

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

4569

<p>Received Date</p> <p>SEP 25 2020</p> <p>Kane Co. Dev. Dept. Zoning Division</p>

**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): 08-33-200-010
	Street Address (or common location if no address is assigned): 2N553 Pouley Rd Elburn, IL 60119

2. Applicant Information:	Name Francisco & Martha Cabral	Phone 224.377.7094
	Address 2N553 Pouley Rd Elburn, IL 60119	Fax NA
		Email cabraltruckingcorp@gmail.com

224-400-3554

3. Owner of record information:	Name Martha Cabral	Phone 224.377.7094
	Address 2N553 Pouley Rd 2N553 Pouley Rd	Fax NA
		Email cabraltruckingcorp@gmail.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Agriculture

Current zoning of the property: F

Current use of the property: Residential

Proposed zoning of the property: B-3

Proposed use of the property: Residential with Business Use

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

Install 6' fence around perimeter of truck parking area.

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.

Monthera Cabral
Record Owner

9/15/2020
Date

Applicant or Authorized Agent

Date

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.*

Francisco & Martha Cabral

Name of Development/Applicant

9/14/20

Date

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

Shady Hill Gardens is located at 42W075 IL RT 38 which is immediately east of the Cabral Site. Shady Hill is open 7 days a week and has a parking lot for over 30 cars. Cabral trucking operates only Monday-Friday.
Area farmer to the south use large semi-trucks for hauling grain on Pouley road.

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

Zone F and F-2.

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

Shady Hill Gardens is open 7 days a week with off street parking for over 30 cars.
Cabral Trucking is in operation seasonally from March-November. Trucks are stored at the site overnight.
Trucks leave the site around 6am and are gone all day and return around 4 pm. No trucks are returning to the Cabral property during the day.
No material is stored at the site. There are no retail sales at the site.

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

Shady Hill gardens has been in business since 1974 and has expanded the number of green houses and parking spaces for customers.
No other development has occurred within the general area of the site.

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

The 2040 Land Use Plan does not show any change in use for the area around 2N553 Pouley Road.
The proposed parking lot is very small and store only three trucks. The parking lot and drive takes up only 0.45 acres out of the 5.52 acres on the site.
The parking areas for Shady Hill Gardens and the farms to the south are substantially larger than the Cabral parking lot.
The proposed parking lot will also be enclosed with a 6' wood fence to provide screening.

Findings of Fact Sheet – Special Use

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 trucks leave by 6am and return by 4pm. There are no trucks operating at the site during the day. No materials are brought to the site. There are no retail sales from this site. The trucks arrive and leave empty so no heavy loads are applied to the roadways. All maintenance is completed off site. There is no noise during day and the trucks do not operate on the weekend. No fuels are stored on the site

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

The trucks are offsite during the day. The trucks will be stored behind a 6' privacy fence overnight. No work is completed on the trucks at the site. All maintenance is completed offsite at truck repair shops. No fuels are stored at the site. No materials are brought to the site and no materials will be sold from the site.

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

The proposed parking lot will not impact the surrounding area for development.

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

The access road to Pouley road is a separate drive for the residential driveway and a Campton Township permit was issued for the new drive. An infiltration trench/BMP will be constructed at the low end of the parking lot and a perimeter 6' wood fence will be constructed around the parking lot.

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

A separate driveway was constructed for the parking lot. Pouley Road has been closed to the south at the railroad crossing.
There will not be impacts to traffic on Pouley Road or RT 38 since the trucks leave early in the morning and return around 4pm.

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

The proposed parking lot will comply with the Kane County Storm Water Ordinance regulations. The access drive is located with adequate site distance in each direction when entering Pouley Road.

January 26, 2021

Martha Cabral

Rezoning a portion of property from F-District Farming to B-3 District Business with a Special Use for truck parking

Special Information: Until recently, the petitioner was in currently in violation of the Kane County Zoning Ordinance and the Kane County Stormwater ordinance for bringing in fill material, construction a parking area and parking trucks from their business on the property. Since being cited of the violations, the petitioner has relocated the trucks to a different property and have prepared engineering drawings for the filled area. As part of their administrative remedies, they are seeking a rezoning of a portion of the property from F-1 District Rural Residential to B-3 District Business with a Special Use to allow for the storage of trucks in the defined parking area. Cabral trucking is operated seasonally from March to November. The petitioner had stated the following: During the offseason the trucks would be parked on a different property in the Village of Elburn. Trucks would leave the property around 6:00 am and return around 4:00 pm and would not be returning at other times during the day. The vehicle fleet would be comprised of three trucks with no materials being stored on the property. Two offsite employees would report for work at the property and park their personal vehicles in the proposed B-3 area. The parking area would be enclosed with a 6' wood fence.

Analysis: The Kane County 2040 Land Use Plan designates this area as Agricultural. The 2040 Plan states that the Agricultural use category also provides for agribusinesses, farm support services, and other related uses that are dependent upon, or closely allied to, modern agricultural practices. Kane County recognizes that prime farmland can be best utilized as agricultural land when supported by a full range of agribusiness and farm services in the immediate area.

The proposed area for parking trucks is in an area contiguous to the 100 floodplain. The proposed location is also part of the headwaters of the Blackberry Creek Watershed. Just to the north is owned land owned and operated by Campton Township for conservation education and protection of the Blackberry Creek headwaters area.

The trucking business is not directly related to agriculture and therefore does not make the proposed use eligible for a F2 zoning.

Findings of Fact:

- 1) The proposed B-3 District Business with a Special Use for truck parking is not consistent with the 2040 Land Use Plan.
- 2) The proposed use is not consistent with the trend and character of other uses in the surrounding area.

Plot of Boundary Survey of
Part of the Northeast Quarter of Section 33-40-7
Campton Township Kane County Illinois

Legal Descriptions:

Parent Parcel

That part of the Northeast Quarter of Section 33, Township 40 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the Southeast corner of said Northeast Quarter; Thence North 0°53'28" West, along the west line of said Quarter, 571.0 feet; Thence South 60°00'50" East, 474.71 feet; Thence South 73°48'39" East, 167.80 feet; Thence South 47°13'34" East, 88.52 feet; Thence South 19°31'39" East, 142.55 feet; Thence South 18°07'19" East, 37.55 feet to the south line of said Quarter; Thence South 88°53'19" West, along said south line, 745.14 feet to the Point of Beginning, all in Campton Township, Kane County, Illinois.

Proposed Parking Lot Zoning Parcel

That part of the Northeast Quarter of Section 33, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast corner of said Northeast Quarter; Thence North 89°06'41" East along the south line of said Northeast Quarter, 342.0 feet; Thence North 0°53'19" West, 97.0 feet to a point of beginning; Thence South 83°54'19" West, 120.00 feet; Thence North 4°53'19" West, 34.00 feet; Thence North 9°36'41" East, 37.00 feet; Thence North 49°06'41" East, 29.00 feet; Thence southeasterly and southerly 106.72 feet on the arc of a curve to the right having a radius of 120.74 feet, said chord forming a chord having a bearing of South 36°00'40" East and a length of 168.67 feet to the point of beginning, all in Campton Township, Kane County, Illinois.

State of Illinois

This is to certify that I, Shawn R. VanKampen, an Illinois Professional Land Surveyor of Donahue and Thornhill, have surveyed that part of the Northeast Quarter of Section 33, Township 40 North, Range 7 East of the Third Principal Meridian, in Campton Township, Kane County, Illinois, as shown by the plot hereon drawn which is a correct representation of said survey and location and that this professional service conforms to the current Illinois minimum standards for a boundary survey. All distances are given in feet and decimal parts thereof.

Dated at Batavia, Illinois November 10, 2020

Shawn R. VanKampen
 Illinois Professional Land Surveyor No. 035-002710

DONAHUE and THORNHILL
 Illinois Professional Design Firm No. 60M
 16 E. Wilson Street
 Batavia, Illinois 60510
 (630) 879-0200



License Renewal/Date of Expiration = 6/30/2022



Basis of bearings

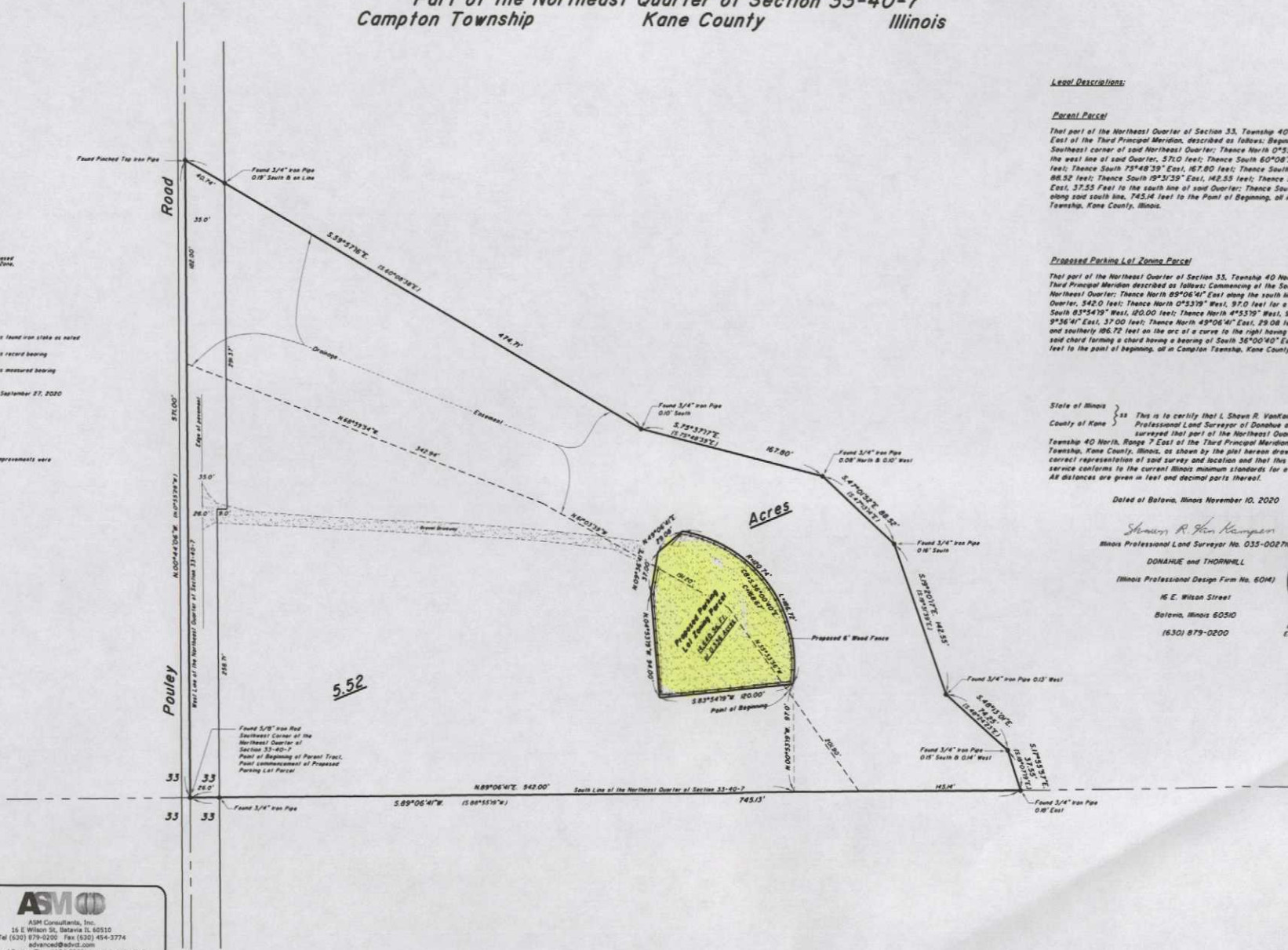
Bearings shown herein are based on Illinois State Plane, East Zone, NAD83 (10M)

Legend

- ⊙ Indicates found iron stake as noted
- (S.60°08'38"E) Indicates record bearing
- S.59°57'16"E Indicates measured bearing

Field work was completed on September 27, 2020

Note: The location of site improvements were not part of this order



5.52

Acres

PREPARED BY:

ASMO
 ASM Consultants, Inc.
 18 E Wilson St, Batavia IL 60510
 Tel (630) 879-0200 Fax (630) 854-3774
 advnced@astvt.com
 Professional Design Firm #184-00614 expires 4/30/2021

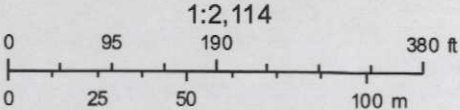
Francisco B. Merino Cabral

67503MPE

Map Title

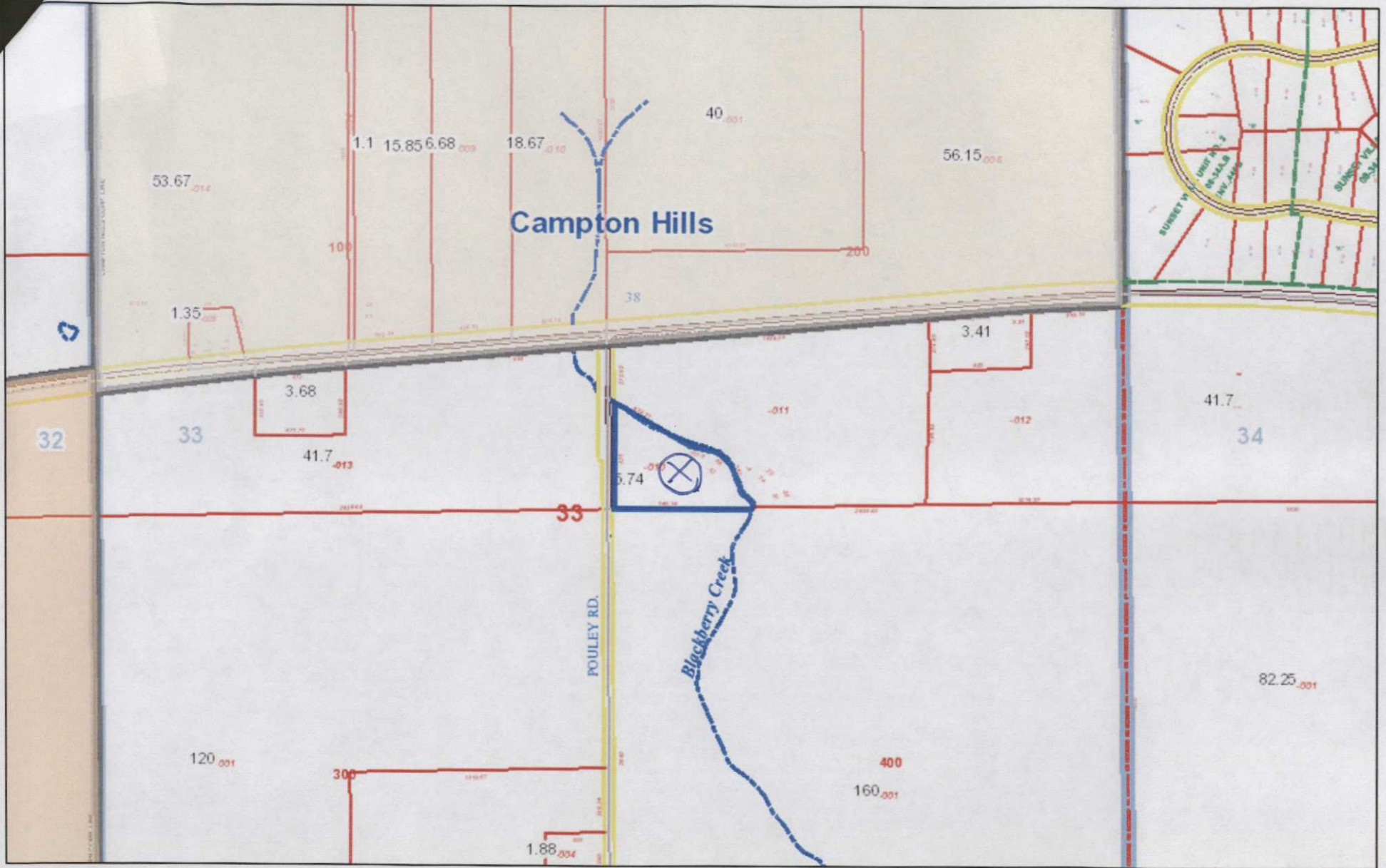


September 25, 2020

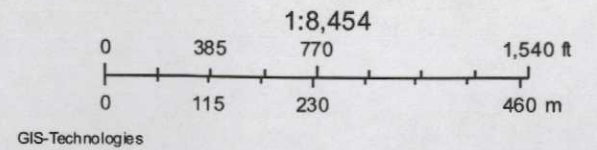


These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

Map Title



September 25, 2020



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