

ORDINANCE NUMBER 2017- 06

MAP AMENDMENT FOR AN 8.8 ACRE PARCEL LOCATED AT 790 EL DAMAIN ROAD
Rezone from A-1 to M-1

WHEREAS, there is a request for a map amendment from A-1 to R-1, for part of a property located on the east side of Eldamain Road, approximately one-third mile south of Galena Road in Bristol Township, more commonly known as 790 Eldamain Road; and

WHEREAS, said property is identified with the tax identification numbers 02-06-300-009 and 02-06-300-010 and the part for rezoning is legally described below; and

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHEAST QUARTER; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 2255.11 FEET FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF EL DAMAIN ROAD, WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM), 1149.27 FEET; THENCE WESTERLY, PARALLEL WITH SAID SOUTH LINE, 443.0 FEET TO SAID CENTERLINE; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 1149.27 FEET TO SAID SOUTH LINE; THENCE EASTERLY, ALONG SAID SOUTH LINE WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES AND 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 443.0 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 2365.11 FEET FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF EL DAMAIN ROAD, WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM) 132.44 FEET; THENCE NORTHWESTERLY, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 313.40 FEET TO SAID CENTERLINE; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 245.0 FEET TO SAID SOUTH LINE; THENCE EASTERLY ALONG SAID SOUTH LINE WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 333.0 FEET TO THE POINT OF BEGINNING; AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN CONVEYED TO KENDALL COUNTY, ILLINOIS BY DOCUMENT 201000023222 RECORDED DECEMBER 12, 2010 AND BY DOCUMENT 201400006872 RECORDED MAY 27, 2014; ALL IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, the petitioner desires to rezone 8.8 acres to M-1 (Limited Manufacturing District); and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on April 3, 2017; and

WHEREAS, the findings of fact were approved as follows:

Existing uses of property within the general area of the property in question. The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.

The Zoning classification of property within the general area of the property in question. The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property.

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. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.

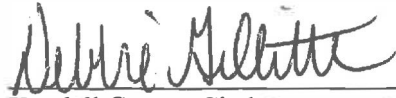
WHEREAS, the United City Yorkville filed a formal objection to this proposal in August 2016, and;

WHEREAS, 55 ILCS 5/5-12014 requires a $\frac{3}{4}$ favorable vote by the County Board to enact this ordinance because of the formal objection filed by the United City of Yorkville, and:

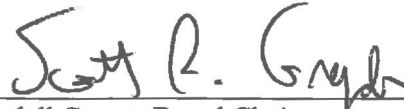
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a zoning map amendment from A-1 to M-1 on the tract of land located and depicted on the drawing attached as "Attachment 1 Plat of Survey" hereto and incorporated herein.

IN WITNESS OF, this ordinance has been enacted on May 2, 2017.

Attest:

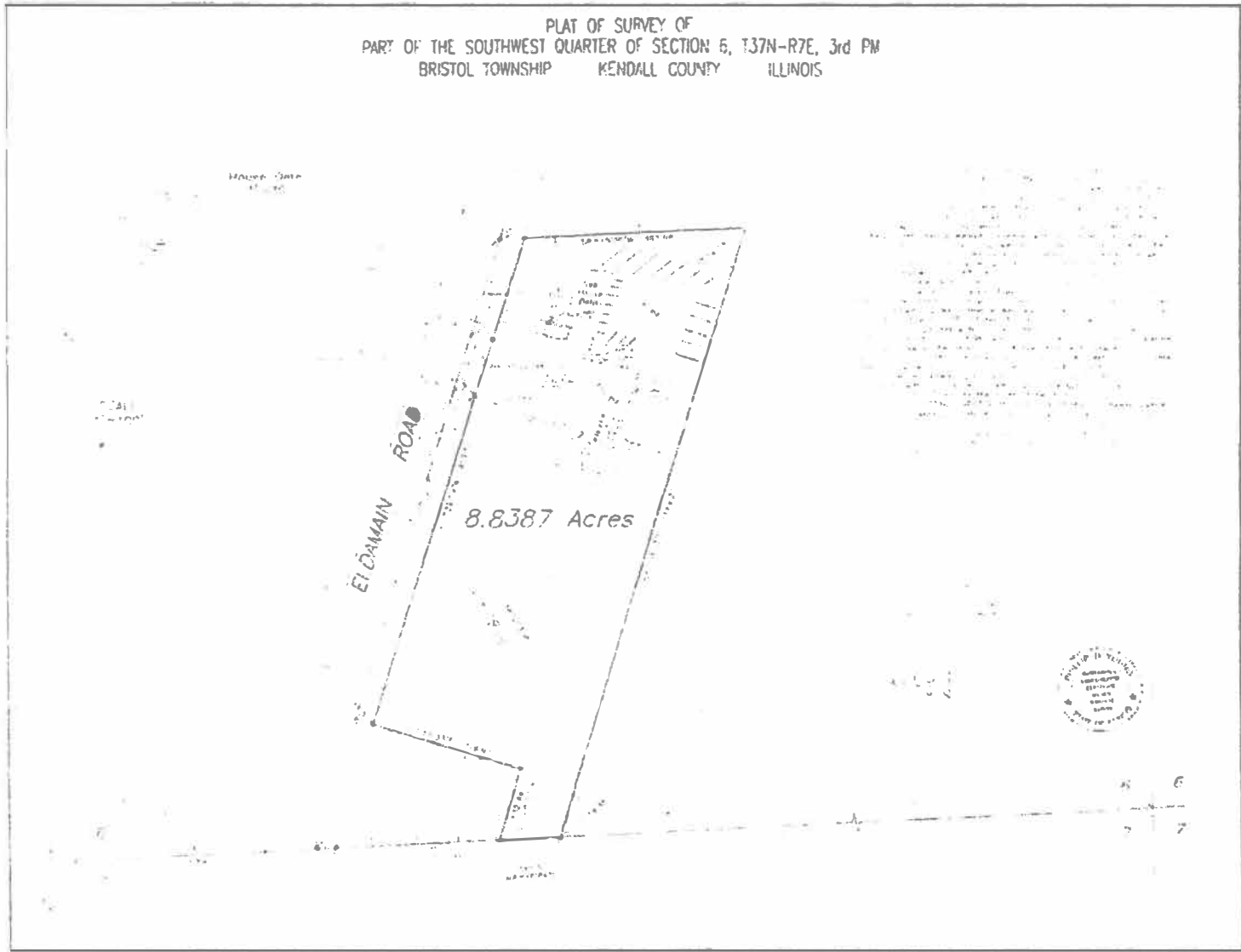


Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder

PLAT OF SURVEY OF
PART OF THE SOUTHWEST QUARTER OF SECTION 6, T37N-R7E, 3rd PM
BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS



11019 South Bridge Street
Rolling, Illinois 60560
Telephone 815/295-1589

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic. #194-002775

JOB NO.
JOB NAME
DWG FILE



LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldomain Road, which forms an angle of $70^{\circ}14'38''$ with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of $70^{\circ}14'38''$ with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning,

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldomain Road, which forms an angle of $70^{\circ}14'38''$ with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of $70^{\circ}14'38''$ with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning,

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM
_INOIS

LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly along the South line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldomain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 3149.2 feet to said South line, thence Easterly, along said South line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning.

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldomain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 137.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South line, thence Easterly, along said South line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000073222 recorded December 11, 2010 and by Document 20140000872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois.