THE NORTH 215.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS, CONTAINING 24,020 SQUARE FEET OR 0.55 ACRES.

ZONING PARCEL TWO (R-4 and B3 to B-3):
THE SOUTH 165.00 FEET OF THE NORTH 360.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS, CONTAINING 21,776 SQUARE FEET OR 0.50 ACRES.

ZONING PARCEL THREE (F, NO CHANGES):
THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 297 FEET FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 132 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION 663.4 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE 132 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING (EXCEPTING THE NORTH 360.00 FEET THEREOF), SITUATED IN THE TOWNSHIP OF AURORA, COUNTY OF KANE, IN THE STATE OF ILLINOIS, CONTAINING 37,450 SQUARE FEET OR 0.86 ACRES.

BASIS OF BEARING

THE BASIS OF BEARINGS IS THE ILLINOIS STATE PLANE SYSTEM - EAST ZONE

SITE DATA

GROSS AREA: 87,600 SQ. FT. OR 2.01 ACRES
5TH STREET RIGHT OF WAY (33') 4,356 SQ. FT.

PARCEL IDENTIFICATION NUMBER

15-25-300-013-0000

LEGEND

- PROPERTY LINE
- - - - - EASEMENT RIGHT-OF-WAY LINE
- CENTERLINE
- - - - - EASEMENT LINE
- ▭ BUILDING LIMITS

ABBREVIATIONS

- ### DT RECORD/RECORD DIMENSION
- ### DT MEASURED DIMENSION
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- N NORTH
- S SOUTH
- E EAST
- W WEST

DESIGN/TEK ENGINEERING, INC.
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FAX: (708) 325-6662
ILL. PROF. ENG. NO. 124-4-002740

PREPARED FOR
BEARY LANDSCAPING

REVISIONS		
NO.	DATE	DESCRIPTION

REVISIONS		
NO.	DATE	DESCRIPTION

RE-ZONING EXHIBIT
1419 5TH AVENUE, AURORA, IL

DRAFTING COMPLETED	02/15/2022	DRAWN BY	S.L.	PROJECT MANAGER	S.L.
FIELD WORK COMPLETED	N/A	CHECKED BY	YS	SCALE	1" = 30'

SHEET NO.
1 of 1

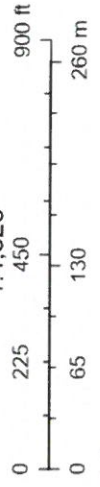
Project No: 22-0003

Map Title



January 11, 2022

1:4,825



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



December 17, 2021

Kane County Development Department
Keith Berkhout
719 S Batavia Av
Geneva IL 60134

Re: Land Use Opinion

Application: #21-104
Petitioner: Beary Landscape Management
15001 W 159th St
Lockport, IL 60491

Location Address: 1419 5th Ave, Aurora
Location: Aurora Township 38N Range 8E, Section 25, in Kane County

The application for a Land Use Opinion 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 Land Use Opinion is not required at this time for the proposed zoning change. Therefore, no further action will be taken by the Soil and Water Conservation District Board. All LUO decisions are valid for **five** years for the stated purpose only. However, **if there are deviations from the submitted application or plan, a full LUO 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. If you have any questions concerning this letter, please contact the KDSWCD office at the address or phone below.

Sincerely,

Jennifer Shroder
Resource Assistant