

ORDINANCE NUMBER 2019- 11

**REVOKING A SPECIAL USE PERMIT FOR A TRUCK DRIVER TRAINING SCHOOL
GRANTED BY ORDINANCE 1996-15 AND AMENDED BY ORDINANCE 1999-35
AT 14525 ROUTE 71 (PIN: 04-22-300-006) IN FOX 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 permits the Kendall County Board to revoke special use permits if the special use has not been in operation for two continuous years and provides a procedure through which special use permits are revoked; 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 2.6 acres and is identified by Parcel Identification Number 04-22-300-006 in Fox 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, John Britt petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a truck driver training school on the subject property in 1996; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 1996-15 at the subject property on October 15, 1996 for the operation of a truck driver training school; and

WHEREAS, Condition #12 of Ordinance 1996-15 requires that the special use permit be subject to review every two years; and

WHEREAS, John Britt petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining an amendment to a special use permit for the operation of a truck driver training school on the subject property in 1999; and

WHEREAS, the Kendall County Board granted an amendment to the special use permit through Ordinance 1999-35 at the subject property on November 16, 1999; and

WHEREAS, Kerry Fierke Senior and Susan Fierke acquired the subject property in February 2006; and

WHEREAS, on December 10, 2018, the Kendall County Planning, Building and Zoning Committee voted to initiate the revocation of the special use permit for a truck driver training school on the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on April 1, 2019, 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 special use permit revocation and zero members of the public testified in favor or in opposition; and

State of Illinois
County of Kendall

Zoning Petition
#19-03

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 revocation of the special use permit for a truck driver training school at the subject property as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated April 1, 2019, 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 revocation of a special use permit for a truck driver training school at the subject property; 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 revokes the special use permit for a truck driver training school granted by Ordinance 1996-15 and amended by Ordinance 1999-35.
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 the revocation of the special use permit granted by Ordinance 1996-15 and amended by Ordinance 1999-35.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 7th day of May, 2019.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder

Exhibit A

That part of the Southwest Quarter of Section 22, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Comer of said Southwest Quarter; thence northerly along the East Line of said Southeast Quarter, 1,650.0 feet to the original centerline of the Chicago to Ottawa Road (now known as Illinois State Route No. 71) for a point of beginning; thence northerly along said East Line, 434.94 feet; thence southwesterly along a line which forms an angle of $48^{\circ}30'21''$ with the last described course, measured clockwise therefrom, 380.16 feet; thence southerly along a line which forms an angle of $131^{\circ}14'08''$ with the last described course, measured clockwise therefrom, 379.50 feet to said original centerline; thence northeasterly along said original centerline, 344.52 feet to the point of beginning (being that tract previously known as the Hollenback School Lot) and containing 2.658 acres in Fox Township, Kendall County, Illinois.

Exhibit B

FINDINGS OF FACT

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. **Based on the lack of advertisement and the fact that the additional structure requested in 1999 was not built, the special use has been discontinued for a continuous period of two (2) years.***

Based on the above finding, the Zoning Board of Appeals recommends revocation of the special use permit at the subject property.