

ORDINANCE NUMBER 2024- 07

**MAP AMENDMENT FOR APPROXIMATELY NINETEEN POINT EIGHT ACRES LOCATED  
AT 8115 ROUTE 47 (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, AND  
05-16-100-020) IN KENDALL TOWNSHIP**

Rezone from A-1 and A-1SU 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 19.8 more or less acres located at 8115 Route 47, Yorkville (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020) in Kendall 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, on or about August 14, 1979, those portions of the subject property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were granted a special use permit for the expansion of fuel facilities by the County Board through Ordinance 1979-20; and

WHEREAS, on or about July 29, 1997, those portions of the subject property identified by parcel identification number 05-16-100-020 were granted a variance to the front yard setback by allowing the canopy top and pumps to encroach twenty feet into the setback and allowing the posts to encroach ten feet into the setback; and

WHEREAS, on or about June 16, 1998, those portions of the subject property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were granted a special use permit for an illuminated sign by the County Board through Ordinance 1998-09; and

WHEREAS, the subject property is currently owned by Alan Drake on behalf of Grainco FS, Inc.; and

WHEREAS, Andrew and Robert Schwartz on behalf of A. B. Schwartz, LLC has entered into a contract to purchase the subject property;

WHEREAS, Alan Drake on behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on behalf of A. B. Schwartz, LLC shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about November 15, 2023, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District and A-1 Agricultural District with Special Use Permits to M-1 Limited Manufacturing District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on November 23, 2023, due and proper notification to the United City of Yorkville on or about November 28, 2023, due and proper notification to Kendall Township on or about November 28, 2023, and due and proper notification to all property owners of record of properties located within five hundred feet of the subject property at least fifteen days prior to the hearing, the Kendall County Zoning Board of Appeals conducted a public hearing on December 18, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested Map

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Amendment and zero members of the public testified in favor or in opposition of the requested Map Amendment and one person asked questions regarding the requested Map Amendment; 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 December 18, 2023, 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 and A-1 Agricultural District with Special Use Permits to M-1 Limited Manufacturing District.
3. 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 February, 2024.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Matt Kellogg

