

ORDINANCE NUMBER 2018-09

**MAP AMENDMENT FOR A 6.57 ACRE +/- PARCEL LOCATED APPROXIMATELY 0.31 MILES EAST OF ROUTE 47 ON THE NORTH SIDE OF WALKER ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 05-21-400-011 IN KENDALL TOWNSHIP**

Rezone from A-1 to R-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 6.57 acres located on the north side of Walker Road approximately 0.31 miles east of Illinois Route 47 (PIN: 05-21-400-011), 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 Keith and Kathleen Warpinski and shall hereinafter be referred to as “Petitioner”; and

*WHEREAS*, on or about February 13, 2018, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District in order to construct a single-family home on the property at some point in the future; 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 2, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested map amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; 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 April 2, 2018, 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.

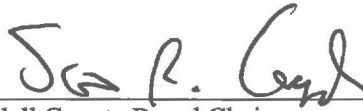
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. The Zoning Administrator 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 15<sup>th</sup> day of May, 2018.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

Exhibit A  
Legal Description

Tract 1

Lot 80 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 8, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004 as Document No R2004172391 in Will County, Illinois

Tract 2

Lot 81 in Rivers Edge Landing Unit 2, a Subdivision of Part of Section 8, Township 34 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded September 17, 2004, as Document No R2004172391 in Will County, Illinois

PIN#s 40-10-06-408-001, 04-10-06-304-033

517 & 521 Rivers Edge Dr

Minooka, IL 60447

PARCEL 1 THE EAST 429 00 FEET OF THE FOLLOWING DESCRIBED PROPERTY THAT PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 SECTION, THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG SAID SOUTH LINE 660 0 FEET, THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE, 660 0 FEET, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 SECTION 660 0 FEET, THENCE SOUTH 660 0 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS AND CONTAINING 6 5 ACRES

PARCEL 2 THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 981 53 FEET FOR THE POINT OF BEGINNING, THENCE EASTERLY ALONG SAID SOUTH LINE, 573 82 FEET, THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 534 20 FEET, THENCE EASTERLY PARALLEL WITH SAID SOUTH LINE, WHICH FORMS AN ANGLE OF 90 DEGREES 23 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 37 39 FEET, THENCE NORTHERLY PARALLEL WITH SAID EAST LINE 703 0 FEET, THENCE WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 93 DEGREES 02 MINUTES 23 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 612 81 FEET, TO A LINE DRAWN NORTHERLY, PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 FROM THE POINT OF BEGINNING, THENCE SOUTHERLY ALONG SAID PARALLEL LINE 1273 84 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART LYING EASTERLY OF A LINE DRAWN TO THE NORTH 1/2 FROM A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 744 3 FEET WESTERLY OF THE EAST LINE, AS MEASURED ALONG SAID SOUTH LINE FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER) IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PIN# 05-21-400-011, 05-22-300-008, 05-22-300-006

## **Exhibit B**

### **FINDINGS OF FACT**

*Existing uses of property within the general area of the property in question. The area is a mix of agricultural, farmstead, and rural estate residential uses.*

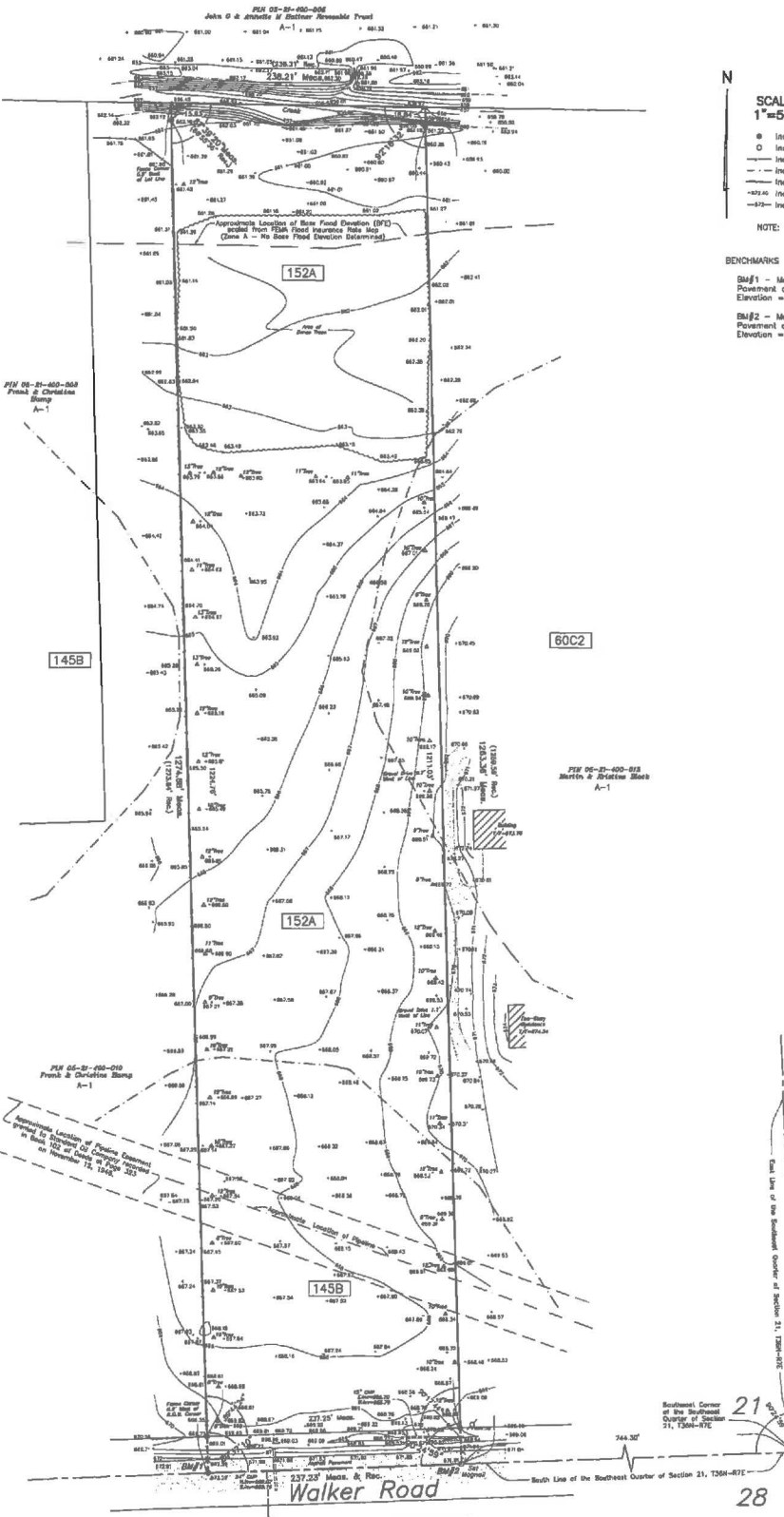
*The Zoning classification of property within the general area of the property in question. All of the adjacent properties are zoned A-1. However, six properties in the general area have a residential use.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The property is too small for most modern agricultural uses. Homes are located on adjoining properties and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property without a map amendment. The property would be suitable for most single-family residential related uses.*

*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 proposed amendment fits the development of the area. This area will likely continue to become more residential if the United City of Yorkville continues to annex properties in the area. The proposed amendment benefits the petitioner by giving him the opportunity to sell the property for a residential purpose instead of a purely agricultural use.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.*

# ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 21, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS



**SCALE**  
1"=50'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soil Boundary
- Indicates Direction of Drainage
- - - Indicates Existing Spot Elevation
- - - Indicates Existing Contour Elevation

NOTE: This property is vacant.

**DEVELOPER:**  
Kelli and Kathleen Worpinski  
P.O. Box 4223  
Noperville, Illinois 60567

**AREA TO BE REZONED:**  
6.8225 Acres (= 301,544 sq.ft.)

**PRESENT ZONING:**  
A-1 (Agricultural District)

**PROPOSED ZONING:**  
R-1 (Residential District)

**P.I.N.**  
05-21-400-011

**BENCHMARKS** --- (NOVD1928)

BM#1 - Megnall at Edge of Pavement at Southeast Corner  
Elevation = 672.28

BM#2 - Megnall at Edge of Pavement at Southeast Corner  
Elevation = 671.84



**LOCATION SKETCH**  
Not to Scale

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

That Part of the Southeast Quarter of Section 21, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence Westerly along the South Line of said Southeast Quarter 744.30 feet for a point of beginning; thence Westerly along said South Line 237.23 feet; thence Northerly parallel with the West Line of said Southeast Quarter 1273.84 feet; thence Easterly along a line which forms an angle of 85°35'30" with the last described course, measured counter-clockwise therefrom 238.31 feet to a line drawn Northerly from the point of beginning which is parallel with the East Line of said Southeast Quarter; thence Southerly along said parallel line 1259.56 feet to the point of beginning in Kendall Township, Kendall County, Illinois.

AREA TABLE	
Tract	301,544 sq.ft. = 6.9225 Ac
Tract (Excluding Road)	293,537 sq.ft. = 6.7387 Ac

**Soil Type (USDA/NRCS - Kendall County, 2015)**

60C2	Lo Ross S&L Loom, 5 to 10% slopes, eroded
145B	Soybrook Sil Loom, 2 to 5% slopes
152A	Drummer Silly Clay Loom, 0 to 2% slopes

NOTE: Part of the Subject Property is located in Special Flood Hazard Zone A (area subject to inundation by the 1% annual flood - No base flood elevation has been determined) as depicted on FEMA Flood Insurance Rate Map Number 17093C01230 with an effective date of February 4, 2009.

State of Illinois ) SS  
County of Kendall ) SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements on the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work was completed September 22, 2017. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated January 22, 2018 at Yorkville, Illinois

*Phillip D. Young*  
Phillip D. Young  
Illinois Professional Land Surveyor No. 2578 (Expires 11/30/18)



January 22, 2018

JOB NO.	17232
JOB NAME	WARPINSKI
DWG FILE	17232
REVISION DATE	

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

11078 South Bridge Street  
Yorkville, Illinois 60580  
Telephone (630)533-1580