

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): 05-11-300-018
	Street Address (or common location if no address is assigned): 40W991 Plank Road, Hampshire, IL

2. Applicant Information:	Name A&B Sanchez Landscaping, Inc.	Phone 847-392-5767
	Address 2814 E. Hintz Road Arlington Heights IL 60004	Fax
		Email tony@absanchezlandscapes.com

3. Owner of record information:	Name Atanacio Sanchez	Phone 847-812-9446
	Address 2814 E. Hintz Road Arlington Heights IL 60004	Fax
		Email N/A

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Countryside Estate Residential

Current zoning of the property: F-1 Farming

Current use of the property: Agricultural; Residential

Proposed zoning of the property: § Zoning lots: F-1; F-2; F

Proposed use of the property: Landscape Material and storage yard; tree farm; residential

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

Applicant proposes an addition to the existing commercial building and the

installation of concrete bins to store landscape materials as well as a tree farm.

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.



Record Owner

Date

9-17-18



Applicant or Authorized Agent

Date

9-17-18

November 7, 2018

Atanacio Sanchez

Rezoning the southern portion of property from F-District Farming to F-1 District Rural Residential and F-2 District – Agricultural related sales, service, processing, research, warehouse and marketing with a Special Use for a landscaping business

Special Information: The petitioner is seeking a rezoning to F-2 to allow a landscaping business to be operated from the property. The F-1 rezoning is to ensure the existing residential use will be kept in conformance with the Zoning Ordinance.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area Countryside Estate Residential.

Staff recommended Findings of Fact:

1. The F-2 rezoning will allow a landscaping business to be operated from the property.
2. The F-1 rezoning will ensure the conformance of the existing residential use.

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

**RIDER TO APPLICATION
FOR DEVELOPMENT APPROVALS**

Applicant, **A & B SANCHEZ LANDSCAPING, INC.**, an Illinois corporation, together with the underlying property owner **ATANACIO SANCHEZ**, an individual (collectively "**Applicant**") for its Application for Map Amendment and for Special Use, states as follows:

Subject Property:

THE WEST 183.48 FEET, AS MEASURED ALONG THE SOUTH LINE OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 41 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER LINE OF PLANK ROAD, IN THE TOWNSHIP OF PLATO, KANE COUNTY, ILLINOIS.

COMMONLY KNOWS AS: 40W991 PLANK ROAD, HAMPSHIRE, ILLINOIS.

PIN: 05-11-300-018

Applicant (Proposed Lessee)

Name: A & B Sanchez Landscaping, Inc., an Illinois corporation
Address: c/o Andrew E. Kolb, Esq., Vanek, Larson & Kolb, LLC
200 W. Main Street, St. Charles, IL 60174
Phone: Andrew E. Kolb: 630-513-9800
Fax: Andrew E. Kolb: 630-513-9802
Email: Andrew E. Kolb: akolb@vklawfirm.com

Co-Applicant / Owner of Record:

Name: Atanacio Sanchez
Address: 2814 E. Hintz Road, Arlington Heights, IL 60004
Phone: 847-812-9446

I. General Background.

- 1.1 A & B Sanchez Landscaping, Inc. ("A & B") began in 1991 as a humble lawn mowing service providing quality landscape care for homeowners in Winnetka, Illinois. Over time, A & B has grown to be a full-service comprehensive contractor providing quality horticultural care and landscape installation, from essential law care to modern green grid roof-top landscape installations. A & B is a certified Minority Business Enterprise (MBE) by the City of Chicago and currently provides to its customers throughout the Chicagoland area a full spectrum of services including: (a) Landscape Installation; (b) Brick Paver Installation; (c) Lawn and Turf Care; (d) Horticultural Care; (e) Annual Rotational Care; and (f) Winter Decoration. Customers of A & B range from small businesses, to municipalities and large scale general contractors.
- 1.2 The property that is the subject of this Application is approximately 6.29 acres in dimension and is located along Plank Road within unincorporated Kane County. The property is depicted within the ALTA Survey incorporated herein as Exhibit A attached hereto (the "**Subject Property**"). The Subject Property is owned by Atanacio Sanchez who is a 25% shareholder in A & B. The Subject Property will be used to complement the existing business of A & B. The Subject Property is bordered to the East by a 10.53 acre parcel owned by Atanacio S. Sanchez, the property owner's son, who is also involved in the business of A & B. The Subject Property is bordered to the north by Plank Road. The Subject Property is bordered to the south and to the west by two existing farms with no immediately adjacent residential use.

- 1.3 The underlying zoning classification of the Subject Property is F-1 Farming. The Subject Property currently contains a 2-story brick and frame house together with two additional stable frame structures. Applicant proposes that the property owner Atanacio Sanchez will occupy the 2-story brick and frame house. The open space within the Subject Property to the north of the 2-story brick and frame house currently is horse pasture and is vacant.
- 1.4 Tree Farm Area (4 acres) - Applicant proposes to develop the property into a tree farm and landscape material yard. As depicted upon Applicant's Concept Site Plan, the approximately 4-acre area on the Subject Property to the north of the 2-story brick and frame residence will be utilized as a tree farm. Applicant proposes to plant saplings with a caliper of approximately 1" which will be harvested within approximately 5 to 7 years. Trees to be planted include: (a) Sugar Maples; (b) Autumn Blaze Maples; (c) Oaks; (d) Crab trees; (e) Birch trees; (f) Evergreens and Cyprus trees; (g) Spruce trees; and (h) Pine trees. The 1" caliper trees will be planted in orderly rows. No fertilizer will be added to the soil.
- 1.5 Residence (2 story brick and frame) - The existing 2-story brick and frame residence will become the personal residence of the property owner Atanacio Sanchez. The remaining portion of the Subject Property will be leased by the property owner to A & B. Atanacio Sanchez will serve as a watchman for the existing farming and material operations of A & B.
- 1.6 Landscape Vehicle Storage (southern 1 acre) – An area of approximately one acre located at the southern portion of the Subject Property will be improved with crushed gravel and utilized to park Applicant's trucks. The Subject Property will not be used for retail purposes of any kind and customers will not come and go from the Subject Property. The Subject Property will be used solely to complement the existing operations of A & B.

Applicant anticipates the following traffic to/from the Subject Property in connection with Applicant's proposed use:

- (a) Approximately 6 – 8 cars that will be utilized by Applicant's employees who will arrive at approximately 5:00 a.m. and leave at approximately 4:00 p.m.; and
- (b) Approximately 5 to 6 trucks will be on site including dump trucks and one (1) tandem axle truck.

All vehicles will be stored on the southern portion of the Subject Property within the proposed 1-acre crushed gravel parking area to be constructed by Applicant as depicted on Applicant's Concept Site Plan. The trucks may be converted to plows for snow during the winter season.

- 1.7 Material Storage Yard - The 1-acre parking area will also contain approximately seven concrete bin stalls housing: (a) Topsoil (50 yards); (b) mulch (100 yards); (c) gravel (20 yards); (d) sand (20 yards); (e) rock (20 yards); and (f) 2 separate bins of a topsoil mix containing mushroom compost. The bins will have an asphalt base with concrete walls that are locked together on three sides of approximately 6 feet in height. Inventories of these materials will fluctuate with seasonal demand and project usage. Materials will not be available for purchase by the general public. All business operations on the Subject Property will be solely to support the existing business of A & B. Applicant proposes three lighting pole fixtures with LED lights to accommodate the 1-acre vehicle storage and material yard area in the areas in accordance with the photometric plan incorporated herein.
- 1.8 Equipment Storage – The existing on-site Stable Frames contain existing horse stalls and will be utilized to house Applicant's light equipment and machines. Machines will include six (6) Bobcat's, one (1) medium-sized farm tractor, one (1) medium-sized front-end loader, and various other farming and landscape implements and plow conversions during the winter season.
- 1.9 Access. Applicant proposes an REA (Reciprocal Easement Agreement) with the property owner's son to the East of the Subject Property. The REA will provide for shared access and maintenance. The REA will be recorded against the Subject Property and recorded against the property to the east in a manner and

form acceptable to Kane County. Applicant will add crushed gravel to the existing access drive to Plank Road in order to meet the KDOT minimum requirements of maintaining a 24' width for at least 250' on that access drive. Applicant further proposes to expand the existing access to the Subject Property to 40'.

Applicant proposes 60' right of way dedication to KDOT County through a recorded plat of dedication. A permanent REA will also be recorded on the Plat of Dedication.

- 1.10 Signage. Any signage proposed by Applicant will meet the requirement that it be located 35' from the centerline after the 60' dedication. Any signage installed by Applicant will also meet all landscaping requirements.

II. Development Requests

Applicant seeks the following development approvals at this time.

- (a) Applicant seeks approval to re-zone the Subject Property through a Map Amendment in order to divide the subject property into three (3) separate zoning lots as follows and in accordance with Applicant's proposed Site Plan:
1. F-1 (Rural Residential) -Residential portion of the Subject property.
 2. F-2 (Agricultural related to sales, service and processing, research, warehouse and marketing)- Materials Yard portion of the Subject Property (through the granting of a Special Use).
 2. F-(Farming)- Tree Farm portion of the Subject Property.
- (b) Applicant seeks a Special Use for required for horticultural services, transportation related activities and limited equipment repair on the F-2 portion of the Subject Property.

Applicant hereby submits: (a) a concept site plan; and (b) an ALTA Survey of the Subject Property.

III. Submission Materials

Along with the filing of its Application, and in support thereof, the Applicant has submitted to Kane County the following materials (collectively the "Development submittals").

Legal Description
ALTA Survey
Site Plan
Landscape Plan
Civil Engineering Plans
Plat of Dedication to KDOT for 60' r/o/w
Stormwater Permit Application
Kane / DuPage Soil and Water Conservation District Land Use Opinion Application
IDNR – Endangered Species Report
Certification of Notice to Adjacent Property Owners / List of Adjacent Property Owners
Finding of Facts Sheet
Digital Submission
Application Fee / Kane County Application Forms

IV. Criteria

Special Uses - Section 4.8 of the Kane County Zoning Ordinance sets forth the procedures and criteria for granting a Special Use hereby addressed by the Applicant. Section 4.8-1 states that:

“Uses as hereinafter enumerated, which may be proposed for classification as "special uses", shall be considered at a public hearing before the Zoning Board, and its report of findings or fact and recommendations shall be made to the County Board following the public hearing; provided, that the County Zoning Board, in its report of findings or facts and recommendations to the County Board, shall not recommend a special use unless the Zoning Board shall find:

- (a) That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The operation of horticultural services, transportation related activities and limited equipment repair as a special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare. The landscape materials stored on the Subject Property, topsoil, mulch, sand, gravel, and rock, do not pose any danger and will be stored in concrete stalls along the southernmost portion of the property. The storage of the landscape vehicles and equipment will similarly not be detrimental or endanger the general welfare. The Subject property is surrounded by agricultural uses and does not have any adjoining residential neighbors.

- (b) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**

The special use for horticultural services, transportation related activities and limited equipment repair will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The surrounding property is already agricultural in nature and is used for farming and equestrian purposes. These uses will not be affected by the Applicant’s use of the Subject Property as a landscaping materials and storage yard and property values will not be negatively impacted.

- (c) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The surrounding property is already agricultural in nature and the granting of a special use for horticultural services, transportation related activities and limited equipment repair will not impede any development.

- (d) That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided.**

Adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided for the Subject Property. Applicant will comply with all KDOT and stormwater detention

criteria for the Subject Property in accordance with the Site Plan and other submittals provided by Applicant.

- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.**

Applicant's special use for horticultural services, transportation related activities and limited equipment repair Will not affect traffic or cause congestion in the public streets and roads. Adequate means of ingress and egress already exist on the Subject property, and Applicant will comply with all KDOT requirements in accordance with Applicant's proposed Site Plan and other submission materials.

- (f) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County.**

Applicant's special use for horticultural services, transportation related activities and limited equipment repair shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County.

IV. Miscellaneous.

Applicant requests that copies of all notices given to Applicant hereunder (or in connection with the actions requested to be taken herein) be sent to the following parties:

Andrew E. Kolb, Esq.
Vanek, Larson & Kolb, LLC
200 W. Main Street
St. Charles, Illinois 60174
Phone: 630-513-9800
Fax: 630-513-9802
akolb@vklawfirm.com

EXHIBIT A
LEGAL DESCRIPTION

THE WEST 183.48 FEET, AS MEASURED ALONG THE SOUTH LINE OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 41 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER LINE OF PLANK ROAD, IN THE TOWNSHIP OF PLATO, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 40W991 PLANK ROAD, HAMPSHIRE, ILLINOIS.

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.*

A&B Sanchez Landscaping, Inc.
Applicant

9/19/18
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 uses in the general area of the Subject property are agricultural in nature. The proposed use as a landscape material and storage yard is harmonious with the surrounding uses for farm and equestrian purposes.

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

The zoning classification of the area surrounding the Subject Property is F Farming.

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

The Subject Property is well suited for the uses permitted under the existing zoning classification which includes agricultural uses.

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

There is no development in the general area of the property.

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

The projected use of the Subject Property conforms to the Kane County 2040 Land Use Plan. The Subject Property is identified in the 2040 Plan as Countryside Estate Residential. The 2040 Land Use Plan recommends establishing low-density criteria for future developments in this area to preserve the character, wildlife base, and natural features. The proposed use will maintain the agricultural character and natural features of the property. The Plan further recommends that the gross density should not generally exceed an average of one dwelling unit per four acres of land, which is consistent with the Subject property which contains one dwelling on over 5 acres of land.

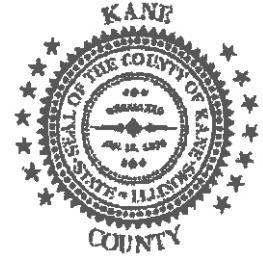
Findings of Fact Sheet - Special Use

A&B Sanchez Landscaping, Inc.

Special Use Request

9-19-18

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 operation of horticultural services, transportation related activities and limited equipment repair as a special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare. The landscape materials stored on the Subject Property, topsoil, mulch, sand, gravel, and rock, do not pose any danger and will be stored in concrete stalls along the southernmost portion of the property. The storage of the landscape vehicles and equipment will similarly not be detrimental or endanger the general welfare. The Subject property is surrounded by agricultural uses and does not have any adjoining residential neighbors.

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

The special use for horticultural services, transportation related activities and limited equipment repair will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The surrounding property is already agricultural in nature and is used for farming and equestrian purposes. These uses will not be affected by the Applicant's use of the Subject Property as a landscaping materials and storage yard and property values will not be negatively impacted.

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

The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The surrounding property is already agricultural in nature and the granting of a special use for horticultural services, transportation related activities and limited equipment repair will not impede any development.

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

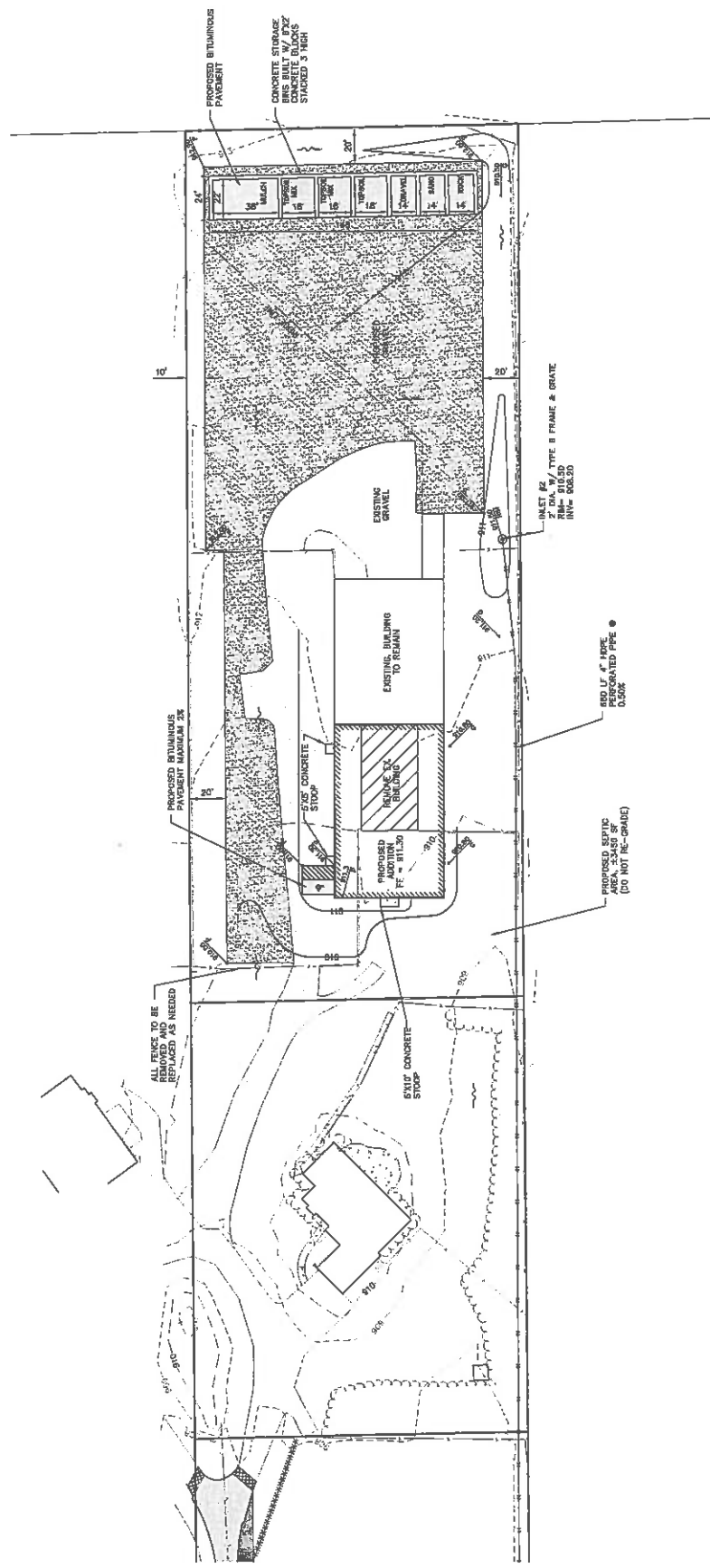
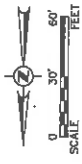
Adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided for the Subject Property. Applicant will comply with all KDOT and stormwater detention criteria for the Subject Property in accordance with the Site Plan and other submittals provided by Applicant.

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

Applicant's special use for horticultural services, transportation related activities and limited equipment repair will not affect traffic or cause congestion in the public streets and roads. Adequate means of ingress and egress already exist on the Subject property, and Applicant will comply with all KDOT requirements in accordance with Applicant's proposed Site Plan and other submission materials.

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

Applicant's special use for horticultural services, transportation related activities and limited equipment repair shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County.



DATE: SEPTEMBER 2018
 PROJECT NO: P18026
 FILE: P18026-SITE
 SHEET 7 OF 9

SITE PLAN - SOUTH

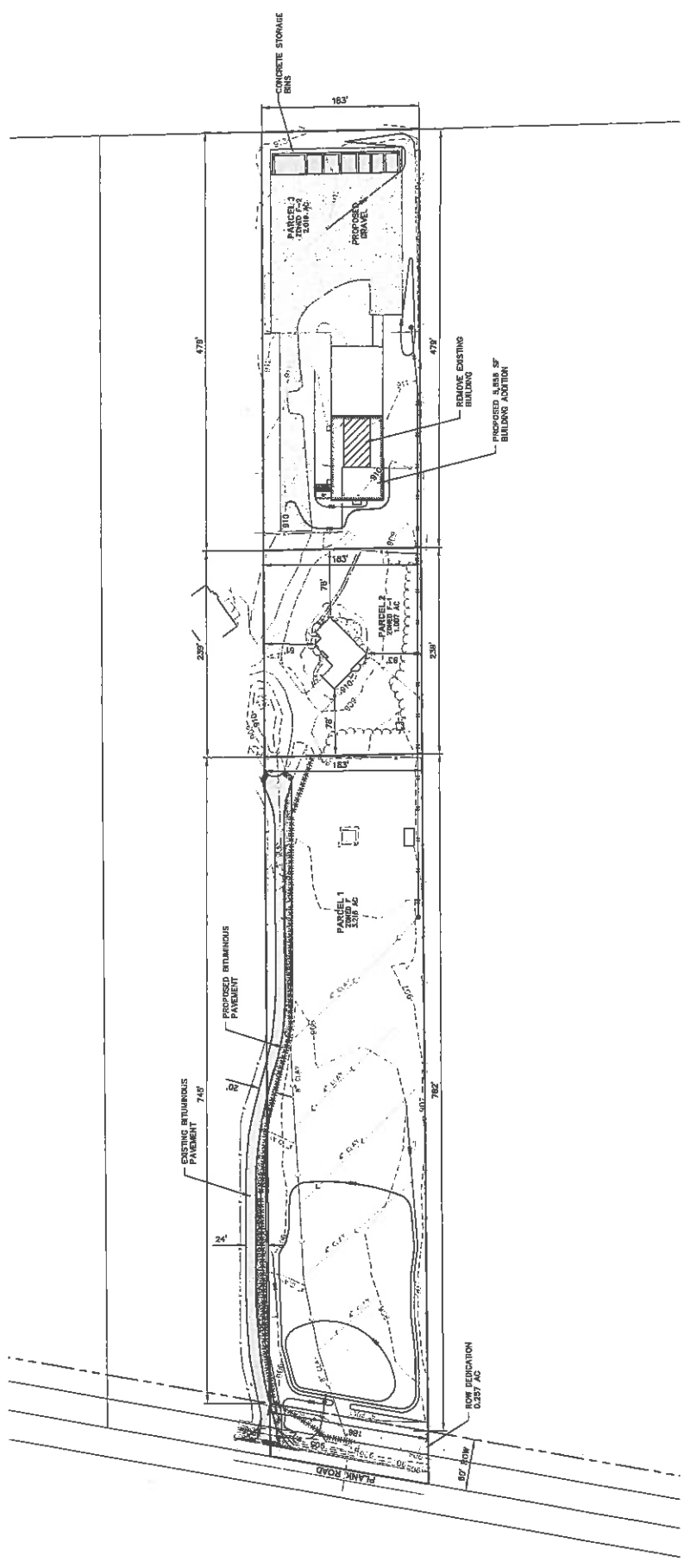
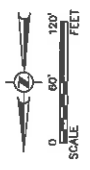
A & B SANCHEZ LANDSCAPING
 40W991 PLANK ROAD
 PLATO TOWNSHIP, ILLINOIS

NO.	DATE	REVISIONS

A & B SANCHEZ LANDSCAPING
 2814 E. HINTZ ROAD
 ARLINGTON HEIGHTS, IL 60004

Engineering Enterprises, Inc.
 CONSULTING ENGINEER
 5300 N. Cicero Ave.
 Sugar Grove, Illinois 60054
 815.486.5700 / www.eeteh.com





DATE: SEPTEMBER 2018
PROJECT NO: P18026-SITE
FILE: P18026-SITE
SHEET 5 OF 9

SITE PLAN

A & B SANCHEZ LANDSCAPING
40W991 PLANK ROAD
PLATO TOWNSHIP, ILLINOIS

A & B SANCHEZ LANDSCAPING
2814 E. HINTZ ROAD
ARLINGTON HEIGHTS, IL 60004

Engineering Enterprises, Inc.
CONSULTING ENGINEERS
5000
Sugar Grove, Illinois 60054
630.466.6700 / www.aefeb.com



DATE: September 12, 2018 @ 1:13 PM BY: KRM/PLM - 10th 09 014 PM - 2804

Map Title



October 16, 2018

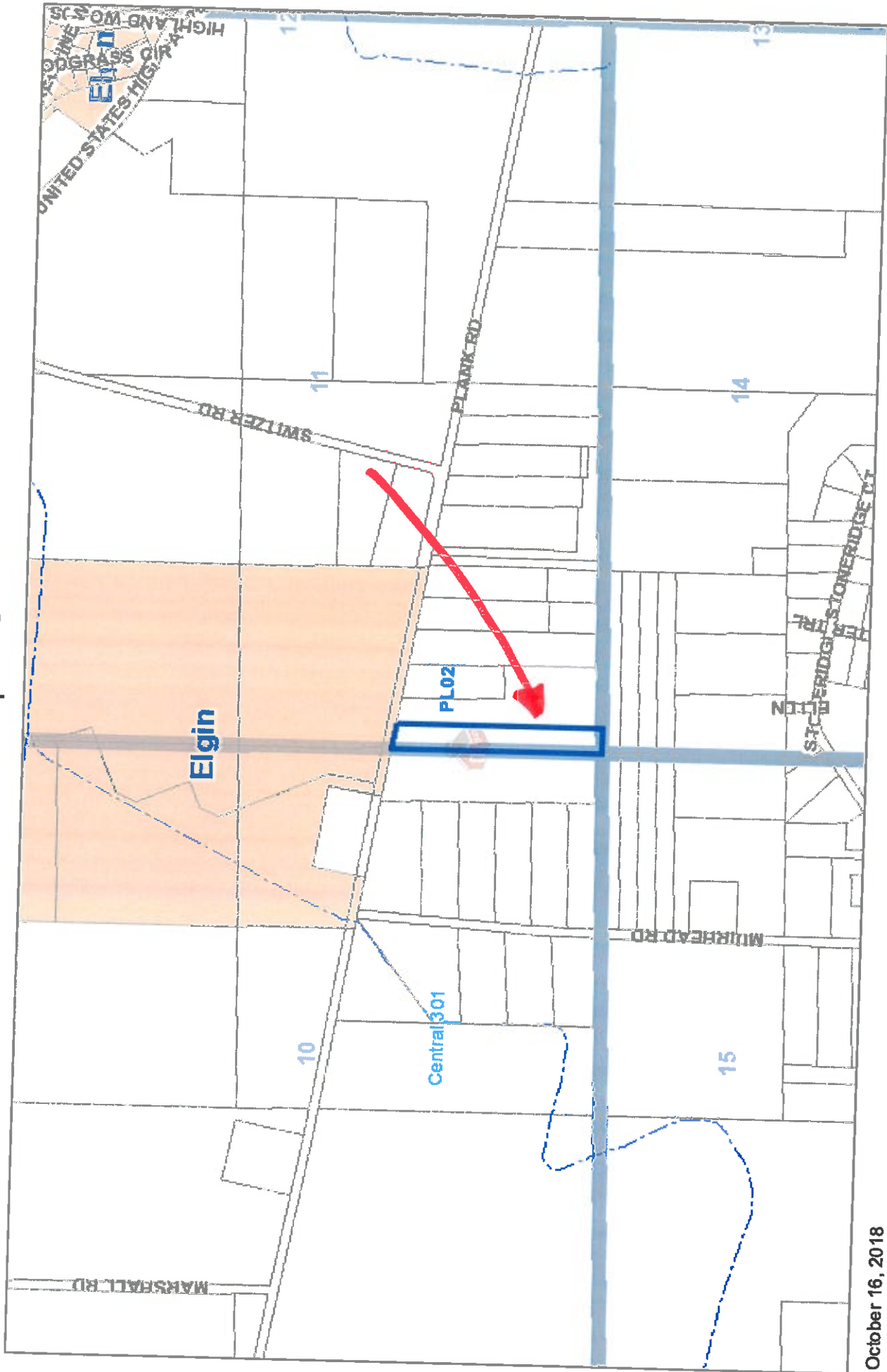
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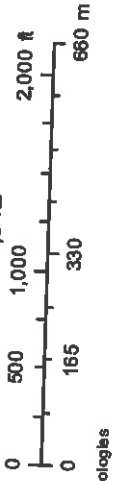
GIS-Technologies
Kane County Illinois

Map Title



October 16, 2018

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GIS-Technologies

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GIS-Technologies
Kane County, Kansas