KANE COUNTY DEVELOPMENT DEPARTME Zoning Division, Kane County Government Cente 719 S. Batavia Avenue	NT er 4595	
Geneva, Illinois 60134 Office (630) 444-1236 Fax: (630) 232-3411	Received Date	
APPLICATION FOR ZONING MAP AMENDMENT AND/OR SPECIAL USE	FEB 0 7 2022 Kane Co. Dev. Dept. Zoning Division	

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):
1	01-04-400-013 and 01-04-400-014
	Street Address (or common location if no address is assigned): 19N045 Harmony Road, Hampshire, Kane County, Illinois

2. Applicant Information:	Name Adalberto Sanchez-Arias	Phone 224-232-9419
21	Address 19N045 Harmony Road, Hampshire, Illinois	Fax 224-402-7359
		Email sanchez.adal@yahoo.com

3. Owner of record information:	Name Adalberto Sanchez-Arias Osiel Rodriguez-Pimentel	Phone 224-232-9419
0	Address 19N045 Harmony Road, Hampshire, Illinois	Fax 224-402-7359
		Email sanchez.adal@yahoo.com

Zoning and Use Information:

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2040 Plan Land Use Designation of the property: Agriculture
Current zoning of the property: F-1
Current use of the property: Residential / Agricultural
Proposed zoning of the property: Interim Special Use (five year)
Proposed use of the property: Seasonal event venue in historic agricultral buildings (barns)
If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)
N/A
Attachment Checklist

Plat of Survey prepared by an Illinois Registered Land Surveyor.

Legal description

Completed Land Use Opinion (Available in pdf form at <u>www.kanedupageswed.org/luo.pdf</u>), 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 (out) knowledge and belief.

 $\frac{\times 1}{28} \frac{1}{2022} \\ \times 01/28/2022$ Record Own Applicant or Authorized Agent

Sanchez-Aries, et al

Requesting a rezoning on portion of the property from F-1 District Rural Resident to F-District Farming for a five year Interim Special Use for an event venue.

Special Information: The petitioners would like to establish an event venue on the property, utilizing the existing farm buildings as part of the experience. Since Interim Special Uses are not permitted in the F-1 District, they are seeking a rezoning of the northern portions of the properties to the F-District which does allow Interim Special Uses. The rezonings will be done so the southern balance of the properties, assuming a future right-of-way taking, would still meet the minimum 1 acre parcel size in the F-1 District.

Analysis: The Kane County 2040 Land Use Plan designates this area as Agricultural. The 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.

Findings of Fact: If approved, the rezoning and interim special use would allow for the owner to use this portion of the property and the existing structures for the proposed event venue as described in the petition for up to five years subject to conditions and guarantees that may be recommended by the Zoning Board of Appeals and adopted by the Kane County Board..

Attachments:

Location Map Township Map Petitioner's finding of fact sheet

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.

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19N045 Harmony Road

Name of Development/Applicant

Date

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

The general area is predominantly undeveloped and/or agricultural.

The proposed special use is entirely consistent with said uses, as events will take place in

- two (2) historic barns located on the Subject Property, just as barns have been historically utilized as gathering places and centers of activity.
- What are the zoning classifications of properties in the general area of the property in question?
 F, and F-1.
- 3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

The Subject Property is generally suitable for the uses permitted under the F-1 District Regulations, although farming of the Subject Property might not be economically feasible and the barns would be unused. The proposed special use is permitted by the Zoning Ordinance for properties which might remain unused or unoccupied. The special use would therefore permit the adaptive reuse and preservation of historic barns that would otherwise be abandoned or unused.

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

 How does the projected use of the property, relate to the Kane County 2040 Land Use Plan? The proposed use of the property would preserve and utilize two historic barns, 	
thereby preserving the agricultural nature of the Subject Property and adjacent properties.	

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 <u>will not</u> recommend a special use <u>unless</u> 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 proposed use will promote the public health, safety, morals, comfort and welfare as follows:

 promote the preservation and adaptive reuse of historic agricultural buildings and uses
 events will be limited in attendance and frequency to minimize impacts on the public;
 the Special Use is limited to five (5) years.
- 7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

The proposed use will not interfere with the use, enjoyment and value of property in the immediate vicinity in any way; all adjacent property owners will be able to continue to utilize their respective properties.

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

The proposed use is compatible with the current uses of surrounding property and uses permitted under the Kane County Zoning Ordinance or contemplated by the Kane County 2040 land use plan.

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

All utility, access, drainage, and other necessary facilities are either existing, or will be provided as set forth in the site plan, including, but not limited to, the utilization of portable bathrooms and hand washing stations.

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

As more fully depicted on the site plan and cover letter, the Subject Property's is served by two (2) curb cuts on the west side, which permits the orderly flow of traffic. Traffic flow will be controlled on-site.

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

The proposed use will confirm with all F District-Farming regulations and regulations applicable to the use.

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BAZOSFREEMAN

Bazos, Freeman, Schuster & Pope, LLC

March 31, 2022

VIA EMAIL AND OVERNIGHT DELIVERY

Mark D. VanKerkoff, Director Development and Community Services Department County of Kane 719 S. Batavia Avenue Geneva, Illinois 60134 Fax: (630) 232-3411 Email: vankerkhoffmark@co.kane.il.us

Lw

Peter C. Bazos Bradley T. Freeman Mark Schuster Jonathan S. Pope Aaron H. Reinke Christopher S. Nudo

Writer's Direct Contact: areinke@bazosfreeman.com (847) 841-2024

Re: 19N045 Harmony Road, Hampshire, Illinois Parcel Numbers: 01-04-400-013 and 01-04-400-014 Proposed interim special use for seasonal event venue in historic agricultural buildings

Dear Mr. VanKerkoff:

As you know, I represent the owners of the above-referenced property ("Subject Property"), Adalberto Sanchez-Arias and Osiel Rodriguez-Pimentel (collectively "Owners") relative to their proposed interim special use for a seasonal event venue in certain historic agricultural buildings.

Based on feedback from Staff, the Owners respectfully request to amend their application to include a re-zoning of the northern portion of the Subject Property to the F-2 Zoning District (subject to the previously mentioned interim special use); the southern portion of the Subject Property will remain zoned F-1.

Our engineer is still in the process of generating a site plan and legal descriptions to depict the amendment of the Owners' application; given the various time constraints, I have requested that the engineer provide those exhibits directly to the County so the application can be processed. I apologize in advance for the delay.

Yours truly,

Aaron H. Reinke

Aaron H. Reinke

CC: Adal Sanchez Keith Berkhout Hira Amir

1250 Larkin Avenue #100 Elgin, IL 60123 847-742-8800 (o) 847-742-9777 (fx) S:\wpdocs\Work\41890 Sanchez\Application\Letter Van Kerkoff 3-31-22.docx

BAZOSFREEMAN

Bazos, Freeman, Schuster & Pope, LLC

January 30, 2022

VIA EMAIL AND OVERNIGHT DELIVERY

Mark D. VanKerkoff, Director Development and Community Services Department County of Kane 719 S. Batavia Avenue Geneva, Illinois 60134 Fax: (630) 232-3411 Email: <u>vankerkhoffmark@co.kane.il.us</u>

Lw

Peter C. Bazos Bradley T. Freeman Mark Schuster Jonathan S. Pope Aaron H. Reinke Christopher S. Nudo

Writer's Direct Contact: areinke@bazosfreeman.com (847) 841-2024

Re: 19N045 Harmony Road, Hampshire, Illinois Parcel Numbers: 01-04-400-013 and 01-04-400-014 Proposed interim special use for seasonal event venue in historic agricultural buildings

Dear Mr. VanKerkoff:

Please be advised that I represent the owners of the above-referenced property ("Subject Property"), Adalberto Sanchez-Arias and Osiel Rodriguez-Pimentel (collectively "Owners") relative to their proposed interim special use for a seasonal event venue in certain historic agricultural buildings (barns).

The Subject Property is generally located at the northeast corner of Higgins Road and Harmony Road in unincorporated Kane County, and consists of slightly more than ten (10) acres. The Subject Property is improved with a farmhouse, an open frame barn, a frame barn, shed, corn crib, and several ancillary improvements, all of which are typical for such agricultural properties.

Mr. Sanchez-Arias and Ms. Rodriguez-Pimentel, owners of a real estate brokerage and insurance company, purchased the Subject Property in late 2020 and use the farmhouse as their home. They both owned and operated a restaurant and catering business together for five (5) years, so when Mr. Sanchez-Arias and Ms. Rodriguez-Pimentel hosted gatherings for their extended family, they were immediately inspired by the potential for not only preserving the historic barns in a safe and economically viable manner, but also showcasing them and Kane County's agricultural roots. According, the Owners propose to rehabilitate and preserve the open frame barn and frame barn (collectively "Barns") for use as a seasonal event venue for weddings, meetings, and other events not exceeding two hundred (200) participants.

 1250 Larkin Avenue #100
 Elgin, IL 60123

 847-742-8800 (o)
 847-742-9777 (fx)

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The Owners have already toured the Barns and Subject Property with County staff and other stakeholders to vet the proposed use and further refine their plan. It is unknown exactly when the Barns were constructed, but we estimate the frame barn is at least 100 years old. The open frame barn is an "L" shaped crib barn, approximately eighty (80) by sixty (60) feet, and consists of 2,741 square feet. Parenthetically, the open air nature of the open frame barn is particularly attractive in the age of COVID. The frame barn, in turn, is approximately eighty-four (84) feet by thirty-six (36) feet, and consists of 3,035 square feet. The frame barn would be improved with a modest deck/terrace on the north side to provide an outdoor area for guests. The Barns are structurally sound but do require preservation work to ensure they endure for future generations.

The Owners would *not* provide food, beverages, or liquor to participants, but anticipate such items would be catered. In order to preserve the historic footprint and sense of interior space in the Barns, the Owners would provide temporary portable bathrooms and handwashing facilities for each event. Such facilities would be located directly adjacent to the frame barn on the existing paved area.

As you will note from the site plans, vehicular ingress, egress, and circulation, is afforded by a gravel drive on the west side of the Subject Property, consisting of two (2) curb cuts on Harmony Road together with an on-site loop. The southern curb cut would serve as an entrance and the northern cut would serve as an exit. Vehicles would circulate on-site generally from south to north, with parking on existing pavement denoted on the site plans as the "proposed parking area". No parking or vehicular traffic would be permitted on or near the septic field.

Events would be conducted on a seasonal basis, from April through November, weather permitting. The Owners anticipate less than fifty (50) events per year. Much of the activities would be screened from the roadway and adjacent properties by existing vegetation, the various existing buildings on the Subject Property, and of course, significant distance. The vast majority of adjacent properties are agricultural, thus the proposed use would have little or no impact. Residences in the area are similarly distant. Adverse impacts, if any, can be continually reevaluated as the interim use is limited to a five (5) year duration.

Mr. Sanchez-Arias and Ms. Rodriguez-Pimentel would preserve the historic setting of their home. They will not construct any new pavement, buildings, or otherwise disturb the land.

Mr. Sanchez-Arias and Ms. Rodriguez-Pimentel respectfully submit that the Subject Property is ideally suited for the proposed venue, given the location and proximity to other uses, condition of the Barns, and existing unique site conditions, including the dual curb cuts and paved area. The proposed use would facilitate an adaptive reuse and preservation of irreplaceable buildings that would otherwise go underused or unused, which would invariably lead to the loss of great and historic buildings symbolic of Kane County's history.

Enclosed please find the following:

- 1. Owners' application for special use;
- 2. Surveys of both parcels together with site plans and proposed site plans;
- 3. Legal description of both parcels;
- 4. Land Use Opinion application (tendered to KDSWCD on 1/28/22);
- 5. Ecocat receipt;
- 6. List of property owners within 250 feet;

1250 Larkin Avenue #100 Elgin, IL 60123 847-742-8800 (o) 847-742-9777 (fx)

Lw

7. Application fee in the amount of \$1250.00.

I hope this information has been useful. If we can provide any additional information, please feel free to contact me. We greatly appreciate your prompt attention to this matter.

Yours truly, 0

Aaron H. Reinke

CC: Adal Sanchez Keith Berkhout Hira Amir

Common address: 19N045 Harmony Road, Hampshire, Illinois 60140

Property Index No.: 01-04-400-013

01-04-400-014

PARCEL 1: THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 4; THENCE NOTHE 89 DEGREES 54 MINUTES 35 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 277.78 FEET TO THE SOUTHWEST CORNER OF TH EAST HALF OF THE SOUTHEAST QUARTER AFORESAID; THENCE NORTH 00 DEGREES 04 MINUTES 48 SECOND WEST ALONG THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER, 833.0 FEET; THENCE SOUTH 89 DEGREES 54 MINUTES 35 SECONDS EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 833.0 FEET TO THE POINT OF BEGINNING, IN HAMPSHIRE TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE EAST HALF OF THE SOUTHEAST QUESTER OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 4; THENCE NORTH 890 DEGREES 54 MINUTES 35 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 767.0 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 54 MINUTES 36 SECONDS EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 277.0 FEET; THENCE SOUTH 00 DEGREES 04 BEGINNING IN HAMPSHIRE TOWNSHIP, KANE COUNTY, ILLINOIS.



Map Title





Map Title





Map Title





Applicant: Aaron H. Reinke Contact: Aaron H. Reinke Address: 1250 Larkin Ave., Suite 100 Elgin, IL 60123 Project: 19N045 Harmony Road, Hampshire, Illinois Address: 19N045 Harmony Road, Hampshire

IDNR Project Number: 2209139 Date:

01/28/2022

Description: The owners propose an interim special use for a seasonal event venue in two historic agricultural buildings/barns for 200 people maximum.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section: 42N, 6E, 4

IL Department of Natural Resources Contact Kyle Burkwald 217-785-5500 **Division of Ecosystems & Environment**



Government Jurisdiction Kane County Mark VanKerkhoff, Director Kane County Development Department 719 S. Batavia Ave. Geneva, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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