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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** ORDINANCE: REZONING 760 HEARTLAND DRIVE  
**AGENDA:** SEPTEMBER 6, 2022 VILLAGE BOARD MEETING  
**DATE:** SEPTEMBER 2, 2022

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**ISSUE**

Shall the Village Board approve an Ordinance rezoning the property at 760 Heartland Drive from M-1 Limited Manufacturing District to B-3 Regional Business District. This is the property on which the building that is home to Nick's Furniture, Crossfit, and other businesses is located.

**DISCUSSION**

The rezoning request is promulgated by the owner of Dirty Pawz pet grooming who desires to relocate their business to this property. The property is a multi-tenant building occupied by other commercial or commercial-like uses. The applicant originally intended to request a zoning amendment to add pet grooming services as a permitted use in the M-1 District. Village staff recommended the rezoning approach since it would recognize the current uses in the building and stop adding commercial uses to the list of permitted uses in the M-1 District.

Every community has one or more locations for commercial businesses and services that need proximity to traffic but not necessarily visibility or the prime commercial frontages and the rents that are associated with prime locations. This property fits the bill for such destination businesses.

Since the building was constructed in the 1990's it has been home to a number of commercial businesses and services. Despite the overhead dock doors few manufacturing or industrial uses have located in the building. The commercial business that have located in the building over the years have done so after amending the permitted use table to permit them by-right or as a Special Use. This is not a business-friendly approach to business development in the community.

While the application for rezoning was filed by the business, the property owner authorized the business to make the request on his behalf.

Be advised, the rezoning will make one or more of the current uses non-conforming. But approval of a related Zoning Ordinance amendment to add these uses to the B-3 District in the Permitted Use Table of the Zoning Ordinance will correct that.

The Planning Commission considered the rezoning request and was generally of the opinion that the requested zoning classification was sensible and consistent with other like uses in the immediate vicinity.

#### **ATTACHMENTS**

- PC Recommendation PC22-010
- Ordinance Reclassifying Certain Property (760 Heartland Drive)

#### **COSTS**

All direct costs associated with the requested action are borne by the applicant.

#### **RECOMMENDATION**

The Village Board should approve an Ordinance Reclassifying Certain Property (760 Heartland Drive).

**VILLAGE PRESIDENT**

Jennifer Konen

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Alison Murphy



**COMMUNITY DEVELOPMENT**

**VILLAGE TRUSTEES**

Matthew Bonnie

Ted Koch

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

# **R E C O M M E N D A T I O N**

## **PC22-010**

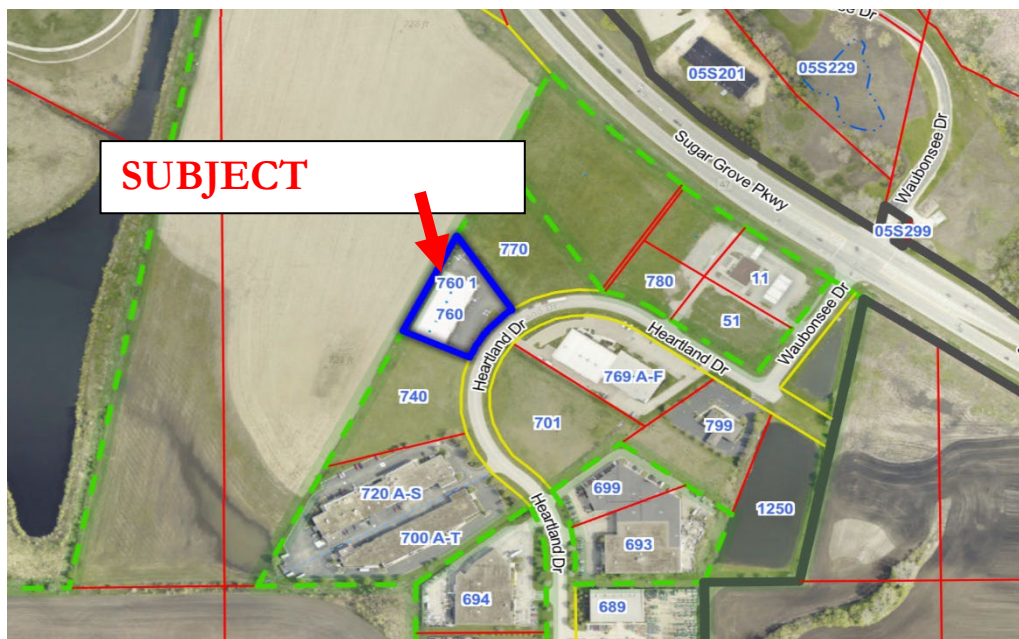
TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: Meeting of August 17, 2022  
PETITION: 22-010, 760 Heartland Drive Rezoning

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**PROPOSAL**

The applicant is requesting rezoning from M1 District to B3 District for property located on Heartland Drive.

**LOCATION MAP**



## **BACKGROUND & HISTORY**

The subject property is currently zoned M1- limited manufacturing. The premises although designed for industrial purposes never has been embraced by industrial users. Contractor offices and other commercial uses have historically located in this building. Over the years, as commercial uses have desired to locate in the building the Village has amended its zoning regulations to accommodate them. It may be time to recognize that this property does not serve an industrial purpose, but rather the transitional commercial uses that are neither industrial nor retail in character.

The petitioner is requesting the property be rezoned to B3- regional business district. The petitioner is the owner of Dirty Pawz Grooming, which is currently located on Cross St. They are authorized to make the application on behalf of the property owner. They are outgrowing their current space and wishing to relocate their business to the property located at 760 Heartland Drive. "Pet grooming" is not a permitted use in the M1 zoning district, therefore, the request for the rezoning.

Rezoning the property to B3 ensures the uses in the building remain commercial in nature. This location provides a sound location for secondary or tertiary commercial uses that does not otherwise exist in the Village. The uses that have established themselves at this location do not require a prime commercial location to remain viable and successful.

## **CHARACTER OF AREA**

The subject property has a multi-tenant building, currently zoned M1- Limited Manufacturing. The lot is located on the north end of Heartland Drive in the industrial park. Immediately northeast is are two empty lots zoned B3- regional business district; to the north is a large lot currently being farmed that is zoned E1- estate residential; to the southeast is another multi-tenant building with similar uses zoned M1- limited manufacturing. Further south down Heartland Drive are several industrial type buildings.

## **COMPREHENSIVE PLAN RECOMMENDATIONS**

The Village Comprehensive Plan designates the site as "Business Park". All of the contiguous properties are also designated as "Business Park".

The subject property is in commercial/industrial area and the rezoning of the property would be compatible with the surrounding area.

## **PUBLIC RESPONSE**

After due notice, the Planning Commission held a public hearing on August 17, 2022. No objectors were present.

## **EVALUATION**

Village staff is of the opinion the reclassification of this property to the B-3 district will serve to help that type of business looking for a convenient and accessible location but not a prime commercial location. To that end staff does not expect many permitted uses in the B-3 district to be attracted to this property. Creating a new zoning district was briefly contemplated but dismissed as it would create more issues

than we are attempting address with this request.

1. Land Use / General – The proposed rezoning is compatible with surrounding land uses.
2. Comprehensive Plan – The proposed rezoning is consistent with the Village and County Comprehensive Land Use plans.
3. Lots & Buildings – The proposed use of the property would not change or alter the existing character of the lot and building.

#### FINDINGS OF FACT

When considering Zoning Variation requests, the Zoning Ordinance provides certain standards to be considered. The Zoning Board of Appeals hereby finds that the proposed Variations:

- a. This rezoning change will promote the public health, safety, comfort, convenience and general welfare of the village and comply with the policies of the comprehensive land use plan and other plans adopted by the village.

*The reclassification of this property to the B-3 district will serve to help that type of business looking for a convenient and accessible location but not a prime commercial location thereby promoting the public health, safety, comfort, convenience and general welfare of the Village.*

- b. The trend of development in the area is consistent with this request.

*The surrounding uses and development in this area is predominantly commercial and industrial, which is consistent with the desired rezoning.*

- c. The permitted uses allowed by the rezoning are more suitable for the property than the permitted uses allowed by the current zoning designation.

*The new zoning classification would be in-line with the use of the property as multi-tenant commercial building.*

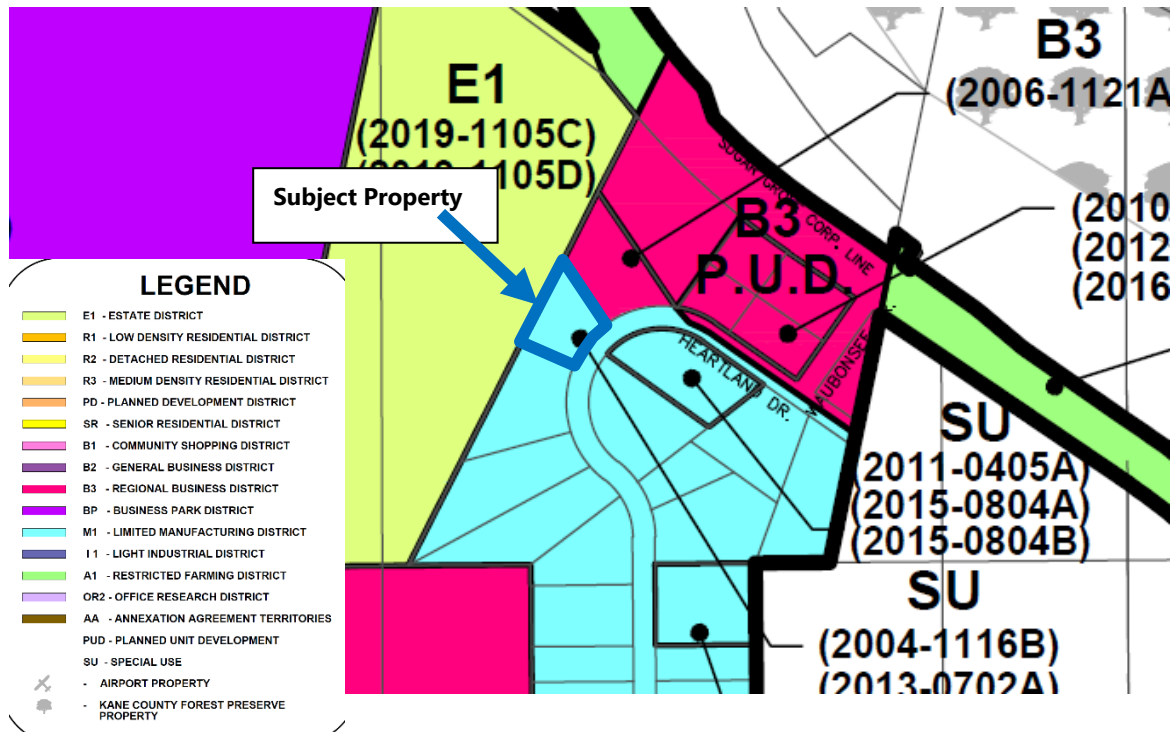
- d. This rezoning will not alter the character of the neighborhood or be detrimental to adjacent property.

*This rezoning will not be detrimental to adjacent property, nor will it alter the character of the neighborhood.*

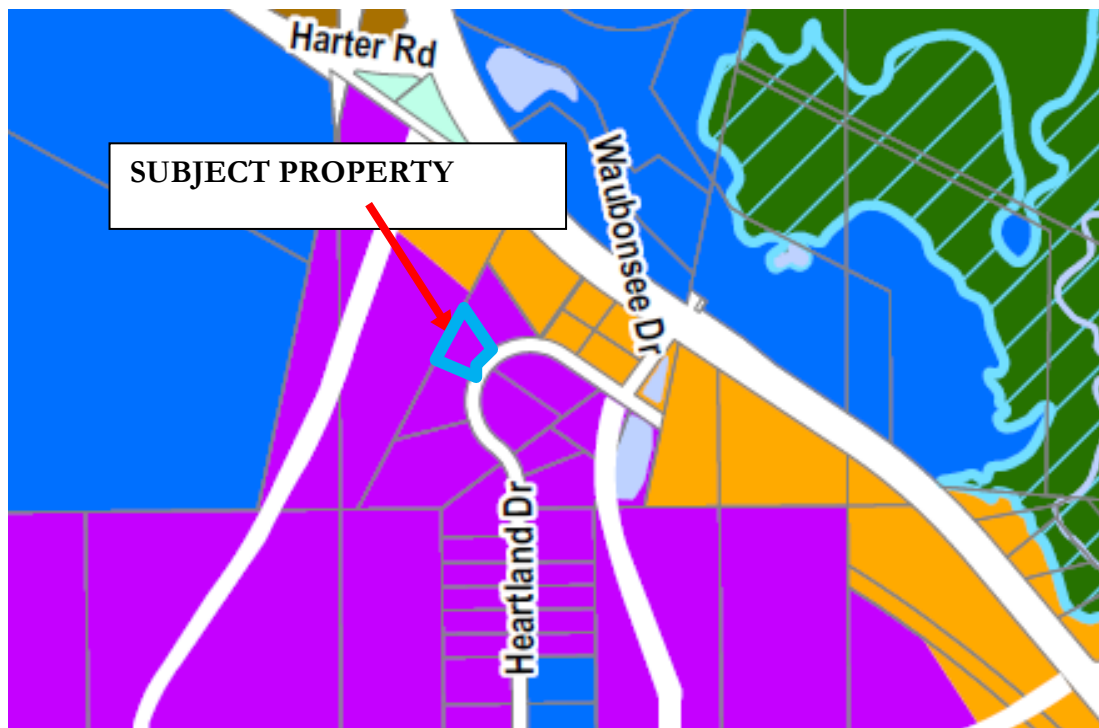
#### RECOMMENDATION

After carefully considering the facts and testimony, the Planning Commission recommends the Village Board **approve** the requested zoning reclassification to B-3 Regional Business District and accept the Findings of Fact.

## Zoning Map



## Land Use Plan





**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**ORDINANCE NO. 2022-0906B**

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**AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY  
(760 HEARTLAND DRIVE)**

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Adopted by the Board of Trustees and President of the Village of Sugar Grove  
this 6<sup>th</sup> day of September 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove  
this 6<sup>th</sup> day of September 2022

**VILLAGE OF SUGAR GROVE**

**ORDINANCE NO. 2022-0906B**

**AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY  
(760 HEARTLAND DRIVE)**

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**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

**WHEREAS**, Matthew Moral is the owner of the property legally described in Exhibit A, and has filed with the Village an application to reclassify from M-1 District to B-3 District; and,

**WHEREAS**, after due notice the Planning Commission held a public hearing on August 17, 2022, and no objectors were present, and in their report, Recommendation PC22-010, recommended approval of the rezoning; and,

**WHEREAS**, the Village Board has reviewed the request and concurs with the Planning Commission recommendation.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE: ZONING CLASSIFICATION**

The Zoning Map of the Village of Sugar Grove be, and it is, hereby amended to classify the property legally described in **Exhibit A**, attached hereto and made a part hereof by this reference, to the B-3 Regional Business District.

**SECTION TWO: GENERAL PROVISIONS**

**REPEALER**: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

**SEVERABILITY**: Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

**EFFECTIVE DATE**: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.



**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 6<sup>th</sup> day of September 2022.

ATTEST:

\_\_\_\_\_  
Jennifer Konen,  
President of the Board of Trustees

\_\_\_\_\_  
Alison Murphy,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Ryan Walter	_____	_____	_____	_____
Trustee James White	_____	_____	_____	_____

**Exhibit A**

*(Legal Description)*

LOT 17 IN SUGAR GROVE RESEARCH PARK, ACCORDING TO THE PLAT THEREOF  
RECORDED ON MARCH 21, 1990 AS DOCUMENT NO. 90K14321, IN THE VILLAGE OF SUGAR  
GROVE, KANE COUNTY, ILLINOIS.

PIN: 14-08-251-004