

ORDINANCE NUMBER 2020- 25

**MAP AMENDMENT FOR 17854 N. WABENA AVENUE (PIN: 09-36-400-002) IN
SEWARD TOWNSHIP**

Rezone from A-1 with a Special Use Permit to M-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 3.2 acres located at 17854 N. Wabena Avenue (PIN: 09-36-400-002), 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, in 1966, the Kendall County Board granted a special use permit for the mixing, blending, manufacture of fertilizer at the subject property; and

WHEREAS, the subject property is currently owned by Grainco FS, Inc. hereinafter shall be referred to as “Petitioner”; and

WHEREAS, on or about September 17, 2020, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to M-1 Limited Manufacturing District in order to lease the subject property to a company that performs construction and maintenance work for gas utilities; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on October 8, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on November 2, 2020, at 7:00 p.m., in the Kendall County Historic Courthouse at 109 W. Ridge Street in Yorkville, at which the Petitioner’s representative 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 November 2, 2020, 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

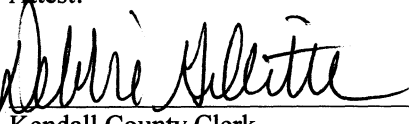
WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall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

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

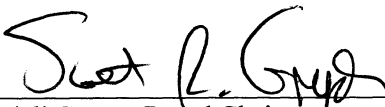
1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District with a Special Use Permit to M-1 Limited Manufacturing District.
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 15th day of December, 2020.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder



Legal Description - Grainco FS, Inc.

That part of the Southeast Quarter of Section 36, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the intersection of the Southeasterly right-of-way line of the Elgin, Joliet, and Eastern Railroad, and the East right-of-way line of a township road, said point being 705 feet North of the transit line at Station 1736+09, and said point being the POINT OF BEGINNING; thence Southeasterly along the said East right-of-way line for a distance of 91.19 feet; thence East for a distance of 20.00 feet; thence Southeasterly along a line which is parallel to the said East right-of-way line for a distance of 81.00 feet; thence East for a distance of 289.14 feet; thence North for a distance of 703.48 feet to a point which falls on the said Southeasterly right-of-way line of the Elgin, Joliet, and Eastern Railroad; thence Southwesterly along the said Southeasterly right-of-way line for a distance of 622.64 feet to the Point of Beginning, in the Township of Seward, Kendall County, Illinois.

And being the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., an Illinois corporation, successor by virtue of name change from Kendall Farmers Oil Company who acquired the title from FS Services, Inc. by Warranty Deed dated November 09, 1970 and recorded November 10, 1970 in Instrument No. 70-3205.

Tax Parcel No. 09-36-400-006

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on November 2, 2020, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and LeCuyer were absent.

FINDINGS OF FACT

§ 13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications.

Existing uses of property within the general area of the property in question. The surrounding properties are used agricultural for agricultural purposes. Some of the adjacent properties already possess manufacturing zoning and almost all of the adjoining properties are planned to have manufacturing uses in applicable Future Land Use Maps.

The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1. The surrounding properties inside the Village of Minooka are M-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 with a special use permit for fertilizer related operations. Fertilizer related operations are special uses in the M-1 Limited Manufacturing District. The existing use as a company performing construction and maintenance for gas utilities is a permitted use in the M-1 Limited Manufacturing District.

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. Per the existing Future Land Use Maps of Kendall County and the Village of Minooka, the trend of development in the area is manufacturing and light industrial uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. If the Petitioner's request for a reclassification of their property from Agricultural to Mixed Use Business is approved, the requested map amendment would be consistent with the purposes and objectives of the Land Resource Management Plan.

RECOMMENDATION

Approval