

ORDINANCE NUMBER 2018- 21

**MAP AMENDMENT FOR 183 ACRE +/- PARCELS LOCATED ON THE SOUTH SIDE OF ROUTE 52 APPROXIMATELY 0.5 MILES WEST OF JUGHANDLE ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 09-15-300-014 (PART), 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, AND 09-22-100-010 IN SEWARD TOWNSHIP**

Rezone from A-1 to R-1

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 183 acres located approximately 0.5 miles west of Jughandle Road on the south side of Route 52 (PINs: 09-15-300-014 (PART), 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, and 09-22-100-010), in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned Tri-Star Development, Inc. and is represented by Paul Kovacevich and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 24, 2018, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to R-1 One Family Residential District in order to have the zoning in place prior to submitting preliminary and final plats for a residential subdivision; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on August 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested map amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their findings of fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 27, 2018, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Map Amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached

State of Illinois  
County of Kendall

Zoning Petition  
#18-25

hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.

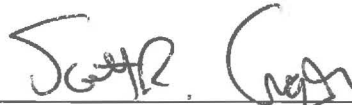
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. All ordinances and variances that are in conflict with this ordinance are hereby repealed.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of October, 2018.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

**Exhibit A**

**TRI-STAR DEVELOPMENT (GJN07251)  
LEGAL DESCRIPTION  
SUBDIVISION AREA**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 21 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SOUTHEAST QUARTER OF AFORESAID SECTION 16; THENCE SOUTH 88 DEGREES 34 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 250.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 250.00 FEET OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 34 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 252.27 FEET A POINT ON THE WEST LINE OF THE EAST 502.26 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREES 03 MINUTES 18 SECONDS EAST ALONG SAID WEST LINE, 1327.14 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID NORTH LINE, 2145.80 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 58 MINUTES 56 SECONDS EAST ALONG THE SAID WEST LINE, 1326.79 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF AFORESAID SECTION 21; THENCE SOUTH 01 DEGREES 44 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 717.77 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 43.65 ACRES OF SAID NORTHEAST QUARTER; THENCE NORTH 88 DEGREES 35 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 2648.65 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF AFORESAID SECTION 22; THENCE NORTH 01 DEGREES 39 MINUTES 32 SECONDS WEST ALONG SAID WEST LINE, 0.37 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 43.65 ACRES OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 22 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, 1260.00 FEET TO A POINT ON A LINE 65.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY LINE OF LANDS CONVEYED BY TRUSTEE'S DEED, RECORDED ON AUGUST 27, 2014 AS DOCUMENT NUMBER 201400011624; THENCE NORTH 41 DEGREES 53 MINUTES 22 SECONDS EAST ALONG SAID PARALLEL LINE, 466.06 FEET; THENCE NORTH 15 DEGREES 32 MINUTES 56 SECONDS EAST ALONG SAID PARALLEL LINE, 137.09 FEET; THENCE NORTH 02 DEGREES 02 MINUTES 06 SECONDS EAST ALONG SAID PARALLEL LINE, 146.02 FEET; THENCE NORTH 09 DEGREES 00 MINUTES 04 SECONDS WEST ALONG SAID PARALLEL LINE, 100.91 FEET; THENCE NORTH 39 DEGREES 37 MINUTES 14 SECONDS WEST 404.44 FEET; THENCE NORTH 71 DEGREES 00 MINUTES 39 SECONDS WEST 639.95 FEET; THENCE NORTH 32 DEGREES 13 MINUTES 58 SECONDS WEST 687.26 FEET; THENCE NORTH 14 DEGREES 16 MINUTES 23 SECONDS WEST 199.05 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15, SAID POINT BEING LOCATED IN THE CENTERLINE OF AUX SABLE CREEK AND 363.50 FEET (AS MEASURED ALONG SAID NORTH LINE) EAST OF THE WEST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 55 SECONDS WEST ALONG SAID NORTH LINE, 363.50 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 16; THENCE SOUTH 88 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID NORTH LINE, 250.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 250.00 FEET OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREES 03 MINUTES 18 SECONDS WEST ALONG SAID WEST LINE, 1327.19 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS. Containing 183.165 acres more or less.

**Exhibit B**  
**FINDINGS OF FACT**

*Existing uses of property within the general area of the property in question. The surrounding properties are zoned A-1 and are used for agricultural purposes with farmsteads located within the general area. A forest preserve is also located within the general area.*

*The Zoning classification of property within the general area of the property in question. All of the adjoining properties are zoned A-1. One (1) R-1 PUD subdivision is located within one half (1/2) mile of the subject property.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. With proper design and taking into account the proximity of the Aux Sable Creek, R-1 related uses could also occur on the subject property.*

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area has been static due to the economic downturn. However, a residentially zoned subdivision is located within one half (1/2) mile of the subject property.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.*

