

ORDINANCE NUMBER 2024- 09

**MAP AMENDMENT FOR APPROXIMATELY THIRTEEN POINT SIX ACRES LOCATED AT
949 BELL ROAD, MINOOKA (PART OF PIN: 09-24-100-012) IN SEWARD TOWNSHIP**

Rezone from A-1 and A-1SU to B-3

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 13.6 more or less acres located on the eastern and northern portions of 949 Bell Road, Minooka (Part of PIN: 09-24-100-012) in Seward Township. The legal description for the area proposed for map amendment is set forth in Exhibit A attached hereto and incorporated by reference, and the area proposed for map amendment shall hereinafter be referred to as “the subject property”; and

WHEREAS, on or about February 18, 2020, a portion of the subject property was granted a special use permit for a kennel and veterinary establishment by the County Board through Ordinance 2020-01; and

WHEREAS, on or about February 21, 2023, a major amendment to the special use permit granted by Ordinance 2020-01 was approved by the County Board through Ordinance 2023-05; and

WHEREAS, the subject property is currently owned by Jade Restorations, Inc. as represented by Deb Chow and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about January 22, 2024, 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 a Special Use Permit to B-3 Highway Business District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on February 8, 2024, due and proper notification to the Village of Shorewood on or about February 7, 2024, due and proper notification to Seward Township on or about February 9, 2024, 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 March 4, 2024, 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 Amendment and zero members of the public testified in favor or in opposition or asked question of 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 March 4, 2024, 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 a Special Use Permit to B-3 Highway Business 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 20th day of March, 2024.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Matt Kellogg



Exhibit A- LEGAL DESCRIPTION

**JADE RESTORATIONS, INC.
NEC RIDGE RD. & BELL RD.
KENDALL COUNTY, ILLINOIS**

PARCEL 2 (RE-ZONING A1 & A1-SU TO B3)

THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, EXCEPT THAT PART DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 80 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 PAGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

January 22, 2024

Map Amendment &
Major Amendment to Special Use

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-02 on March 4, 2024. Zero (0) members of the public, other than the Petitioner's Engineer, testified in favor or in opposition to the request. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of six (6) in favor and zero (0) in opposition. Member Prodehl was absent.

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. **A portion of the property is presently used as a kennel and veterinary with related parking and landscaping while the majority of the property is presently used as an agricultural field. Surrounding properties are used fields, farmsteads, and a landscaping business.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 or A-1 with various special uses including a landscaping business, landing strips, and natural gas compression.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioner did not provide a specific proposed land use. A variety of uses allowed in the proposed B-3 Highway Business District could be placed on the 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 is a mix of agricultural, farmstead, retail and service type uses.**

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 Commercial and the four corners of the intersection of Ridge and Bell Roads as Commercial. The Village of Shorewood's Future Land Use Map calls for the property to be Community Commercial. The requested map amendment is consistent with the Land Resource Management Plan.**

RECOMMENDATION

Approval