

ORDINANCE NUMBER 2021- 09

**MAP AMENDMENT FOR APPROXIMATELY TWENTY-FOUR POINT NINE ACRES OF LAND LOCATED APPROXIMATELY TWO HUNDRED SIXTY-EIGHT FEET WEST OF THE INTERSECTION OF GALENA ROAD AND EAST BEECHER ROAD ON THE SOUTH SIDE OF GALENA ROAD (PIN: 02-06-400-007) IN BRISTOL TOWNSHIP**

Rezone from A-1 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 24.9 acres located approximately 268 feet west of the intersection of Galena Road and East Beecher Road on the south side of Galena Road (PIN: 02-06-400-007), in Bristol 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 by Cordero Real Estate, LLC as represented by Jhon Cordero hereinafter shall be referred to as “Petitioner”; and

WHEREAS, on or about January 21, 2021, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to M-1 Limited Manufacturing District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 4, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on March 29, 2021, 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 March 29, 2021, 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

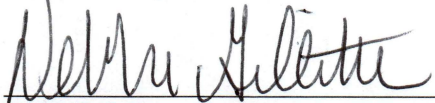
WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall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

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

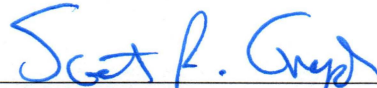
1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District 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 20<sup>th</sup> day of April, 2021.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder



## Exhibit A

### LEGAL DESCRIPTION:

That Part of the East Half of the East Half of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian, lying Southerly of the present centerline of Galena Road, described as follows: Beginning at the intersection of the center line of Galena Road with the East Line of said Section; thence North  $70^{\circ}55'$  West along said center line, 276.0 feet; thence South parallel to the East Line of said Section 6, 200 feet; thence South  $70^{\circ}55'$  East, 276.0 feet to the East Line of said Section; thence South along the East Line of said Section, 1456.6 feet to the Southeast Corner of said Section; thence West along the South Line of said Section, 470.51 feet to the Easterly Line of Parcel Two of property conveyed to Chicago Title and Trust Company, as trustee under Trust Number 45553 by Conservators Deed recorded September 17, 1973 as Document 73-4671; thence Northerly along said Easterly Line, 1006.52 feet to the Northeasterly Corner of said Parcel; thence Westerly along the North Line of said Parcel Two, 388.83 feet to the intersection of said North Line with the Easterly Line of the property described in Parcel One of said Document 73-4671; thence Northeasterly along said Easterly Line of Parcel One, a distance of 115.02 feet to an angle point on said Easterly Line of Parcel One, which is 1112.06 perpendicularly distant North of the South Line of said Section; thence North along a line forming an angle of  $26^{\circ}45'38''$  to the left with the prolongation of the last described course, a distance of 2329.35 feet to the South Line of property conveyed to Diane R. Kapchinski by Trustee's Deed recorded June 14, 1973 as Document 73-2843; thence East along the South Line of property conveyed to Diane R. Kapchinski by Trustee's Deed recorded June 14, 1973 as Document 73-2843; thence East along the South Line of property conveyed to Diane R. Kapchinski, 812.68 feet to the East Line of said Section 6; thence Southerly along the East Line of said Section 6, 1319.90 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on March 29, 2021, by a vote of six (6) in favor and zero (0) in opposition. Member Whitfield was 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 for agricultural purposes with gravel mining, asphalt production, and composting uses also located in the vicinity.***

*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, M-2, and M-3.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently zoned A-1. A more intense Manufacturing zoning classification is necessary to cover all of the proposed uses instead of the existing A-1 zoning classification.***

*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 includes uses associated with Manufacturing zoning districts and Commercial zoning districts.***

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The Future Land Use Map in the Land Resource Management Plan classifies this property as Mixed Use Business. The M-1 Limited Manufacturing District is consistent with the Mixed Use Business classification.***

**RECOMMENDATION**

Approval