

ORDINANCE NUMBER 2018- 11

MAP AMENDMENT FOR A 4.23 ACRE +/- PARCEL LOCATED APPROXIMATELY 0.06 MILES SOUTHWEST OF TIMERCREEK DRIVE ON THE EAST SIDE OF ILLINOIS ROUTE 71 AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 05-07-328-003 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 4.23 acres located on the east side of Illinois Route 71 approximately 0.06 miles southwest of Timbercreek Drive (PIN: 05-07-328-003), 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 Michael and Dayle Saar and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about April 12, 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 market the property for sale and 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 June 4, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner 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 June 4, 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

State of Illinois
County of Kendall

Zoning Petition
#18-14

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.

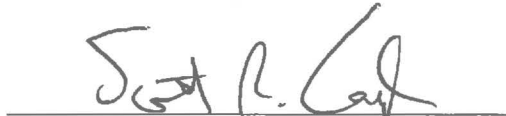
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. The Zoning Administrator 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 17th day of July, 2018.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of Section 7, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest corner of said Section 7; thence North 01°45'36" West along the West Line of said Section 7, a distance of 695.70 feet to the present center line of Illinois State Route No. 71; thence North 71°11'00" East along said center line, 37.40 feet; thence Northeasterly along said center line, being a tangential curve to the left with a radius of 6611.12 feet, an arc distance of 2271.16 feet to the southernmost line of a tract described in a Warranty Deed from Janet C. Shick to C.A. Bassak and Frances A. Bassak, husband and wife, recorded as Document Number 74-2411 on May 21, 1974 for the point of beginning; thence South 64°37'06" East, along said southernmost line, 575.55 feet to the Southerly extension of the monumented Westerly Line of Lot 35 of Timber Creek Subdivision; thence North 26°52'33" East along said Westerly Line and its extension, 266.47 feet; thence North 63°06'24"W, 107.12 feet; thence North 26°53'36" East, 180.04 feet to the monumented Southerly Line of Lot 37 and Lot 38 of said Timber Creek Subdivision; thence North 78°39'26" West, along said monumented Southerly Line and said Line extended, 321.83 feet to said center line; thence Southwesterly along said center line, 406.64 feet to the point of beginning in Kendall Township, Kendall County, Illinois.

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. The properties to the east are zoned R-3. R-1, R-3, and Yorkville residential zoning are within ½ mile of the subject property.

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 to the east and north 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 market and 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.

