<table>
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<th><strong>PETITION NUMBER</strong></th>
<th>2015-4371</th>
<th><strong>Date</strong></th>
<th>11/23/2015</th>
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**GENERAL INFORMATION**

**APPLICANT:** CORTEZ, BLANCA E & ROBERTO
BLANCA ESTELLA CORTEZ
38W120 HOPPS RD
ELGIN 60124-5266

**PURPOSE:** TO REZONE 45,000 SQUARE FEET TO R-1 FOR THE EXISTING SINGLE FAMILY USE AND REZONE 1.44 TO B-3 SPECIAL USE FOR A TREE SERVICE.

**EXISTING ZONING:** F - FARMING;

**REQUESTED ACTION:** B-3 - BUSINESS WITH A SPECIAL USE AND R-1 SINGLE FAMILY

**SIZE:** 1.44 ACRES

**LOCATION:** NORTH SIDE OF HOPPS RD, ACROSS FROM LISA LANE, SECTION 31, ELGIN TOWNSHIP, (38W120 HOPPS RD.)

**SURROUNDING ZONING USE**

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<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
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<tr>
<td>F - FARMING;</td>
<td>R-1 - ONE-FAMILY RESIDENTIAL;</td>
<td>F - FARMING;</td>
<td>F - FARMING;</td>
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**EXISTING LAND USE:** RESIDENTIAL;

**LAND USE PLAN DESIGNATION:** PROPOSED OPEN SPACE

**ZONING HISTORY:** NO PREVIOUS REQUEST FOR THIS SITE

**APPLICABLE LAND USE REGULATION:** ARTICLE IX, SECTION 9.5-1 AND ARTICLE X, 10.4-2 OF THE KANE COUNTY ZONING ORDINANCE.
Blanca Cortes
F Farming to R-1 Single Family and B-3 Special Use.

**Special Information:** Blanca Cortes purchased the property in April 2015. In July 2015 our office received a complaint about a tree service operating from the property. The property is currently in violation because of the tree service operating from the property. Ms. Cortes is seeking the rezoning to bring the property into compliance. R-1 zoning is needed for the residence because the parcel was created in 1996 when part of the property was sold to the Kane County Forest Preserve. B-3 Business zoning with a Special Use for outdoor storage is needed to allow the business to be operated from the property.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Proposed Open Space. A majority of the original parcel was purchased by the Forest Preserve for open space. The house and garage were not included in the Forest Preserve acquisition. Surrounding land uses are open space and residential. The 2040 Plan designates residential uses south of this subject property. Several letters of objection for the business have been received from neighbors to the south.

**Staff recommended Finding of Facts:**

1. The R-1 zoning will bring an existing residential use into compliance.
2. A business zoning at this location does not fit with trend and character of the area.

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.

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 current and proposed use of the property is for storage of firewood and parking of trucks, trailers, and work equipment.

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

   The zoning classification of the properties around the area are generally Single Family homes/residential.

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

   The current zoning classification lets us have some trucks there but not any that are D class or higher. Also, we can have some firewood but only if it is cut from the property.

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

   Currently there is development on the train track that are near the property.

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

   Recommended old home site.
Findings of Fact Sheet – Special Use

Special Use Request

- 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.

   All fireworks and fireworks will be located away from the water drainage holes that are located at the side of the property by the road. Also, all work that is done at the property will be done from 7:00 am to 5:00 pm the latest. So comfort won't affect the neighbors.

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

   We plan on using only parts of the property that currently have no use right now. We are also creating a bigger gravel driveway so storage of trucks can be more easy and enjoyable and hopefully help raise the property value.

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

   Special use of the property will not affect the development of the surrounding property. All work done at the property will be done within regular work hours, which is from 7:00 am to 6:00 pm.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided?
   Please explain:
   - Using existing facilities
10. Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestion? Please explain:
   Yes, right now we are working on expanding the gravel driveway to make it easier to get in and out of the property.

11. Will the special use conform to the regulations of the district in which it is located? Please explain:
   Yes, because not requesting any variances.
OF PROPERTY DESCRIBED AS: THAT PART OF THE FOLLOWING DESCRIBED TRACT OF LAND: THE SOUTH 240.0 FEET OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 41 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH ON THE SECTION LINE 1412.4 FEET TO THE CENTER LINE OF A PUBLIC HIGHWAY; THENCE WESTERLY ALONG SAID CENTERLINE OF SAID PUBLIC HIGHWAY 341.4 FEET FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 62 MINUTES 22 SECONDS WEST ALONG SAID SOUTHERLY LINE 210 FEET; THENCE SOUTH 0 DEGREES 89 MINUTES 46 SECONDS WEST 264.3 FEET; THENCE SOUTH 0 DEGREES 63 MINUTES WEST 1456.6 FEET TO THE CENTERLINE OF THE ABOVE MENTIONED PUBLIC HIGHWAY; THENCE NORTH 0 DEGREES 54 MINUTES EAST 441.1 FEET TO THE POINT OF BEGINNING, DESCRIBED AS FOLLOWS: COMMENCING AT THE ABOVE DESCRIBED POINT OF BEGINNING; THENCE WESTERLY ALONG SAID CENTERLINE OF THE ABOVE MENTIONED PUBLIC HIGHWAY 196.0 FEET FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 63 MINUTES EAST 186.0 FEET; THENCE SOUTH 0 DEGREES 34 MINUTES WEST 230.0 FEET; THENCE SOUTH 0 DEGREES 63 MINUTES WEST 21.0 FEET; THENCE SOUTH 0 DEGREES 34 MINUTES WEST 230.0 FEET; THENCE NORTH 0 DEGREES 63 MINUTES 165.0 FEET TO THE CENTERLINE OF SAID PUBLIC HIGHWAY; THENCE NORTH 0 DEGREES 34 MINUTES EAST 245.1 FEET TO THE POINT OF BEGINNING, ALL IN ELGIN TOWNSHIP, KANE COUNTY, ILLINOIS.

STATE OF ILLINOIS
COUNTY OF KANE

Order No: 16036A
Ordered By: Mike Meade
Property Address: 38W120 Hopps Road
Elgin, IL

DISTANCES ARE GIVEN IN FEET AND
DECIMAL PARTS THEREOF
0 INDICATES STAKE FOUND
1 INDICATES STAKE SET
2 INDICATES CONCRETE

This is to certify that this plat and the survey on which it is based was made under my direction.
This professional service conforms to the current Illinois minimum standards for a boundary survey.

Michael J. Morrissey, R.L.S. No. 2943
My License expires November 2016

Any discrepancy in measurements should be promptly reported to surveyor
for explanation or correction.

MJM Consulting, INC.
40W580 Atchison Drive
Hampshire, IL 60140-9005
Tel. (847) 888-8293

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH ON THE SECTION LINE 1412.4 FEET TO THE CENTER LINE OF A PUBLIC HIGHWAY; THENCE WESTERLY ALONG SAID CENTERLINE OF SAID PUBLIC HIGHWAY 341.4 FEET FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53 MINUTES EAST 1310.9 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE ILLINOIS CENTRAL RAILWAY; THENCE NORTH 62 DEGREES 22 MINUTES WEST ALONG SAID SOUTHERLY LINE 216 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES WEST 294.3 FEET; THENCE SOUTH 0 DEGREES 53 MINUTES WEST 1405.8 FEET TO THE CENTERLINE OF THE ABOVE MENTIONED PUBLIC HIGHWAY; THENCE NORTH 89 DEGREES 34 MINUTES EAST 44.1 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE ABOVE DESCRIBED POINT OF BEGINNING; THENCE WESTERLY ALONG SAID CENTERLINE OF THE ABOVE MENTIONED PUBLIC HIGHWAY 149.0 FEET FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 53 MINUTES EAST 138.6 FEET; THENCE SOUTH 0 DEGREES 53 MINUTES WEST 21.0 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES WEST 104.4 FEET; THENCE SOUTH 0 DEGREES 53 MINUTES WEST 168.0 FEET TO THE CENTERLINE OF SAID PUBLIC HIGHWAY; THENCE NORTH 89 DEGREES 34 MINUTES EAST 246.1 FEET TO THE POINT OF BEGINNING, ALL IN ELGIN TOWNSHIP, KANE COUNTY, ILLINOIS.

Order No: 180358B
Ordered By: Mike Meado
Property Address: Vacant 1.5 Acres, Hopps Road, Elgin, IL

DISTANCES ARE GIVEN IN FEET AND
DECIMAL PARTS THEREOF

1. Indicates iron stake found
2. Indicates iron stake set
3. Indicates fence
4. Indicates concrete

PLAT NOT VALID WITHOUT EMBOSSED SEAL

STATE OF ILLINOIS
COUNTY OF KANE

This is to certify that the plat and the survey on which it is based was made under my direction.
This professional service conforms to the current Illinois minimum standards for a boundary survey.

Michael J. Morisse, P.L.S. No. 2543
My License expires in November 2016

Any discrepancy in measurements should be promptly reported to surveyor for explanation or correction.

MJM Consulting, Inc.
40W580 Atchison Drive
Hampshire, IL 60140-9005
Tel. (847) 888-8293

SS SEPTEMBER 25, 2015
PLAT OF SURVEY

LEGAL DESCRIPTION:
THE SOUTH 240.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND: THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 51 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 90 DEGREES 8 MINUTES EAST 1310.9 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE ILLINOIS CENTRAL RAILWAY; THENCE NORTH 62 DEGREES 22 MINUTES WEST ALONG SAID SOUTHERLY LINE 210 FEET; THENCE SOUTH 99 DEGREES 46 MINUTES WEST 294.5 FEET; THENCE SOUTH 0 DEGREES 83 MINUTES WEST 1405.8 FEET TO THE CENTERLINE OF THE ABOVE MENTIONED PUBLIC HIGHWAY; THENCE NORTH 94 DEGREES 58 MINUTES EAST 441.1 FEET TO THE POINT OF BEGINNING.

DEED=441.1'