

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

Received Date

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

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): 09-02-301-002
	Street Address (or common location if no address is assigned): 7N416 Rt. 31, South Elgin, IL 60177

2. Applicant Information:	Name Miguel Bautista	Phone 224-629-3175
	Address 7N416 Rt. 31, South Elgin, IL 60177	Fax
		Email

3. Owner of record information:	Name Miguel Bautista	Phone 224-629-3175
	Address 7N416 Rt. 31, South Elgin, IL 60177	Fax
		Email

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Rural Residential

Current zoning of the property: F Farming

Current use of the property: Single Family Residence, with Landscape Business vehicles stored on site

Proposed zoning of the property: F, with special use

Proposed use of the property: Single Family Residence, with Landscape Business vehicles stored on site

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

No new improvements or construction would be required or planned to continue the existing use of the property

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (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 www.dnr.state.il.us/orep/nrrc/aar.htm) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to 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.

Michael Burkholder 08/21/18
Record Owner Date

Mark Schuster 8/22/18
Applicant or Authorized Agent Date

October 1, 2018

Miguel Bautista
Five-Year Interim Special Use for a landscaping business

Special Information: The petitioner has been operating a landscaping business on the property in violation of the Zoning Ordinance. The petitioner is requesting a five-year Interim Special Use to bring the business into conformance with the Zoning Ordinance.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Rural Residential. This designation encourages an infill strategy between and adjacent to existing rural residential developments where prime agricultural lands will not be taken out of production.

Staff recommended Findings of Fact:

1. The Interim Special Use would bring the business violation into conformance with the Zoning Ordinance.

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

Findings of Fact Sheet

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

The property is classified in the County's F-1 Farming Zoning District.

The existing residential use and the proposed special use for operation of a business on the Subject Property would fit with the other existing uses in the area. The business on the PIQ is used for storage of 1-2 vehicles on site; workers assemble there in the morning and leave to do work on outside sites during the day, returning at the end of the day. Owner performs off-site snowplowing in the winter. No other activities related to the business are conducted at the property. There are no business employees at the property on a day-to-day basis. Owner utilizes the services of his daughter for bookkeeping; she resides at the property and also attends college classes on an ongoing basis at Harper Junior College.

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

The Subject Property is surrounded by the following zoning classifications:

North	Stearns Road right-of-way and Village of South Elgin
East	Kane County Forest Preserve
South	F-Farming, with residential uses
West	Village of South Elgin - residential zoning / undeveloped land

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

The current zoning classification is F-Farming. Uses allowed in that zoning classification include agricultural uses, and storage and use of farming machinery; and residences in existence prior to 1979. The residence in question was constructed in 1957. The parcel is approximately 1.2 acres in size (greater than 20,000 s.f. in area, with frontage greater than 75 feet). Owner keeps on the property two trucks and two trailers, for use in his lawn care/landscaping business. He has erected two sheds on the premises, for storage. This use is not unlike others in this area.

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

The trend of development in the area is generally residential, except for the Forest Preserve open space on the east side of IL 31.

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

The projected use of the land under the Kane County 2040 Land Use Plan is "rural residential."

Rural Residential is described in the 2040 Plan as follows:

Rural Residential: Rural Residential areas designated on the map encourage an infill strategy between and adjacent to existing rural residential developments where prime agricultural lands will not be taken out of production. Extensive areas of rural Kane County have been approved for residential use with a one-acre minimum lot size and gross density of generally about two acres per dwelling unit.

Densities of any new proposed subdivisions in the areas planned for rural residential development should be based on prevailing County standards and regulations, surrounding densities, soil suitability for septic systems, as well as preservation of natural features, preservation of healthy, native trees and the character of the area. County review of subdivision proposals in these areas should also consider the rate of development to ensure that it is consistent with the ability of the townships and other local taxing bodies to provide an adequate level of service to new residents.

The projected use of the property for residential purposes, with a special use allowing for storage of landscape equipment, on this parcel of approximately 1.4 acres, fits with the other residential uses in the vicinity. There is no subdivision of land proposed for the Subject Property; and not further improvements; there has to date been no development to the proposed residential subdivision to the west, because of lack of public utilities (form the Village of South Elgin), and that area remains an open, wooded area.

Other neighboring properties have similar driveways extending to the western boundaries of the properties.

Use of the property across IL 31 (to the east) also extends to its far eastern boundary, with a secondary building behind the residence.

In the F-Farming District, an interim special use may be allowed, under the following conditions:

1. The use is compatible with the character and intensity of other uses and structures permitted in the adjacent F-Farming District; and
2. The use meets the standards for a special use set out in § 25-4-8-2 of the County Code; and
3. The use be allowed for a period not to exceed five (5) years.

See attached "Additional Findings of Fact for Special Use."

Additional Findings of Fact for Special Use:

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 residential use at this location has been in place since 1957; the current owner has had possession since 2008. The Owner operates his lawn care / landscaping business from the premises – see attached Narrative Statement.

The Owner has added a new shed with a valid County permit in the past. There are no employees who come to and park at the property during normal work hours each day. Other adjacent owners utilize the rear yards (of some 500' depth) for sheds, and parking. The land to the west remains vacant, and wooded, providing some buffering for Owner's use of his rear yard.

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

See #6 above. There should be no adverse impact on value of those properties. Owner is not proposing to expand the special use of his property; no new buildings are proposed for construction under this Petition; and Owner will remove the improvements which encroach on Kane County Division of Transportation property on the north side of the Subject Property.

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

There is no recent growth in this area; the other residential uses have been in place for some time. Granting a special use for storage of landscape business equipment on the Subject Property will not impede normal, orderly development of the surrounding property. If or when the long-standing residential and auxiliary uses seek a change, or the land to the west commences with residential development, the existence of the single-family residence on this property, with the auxiliary sheds, will not hinder such development. Land across IL 31 is largely reserved for open space (Kane County Forest Preserve); and there is another use with auxiliary buildings, which would not be adversely affected by this proposed special use.

9. Explain how adequate utility, access roads, drainage and other necessary facilities will be provided for the PIQ.

The Subject Property has long been developed with a single-family residence; and no new buildings are proposed as part of this request for a special use. The special use would have no impact on utilities; access; drainage or other necessary facilities. In addition, Owner will remove the improvements that encroach onto the property to the north.

10. Explain how adequate measures be provided for ingress and egress so designated to minimize the traffic and congestion.

The Subject Property has been in existence since 1957, with a driveway access to and from IL 31. There are two trucks and two trailers kept on the property for the business. No employees come to the site each day; all are picked up on the way to any jobsite. This operation has no negative effect on traffic on IL 31.

11. Explain how the special use will conform to the regulations of the Zoning District in which the PIQ is located.

The special use will otherwise comply with the requirements of the F-Farming Zoning District.

Respectfully submitted,

Miguel Bautista, Applicant

By: _____

Mark Schuster

Bazos, Freeman, Schuster & Pope LLC

Mark Schuster
Bazos, Freeman, Schuster & Pope LLC
1250 Larkin Avenue #100
Elgin, IL 60123
mschuster@bazosfreeman.com

Bautista
7N416 Rt. 31, South Elgin

Description of Business Operations

Owner: Miguel Bautista
Business: Chino's Landscaping, a sole proprietorship
Address: 7N416 Rt. 31, South Elgin (Kane County), Illinois 60177

Mr. Miguel Bautista resides at this address with his family in the long-existing single family residence on the site..

He also conducts business as Chinos Landscaping from this location. The business engages in landscaping and lawn-mowing activities in the summer, and provides snow-plowing services in the winter.

Mr. Bautista keeps two trucks and two trailers on the Subject Property for business purposes.

There are two sheds on the premises, used in part for business purposes and in part for personal purposes. One shed is approximately 200 s.f. in size; the other is approximately 900 s.f.

No landscaping products are grown or stored on site.

There are no full-time employees present on, or coming to, the Subject Property each day. Employees who will engage in work to be performed by the business are picked up by Mr. Bautista each day, when he is en route to any job site. There are no night-time business activities conducted on the site.

There are also no office employees who come to the property for purposes of the business. Mr. Bautista utilizes a PO Box for business mail. He employs his college-aged daughter as part-time bookkeeper; she resides in the residence, and otherwise attends classes at Harper Community College.

There is an encroachment of a driveway / pavement over the north boundary line of Bautista's property. This encroachment will be removed by Owner.

There is no known encroachment over the western boundary.

Respectfully submitted,

Miguel Bautista, Applicant

By: _____
Mark Schuster
Bazos, Freeman, Schuster & Pope LLC

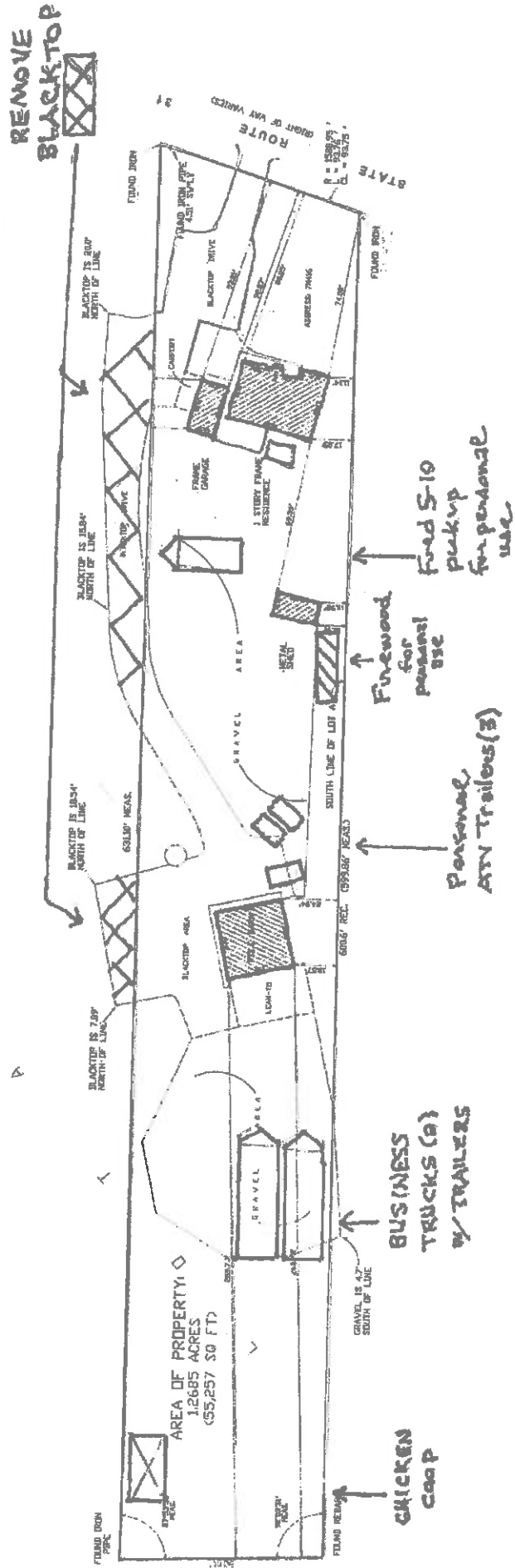
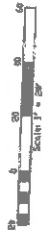
Bautista

SITE PLAN

Alan J. Coulson, P.C.
PROFESSIONAL LAND SURVEYORS
PLAT OF SURVEY

OF PROPERTY DESCRIBED AS FOLLOWS:

The Subdivided 90 Feet, as measured along the Western Line, of Lot A of Highland Acres, in the Township of St. Charles, Kane County, Illinois.



FIELD WORK COMPLETED: July 11, 2018

This plat was prepared by the Professional Land Surveyors of Illinois, who are duly licensed and qualified to perform the duties of their office. The plat is subject to the provisions of the Illinois Surveying Act, Chapter 110, Illinois Compiled Statutes (605/110).

Any discrepancy in measurement shall be deemed to be in favor of the landowner.

Compare the descriptions on this plat with those filed for reference and recording there.

Alan J. Coulson, P.C.
PROFESSIONAL LAND SURVEYORS
 648 S. 8th Street, St. Charles, Illinois 60118
 Phone: (617) 425-5911 Fax: (617) 425-8074
 EMAIL: ALAN@ALANCOULSON.COM

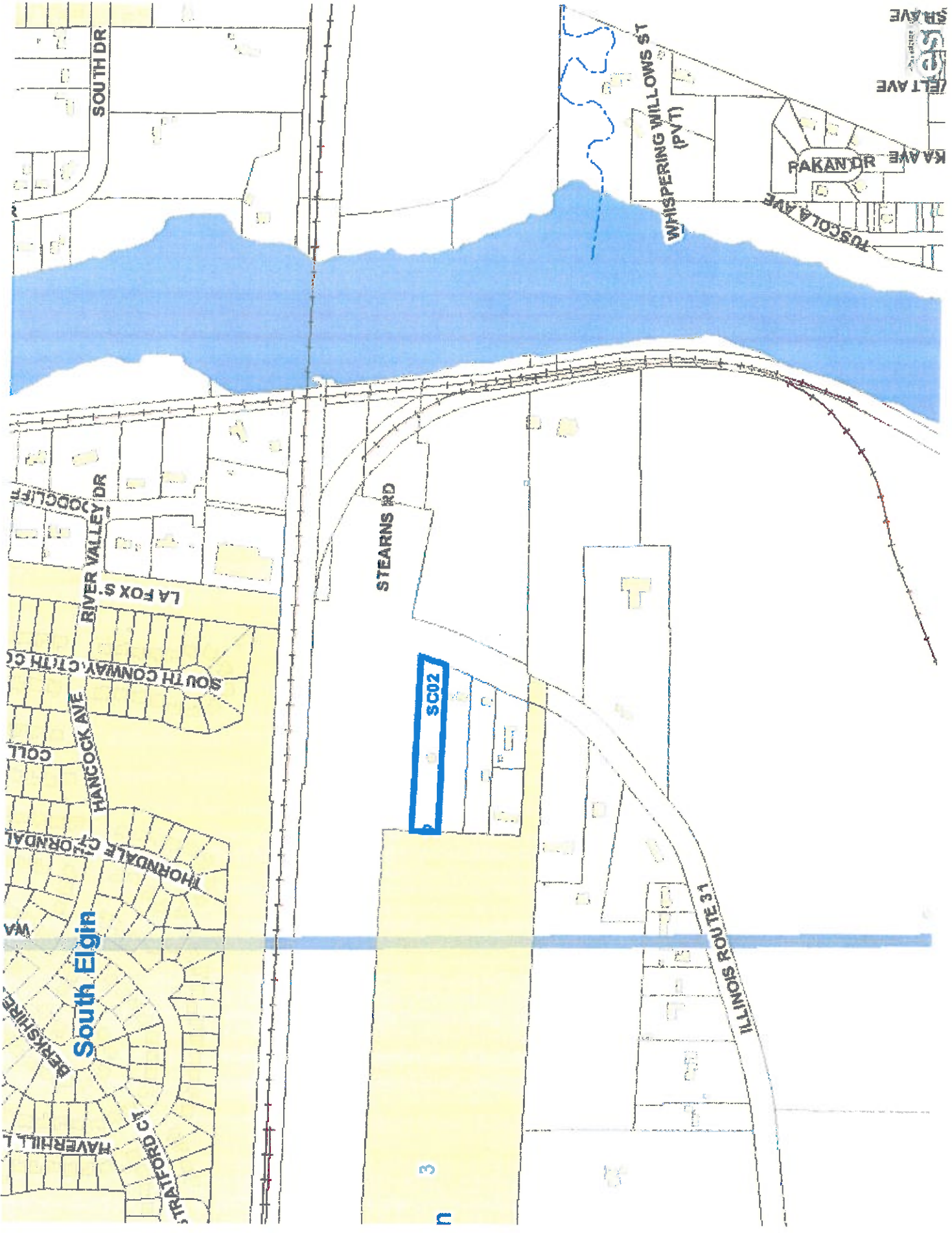
STATE OF ILLINOIS }
 COUNTY OF KANE }
 I, Alan J. Coulson, Professional Land Surveyor No. 12-070, do hereby certify that I have surveyed the property described in this plat, and that the same is correctly shown in the attached record, and that the same is in accordance with the provisions of the Illinois Surveying Act, Chapter 110, Illinois Compiled Statutes (605/110).

Any discrepancy in measurement shall be deemed to be in favor of the landowner.

Compare the descriptions on this plat with those filed for reference and recording there.

FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF KANE COUNTY, ILLINOIS, ON July 11, 2018 AT 10:00 AM.

CLERK OF THE CIRCUIT COURT OF KANE COUNTY, ILLINOIS



SOUTH DR

SR AVE
ELT AVE

WHISPERING WILLOWS ST
(PVT)

KA AVE
PAKANDR
TOSCOLA AVE

STEARNS RD

SC02

ILLINOIS ROUTE 133

South Elgin

LA FOX S
RIVER VALLEY DR
DOOCLEFF

SOUTH CONWAY CTRH CO
HANCOCK AVE
COLL

THORNDALE C
ORNDAL

HAVERHILL
STRAFORD CT
BENKSHIRE

3

n



ST. CHARLES TWP.
T.40 N - R.8E

map 9

