

August 28, 2024

**VIA EMAIL DELIVERY**

Matthew Tansley, AICP  
Planner  
Kane County Development & Community Services Dept.  
719 S. Batavia Ave.  
Geneva, Illinois 60134

*Re: Village of Big Rock Objection to Land Use and Zoning Petition  
Petitioner: CVM Property Management LLC  
Property: 7S880 Camp Dean Road (P.I.N. 13-23-400-013) ("Property")  
Petition Request: Rezoning and Special Use ("Petition")*

Dear Mr. Tansley:

As Village President of the Village of Big Rock, I am writing to voice the objection of the Village of Big Rock to the above-referenced Petition. The Village received notification from you via email on Friday, August 23 about its right to object to this Petition, as the Property is within the Village's planning area jurisdiction. However, the Village was only given until today to file a written objection in order to have its objection included in the staff report to the Regional Planning Commission. The Village of Big Rock Board of Trustees met on Tuesday, August 27, 2024, and took action to direct me to issue this letter objecting to the Petition.

The reasons for the Village's objections include, but are not limited to, the following:

1. The rezoning of the Property from the F-Farming District to the B-3 Business District would constitute **illegal spot zoning**, as it is the Village's understanding from the Petitioner's application materials that **no** surrounding properties are zoned B-3 Business District. If this rezoning were approved, it is ripe for a legal challenge based on this spot zoning.
2. The Petitioner provides no valid justification for this rezoning, except as a means to legitimize its existing business which has operated illegally from the Property and which has illegally added impervious surface (asphalt grindings) to the Property, in violation of the Kane County Stormwater Ordinance. There is no public benefit to this rezoning, and the only benefit is to allow the Petitioner to make money from the Property. By contrast, there will be numerous negative impacts to the public and to surrounding property

owners if this rezoning is approved, as explained further below. An analysis of the *LaSalle-Sinclair* factors, which a court must perform if a legal challenge is filed, demonstrates that this proposed rezoning meets few, if any, of the required factors to support a rezoning. The Petitioner's justification for the rezoning states, in part, that the Property is unsuitable for agricultural use (under the current F District zoning) because of the ever-expanding business use and asphalt grindings throughout the Property. This justification must be rejected, as the illegal expansion and illegal addition of impervious surface was performed by the Petitioner and/or its predecessor, and the Petitioner should not be able to benefit from its own wrongful acts.

3. The proposed rezoning violates the County's 2040 Comprehensive Plan which designates this property. The County should not approve an amendment to its own Plan, which was thoroughly studied and carefully approved. The Petitioner offers no legitimate justification for this amendment. The proposed zoning and special use is also inconsistent with the Village of Big Rock Comprehensive Land Use Plan, which accounts for zoning and uses outside of its municipal boundaries, but within its 1.5 planning jurisdiction.
4. The existing use and the proposed use, when combined, will have an adverse impact on the portion of Camp Dean Road under the Village's jurisdiction, and they will have an adverse impact on the portion of nearby Granart Road that is under the Village's jurisdiction. The Village does not impose property taxes on its residents and businesses, and therefore its annual revenues are limited. Roadway rehabilitation projects comprise the largest annual budgetary expenditure by the Village, aside from the very occasional special non-roadway project. The wear and tear on these Village roadways caused by Petitioner's expanded uses will severely strain the Village's budget. Not only will the Village have to bear the burden of increased roadway maintenance and replacement, but there is absolutely no corresponding benefit to the Village from these uses.

The KLOA traffic study should be taken with a grain of salt. This traffic study completely ignores the existing use and the expansion of the existing use, and instead only focuses on the proposed new vehicle storage use. The traffic study unreasonably discounts how many of the 360 storage spaces will be utilized, suggesting that only 50% will be used at any one time. If that is the case, then the Petitioner should not be allowed to build-out the full 360 spaces. Assuming the vehicle storage spaces are 100% filled, the traffic study admits that this vehicle storage use alone will result in 78 new total trips during peak hours just on Saturdays. These trips will include RV's, large boats on trailers, and large commercial vehicles. In addition, the contractor will constantly utilize the Village roadways for its heavy commercial vehicles. Simply put, the Village cannot afford the roadway maintenance that will result from these uses.

5. The Petition contains insufficient details about the existing commercial operations on the Property, how those operations are specifically being expanded, details about its existing use of the Property, the nature of immediately surrounding uses, and the range of vehicles and equipment that may be stored on the Property, among other details. Two aerial depictions of the Property from Year 2024 are attached. These aerials depict approximately 45 passenger vehicles, at least 10 commercial vehicles, approximately 15

trailers, and other equipment and storage bins. The traffic study ignores this information, and traffic counts will be higher than estimated by the Petitioner's own consultant. Does the Petitioner's existing business include the outdoor storage of road salt on the Property that it uses for its snow removal business? When the Petitioner removes an existing concrete parking lot (concrete removal is part of its business, per its website), does it store the removed concrete on-site? Does the Petitioner store and use heavy cement mixer trucks and other large commercial vehicles outside on the Property?

6. The existing and new proposed use are likely to have adverse impacts on surrounding properties. However, this is difficult to gauge as the Petition provides no details on lighting impacts, noise impacts, dust and odor impacts, and traffic impacts on surrounding properties. The Petition notes that "there has been no meaningful development in this area for decades." That is true because this is largely an undeveloped rural and agricultural area, which is not suitable for the Petitioner's uses.
7. The Petition states that the Petitioner has consulted with nearby Rich Harvest Farms about how it can mitigate impacts to Rich Harvest Farms caused by its uses. However, the Petitioner has never consulted with the Village in any manner about mitigating impacts to the Village.
8. Has there been any consideration to the potential environmental impacts that can be caused by the long-term storage of 360 commercial vehicles, RVs, and other vehicles, due to leaking oil, gasoline, transmission fluid, etc.? If the Petitioner stores road salt and other materials outside on the Property, will this storage potential result in adverse environmental impacts? The Village objects to the Petition because there is no information that answers these questions or shows how the Petitioner will be storing materials.

The Village would like to thank both you and the Regional Planning Commission for your consideration of this objection letter and the legitimate concerns of the Village of Big Rock or how these uses will impact our community, and our residents. The Village urges the Regional Planning Commission to vote against recommending these requests.

Sincerely,

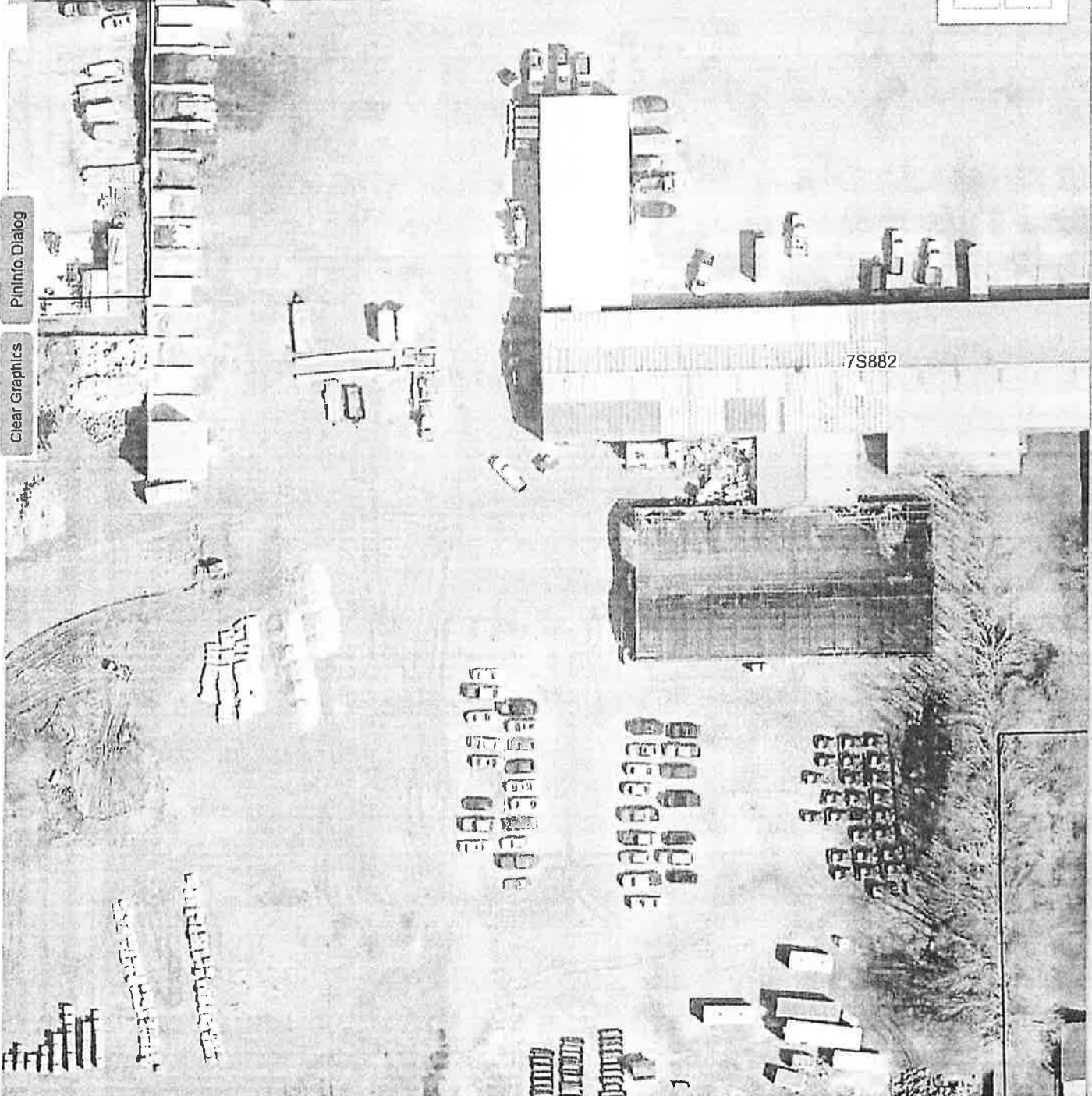


Matt Fitzpatrick  
Village President

Enc.

cc: Village of Big Rock Board of Trustees

Map	2024	Hybrid	LatLng	About	Help	Themes	Layers
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Clear Graphics

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