

ORDINANCE NUMBER 2024- 26

**MAP AMENDMENT FOR APPROXIMATELY ELEVEN ACRES LOCATED BETWEEN 276  
AND 514 ROUTE 52, MINOOKA (PIN: 09-13-400-011) IN SEWARD TOWNSHIP**

Rezone from A-1 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 11 acres located between 276 and 514 Route 52, Minooka (PIN: 09-13-400-011) 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, the subject property is currently owned by Oakland Avenue Storage, LLC as represented by James W. Filotto and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about April 23, 2024, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to B-3 Highway Business; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on May 2, 2024, due and proper notification to the Village of Shorewood on or about May 1, 2024, due and proper notification to Seward Township on or about May 1, 2024, and due and proper notification to all property owners of record of properties located within five hundred feet of the subject property on or about May 1, 2024, the Kendall County Zoning Board of Appeals initiated a public hearing on May 28, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, and continued the public hearing to July 1, 2024, at the same time and location, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment and zero members of the public testified in favor of the request and two members of the public testified in opposition 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 July 1, 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

State of Illinois  
County of Kendall

Zoning Petition  
#24-11

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 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 16<sup>th</sup> day of July, 2024.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Matt Kellogg



Exhibit A

THE WEST HALF OF THE NORTH 806.65 FEET OF THE WEST 1296.0 FEET OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTH 80.67 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS

PIN; 09-13-400-011

## Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-11 on July 1, 2024. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of four (4) in favor and zero (0) in opposition. Members Mohr, Prodehl, and Whitfield were absent.

### FINDINGS OF FACT

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes, single-family residential, 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 and A-1 with a special use permit for a landscaping business. Other properties in the vicinity possess business zoning classifications.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioner's proposed use of the property, for the operation of a construction/contractor business, is not allowed in the A-1 Zoning 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. The trend of development in the area is a mix of agricultural, commercial, and public/institutional.***

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The subject property is classified as Commercial on the Future Land Use Map and the B-3 Zoning District is consistent with this land classification.***

### RECOMMENDATION

Approval