



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-02

West of 8250 Route 71, Yorkville

Revocation of Special Use Permit for Church, Parsonage, Church School, and Church Daycare

INTRODUCTION AND BACKGROUND

On March 15, 2005, the Kendall County Board granted a special use permit for a church, parsonage, church school, and church daycare at the subject property. Ordinance 2005-06 is included as Attachment 1.

Condition 2 of Ordinance 2005-06 required the church to file a pre-annexation agreement with Yorkville. No pre-annexation agreement was executed. The property was for sale and the lack of a pre-annexation agreement created confusion regarding the types of uses that could be placed on the property.

On December 10, 2021, a representative of the church filed a request for voluntary revocation of the special use permit. This request is included as Attachment 2.

The draft revocation ordinance is included as Attachment 3.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

RECOMMENDATION

Staff recommends approval of the proposed special use permit revocation.

ATTACHMENTS

1. Ordinance 2005-06
2. Revocation Request
3. Draft Revocation Ordinance

Pt 05-03-200-020/6/20/08

State of Illinois
County of Kendall

Zoning Petition
#04-62

ORDINANCE NUMBER 2005 - 06

**GRANTING A SPECIAL USE
GOSPEL ASSEMBLY CHURCH**

WHEREAS, Gospel Assembly Church filed a Special Use Permit within the A-1 district for 6.99 acres of a 26 acre property located on Route 71, Yorkville in Kendall Township as depicted in 'Exhibit A' and legally described as follows:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 71, SAID POINT BEING ON A CURVE, SAID CURVE BEING CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 3906.54 FEET, WITH A CHORD THAT BEARS SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF 1438.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1446.68 FEET; THENCE SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE CONTINUING SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 465.30 FEET; THENCE SOUTH 51 DEGREES 00 MINUTES 46 SECONDS WEST, 360.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAVINE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2004 AS DOCUMENT NUMBER 200400028822; THENCE CONTINUING SOUTH 51 DEGREES 01 MINUTE 04 SECONDS WEST, 264.70 FEET; THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST, 489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 121.20 FEET TO A POINT; THENCE CONTINUING SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 350 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 28 DEGREES 24 MINUTES 12 SECONDS EAST, 500.69 FEET; THENCE SOUTH 58 DEGREES 35 MINUTES 35 SECONDS WEST, 647.13 FEET; THENCE SOUTH 88 DEGREES 35 MINUTES 17 SECONDS WEST, 84.70 FEET; THENCE NORTH 01 DEGREE 24 MINUTES 43 SECONDS WEST, 528.43 FEET TO THE SOUTHERLY LINE OF STATE ROUTE 71; THENCE NORTH 58 DEGREES 35 MINUTES 35 SECONDS EAST, 482.55 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

(CONTAINING 6.99 ACRES, PLUS OR MINUS)

WHEREAS, said petition is to allow construction and operation of a church, parsonage, church school and church day care; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;



State of Illinois
County of Kendall

Zoning Petition
#04-62


NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of the special use zoning permit to permit construction and operation of a church, parsonage, church day care and church school subject to the following conditions:

1. Prior to the issuance of any permits, each phase of the project will be subject to site plan review and approval as illustrated in Section 13.09 of the Kendall County Zoning Ordinance.
2. The church will file a pre-annexation agreement with the City of Yorkville.
3. The church's site plan will illustrate utility easements for water, sewer, and storm water.
4. The church will provide buffering for the adjoining property as agreed upon by the church and property owner Mary Block.
5. The church will acquire an access permit from IDOT and submit it to the PBZ department prior to issuance of a building permit.
6. The church will obtain approval of its engineering plans, prior to the issuance of any permits.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the Kendall County Board hereby grants approval of the special use zoning permit to allow the construction of a church, parsonage, church school and church daycare on 6.99 acres of the church's 26 acre property. Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 15th, 2005.

Attest:



Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

Month Day, Year

Kendall County
Planning, Building and Zoning
Attn: Matthew H. Asselmeier
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630-553-4139 Fax: 630-553-4179

I, DANIEL DYCUS, on behalf of Gospel Assembly Church Oswego, am the owner of
(First & Last Name)

the property currently identified by Parcel Identification Number 05-03-200-020 which consists of approximately 26 acres located on the south side of Route 71 west of S250 Route 71, Yorkville, in Kendall Township.

On March 15, 2005, the property was granted a special use (Ordinance 2005-06). The special use granted in 2005 was granted for the operation of a church, parsonage, church school, and church daycare on the subject property.

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, I hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, I acknowledge that no public hearing shall be conducted for revocation of the special use. I understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, I hereby waive my right to a public hearing and formally request the above-referenced special use be removed from my property.

[Redacted Signature]

11-22-2021

(Signature)

(Date)

DANIEL L. DYCUS
(Printed Name)

Attest: [Redacted Notary Signature]
Notary Public

DANNY JACKSON
Notary Public - Seal
Johnson County - State of Indiana
Commission Number NP0723633
My Commission Expires Nov 21, 2027

State of Illinois
County of Kendall

Zoning Petition
#22-02

ORDINANCE NUMBER 2022-_____

**REVOKING A SPECIAL USE PERMIT FOR A CHURCH, PARSONAGE, CHURCH SCHOOL,
AND CHURCH DAYCARE GRANTED BY ORDINANCE 2005-06 ON APPROXIMATELY 6.99
ACRES ON THE SOUTH SIDE OF ROUTE 71 WEST OF 8250 ROUTE 71 (PIN: 05-03-200-020)
IN KENDALL TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13:08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; 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 District and consists of approximately 26.19 acres of which approximately 6.99 acres has a special use permit and is identified by Parcel Identification Number 05-03-200-020 in Kendall Township and is located on the south side of Route 71 west of 8250 Route 71. 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 Gospel Assembly Church petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for a church, parsonage, church school, and church daycare in 2004; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 2005-06 on the subject property on March 15, 2005, for a church, parsonage, church school, and church daycare; and

WHEREAS, the Gospel Assembly Church Oswego, as represented by Daniel L. Dycus, is the owner of record of the subject property and shall hereinafter be referred to as “The Petitioner”; and

WHEREAS, The Petitioner no longer desires the special use permit and has stated in a letter as provided in attached Exhibit “B” that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

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

1. The Kendall County Board hereby revokes the special use permit for a church, parsonage, church school, and church daycare granted by Ordinance 2005-06.
2. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 2005-06.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18th day of January, 2022.

State of Illinois
County of Kendall

Zoning Petition
#22-02

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

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[Redacted Signature]

11-22-2021

(Signature)

(Date)

DANIEL L. DYCUS
(Printed Name)

Attest: [Redacted Notary Signature]
Notary Public

DANNY JACKSON
Notary Public - Seal
Johnson County - State of Indiana
Commission Number NP0723633
My Commission Expires Nov 21, 2027