

4492

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

<i>Received Date</i>

**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): 01-31-300-039
	Street Address (or common location if no address is assigned): 49W720 Lenschow Rd. Sycamore, IL 60178-6013

2. Applicant Information:	Name Ponce Lawn Service Corp.	Phone 224-770-0524
	Address 49W720 Lenschow Rd. Sycamore, IL 60178-6013	Fax
		Email

3. Owner of record information:	Name Alfonso Ponce Fregoso	Phone 224-770-0524
	Address 49W720 Lenschow Rd.	Fax
	Sycamore, IL 60178-6013	Email

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Argiculture

Current zoning of the property: E-1

Current use of the property: Residence

Proposed zoning of the property: F w/special use for business

Proposed use of the property: Landscaping Business

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required) None.

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: "no report" 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/nre/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.

Alfonso Ponce 1/9/19
Record Owner Date

Alfonso Ponce 1/9/19
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.

Ponce Lawn Service Corp.
Name of Development/Applicant

1/9/19
Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?
This is generally an agricultural/farming area and this use is to operate a landscaping business which is generally agricultural in nature.

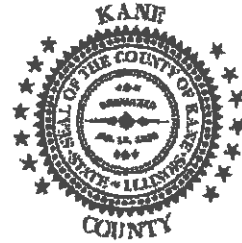
2. What are the zoning classifications of properties in the general area of the property in question?
E-1 and F

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?
This property is suitable as the property is just over 6 acres and only 0.86 acres will be used for the landscaping business. Natural screening will be used to limit exposure of vehicles to surrounding properties. The property is currently E-1.

4. What is the trend of development, if any, in the general area of the property in question?
The trend of development is only E-1 and farming.

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?
This area is projected to remain agricultural so the projected use complies with the 2040 land use plan.

Findings of Fact Sheet – Special Use



Special Use Request

Date

1/9/19

- *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 0.86 acre parcel will be used for the operation of a landscaping business. No work itself other than maintenance and storage of vehicles will take place on site, so there is no danger to public health, safety, morals, comfort or general welfare.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity. This limited space use will not injure the use, enjoyment and value of other properties. The use will be screened from other properties by trees and vegetation.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property. The special use for the landscaping business will not impede development of surrounding properties which are E-1 or farming. The primary purpose will be storage and maintenance of vehicles.

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

Please explain:

Yes, these all already exist. No new improvements are planned.

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

Yes, a driveway already exists sufficient for ingress and egress. No significant traffic will be created by this use.

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

Yes. The use will be limited to 0.86 acres and will be screened from view.

February 18, 2019

Alphonso Ponce Fregoso/Ponce Lawn Service

Rezoning from a portion of the property from E-1 District Estate Residential to F-District Farming with a Five-Year Interim Special Use for an existing landscaping business

Special Information: A complaint was received by the Development Department regarding the operation of the landscaping business on the property. As the owner is nearing retirement he would like to operate the business here for five more years. Since the County discourages spot business zoning and Interim Special Uses are not permitted in the Estate District, the petitioner is seeking to rezone approximately .85 acre of the property to F-District Farming to allow for the Interim Special Use. The rezoning, if granted, would not render the remaining property in violation of the E-1 Estate District for continued residential use. The petitioner was in the business for about 12 years. He purchased this property in November of 2015 and has been operating here since.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Countryside Estate Residential. The gross density should not generally exceed an average of one dwelling unit per four acres of land

Staff recommended Findings of Fact:

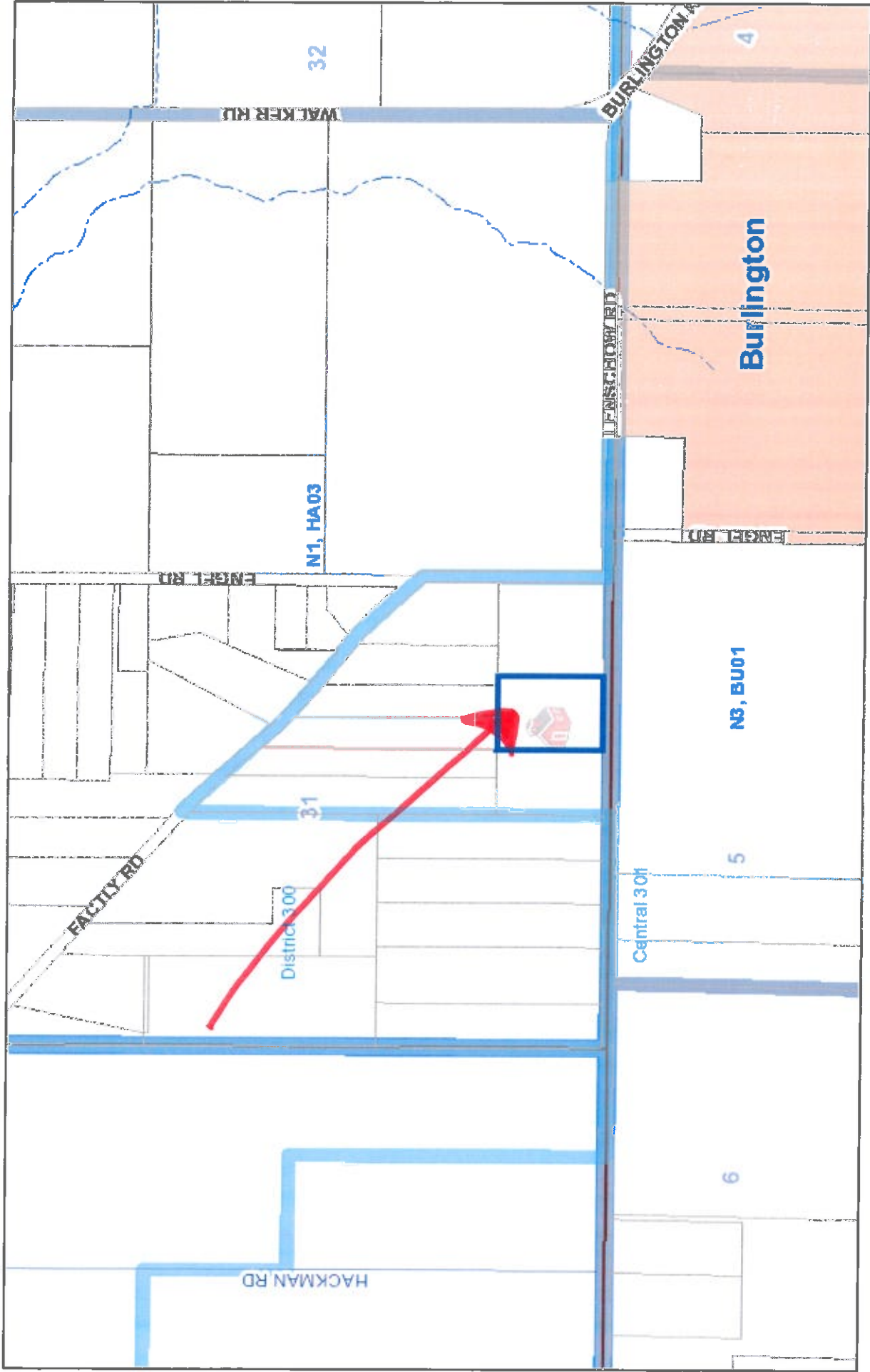
1. The rezoning will allow the landscaping business to operate in conformance with the Zoning Ordinance for five more years.

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

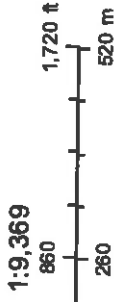
Ponce Lawn Service Corporation is a landscaping company that focuses on lawn mowing, mulching, trimming trees and bushes. We also specialize in tree removal. The business operates from Monday to Saturday. The working hours on the weekdays are from 7 am to 7pm and weekends from 7am to 5pm. Ponce Lawn Service functions from mid-March to December with six employees. The business inventory counts on four trucks, five trailers, one wood chipper, eight mowers, one skid steer, one mini skid steer, one stump grinder, and a John Deere gator UTV. Majority of the inventory is stored either inside our garage or barn; only one truck, three trailers, and the wood chipper are parked outside. The three trucks and three trailers are used on a daily basis, our office is located inside the house and our address is only for billing use. The repairs that we do on site are maintenance on the mowers, which are performed once a month. The business operates outside the addressed home and is only utilized for parking and storage.

No materials are stored outside for the business. Ponce has one snow plow but it is for personal use not business use. The business does not operate during the winter months. Ponce intends to use this site for the next 5 years and during this time will be seeking a long term permanent site to locate the business at. The intent is for the current owner (father – Alphonso Ponce Fregoso) to eventually retire and the son (Alphonso Ponce) will take over the business and operate at an alternate site.

Map Title



January 28, 2019



GIS-Technologies

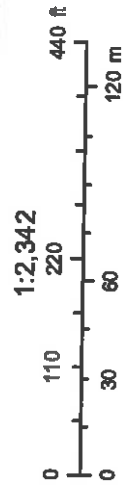
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Map Title



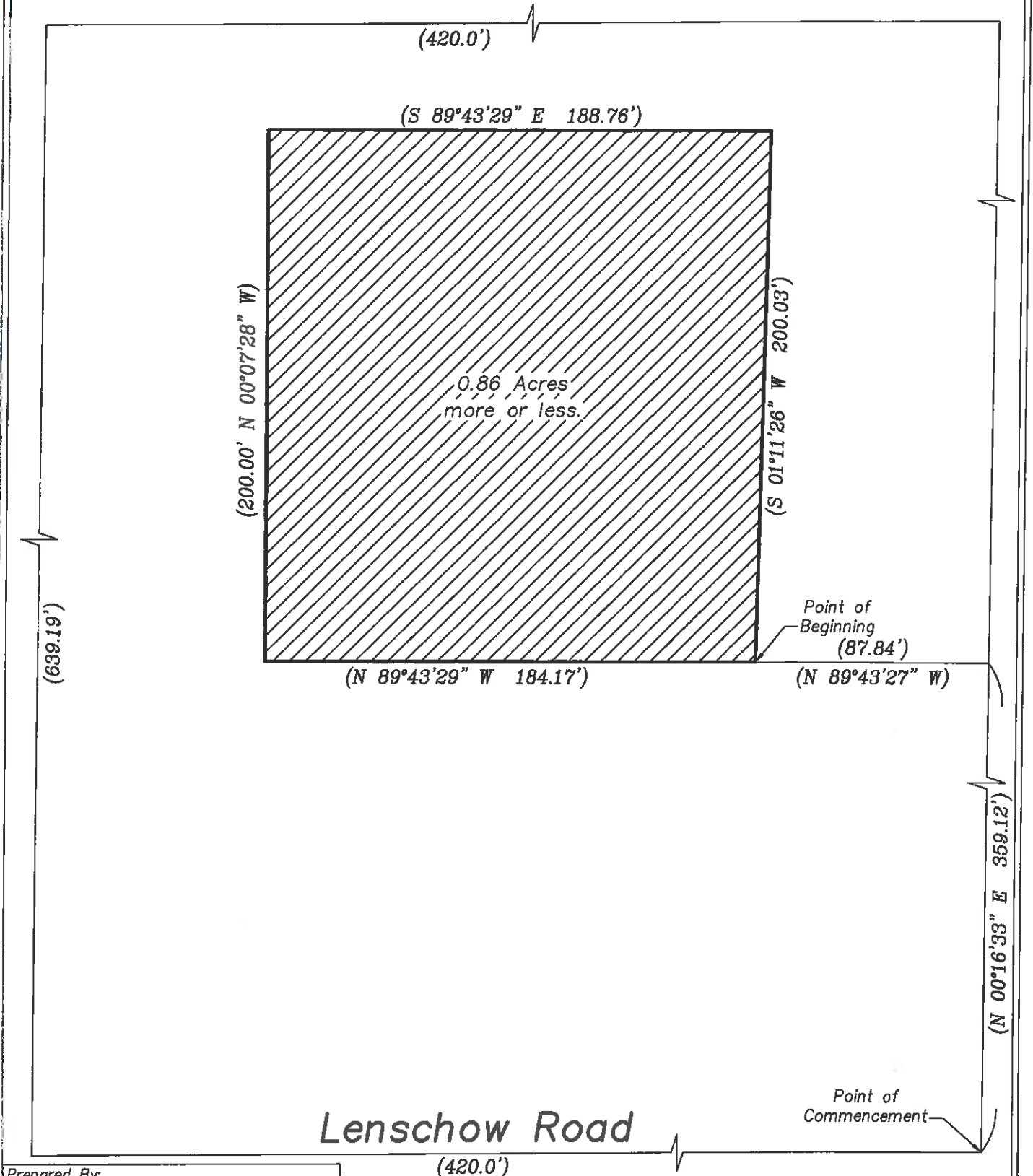
January 28, 2019



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"ZONING EXHIBIT A"

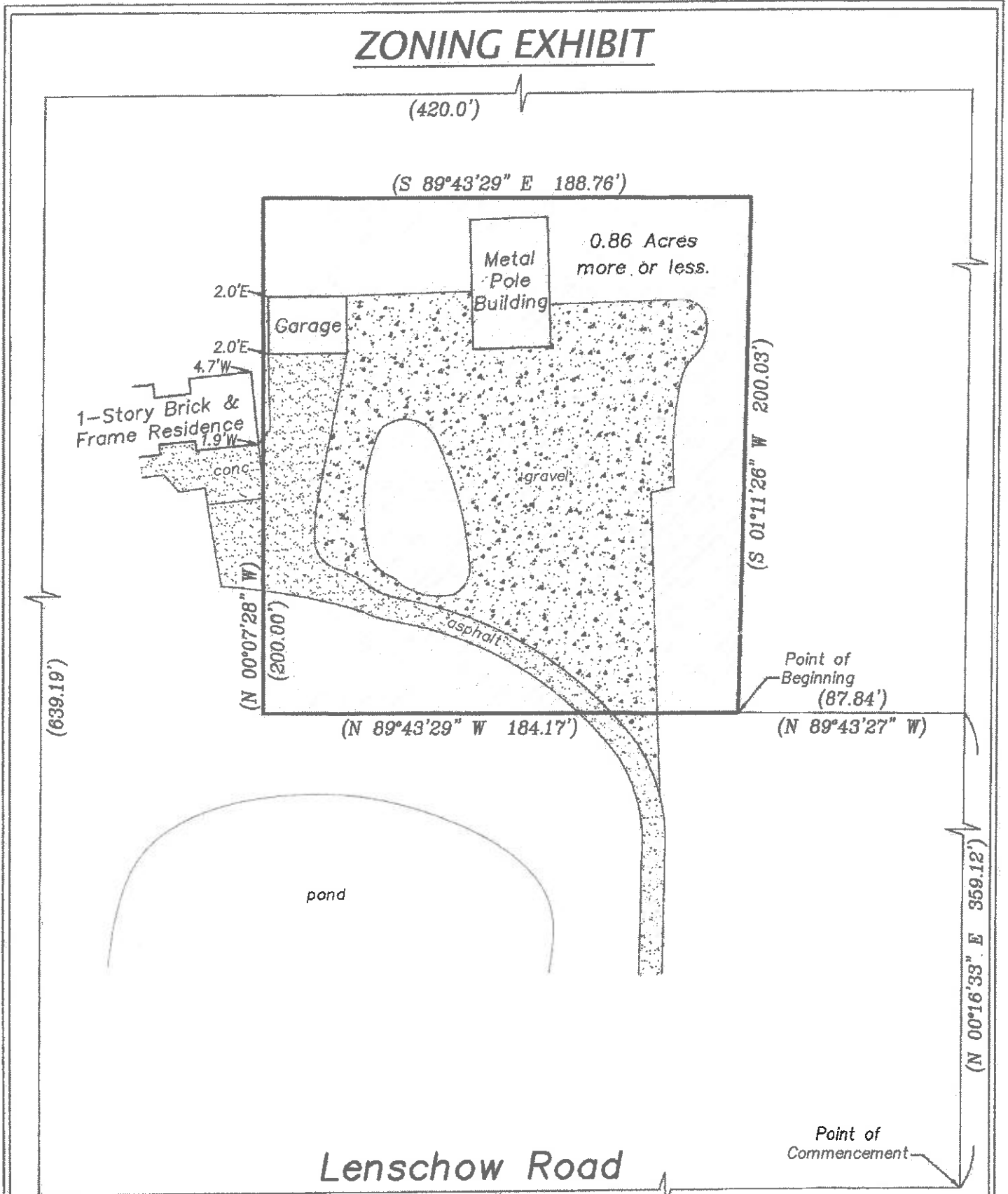


Prepared By:
TODD SURVEYING
Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
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Phone: 630-892-1309 Fax: 630-892-5544

Project Number:
2018-1953

 = Area of Temporary Re-zoning

ZONING EXHIBIT



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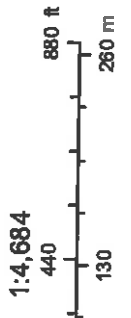




Map Title



January 25, 2019



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