

ORDINANCE NUMBER 2024- 33

**MAP AMENDMENT FOR APPROXIMATELY ELEVEN POINT SIX ACRES LOCATED AT
10835 LEGION ROAD (PIN: 05-08-301-002) IN KENDALL TOWNSHIP**

Rezone from A-1 to R-1

WHEREAS, Section 36-42 of the Kendall County Code permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, on or about July 14, 1987, the Kendall County Board adopted Ordinance 87-27, rezoning approximately 3.4 acres of the property at 10835 Legion Road from A-1 Agricultural District to R-1 One Family Residential District while keeping the majority of the approximately 15 acre parcel zoned A-1 Agricultural District; 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 11.6 more or less acres located at 10835 Legion Road, Yorkville (PIN: 05-08-301-002) 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 Leo M. Phillip and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 23, 2024, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One Family Residential District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on August 8, 2024, due and proper notification to the United City of Yorkville on or about August 9, 2024, due and proper notification to Kendall Township on or about August 14, 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 initiated a public hearing on September 3, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, and continued the public hearing to September 30, 2024, at the same time and location, 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 of the requested Map Amendment or 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 September 30, 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

State of Illinois
County of Kendall

Zoning Petition
#24-22


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 R-1 One Family Residential 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 15th day of October, 2024.

Attest:


Kendall County Clerk
Debbie Gillette

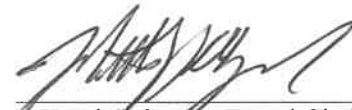

Kendall County Board Chairman
Matt Kellogg



Exhibit A

LEGAL DESCRIPTION OF TRACT TO BE REZONED FROM "A1" TO "R1":

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 1, Woodland Acres, as shown by the plat thereof recorded September 23, 1971 as Document No. 71-3652; thence Northerly along the Westerly Line of said Woodland Acres, 43.95 feet for the point of beginning; thence Westerly at right angles to said Westerly Line, 536.64 feet to the center line of Highpoint Road; thence Southerly along said centerline, to the center line of Legion Road; thence Easterly along said Legion Road center line, to said Westerly Line; thence Northerly along said Westerly Line, 964.53 feet to the point of beginning in Kendall Township, Kendall County, Illinois,

Except that Part described as follows:

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the intersection of the center line of Highpoint Road with the center line of Legion Road; thence Easterly along said Legion Road center line 357.33 feet for a point of beginning; thence Northerly at right angles to said Legion Road center line, 300.0 feet; thence Easterly at right angles to the last described course 463.83 feet to the Westerly Line of Woodland Acres Subdivision; thence Southerly along said Westerly Line, 279.12 feet to said Legion Road center line; thence Westerly along said center line to the point of beginning in Kendall Township, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-22 on September 30, 2024. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of seven (7) in favor and zero (0) in opposition.

FINDINGS OF FACT-MAP AMENDMENT

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes and single-family residential purposes.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned agricultural and some form of single-family residential.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property consists of a large wooded area and, due to its size, it is not eligible for residential uses without a map amendment.***

*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 and single family residential. The subject property would generate more in taxes if additional homes were constructed. The map amendment would increase the number of homes for people in the County. The proposed map amendment limits the number of homes that can be constructed on the subject property, if a traditional subdivision is not pursued.***

*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 Suburban Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.***

RECOMMENDATION

Approval, but the Zoning Board of Appeals would like driveway placements to require prior approval by the Kendall Township Highway Commissioner and that right-of-way dedications forty feet (40') in depth from the centerlines of both Legion and East Highpoint Roads occur as requested by Kendall Township.